

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

**8478 SENATE STATE AFFAIRS**

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## MEMORANDUM

State of Alaska

Department of Law

TO Honorable Jerry Covey  
Commissioner  
Department of Education

DATE: January 19, 1994

FILE NO.: 663-94-0078

TEL NO.: 465-3603

SUBJECT: ASAA and ASAA, Inc.

FROM

*Janice Gregg Levy*  
Janice Gregg Levy  
Assistant Attorney General  
Human Services Section-Juneau

INTRODUCTION

You have asked our opinion regarding two organizations -- the Alaska School Activities Association (ASAA) created at AS 14.07.058, and the Alaska School Activities Association, Inc. (ASAA, Inc.), a nonprofit corporation. Specifically, you asked the following questions:

1. Is ASAA, Inc. statutorily the same entity as ASAA?
2. If ASAA, Inc. is a different entity than ASAA, is the state legally responsible for the actions of ASAA, Inc.?
3. Is the Commissioner of Education required to enforce AS 14.07.058 - 14.07.059 in light of the legislature's defunding of ASAA?
4. If ASAA, Inc. is not the same entity as ASAA, is it appropriate, in light of the potential legal liability and other unbudgeted financial commitment of the state, for the State Board to serve as the ASAA, Inc. Appeals Review Commission?

The short answers to your questions are that ASAA and ASAA, Inc. are distinct legal entities; the state should not be liable for the acts of a nonprofit corporation, but the present arrangement may make the state vulnerable to claims; the commissioner need not on his own attempt to revive ASAA; and the State Board of Education should refrain from serving as the Appeals Review Commission for ASAA, Inc.

DISCUSSION

1. Is ASAA, Inc. statutorily the same entity as ASAA?

The answer to this question is no. ASAA, Inc. is a nonprofit corporation, created by individuals, not the state. It

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was certified as a nonprofit corporation on April 21, 1986, in accordance with the corporate laws of Alaska, AS 10.20. In contrast, ASAA was created by the legislature in 1976 at AS 14.07.058.<sup>1</sup> Although they share similar names and were created to perform similar functions, ASAA and ASAA, Inc. are legally two distinct entities. ASAA is within state government, while ASAA, Inc. is a private, nongovernmental, nonprofit corporation.

The relationship between the two organizations is, as you indicate, an unusual one. At the time that ASAA, Inc. filed its articles of incorporation, its executive director and Board of Control were the executive secretary and Board of Control of the statutory ASAA.<sup>2</sup> Thus, at the time of the formation of ASAA, Inc., the two entities had the same functions, the same personnel, and a similar name. Additionally, ASAA, Inc. used the constitution and bylaws of ASAA. The corporation revised those documents to add "Inc." wherever "ASAA" was referenced, and added some administrative policies to what had been the ASAA handbook.<sup>3</sup> Additionally, it is possible that some member schools believed that ASAA (the statutory entity) had simply incorporated, and that it continued to be within the Department of Education. Despite the

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<sup>1</sup> The purpose and structure of ASAA are described in statute. A board of control is to be elected from regions in the state, and, in consultation with the department, is to hire an executive secretary. AS 14.07.058(d)-(e). The department is to approve the association's constitution and bylaws to ensure equitable treatment. AS 14.07.058(g). Additionally, the legislature established a fund within the general fund to receive deposits of ASAA fees, including membership fees and activity and events fees collected by the association. AS 14.07.059.

<sup>2</sup> Tom Wagner, then Assistant Attorney General advising the department, has pointed out that there is an inherent conflict of interest in a state employee acting as head of a nonprofit corporation whose purposes are substantially the same as the statutory program he was hired to implement. See 1988 Inf. Op. Att'y Gen. at 7 (Jan. 6; 663-86-0418). See also the January 12, 1987 memorandum from Tom Wagner to Acting Attorney General Ron Lorensen.

<sup>3</sup> These changes were not approved by the Board of Education, and do not amend ASAA's constitution and bylaws. Thus, at the present time there exists a constitution and bylaws for ASAA, Inc. and a constitution and bylaws for ASAA. They are similar, but not identical.

Honorable Jerry Covey  
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overlapping functions and players, however, ASAA and ASAA, Inc. are distinct legal entities.

2. If ASAA, Inc. is a different entity than ASAA, is the state legally responsible for the actions of ASAA, Inc.?

The state should not be liable for the actions of a nonpublic corporation. Although ASAA, Inc. performs functions that serve a public interest (as do many nonprofit corporations), it is not a public entity. The interaction between the two organizations over the last six years, however, has blurred what would otherwise be a bright line legally separating these two organizations.

The most obvious way in which the two organizations have remained intertwined is that the State Board of Education has continued to sit as the Appeals Review Commission for eligibility determinations made by ASAA, Inc.'s Board of Control. This action gives the appearance that the state remains connected to ASAA, Inc., or that ASAA, Inc. is in some way within the Department of Education. A party with a claim against the corporation may well exploit that connection in an attempt to hold the state liable for the corporation's acts. Whether the state would succeed in avoiding liability would probably depend on the nature of the claim. It is in the state's best interests to take steps to avoid exposing itself to liability for acts of a nonstate entity over which it has no control.

3. Is the Commissioner of Education required to enforce AS 14.07.058 - 14.07.059 in light of the legislature's defunding of ASAA?

In our opinion, the commissioner need not attempt to administer an association which has no members and no budget. Although ASAA continues to exist in statute, its vitality depends on the participation of member schools who join by submitting an application and paying dues. There are no current members of ASAA. Those schools who once belonged to ASAA have now become members of and pay dues to ASAA, Inc. We agree with the 1988 opinion of Tom Wagner that the legislature's defunding of the ASAA budget did not operate to repeal ASAA from statute. 1988 Inf. Op. Att'y Gen. at 6 (Jan. 6; 663-86-0418). The statutory creature continues to exist, but it is in a state of hibernation. Your question, as I understand it, is whether the department is obliged to wake it up. In our opinion, it is not.

First, the legislature's defunding of the program suggests that it understood and approved of the corporation taking

Honorable Jerry Covey  
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over what had heretofore been a governmental function. ASAA, Inc. has governed interscholastic activities in Alaska since 1987. The Department of Education has not sought funding from the legislature for ASAA since that time. In our opinion the Department of Education is not obliged to needlessly spend time attempting to administer a program for the benefit of schools who have all joined another organization. It is unlikely that the legislature intended such a result.

Second, the language of the statute describes a whole scheme that contemplates an active membership. The only real department mandate set out in AS 14.07.058 is that the department shall make applications available to schools in the state. AS 14.07.059 requires the commissioner and the department to handle the ASAA budget in a certain manner. The department cannot carry out these duties in a vacuum. No schools have requested application or membership in ASAA, and there are no program receipts and no active association seeking a budget. The statutes do not require the department to actively solicit membership in ASAA. For these reasons, we do not believe that the department fails to perform its statutory obligations by refraining from attempting to revive ASAA. If the legislature does not approve of the manner in which interscholastic activities are governed, and desires the direct governance of those activities by the Department of Education, it is free to breathe life into ASAA by funding it again.

4. If ASAA, Inc. is not the same entity as ASAA, is it appropriate, in light of the potential legal liability and other unbudgeted financial commitment of the state, for the State Board to serve as the ASAA, Inc. Appeals Review Commission?

We believe the answer to this question is no. As described above, it is the intertwining of these distinct legal entities that exposes the state to liability for the acts of a nonstate corporation. In the past year, the Department of Education has expended significant legal fees defending in court decisions first made by a nonprofit corporation over which it exercises no control. This arrangement results in an inappropriate expense for the state, and unnecessary exposure for greater liability.

Additionally, the Board of Education simply has no statutory authority for hearing appeals from a nongovernmental corporation. That it has done so over the years may be the result of a misunderstanding by the Board of Education of an earlier attorney general opinion. Ed Nash (originally Executive Secretary

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for ASAA and then Executive Director for ASAA, Inc.) asked the Board of Education in 1987 if it would consider being the final appeal step in an appeal that began before ASAA, Inc. incorporated. He suggested that ASAA, Inc. and the Board of Education could consider having the Board continue in its appellate capacity, depending on the advice of the parties' counsel.

The Board of Education apparently asked its attorney whether it should continue to hear appeals. A 1988 memo from Tom Wagner stated in relevant part:

We conclude that ASAA still exists as a legal entity within the Department of Education, that its board of control is still responsible for making eligibility decisions in accordance with its bylaws approved under 4 AAC 06.111, and that the state board still acts as an appeal body under those bylaws.

1988 Inf. Op. Att'y Gen. at 1 (Jan. 6; 663-86-0418). This view, with which we agree, states that the State Board continues to sit as the appeals body for the ASAA Board of Control. This is to be distinguished from the ASAA, Inc. Board of Control. The Board of Education may have misunderstood his advice to be that it should continue to hear any appeals that came to it. The appeals have come from the ASAA, Inc. Board of Control, not the statutorily created ASAA Board of Control. Thus, in our view the Board of Education has been improperly hearing appeals from a nonstate entity's board. The procedure should not continue.

It would be appropriate to inform ASAA, Inc. and its member schools in writing that the Board of Education will no longer hear the appeals of decisions of the ASAA, Inc. Board of Control. That body may wish to set up another appeals procedure.

#### CONCLUSION

In conclusion, the concerns you raise are serious. ASAA, Inc. is not the same entity as ASAA, and the Board of Education acts beyond the scope of its statutory authority when it sits as an appeals body for the nonprofit corporation. Besides acting outside the scope of its authority, it unnecessarily entangles itself with the corporation, possibly exposing the department to liability for the acts of the corporation.

In our opinion it would be appropriate for the Board of Education to notify the corporation and its member schools that it will no longer sit as the Appeals Review Commission for the

Honorable Carry Covey  
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corporation. The notice should explain that the corporation is a legal entity distinct from the statutory ASAA, and that ASAA, Inc. is not within the state apparatus. Although the statutes related to the Alaska School Activities Association will continue to exist, they will simply be in disuse. The legislature may choose at some point to repeal them, or alternatively may one day revive them by funding the program and requiring membership within the statutory association.

I hope this answers the questions you raised concerning ASAA and ASAA, Inc. Please do not hesitate to contact me if I can be of further assistance.

JGL/bap

Attachments

cc: Harry Gamble

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 11, 1994

358

*The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Mr. President:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the existence and functions of certain multimember state bodies, including boards, councils, commissions, associations, or authorities.*

*The bill contains several proposals recommended by my Administration to eliminate certain multimember state bodies, including the milk advisory board, the Alaska School Activities Association, the Steering Council for Alaska Lands, the Rural Affairs Commission, the Governor's Commission on the Involvement of Young People in Government, the Yukon-Taiya Commission, and the environmental advisory board. Several of these bodies have not been funded by the legislature, have not met in a number of years, or do not have members appointed. Also, the State Museum Collections Advisory Committee is proposed for deletion as an efficiency measure. The functions of the committee to oversee collection acquisitions can be adequately handled by Department of Education staff. It is good public policy to delete references to these bodies in the statutes since they are, in essence, not functioning bodies or their duties can be absorbed by other state agencies as a cost-saving or efficiency measure.*

*The bill additionally clarifies the parole board's authority to delegate to a single member of the board the authority to establish special conditions of mandatory parole. This will expressly authorize the parole board to continue its longstanding past practice of not noticing and convening a full board meeting to save costs of operation of the parole system.*

*Will  
the above  
be PB  
Legislation?*

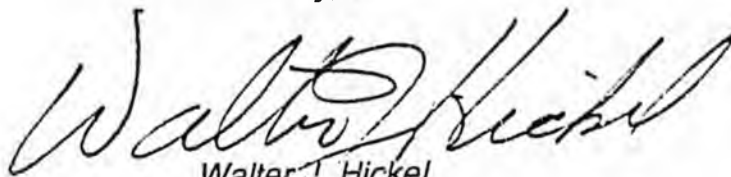
*Finally, the bill amends the Alaska Labor Relations Agency's authority to select arbitrators in railroad labor relations cases. The bill sets out the role of the agency in designating arbitrators. This clarification should make the appointment process easier and more cost effective for the agency to administer.*

*The Honorable Rick Halford  
March 11, 1994  
Page 2*

*This bill represents a step forward in eliminating certain multimember state bodies as an efficiency measure or to reduce the size or costs of state government.*

*I urge your support of this important bill.*

*Sincerely,*

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

*Walter J. Hickel  
Governor*

*HB 531/SB 358*

*Sections 1 through 3...Eliminates references to the Milk Control Advisory Board within the Division of Agriculture and makes a few technical changes. Board expenses have not been funded; the board only met a few times in 25 years. The last meeting of this board was held in 1980. (Sec. 11 eliminates Board)*

*Sections 4 through 6...Eliminates references to the Museum Collections Advisory Committee and provides the commissioner of the department with the authority to approve acquisitions and dispositions of museum items. (This will free staff time to provide other basic services within the museum; Sec. 11 eliminates Committee.) The current committee must approve all donations, exchanges, and dispositions of the Alaska State Museum permanent collection, and all purchases over \$1,000. The MCAC was established in 1973, as the result of an investigation and hearing on the practice of acquiring and disposing artifacts. The committee was formed as a solution to prevent any occurrences of disposing artifacts without appropriate controls. No acquisition or disposal procedures were in place to safeguard the Alaska State Museum's permanent collection. Since that time, however, the ASM has organized and developed internal controls capable of preventing any improprieties associated with the collection. The MCAC has become a redundant and very expensive committee for overseeing such a modest program. Direct and indirect costs of maintaining the MCAC is almost \$25,000 a year. The entire acquisition's budget for the State Museum is currently only \$50,000 and has varied from zero to \$50,000 over the last 6 years. DOE has a plan in place to handle MCAC responsibilities without the committee.*

*Sections 7 through 9...Authorizes the Parole Board to delegate to one of its members the authority to establish special conditions of mandatory parole. (Allows the board to continue its practice of not noticing and convening a full board meeting for these purposes.) Setting of special or supplemental conditions of parole, in mandatory parole cases, has traditionally been done by a single member, subject to the parolee's right of appeal to the full board. The changes proposed in Section 7 through 9 clarify the legality of this practice. By delegating this responsibility to one member the remaining four members are relieved of the task of reviewing approximately 500 case files each year. As a safeguard, this system of setting conditions provides the parolee with an immediate appeal to a majority of the members if the parolee objects to any of the conditions set by one member.*

*Section 10...Authorizes the Department of Labor to appoint arbitrators in railroad labor relations cases. This would allow the continued use of no cost mediators from the Federal Mediation and Conciliation Service for contract negotiations. This bill removes the provision that a mediator of a labor dispute between the railroad and a bargaining unit representative must serve as the arbitrator at a time if the parties are forced to interest arbitration. Currently the department utilizes mediators at no cost through Federal Mediation and Conciliation Services.*

*Discontinuation of this would increase the administrative costs of the Alaska Labor Relations Agency, which serves as the railroad labor relations agency, because the Alaska Labor Relations Agency would be required to arrange a mediation referral service. In addition the costs of the mediator would have to be paid by the parties to the dispute. FMCS mediators are very experienced in mediating railroad labor disputes and there is no charge for their services.*

*Section 11...Repeals certain sections in order to eliminate the Milk Control Advisory Board. (Sections 1 through 3 eliminate other references to the board and make technical changes.)*

*Section 11...Repeals sections 14.07.058 and 14.07.059 to eliminate the Alaska School Activities Association; eliminates the state entity that duplicates the activities of an existing non-profit corporation. AS 14.07.058 and AS 14.07.059 have been in disuse since 1986. Since 1986, when articles of incorporation were filed under the name of ASAA, Inc., two distinct legal entities have existed: the statutory ASAA, which fell into disuse, and ASAA, Inc., a non-profit organization which has promoted and governed interscholastic activities in the state. This section eliminates the statutory ASAA and removes the state from potential liability for ASAA, Inc. in the future.*

*Section 11...Repeals several statutes in order to eliminate the Steering Council for Alaska Lands. The council was established in response to federal regulations which expired in 1990.*

*Section 11...Repeals several statutes in order to eliminate the Rural Affairs Commission. No appointments have been made to this commission since 1976.*

*Section 11...Repeals several statutes in order to eliminate the Governor's Commission on the Involvement of Young People in Government. No appointments have been made to this commission since 1974.*

*Section 11...Repeals several statutes in order to eliminate the Yukon Taiya Commission. The last activity of this commission was noted in the 1976 Governor's Boards and Commissions records.*

*Section 11...Repeals several statutes in order to eliminate the Environmental Advisory Board. The last activity of this board was in 1980.*

*Section 11...Repeals statutes in order to eliminate the Gas Pipeline Financing Authority. The last plan for this authority was disapproved by the legislature in January 1980.*

*Section 11...Repeals statutes in order to eliminate the Alaska Manpower Services Council. This council was replaced by the Job Training Council in 1983.*

*Section 12...Makes sections 7 through 9 regarding the Parole Board retroactive to January 1, 1986.*

*Section 13...Effective dates.*



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 25, 1994

*The Honorable Loren Lemam, Chair  
Senate State Affairs Committee  
State Capitol  
Juneau, AK 99801-1182*

*Dear Senator Lemam:*

*Thank you for scheduling Senate Bill 358 in the Senate State Affairs Committee. We believe this bill will bring up to date certain state statutes by eliminating entities which have been dormant, unfunded, or unnecessary for some time. It will also streamline procedures associated with specific boards.*

*This bill deletes in statute a number of entities which are no longer active or necessary. We believe it is good policy that these outdated statutes be eliminated. Proposed eliminations include the following nine entities: the Milk Control Advisory Board, the Museum Collections Advisory Committee, the Steering Council for Alaska Lands, the Rural Affairs Commission, the Governor's Commission on the Involvement of Young People in Government, the Yukon Taiya Commission, the Environmental Advisory Board, the Gas Pipeline Financing Authority, and the Alaska Manpower Services Council. Many of these have not had activity or funding for ten to twenty years.*

*The bill also relates to the powers of the Board of Parole and to the appointment of mediators in railroad labor relations cases. The bill eliminates the statutory Alaska School Activities Association as there is now a separate non-profit corporation, Alaska School Activities Association, Inc. that has a distinct and legal existence apart from state statute.*

*Enclosed are two sectional analyses for the bill. One gives a brief description and background for the proposed changes. The other is similar, but with added detail. Thank you for your consideration of Senate Bill 358.*

*Sincerely,*

A handwritten signature in cursive script that reads "Kristie Leaf".

*Kristie Leaf  
Director of Boards and Commissions*

# Streamlining State Government - Sectional - HB531/SB358

Section	Department	Brief Description	Notes
1 thru 3	Natural Resources	Eliminates references to the Milk Control Advisory Board within the Division of Agriculture and makes a few technical changes	Board expenses have not been funded; Board only met a few times in 25 years; Sec. 11 eliminates Board; the last meeting of this board was held in 1980
4 thru 6	Education	Eliminates references to the Museum Collections Advisory Committee and provides the commissioner of the department with the authority to approve acquisitions and dispositions of museum items	This will free staff time to provide other basic services within the museum; Sec. 11 eliminates Committee
7 thru 9	Corrections	Authorizes the Parole Board to delegate to one of its members the authority to establish special conditions of mandatory parole	Allows the board to continue its practice of not noticing and convening a full board meeting for these purposes
10	Labor	Authorizes the Department of Labor to appoint arbitrators in railroad labor relations cases	This would allow the continued use of no cost mediators from the Federal Mediation and Conciliation Service for contract negotiations
11	Natural Resources	Repeals sections 03.17.020, 03.17.030, and 03.17.100(1) to eliminate the Milk Control Advisory Board	Board expenses have not been funded; Board only met a few times in 25 years; the last meeting of this board was held in 1980
11	Education	Repeals sections 14.07.058 and 14.07.059 to eliminate the Alaska School Activities Association; eliminates the state entity that duplicates the activities of an existing non-profit corporation	The department will promulgate regulations to allow school districts to continue to contract with ASAA, Inc. (a non-profit organization) for services
11	Education	Repeals sections 14.57.020, 14.57.030, 14.57.040, 14.57.060, 14.57.070, 14.57.080, and 37.14.530(b)(2) to eliminate the Museum Collections Advisory Committee	This will free staff time for other basic services
11	Natural Resources	Repeals sections 38.95.100, 38.95.110, 38.95.120, 38.95.130, and 38.95.140 to eliminate the Steering Council for Alaska Lands	This council was established in response to federal regulations which expired in 1990
11	Governor	Repeals sections 44.19.101, 44.19.102, 44.19.103, 44.19.104 and 44.19.105 to eliminate the Rural Affairs Commission and 44.47.050(a)(15) deletes its reference under DC&RA statute	No appointments have been made to this commission since 1976

*I have attached  
47 Herk notes  
13 Sandy Benfield*

## Streamlining State Government - Sectional - HB531/SB358

Section	Department	Brief Description	Notes
11	Governor	Repeals sections 39.05.060(a)(4), 44.19.123, 44.19.124, 44.19.125, 44.19.126, and 44.19.130 to eliminate the Governor's Commission on the Involvement of Young People in Government	No appointments have been made to this commission since 1974
11	Governor	Repeals sections 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186, 44.19.187, and 44.19.188 to eliminate the Yukon Taiya Commission	Last activity of this commission was noted in the 1976 Governor's Board's and Commission records
11	Environmental Conservation	Repeals sections 44.46.030, 44.46.040 and 44.46.050 to eliminate the Environmental Advisory Board	Last activity of this board was in 1980
11	Revenue	Repeals section 44.82 to eliminate the Gas Pipeline Financing Authority	Last plan for this authority was disapproved by the legislature in January 1980
11	Community & Regional Affairs	Repeals section 44.99.010 to eliminate the Alaska Manpower Services Council	This council was replaced by the Job Training Council in 1983
12	Corrections	Makes sections 7 thru 9 regarding the Parole Board retroactive to January 1, 1986.	
13		Effective dates	

← why?

**FISCAL NOTE**  
**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

No. 1  
 Bill Version: SB 358  
 (S) Publish Date: 3-14-94

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Education  
 Title: An Act relating to the existence and functions of certain multimember bodies... BRU: Libraries, Archives & Museums  
 Component: Museum Operations  
 Sponsor: Governor Hickel  
 Requestor: Governor Hickel COMPONENT SERIAL NO. 1895

Expenditures/Revenues		(Thousands of Dollars)				
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

FUND SOURCE		(Thousands of Dollars)				
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

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

The elimination of the Museum Collections Advisory Committee will relieve four museum staff members of about 700 hours of preparatory and meeting time. The Museum has lost 40% of its staff since FY86; it desperately needs these hours to meet basic service needs.

Prepared by: Karen R. Crane *[Signature]* Phone: 465-2910  
 Division: Libraries, Archives & Museums Date: 2/25/94  
 Approved by Commissioner: *[Signature]* Date: 2/20/94  
 Agency: Department of Education

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# FISCAL NOTE

No. 2

Bill Version: SB 358

(3) Publish Date: 3-14-94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

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

Title: An Act relating to the existence and functions of certain multimembers bodies.....

Sponsor: Governor Hickel

Requester: Governor Hickel

Department Affected: Education

BRU: Executive Administration

Component: Commissioner's Office

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<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>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ \_\_\_\_\_

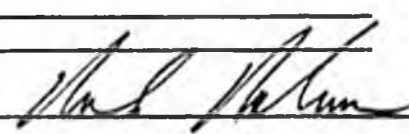
**ANALYSIS: (Attach a separate page if necessary.)**

This legislation repeals AS 14.07.058-.059, Alaska School Activities Association. These statutes have been in a state of disuse since 1986.

Prepared by: Sheila Peterson  
Division: Commissioner's Office

Phone: 465-2803  
Date: February 28, 1994

Approved by Commissioner: \_\_\_\_\_  
Agency: Education



Jerry Covey  
Date: February 28, 1994

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No: 3

Fiscal Session: SB 358

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

(S) Publish Date: 3-14-94

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs

Title: \*An Act relating to the existence and functions of certain multimember state . . .\* BRU: 351

Sponsor: \_\_\_\_\_ Component: \_\_\_\_\_

Requestor: Rules Committee by request of the Governor COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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						
TEMPORARY						

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson *Remond Henderson* Director Phone: 465-4708

Division: Administrative Services Date: 2/28/94

Approved by Commissioner: Edgar Blatchford *Edgar Blatchford* Date: 2-23-94

Agency: Community & Regional Affairs

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# FISCAL NOTE

No. 4

Bill Version: SB 358

(S, Publish Date: 3-14-94)

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act relating to ... boards, councils, commissions, etc. BRU: Administration & Support  
 Component: Parole Board  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 695

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE (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>

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147  
 Division: Office of the Commissioner Date: 3/25/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 3/25/94  
 Agency: Department of Corrections

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# FISCAL NOTE

Bill Version: SB 358  
 (S) Publish Date: 3-14-94

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

Revision Date: Original Dept Affected: Natural Resources  
 Title: "An Act relating to the existence and functions of BRU: None  
certain multimember state bodies, including boards, councils,..." Component: None  
 Sponsor: Rules Committee  
 Requestor: Governor Component Serial No. None

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY94) cost: \$ None

**POSITIONS**

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

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

There is no anticipated fiscal impact on DNR associated with this bill.

Prepared by: Jerry Gallagher, Legislative Liaison Phone: 465-2400  
 Division: Commissioner's Office Date: 28-Feb-94  
 Approved by Commissioner: [Signature] Date: 28-Feb-94  
 Agency: Natural Resources

FISCAL NOTE

No. 6

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Bill Version: SB 35R

(S) Publish Date: 3-14-94

Revision Date: 3/9/94  
Title: Gov's draft bill relating to the  
existence and function of certain multimember  
Sponsor: state bodies  
Requestor: \_\_\_\_\_

Department Affected: Commerce and Economic Development  
BRU: \_\_\_\_\_  
Component: \_\_\_\_\_

COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE

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

Estimate of current year (FY 94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Karl Luck  
Division: Director, Occupational Licensing, DCED

Phone: 465-2500  
Date: \_\_\_\_\_

Approved by Commissioner: Paul Fuhs  
Agency: Commerce and Economic Development

Date: 3/8/94

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FISCAL NOTE

No. 7

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Bill Version: SB 358

(S) Publish Date: 3-14-94

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

Department Affected: Commerce and Economic Development

Title: An Act relating to certain study, publication, and reporting requirements

BRU: AIDEA

Component: AIDEA

Sponsor: \_\_\_\_\_

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 1234

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

Please see attached sheet.

Prepared by: William R. Small  
Division: AIDEA

Phone: 561-8050

Date: February 25, 1994

Approved by Commissioner: Paul Fuhs

Agency: Commerce and Economic Development

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

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Section 29. of the proposed legislation, impacts AIDEA, under AS 44.88.210, REPORTS AND PUBLICATIONS. The amendments under Sec.29 of the proposed legislation should not be included in a bill going to the Legislature for introduction. As the Alaska Industrial Development and Export Authority is a public corporation of the State of Alaska having outstanding and ongoing fiduciary responsibilities, the reporting requirements under AS 44.88.210, should remain as currently established. Specifically, because AIDEA is required under certain legal and financial contractual agreements such as bond covenants, and to other outside entities, such as bond rating agencies, to annually publish an audited financial statement, the Authority's statement of investments and other pertinent financial information, the proposed amendments to AS 44.88.210 are not recommended. Continuing to report on an annual basis would not provide for a fiscal impact.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO : SB 358

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

Department Affected: Labor

Title: Eliminate some mutimember bodies

BRU: Commissioner's Office

Component: \_\_\_\_\_

Sponsor: Senate Rules by request of the Governor

Alaska Labor Relations Agency

Requestor: Senate State Affairs

COMPONENT SERIAL NO. 1200

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
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						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

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

Prepared by: Jan Hart DeYoung, Hearing Examiner Phone: 465-2700

Division: Commissioner's Office Date: 3/22/94

Approved by Commissioner: Charles W. Mahlen

Agency: Department of Labor Date: 3/22/94

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## SENATE BILL NO. 358

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/14/94  
 Referred: STA, L&C, FIN

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the existence and functions of certain multimember state  
 2 bodies, including boards, councils, commissions, associations, or authorities; and  
 3 providing for an effective date."

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

5 \* Section 1. AS 03.17.010 is amended to read:

6 Sec. 03.17.010. DUTIES OF THE DIRECTOR. The director shall [(1)]  
 7 ✓ administer and enforce this chapter [, (2) ENFORCE THIS CHAPTER] and the  
 8 provisions of marketing orders issued under this chapter [, AND (3) HAVE AN  
 9 ACCOUNTING MADE OF THE FUNDS HELD BY THE BOARD AT LEAST  
 10 ANNUALLY].

11 \* Sec. 2. AS 03.17.040(a) is amended to read:

12 (a) Subject to AS 03.17.060 and AS 44.62 [THE] [Administrative Procedure  
 13 Act] [(AS 44.62), AND WITH THE ADVICE OF THE BOARD], the director may  
 14 issue, amend, or repeal marketing orders to regulate the marketing of milk in specified

1 regions of the state. A milk marketing order may be issued to

2 (1) establish orderly marketing of milk;

3 (2) provide for uniform grading and classification of milk;

4 (3) provide for the proper preparation of milk for market;

5 (4) ensure [INSURE] an adequate supply of milk;

6 (5) eliminate unfair competitive practices;

7 (6) assist producers to adjust to changing conditions;

8 (7) maintain incentive for the production of high quality milk under the  
9 most sanitary conditions;

10 (8) conduct research and provide information for the benefit of the  
11 producer and the consumer.

12 \* Sec. 3. AS 03.17.050(a) is amended to read:

13 (a) A marketing order may direct that

14 (1) a determination be made whether a surplus of milk exists and, if  
15 so, its extent;

16 (2) a surplus be disposed of with a proration of the burden of any loss  
17 among the handlers;

18 (3) the quantity, class, or grade of milk sold for a certain period be  
19 limited;

20 (4) the quantity a producer may sell be limited, based upon the quantity  
21 available, the quantities previously handled, or both;

22 (5) the quantity or grade a handler may handle during specified periods,  
23 based upon the quantity a handler has available, or quantities previously handled, or  
24 both;

25 (6) there be specified periods during which a particular grade of milk  
26 may be distributed;

27 (7) a surplus pool of milk or a class or grade of milk be formed and  
28 the milk sold, and the proceeds of sale be equitably distributed;

29 (8) milk be inspected, graded, and classified, or any of these;

30 (9) an assessment, not to exceed three percent of value, be levied on  
31 the sale of milk to provide a fund for advertising and [,] sales promotion [, AND THE

1 EXPENSES OF THE BOARD);

2 (10) prices at which a grade, class, or quantity will be sold be posted;

3 (11) milk be labeled;

4 (12) stations be established for the receiving and weighing of milk, and  
5 the collection of assessments;

6 (13) cooperative investigations or undertakings be entered into with  
7 other state or federal agencies.

8 \* Sec. 4. AS 14.57.050 is amended to read:

9 Sec. 14.57.050. COLLECTIONS MANAGEMENT; ACQUISITIONS AND  
10 DISPOSITIONS. (a) The [ON RECOMMENDATION OF THE COMMITTEE, THE]  
11 department shall adopt regulations governing the museum's in-house acquisitions  
12 committee, and the management and disposition of artifacts, natural history specimens,  
13 art objects, collections or other items, materials, or properties that are owned by, in the  
14 custody of, or are proposed for acquisition by, the state museum.

15 (b) Artifacts, natural history specimens, art objects, collections, or other items,  
16 materials, or properties that relate to the history of Alaska and are appropriate for  
17 preservation in the state museum of a value of \$1,000 or more may not be acquired  
18 by purchase, gift, or exchange, or otherwise, nor may any item owned by, or in the  
19 custody of, the state museum be disposed of by sale, gift, exchange, or otherwise,  
20 without the written approval of the commissioner [COMMITTEE]. The department  
21 [IN RECOMMENDING THE ACQUISITION OR DISPOSAL OF AN ITEM UNDER  
22 THIS SUBSECTION FOR THE STATE MUSEUM, THE COMMITTEE] shall  
23 evaluate the need for the item or collection proposed for acquisition or disposal with  
24 reference to the scope of collections of the state museums.

25 (c) The department [COMMITTEE] may obtain an independent, professional  
26 appraisal of the value of each item to be acquired or disposed of by or for the state  
27 museum.

28 \* Sec. 5. AS 14.57.120 is amended to read:

29 Sec. 14.57.120. CRITERIA APPLICABLE TO ACQUISITIONS FROM THE  
30 FUND. Subject to approval given by the commissioner [MUSEUM COLLECTIONS  
31 ADVISORY COMMITTEE] under AS 14.57.050(b), the director may

1 (1) establish by contract the terms and conditions of custody,  
2 protection, conservation, and exhibition of an item acquired by the state museum if the  
3 item is acquired and custody of it is assigned to another institution;

4 (2) transfer ownership of an item to an institution having custody of an  
5 item acquired from the net income account of the fund if the director is satisfied that  
6 the institution will provide necessary care and protection of the item; or

7 (3) assign long-term custody of an item to an institution having custody  
8 of an item acquired from the net income account of the fund if the director is satisfied  
9 that the institution to which custody of the item is transferred will provide necessary  
10 care and protection of the item in accordance with a contract entered into under (1) of  
11 this section.

12 \* Sec. 6. AS 14.57.130 is amended to read:

13 Sec. 14.57.130. DISPOSITION OF ACQUIRED ITEMS. Subject to approval  
14 of the commissioner [MUSEUM COLLECTIONS ADVISORY COMMITTEE] under  
15 AS 14.57.050(b), the director may establish a deaccession policy under which the  
16 director may exchange or otherwise convey title to an item acquired from the net  
17 income account of the fund in accordance with generally accepted principles governing  
18 the disposal of these items.

19 \* Sec. 7. AS 33.16.050(c) is amended to read:

20 (c) Except as provided in (e) of this section, decisions [DECISIONS] and  
21 orders of the board require the affirmative votes of a majority of the members present.

22 \* Sec. 8. AS 33.16.050 is amended by adding a new subsection to read:

23 (e) A meeting of the board is not required for a decision or order setting  
24 special conditions of mandatory parole by a single member of the board under  
25 AS 33.16.150(b) and (e). If a prisoner or parolee who is aggrieved by the board  
26 member's decision or order applies to the full board under AS 33.16.150(e) and  
27 33.16.160 for a change in parole conditions, the board shall meet to act on the  
28 application.

29 \* Sec. 9. AS 33.16.150 is amended by adding a new subsection to read:

30 (e) The board may delegate its authority under this section to a single member  
31 of the board to issue a decision or order on behalf of the board setting special

1 conditions of mandatory parole. A prisoner or parolee aggrieved by a decision or  
2 order of a single board member under this section may request a change in mandatory  
3 parole conditions by applying to the full board under AS 33.16.160.

4 \* Sec. 10. AS 42.40.850(c) is amended to read:

5 (c) If an impasse or deadlock still exists after the issuance of an injunction, the  
6 parties shall submit the dispute to binding arbitration. The railroad labor relations  
7 agency shall appoint an arbitrator selected by the parties by mutual consent. If  
8 the parties are unable to agree on an arbitrator, the railroad labor relations  
9 agency shall appoint an arbitrator from a list of arbitrators knowledgeable in  
10 railroad labor agreements. The arbitrator shall [BE THE SAME PERSON  
11 SELECTED UNDER AS 42.40.840 AND SHALL] fashion the award the arbitrator  
12 considers equitable.

13 \* Sec. 11. AS 03.17.020, 03.17.030, 03.17.100(1); AS 14.07.058, 14.07.059; AS 14.57.020,  
14 14.57.030, 14.57.040, 14.57.060, 14.57.070, 14.57.080; AS 37.14.530(b)(2); AS 38.95.100,  
15 38.95.110, 38.95.120, 38.95.130, 38.95.140; AS 39.05.060(a)(4); AS 44.19.101, 44.19.102,  
16 44.19.103, 44.19.104, 44.19.105, 44.19.123, 44.19.124, 44.19.125, 44.19.126, 44.19.130,  
17 44.19.181, 44.19.182, 44.19.183, 44.19.184, 44.19.185, 44.19.186, 44.19.187, 44.19.188;  
18 AS 44.46.030, 44.46.040, 44.46.050; AS 44.47.050(a)(15); AS 44.82; and AS 44.99.010 are  
19 repealed.

20 \* Sec. 12. Sections 7 - 9 of this Act are retroactive to January 1, 1986. ←

21 \* Sec. 13. This Act takes effect immediately under AS 01.10.070(c).

*Partia -  
Have you  
done this?  
this?*

**SB**

**365**

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

365

March 23, 1994

*The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Mr. President:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the improvement of state finances and fiscal accountability by increasing fees, collecting additional revenues, reducing certain program expenditures, and changing state agency functions or procedures to achieve certain savings or efficiencies. A section-by-section description of this bill is forthcoming.*

*In this time of great financial concern, we must look for ways of streamlining state government and find ways for agencies to defray a greater portion of their costs through the imposition or increase of fees. If there are ways to access other kinds of funds for the services the state provides, then we must be willing to seek those funds. If there are ways to cut the expenses of the state administration, we must be open to the changes necessary to achieve them.*

*This bill is only one example of this administration's continued efforts to keep the costs of state government in check. It, along with the bills I have introduced that change required reports of state agencies (HB 530 - SB 357) and eliminate some state multimember bodies (HB 531 - SB 358), can go a long way to improving the operation and expense of the state.*

*I urge your favorable consideration of the bill.*

*Sincerely,*

A large, stylized handwritten signature of Walter J. Hickel in black ink.

Walter J. Hickel  
Governor

# HOUSE BILL 540/SENATE BILL 365 - IMPROVING STATE FINANCES - SECTIONAL

Section	Department	Brief Description	Revenues (including savings)
1		States the purpose of Section 3 of this bill related to non-mutual <u>collateral estoppel</u>	
2	Revenue	Allows the department to <u>charge fees</u> for approving alcohol server education courses	
3	Law	<u>Abolishes non-mutual collateral estoppel against the state</u> - This will result in avoiding costs related to the pursuit of extensive appeals	
4	Public Safety	Allows the department to set and <u>charge fees</u> for permits issued to persons who service portable fire extinguishers and persons who design, install, or service fire alarm and fire suppression systems	
5	Public Safety	Allows the department to set and <u>charge fees</u> for permits issued to persons who use dangerous fireworks displays	
6	Public Safety	Allows the department to set in regulations the <u>fee</u> charged for retail fireworks permits	Revenues expected in FY96
7	Public Safety	Allows the department to set in regulations the <u>fee</u> charged for wholesale fireworks permits	Revenues expected in FY96
8	Transportation & Public Facilities	Amends long-range program consistent with the Federal Highway Act of 1991	
9	Transportation & Public Facilities	Clarifies the construction season report	

# HOUSE BILL 540/SENATE BILL 365 - IMPROVING STATE FINANCES - SECTIONAL

Section	Department	Brief Description	Revenues (including savings)
10	Transportation & Public Facilities	Eliminates the requirement to conform closely with standards adopted by the American Association of State Highway and Transportation Officials to provide increased flexibility to meet Alaska's unique circumstances	
11	Public Safety	Allows the department to use a certified computer printed record in court in the same manner as the original document	
12	Public Safety ✓	Changes the method of notice for license actions from <u>certified</u> to <u>first class mail</u>	
13	Public Safety	Allows hearings to be conducted by telephone in areas where no departmental hearing officers are located and allows the department discretion of determining where and when a hearing is needed in person	
14	Public Safety	Extends the time period for dealer temporary permits from 30 to 60 days	
15	Public Safety	Repeals the requirement to have all commercial and special registrations expire in a certain month - This was only required for initial implementation of staggered registration	
16-17	Public Safety	Allows hearings to be conducted by telephone and allows the department the discretion of determining where and when a hearing is needed in person	
18-26	Public Safety ✓	Increases the dollar amount from \$500 to \$1,500 of damages for reporting and proof of financial responsibility	

*Taylor has problem*

*DMV Taylor concerned*

*✓ OK — LL likes*

# HOUSE BILL 540/SENATE BILL 365 - IMPROVING STATE FINANCES - SECTIONAL

Section	Department	Brief Description	Revenues (including savings)
27-28	Corrections	Clarifies the department's legal obligation to provide access to medical treatment and allows the department to seek payment for medical care from third party payers	
29	Administration	Allows the extension of existing leases up to 10 years if a certain cost savings can be realized as specified in this section	
30	Administration	Allows leases of \$5,000 or less per month to be bid under small procurement regulations	
31	Administration	Limits the life of a warrant to one year and brings this statute in line with AS 34.45.250 that considers unrepresented payroll warrants as unclaimed property after one year	
32	Governor's Office	Eliminate 6-year plan and replaces it with a multi-year program in either fiscal year or priority format	
33	Transportation & Public Facilities	Amends the capital project description requirements for the department to include a general description and source of financing for proposed projects	
34	Administration	Allows payment of obligations from current year's appropriation if the obligation date is not more than 4 years rather than 2 years old. This would reduce the annual request for miscellaneous claims supplemental appropriation	
35	Administration	Terminating non-covered employees would be paid based on hours of annual/personal leave accumulated at separation date. Currently, these employees are paid for hours accumulated and state holidays that would have occurred had the employee been on leave	147.7

**HOUSE BILL 540/SENATE BILL 365 - IMPROVING STATE FINANCES - SECTIONAL**

<b>Section</b>	<b>Department</b>	<b>Brief Description</b>	<b>Revenues (including savings)</b>
36-37	Transportation & Public Facilities	Allows the department to develop the long-range plan consistent with applicable federal laws	
38	Environmental Conservation	Allows the department to charge for both indirect and direct costs on fees and adopt regulations to charge for pesticide registration, collect a fee for subdivision plan reviews, charge fees for bank loan audits, charge fees for analyses of water systems, and for regulation motor vehicle fuels	420.2
39	Community & Regional Affairs	Allows adoption of regulations to maximize the administration and enforcement of the Head Start Program for fiscal accountability	
40	Community & Regional Affairs	Converts income guidelines for the Day Care Assistance Program to allow use of gross income versus net income to determine eligibility	
41	Environmental Conservation	Establishes in statute the on-site water and sewer system certification and audit program - see section 38	250.0
42	Environmental Conservation	Restricts the department review of sewerage system plans in areas where local codes are established	
43	Public Safety	Repeals AS 28.10.108(b) that requires commercial and special registrations to expire in a certain month - see section 15	
43	Public Safety	Repeals AS 28.22.041(h) relating to proof of motor vehicle liability insurance in the case of an accident - see section 24	

*concerns Taylor +*

*Taylor concerned*

## HOUSE BILL 540/SENATE BILL 365 - IMPROVING STATE FINANCES - SECTIONAL

<b>Sectio</b>	<b>Department</b>	<b>Brief Description</b>	<b>Revenues (including savings)</b>
43	Administration	Repeals AS 39.20.250(b) that provides for recovery of terminal leave payments and restoration of equivalent leave credit if an employee is reemployed during the period covered by terminal leave - see section 35	
43	Transportation & Public Facilities	Repeals AS 44.42.050(d) requiring itemization of estimated costs for proposed capital budget projects and allocations for transportation construction projects and necessary contingencies within the general appropriations act	
44		Allows departments to proceed to adopt necessary regulations to implement their respective sections in this bill	
45	Law	Makes sections 1 and 3 retroactive to February 18, 1994	
46		Provides an immediate effective date for sections 1, 3, 44 and 45	
47		Provides for a July 1, 1994 effective date for all sections not noted in section 46	

attn: David Diendorf

SB 365

#2

✓ adopted  
unanim.  
consent

Page 13, lines 8 - 18:

Delete all material.

Insert a new bill section to read:

"\* Sec. 33. AS 37.07.060 is amended by adding a new subsection to read:

(c) The reporting requirements of (b)(3) of this section are modified with respect to the program of the Department of Transportation and Public Facilities. The governor's report must contain, for that department, the governor's capital improvements construction program for the succeeding construction season, budget recommendations for the succeeding fiscal year, and capital improvements construction program for the succeeding six fiscal years which must include

(1) a general description of each project and the source of financing for the project; and

(2) the information required by (b)(3)(B) - (H) of this section."

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 1, 1994

HAND DELIVERED

The Honorable Loren Leman  
Chairman of State Senate  
Affairs Committee  
State Capitol, Room 113  
Juneau, Alaska 99801-1182

APR 5 1994

Re: Amendment to SB 365

Dear Chairman Leman:

In reviewing \* Section 33 of the Governor's omnibus legislation relating to the improvement of state finances and fiscal accountability, it has become apparent that the section was not clearly drafted. We have had several questions regarding its meaning. As a result, we have redrafted the section in a way that more clearly accomplishes what the Governor wanted.

Enclosed is a proposed amendment to the legislation. We would appreciate it if you would submit the proposal to the Senate State Affairs Committee, when it takes up this legislation.

Thank you very much for your consideration.

Very truly yours,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Deborah Vogt  
Assistant Attorney General

/DV:ae

Enclosure

cc: Bruce Campbell, Commissioner, DOT & PF  
Deborah Behr, Assistant Attorney General  
John Gaguine, Assistant Attorney General

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

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**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 7, 1994

**SUBJECT:** Single Subject Problems in SB 365 (Governor's Omnibus Bill)

**TO:** Senator Johnny Ellis

**FROM:** David R. Dierdorff  
Revisor of Statutes 

You have asked for a review of potential single subject issues related to the governor's "state finance improvement" bill, SB 365.

To understand my review, it is helpful to set out the state of the law with respect to the single subject rule. The law in Alaska flows from article II, section 13, of the state constitution, which provides, in part:

Every bill shall be confined to one subject \* \* \*. The subject of each bill shall be expressed in the title. \* \* \*

With respect to the single subject rule, the courts have generally given the requirement a liberal interpretation, adopting, in Gellert v. State, 522 P.2d 1120 (Alaska 1974), the position stated by the Minnesota Supreme Court in 1891:

All that is necessary is that [the] act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

Id., at 1123, quoting Johnson v. Harrison, 50 N.W. 923, 924 (Minn. 1891). Five years after Gellert, the court stated that the test

. . . requires no more than that the various provisions of [a] single legislative enactment fairly relate to the same subject, or have a natural connection therewith. Quoted in Short v. State, 600 P.2d 20, 24 (Alaska 1979).

In construing the single subject rule, the court will "disregard mere verbal inaccuracies" and "resolve doubts in favor of validity"; "in order to warrant the setting aside of enactments for failure to comply, the violation must be substantial and plain." Suber v. Alaska State Bond Committee, 414 P.2d 546, 557 (Alaska 1966). The rule should be "construed with considerable breadth. Otherwise statutes might be restricted unduly in scope and permissible subject matter, thereby multiplying and complicating the number of necessary enactment(s) and their interrelationships." Gellert, at 1122.

Using this broad construction of the rule, the court has approved such single subjects as "water resources" in Gellert; "state taxation" in North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534 (Alaska 1978); "land" in State v. First Nat'l. Bank of Anchorage, 660 P.2d 406 (Alaska 1982); and "transportation" in Yute Air Alaska, Inc. v. McAlpine, 698 P.2d 1173 (Alaska 1985). The Alaska Court of Appeals has approved the single subjects "liquor regulation" in Van Brunt v. State, 646 P.2d 872 (Ak. App. 1982); and "criminal law" in Galbraith v. State, 693 P.2d 880 (Ak. App. 1985). In fact, the Alaska Supreme Court and the Alaska Court of Appeals have never found that an Alaska statute violated the single subject rule. This is consistent with the record of other states that have substantially the same rule. Generally, only clear violations of the single subject requirement have been found unconstitutional. (cf. State ex rel Hinkle v. Franklin County Board of Elections, 580 N.E.2d 767 (Ohio 1991) finding a violation of the single subject requirement where a bill on a local option for allowing the sale of alcoholic beverages was added to a bill concerning elected judicial offices)

In recent years, however, the Alaska Supreme Court has begun to reevaluate its broad interpretation of the single subject rule. In First Nat'l. Bank of Anchorage, the court expressed reservations about prior cases, but was unwilling in that case to overturn past precedents. In Yute Air Alaska, Inc., the court again expressed concern with the broad interpretation of the rule, but gave three reasons why it was not ready to reject its past approach: (1) "it is not at all clear that there are workable stricter standards"; (2) the legislation in that case was the result of a voter initiative and the sponsors of the initiative had relied on the court's precedents in preparing it; and (3) because the sponsors were not experts at drafting the court was reluctant to invalidate a worthy or popular cause merely because of doubtful legality.

In his dissent in Yute Air Alaska, Inc., Justice Moore blasted the majority's "test" as meaningless. "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce," he said. Id. at 1182. Moore suggested a new test: "An act or initiative should embrace one subject. By this we mean that all matters treated should be logically connected." This, he said, means that various provisions of legislation will pass muster if they are inextricably intertwined, if they have an effect on one another, or if they are reasonably interdependent. Moore urged that "[e]nactments should be presented clearly and

candidly," and that the court should "use a plainer standard and be more willing to look closely at the logic of an asserted connection and the reasonable interdependence of separate provisions. . . . to discourage logrolling and . . . duplicity." *Id.* at 1186.

The Moore dissent in Yute Air takes on increased importance in light of the California Supreme Court's decision two years later in Harbor v. Deukmejian, 742 P.2d 1290 (Cal. 1987). Prior to Harbor, the law in California was substantially similar to Alaska. Both states prohibit multiple subjects in the same bill.<sup>1/</sup> California's courts had interpreted the single subject rule primarily in the context of the expression rule, but when focusing on single subject their pronouncements were remarkably similar to the Alaska cases cited above.<sup>2/</sup> Justice Mosk's opinion in Harbor summed up the California cases as holding that

. . . a measure complies with the [single subject] rule if its provisions are either functionally related to one another or are reasonably germane to one another or the objects of the enactment. *Id.* at 1303.

The Harbor case involved a measure relating to "fiscal affairs" and was essentially a budget reconciliation bill, making the "necessary statutory adjustments to implement" the budget enactment. *Id.* at 1291, quoting from the bill's title and from sec. 71, which set out the justification for the bill's immediate effective date. As the court described the bill, it sounds remarkably similar to SB 365 and its predecessors (e.g. last year's SB 99). The bill contained "71 sections enacting, amending, and repealing numerous provisions in numerous codes." *Id.* at 1291. The court went on to state, at 1303, that "fiscal affairs" as the subject, and "statutory adjustments" to effect savings consistent with the budget as its object, suffer from "excessive generality" that "violates the purpose and intent of the single subject rule."<sup>3/</sup> In the heart of its holding, the court said:

[Fiscal affairs and statutory adjustments] are too broad in scope if, as petitioners appear to claim, they encompass any substantive measure which has an effect on the budget. The number and scope of topics germane to "fiscal affairs" in this sense is virtually unlimited. If

---

<sup>1/</sup> California's constitution, in art. IV, § 9, provides that "...a statute shall embrace but one subject, which shall be expressed in its title." In context, "statute" is equivalent to "bill," so it can be seen that the constitutional provision under consideration in Harbor is almost identical to Alaska's.

<sup>2/</sup> See the discussion of the history of California's rule in Harbor, 742 P.2d 1290, at 1298-1303.

<sup>3/</sup> The "primary and universally recognized purpose" of the single subject rule is to prevent logrolling, the combining of several proposals in a single bill so that legislators can obtain a majority for a measure that might not have been approved as separate measures. See Harbor at 1300.

petitioners' position were accepted, a substantial portion of the many thousand statutes adopted during each legislative session could be included in a single measure even though their provisions had no relationship to one another or to any single object except that they would have some effect on the state's expenditures as reflected in the budget bill. This would effectively read the single subject rule out of the Constitution. We hold, therefore, that Bill 1379 is invalid as a violation of article IV, section 9 of the California Constitution. Id. at 1303-1304. (emphasis added)

See also a prior concurring and dissenting opinion by Justice Mosk in Brosnahan v. Eu, 641 P.2d 200 (Cal. 1982), a case in which an initiative was challenged as violating the single subject rule,<sup>4/</sup> in which he said:

The constitutional requirement is not satisfied by attaching a broad label to a measure and then claiming that its provisions are encompassed under that wide umbrella. Otherwise, initiatives which refer to "property" or "women" or "public welfare" or "the pursuit of happiness" could also be held to constitute one subject, no matter how diverse their terms.

It is my belief that our supreme court, when presented with the issue in the context of a bill like SB 365 or last year's SB 99 (ch. 63, SLA 1993), will follow the path scouted by Justice Moore in his dissent in Yute Air and more thoroughly explored by Justice Mosk in Harbor (an exploration that was joined, by the way, without dissent by the other justices of California's supreme court). The fact that several of these "omnibus" bills have now been enacted in Alaska provides scant comfort. The practice had gone on for over six years in California before an affected entity brought a challenge.

In SB 365, the stated subject, as expressed in the title, is "the improvement of state finances and fiscal accountability", accomplished through several stated methods (adding fees, collecting more revenue, changing service or eligibility requirements for programs, changing limitation periods, changing functions and procedures of state agencies, allowing certain leases to be extended, etc.). I can see nothing that distinguishes SB 365 from the California measure that was challenged in Harbor. They both attempt to encompass an excessively broad subject matter.

A quick review of SB 365's substantive provisions illustrates why it violates the single subject rule as interpreted by Harbor. In each case I suggest appropriate subjects,

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<sup>4/</sup> In California, as in Alaska, initiatives are subject to the single subject rule.

ranging from fairly broad to fairly narrow, that describe the contents of the section or sections discussed.

Section 2 allows the Alcoholic Beverage Control Board to establish by regulation a fee for approval of alcohol server education courses. Proper subjects might include "state agency fees" or "regulations" or "alcoholic beverages".

Section 3 abolishes the doctrine of non-mutual collateral estoppel in civil and criminal cases as applied against the state at the trial court level. Proper subjects might include "civil and criminal procedure" or "collateral estoppel" or "court proceedings".

Sections 4 - 7 all relate to fees charged for activities dealing with fire prevention and safety. Proper subjects might include "state agency fees" or "fire safety" or "public safety".

Sections 8 - 10 and 36 - 37 amend laws relating to transportation planning. Proper subjects might include "transportation planning" or "duties of the Department of Transportation and Public Facilities".

Sections 11 - 26 all deal with various aspects of the regulation of motor vehicles (records, notices, hearings, permits, registration, security deposits, accident reports, and insurance). Proper subjects might include "motor vehicles".

Sections 27 and 28 relate to medical care for prisoners. Proper subjects might include "corrections" or "medical care for prisoners".

Sections 29 and 30 authorize the extension of certain state leases and categorize certain other lease procurements as small procurements. Proper subjects might include "state leases" or "procurement procedures".

Section 31 amends the time within which state warrants must be presented for payment and deletes a provision relating to transfer of funds underlying unrepresented warrants. Proper subjects might include "fiscal procedures" or "payment of state warrants".

Sections 32 and 33 relate to planning for capital improvement programs. Proper subjects might include "capital improvement construction programs" or "capital improvement planning".

Section 34 revises a provision relating to payment of certain prior year obligations. Proper subjects might include "fiscal procedures".

Section 35 eliminates the payment of terminal leave in installments. Proper subjects might include "compensation for state employees" or "payment of terminal leave" or "salaries and allowances" or "public employees".

Section 38 authorizes the establishment of certain fees by the Department of Environmental Conservation. Proper subjects might include "state agency fees".

Sections 39 and 40 relate to the regulation of head start and day care programs. Proper subjects might include "day care" or "fiscal accountability of and eligibility for certain day care programs".

Sections 41 and 42 relate to review and approval of water and sewer systems. Proper subjects might include "water and sewer systems" or "sanitation".

Section 43 repeals statutes relating to motor vehicles, terminal leave for state employees, and transportation planning. There is no proper single subject unless the repeals stood alone and were, for example, repealing obsolete state programs.

There are two other legal questions involving bill sections 1 and 3 that must be mentioned. First, the content of the sections is not described in the title. The effect of section 3 is not included in one of the subordinate clauses that begins with "by", and, as drafted, the introductory clause of the title ("relating to the improvement of state finances and fiscal accountability") does not stand alone. Second, I question whether the retroactive effect given section 3 (see sec. 45) is constitutional. That needs to be carefully researched.

What is the solution to the single subject problems I have described? It might be suggested that a severability provision (or simply the existence of AS 01.10.030) would avoid any damage that a single subject violation would cause. That approach was taken in SB 99. I submit that severability is of no avail to bills that violate the single subject rule. Which provisions should the court sever? How is the court going to choose a subject to be the single subject? I believe that a court would be acting properly if it invalidated the entire enactment. (A court would be more likely to "save" a bill through a prospective decision than by severing any one provision.)

The best solution is to do what the House did last year with HB 65 (its version of SB 99) when it first considered it. The bill was split into three parts, each of which could be defended against any single subject challenge. In the case of SB 365, I suggest the following substitute bills if all of the provisions of SB 365 are to be considered:

(A) Secs. 1 and 3: Non-mutual collateral estoppel

(B) Secs. 2, 4-7, and 38: State agency fees

- (C) Secs. 8-10, 36-37, and part of 43: Transportation and capital project planning
- (D) Secs. 11-26 and part of 43: Motor vehicles
- (E) Secs. 27 and 28: Corrections (or medical care for prisoners)
- (F) Secs. 29 and 30: State leases
- (G) Secs. 31 and 34: Fiscal procedures
- (H) Secs. 35 and part of 43: Payment of terminal leave (this might be combined with "G" but I think that more than fiscal procedures are implicated in these changes)
- (I) Secs. 39 and 40: Day care programs
- (J) Secs. 41 and 42: Sanitation (water and sewer)

The above represents a conservative approach, but it does reflect the wide range of subjects (other than "helping the state's fiscal status") encompassed by SB 365. It is possible that some of the separate bills could be combined under a subject like "financial administration of state government", but past bills with that title have been generally limited to the establishment of fees and similar provisions, and even in those cases we expressed our concern that we were treading on thin ice with respect to single subjects.

If I may be of further assistance, please advise.

DRD:pl  
94-291.plm

# FISCAL NOTE

No. 9  
 Bill Version: SB 365  
 BILL NO (S) Publish Date: 3-24-94

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Omnibus Fee Bill BRU: Alcoholic Beverage Control Board  
 Sponsor: Governor Component: \_\_\_\_\_  
 Requestor: Governor COMPONENT SERIAL NO. 0100

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<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>
<b>CAPITAL</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>
<b>REVENUE FUND SOURCE: 1005</b>	<b>0.4</b>	<b>0.4</b>	<b>0.6</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) Impact: \$ \_\_\_\_\_

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

Prepared by: Director, Patrick L. Shanock *Patrick L. Shanock* Phone: (907) 277-8638  
 Division: Alcoholic Beverage Control Board Date: March 22, 1994  
 Approved by Commissioner: Daniel J. Rexwinkel *Daniel J. Rexwinkel* Date: 3/23/94  
 Agency: Department of Revenue

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**FISCAL NOTE**

Revision Date:  
Title: Improvement of State Finances

Department Affected: DOT&PF  
BRU:

Sponsor: Rules Committee  
Requestor: Governor

Component:  
Component Serial Number:

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

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</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: (Thousands of Dollars)**

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>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 (FY94) impact: \$0

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

Prepared by: Roger Allington

Phone: 465-4070

Division: Statewide Planning

Date: March 22, 1994

Approved by Commissioner: B.A. Campbell

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 22, 1994

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STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 7

Bill Version: SB 365

(S) Publish Date: 3-24-94

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to improvement of state BRU: Child Assistance 261  
finances . . . and providing for an effective date. Component: Day Care Assistance, Head Start  
 Sponsor: RULES  
 Requestor: Rules Committee by request of the Governor COMPONENT SERIAL NO. 1414, 659

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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>
<b>CAPITAL</b>						
<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>0.0</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						
TEMPORARY						

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson *Remond Henderson* Director Phone: 465-4708  
 Division: Administrative Services Date: 3/7/94  
 Approved by Commissioner: *Edgar Blatchford* Date: 3/7/94  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

No. 6  
 Bill Version: SB 365  
 (S) Publish Date: 3-24-94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title: "An Act relating to the improvement of state finances ... BRU: Management and Budget  
making changes to state agency functions or procedures ...." Component: Budget Review  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 16

(Thousands of Dollars)

EXPENDITURES/REVENUES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>						

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

(Thousands of Dollars)

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This bill has no fiscal impact on the Office of Management and Budget.

Prepared by: Nancy Slagle, Director *Nancy Slagle* Phone: 465-4681  
 Division: Office of Management and Budget, Division of Budget Review Date: 3/22/94  
 Approved by Commissioner: *[Signature]* Date: 3/22/94  
 Agency: Office of the Governor

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STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 5

Bill Version: SB 365

(S) Publish Date: 3-24-94

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: Omnibus Bill BRU: Leasing & Facilities  
 Component: Leasing  
 Sponsor: Rules  
 Requestor: Governor COMPONENT SERIAL NO. 81

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY94) impact: \$ -0-

ANALYSIS: (attach a separate page if necessary.)

See attachment.

Prepared By: Dugan Petty, Director  
 Division: General Services

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

Approved by Commissioner: Nancy Bear Usara  
 Agency: Department of Administration

Date: 3/24/94

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**ANALYSIS**

Section 29 increases the length allowed for lease extensions authorized under SB 129 during the last legislative session from 5 years to 10 years. We anticipate that some lessors who are not willing to negotiate lease rate reductions and ADA modifications in exchange for a 5 year lease extension will be willing to extend leases for 10 years because of more favorable financing opportunities and longer amortization periods. There are up to 24 leases that offer the potential for savings in exchange for a 10 year extension. The actual amount of savings is dependent upon negotiations, lessor's ability to refinance existing obligations and costs for ADA improvements. A rough review of leases suggests a potential in the range of \$165.0 - \$325.0. Since the leasing budget is historically under funded, any savings achieved through negotiations would reduce the amount requested in a supplemental appropriation.

Section 30 amends the small procurement section of the Procurement Code to include leases that do not exceed 2,500 square feet or \$5,000 per month. This will allow for informal and therefore less cumbersome procurements for certain leases. DGS believes that this change will allow for greater efficiencies in lease acquisition which will permit DGS Contracting Officers to concentrate their efforts on the backlog of lease renewals and bids - thereby reducing the risk of premium payments for unplanned lease extensions and evictions. The current inventory of leases shows 144 leases that fit in this category.

# FISCAL NOTE BILL

No. 4

.ii Version: SB 365

(S) Publish Date: 3-24-94

## STATE OF ALASKA 1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Improvement of State Finances BRU: Motor Vehicles  
 Component: Driver Services  
 Sponsor: RLS by Request  
 Requestor: Governor COMPONENT SERIAL NO. 500

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

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

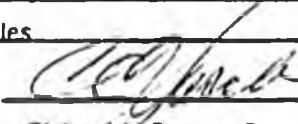
Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS:**

Changes to the Motor Vehicle statutes contained in this bill will streamline procedures for functions currently being performed to produce greater efficiencies within the Division.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 03/08/94  
 Approved by Commissioner:  Date: 03/08/94  
 Agency: Richard V. Burton, Dept. of Public Safety

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# FISCAL NOTE

No. 3

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL N

Bill Version: SB365

(S) Publish Date: 3-24-94

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

Department Affected: Environmental Conservation

Sponsor: Rules Committee  
Requestor: Governor

BRU: Various  
Component: Various(see attached)

COMPONENT SERIAL NO. Various(see attached)

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	67.5	133.4	133.4	133.4	133.4	133.4
TRAVEL						
CONTRACTUAL	49.3	27.0	27.0	27.0	27.0	27.0
SUPPLIES	1.2	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	10.0	5.0				
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>128.0</b>	<b>167.2</b>	<b>162.2</b>	<b>162.2</b>	<b>162.2</b>	<b>162.2</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1005)	670.2	820.2	820.2	820.2	820.2	820.2
---------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE**

1002 Federal Receipts						
1003 GF Match						
1004 GF	128.0					
1005 GF/Program Receipt		167.2	162.2	162.2	162.2	162.2
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>128.0</b>	<b>167.2</b>	<b>162.2</b>	<b>162.2</b>	<b>162.2</b>	<b>162.2</b>

Estimate of any current year (FY94) cost: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	2.0	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: David Knowles  
Division: Info. & Admin Services

Phone: 465-5010  
Date: 3/9/94

Approved by Commissioner: [Signature] For IAS  
Agency: Department of Environmental Conservation

Date: 3/9/94

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Position Title Accounting Clerk III		No. of Positions 1	Range / Step 10B	Barg. Unit GGU
Time Status 1 PFT	Staff Months 9	Location Juneau		Election District
<b>TYPE OF EXPENDITURE</b>		<b>Amount</b>	<b>Justification</b>	
Salary	19.1		An additional staff person is essential for receiving, recording, and depositing fees collected under the expanded user fee program. This position would also issue invoices, track receipts and reports on collections to program staff. During FY95, staff would aid in planning document flow procedures and record keeping system/database expansion.	
Benefits	8.9			
Premium Pay				
Other				
Total Personal Services	28.0	28.0		
Travel				
Contractual		1.0		
Commodities		0.6		
Equipment		5.0		
Other				
Total Cost			First year costs are for 9 months and are general funds.	
<b>FUNDING SOURCE FOR TOTAL COST</b>		34.6	Future years' costs are for 12 months and will be funded by program receipts.	
Federal Receipts	1002			
GF Match	1003			
General Fund	1004	34.6		
IA Receipts	1007			
CIP Receipts	1061			
Other	Program Receipts			

**REQUEST FOR  
NEW POSITION**

AGENCY ENVIRONMENTAL CONSERVATION

BRU ADMINISTRATION

COMPONENT INFORMATION & ADMINISTRATIVE SERVICES

**FY 94**

Page 1 of 1  
Revised Date

2-4

Position Title Regulations Specialist II		No. of Positions 1	Range / Step 16B	Barg. Unit GGU	
Time Status PFT	Staff Months 9	Location Juneau		Election District	
<b>TYPE OF EXPENDITURE</b>		<b>Amount</b>			
Salary	28.4	Justification This position would assist all divisions in developing their needed regulations. The position will be working under the auspices of the Department's paralegal in the Commissioner's Office.  Unless regulations are developed and adopted, the Department cannot exercise its program receipt authority and collect user fees.  First year costs are for 9 months and are general funds.  Future years' costs are for 12 months and will be funded by program receipts.			
Benefits	11.2				
Premium Pay					
Other					
Total Personal Services	39.5				39.5
Travel					
Contractual					1.0
Commodities					0.6
Equipment					5.0
Other					
Total Cost					
<b>FUNDING SOURCE FOR TOTAL COST</b>		46.1			
Federal Receipts	1002				
GF Match	1003				
General Fund	1004				46.1
IA Receipts	1007				
CIP Receipts	1061				
Other	Program Receipts				

**REQUEST FOR  
NEW POSITION**

AGENCY ENVIRONMENTAL CONSERVATION

**FY 94**

BRU ADMINISTRATION

COMPONENT COMMISSIONER'S OFFICE

Page 1 of 1  
Revised Date

3-4

3/10/94

Section 29. AS 44.46.025 is amended to read:

(10) regulating pesticides and broadcast chemicals  
 under AS 46.03.320

Environmental Health BRU Palmer Lab Component (#651)

Anticipated Revenues (Begin collections FY96 = \$150.0)

Anticipated Costs

DLaw Reg Development

Forms/Printing

(FY96 = Add 1 PFT Enviro Specialist I = \$50.0PS, \$2.0 Contractual, \$.6 Supplies, \$5.0 Equip)

(11) the on-site water and sewer system certification and audit  
 program under AS 46.03.026

Environmental Quality BRU, Wasterwater & Water Treatment Component (#1426)

Anticipated Revenues

Anticipated Costs

DLaw Reg Development

Forms/Printing

(12) plans for sewage and industrial waste disposal or treatment  
 under AS 46.03.090

Environmental Quality BRU, Wasterwater & Water Treatment Component (#1426)

Anticipated Revenues

Anticipated Costs

DLaw Reg Development

Forms/Printing

(13) analysis of public water system samples authorized for  
 submission to the department for analysis

Environmental Quality BRU, Monitoring & Lab Component (#643)

Anticipated Revenues

Anticipated Costs

(14) regulating motor vehicle fuels to control emissions under  
 AS46.14.510

Environmental Quality BRU, Air Quality Component (#1428)

Anticipated Revenues

Anticipated Costs

General Regulation Support

Administration BRU, Commissioner's Office Component

1 PFT Regulations Specialist Position + related costs

Administration BRU, Information & Administrative Services Component

1 PFT Accounting Clerk III Position + related costs

FY95 Request	
Anticipated Revenues	Gen Fund Costs
0.0	
	12.0
	3.0
250.0	
	20.0
	6.0
75.0	
	5.0
	1.3
20.2	
	0.0
325.0	
	46.1
	34.6
670.2	128.0

FISCAL NOTE

No. 2

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Bill Version: SB 365

(S) Publish Date: 3-24-94

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

Department Affected: Statewide 361

Title: An Act relating to the improvement of state finances...

BRU: Statewide

Sponsor: Rules

Component: Statewide

Requestor: Governor

COMPONENT SERIAL NO. \_\_\_\_\_

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	(147.7)	(147.7)	(147.7)	(147.7)	(147.7)	(147.7)
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	(147.7)	(147.7)	(147.7)	(147.7)	(147.7)	(147.7)

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
--------------------	-----	-----	-----	-----	-----	-----

FUNDING SOURCE:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ 0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) See attached.

Prepared by: Don Wanie  
Division: Finance

Phone: 465-2240  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usera  
Agency: Department of Administration

Date: 3/14/94

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

**ANALYSIS:**

Section 31 of this bill has no fiscal impact on the Division of Finance.

Section 35 - Under the current statute (AS 39.20.250), terminating employees receive pay for their accumulated leave as though they had remained in pay status until the leave is exhausted. This means holidays that occur in the payoff period become state paid holidays.

With the proposed change, terminating employees will be paid only for the hours of annual/personal leave on the books at the time of termination. No state paid holidays would be included.

Approximately 20% of state employees are affected by the proposed change. They represent approximately 600 terminations per year with an average leave payoff of six weeks pay. An average leave payoff would include 1.5 state paid holidays per person. This translates to 900 state paid holidays for this group annually. The statewide value of these holidays for this group of employees is \$147.7 annually.

# FISCAL NOTE BILL

**STATE OF ALASKA  
1994 LEGISLATIVE SESSION**

Bill Version: SB 365  
(S) Publish Date: 3-24-94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Improvement of State Finances BRU: Fire Prevention  
 Component: Fire Prevention Operations  
 Sponsor: BLS hv Request  
 Requestor: Governor COMPONENT SERIAL NO. 494

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>	<b>*</b>	<b>35.6</b>	<b>74.2</b>	<b>74.2</b>	<b>74.2</b>	<b>74.2</b>
<small>Revenue Code</small>						

**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>

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

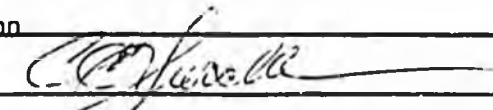
**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:**

\* This change would allow the Division of Fire Prevention to charge a fee for the permits the Division issues. The fees proposed are based on the average charged by other states with similar permit programs. The increased revenue would go into the general fund in the form of program receipts that could be used to support the Division's programs.

There will be little or no change in FY 95 because regulations will have to be changed to implement the fees.

Prepared By: Jack McGary Phone: 269-5491  
 Division: Fire Prevention Date: 03/08/94  
 Approved by Commissioner:  Date: 03/08/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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*McG*  
3/8/94

FY 1996

**Fire Extinguishers**

Class I	150 @	\$ 75	\$11,250
Class II	70 @	150	10,500
Class III	33 @	225	7,425
			<u>\$29,175</u>

**Fire Works**

Pyrotechnic Operator Permit	10 @	350	3,500
Fire Works Display Permit	30 @	100	3,000
			<u>\$ 6,500</u>

**TOTAL \$35,675**

FY 97, FY 98, FY 99, FY 00

**Fire Extinguishers**

Class I	150 @	\$ 75	\$11,250
Class II	70 @	150	10,500
Class III	33 @	225	7,425
			<u>\$29,175</u>

**Fire Works**

Pyrotechnic Operator Permit	10 @	350	3,500
Fire Works Display Permit	30 @	100	3,000
			<u>\$ 6,500</u>

**Fire Systems**

Class IA	20 @	\$100	\$ 2,000
Class IB	50 @	150	7,500
Class IC	25 @	200	5,000
Class IIA	40 @	200	8,000
Class IIB	15 @	400	6,000
Class IIIA	20 @	200	4,000
Class IIIB	15 @	400	6,000
			<u>\$38,500</u>

**TOTAL \$74,175**

1 a person, or damage to the property of a person exceeding \$1,500 [\$500].

2 \* Sec. 24. AS 28.22.041(a) is amended to read:

3 (a) If [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, IF] a person  
4 fails to provide proof required under AS 28.22.021 and 28.22.031, the department shall  
5 suspend the driver's license of that person for the following periods:

6 (1) not less than 90 days if, within the preceding 10 years, the person  
7 has not had a driver's license suspended for violation of AS 28.22.011 or former  
8 AS 28.22.200;

9 (2) not less than one year if, within the preceding 10 years, the person  
10 has had a driver's license suspended one or more times for violation of AS 28.22.011  
11 or former AS 28.22.200.

12 \* Sec. 25. AS 28.35.080(a) is amended to read:

13 (a) The driver of a vehicle involved in an accident resulting in bodily injury  
14 to or death of a person or total property damage to an apparent extent of \$1,500 [\$500]  
15 or more shall immediately by the quickest means of communication give notice of the  
16 accident to the local police department if the accident occurs within a municipality,  
17 otherwise to the Department of Public Safety.

18 \* Sec. 26. AS 28.35.080(b) is amended to read:

19 (b) The driver of a vehicle involved in an accident resulting in bodily injury  
20 to or death of a person or total property damage to an apparent extent of \$1,500 [\$500]  
21 or more shall, within 10 days after the accident, forward a written report of the  
22 accident to the Department of Public Safety and to the local police department if the  
23 accident occurs within a municipality. A report is not required under this subsection  
24 if the accident is investigated by a peace officer.

25 \* Sec. 27. AS 33.30.011 is amended to read:

26 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

27 (1) establish, maintain, operate, and control correctional facilities  
28 suitable for the custody, care, and discipline of persons charged or convicted of  
29 offenses against the state or held under authority of state law;

30 (2) classify prisoners;

31 (3) for persons committed to the custody of the commissioner, establish

#1

adopted 4-0

passed unanimously consent 4/6/94

1 programs, including furlough programs that are reasonably calculated to

2 (A) protect the public;

3 (B) maintain health;

4 (C) create or improve occupational skills;

5 (D) enhance educational qualifications;

6 (E) support court-ordered restitution; and

7 (F) otherwise provide for the rehabilitation and reformation of

8 prisoners, facilitating their reintegration into society;

delete (c)

9 (4) provide necessary medical services for prisoners in  
 10 correctional facilities or to fulfill duties under AS 33.30.071 WHO  
 11 COMMITTED BY A COURT TO THE CUSTODY OF THE COMMISSIONER  
 12 including examinations for communicable and infectious diseases, if a physician  
 13 other health care provider, exercising ordinary skill and care at the time  
 14 observation, concludes that

- 15 (A) a prisoner exhibits symptoms of a serious disease  
 16 injury that is curable or may be substantially alleviated; and
- 17 (B) the potential for harm to the prisoner by reason of delay  
 18 or denial of care is substantial;

19 (5) provide necessary psychological or psychiatric treatment if a  
 20 physician or other health care provider, exercising ordinary skill and care at the time  
 21 of observation, concludes that

- 22 (A) a prisoner exhibits symptoms of a serious disease or injury  
 23 that is curable or may be substantially alleviated; and
- 24 (B) the potential for harm to the prisoner by reason of delay or  
 25 denial of care is substantial; and

26 (6) establish minimum standards for sex offender treatment programs  
 27 offered to persons who are committed to the custody of the commissioner.

28 \* Sec. 28. AS 33.30.011 is amended by adding a new subsection to read:

delete (c)

29 (b) ~~The commissioner is authorized to seek payment for a medical,~~  
 30 psychological, ~~or~~ psychiatric, <sup>or other</sup> services provided under (a) of this section from any  
 31 source, including the prisoner, the prisoner's health insurance carrier, or any other

1 third-party insurer or payor to cover the services provided by the commissioner on  
2 behalf of the prisoner. The duty established under (a) of this section does not relieve  
3 the prisoner or any other person from a duty established by law, contract, or other  
4 agreement to pay for or provide the services. The department shall adopt regulations  
5 to interpret and implement this subsection.

6 \* Sec. 29. AS 36.30 is amended by adding a new section to read:

7 Sec. 36.30.085. LEASE EXTENSIONS AUTHORIZED. (a) Notwithstanding  
8 AS 36.30.080, the department may extend for up to a maximum extension of 10 years  
9 a real property lease that is entered into under AS 36.30 or was entered into under  
10 former AS 37.05.220 - 37.05.280 and that is in existence as of June 30, 1994 if a  
11 minimum cost savings of

12 (1) 10 percent can be achieved on the rent due under the lease; or

13 (2) five percent can be achieved on the rent due under the lease and the  
14 lessor agrees to make modifications to the leased real property to bring the real  
15 property into compliance with the requirements of 42 U.S.C. 12101 - 12213  
16 (Americans with Disabilities Act of 1990).

17 (b) The cost savings under (a) of this section must be calculated on the  
18 remaining term of the lease and any renewals, including extensions allowed under (a)  
19 of this section.

20 (c) In accordance with AS 36.30.005, the Board of Regents may extend leases  
21 for the University of Alaska to the same extent as the department under this section.

22 (d) In accordance with AS 36.30.030, the court system may extend leases for  
23 the court system to the same extent as the department under this section.

24 \* Sec. 30. AS 36.30.320(a) is amended to read:

25 (a) A procurement for (1) supplies, services, or construction that does not  
26 exceed an aggregate dollar amount of \$25,000, or (2) lease of space that does not  
27 exceed 2,500 square feet with a monthly lease amount that does not exceed \$5,000,  
28 may be made in accordance with regulations adopted by the commissioner for small  
29 procurements.

30 \* Sec. 31. AS 37.05.180 is repealed and reenacted to read:

31 Sec. 37.05.180. TIME LIMITATION ON PAYMENT OF WARRANTS. A

Taylor want to Delete sections:

38, 41, 42, 43  
and replace it with

Repeal

44.46.040(2) Taylor want to delete 8-GS2049.A

#6 by Taylor FAILED 2-3

Adopted amendment #10 by Ellis

take out \$1500.00 + leave at \$1500.00

SENATE BILL NO. 365

IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/24/94  
Referred: STA, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the improvement of state finances and fiscal accountability  
2 by increasing fees, by collecting additional revenue, by reducing certain program  
3 expenditures by changing services or eligibility requirements for programs, by  
4 changing certain statutory limitation periods, by providing for use of certain  
5 electronic records, by making changes to state agency functions or procedures  
6 including certain reporting and planning procedures, and by authorizing extensions  
7 for state leases for real property if certain savings can be achieved; and  
8 providing for an effective date."

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

10 \* Section 1. PURPOSE OF SEC. 3 OF THIS ACT. The purpose of sec. 3 of this Act is  
11 to validate and affirm the longstanding practice in this state that the doctrine of non-mutual  
12 collateral estoppel does not apply against the state concerning issues of criminal or civil law

1 in the trial courts of this state. It is also the intent of the legislature to expressly override the  
2 decision in State of Alaska v. United Cook Inlet Drift Association, S-4966/4967 (February 18,  
3 1994), thereby affirming the validity of this past practice. The intent of sec. 3 of this Act is  
4 to avoid additional court costs and the need for additional attorneys in the Department of Law  
5 to pursue appeals because of this decision, even though a particular case may not intrinsically  
6 warrant appeal or clearly present the legal issue for the court's consideration. The intent also  
7 is to reduce unanticipated state liability resulting from adverse trial court decisions, not  
8 appealed, that bind the state due to the doctrine of non-mutual collateral estoppel.

9 \* Sec. 2. AS 04.06.100(b) is amended to read:

10 (b) The subjects covered by regulations adopted under (a) of this section may  
11 include[, BUT ARE NOT LIMITED TO,] the following matters:

12 (1) employment, conduct, and duties of the director and of regular and  
13 contractual employees of the board;

14 (2) procedures for the issuance, denial, renewal, transfer, revocation,  
15 and suspension of licenses and permits;

16 (3) terms and conditions of licenses and permits issued;

17 (4) fees for licenses and permits issued for which no fees are prescribed  
18 by statute;

19 (5) conduct of regular and special meetings of the board;

20 (6) delegation to the director of routine administrative functions and  
21 powers;

22 (7) the temporary granting or denial of issuance, transfer, and renewal  
23 of licenses;

24 (8) manner of giving any notice required by law or regulation when not  
25 provided for by statute;

26 (9) requirements relating to the qualifications of licensees, the  
27 conditions upon which a license may be issued, the accommodations of licensed  
28 premises, and board inspection of those premises;

29 (10) making of reports by wholesalers;

30 (11) purchase of fidelity bonds by the state for the director and the  
31 employees of the board;

1 (12) prohibition of possession of alcoholic beverages by drunken  
2 persons and by minors:

3 (13) required reports from corporations licensed under this title,  
4 including reports of stock ownership and transfers and changes of officers and  
5 directors;

6 (14) creation of classifications of licenses or permits not provided for  
7 in this title;

8 (15) establishment and collection of fees to be paid on application for  
9 a license, a [OR] permit, or an approval of an alcohol server education course;

10 (16) required reports from partnerships and limited partnerships licensed  
11 under this title, including reports of transferred interests of 10 percent or more.

12 \* Sec. 3. AS 09.50 is amended by adding a new section to read:

13 Sec. 09.50.305. ABOLISHMENT OF NON-MUTUAL COLLATERAL  
14 ESTOPPEL AGAINST THE STATE. The doctrine of non-mutual collateral estoppel  
15 is abolished in the courts of this state as applied against the state relating to trial court  
16 decisions.

17 \* Sec. 4. AS 18.70.080(b) is amended to read:

18 (b) The commissioner of public safety may establish by regulation and the  
19 department may charge reasonable fees for

20 (1) fire and life safety plan checks made to determine compliance with  
21 regulations adopted under (a)(2) of this section; and

22 (2) permits issued under regulations adopted under AS 18.70.

23 \* Sec. 5. AS 18.72.010(b) is amended to read:

24 (b) A person desiring to use dangerous fireworks for industrial, agricultural,  
25 wildlife control, or public display purposes shall first comply with the permit  
26 requirements of the fire safety code. The department may charge fees established  
27 in regulations for a permit issued under this subsection.

28 \* Sec. 6. AS 18.72.020(a) is amended to read:

29 (a) A person holding a permit required by the fire safety code may sell or offer  
30 for sale salable fireworks, if

31 (1) the person has submitted to the state fire marshal a policy, or a

1 certified true copy of a policy, of public liability and products liability insurance,  
2 including both accident and occurrence coverage, provided by the wholesale company  
3 selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or  
4 death and at least \$50,000 property damage and the person is named as an insured  
5 party upon the policy and the policy is continuously in force while the person is  
6 engaged in the retail sale of fireworks; and

7 (2) an endorsement fee in an amount established in regulations  
8 adopted by the department [OF \$10] is paid to the state fire marshal for an  
9 endorsement that is valid for two years or portions of two years during which the  
10 permit holder is engaged in the retail sale of fireworks.

11 \* Sec. 7. AS 18.72.030(a) is amended to read:

12 (a) A person who desires to sell fireworks at wholesale in the state shall first  
13 make verified application for a license to the state fire marshal on forms provided by  
14 the state fire marshal. The application shall be accompanied by an annual license fee  
15 established in regulations adopted by the department [OF \$50].

16 \* Sec. 8. AS 19.10.140 is amended to read:

17 Sec. 19.10.140. LONG-RANGE PROGRAM FOR HIGHWAY  
18 CONSTRUCTION [AND MAINTENANCE]. The [GOVERNOR SHALL REQUIRE  
19 THE] department shall [TO] establish a continuing, long-range program for highway  
20 construction [AND MAINTENANCE]. The program must annually project proposed  
21 construction [AND MAINTENANCE] of highways in a priority format for not less  
22 than the next succeeding five years. A statement of the program shall be submitted  
23 by the governor to the legislature annually[, AND THE LONG-RANGE PROGRAM  
24 SHALL INCLUDE IN DETAIL THE PROGRAM PREPARED UNDER  
25 AS 19.10.150].

26 \* Sec. 9. AS 19.10.150 is amended to read:

27 Sec. 19.10.150. CONSTRUCTION PROGRAM. Before February 2 of each  
28 year, the department shall prepare a statement showing what construction work has  
29 been requested and proposed and may be undertaken by the department during the  
30 following construction season. The statement must set forth a general itemization of  
31 the estimated cost for each project and the total estimates of all projects. [THE

1 DEPARTMENT SHALL ADOPT A CONSTRUCTION PROGRAM WHICH MUST  
2 INCLUDE THE PROJECTS TO BE UNDERTAKEN BY IT DURING THE  
3 FOLLOWING CONSTRUCTION SEASON AND MUST ESTABLISH PROJECT  
4 PRIORITIES.] The department may increase, decrease, amend, or revise the  
5 construction program from time to time as circumstances warrant.

6 \* **Sec. 10.** AS 19.10.160 is amended to read:

7 Sec. 19.10.160. STANDARD PLANS AND SPECIFICATIONS. The  
8 department may [SHALL] prepare and adopt uniform standard plans and specifications  
9 for the establishment and[.] construction[, AND MAINTENANCE] of highways in the  
10 state. The department may amend the plans and specifications as it considers  
11 advisable. [THE STANDARDS MUST CONFORM AS CLOSELY AS  
12 PRACTICABLE TO THOSE ADOPTED BY THE AMERICAN ASSOCIATION OF  
13 STATE HIGHWAY AND TRANSPORTATION OFFICIALS.]

14 \* **Sec. 11.** AS 28.05.061(c) is amended to read:

15 (c) The commissioner and officers and employees of the department designated  
16 by the commissioner shall, upon request, prepare under the seal of the department and  
17 deliver, unless otherwise prohibited by law, a certified copy of any record of the  
18 department maintained under this title or regulations adopted under this title, charging  
19 a fee for each certified copy. A certified copy, or an electronic record certified by  
20 the department, is admissible in a proceeding in a court in the same manner as the  
21 original document.

22 \* **Sec. 12.** AS 28.05.121 is amended to read:

23 Sec. 28.05.121. GIVING OF NOTICE. When the department is authorized or  
24 required to give notice under this title or regulations adopted under this title, unless a  
25 different method of giving notice is otherwise expressly provided, notice shall be given  
26 by a qualified person, either by personal delivery to the person to be notified or by  
27 first class [REGISTERED OR CERTIFIED] mail, [RETURN RECEIPT  
28 REQUESTED.] addressed to the person at the address of the person as shown in the  
29 electronic records of the department. The giving of notice by mail is considered  
30 complete upon placing the notice in a United States Post Office receptacle, with  
31 appropriate postage [THE RETURN OF THE RECEIPT OR UPON RETURN OF

FB  
adopted  
unanimous  
consent  
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Drawings

Drawings  
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1 THE NOTICE AS UNDELIVERABLE, REFUSED, OR UNCLAIMED]. Proof of the  
2 giving of notice in either manner may be made by the affidavit of the person giving  
3 the notice by personal delivery or by mail, naming the person to whom the notice was  
4 given and specifying the time, place, and manner of giving the notice.

5 \* Sec. 13. AS 28.05.141(b) is amended to read:

6 (b) A hearing ordered under (a) of this section shall be held telephonically at  
7 a time and date set by [AT THE OFFICE OF] the department, except that if the  
8 department determines that an in-person hearing is necessary to determine factual  
9 issues, the department may order that the hearing be conducted in person at a  
10 place, time, and date set by the department [NEAREST TO THE RESIDENCE OF  
11 THE PERSON REQUESTING THE HEARING UNLESS THE DEPARTMENT AND  
12 THE PERSON AGREE THAT THE HEARING IS TO BE HELD ELSEWHERE].  
13 The department may [SHALL] grant a hearing delay only if the person shows, to the  
14 satisfaction of the department, [PRESENTS] good cause for the delay that is beyond  
15 the control of the person. If a person fails to appear for the hearing at the time and  
16 place stated by the department and if a hearing delay has not been granted, the  
17 person's failure to appear is considered a waiver of the hearing and the department  
18 may take appropriate action with respect to the person.

19 \* Sec. 14. AS 28.10.031(b) is amended to read:

20 (b) A licensed vehicle dealer may issue to the purchaser of a vehicle sold by  
21 the dealer a temporary permit to drive the vehicle. A permit is effective for a period  
22 not to exceed 60 [30] days. The commissioner shall adopt regulations governing the  
23 issuance of permits under this section.

24 \* Sec. 15. AS 28.10.108(c) is amended to read:

25 (c) A vehicle subject to registration [AND NOT DESCRIBED IN (b) OF THIS  
26 SECTION] shall have its initial registration, and may have its annual registration,  
27 renewed in the month of initial registration in the state, subject to the provisions of (f)  
28 of this section.

29 \* Sec. 16. AS 28.15.166(e) is amended to read:

30 (e) The [NOTWITHSTANDING AS 28.05.141(b), THE] hearing under this  
31 section shall be held telephonically at a time and date set by [AT THE OFFICE OF]

1 the department, except that if the department determines that an in-person hearing  
2 is necessary to determine factual issues, the department may order that the  
3 hearing be conducted in person at a place, time, and date set by the department  
4 [NEAREST TO THE RESIDENCE OF THE PERSON REQUESTING THE  
5 HEARING UNLESS

6 (1) A DISTRICT COURT JUDGE OR A MAGISTRATE HAS BEEN  
7 DESIGNATED AS A HEARING OFFICER IN THE MATTER BY THE  
8 COMMISSIONER: OR

9 (2) THE DEPARTMENT AND THE PERSON AGREE THAT THE  
10 HEARING IS TO BE HELD ELSEWHERE].

11 \* Sec. 17. AS 28.15.166(f) is amended to read:

12 (f) A review under this section shall be held before a hearing officer  
13 designated by the commissioner. [UPON THE CONSENT OF THE  
14 ADMINISTRATIVE DIRECTOR OF THE STATE COURT SYSTEM, THE  
15 COMMISSIONER MAY DESIGNATE A DISTRICT COURT JUDGE OR A  
16 MAGISTRATE TO SERVE AS THE HEARING OFFICER.] The hearing officer shall  
17 have authority to

18 (1) administer oaths and affirmations;

19 (2) examine witnesses and take testimony;

20 (3) receive relevant evidence;

21 (4) issue subpoenas, take depositions, or cause depositions or  
22 interrogatories to be taken;

23 (5) regulate the course and conduct of the hearing;

24 (6) make a final ruling on the issue.

25 \* Sec. 18. AS 28.20.050(a) is amended to read:

26 (a) The provisions of this chapter requiring deposit of security and suspension  
27 for failure to deposit security apply to the driver and owner of a vehicle subject to  
28 registration under the laws of this state that is involved in any manner in an accident  
29 in this state resulting in bodily injury to or death of a person or damage to the property  
30 of any one person exceeding \$1,500 [\$500].

31 \* Sec. 19. AS 28.20.050(e) is amended to read:

1 (e) A peace officer investigating an accident that results in bodily injury to or  
2 the death of a person or damage to the property of a person exceeding \$1,500 [\$500]  
3 shall inform persons involved in the accident in writing of the requirements of this  
4 chapter as they apply to suspension of an operator's license or driving privileges.

5 \* Sec. 20. AS 28.20.100(c) is amended to read:

6 (c) If the department evaluates the injuries or damage to a minor in an amount  
7 not more than \$1,500 [\$500], the department may accept, for the purposes of this  
8 chapter only, evidence of a release from liability executed by a natural or legal  
9 guardian on behalf of the minor without court approval.

10 \* Sec. 21. AS 28.20.230(a) is amended to read:

11 (a) The provisions of this chapter requiring the deposit of proof of financial  
12 responsibility for the future apply to persons who are convicted of or forfeit bail for  
13 certain offenses under motor vehicle laws or who, by ownership or operation of a  
14 vehicle of a type subject to registration under AS 28.10, are involved in an accident  
15 in this state that results in bodily injury or death of a person or damage to the property  
16 of any one person exceeding \$1,500 [\$500].

17 \* Sec. 22. AS 28.20.260(a) is amended to read:

18 (a) Upon receipt by the department of the report of an accident resulting in  
19 bodily injury or death, or property damage to any one person exceeding \$1,500 [\$500],  
20 the department shall suspend the license of the driver of a motor vehicle involved in  
21 the accident unless the driver or owner

22 (1) has previously furnished or immediately furnishes security required  
23 by this chapter, or is excepted from furnishing security under AS 28.20.060, and

24 (2) maintains proof of financial responsibility for three years following  
25 the accident.

26 \* Sec. 23. AS 28.22.021 is amended to read:

27 Sec. 28.22.021. REQUIREMENT OF PROOF OF MOTOR VEHICLE  
28 LIABILITY INSURANCE. The owner or operator of a motor vehicle required to have  
29 motor vehicle liability insurance that complies with this chapter or a certificate of  
30 self-insurance that complies with AS 28.20.400, shall show proof of this insurance  
31 when that person is involved in an accident that results in bodily injury to or death of

1 a person, or damage to the property of a person exceeding \$1,500 [\$500].

2 \* Sec. 24. AS 28.22.041(a) is amended to read:

3 (a) IF [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, IF] a person  
4 fails to provide proof required under AS 28.22.021 and 28.22.031, the department shall  
5 suspend the driver's license of that person for the following periods:

6 (1) not less than 90 days if, within the preceding 10 years, the person  
7 has not had a driver's license suspended for violation of AS 28.22.011 or former  
8 AS 28.22.200;

9 (2) not less than one year if, within the preceding 10 years, the person  
10 has had a driver's license suspended one or more times for violation of AS 28.22.011  
11 or former AS 28.22.200.

12 \* Sec. 25. AS 28.35.080(a) is amended to read:

13 (a) The driver of a vehicle involved in an accident resulting in bodily injury  
14 to or death of a person or total property damage to an apparent extent of \$1,500 [\$500]  
15 or more shall immediately by the quickest means of communication give notice of the  
16 accident to the local police department if the accident occurs within a municipality,  
17 otherwise to the Department of Public Safety.

18 \* Sec. 26. AS 28.35.080(b) is amended to read:

19 (b) The driver of a vehicle involved in an accident resulting in bodily injury  
20 to or death of a person or total property damage to an apparent extent of \$1,500 [\$500]  
21 or more shall, within 10 days after the accident, forward a written report of the  
22 accident to the Department of Public Safety and to the local police department if the  
23 accident occurs within a municipality. A report is not required under this subsection  
24 if the accident is investigated by a peace officer.

25 \* Sec. 27. AS 33.30.011 is amended to read:

26 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

27 (1) establish, maintain, operate, and control correctional facilities  
28 suitable for the custody, care, and discipline of persons charged or convicted of  
29 offenses against the state or held under authority of state law;

30 (2) classify prisoners;

31 (3) for persons committed to the custody of the commissioner, establish

1 programs, including furlough programs that are reasonably calculated to

2 (A) protect the public;

3 (B) maintain health;

4 (C) create or improve occupational skills;

5 (D) enhance educational qualifications;

6 (E) support court-ordered restitution; and

7 (F) otherwise provide for the rehabilitation and reformation of  
8 prisoners, facilitating their reintegration into society;

9 (4) provide necessary medical services for prisoners in state  
10 correctional facilities or to fulfill duties under AS 33.30.071(c) [WHO ARE  
11 COMMITTED BY A COURT TO THE CUSTODY OF THE COMMISSIONER],  
12 including examinations for communicable and infectious diseases, if a physician or  
13 other health care provider, exercising ordinary skill and care at the time of  
14 observation, concludes that

15 (A) a prisoner exhibits symptoms of a serious disease or  
16 injury that is curable or may be substantially alleviated; and

17 (B) the potential for harm to the prisoner by reason of delay  
18 or denial of care is substantial;

19 (5) provide necessary psychological or psychiatric treatment if a  
20 physician or other health care provider, exercising ordinary skill and care at the time  
21 of observation, concludes that

22 (A) a prisoner exhibits symptoms of a serious disease or injury  
23 that is curable or may be substantially alleviated; and

24 (B) the potential for harm to the prisoner by reason of delay or  
25 denial of care is substantial; and

26 (6) establish minimum standards for sex offender treatment programs  
27 offered to persons who are committed to the custody of the commissioner.

28 \* Sec. 28. AS 33.30.011 is amended by adding a new subsection to read:

29 (b) The commissioner is authorized to seek payment for a medical,  
30 psychological, or psychiatric service provided under (a) of this section from any  
31 source, including the prisoner, the prisoner's health insurance carrier, or any other

1 third-party insurer or payor to cover the services provided by the commissioner on  
2 behalf of the prisoner. The duty established under (a) of this section does not relieve  
3 the prisoner or any other person from a duty established by law, contract, or other  
4 agreement to pay for or provide the services. The department shall adopt regulations  
5 to interpret and implement this subsection.

6 \* Sec. 29. AS 36.30 is amended by adding a new section to read:

7 Sec. 36.30.085. LEASE EXTENSIONS AUTHORIZED. (a) Notwithstanding  
8 AS 36.30.080, the department may extend for up to a maximum extension of 10 years  
9 a real property lease that is entered into under AS 36.30 or was entered into under  
10 former AS 37.05.220 - 37.05.280 and that is in existence as of June 30, 1994 if a  
11 minimum cost savings of

12 (1) 10 percent can be achieved on the rent due under the lease; or

13 (2) five percent can be achieved on the rent due under the lease and the  
14 lessor agrees to make modifications to the leased real property to bring the real  
15 property into compliance with the requirements of 42 U.S.C. 12101 - 12213  
16 (Americans with Disabilities Act of 1990).

17 (b) The cost savings under (a) of this section must be calculated on the  
18 remaining term of the lease and any renewals, including extensions allowed under (a)  
19 of this section.

20 (c) In accordance with AS 36.30.005, the Board of Regents may extend leases  
21 for the University of Alaska to the same extent as the department under this section.

22 (d) In accordance with AS 36.30.030, the court system may extend leases for  
23 the court system to the same extent as the department under this section.

24 \* Sec. 30. AS 36.30.320(a) is amended to read:

25 (a) A procurement for (1) supplies, services, or construction that does not  
26 exceed an aggregate dollar amount of \$25,000, or (2) lease of space that does not  
27 exceed 2,500 square feet with a monthly lease amount that does not exceed \$5,000,  
28 may be made in accordance with regulations adopted by the commissioner for small  
29 procurements.

30 \* Sec. 31. AS 37.05.180 is repealed and reenacted to read:

31 Sec. 37.05.180. TIME LIMITATION ON PAYMENT OF WARRANTS. A

1 warrant upon the state treasury must be presented for payment to the Department of  
2 Revenue within one year after the date of its issuance.

3 \* Sec. 32. AS 37.07.040 is amended to read:

4 Sec. 37.07.040. OFFICE OF MANAGEMENT AND BUDGET. The Alaska  
5 office of management and budget shall

6 (1) assist the governor in the preparation and explanation of the  
7 proposed comprehensive program and financial plan, including the coordination and  
8 analysis of state agency goals and objectives, plans, and budget requests;

9 (2) prepare for submission to the governor an annually updated multi-  
10 year [SIX-YEAR] capital improvements program in either a fiscal year or priority  
11 format and the proposed capital improvements budget for the coming fiscal year[,  
12 THE LATTER TO INCLUDE INDIVIDUAL PROJECT JUSTIFICATION WITH  
13 DOCUMENTATION OF ESTIMATED PROJECT COST];

14 (3) develop procedures to produce the information needed for effective  
15 policy decision making, including procedures to provide for the dissemination of  
16 information about plans, programs, and budget requests to be included in the annual  
17 budget and opportunity for public review and comment during the period of budget  
18 preparation;

19 (4) assist state agencies in their statement of goals and objectives,  
20 preparation of plans, budget requests, and reporting of program performance; all  
21 documents forwarded by the office to a state agency containing instructions for the  
22 preparation of program plans and budget requests and the reporting of program  
23 performance are public information after the date they are forwarded;

24 (5) administer its responsibilities under the program execution  
25 provisions of this chapter so that the policy decisions and budget determinations of the  
26 governor and the legislature are implemented;

27 (6) provide the legislative finance division with the budget information  
28 it may request;

29 (7) provide the legislative finance division with an advance copy of the  
30 governor's budget workbooks by the first Monday in January of each year, except that  
31 following a gubernatorial election year the advance copy shall be provided by the

1 second Monday in January;

2 (8) prepare the proposed capital improvements budget for the coming  
3 fiscal year evaluating both state and local requests from the standpoint of need, equity,  
4 and priorities of the jurisdiction; other factors such as project amounts, population,  
5 local financial match, federal funds being used for local match, municipality or  
6 unincorporated community acceptance of the facility, and all associated costs of the  
7 facility may be considered.

8 \* Sec. 33. AS 37.07.060 is amended by adding a new subsection to read:

9 (c) Notwithstanding (b) of this section, the reporting requirements of (b)(3)(A)  
10 of this section, with respect to the Department of Transportation and Public Facilities,  
11 apply only to the governor's capital improvements construction program for the  
12 succeeding construction season, budget recommendations for the succeeding fiscal  
13 year, and capital improvements construction program for the succeeding six fiscal  
14 years. Notwithstanding (b)(3)(A) of this section, with respect to the Department of  
15 Transportation and Public Facilities the required report must contain a general  
16 description of each project and the source of financing for the project. The  
17 requirements of (b)(3)(B) - (H) of this section, with respect to the Department of  
18 Transportation and Public Facilities, apply to that department.

19 \* Sec. 34. AS 37.25.010(b) is amended to read:

20 (b) An indebtedness arising from a prior year for which the appropriation has  
21 lapsed shall be paid from the current year's appropriations, if (1) this expenditure does  
22 not exceed the balance lapsed; and (2) the original obligation date is not more than  
23 four [TWO] years from the requested date of disbursement.

24 \* Sec. 35. AS 39.20.250(a) is amended to read:

25 (a) Terminal leave for unused personal leave shall be allowed upon separation  
26 from service. The payment equals the personal leave balance at the date of  
27 separation multiplied by the officer's or employee's rate of pay at the date of  
28 separation expressed on an hourly basis [COMPENSATION THAT THE OFFICER  
29 OR EMPLOYEE WOULD HAVE RECEIVED IF THE OFFICER OR EMPLOYEE  
30 HAD REMAINED IN THE SERVICE UNTIL THE EXPIRATION OF THE PERIOD  
31 OF UNUSED PERSONAL LEAVE]. A payment of terminal leave to an employee

1 shall be made as a lump sum payment [OR IN INSTALLMENTS OVER A PERIOD  
2 OF TIME, AS THE EMPLOYEE ELECTS].

3 \* Sec. 36. AS 44.42.050(a) is amended to read:

4 (a) The commissioner may [SHALL] develop [ANNUALLY] a  
5 comprehensive, intermodal, long-range transportation priority list and plan for the  
6 state consistent with applicable federal laws. [IN DEVELOPING AND REVISING  
7 THE STATE PLAN, THE COMMISSIONER SHALL CONSIDER MEANS AND  
8 COSTS OF IMPROVING EXISTING MODES AND FACILITIES, STATE AND  
9 FEDERAL SUBSIDIES, AND THE COSTS AND BENEFITS OF NEW  
10 TRANSPORTATION MODES AND FACILITIES. THE COMMISSIONER SHALL  
11 ALSO CONSIDER THE RECOMMENDATION OF THE ALASKA  
12 TRANSPORTATION PLANNING COUNCIL.] The plan shall be submitted to the  
13 governor for review and approval and submitted by the governor to the legislature.

14 \* Sec. 37. AS 44.42.050(b) is amended to read:

15 (b) In developing and revising the plan, the commissioner shall seek public  
16 review and evaluation consistent with applicable federal statutes and regulations  
17 [BY ANY REASONABLE MEANS AND MAY

18 (1) CONSULT AND COOPERATE WITH OFFICIALS AND  
19 REPRESENTATIVES OF THE FEDERAL GOVERNMENT, OTHER  
20 GOVERNMENTS, INTERSTATE COMMISSIONS AND AUTHORITIES, LOCAL  
21 AGENCIES AND AUTHORITIES, INTERESTED CORPORATIONS AND OTHER  
22 ORGANIZATIONS CONCERNING PROBLEMS AFFECTING TRANSPORTATION  
23 IN THE STATE; AND

24 (2) REQUEST FROM AN AGENCY OR OTHER UNIT OF THE  
25 STATE GOVERNMENT OR OF A POLITICAL SUBDIVISION OF IT, OR FROM  
26 A PUBLIC AUTHORITY, THE ASSISTANCE AND DATA THAT MAY BE  
27 NECESSARY TO ENABLE THE COMMISSIONER TO CARRY OUT  
28 RESPONSIBILITIES UNDER THIS SECTION; EVERY SUCH ENTITY SHALL  
29 PROVIDE THE ASSISTANCE AND DATA REQUESTED].

30 \* Sec. 38. AS 44.46.025(a) is amended to read:

31 (a) The Department of Environmental Conservation may adopt regulations that

by Taylor:

#9 "50% of" FAILED 22

#8 amendment passed unanimous consent

#7 by Lemar FAILED (2-3) on 4/6/92

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To " delete prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the applicable direct and indirect costs, not including travel, of inspections, permit preparation and administration, plan review and approval, and other services provided by the department relating to

- (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;
- (2) certificates of inspection for motor vehicles under AS 46.14.400 or 46.14.510;
- (3) sewerage system and treatment works and wastewater disposal systems, and drinking water systems, under AS 46.03.720;
- (4) oil discharge financial responsibility under AS 46.04.040;
- (5) oil discharge contingency plans under AS 46.04.030;
- (6) water and wastewater operator training under AS 46.30;
- (7) control of solid waste facilities under AS 46.03.020(10) and 46.03.100;
- (8) certification of laboratories conducting environmental analyses of public drinking water systems or of oil or hazardous substances, or conducting other analyses required by the department;
- (9) certification of federal permits or authorizations under 33 U.S.C. 1341, sec. 401 (Clean Water Act);
- (10) regulating pesticides and broadcast chemicals under AS 46.03.320;
- (11) the on-site water and sewer system certification and audit program under AS 46.03.026;
- (12) plans for sewage and industrial waste disposal or treatment under AS 46.03.090;
- (13) analysis of public water system samples authorized for submission to the department for analysis;
- (14) regulating motor vehicle fuels to control emissions under AS 46.14.510.

\* Sec. 39. AS 44.47.050(a) is amended by adding a new paragraph to read:

1 (21) adopt regulations relating to head start programs to maximize the  
2 state's ability to administer and enforce program requirements, for fiscal accountability.

3 \* **Sec. 40.** AS 44.47.280 is amended to read:

4 Sec. 44.47.280. **ELIGIBILITY OF FAMILIES FOR BENEFITS.** The  
5 department shall determine the eligibility of families for day care benefits on the basis  
6 of the following factors:

7 (1) [NET] income of the family including salary, alimony, child  
8 support, retirement benefits, social security, and any other source of income;

9 (2) number of children in the family;

10 (3) whether there is one parent or guardian solely responsible for the  
11 care of the family;

12 (4) Repealed

13 (5) other factors found relevant by the department.

14 \* **Sec. 41.** AS 46.03 is amended by adding a new section to read:

15 Sec. 46.03.026. **ON-SITE WATER AND SEWER SYSTEM CERTIFICATION**  
16 **AND AUDIT PROGRAM.** (a) Notwithstanding any provision of AS 46.03 to the  
17 contrary, for bank loans for homes in this state, the department may establish, by  
18 regulation, a program to delegate the review and certification of on-site drinking water  
19 and sewer systems. Under standards adopted by the department by regulation, the  
20 department may delegate the review and certification to engineers who are registered  
21 under AS 08.48.

22 (b) If the department establishes a program under (a) of this section, the  
23 department shall establish an audit system for the department to monitor and review  
24 a statistically significant number of systems certified under that program. An audit  
25 must determine compliance with departmental standards for design, installation, and  
26 operation in effect at the time of the certification.

27 (c) If the department establishes a program under (a) of this section, the  
28 department shall, by regulation, establish fees for services sufficient to make the  
29 program self-supporting. The commissioner of administration shall separately account  
30 for fees collected under this section that the department deposits in the general fund.  
31 The annual estimated balance in the account may be used by the legislature to make

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appropriations to carry out the purposes of this section.

\* Sec. 42. AS 46.03.720 is amended by adding a new subsection to read:

(d) Notwithstanding (a) of this section, department review and approval of plans is not required for the functions specified in (a) of this section if

(1) the sewerage system or treatment works, or a part of either, is located in a community or major military facility that has the power or legal authority to review and approve sewerage system or treatment works plans;

(2) the community or major military facility has established ordinances or other law to regulate domestic ~~wastewater collections and~~ sewerage which the department has determined are substantially equivalent to department standards in effect at the time of the determination;

(3) the community or major military facility has employed an engineer registered under AS 08.48 who will review and approve domestic ~~wastewater~~ collection and sewerage plans under those ordinances or other law;

(4) the community or major military facility commits adequate funding or other resources to administer plan review and approvals under this subsection; and

(5) the department and the community or major military facility have entered into an agreement under this subsection for delegation of the review and approval of plans under the standards described in this subsection.

\* Sec. 43. AS 28.10.108(b); AS 28.22.041(h); AS 39.20.250(b); and AS 44.42.050(d) are repealed.

\* Sec. 44. TRANSITION. Notwithstanding sec. 47 of this Act, an agency of the state that has regulation adoption authority or that is authorized by this Act to adopt regulations, may proceed to adopt regulations necessary to implement that agency's respective provisions in this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 1994.

\* Sec. 45. Sections 1 and 3 of this Act are retroactive to February 18, 1994.

\* Sec. 46. Sections 1, 3, 44, and 45 of this Act take effect immediately under AS 01.10.070(c).

\* Sec. 47. Sections 2 and 4 - 43 of this Act take effect July 1, 1994.

passed  
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delete  
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(13)  
Page 15, l. 28, following analysis, add

" if no commercial laboratory in the state  
is certified for the analysis and holding times  
are too short to send the sample to an  
out-of-state laboratory. "

Delete = "and indirect" line 2, pg. 15

