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Federation's Role in our Enterprise Economy

January 7, 1981

The Honorable Patrick J. Carney
Pouch V
Juneau, Alaska 99811

Dear Representative Carney:

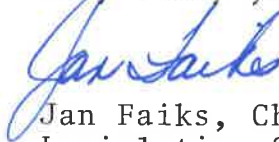
Enclosed is your copy of the GFWC Anchorage FREE Committee Legislative Study Report. We hope that you will find our research and recommendations helpful when you are considering rules and procedures for the upcoming legislative session.

Part II of the study, containing additional research on these topics from many more states, and perhaps some new recommendations, will be ready in early spring.

To those legislators who took part in our discussions, and to those who responded by mail, we wish to express our sincere appreciation for your participation. Your input was invaluable, and gave the study committee the background needed to prepare the report.

The FREE Committee would be pleased to hear your comments and answer your questions. You may write, or call Jan Faiks, 344-0454 or Jan Bomhoff, 243-1099. Both of us plan to be in Juneau at times during the session, and would be happy to meet with you there as well.

Very truly yours,



Jan Faiks, Chairman
Legislative Study Committee

Enclosure

8100670

FILE COPY

LEGISLATIVE STUDY COMMITTEE REPORT

PART I

Sponsored by

General Federation of Women's Clubs

Anchorage FREE Committee

Prepared by

Jan Bomhoff and Jan Faiks

January, 1981

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Senator Bettye Fahrenkamp

Senator Frank Ferguson

Senator Tim Kelly

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INTRODUCTION

The Anchorage FREE Committee is the product of a nation-wide program designated by the General Federation of Women's Clubs. FREE is an acronym for "Federation's Role in our Enterprise Economy", and is dedicated to the preservation of America's enterprise economy. Through active participation in the GFWC FREE Enterprise Program, we can:

- make our nation's lawmakers aware of the impact which 600,000 Clubwomen can have by promoting the American Free Enterprise system.
- broaden public understanding of the American economic system.
- provide a mechanism by which GFWC members can become actively involved in the legislative process at federal, state and local levels.

The free enterprise system is the economic counterpart of a politically free society. It provides economic liberty, which means that the tools of production are privately owned; producers are free to produce and offer in a competitive market what they believe consumers want; consumers are free to buy what they choose.

While monitoring the activities of the Alaska State Legislature, it has become apparent to the members of the Anchorage FREE Committee that legislative rules (or lack of)

and procedures could be used to circumvent the wishes of the majority. Often, it seemed, important decisions and appropriations were made by a very few legislators. A dozen legislators in key positions distributed more than \$1½ million worth of non-competitive contracts and 20 lawmakers split \$3.2 million in interim committee funds, (ref. ALL ALASKA WEEKLY, 6/27/80, 7/4/80; THE ANCHORAGE TIMES, 10/7/80). Since the political and economic structures of our American society are closely interrelated, each system must be preserved in order that the other might survive.

In an effort to educate ourselves as well as the citizens of Alaska, FREE formed a Legislative Study Committee in September of 1980. The purpose of the committee was to try to discover how policies and procedures of our state legislature might be modified or changed in order to make the legislative process run smoother, allow for additional public input, and make it less vulnerable to abuse.

We have interviewed or received written comments and suggestions from twenty-four legislators regarding our topics. Our sessions with the legislators, involving over 100 hours of discussion, were extremely productive and we are grateful for their willingness to meet with us and share their time and ideas.

At the request of several lawmakers during our discussions, FREE and Common Sense for Alaska have written all states requesting their uniform rules. We are currently

analyzing and comparing the other states' uniform rules to determine how they have avoided, through rules and procedures, problem areas which have surfaced in the Alaska Legislature. A complete report comparing these uniform rules will be made available at a later date.

On the basis of our research and discussions to date, however, FREE feels that there are some legislative rules that warrant immediate attention and change. We have included as much data from the rules of other states as is currently available. The following report deals with these recommendations.

SUMMARY OF RECOMMENDATIONS

The following points summarize the conclusions of this study:

- I. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee. Free conference powers would be granted for those specific areas of disagreement only. Non-germane amendments and sections would be prohibited. All conference or free conference bills should be printed and placed on legislators desks twenty-four hours prior to voting. All budget related conference committee meetings should be open to the public. (pp. 6-9)
- II. A simple "bill content" rule is needed to define "germane" and prevent bill "piggybacking" from occurring. The rule should read, "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title." (pp. 10, 11)
- III. The public should be informed of the standing committee meetings and their agendas at least five days prior to the meeting. (pp. 12, 13)
changing req. 2/3 of full house vote!
- IV. The House and Senate Finance Committees should meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation. (pp. 14, 15) *finance committees agree as they go along not in sec.*
- V. The procedures of the standing committees are vital to the quality of legislation. Precise procedures involving a majority of the committee working in the open would serve to maintain and improve the integrity of the committee system. Fiscal impact statements and legislative intent should be included with all bills. The committee report should include one of three recommendations from each member - "do pass", "do pass as amended", or "do not pass". (pp. 16-18)
NO - NO REC.
- VI. No interim committees should be provided except those authorized by the state constitution, or either or both houses jointly may by resolution or statute, provide for the appointment of interim committees. (pp. 19, 20)
no year round staff

- VII. The legislative session should be limited to 120 days. Any extension beyond 120 days should require a 2/3 vote of both houses and include a "limited call" provision. The extension itself should be for a specific number of days. (pp. 21, 22)
- VIII. In order to encourage the concept of a citizen legislature, there should be a limitation on the number of consecutive terms a Representative and Senator may serve. The recommendations are two 4-year terms for a Senator and four 2-year terms for a Representative. An individual could prolong his years of service by alternating legislative houses every eight years. (pp. 23, 24)
- IX. A Code of Ethics should be added to the uniform rules. General aspects should include a definition of ethical conduct, conflict of interest provisions, responsibilities of legislative staff in relation to campaigning and privileged information, and a section dealing with compensation for services rendered. A disciplinary mechanism should be established to deal with alleged violations. (pp. 25-27)
- X. A simple, precise procedure is needed in the awarding of legislative professional service contracts. Requesting committees and legislators should follow specific procedures in requesting professional services. The Legislative Affairs Agency or other existing agency should have the authority to advertise, select and monitor all contracts. (pp. 28-30)

justify each contract in writing - open for bid.

I.

FREE CONFERENCE COMMITTEE

According to the majority of the responding legislators, the use of the FREE Conference Committee is the most abused and dangerous of our Alaska legislative procedures.

In the normal course of events, when a bill is passed by both the House and the Senate, but with differences, a conference committee is appointed. Members of both houses sit on this committee, and their responsibility is to reach a compromise based solely on the material appearing before them in the two bills. The conference committee must choose between two existing concepts, and cannot add new ideas or phraseology, (ref. New Hampshire Joint Rule 20(h), California Joint Rule 29.56).

If the members of the conference committee cannot agree on amendments, or one or both houses refuses to adopt its report, then a Free Conference Committee is appointed. Historically and traditionally, the granting of the powers of free conference is the absolute final step in resolving a deadlock. New language and information germane to the issue can be introduced in an attempt to reach a compromise. The granting of the powers of free conference appears to be a perfectly logical outgrowth of a conference committee which is unable to reach a compromise, (ref. Alaska Uniform Rule 41).

Unfortunately, the free conference committee has been widely abused in the Alaska legislature. Legislators are currently, even before the start of the new session, campaigning for spots on various free conference committees. The legislators are assuming that, first, the House and Senate will surely disagree on a bill, and secondly, that a conference committee will not be able to choose between the bills to arrive at a compromise. In Louisiana, specific guidelines set forth the selection of conference committee members, (ref. Louisiana House Rule 6.15). California prohibits powers of free conference on the budget bill, (ref. California Joint Rule 29.5(c)).

As a practical matter in Alaska, conference committees are "granted the powers of free conference" without going through the conference committee process. Therefore, a non-restricted free conference committee has enormous power to create, add, delete and alter bills without benefit of standing committee approval or public hearings.

Part of the problem with free conference committees is their lack of adherence to the word "germane". Webster defines germane as "closely related, appropriate, pertinent, to the point". At the present time, laws are passed that have no relation to the intent of the original bill, or amendments are added that are totally unrelated in context and intent to the rest of the bill.

Due to the problems encountered with the free conference committee and the lack of a clear, specific germaneness

rule which is adhered to by our legislators, it is tempting to recommend the total elimination of the free conference committee. In many of our sister legislatures in the Lower 48 (10 out of 15 studied), the powers of free conference are not allowed; if the conference committee cannot compromise, the bills are dead.

However, the FREE Committee feels it is not the powers of free conference that are the problem, but rather the guidelines for its use and strict adherence to "germaneness" which is badly needed in Alaska.

FREE recommends the following rule changes in the use of the conference and free conference committees:

1. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee. The specific areas of non-agreement would be clearly documented and signed by all conference committee members. Free conference powers would be granted for those specific areas of disagreement only. (Ref. North Carolina Assembly Rule 44(a-c), California Joint Rule 29, North Dakota Joint Rule 6(e), New Jersey Joint Rule 1-6, Pennsylvania Senate Rule 21(1-3).
2. Non-germane amendments and sections should be prohibited and not allowed under any circumstances. (Ref. New Hampshire Joint Rule 11 and 20(d)(e)(h), West Virginia Joint Rule 3).

3. All conference or free conference bills should be printed and placed on lawmakers desks twenty-four hours prior to voting. (Ref. New Hampshire Joint Rule 20(d)(e)(h), North Dakota Senate Rule 54, Pennsylvania Senate Rule 21.1-3).
4. All budget related conference or free conference committee meetings should be open and readily accessible to the public. (Ref. California Joint Rule 29.5(a)).

California has a very specific rule relating to appropriation bills which bears further investigation. Number 29 of the Joint Rules states,

"It shall require an affirmative recorded vote of 2/3 of the entire elected membership of each house to adopt any conference report affecting any bill which contains an item or items of appropriation which are subject to subdivision".

Actually, there are several states that have other than majority vote requirements for appropriation bills. We feel this is an area that needs further investigation, and FREE will recommend rule changes on this topic in our next report.

II.

"BILL CONTENT" RULE

Currently, bill "piggybacking" is practiced in the Alaska Legislature, even though Alaska Uniform Rule 34 prohibits such action. This process adds non-germane amendments to existing bills in order to facilitate the passage of weak or controversial bills.

The potential for abuse is obvious in that a particular bill favored by a few can be piggybacked onto another popular bill favored by the public, and therefore be sure to pass. Or, non-germane amendments dealing with other topics can be piggybacked to not only facilitate their passage, but to prevent adequate public hearing on the topic to be added.

Many states have solved this problem by adopting in their joint rules a very simple, but certainly far reaching "bill content" rule. The FREE Committee highly recommends this or a similar rule to stop the piggybacking process.

Simply stated, and quoting from the Arkansas Joint Rules Sec. 4, "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title". (Also ref. North Dakota Senate Rule 31d, West Virginia House Rule 97, Pennsylvania Senate Rule 14.3). All amendments must remain within the scope of the bill being considered, or all amendments must be "germane".

(Ref. North Dakota Senate Rule 49, Pennsylvania Senate Rule 15, California Joint Rule 9, North Carolina Assembly Rule 43, Washington House Rule 31, West Virginia House Rule 113, Main Senate Rule 11).

Legislators could then vote on the merit of a bill without having to consider the political consequences of a piggyback, and the rights of the majority would be protected. Each piece of legislation should be considered on the basis of its own merit. (Ref. West Virginia House Rule 62, New Hampshire Joint Rule 11, Florida House Rule 11.8, Washington House Rule 31).

III.

PRIOR NOTICE OF COMMITTEE MEETINGS AND AGENDA

At the present time, there is not adequate prior notice of committee meetings and their agendas. Citizens with interest in a particular bill are often unable to adequately respond in writing or in person unless advance notice is given.

There, FREE recommends the public be informed of the standing committee meetings and their agendas at least five days prior to the meeting. (Ref. North Dakota Senate Rule 43, Arkansas Senate Rule 33, New Jersey Rules of Assembly 10.6, California Joint Rule 36(2), Pennsylvania Senate Rule 16.8, Florida House Rule 6.18, Washington House Rule 78). In an emergency, 2/3 majority of the committee can vote to suspend the public notice rule. (Ref. Arkansas Senate Rule Sec. 33). Public notice and agendas could be placed in the press room and throughout the network of legislative information offices. (Ref. North Carolina Assembly Rule 143-318:12).

FREE feels that there are a great many advantages that would occur as a result of this prior notice. Legislation would have the benefit of additional public scrutiny by allowing for more public input. Legislators would be forced to pre-plan their schedules, which would in turn result in a more organized committee system, and help to alleviate some of the "end of the session crunch".

FREE is aware that there will be protests that one cannot give advance public notice of committee meetings and still expect the legislature to complete its work in 120 days as recommended elsewhere in this report. Certainly it may not be easy at first, but the need for the public to be better informed must take precedence over legislative convenience.

Note: The State of Pennsylvania requires 30 days published notice in the locality affected by a bill prior to its introduction, (ref. Pennsylvania Senate Rule 5, and also Florida House Rule 7.4).

IV.

FINANCE COMMITTEE REFORM

FREE recommends that the House and Senate Finance Committees meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation. (Ref. California Joint Rule 37).

A joint hearing would eliminate the need for state agencies, municipalities, school districts and other entities requesting funds to travel and testify, twice. The financial savings would be significant to the agencies and both houses would receive the same budgetary information. This is a worthwhile consideration for other committees as well. (Ref. Arkansas Joint Rules Sec. 25, New Hampshire Joint Rule 14, California Joint Rule 3, Louisiana Senate Rule 66 and House Rule 6.27, Maine Joint Rule 13, West Virginia Joint Rule 11, 19).

By meeting jointly, coordination of action by the two houses should become automatic and efficiency in pursuing budget matters should be enhanced. A time table should be set early in the session by the Joint Finance Committee for the finalization of the budget. (Ref. Arkansas Senate Rule 93(J)). Every new item added to the budget should list program implications, back-up material, criteria and fiscal impact.

Historically, the budget derives from the governor's initial budget proposal submitted to each new session of

the legislature. Literally thousands of hours have gone into the preparation and justification of this budget by administrators and their staffs throughout the state. After in-depth review by the separate House and Senate Finance Committees, different versions of the budget are passed in each house, and thus the budget ends up in a free conference committee.

It is in the free conference committee that budgetary abuses occur. New items are added based on political motives and "a slice of the pie" theory. There seems to be little or no research done on these new items, and some justification of the new items is not made apparent. Some states have a constitutional limit on such appropriations. (Ref. Arkansas Senate Rule 93(L)). Hopefully, a Joint Finance Committee can work to decrease these abuses and eliminate the need for the budget free conference committees.

V.

STANDING COMMITTEES

The procedures of the standing committees are vital to the quality of legislation, as well as the efficiency and organization of the entire legislature. Legislators should strive to maintain and improve the integrity of the committee system.

FREE feels the following recommendations would enhance standing committee operations:

1. All bills introduced in the name of the committee should have the prior approval (of introduction) by a majority of the committee members. (Ref. Louisiana House Rule 8.14, California Joint Rule 10.7, Florida House Rule 7.1-, Washington House Rule 79).
2. At least a majority of all members constituting a standing committee should be required to report a bill out of committee. (Ref. Pennsylvania Senate Rule 16.16, Arkansas Senate Rule 34(d) and 36, New Jersey Rules of Assembly 10.6, California Joint Rule 62.(c), Florida House Rule 6.32).
3. No action should be taken on any measure outside of a duly constituted committee meeting in which a quorum is present, and such meeting should be open to the general public. (Ref. Washington House Rule 79, Florida House Rule 6.25, New Jersey Rules

of Assembly 10.5, West Virginia House Rule 83, Nevada Senate Rule 13 and 53).

4. Elimination of public hearings or similar measures which detour or abbreviate the bill process should be avoided. (Ref. Louisiana House Rule 6.11, New Jersey Rules of Assembly 10.5, Washington House Rule 79).
5. Any bill or resolution which would have fiscal impact on the state should have a note stating a reliable estimate of the fiscal effect of such a bill. This information could be prepared by the Legislative Finance Division. (Ref. Louisiana Joint Rule 44, New Hampshire Joint Rules 5-a, New Jersey Rules of Assembly 10:11, 15:2(a)-15:2(g), California Joint Rule 37.1, Maine Joint Rule 20, West Virginia House Rule 95a, Florida House Rule 7.16, North Carolina Assembly Rule 38, Delaware House Rule 23).
6. Each committee report should include one of three recommendations from each member - "do pass", "do pass as amended", "do not pass". We feel "no recommendation" should not be allowed, since a committee member who has participated in the public hearings and committee deliberations should be able to make a specific recommendation in the committee report. (Ref. Arkansas Senate Rule 34(a), New Jersey Rules of Assembly 10.6, West Virginia House

Rule 98, Delaware House Rule 17(d), North Carolina Assembly Rule 36, Florida House Rule 6.34, Pennsylvania Senate Rule 16.12).

7. Each committee report should include a statement of the legislative intent of all bills that address themselves to major innovation or change in public policy. (Ref. Florida House Rule 6.33, Arkansas Senate Rule 34(c), New Jersey Rules of the Assembly 15:4, Maine Joint Rule 31, Delaware Senate Rule 8).

Many states have deadlines for reporting bills out of the standing committee to which they have been assigned. (Ref. New Hampshire Joint Rules 10(a-c), North Dakota Senate Rule 38 and 44, Florida House Rule 6.29, Maine Joint Rule 13). In addition, there are early deadlines for the introduction of bills. (Ref. Louisiana Joint Rule 5, New Hampshire Joint Rule 12, Arkansas Joint Rule Sec. 19 and 24, West Virginia Senate Rule 14, Washington House Rule 19). If the standing committees in the Alaska Legislature are having problems organizing and accomplishing their work loads, further consideration should be given to these concepts.

VI.

INTERIM COMMITTEES

According to the majority of legislators interviewed, interim committees are primarily needed and used by legislators to keep good staff year-round, to reward political supporters and to meet the demands of their constituents during the interim. FREE feels that interim committees are not being used in ways that benefit the citizens of Alaska.

Used wisely and with restraint, interim committees could be a legitimate tool of the legislature, but recent legislatures have used them with neither wisdom nor self-restraint. Dissatisfied voters have rejected propositions in 1978 and in 1980 to expand and legitimize interim committees.

FREE recommends that no interim committees be provided except those authorized by the state constitution.

In those cases where there is a need to study or promote a topic, the task can simply be assigned to the appropriate standing committee which has a professional staff, or the legislators can authorize an interim committee by statute. (Ref. California Joint Rule 36, Statutes of Nevada 1968, 1973). This insures that a majority of legislators must agree to the necessity of an interim committee prior to its creation.

In both cases the assumption is made that the request be substantiated by a clear purpose and objective, statement of who will do the work, budget limitations, and reporting procedures. The committee ceases to exist upon completion of its task.

During the discussion on interim committes, there was a great deal of time spent evaluating the demands made on legislators by their constituents between sessions - phone calls, answering mail, attending meetings and generally being responsive to the public. The suggestion was made that secretarial help or legislative aides be provided. FREE does not recommend such staff at this time. The feeling is that meeting these needs is part of the job of being an elected citizen legislator, and that those for whom this is a burden should perhaps reconsider their availability to serve.

VII.

LIMIT ON LEGISLATIVE SESSION

There seems to be growing support throughout the state for imposing a limit on the number of days allowed for each legislative session. FREE concurs with this sentiment, and proposes a limit of 120 days. (Ref. Wyoming State Constitution, Florida State Constitution, Nevada State Constitution). Any extension beyond 120 days should require a 2/3 vote of both houses, and should include a "limited call" provision, whereby the topics to be addressed must be limited and pre-stated, and the extension itself should be for a specific number of days. (Ref. New Hampshire Joint Rule 24).

FREE feels that a session limit would enhance the concept of a citizen legislature, in that a shorter (the tendency has been for longer and longer sessions) and specific time frame would facilitate participation as lawmakers by a greater number of citizens.

The Alaskan legislature has the distinction of being the most costly (per capita) of any state in the union. A limited session would be cost efficient in that salaries, per diem, rents and other costs related to time would be decreased.

A limited session would encourage legislators to work together as a matter of expediency. A deadline

necessitates working and accomplishing goals in the most efficient and organized manner.

Perhaps the quality of legislation would be enhanced. Only those issues which have broad support and concern would be brought before the legislature. There would be less time to create problems where none exist.

Finally, a limited session would help to stop the growing talk from legislators of the need for a full time staff and legislature. The staff, in turn, would be better able to plan for additional employment after the session.

VIII.

LIMIT TERMS OF OFFICE

The FREE Committee strongly believes in the concept of a citizen legislature versus professional lawmakers. For this reason, and others, FREE feels that there should be a limitation on the number of terms a Representative and Senator may serve. Surprisingly, a good portion of the responding legislators favored this concept.

FREE feels that a limitation would serve as an incentive for more citizens to seek elective office - the perception being that incumbents are generally pretty difficult to unseat. New faces bring fresh approaches to programs and issues, needed at all times, but especially now in Alaska with its vast natural resource wealth.

When legislators remain in one house for a long period of time, excessive power over colleagues and staff seems to develop, as do legislative cliches. By dispersing the concentration of power, it will be more difficult for a handful of "long time" legislators to control legislation contrary to the wishes of the majority.

One legislator commented during the discussions that it was difficult for even the "good guy" legislators to remain free of obligations to their colleagues. In the lawmaking process there is always give and take, and legislators who have been on the job for a long time will inevitably build up a certain amount of "favours due" and

"favours owed", so that it becomes increasingly difficult to judge matters under consideration solely on their merit.

FREE recommends the following limitations on the terms of office:

1. Senate - two 4-year consecutive terms.
2. House - four 2-year consecutive terms.
3. Present incumbents would begin counting their terms with the effective date of the law.

Using FREE's formula, legislators popular with their constituents could remain in the legislature, but would have to change Houses every eight years. Thereby, the right of the citizen to choose his lawmakers remains intact.

CODE OF ETHICS

Any public office holder in a free government is entrusted with the security, safety, health, prosperity and general well-being of those whom he serves. With such a trust, high moral and ethical standards which produce the public's confidence should be the goal of every legislator.

FREE recommends that a code of ethics or standards of conduct be added to the uniform rules. Parameters for acceptable and unacceptable behavior must be drawn so that legislators know what kind of behavior to expect from one another. It is difficult to confront and correct unethical activities until the guidelines are drawn and understood by all.

General aspects of the Code of Ethics should include, but not be limited to, the following:

1. Any conflict between private interests and official duties must be avoided. No state legislator should accept any employment which could impair his independence and integrity of judgment nor should he exercise his position of trust to secure unwarranted privileges for himself or others. (Ref. Maine Legislative Code of Ethics, New Jersey Legislative Code of Ethics 2:1.a, California Joint Rules 44.(a)).

2. Members of the legislature should not directly or indirectly receive or agree to receive any compensation for any services which one knows or has reason to believe is given with the intent of influencing him in the performance of his duties as a legislator. (Ref. New Jersey Legislative Code of Ethics 2:1.6, California Joint Rules 44.(3)).
3. Legislators should be directly responsible for the ethical conduct of their staff. (Ref. California Joint Rule 44(f), Florida House Rule 5.11).
4. Legislators should notify the leadership prior to taking any action or voting upon any bill in which he or any member of his immediate family has a personal or professional interest which ensures his private gain or the gain of any principal by whom he is retained or employed. The legislator should disqualify himself from the vote in which he has a conflict of interest. (Ref. Florida House Rule 5.10, California Joint Rules 44.(s), Pennsylvania Senate Rule 22.2, Washington State Constitution Article 2, Sec. 30).
5. Legislative staffs should not be assigned to campaign or fund raising duties; legislative staff should not be considered to be political organizations.

6. Legislators should be prohibited from raising campaign funds during the legislative session.

(Ref. New Jersey Legislative Code of Ethics 2:10.)

New Jersey has developed a comprehensive manual entitled "Legislative Code of Ethics" which would serve as an excellent resource instrument. In addition, North Carolina includes with their General Statutes a thorough "Code of Legislative Ethics".

It follows that once a Code of Ethics is established, some sort of mechanism needs to be implemented to deal with alleged violations. Many states have detailed disciplinary procedures which would make excellent guidelines. (Ref. Pennsylvania Senate Rule 37, 38, Illinois House Rule 12, New Jersey Joint Rule 19(a,b), California Joint Rule 45(a-p), North Carolina General Statutes Article 14, Part 3).

X.

PROFESSIONAL SERVICE CONTRACTS

FREE feels it is extremely important that the new legislature adopt very specific professional service contracting procedures. We are gratified by the concern expressed by many legislators in relation to this subject, but the voiced concern must be developed into a solid, practical set of rules.

FREE recommends the following guidelines:

1. The Legislative Affairs Agency or another existing agency should be in control of all professional service contracts. (Ref. New Jersey Rules of Assembly 10:12).
2. The purposes and objectives of the professional service desired should be clearly defined in written form by the committee or legislator requesting the service, along with a statement of reasons why the administration or legislative staff could not meet the need.
3. The parameters and scope of the service required should be pre-determined and included in the written request.
4. A time frame for commencement and completion should be indicated.
5. The request, including items 2-4, should be forwarded to the controlling agency.

6. The agency should advertise throughout the state.
7. The agency should analyze the bid proposals, ranking the proposals in 1, 2, 3, . . . order.
8. A contract would be negotiated by the legislative agency with the #1 responder, moving on to #2 or #3 until a satisfactory contract is negotiated.
9. The agency should monitor the project and determine if the finished product meets the desired and stated criteria prior to any disbursement of funds.
10. A report should be made available to the public no later than 10 days after it is due to the committee.
11. The final report should include on the title page the name of the requesting committee, the name of the firm providing the service, and the total cost of the report or project.
12. Some provision must be made for needed emergency information when the above procedures cannot, for reasons of time, be followed. FREE suggests any professional service contract needed which cannot follow the prescribed procedures must be approved by 2/3 vote of the house requesting the service.
13. Contracts may be entered into without going through steps 6 and 7 provided the amount of the contract does not exceed \$2,500, and no one

entity receives contracts in excess of \$10,000
in each calendar year.

CONCLUSION

Throughout history, frustration and apprehension have been felt by citizens of their states regarding the actions taken by their state legislatures. Numerous examples of misdeeds have aroused public outcry, which in turn has resulted in changes in procedures.

In comparison to its sister legislatures in the Lower 48, the Alaska State Legislature is a young entity. Currently, the Alaska legislature is undergoing "growing pains", but under a different, and more difficult, set of circumstances than those of other states.

In the Lower 48, legislative activity was, and still is, watched by dozens of news reporters representing numerous small towns and counties, as well as the larger metropolitan areas. This results in close scrutiny of legislative activity, and a better informed public.

Closely tied in with media coverage is the accessibility of the legislative halls to the general population, which also leads to closer scrutiny of legislative activities and greater awareness by the general public of their elected representative's activities.

Finally, when comparing Alaska's legislature with that of other states, one very significant factor is without precedent - no other state has ever had such a huge budget surplus, per capita.

A blessing, yes, and yet a potentially destructive force demanding extreme caution in its management.

Because of these differences, it is incumbent upon our elected officials to follow sound, accountable legislative procedures. While other states have undergone a gradual maturation process over the years, we do not have that luxury. Alaska's state government must do in a couple of years what other states have done in at least sixty years or more (excluding Hawaii).

This, then, is a major challenge facing our Alaska State Legislature. It will require changes in thinking and in ways of conducting legislative business. But the people of Alaska, and our elected officials in particular, are not unfamiliar with challenges. Citizens and legislators, working together, have an opportunity to create a noble and splendid existence.

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