

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 19, 2001

8:04 a.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Jeannette James
Representative Hugh Fate
Representative Gary Stevens
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

Representative Peggy Wilson

COMMITTEE CALENDAR

HOUSE BILL NO. 192

"An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date."

- MOVED HB 192 OUT OF COMMITTEE

HOUSE BILL NO. 189

"An Act repealing statutory provisions relating to term limits and term limit pledges."

- MOVED HB 189 OUT OF COMMITTEE

HOUSE BILL NO. 170

"An Act relating to granting certain employees of the Department of Fish and Game status as peace officers under the public employees' retirement system."

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 14

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to the Alaska heritage fund; and providing for an effective date for the amendments.

- HEARD AND HELD

PREVIOUS ACTION

BILL: HB 192

SHORT TITLE:BRISTOL BAY SALMON CLASSIC

SPONSOR(S): REPRESENTATIVE(S)KAPSNER

Jrn-Date	Jrn-Page		Action
03/19/01	0647	(H)	READ THE FIRST TIME - REFERRALS
03/19/01	0647	(H)	STA, FIN
04/19/01	1063	(H)	STA RPT 6DP
04/19/01	1063	(H)	DP: STEVENS, CRAWFORD, JAMES, FATE,
04/19/01	1063	(H)	HAYES, COGHILL
04/19/01	1063	(H)	FN1: ZERO(REV)
04/19/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 189

SHORT TITLE:REPEAL TERM LIMITS/TERM LIMITS PLEDGES

SPONSOR(S): JUDICIARY

Jrn-Date	Jrn-Page		Action
03/16/01	0626	(H)	READ THE FIRST TIME - REFERRALS
03/16/01	0626	(H)	STA, JUD
04/12/01		(H)	STA AT 8:00 AM CAPITOL 102
04/12/01		(H)	<Bill Postponed to 4/19>
04/19/01	1062	(H)	STA RPT 6DP
04/19/01	1063	(H)	DP: STEVENS, CRAWFORD, JAMES, FATE,
04/19/01	1063	(H)	HAYES, COGHILL
04/19/01	1063	(H)	FN1: ZERO(GOV)
04/19/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 170

SHORT TITLE:PERS PEACE OFFICER STATUS: F&G EMPLOYEES

SPONSOR(S): REPRESENTATIVE(S)MASEK

Jrn-Date	Jrn-Page		Action
03/09/01	0520	(H)	READ THE FIRST TIME - REFERRALS
03/09/01	0520	(H)	STA, FIN
03/09/01	0520	(H)	REFERRED TO STATE AFFAIRS
04/10/01	0940	(H)	COSPONSOR(S): KERTTULA
04/19/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HJR 14

SHORT TITLE:CONST. AM: ALASKA HERITAGE FUND

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD

Jrn-Date	Jrn-Page		Action
02/14/01	0316	(H)	READ THE FIRST TIME - REFERRALS
02/14/01	0316	(H)	STA, JUD, FIN
02/14/01	0316	(H)	REFERRED TO STATE AFFAIRS
04/17/01		(H)	STA AT 8:00 AM CAPITOL 102
04/17/01		(H)	Scheduled But Not Heard
04/19/01		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

REPRESENTATIVE MARY KAPSNER

Alaska State Legislature
Capitol Building, Room 424
Juneau, Alaska 99801

POSITION STATEMENT: Testified as the sponsor of HB 192.

LUANNE PELAGIO, Executive Director

Bristol Bay Native Corporation's Education Foundation
PO BOX 202243
ANCHORAGE, Alaska 99520

POSITION STATEMENT: Testified in support of HB 192.

MARIE PAUL

Bristol Bay Native Corporation's Education Foundation
PO BOX 166
TOGIK, Alaska 99678

POSITION STATEMENT: Testified in support of HB 192.

GRETA GOTO

5622 CHILKOOT CT.
ANCHORAGE, Alaska 99524

POSITION STATEMENT: Testified in support of HB 192.

JONATHAN LARSON

PO BOX 220968
ANCHORAGE, Alaska 99522

POSITION STATEMENT: Testified in support of HB 192.

REPRESENTATIVE NORMAN ROKEBERG

Alaska State Legislature
Capitol Building, Room 118
Juneau, Alaska 99801

POSITION STATEMENT: Testified as chair of the House Judiciary
Standing Committee, sponsor of HB 189.

GAIL FENUMIAI, Election Program Specialist
Division of Elections
P.O. Box 110017
Juneau, Alaska 99811-0017
POSITION STATEMENT: Testified on HB 189.

JENNIFER RUDINGER, Executive Director
Alaska Civil Liberties Union
P.O. Box 291844
Anchorage, AK 99520-1844
POSITION STATEMENT: Testified in favor of HB 189.

EDDIE GRASSER, Staff
to Representative Masek
Alaska State Legislature
Capitol Building, Room 128
Juneau, Alaska 99801
POSITION STATEMENT: Testified on behalf of the sponsor of HB
170, Representative Masek.

GUY BELL, Director
Health Benefits Section
Division of Retirement & Benefits
Department of Administration
PO Box 110203
Juneau, Alaska 99811-0201
POSITION STATEMENT: Answered questions related to HB 170.

DAVID LOVE, Southeast Region Shrimp Research Biologist
Commercial Fisheries Division
Alaska Department of Fish & Game
PO Box 1743
Petersburg, Alaska 99833
POSITION STATEMENT: Testified in support of HB 170.

MATT EVENSON, Fisheries Research Biologist
Fairbanks Sport Fish Division
Alaska Department of Fish & Game
PO Box 83691
Fairbanks, Alaska 99708
POSITION STATEMENT: Testified in support of HB 170.

JOHN HILSINGER
1650 Winterset Drive
Anchorage, Alaska 99508

POSITION STATEMENT: Testified in support of HB 170 and the proposed CS.

JEFF BARNHART, Fisheries Biologist
Alaska Department of Fish & Game
11276 Bell Flats Road
Kodiak, Alaska 99615

POSITION STATEMENT: Testified in support of HB 170.

GINO DELFRATE, Wildlife Biologist
Alaska Department of Fish & Game
PO Box 1413
Homer, Alaska 99603

POSITION STATEMENT: Testified in support of HB 170.

TIM VIAVANT, Fisheries Biologist
Fairbanks Division of Sport Fishing
Alaska Department of Fish & Game,
PO Box 83053
Fairbanks, Alaska 99708

POSITION STATEMENT: Testified in support of HB 170.

DON YOUNG, Wildlife Biologist
Alaska Department of Fish & Game
2702 Peger Rd
Fairbanks, Alaska 99709

POSITION STATEMENT: Testified in support of HB 170.

BOB MURPHY, Management Biologist
Division of Commercial Fisheries
Alaska Department of Fish & Game
PO Box 4187
Kodiak, Alaska 99615

POSITION STATEMENT: Testified in support of HB 170.

NICHOLAS SAGALKIN
1315 Mission Road
Kodiak, Alaska 99615

POSITION STATEMENT: Testified in support of HB 170.

ROBERT HUNTER, Wildlife Technician
Alaska Department of Fish & Game
PO Box 83456
Fairbanks, Alaska 99708

POSITION STATEMENT: Testified in support of HB 170.

MIKE DOXEY, Sport Fish Biologist

Alaska Department of Fish & Game
PO Box 71448
Fairbanks, Alaska 99707

POSITION STATEMENT: Testified to the need to place all ADF&G biologists on a 20-year retirement plan.

HARRY REYNOLDS, 28-year employee
Alaska Department of Fish & Game
PO Box 80843
Fairbanks, Alaska 99708

POSITION STATEMENT: Testified on HB 170.

JESSE VANDERZANDEN, Executive Director
Alaska Outdoor Council
PO Box 73902
Fairbanks, Alaska 99707

POSITION STATEMENT: Testified on HB 170.

DOREEN PARKER-McNEILL, Wildlife Biologist
Alaska Department of Fish & Game
1163 Toni Ct.
North Pole, Alaska 99705

POSITION STATEMENT: Testified in support of HB 170.

KEVIN BROOKS, Director
Division of Administrative Services
Alaska Department of Fish & Game
PO Box 25526
Juneau, Alaska 99811-5526

POSITION STATEMENT: Testified on HB 170.

ACTION NARRATIVE

TAPE 01-42, SIDE A
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Coghill, Fate, Stevens, and Crawford were present at the call to order. Representatives James and Hayes arrived as the meeting was in progress.

HB 192-BRISTOL BAY SALMON CLASSIC

CHAIR COGHILL announced that the first order of business would be HOUSE BILL NO. 192, "An Act relating to the Bristol Bay Salmon Classic; and providing for an effective date."

Number 0087

REPRESENTATIVE MARY KAPSNER, Alaska State Legislature, testified as the sponsor of HB 192. Representative Kapsner informed the committee that HB 192 would merely add the Bristol Bay Salmon Classic to an already existing statute that includes salmon classics in three other areas. The Bristol Bay Salmon Classic will provide another funding source for the Bristol Bay Native Corporation's Education Foundation in order to support scholarships.

Number 0183

LUANNE PELAGIO, Executive Director, Bristol Bay Native Corporation's Education Foundation, testified via teleconference. Ms. Pelagio requested the committee's support of HB 192. She explained that the foundation would use the revenue generated by the salmon classic to provide additional scholarships through the Bristol Bay Native Corporation's Education Foundation. In the last three years the number of scholarships have doubled. Therefore, [the Bristol Bay Native Corporation's Education Foundation] is seeking other ways to generate revenue to provide more scholarships. Furthermore, she believed that support could be garnered for the education program through the region by collaborating with the processors, canneries, and fishermen. In conclusion, she urged the committee to pass HB 192.

CHAIR COGHILL commended Ms. Pelagio's work with the current scholarship program.

Number 0371

MARIE PAUL, Bristol Bay Native Corporation's Education Foundation, testified via teleconference. Ms. Paul announced her support of the Bristol Bay Salmon Classic because it will help the young people through the scholarships. She echoed the need for the committee's support of HB 192 due to the growing demand for scholarships.

Number 0458

GRETA GOTO testified via teleconference. She informed the committee that she is a past recipient of a Bristol Bay Native Corporation scholarship. Ms. Goto noted her support of HB 192

because it supports young people who want to further their education. She requested the committee's support for HB 192.

REPRESENTATIVE STEVENS asked if the assumption that all the money that is collected from the salmon classic goes to the students for scholarships and that no money is spent on overhead costs would be correct.

MS. PELAGIO said that would be correct.

Number 0559

JONATHAN LARSON testified via teleconference. He noted that he is a past recipient of a Bristol Bay Native Corporation scholarship. He also noted his support of HB 192. In response to Chair Coghill, Mr. Larson informed the committee that he used his scholarship to pursue his business degree, which he received in 1998.

MS. GOTO informed the committee that she used her scholarship to pay for the books [required for her classes].

REPRESENTATIVE KAPSNER, in response to Chair Coghill, affirmed that the [Alaska Department of] Fish & Game (ADF&G) will perform the tallying for this classic. Although there is no backup from the [Alaska Department of] Fish & Game, there is a zero fiscal note.

REPRESENTATIVE STEVENS pointed out that [ADF&G] already does this for that time period.

Number 0743

REPRESENTATIVE JAMES moved to report HB 192 out of committee with individual recommendations and the accompanying [zero] fiscal note. There being no objection, HB 192 was reported from the House State Affairs Standing Committee.

HB 189 - REPEAL TERM LIMITS/TERM LIMITS PLEDGES

Number 0790

CHAIR COGHILL announced that the next order of business would be HOUSE BILL NO. 189, "An Act repealing statutory provisions relating to term limits and term limit pledges."

Number 0189

REPRESENTATIVE NORMAN ROKEBERG, Alaska State Legislature, came forward to testify as chair of the House Judiciary Standing Committee, sponsor of HB 189. He explained that HB 189 repeals statutory provisions relating to term limits and term limit pledges.

REPRESENTATIVE ROKEBERG went over the sponsor statement, which said:

On February 28, 2001, in a case entitled Cook v. Gralike, et al., the United States Supreme Court ruled that printing term limit pledges on the ballot next to a Congressional candidate's name is unconstitutional. The Missouri act which was struck down required "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" to be printed on ballots by the names of members failing to take certain legislative acts in support of the proposed term limit amendment. It also provided that "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" be printed by the names of the non-incumbent candidates refusing to take a "Term Limit" pledge to bring about a specified "Congressional Term Limits Amendment."

Through the Elections Clause, the Constitution delegated to the states the power to regulate the "Times, Places, Manner of holding Elections for Senators and Representatives," subject to a grant of authority to Congress to "make or alter such Regulations." The states may regulate the incidents of such elections, including balloting, only within the exclusive delegation of power under the Elections Clause.

The Supreme Court found that the requirement of printing on the ballot a candidate's lack of acceptance of a term limit pledge was not a procedural regulation. It did not regulate the time of elections; it did not regulate the place of elections; nor did it regulate the manner of elections. Rather, the court found, the requirement was plainly designed to favor candidates who are willing to support the particular form of a term limits amendment, and to disfavor those who either oppose term limits entirely or who would prefer a different proposal. The Court stated that "... it seems clear that the adverse labels handicap candidates at the most crucial state

in the election process -- the instant before the vote is cast. The labels imply that the issue is an important -- perhaps paramount -- consideration in the citizen's choice, which may decisively influence the citizen to cast his ballot against candidates branded as unfaithful. Thus, far from regulating the procedural mechanisms of elections, the Missouri act attempts to dictate electoral outcomes. Such 'regulation' of congressional elections simply is not authorized by the 'Elections Clause.'

Alaska statutes AS 15.15.500-575 require that "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" be printed on the ballot adjacent to the name of any respective state Senator or Representative who failed to take appropriate action in support of a congressional term limit amendment to the constitution, during the preceding term of office. The same shall be printed on the ballot adjacent to the name of any United States Senator or Representative who also fails to take appropriate action during the preceding term.

Non-incumbent candidates for United States Senator and Representative, and state Senator and Representative who decline to take a "Term Limits" pledge shall have "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to their name on every primary and general election ballot.

Any candidate for the United States Congress and the Alaska Legislature is permitted to submit to the lieutenant governor an executed copy of the Term Limits Pledge set for in AS 15.15.560(b). The lieutenant governor shall place on every election ballot "Signed TERM LIMITS pledge: Will serve no more than [3 terms] [2 terms]" next to the name of any candidate who has ever executed the Term Limits pledge. In addition, "Broke TERM LIMITS pledge" shall be placed on every ballot next to the name of any candidate, who at any time executes the applicable Term Limits Pledge, and thereafter qualifies as a candidate for a term that would exceed the number of terms or years set for in the applicable Term Limits Pledge.

Since the Alaska statutes are so similar to those of Missouri, this United States Supreme Court ruling

suggests that our statutes are unconstitutional. This bill will repeal these unconstitutional statutes.

The committee urges your support of this bill.

Number 1200

REPRESENTATIVE ROKEBERG said he submits that the pledge that candidates for the Alaska legislature are required to either decline or [find it] unconstitutional. He said he was very surprised that it found its way onto the ballot, and expressed disappointment with the lieutenant governor and the attorney general for not finding it unconstitutional. He said there has been adjudication throughout the country on the issue.

REPRESENTATIVE ROKEBERG said he had been "a rabid term limits supporter" when first elected to the legislature. "As I was here longer, my wisdom started growing," he testified, and he now thinks it takes two to four years to learn the job. He said he thinks he would support term limit pledges if they were for "eight years in one house and four in the other or twelve years or whatever -- or none at all," but he thinks that in Alaska's statute, a candidate has to agree to serving no more than eight years within a 16-year period.

CHAIR COGHILL said, "That is if you sign the pledge."

Number 1477

REPRESENTATIVE ROKEBERG said he does not agree with the existing limitation. He explained:

The voters have forced me into a situation where I either have to sign or not sign for something I really believe in philosophically, that is to say, term limits. But because I disagree with the specific number of years, that puts me at odds with the whole situation. So I would have a "scarlet letter." As a matter of fact, I signed a term limit pledge last time because I thought it was representative of my philosophy. Now, because I introduced this bill, the lieutenant governor is going to have to put the "scarlet letter" next to my name. So I'd ask the committee to pass this bill so I won't have that happen.

REPRESENTATIVE ROKEBERG noted that committee members had in their packets a letter from a former state attorney general, John Havelock, in which he states his support for HB 189.

Number 1425

CHAIR COGHILL asked if those who have signed the pledge would be released from that pledge if HB 189 were to pass.

REPRESENTATIVE ROKEBERG said they would.

REPRESENTATIVE ROKEBERG mentioned a 1998 Alaska State attorney general's opinion that found a portion of the state statute to be unconstitutional. [That opinion was included in committee members' packets.] He explained, "The term limits pledge as it relates specifically to Congressional candidates (Alaska's U.S. senators and congressman) [is unconstitutional] because of the Supreme Court case."

REPRESENTATIVE ROKEBERG said, "It seems to me that those same arguments, albeit applying in a broader picture, [also apply] to the state candidates for the state legislature. I think the people of the state of Alaska erred in the construction of the initiative that was put forward to them and it's unconstitutional based on First Amendment grounds."

CHAIR COGHILL commented, "A point well taken."

REPRESENTATIVE JAMES added, "I second it."

Number 1580

CHAIR COGHILL said his major question concerned the releasing of those who had already signed the pledge. He said he supposed that those who agree with the concept of term limits could publicly make note of the fact that that it is their philosophy.

REPRESENTATIVE ROKEBERG responded, "It's called campaigning."

Number 1541

CHAIR COGHILL said one of the reasons he did not sign the pledge was because he wants the people in the district to make the determination [of how long he will serve].

REPRESENTATIVE ROKEBERG agreed, saying, "The major method of term limiting is the ballot box. Let the voters decide."

Number 1594

CHAIR COGHILL asked, "Do you see any other questions that might arise from us taking it off this statute?"

GAIL FENUMIAI, Election Program Specialist, Division of Elections, Office of the Lieutenant Governor, replied:

No, in fact, the division was just contemplating how to go about monitoring this whole voluntary term limits pledge, which is the only part ... of this section that would be repealed ... because as Representative Rokeberg pointed out, the first section to this statute, 15.15.500 to 15.15.535, ...[was] the mandatory term limits pledge ... that was declared unconstitutional by the courts, and so we were not enforcing that at all. So no, it'll free up some space on the ballots ... now without having to print that little line below people who did decide to take that voluntary pledge.

Number 1654

CHAIR COGHILL said a ballot is for selecting candidates, not for disseminating information.

Number 1694

REPRESENTATIVE STEVENS said he understood this is a state issue, but asked what is now the current law on the federal level as far as Senators and Representatives in Congress.

Number 1721

REPRESENTATIVE ROKEBERG said the Supreme Court case decision in February found "any provisions regarding that as unconstitutional."

REPRESENTATIVE STEVENS surmised, "So we'll see some changes in that as well".

REPRESENTATIVE ROKEBERG replied,:

Right. Frankly, without that case coming down, I would not probably have brought forward this legislation in fear of being castigated by the public

as trying to overturn the initiative process and the will of the voters. I just think the way it was constructed and how it's done is unfair; it's unfair to the candidates who run for office and therefore unfair to the people of the state of Alaska.

Number 1489

REPRESENTATIVE JAMES said she didn't think that repealing this law would stop various groups who believe strongly in term limits from trying to get candidates to pledge to them that they would support term limits. She said she does not believe that signing a pledge is a good idea "because you may find out some additional information that you didn't know before, and then you'd like to break it, and breaking pledges is just ... something you don't do in this job. So I try not to make firm commitments on anything. I just try to say I'll watch the bill and I'll see what I do when it's on the House floor and I'll see what it says."

Number 1829

JENNIFER RUDINGER, Executive Director, Alaska Civil Liberties Union (AkCLU), came forward to testify in support of HB 189. She said the AkCLU's position has nothing to do with term limits. "It is simply that the ballot itself is no place for election propaganda," she said; "the voters have a right to a ballot that is clean and that candidates have a right not to have either 'scarlet letters' or, in this case, 'gold stars' next to their names."

MS. RUDINGER said the AkCLU was close to filing a lawsuit on the original "scarlet letter law" that never took effect. Alaska's scarlet letter law that Attorney General Bruce Botelho ruled unconstitutional a few years ago was similar to Missouri's, she said. The difference between them was that the Missouri bill put something by a candidate's name indicating whether or not he or she chose to sign the pledge. The AkCLU calls Alaska's a "gold star" law because if a person doesn't sign the pledge, it doesn't say anything by that person's name on the ballot. It only says something by the names of those who chose to sign the pledge.

MS. RUDINGER said the ACLU of Idaho successfully challenged a law essentially the same as Alaska's, a gold star law. The ACLU of Idaho took it to the Supreme Court of Idaho on two grounds, free speech rights of candidates and the rights of voters.

Although they won on rights of voters, the court did not rule on the free speech issue. The Idaho court said:

While respondents have argued that the state has a legitimate interest in providing voters with information, they have failed to demonstrate that such an interest is compelling and that the statute is necessary to further that interest. The information the state seeks to make available to voters is easily obtainable through a variety of other sources, namely media sources and the candidate's own voter information materials. The statute cannot be said to be necessary to provide that information to the voters. In addition, while the state does have a compelling interest in protecting the integrity of the electoral process, the ballot legend authorized by the statute undermines ballot integrity by "transforming it [the ballot] from a means of choosing candidates to a billboard for political advertising."

MS. RUDINGER said that is the crux of the ACLU's objection. "We don't care what the issue is," she explained; "we do not think that the ballot is the place for this kind of speech." The AkCLU is happy not to have to go to court if HB 189 passes, and "We are here in support of it," she concluded.

Number 2057

REPRESENTATIVE CRAWFORD commented, "I feel like I woke up in some sort of alternate reality this morning. We have Republicans talking against term limits pledges and the AkCLU backing them up. I don't know what's happened." He said he, too, supported HB 189.

CHAIR COGHILL added, "We're all going to walk out of here joining hands."

Number 2097

REPRESENTATIVE HAYES claimed a conflict of interest, as could all members, because HB 189 affected him. He called the bill "great."

Number 2115

REPRESENTATIVE FATE moved to report HB 189 out of committee with individual recommendations and the accompanying zero fiscal

note. There being no objection, HB 189 was moved out of the House State Affairs Standing Committee.

CHAIR COGHILL declared a brief at-ease at 8:32 a.m. The committee was called back to order at 8:35 a.m.

HB 170-PERS PEACE OFFICER STATUS: F&G EMPLOYEES

CHAIR COGHILL continued with the next order of business, HOUSE BILL NO. 170, "An Act relating to granting certain employees of the Department of Fish and Game status as peace officers under the public employees' retirement system."

Number 2194

EDDIE GRASSER, Staff to Representative Masek, Alaska State Legislature, explained that Representative Masek introduced this legislation due to the concerns surrounding the attrition rate being experienced in the Alaska Department of Fish & Game (ADF&G). Mr. Grasser said HB 170 was introduced in order to create incentives to recruit new employees that stay with the department. Mr. Grasser pointed out that Alaska's wealth comes from its resources. The revenues derived from fish and game are significant. Therefore, Mr. Grasser felt it would be a travesty to not have qualified professionals managing Alaska's wildlife.

MR. GRASSER addressed the concern raised regarding the status of peace officers, which is addressed in a proposed committee substitute (CS) that the sponsor prepared for the committee. The CS takes ADF&G employees out of peace officer status and creates a new position, Professional Fish & Game employees.

REPRESENTATIVE STEVENS inquired as to how this would impact part-time employees or seasonal employees.

MR. GRASSER pointed out that the definition section includes permanent, seasonal employees. Therefore, a part-time employee that isn't permanent would not be included in the retirement system while permanent seasonal employees would be included in the retirement system.

Number 2387

REPRESENTATIVE STEVENS asked, "What does that mean in terms of actual retirement for someone ...? Does that prolong it to 40 years or can they still retire after 20 years as a six-month employee?"

MR. GRASSER related his belief that once an employee is vested as a state employee and that employee reaches a certain timeframe, then that employee can retire. However, that employee's retirement benefits may not be that much.

Number 2424

GUY BELL, Director, Health Benefits Section, Division of Retirement & Benefits, Department of Administration, explained that if a seasonal employee worked five months as a seasonal employee, then that employee would have five months of service that year. Therefore, it would take longer for a [seasonal] employee to accumulate 20 or 30 years.

CHAIR COGHILL asked if an employee can buy more [retirement] or is it limited to the employees employment.

MR. BELL explained that the bill allows a person to buy past service [accrued] as peace officer service.

CHAIR COGHILL asked if a seasonal employee would be able [to buy their past accrued service].

MR. BELL replied yes and clarified that the same provisions apply to seasonal and full-time employees. In further response to Chair Coghill, Mr. Bell confirmed that there is a cost to the employee to buy back [past accrued service]. He specified that the cost is the difference between what the employee contributed and would have contributed as a peace officer plus some interest, which is less than the full actuarial cost.

Number 2549

REPRESENTATIVE JAMES addressed the "catch-up amount." She posed a situation in which an employee had been working for five years and paying into a 30-year plan. With the change to a 20-year plan, does the bill include an option to "do that or not do that." Furthermore, when an employee buys in to the 20-year plan, does that employee have to pay the state's portion as well as their own.

MR. BELL explained that as the bill is drafted, the person who wants to purchase service as peace officer time is required to pay the difference between what the employee would pay as a peace officer versus a non peace officer, which is a difference of three-quarters of a percent per year plus interest. That

amount is less than the full actuarial cost. Also, there is an employer contribution that has gone into the system over the years that hasn't been addressed.

REPRESENTATIVE STEVENS noted his agreement that 20-year retirement is a good idea for ADF&G because people are being lost to the federal government. Representative Stevens asked whether Mr. Bell saw this proposed change as having a negative impact on the health of the Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS).

MR. BELL pointed out that, in broad terms, there are a number of groups that are interested in changing from a 30-year retirement to a 20-year retirement as is evident in past legislation to make this change for police dispatchers and employees of correctional institutions. In those cases, the legislature required those employees to pay the entire cost to "20 [years] and out." Although he wasn't sure of the number of employees interested in "20 [years] and out," he remarked that even a couple thousand employees would amount to a substantial amount that would impact employer rates. Mr. Bell pointed out that it is about a 2.5 percent differential between a peace officer and a non peace officer.

CHAIR COGHILL remarked that this [legislation] is not the only one of its kind. With that, Chair Coghill turned to those signed up to testify.

Number 2947

DAVID LOVE, Southeast Region Shrimp Research Biologist, Commercial Fisheries Division, Alaska Department of Fish & Game, testified via teleconference. He began by noting his support of HB 170. Mr. Love has worked in fisheries for 15 years and took his current position in June of 2000. When he took his current position he took a pay cut from his previous positions. Furthermore, if he had taken a similar position with the federal government, Mr. Love would be receiving [Cost of Living Allowance] COLA in addition to his regular pay. In response to why he took such a position, Mr. Love said, "I see it as a stimulating position. I work with people like myself who believe they have a responsibility to future generations and the people of Alaska to wisely use the resources we all depend [on] and benefit from." Although Mr. Love likes his position, he pointed out that over the course of his career he has been exposed to a variety of dangerous situations in various locations. He remarked that some days he asks himself whether

the risks of his job are worth the rewards. Therefore, some recognition of the risks he has taken while in the service of the state in the form of the 20-year retirement plan would help to allay his occasional cynicism and maintain his enthusiasm during the long hours he often works. Mr. Love said that benefits as described in HB 170 would be a step in the right direction to convince new hires like himself to stay employed with the State of Alaska.

MR. LOVE informed the committee that he has discovered that some of his coworkers were hired as biologists with the state under a 20-year retirement plan similar to that proposed in HB 170. Therefore, he felt that such disparity is unfair and could be rectified with HB 170.

TAPE 01-42, SIDE B

MR. LOVE concluded by encouraging the supporters of HB 170 to make it a reality.

Number 2951

MATT EVENSON, Fisheries Research Biologist, Fairbanks Sport Fish Division, testified via teleconference. Mr. Evenson spoke in support of HB 170. He acknowledged that as an employee working under the 30-year retirement plan, he has much to gain with the passage of HB 170. However, he alluded to the notion that HB 170 would benefit more than just a few state employees. Mr. Evenson reviewed his positive experience with his job with ADF&G. As a college intern, he couldn't think of anything better than "flying around the countryside and bobbing down Alaska's wild and scenic rivers for weeks on end." However, as Mr. Evenson began to raise a family, being gone for weeks at a time became more stressful on his family. Mr. Evenson said, "Having done this work for 15 years now, it's hard to imagine keeping up this pace and enthusiasm knowing retirement is a minimum of 15 years away. Nor is it easy to imagine applying for a more demanding and stressful higher level positions until I feel like I'm much closer to retirement." Under the current 30-year retirement system, Mr. Evenson believes that vested professionals with the state system will leave the system for less stressful and higher paying consulting positions with the federal government or private businesses. Such a scenario would be bad for the state as a whole. Therefore, Mr. Evenson believes that reinstating the 20-year retirement system would ensure that the managers of Alaska's fish and wildlife resources

will remain "the dedicated and passionate and enthusiastic professionals that I have come to know for the past 15 years."

Number 2831

JOHN HILSINGER testified via teleconference. Mr. Hilsinger informed the committee that he retired in 1988 under the 20-year retirement system. He recalled that those hired after 1983 fall under the 30-year retirement. Mr. Hilsinger said that he supports HB 170 because these jobs are extremely stressful and dangerous. Since statehood, there have been 24 [ADF&G staff] fatalities. Furthermore, the pay for these positions have not kept pace with inflation or with what the federal government is paying for comparable federal positions. Mr. Hilsinger related his belief that very few of those working under the 30-year retirement will actually work 30 years.

MR. HILSINGER pointed out that ADF&G hires a large number of seasonal employees who spend five to ten years with the department before they are able to obtain a full-time permanent position. Such seasonal employees may actually end up working 35-40 years to receive 30 years of service. Mr. Hilsinger said that many people are leaving the department after ten years of service, which troubled him. Therefore, he felt that this 20-year retirement system would be a powerful incentive to help retain employees. He felt that the cost to the employee as laid out in HB 170 is fair.

MR. HILSINGER turned the peace officer retirement. He related his belief that the ADF&G 20-year retirement could stand on its own merit and doesn't necessarily have to be tied to the peace officer retirement. Therefore, Mr. Hilsinger said that he could support the CS as well [as HB 170]. However, he expressed the need to take care in determining which positions are to be included in the 20-year retirement. He suggested including those positions that require a degree in biological sciences as well as the Fish & Wildlife Tech and boat officer positions.

Number 2609

REPRESENTATIVE STEVENS inquired as to which positions Mr. Hilsinger would exclude from the 20-year retirement.

MR. HILSINGER specified that he would exclude all the administrative positions, the resource specialists, and the research analysts. Those are the primary positions that don't require a degree in biology. Mr. Hilsinger expressed the need

to use language such that it would allow a person who is a biologist and who takes a promotion to a position that isn't included in the 20-year retirement system the ability to retain that 20-year retirement.

Number 2544

JEFF BARNHART, Fisheries Biologist, Alaska Department of Fish & Game, testified via teleconference. He noted that he, as have others, has lost a number of friends while working for ADF&G and serving the people of the state. Personally, he has had a number of close calls himself. "The dangers are very real. We face them every day and people should be compensated in the form of a 20-year retirement," he said. Furthermore, there are the economic realities that are illustrated in the American Fisheries Society reports of the comparisons of fisheries biologists' salaries nationwide since 1977. A fisheries biologist's salary in Alaska has significantly declined in comparison to the national average. The decline in salaries and benefits since 1977 coupled with the change from a 20-year retirement to a 30-year retirement has resulted in the department's current situation: a 20 percent vacancy rate. Biologists with the department are leaving state service for various other options. Therefore, the department isn't retaining its current biologists nor is it attracting new and qualified people.

MR. BARNHART remarked that Alaska's fish and wildlife resources is Alaska's primary renewable resource and thus the economic and social benefits of Alaska's fish and wildlife resources touch the lives of almost every Alaskan. He reviewed the range of economic and social benefits created by these resources. He said, "It's so important to the lives of all Alaskans that we have good populations of wild resources for now and for the future. We need to keep the qualified biologists we currently have and attract new qualified biologists that would make good decisions based on sound research. And 20-year retirement would be a good step toward achieving that goal." Therefore, Mr. Barnhart encouraged the committee to support the bill.

Number 2355

GINO DELFRATE, Wildlife Biologist, Alaska Department of Fish & Game, testified via teleconference. Mr. Delfrate encouraged the committee to pass HB 170. He informed the committee that he was the first person hired under the 30-year retirement plan. He also informed the committee that when he was first hired as a

wildlife biologist he was required to obtain a peace officer badge. Mr. Delfrate said that as time passed he realized that his job was no different than the person he replaced who had 20-year retirement. In fact, the person that he replaced was killed in an airplane accident while doing mountain goat surveys. Mr. Delfrate expressed the need to have 20-year retirement because there is no difference in the work, and furthermore it would make a difference in his outlook.

Number 2244

TIM VIAVANT, Fisheries Biologist, Fairbanks Division of Sport Fishing, Alaska Department of Fish & Game, testified via teleconference. Mr. Viavant urged the committee to support HB 170. Mr. Viavant echoed earlier comments regarding the fact that the department is facing and will continue to face real problems with recruitment and retention of qualified quality employees. In recent years the pool of available candidates has been small and often recruitment periods have to be extended or out of state recruitment has occurred. He feels that the recruitment pool is smaller because of the disparity in pay between the federal government and private sector and the state government. Furthermore, this work, although rewarding, is very stressful and occasionally dangerous. Although safety is a big concern for Mr. Viavant, he said that the overall stress level of being in a position that has contention over resource allocation [is also a big concern]. Other stressors with the job are the large amounts of time spent away from home as well as working large amounts of uncompensated overtime. In conclusion, Mr. Viavant said that a 20-year retirement plan would make these positions more attractive to prospective applicants and would increase the likelihood that current employees would stay to meet the 20-year retirement.

Number 2046

DON YOUNG, Wildlife Biologist, Alaska Department of Fish & Game, testified via teleconference. He began by noting his support of HB 170. He informed the committee that he has worked for ADF&G since 1997. Prior to that he worked for the U.S. Fish & Wildlife Service in Fairbanks for about eight years. Under the federal system, he wasn't deputized and fell under a 30-year retirement system. Prior to his work with [the U.S. Fish & Wildlife Service] he worked with the Idaho Department of Fish & Game as a seasonal technician from 1978-1989. Under the Idaho system he was deputized and under a 20-year retirement system.

MR. YOUNG said that the primary issue for him is the hazardous risk with his position. Mr. Young informed the committee that since coming to Alaska he has lost four colleagues to plane crashes. He pointed out that he spends hundreds of hours each year doing low-level, less than 500 feet, fixed-wing surveys. Often these surveys are conducted in poor weather conditions. Furthermore, in his position he spends about a week net-gunning caribou, which is considered to be one of the most dangerous capture activities. He discussed the potential problems with the various capture activities and noted that the department is reviewing the aircraft safety policy due to the number of close calls. Mr. Young turned to the enforcement aspect of the position and charged that staff is poorly trained in enforcement. At the beginning of his service with the department, he received one week of training and at this time there have been no refresher courses.

MR. YOUNG echoed earlier comments regarding the fact that people doing the same job, side-by-side, fall under different retirement plans, which he indicated is [unfair]. From his experience serving on the hiring committee, he concluded that the hiring pool is relatively poor. Therefore, he felt that the 20-year retirement would improve that situation. In closing he returned to the fact that he left the federal system to be employed with the state, which resulted in a 30 percent pay cut, although the job was the same. He clarified that he only went to the state system once his situation was such that he couldn't continue with the federal system.

Number 1725

BOB MURPHY, Management Biologist, Division of Commercial Fisheries, Alaska Department of Fish & Game, testified via teleconference. Mr. Murphy noted his strong support of HB 170. He echoed earlier testimony regarding the dangers of ADF&G staff when in the field. Although the state has developed an excellent system of local management and a thorough regulatory process, management of fish and wildlife is one of the most contentious issues in the state and places a high level of responsibility and stress on ADF&G staff. Therefore, it becomes more difficult to fill vacant positions and entice employees to take promotions to more stressful positions. He pointed out that many younger employees openly state that they will not stay to reach their 30-year retirement. Mr. Murphy concluded by saying, "This bill is the single-most critical step in the right direction to providing a strong incentive for recruiting and

retaining well-qualified and talented individuals to work for the Alaska Department of Fish & Game."

NICHOLAS SAGALKIN testified via teleconference. Mr. Sagalkin said he strongly supported HB 170. In his five years with ADF&G he has had a number of close calls during which he felt his life was in jeopardy. He reviewed his firsthand experiences with the dangers of the job. Mr. Sagalkin also addressed the difficult time the department has had with recruiting people in biologist positions. For example, the management biologist position for Area M, one of the most controversial fisheries in the state, will be unfilled going into the beginning of the commercial fishing season. Also the research biologist position for the Bering Sea, one of the largest resources in Alaska, has been unfilled for several months now.

REPRESENTATIVE STEVENS reiterated his earlier question regarding who should be included in and excluded from the 20-year retirement plan.

MR. MURPHY related his belief that the proposed CS includes language that includes all biologists with the state, which are the field generals for ADF&G.

CHAIR COGHILL pointed out that some [ADF&G biologists] are deputized by the Commissioner of the Department of Public Safety and thus there is some overlap.

Number 1412

ROBERT HUNTER, Wildlife Technician, Alaska Department of Fish & Game, testified via teleconference in support of HB 170. In the 12 years he has worked with ADF&G he has had a number of close calls, including three serious aircraft incidents. Mr. Hunter informed the committee that Alaska has the highest death rate of biologists and technicians in North America. Furthermore, [ADF&G's] benefits are not keeping pace with competing employers. There are fewer applicants than one would expect for many positions, which has often led the department to delay or postpone a recruiting process due to an inadequate number of applicants to ensure that the best person for the position was being hired. At one time it was common to attract applicants from federal agencies, but that is no longer the case. Mr. Hunter said, "Our programs are already suffering from vacancies that take too long to fill." Therefore, employees often have to cover those vacant positions in addition to their current position, which is inefficient.

MR. HUNTER echoed earlier comments regarding the disparity within the office, that is colleagues doing the same job while falling under different retirement systems. He pointed out that a ten year difference in retirement can be a long time when one thinks in context of the risks to which the employee is being exposed. Mr. Hunter said, "Regaining the 20-year retirement option may help reduce the gap between the employers' benefit packages and allow us to compete, again, for the expertise we need working for the state." Therefore, he hoped that the committee will support HB 170 in order to restore the [20-year] benefit option to the department's biologists and technicians.

Number 1181

MIKE DOXEY, Sport Fish Biologist, Alaska Department of Fish & Game, testified via teleconference. He mentioned the death of two of his college mates while working for ADF&G. He also mentioned his dangerous experiences as an ADF&G employee. However, he noted that his experiences are not unique among ADF&G employees. Mr. Doxey felt it appropriate that all ADF&G biologists be covered by the 20-year retirement plan as he is.

Number 1095

HARRY REYNOLDS, 28-year employee, Alaska Department of Fish & Game, testified via teleconference. He noted that most of his employment with ADF&G has been as a grizzly bear research biologist. Mr. Reynolds reiterated earlier testimony regarding the dangerous nature of his job and noted that he has been in three helicopter crashes, one airplane crashe, five helicopter incidents, and three fixed-wing incidents. Although he has survived, four of his friends have not. Employees of ADF&G have a higher rate of violent death on the job than any other department, including the state troopers, he believed. He related his belief that the current retirement system is unfair.

MR. REYNOLDS turned to the earlier suggestion of excluding employees without a biology degree from the 20-year retirement system. He pointed out that in the Fairbanks division, biometricians, computer program analysts, and network specialists consistently do field work alongside biologists. Therefore, he felt that the original language that said a qualified employee was someone certified by the commissioner "could address this concern."

Number 0907

JESSE VANDERZANDEN, Executive Director, Alaska Outdoor Council (AOC), testified via teleconference. Mr. Vanderzanden informed the committee that the AOC board hasn't had a formal opportunity to support HB 170. However, he has spoken with several board members who wanted him to forward their support. Mr. Vanderzanden said that [AOC] agrees with many of the comments mentioned regarding hazardous duty and fairness within the department.

MR. VANDERZANDEN said:

To the extent possible the AOC has tried to base their policies on sound science. And as you know, sound science is founded upon the replication and the constant measuring and monitoring of the environment and the fish and wildlife resources that interact in that environment. The retainment of good biologists at ADF&G enhances this replication and in turn enhances the credibility of the department. And in turn enhances Alaska's credibility, with respect to the intensive and scientific management of fish and game. To us, it's absolutely critical to have this ... replication, to have this continuity, to have this monitoring. It's no secret that we're under the microscope of the East Coast and in many respects, the nation. And to the extent that we can enhance and maintain our scientific credibility, it allows the state to not only retain their state management authority but also to continue implementing often unique and ... sometimes controversial programs that separate Alaska from the rest of the nation. We have a different set of circumstances up here and to the extent that we can maintain and enhance our scientific credibility, it's good for the department, ... Alaska, and ... our fish and wildlife.

Number 0720

DOREEN PARKER-McNEILL, Wildlife Biologist, Alaska Department of Fish & Game, testified via teleconference. She informed the committee that a significant amount of her job entails low-level wildlife survey flights and she has worked in remote areas. Ms. Parker-McNeill also informed the committee that for eight years she worked for the U.S. Forest Service. When she switched from federal to state employment, she noticed that her voice was actually heard in the state's bureaucratic system. However,

when she worked for the state she no longer received the 25 percent tax free COLA. She reviewed the inherent dangers with her job. Ms. Parker-McNeill said that she hoped that the committee would support HB 170 because she believes that a 20-year retirement plan would keep ADF&G employees working for the state.

Number 0468

KEVIN BROOKS, Director, Division of Administrative Services, Alaska Department of Fish & Game, said that the department feels that it is worthy to review this type of measure. He confirmed the testimony that the department has been grappling with pay and retention issues for the past few years. Currently, there is a salary survey being conducted in order to document the aforementioned poor candidate pools and other problems. He agreed that the aforementioned dangers to ADF&G employees are real.

MR. BROOKS informed the committee that currently the department has about 250 employees that fall under the 20-year retirement plan. In those same biological positions there are about 363 that fall under the 30-year retirement plan. These two groups are working side-by-side. With regard to the deputized employees, he explained that every year the department sends a pool of employees to the Sitka Trooper Academy for about a week of training. These deputized employees complement enforcement efforts from the Department of Public Safety. Although that is part of the job, it is not the primary focus. Mr. Brooks noted his agreement with Mr. Hilsinger's comment that ADF&G employees and their hazardous duties can stand alone, apart from peace officers.

CHAIR COGHILL turned to the disparity between state employment and federal employment [for a fish and/or wildlife position]. He asked Mr. Brooks to provide the committee with a percentage.

MR. BROOKS remarked that the disparity between federal and state employment has been one of the department's largest frustrations. He said that the biggest difference is the 20 percent tax free COLA.

TAPE 01-43, SIDE A

MR. BROOKS informed the committee that the salary survey will compare state employment with federal employment; specific

comparisons will be prepared. That survey will be available in May.

CHAIR COGHILL asked if there are other disparities for ADF&G employees beyond the retirement plan.

MR. BROOKS explained that the most recently hired employees enter a three-tier system that is dramatically different. He recalled that there is other legislation that would address those inequities. Someone hired today, would be under the 30-year retirement and receive 50 percent [of the health benefits upon retirement].

REPRESENTATIVE JAMES asked if there has been a change in the number of years required for someone to become vested.

MR. BROOKS said he believes that it takes five years to become vested.

There was inaudible testimony from Kathy Lea, Retirement Supervision, Division of Retirement & Benefits, Department of Administration, regarding the three-tier system and the vesting requirements.

Number 0304

REPRESENTATIVE STEVENS said that he appreciated hearing from Mr. Reynolds and Mr. Doxey both of which could have retired after 20 years, but choose to stay. Therefore, Representative Stevens surmised that the good news is that under the 20-year retirement, it doesn't necessarily mean that an employee has to retire after 20 years; it is merely an option. Representative Stevens asked whether Mr. Brooks had any idea how many of the 250 employees under the 20-year retirement system have worked beyond 20 years. He also asked whether the 24 deaths that have occurred since statehood primarily involved low-level flights. He further asked how moving between administrative and field positions would impact retirement.

MR. BROOKS first addressed the question regarding the percentage of employees working beyond their 20-year retirement. By virtue of the cutoff date, 1983, there is an increasing number of employees that are working past 20 years. However, he noted that some of those folks are seasonal. Mr. Brooks then turned to the question regarding the 24 fatalities in the department, which he believes were mainly aircraft fatalities.

MR. BROOKS moved on to the question regarding whether moving between administrative and field positions would impact retirement and whether that is clear in the bill. Mr. Brooks said that the desire is to have this issue clear in the bill because "we" don't want anything in the bill to dissuade anyone from promoting. The intent is to identify those biological positions that are hazardous. From his own experience in the department, Mr. Brooks pointed out that every regional supervisor, deputy director, and director hired in the resource divisions has come through the ranks and has a biology degree. Mr. Brooks said that the department's position would be that the designation would carry if someone promoted outside of the strict biological definition.

Number 0585

CHAIR COGHILL announced that he would like to hold HB 170 and discuss it again, although he expressed the need to get this bill to the House Finance Committee this year. However, he noted that there are several other bills that are traveling through the legislature that discuss workforce retention, recruitment, and parity. Chair Coghill clarified that he wanted to lay some of these side-by-side before passing them to the House Finance Committee. He noted that he also wanted to further discuss the peace officer link that HB 170 has. Therefore, Chair Coghill held HB 170 for further discussion.

The committee took a brief at-ease.

[Please note that the tape was changed at this point.]

TAPE 01-44, SIDE A

HJR 14-CONST. AM: ALASKA HERITAGE FUND

CHAIR COGHILL announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 14, Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to the Alaska heritage fund; and providing for an effective date for the amendments.

REPRESENTATIVE CRAWFORD, Alaska State Legislature, testified as the sponsor of HJR 14. Representative Crawford explained that HJR 14 is a simple and straightforward constitutional amendment. However, it will result in many consequences. Representative Crawford said, "I believe that it's incumbent on us to look forward and see that we have a disaster waiting for us and that

we need to act." This resolution would change the Constitutional Budget Reserve Fund to the Alaska Heritage Fund, which is a percent of market value fund. With the Alaska Heritage Fund "we" would never spend more than 5 percent of the market value of the fund. Therefore, the savings would be protected from "us" and thus would hopefully provide an impetus to move forward on a long-term fiscal policy. Representative Crawford said that he couldn't see any other choices in this matter. He pointed out, "We don't know when the constitutional budget reserve is going to run out. But if we do nothing, we do know it's going to run out." Therefore, he believes that HJR 14 would provide the necessary tools to establish a growing fund to use for the budget gap, which would eliminate the need to tax.

CHAIR COGHILL announced that HJR 14 would probably be brought up again on Tuesday.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:55 a.m.