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COMMITTEE REPORT
SENATE

3/26/82

FURTHER: None

Date: 3/29/82

Mr. President:

The Committee on RESOURCES has had SB 877
staff of the Citizens' Advisory Commission on Federal Areas in Alaska

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]
CHAIRMAN

APRIL 8, 1982

THURSDAY

3:00 P.M.

HOUSE RESOURCES COMMITTEE

SB 877 RELATING TO THE STAFF OF THE CITIZEN'S ADVISORY
COMMISSION ON FEDERAL AREAS IN ALASKA.

THE ORIGINAL INTENT IN LAST YEARS LEGISLATION, SB 36, WAS TO EXEMPT EMPLOYEES FOR THE PERSONNEL SYSTEM. SEPCIFICALLY IT IS POINTED OUT THROUGHOUT THE NOW LAW THAT THE COMMISSION IS A TEMPORARY ADVISORY AGENCY. WE INCLUDED LANGUAGE IN THE BILL THE COMMISSION AND THE STAFF OF THE COMMISSION ARE AUTOMATICALLY REPEALED JUNE 30, 1988.

HOWEVER, THE DEPARTMENT OF ADMINISTRATION HAS NOT AGREED WITH OUR INTENT AND WILL REQUIRE THE EMPLOYEES OF THE COMMISSION TO BE SELECTED FROM THE STATE PERSONNEL ROSTER. THE DEPARTMENT OF NATURAL RESOURCES HAS INDICATED THAT A BEST EFFORTS SCENARIO WOULD REQUIRE 12 -16 WEEKS TO GET POSITIONS CERTIFIED AND FILLED.

IN THE INTERIM, WE HAVE RECEIVED GUBENATORIAL AUTHORIZATION FOR THREE NON-PERMANENT POSITIONS -- WITH THE UNDERSTANDING THAT WE WOULD IMMEDIATELY SEEK A LEGISLATIVE CLARIFICATION. THE GOVERNOR WILL SUPPORT THIS LEGISLATION.

TO: Representative Sutcliffe
Representative Fanning
Co-Chairmen, House Resources Committee

FROM: Senator Fahrenkamp
Chairman, Senate Resources Committee

RE: Citizens' Advisory Commission

DATE: April 5, 1982

Please find attached 15 copies of the background information you requested on the following bills:

- SB 832 Extending the lapse date for the FY 82 appropriation for the Citizen Advisory Commission.
- SB 877 Relating to the staff of the Citizens' Advisory Commission on Federal Affairs in Alaska.

Please let me know if I can be of further assistance.

Bettye 3/29/82

NOTES ON SB 877
CITIZEN'S ADVISORY COMMITTEE STAFF

ORIGINAL INTENT IN AUTHORIZING LEGISLATION, SB 36, WAS TO EXEMPT EMPLOYEES FROM PERSONNEL SYSTEM.

SPECIFICALLY, THE LANGUAGE IN THE FIRST LINE OF THE ACT...

THE COMMISSION IS A TEMPORARY ADVISORY AGENCY . . . , COUPLED WITH THE SUNSET PROVISIONS OF THE ACT WAS SUPPOSED TO CONFORM TO 39.25.110(10) (COPIES PROVIDED TO EACH MEMBER) WHICH SPECIFICALLY EXEMPTS EMPLOYEES,

. . . EMPLOYED IN A PROFESSIONAL CAPACITY TO MAKE A TEMPORARY AND SPECIAL INQUIRY, STUDY OR EXAMINATION . . . AS AUTHORIZED BY THE GOVERNOR, THE LEGISLATURE, OR A LEGISLATIVE COMMITTEE;

HOWEVER, THE DEPARTMENT OF ADMINISTRATION HAS NOT AGREED WITH OUR INTENT AND WILL REQUIRE THE EMPLOYEES OF THE COMMISSION TO BE SELECTED FROM THE STATE PERSONNEL ROSTER. DNR INDICATED THAT A BEST EFFORTS SCENARIO WOULD REQUIRE 12 - 16 WEEKS TO GET POSITIONS CERTIFIED AND FILLED.

IN THE INTERIM, WE HAVE RECEIVED GUBERNATORIAL AUTHORIZATION OF THREE NON-PERMANENT POSITIONS (COPIES OF AUTHORIZATION PROVIDED) WITH THE UNDERSTANDING THAT WE WOULD IMMEDIATELY SEEK A LEGISLATIVE CLARIFICATION. THE GOVERNOR WILL SUPPORT LEGISLATION.

LEGISLATIVE SUMMARY

- SB 877 "An Act relating to the staff of the Citizens' Advisory Commission on Federal Areas in Alaska; and providing for an effective date."
- Sec. 1 Deletes the language that the staff is responsible to the Commission and places the employees in the exempt service, serving at the pleasure of the Commission and receiving compensation set by the Commission.
- Sec. 2 Adds the employees of the Commission to the list of those in the exempt service.
- Sec. 3 Repeals Sec. 2 above. (See Sec. 5)
- Sec. 4 Immediate effective date for Sections 1 and 2.
- Sec. 5 The effective date of Section 3 is June 30, 1988. NOTE: The is repealed effectively June 30, 1988.

Editor's notes. — As enacted, this section contained a subsection (b) which was redesignated as AS 41.37.065 by the revisor of statutes under AS 01.05.031.

Sec. 41.37.065. Expenses and per diem [Repealed effective June 30, 1988]. A member of the commission is entitled to travel expenses and per diem prescribed for state boards and commissions. (AS 41.37.060(b); § 1 ch 81 SLA 1981)

Editor's notes. — This section was originally enacted as AS 41.37.060(b) and was transferred by the revisor of statutes under AS 01.05.031.

Sec. 41.37.070. Staff of the commission [Repealed effective June 30, 1988]. The commission may employ staff and contract for services relating to matters within its authority. Staff employed under this section are responsible to the commission. (§ 1 ch 81 SLA 1981)

Sec. 41.37.080. Duties of the commission [Repealed effective June 30, 1988]. (a) The commission shall consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state.

(b) The commission shall consider, research, and hold hearings on the impact of federal regulations and federal management decisions on the people of the state.

(c) The commission may, after consideration of the public policy concerns under (a) and (b) of this section, make a recommendation on the concerns identified under (a) and (b) of this section to an agency of the state or to the agency of the United States which manages federal land in the state.

(d) The commission shall consider the views, research, and reports of advisory groups established by it under AS 41.37.090 as well as the views, research, and reports of individuals and other groups in the state.

(e) The commission shall establish internal procedures for the management of the responsibilities granted to it under AS 41.37.010 — 41.37.150.

(f) The commission shall report annually to the governor and the legislature within the first 10 days of a regular legislative session.

(g) The commission shall cooperate with each department or agency of the state or with a state board or commission in the fulfillment of their duties. (§ 1 ch 81 SLA 1981)

Sec. 41.37.090. Advisory groups of the commission [Repealed effective June 30, 1988]. (a) The commission may establish advisory groups in the state.

(b) The commission shall invite nominations for the membership on the advisory groups and shall consider the nominations in making its appointments to the groups.

Effect of amendments. — The 1981 retroactive to January 1, 1981, added sub-amendment, effective July 12, 1981 and section (b).

Sec. 39.20.340. Leave of absence for reserve or auxiliary members of armed forces. (a) An employee of the state, or a political subdivision, with the approval of the city council or borough assembly, who is a member of a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence without loss of pay, time or efficiency rating on all days during which he or she is ordered to training duty, as distinguished from active duty, with troops or at field exercises, or for instruction, or when under direct military control in the performance of a search and rescue mission. The leave of absence may not exceed 16½ working days in any 12-month period.

(b) If an employee is called to active duty by the governor, an employee otherwise qualified in (a) of this section is entitled to five days leave of absence without loss of pay, time, or efficiency rating. (§ 1 ch 20 SLA 1951; am § 1 ch 154 SLA 1970; am § 4 ch 151 SLA 1972; am § 1 ch 49 SLA 1976)

Editor's notes. — This section was set out to correct an omission in the main pamphlet.

Chapter 25. State Personnel Act.

Article

2. Coverage of Personnel (§§ 39.25.110, 39.25.120)

Article 2. Coverage of Personnel.

Section

110. Exempt service
120. Partially exempt service

Sec. 39.25.110. Exempt service. The following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

- (1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;
- (2) justices of the supreme court, judges of the superior court, judges and magistrates of other state courts established by law;
- (3) the administrative director and all other employees of the state court system, and employees and members of the Judicial Council;
- (4) the chief administrative officer of each house of the legislature;
- (5) all employees of the state legislature and its agencies;
- (6) the head of each principal department in the executive branch;
- (7) officers, members of the teaching staff, and employees of the University of Alaska;

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(8) certificated teachers employed by the state to teach in schools operated by the state;

(9) patients and inmates employed in state institutions;

(10) persons employed in a professional capacity to make a temporary and special inquiry, study, or examination as authorized by the governor, the legislature, or a legislative committee;

(11) members of boards, commissions, or authorities, except as otherwise provided by law;

(12) personnel employed by the division of marine transportation as masters and members of the crews or vessels who operate the state ferry system and who are covered by collective bargaining agreements provided in AS 23.40.040;

(13) commissioners of the Alaska Public Utilities Commission;

(14) the executive officer of the Alaska Commission on Postsecondary Education;

(15) commissioners and employees of the Alaska Commercial Fisheries Entry Commission;

(16) the ombudsman and his staff;

(17) the members, executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(18) certified teachers and noncertified employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer or operate schools under the operation, control and management of a regional educational attendance area school board;

(19) licensed physicians, as defined in AS 47.30.340(9), employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(20) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources except for those employed in the division of geological and geophysical surveys;

(21) employees of the Alaska Gas Pipeline Financing Authority;

(22) members of the board of trustees, the executive director, and staff of the Alaska Permanent Fund Corporation;

(23) the executive director and other employees of the Alaska Industrial Development Authority;

(24) officers, agents, and employees of the Alcoholic Beverage Control Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(25) employees of the Alaska Energy Center;

(26) employees of the Alaska Seafood Marketing Institute. (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Mulcahy
Senator Sturgulewski

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

March 29, 1982
1:35 p.m.

Beltz Room
211 - Capitol

Hearing:

SB 877 Relating to the staff of the Citizens' Advisory Commission on Federal areas in Alaska and providing for an effective date.
SB 834 Continuing the existence of the Guide Licensing and Control Board.
SB 840 Making a special appropriation for payment as a grant to the City of Cordova for a feasibility study of the Bering River coal field port and transportation system.

SB 877

Senator Fahrenkamp stated that SB 877 was necessary to assure that staff employees of the Citizens' Advisory Commission are exempt from the State service.

Senator Mulcahy moved SB 877 with individual recommendations.

SB 834

Mark Jensen, Chairman, State Guide Board, stated that the Board, consisting of three guides and four public members, was established in 1973. Jensen endorses SB 834, and although he endorses the idea of a review of Board action every few years, he feels that the sunset provision is not in the best interest of the State or the Board, as it creates "unnecessary upheaval."

Senator Sturgulewski referred to the audit report, and its recommendation that several changes be made in the Board's operation.

Jensen feels the Board has covered the major recommendations made in the audit.

Harry Traeger, Director, Division of Occupational Licensing, Department of Commerce and Economic Development, stated that the Code Revision Commission has Title 8 under consideration, and that the Administration will insist changes be made to satisfy the shortcomings outlined in the audit.

Senator Mulcahy moved SB 834 with individual recommendations.

SB 840

Edgar Blatchford, Chairman of the Board, Chugach Natives, Inc., spoke in support of SB 840, stating that the coal in the Bering River area is of high quality, and that the amount of money already invested by Chugach Natives is proof of their commitment to the project. They are requesting a one-time appropriation to study alternative sites for the port, the transportation system, and the financial and economic aspects of the project.

Carl Propes, Director of Lands and Natural Resources, Chugach Natives, Inc., stated that this appropriation is a proper role for the State, as a transportation system would cross State lands, and the port may be sited on State lands. Lack of State funding will probably delay the project at least a year. Carl emphasized that any State appropriation would not be interpreted as a commitment for further funding. He also stated that any funds appropriated will go to the City of Cordova, and the studies will be put out for competitive bid.

Senator Fischer expressed concern over how the State could recoup its investment, and brought up the issue of a severance tax.

Phil Holdsworth, COAL, expressed support for SB 840, stating that the Bering River coal field has real potential. He emphasized that coal is a marginal industry in Alaska, and that imposing a severance tax on the gross product may be enough to kill the industry. Coal operators would instead favor a tax based on net income. Holdsworth explained that Bering River had not been developed sooner, because it is a geologically complex area, unlike other coal deposits in Alaska which have thick beds and are strippable. The Bering River coal is of a much higher quality, and has a market in Korea.

Senator Mulcahy moved SB 840 with individual recommendations.

The meeting was adjourned at 2:40 p.m.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE

4016 EVERGREEN
FAIRBANKS, ALASKA 99701

907-479-3550



Senate

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OFFICE 907-465-3763
RESOURCES COMMITTEE
907-465-3611
HOME 907-789-9182

MEMORANDUM

TO: Governor Jay Hammond
FROM: Senator Bettye Fahrenkamp
DATE: March 25, 1982
RE: Appointment of non-permanent employees

We are having our first meeting of the Citizen's Advisory Commission on Federal Management Areas in Alaska today.

As you are aware, we are in a position of not being able to immediately hire staff to conduct the day to day business of the Commission. As temporary chairman, I therefore request authorization to hire non-permanent employees for the positions of Executive Director, Administrative Assistant II and one Research Analyst I.

As dictated by statute, these positions have been authorized and funded. The administration of the Commission is being handled by the Department of Natural Resources, Division of Administration. The Division Director concurs in this request and is ready to make the appointment upon approval.

APPROVED:

A handwritten signature in cursive script, appearing to read "Bettye Fahrenkamp".

DISAPPROVED:
