

HB

424

HOUSE COMMITTEE REPORT

(11)

Date referred: 2/19/88

FURTHER REFERRALS:

DATE: 3-16-88

The Finance Committee has considered HB 424

"An Act relating to the state Board of Education."

RECOMMENDS:

- replace with CS HB 424 (Hess) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 2-19-88
- zero with analysis

SIGNING DO PASS:

[Signature]

[Signature]

Mark Boyer

Larry Brown

Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Ronald J. [Signature] No Rec

Peter [Signature] " "

[Signature] No Recommendation

[Signature] Vice-Chair
Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : HB-424
Publish Date : _____

Revision Date: _____
Title : State Board of Education

Agency Affected : Education
BRU: Boards and Commissions

Sponsor : Ellis
Requestor : House HESS

Components : State Board of Education

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by : Steve Hole
Division : Commissioner's Office

Phone : 465-2800
Date : 2/17/88

Approved by Commissioner : William G. Demmert
Agency : Department of Education

Date : 2/17/88

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Original sponsors: Ellis, Koponen,
Swackhammer, et al.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 424 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the state Board of Education."

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

8 * Section 1. AS 14.07.075 is amended to read:

9 Sec. 14.07.075. CREATION. There is created at the head of the
10 Department of Education a Board of Education consisting of nine [SEV-
11 EN] members.

12 * Sec. 2. AS 14.07.085(a) is amended to read:

13 (a) The nine [SEVEN] members of the board [, NO MORE THAN FOUR
14 OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY AS THE GOVERNOR,]
15 shall be appointed by the governor, subject to confirmation by a
16 majority of the members of the legislature in joint session. Not more
17 than four of the seven members of the board appointed to a term of
18 five years or to fill a vacancy in a term of five years may be from
19 the same political party as the governor. In appointing board mem-
20 bers, the governor shall consider recommendations made by recognized
21 educational associations in the state.

22 * Sec. 3. AS 14.07.085(b) is amended to read:

23 (b) One member shall be appointed from each of the four judicial
24 districts and five [THREE] from the state at large. At [WITH AT]
25 least one member shall represent [REPRESENTING] regional educational
26 attendance areas and at least one member shall represent military
27 reservation schools. One member shall be a student in a public high
28 school in the state. The representative of the military reservation
29 schools and the student member may be reappointed for successive

1 terms, if they remain qualified for appointment to the board.

2 * Sec. 4. AS 14.07.095 is amended to read:

3 Sec. 14.07.095. TERM OF OFFICE. Except for the representative
4 of the military reservation schools and the student member, who shall
5 be appointed for one-year terms, the [THE] members of the board shall
6 be appointed for overlapping five-year terms. The terms of members
7 commence [COMMENCING] February 1 of the year of appointment. A member
8 appointed to fill a vacancy serves for the unexpired term of the
9 member whose vacancy is filled. A vacancy occurring during a term of
10 office is filled in the same manner as the original appointment.

11 * Sec. 5. AS 14.07.105(a) is amended to read:

12 (a) Five [FOUR] members constitute a quorum.

13 * Sec. 6. AS 39.05.100(a) is amended to read:

14 (a) A person appointed to a board or commission of the state
15 government shall be and have been before the last general election,
16 (1) a registered voter in the state, if the appointment is made at
17 large or (2) a registered voter from the judicial district, if the
18 appointment is made from a specific judicial district. The student
19 member of the Board of Education appointed under AS 14.07.085, the
20 student member of the Board of Regents of the University of Alaska
21 appointed under AS 14.40.150(b), and the student member of the Alaska
22 Commission on Postsecondary Education appointed under AS 14.42.015(e)
23 are exempt from the requirement of this subsection if the member was
24 not old enough to be a registered voter in the last general election.
25 The member of the Board of Education appointed under AS 14.07.085 as
26 the representative of the military reservation schools is exempt from
27 the requirement of this subsection.

28
29

DRAFT

LETTER OF INTENT
TO
HB 424

It is our intent that the governor consider the state Board of Education's traditional method of selecting student and military members when making appointments.

The student and military members are currently appointed through a ~~two~~ tiered selection process. The Alaska Association of Student Governments (AASG) and the Commanding General each submit a list of three candidates for appointment. The state Board of Education then interviews the finalists and selects the representative members.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

Office of the Commissioner

STEVE COWPER, GOVE

GOLDBELT PLACE
901 WEST 10TH STREET
P O BOX F
JUNEAU, ALASKA 99811-050

November 9, 1987

MEMORANDUM NUMBER 88-06

TO: All parties interested in the regulations of the Department of
Education
Note

FROM: *W* William G. Demmert, Commissioner

SUBJECT: Regulations dealing with high school graduation requirements, library assistance grants, library construction grants, school district tuition and the operation of the State Board of Education

Attached is a Notice of Proposed Changes in the Regulations of the Department of Education, and material being proposed as regulation. The department will look forward with interest to your comments relevant to these proposals. Additional copies of the proposed regulations are available from the Office of the Commissioner, Department of Education, P.O. Box F, Juneau, Alaska 99811

Written responses must be received prior to December 23, 1987, and should be sent to the Commissioner of Education, P.O. Box F, Juneau, Alaska, 99811. At any regularly scheduled meeting following that date, the State Board of Education may adopt these or other proposals dealing with the same subject matter without further notice or may decide to take no action on them.

DISTRIBUTION

All Superintendents
All Public Schools
Department of Law
Legislative Affairs
NEA/Alaska-Juneau, Fairbanks, Anchorage
Professional Teaching Practices Commission
Alaska Association of School Administrators
Alaska Association of Elementary Principals
Alaska Association of Secondary Principals
Association of Alaska School Boards
Legislators
District School Board Presidents
State Board of Education Members
House HESS
Senate HESS
Staff, Administrative Regulation Review Committee
Staff, Administrative Journal
Commissioners, Executive Branch Departments
Public Libraries

Attachments: Notice of Proposed Changes
Proposed Regulations

4 AAC 03 is amended by adding a new subsection to read:

4 AAC 03.025. ADVISORY MEMBERS OF STATE BOARD. (a) In addition to the number of members authorized by law, the board shall appoint as advisory members

(1) one military representative; and

(2) one student, who is enrolled in a state secondary education program.

(b) Installation commanders at Elmendorf AFB, Fort Richardson, Eielson AFB, Fort Wainwright, Fort Greely, and Adak Naval station may each select one person to serve as the military representative under (a)(1) of this section. The senior military commander in Alaska shall nominate the three best qualified persons among those selected by the installation commanders, or may nominate any others whom the senior military commander wishes the board to consider as the military representative. The senior military commander in Alaska shall submit the names of the three nominees to the board, providing a written statement of qualifications or resume for each candidate whose name is submitted. The board shall select an advisory member from among the nominees whose names have been submitted by the senior military commander, and shall set a term of membership for the military representative appointed not to exceed three years.

(c) The Alaska Association of School Governments may nominate candidates for the appointment of a student representative under (a)(2) of this section. The association shall nominate not less than two nor more than five persons for consideration for appointment as the student representative, and submit the names of nominees to the board, providing a written statement of qualifications or resume for each nominee whose name is submitted. The board shall select a student advisory member from among the nominees whose names have been submitted. The board shall select the student advisory member at the last regular meeting of the school year. The term of the student advisory member is one year, commencing with the first board meeting of each school year.

(d) Advisory members appointed under this section are entitled to expenses, travel, and per diem allowances provided by law.

(e) Advisory members appointed under this section may participate in the work of the board, and may deliberate and debate matters brought to the attention of the board. An advisory member may cast an advisory vote, but an advisory vote is not counted in determining the disposition of board matters.

HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE
February 18, 1988
8:30 a.m.

MEMBERS PRESENT

Rep. Johnny Ellis, Co-Chair
Rep. Niilo Koponen, Co-Chair
Rep. Alyce Hanley
Rep. Randy Phillips

MEMBERS ABSENT

Rep. Dave Donley
Rep. Max Gruenberg
Rep. Bill Hudson

COMMITTEE CALENDAR

- HB 409 - "An Act relating to student loan forgiveness for certain health providers."
HB 424 - "An Act relating to enlarging the membership of the State Board of Education."
HB 414 - "An Act relating to a school tax."
HB 380 - "An Act relating to state grant for school construction."
HB 465 - "An Act relating to criminal proceedings involving certain minors; and amending Rule 45(a) and 45(d)(2) of the Alaska Rules of Criminal Procedure."
HB 438 - "An Act relating to statutory wills."

WITNESS REGISTER

Kenneth R. Bahm
Regional Program Consultant
National Health Service Corps
Region X M/S 405
2901 Third Avenue
Seattle, Washington 98121
(206)442-7240

Number 1095

Ms. Hagevig states that all of the expenses of the student member are already included in the State Board of Education budget and the military covers the expenses of the military member.

Number 1098

Rep. Ellis asks Ms. Hagevig if she sees any problem with the passage of the legislation.

Number 1103

Ms. Hagevig states that she does not see any problem with the legislation and the State Board of Education supports the bill.

Number 1108

Rep. Ellis asks if anyone else in Juneau or on the teleconference network would like to testify on HB 424.

Number 1113

Rep. Hanley states that she supports this bill and hopes that the committee will hear and pass out the marijuana legislation fairly quickly.

Number 1124

Rep. Ellis asks if committee members have any further questions or comments. Hearing none, Rep. Ellis asks committee members to refer to the question that was raised by the Legal Division regarding the language on page 1, line 28, which states "that a representative of the military reservation and schools and the student member shall be appointed from a list of nominees proposed by the Board and submitted to the Governor." Rep. Ellis states that the Legal Division feels that this is an infringement on the Governor's executive powers and is therefore unconstitutional under state law. Rep. Ellis states that the committee needs to delete page 1, line 28.

Number 1150

Rep. Phillips moves to delete page 1, line 28 of HB 424. Hearing no objection, Rep. Ellis states that the line is deleted. Rep. Ellis asks committee members to quickly review the Letter of Intent for HB 424. Rep. Ellis asks if there is a motion.

Number 1190

Rep. Hanley moves that HB 424 be passed on to the next committee of referral with individual recommendations. Hearing no objection, the bill passes out of committee.

TAPE ONE, SIDE TWO

Number 003

Rep. Ellis states that HB 465, relating to criminal proceedings involving certain minors and amending Rule 45A and 45B to Alaska Rules of Criminal Procedure, has been reviewed by the Co-Chairs and staff who believe does not fit well into the jurisdiction of the committee and would therefore like to waive it on to the next committee of referral. Rep. Ellis continues that the committee also has HB 438, relating to statutory wills which does not fall under the jurisdiction of the committee as well and would like to waive it on the the next committee of referral as well. Rep. Ellis asks if any committee member has objection to waiving these two bills. Hearing no objection, Rep. Ellis states that HB 465 and HB 438 will be waived on the floor of the House to the next committee of referral.

Number 062

Rep. Ellis states that the next bill to be considered is HB 414, relating to a school tax. Rep. Ellis comments that Rep. Wallis' aide is on his way to the meeting and the committee will wait for him to testify.

Number 150

Mike Smith, Aide to Rep. Kay Wallis, states that Rep. Wallis extends her apologies for not being in attendance, but he will read her prepared statement to the committee. (Please see attached written statement.) Mr. Smith urges the committee's passage of the bill.

Number 243

Rep. Koponen asks if the maker of the bill would object to raising the tax to \$20.00.

Number 247

Mr. Smith answers that the sponsor would not object as she fully anticipates that the dollar amount would increase during the hearing process. Ms. Smith states that the fiscal note currently attached to the bill shows an implementation cost of less than \$100,000.00 for the first year and drops down to \$60,000.00 for each year after that.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

February 19, 1988

To: Rep. Al Adams, Chair
Members, House Finance Committee

Re: HB 424; "An Act relating to the State Board of
Education."

NEA-Alaska supports and encourages passage of HB 424.

We feel that all members of the State Board of Education
should be vested with full voting rights.

To be asked to serve on such a body but to be told that you
are not permitted to vote on matters subsequent to their
discussion and deliberation is to imply that the very
quality of your participation is of a lesser degree than
that of the other members having full voting rights.

Both the military and the student representatives, in
addition to their necessary statewide perspectives, have
responsibility to large and significant constituencies
within our structure of public education in Alaska.

We encourage that they be afforded the same rights and
privileges as the other members of the State Board of
Education.

Respectfully submitted,

Bob Manners
Executive Secretary

cc: Rep. Johnny Ellis

z19feb3

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 11, 1988

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

465-3603

Honorable Johnny Ellis
Honorable Niilo E. Koponen
Co-chairmen
House Health, Education, and
Social Services Committee
Alaska State House
P.O. Box V
Juneau, Alaska 99811

Re: Potential constitutional
problem with HB 424 (State
Board of Education members)

Dear Co-chairmen Ellis and Koponen:

House Bill 424 would amend the statutes governing the State Board of Education to provide that the member representing military reservation schools and the student member would be full voting members of the board rather than mere advisory members, as they are under present board bylaws. While that may be a laudable goal, we believe the bill may have a constitutional problem.

Section 3 of the bill would amend AS 14.03.085(b) to provide that the representative of the military reservation schools and the student member "shall be appointed from a list of nominees proposed by the board and submitted to the governor." We believe that provision would be an infringement on the executive power of appointment under art. III, § 26, Alaska Constitution. That section provides:

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the

Honorable Johnny Ellis and
Honorable Niilo E. Koponen
Re: HB 424 (State Board of Education)

February 11, 1988
Page 2

appointment shall be subject to the approval of the governor.

Section 25 of art. III is similar with respect to other department heads, providing for appointment by the governor subject to confirmation by a joint session of the legislature. At issue is whether the legislature may impose additional restrictions on the governor's appointment power, limiting the governor to appointment from a list of nominees submitted by some other entity, in this case the incumbent State Board of Education.

In Bradner v. Hammond, 553 P.2d 1 (Alaska 1976), in considering whether the legislature could by statute make other executive branch officers subject to legislative confirmation, or whether art. III, §§ 25 and 26, describe the outer limits of the legislature's confirmation authority, the Alaska Supreme Court held that legislative confirmation is not a distinct legislative power, but rather is a specific attribute of the appointment power of the executive. It held that sections 25 and 26 "mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government."

We believe the courts would reach a similar result in determining whether the legislature can impose by statute a requirement that the governor's appointments to a board that is "at the head of a principal department or a regulatory or quasi-judicial agency" be made from a list of nominees submitted by some other entity. Because the appointment power is an executive power and the only role constitutionally delegated to the legislature is that of confirmation, the doctrine of separation of powers leads us to conclude that the legislature does not have the constitutional authority to require that the governor make appointments to those bodies from a list of nominees submitted by some other entity. Any statute imposing such a requirement is likely to be struck down by the courts as an unconstitutional legislative infringement on the executive appointment power.

For the above reasons, we recommend that HB 424 be amended to remove the sentence beginning on page 1, line 28. AS 14.07.085(a) would still require that the governor consider recommendations made by recognized educational associations in the state, but would not require that the appointment be made from lists of nominees submitted by those organizations. Please

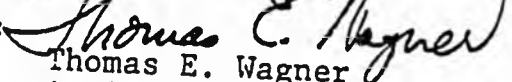
Honorable Johnny Ellis and
Honorable Niilo E. Koponen
Re: HB 424 (State Board of Education)

February 11, 1988
Page 3

contact me if you have questions regarding my comments on this
matter.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Thomas E. Wagner
Assistant Attorney General

TEW:jal

cc: Arthur H. Peterson
Bob Evans

1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-4031

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE

OFFICE OF MAJORITY WHIP



CO-CHAIR
HEALTH, EDUCATION & SOCIAL SERVICES

LABOR & COMMERCE
SUBCOMMITTEE ON FOREIGN TRADE

REPRESENTATIVE JOHNNY ELLIS

MEMORANDUM

TO: All House Members

FROM: Rep. Johnny Ellis *JE*

DATE: January 25, 1988

SUBJECT: Co-sponsorship of State Board of Education
Legislation

I plan to introduce the attached legislation which is in response to the 1987 Alaska Girl's and Boy's State legislation and the Alaska Association of School Governments resolution requests that the student and military members of the State Board of Education be granted voting rights.

Currently the State Board of Education consists of seven voting members appointed by the Governor for five year terms. The student and military representatives are appointed by the Board of Education for one year advisory terms.

The enclosed legislation would grant the student and military members voting privileges and make their yearly appointments the responsibility of the Governor. As is currently the tradition of the Board, representatives may be reappointed for successive terms if they remain qualified. Nominess for appointment will be proposed by the Board and submitted to the Governor.

I ask for your support in encouraging greater student and military participation on the Board by granting their requests to become voting members. I plan to introduce this legislation on Friday January 29th. Please contact Leola Weimer of my staff at x3704 by this Thursday if you wish your name to be added as co-sponsor of this bill.

Student Vote Resolution

Whereas, current Alaska Statute stipulates that a student member of the Alaska Association of School Governments serve on the Alaska State Board of Education in an advisory capacity, and

Whereas, past experience has shown that the student advisory members possess sufficient levels of maturity and competence to handle the responsibility of voting; and

Whereas, policies effected by the Alaska State Board of Education have a large and direct impact on the student population, and

Whereas, students are aware of problems and situations on the education system that adults may not be immediately cognizant of, and

Whereas, other states, including California and Rhode Island, have had favorable results with having a voting student member on their State Boards of Education, and

Whereas, Alaska Girl's State 1987 and Alaska Boy's State 1987 have passed legislation supporting this concept.

Therefore, be it resolved, that the Alaska Association of School Governments supports and encourages legislative measures to increase the size of the Alaska State Board of Education by one member, establishing the student advisory member as a full voting member.

Media
Read the letter
Tell me what it says
FEB 5 1988

MEMORANDUM

February 5, 1988

SUBJECT: House Bill 424, relating to the composition
of the State Board of Education

TO: Representative Johnny Ellis

FROM: Jack Chenoweth *JC*

May I submit the enclosed for addition to the record as the House considers the above-captioned bill.

The author of the letter served five years as the advisory military representative on the State Board of Education, concluding his service this past summer due to his reassignment to a Florida Air Force Base.

Enclosure



DEPARTMENT OF THE AIR FORCE
AIR FORCE SYSTEMS COMMAND REGIONAL HOSPITAL EGLIN (AFSC)
EGLIN AIR FORCE BASE, FLORIDA 32542-5300

22 Jan 88

Dear State Board Members,


Recently, I was asked to proffer an opinion regarding the military advisor position on the State Board of Education. Specifically, the question was raised whether the military advisor should be a voting member or remain in an advisory capacity. As in most things, I do have an opinion!

Evaluating my own role and overall effectiveness for the last five years as a non-voting advisory member is better left to your judgement. However, I certainly came to one conclusion, and that was in regard to the student member. I watched four young adults spend their time and energy, often to the detriment of their grades, and certainly for the most part not a lot of fun, dedicate themselves to the issues as tenaciously as any of the more senior members. The question is then, why shouldn't they vote, assuming the political climate is right for such a change? I respected their opinions but sometimes wondered if those opinions were brushed aside because they did not have the weight of a valid vote. I suspect that I am correct. Not when the issues were relatively innocuous but when they became more emotional and heated. And as they did, shorter attention was paid to either advisory members comments. This is certainly not to be condemnatory, but merely a philosophical observation. I believe, of human nature.

Should the military member vote? As with all the board members, the time I spent on Board duties impacted on my private and professional life. Should my time spent be any less 'important' than theirs? The implication being that if the advisory member was not present, it certainly did not affect the legal status of the board. The question was raised by legal counsel in 1983, although ignored, whether advisory members could even sit in executive session. Somewhat demeaning wouldn't you think? The military in the State of Alaska I suspect, approaches fifteen percent of the total population or even better. Although I never really thought of myself as 'representing' only the military of Alaska, it is certainly viewed that way by many others and presumed that we could act on matters that impacted the military member or their families. I believe that is a sizeable responsibility and should be honored with a valid vote.

7

The real danger is for the advisory member to lose interest and is probably more critical for the military member than the student, due to the normal tenure of one year for the student. If your comments are not taken seriously, if it does not really matter if you are present or not, and if you come and go rather more frequently than the regular member it is easy to not take any issue too seriously. Whether this happens to others I cannot say, but it did on occasion happen to me. I would not have lasted with the first board because of the closed attitude they appeared to have toward the advisory members. The second board was about one-half of the present members, and was much, much more open and easier to work with. The present board? Only the current advisory members can say. I say they should vote, why not ask them?


ROGER K. STROSNIDER, Colonel, USAF, DC
Base Dental Surgeon

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IN THE SENATE

BY EDUCATION

SENATE BILL NO. 4

IN THE LEGISLATURE OF ALASKA GIRLS STATE

A Bill for an Act entitled: "An Act relating to the change in membership status
and voting rights of the student member on the
State Board of Education; and providing for an eff
ive date."
BE IT ENACTED BY THE LEGISLATURE OF BOYS' STATE.

*Section 1. AS 14.07.075 is amended to read:

Creation. There is created at the head of the Department of Education
a Board of Education consisting of nine [seven] members. (1 ch 96 S.A. '967

* Section 2. AS 14.07.085 is amended to read:

Appointment of members. (a) The nine [seven] members of the board, no
more than five [four] of whom shall be members of the same political party
as the governor, shall be appointed by the legislature in joint session
In appointing board members, the governor shall consider recommendations
made by recognized educational associations in the state.

(b) One member shall be appointed from each of the four judicial districts
and three from the state at large with at least one member representing
regional educational attendance areas. One student member shall be
appointed from the state at large who, during his/her term of office
is currently enrolled in any Alaska high school. The governor shall
appoint the student member only upon the endorsement of the student
by the Alaska Association of School Governments (A.A.S.G.) and the
State Board of Education currently instated. One military member

*Section 2. This Act takes effect on _____

Signed by: HOUSE SPEAKER Greg Cederwiche CHIEF CLERK Linda Dinkel
SENATE PRESIDENT Jennifer Brunner SENATE SECRETARY Jodi Cooper
GOVERNOR Kelly Parli Date: 11 JUNE 87

1 shall be appointed from the state at large who, during his term of office,
2 is currently stationed at any military base within the state of Alaska.
3 The governor shall appoint the military member only upon the endorsement
4 of the military joint command and the State Board of Education.

5 (c) The members are entitled to the expenses, travel, and per diem
6 allowances provided by law.

7 (d) A member may act and receive compensation from the date of ap-
8 pointment until confirmation or rejection by the legislature. (1 ch 96
9 SLA 1967)

10 *Section 3. AS 14.07.095. is amended to read:

11 Term of office. The members of the board, with the exception of the
12 student member, shall be appointed for overlapping five-year terms com-
13 mencing February 1 of the year of appointment. A member appointed to
14 fill a vacancy serves for the unexpired term of the member whose vacancy
15 is filled. A vacancy occurring during a term of office is filled in the
16 same manner as the original appointment. The student member shall be
17 appointed for one, one year term commencing on the first August meeting
18 of the board and terminating at the end of the first June meeting of the
19 board. (1 ch 96 SLA 1967)

20 *Section 4. AS 14.07.105. is amended to read:

21 Quorum and chairman. (a) Five [Four] members constitute a quorum.

22 (b) The board shall designate one member of the board as the chair-
23 man who serves as chairman of the board at the pleasure of the board.
24 (1 ch 96 SLA 1967)

25 *Section 5. AS 14.07.110. is amended to read:

26 Removal. Members of the board serve at the pleasure of the governor
27 with exception of the military and student member. The military and/or
28 student members may be removed upon request of the governor and mar-
29 ority vote of the board. (1 ch 96 SLA 1967)

30 *Section 6. AS 39.05.100. is amended to read:

31 Qualifications for appointment. (a) A person appointed to a board or
32 commission of the state government, with the exception of a student ap-
33 pointee, shall be and have been before the last general election, (1) a

1 registered voter in the state, if the appointment is made at large or (2)
2 a registered voter from the judicial district, if the appointment is made
3 from a specific judicial district.

4 (b) A member of a board or commission of the state government who ceases
5 to reside in the state during the member's term terminates membership on the
6 board or commission. For the purposes of this section, the acceptance of
7 employment outside the state for a six-month period or longer, or physical
8 absence from the state for one year or longer, or registration as a voter in
9 a voting precinct outside the state is considered as discontinuing residence
10 in the state. (ch 64 SLA 1955; am. ch 167 SLA 1957)

11 *Section 7. AS 44.19.130. is amended to read:

12 Appointment to boards and commissions. (a) Notwithstanding AS 44.19.130
13 or a provision of law relating to age, the governor may appoint any resident
14 of Alaska to a board or commission if recommended by the commission.

15 (b) A young person recommended by the commission may be appointed to
16 boards or commissions with or without special qualifications for membership
17 if the proposed nominee, except for age, meets the required qualifications
18 as set by law.

19 (c) An individual appointed to a board or commission under this section
20 is entitled to the rights, privileges, and responsibilities of other mem-
21 bers, and the appointment is subject to confirmation by the legislature
22 when required by law. No additional seat on a board or commission is cre-
23 ated by virtue of AS 44.19.123--44.19.130. (ch 121 SLA 1971)

STATE OF ALASKA
THE LEGISLATURE

JAN 25 1988
FOUCHY, STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 25, 1988

SUBJECT: Appointment of Members of the State
Board of Education (W.O. 5-1565)

TO: Representative Johnny Ellis

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is in response to the question of whether the State Board of Education could appoint the student and military members of the board, subject to the approval of the Governor.

The authority to appoint the members of a board that is at the head of a principal department lies exclusively with the Governor under Article III, Section 26 of the Alaska Constitution.

When a board or commission is at the head of a principal department or regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. . . . Art. III, Sec. 26 (in part)

The State Board of Education is at the head of the Department of Education, a principal department of state government. The Governor has the exclusive authority to appoint the members of the board. The Governor's authority to appoint members of the board cannot be limited by a statute that forces the Governor to appoint a specific individual. The proposal to allow the State Board of Education to select the student and military members of the board subject to the approval of the Governor would result in an invasion of the Governor's authority to appoint. Even though the Governor could reject the person selected by the board, and thus retain the ultimate control over who is appointed to the board, the fact that the Governor could only accept or reject the person would defeat the intent of

Representative Johnny Ellis
Page 2
January 25, 1988

the constitution that the Governor have exclusive authority to appoint members of the board. A law delegating responsibility for appointments of certain members of the State Board of Education to the board would be subject to constitutional challenge.

The Alaska Supreme Court strictly construes the Alaska Constitution in regard to the power of the Governor to make executive appointments. In Bradner v. Hammond, 553 P.2d 1 (Alaska, 1976), the court found that the Legislature's only powers to "meddle" in appointments by the Governor were limited to those powers expressly mentioned in the constitution. The Legislature could not extend its powers by enacting a statute. Given the court's position that the Legislature cannot extend its power over the Governor's appointments by statute, it is unlikely that the court would allow the Legislature to dilute the Governor's authority to make appointments by requiring the Governor to accept or reject appointments made by the State Board of Education.

A process whereby the Governor would select the student and military members of the board from a list of nominees prepared by the board is less offensive to the Governor's authority than the proposal discussed above. However, this process could become suspect if the Governor must select appointees from the list, because the Governor's authority and discretion would be limited. If the Governor is allowed to appoint the student and military members from this list of nominees, rather than required to appoint from the list, there would not be an unconstitutional invasion of the Governor's authority. The Governor would retain full authority and discretion to appoint whomever the Governor desired.

If I can provide further discussion of this issue, please contact me.

GU:bb
WKB1/095



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2115 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

February 19, 1988

To: Rep. Al Adams, Chair
Members, House Finance Committee

Re: HB 424; "An Act relating to the State Board of
Education."

NEA-Alaska supports and encourages passage of HB 424.

We feel that all members of the State Board of Education
should be vested with full voting rights.

To be asked to serve on such a body but to be told that you
are not permitted to vote on matters subsequent to their
discussion and deliberation is to imply that the very
quality of your participation is of a lesser degree than
that of the other members having full voting rights.

Both the military and the student representatives, in
addition to their necessary statewide perspectives, have
responsibility to large and significant constituencies
within our structure of public education in Alaska.

We encourage that they be afforded the same rights and
privileges as the other members of the State Board of
Education.

Respectfully submitted,

Bob Manners
Executive Secretary

cc: Rep. Johnny Ellis

z19feb3

STATE OF ALASKA

DEPARTMENT OF EDUCATION

Office of the Commissioner

STEVE COWPER, GOV.

GOLDBELT PLACE
901 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

November 9, 1987

MEMORANDUM NUMBER 88-06

TO: All parties interested in the regulations of the Department of Education

FROM: *file* William G. Demmert, Commissioner

SUBJECT: Regulations dealing with high school graduation requirements, library assistance grants, library construction grants, school district tuition and the operation of the State Board of Education

Attached is a Notice of Proposed Changes in the Regulations of the Department of Education, and material being proposed as regulation. The department will look forward with interest to your comments relevant to these proposals. Additional copies of the proposed regulations are available from the Office of the Commissioner, Department of Education, P.O. Box F, Juneau, Alaska 99811

Written responses must be received prior to December 23, 1987, and should be sent to the Commissioner of Education, P.O. Box F, Juneau, Alaska, 99811. At any regularly scheduled meeting following that date, the State Board of Education may adopt these or other proposals dealing with the same subject matter without further notice or may decide to take no action on them.

DISTRIBUTION

All Superintendents
All Public Schools
Department of Law
Legislative Affairs
NEA/Alaska-Juneau, Fairbanks, Anchorage
Professional Teaching Practices Commission
Alaska Association of School Administrators
Alaska Association of Elementary Principals
Alaska Association of Secondary Principals
Association of Alaska School Boards
Legislators
District School Board Presidents
State Board of Education Members
House HESS
Senate HESS
Staff, Administrative Regulation Review Committee
Staff, Administrative Journal
Commissioners, Executive Branch Departments
Public Libraries

Attachments: Notice of Proposed Changes
Proposed Regulations

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE
STATE BOARD OF EDUCATION

Notice is given that the State Board of Education, under authority vested by AS 14.07.060, proposes to repeal, adopt and amend regulations in Title 4 of the Alaska Administrative Code, dealing with high school graduation requirements, school district tuition payments, library assistance grants, library construction grants and organization procedures and functions of the State Board of Education, to implement and interpret AS 14.07.060, AS 14.07.125, AS 14.07.160, AS 14.07.020(1), (2) and (4), AS 14.07.030(10), AS 14.14.110, AS 14.56.230, and AS 14.56.350(a), as follows:

- 1) 4 AAC 3 is amended by adopting, repealing and amending sections to clarify and expand the organization, duties, meeting order and schedule, procedure, and membership of the State Board of Education;
- 2) 4 AAC 06.075 is amended by repealing the transition sections of the high school graduation requirements;
- 3) 4 AAC 09 is amended by repealing and adopting sections to make more clear school district tuition rates and payments; and
- 4) 4 AAC 57 is amended by adding, adopting and repealing sections to establish requirements, limits, criteria and procedures for applications and applicants for grants for library assistance and library construction.

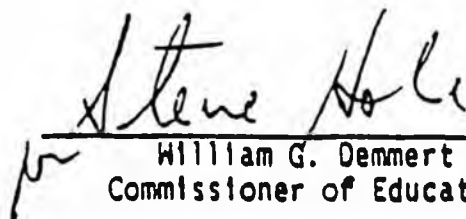
Notice is also given that comments may be made in writing to the Commissioner's Office, 801 West 10 Street, P.O. Box F, Juneau, Alaska, 99811, before 4:30 p.m. on December 23, 1987.

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the Commissioner of Education, P.O. Box F, Juneau, Alaska 99811

The State Board of Education, upon its own motion or at the instance of any interested person, may thereafter adopt these or other proposals dealing with the same subject matter without further notice or may decide to take no action on them.

DATE: 11-5-87



William G. Demmert
Commissioner of Education

4 AAC 03.010 is amended to read:

4 AAC 03.010. ORGANIZATION. (a) The officers of the Board of Education are the chair (A CHAIRMAN), first vice-chair, second vice-chair (VICE-CHAIRMAN, FINANCE CHAIRMAN), and secretary.

(b) Except for the secretary, the officers of the board are elected at the last regular meeting of the board each school year, and serve one year, July to June 30, and thereafter, if necessary, until the election of their successors. A board member may serve successive terms as an officer without limit.

(c) The commissioner of education is ex-officio secretary of the board.

4 AAC 03.020 is amended to read:

4 AAC 03.020. DUTIES OF THE OFFICERS. (a) The {PRESIDENT OF THE} board chair shall

(1) preside at all meetings of the board;

(2) maintain liaison with other members of the board and with the commissioner when the board is not in session;

(3) work with the commissioner and persons appointed by the commissioner to develop meeting agendas;

(4) represent the board when occasion requires, and speak publicly for the board as a whole on positions of the board;

(5) unless otherwise specifically provided by law or motion, appoint board members to committees and subcommittees, and appoint the members of advisory committees that the board establishes; and

(6) {SHALL} advise the commissioner at times when the board is not in session.

(b) The first vice-chair (VICE-PRESIDENT) shall act in place of the chair (PRESIDENT) in the chair's (HIS) absence, or in the case of a vacancy in that office. If the first vice-chair cannot serve, the second vice-chair shall assume the duties of the first vice-chair (HIS RESIGNATION).

(c) The {EX-OFFICIO} secretary shall keep a record of the minutes of all meetings, shall answer and file board correspondence, and shall perform any other duties as the board may direct, in addition to performing the (HIS) duties of {AS} commissioner. The secretary may delegate responsibilities assigned under this subsection to the board executive assistant or to one or more employees of the department.

MEMORANDUM

State of Alaska

Department of Education

TO: Members, State Board of Education

DATE: January 15, 1988

FILE NO: 88-74

THRU: Commissioner William Demmert TELEPHONE NO: 465-2800

FROM: Rosemary Hagevig *RH*

SUBJECT: Consideration of Regulation
for Adoption: 4 AAC 03
Adoption, Repeal, Amendment
of State Board of Education
Regulations

HISTORICAL BACKGROUND

In the context of the annual review of the Bylaws of the State Board of Education, the committee found that much of the material that had been contained in the Bylaws would be more appropriately placed in regulation. As a result the attached regulations were revised and were sent out for public comment. No adverse comments were received and the regulations are now ready for adoption.

ALTERNATIVES

1. Adopt the regulations as presented.
2. Postpone action until a date certain.

DEPARTMENT RECOMMENDATION

It is recommended that the Board adopt the regulations in 4 AAC 03.101-.03.100 dealing with adoption, repeal and amendment of the regulations clarifying and expanding the organization, duties, meeting procedures and membership of the State Board of Education.

*Sealed:
adopted by the
State Board of
Education Jan 27, 1988.
RH*

4 AAC 03 is amended by adding a new subsection to read:

4 AAC 03.025. ADVISORY MEMBERS OF STATE BOARD. (a) In addition to the number of members authorized by law, the board shall appoint as advisory members

(1) one military representative; and

(2) one student, who is enrolled in a state secondary education program.

(b) Installation commanders at Elemendorf AFB, Fort Richardson, Eielson AFB, Fort Wainwright, Fort Greely, and Adak Naval station may each select one person to serve as the military representative under (a)(1) of this section. The senior military commander in Alaska shall nominate the three best qualified persons among those selected by the installation commanders, or may nominate any others whom the senior military commander wishes the board to consider as the military representative. The senior military commander in Alaska shall submit the names of the three nominees to the board, providing a written statement of qualifications or resume for each candidate whose name is submitted. The board shall select an advisory member from among the nominees whose names have been submitted by the senior military commander, and shall set a term of membership for the military representative appointed not to exceed three years.

(c) The Alaska Association of School Governments may nominate candidates for the appointment of a student representative under (a)(2) of this section. The association shall nominate not less than two nor more than five persons for consideration for appointment as the student representative, and submit the names of nominees to the board, providing a written statement of qualifications or resume for each nominee whose name is submitted. The board shall select a student advisory member from among the nominees whose names have been submitted. The board shall select the student advisory member at the last regular meeting of the school year. The term of the student advisory member is one year, commencing with the first board meeting of each school year.

(d) Advisory members appointed under this section are entitled to expenses, travel, and per diem allowances provided by law.

(e) Advisory members appointed under this section may participate in the work of the board, and may deliberate and debate matters brought to the attention of the board. An advisory member may cast an advisory vote, but an advisory vote is not counted in determining the disposition of board matters.

4 AAC 03.030 is amended to read:

4 AAC 03.030. REGULAR (TIME OF) MEETINGS. (a) Regular meetings (MEETINGS) shall be held quarterly during the first week of each quarter, in Juneau, unless the board specifically selects another time and place. At the last regularly scheduled meeting of each school year, the board shall adopt a calendar of regular meetings for the following school year, indicating the planned date and location of each meeting, but a majority of the members of the board may alter the calendar when circumstances warrant that action.

(b) The following is the order of business at each regular meeting:

(1) adoption of the agenda and public comment on agenda items;

(2) approval of the minutes of the previous regular meeting and any intervening special meeting;

(3) board members' comments

(4) reports;

(5) unfinished business;

(6) new business.

(c) The board may use a consent agenda to dispose of routine items.

4 AAC 03 is amended by adding a new section to read:

4 AAC 03.035. SPECIAL MEETINGS. (a) A special meeting of the board may be called by the chair or by four members of the board.

(b) The business conducted at a special meeting is limited to matters that require immediate attention by the board and only to the matters specifically identified in the notice of the special meeting.

4 AAC 03.040 is repealed.

4 AAC 03.040. PROCEDURE. Repealed.

4 AAC 03 is amended by adding a new section to read:

4 AAC 03.041. PROCEDURE. (a) Robert's Rules of Order govern proceedings of the board.

(b) All questions pending before the board shall be decided by a majority of the members present and voting.

4 AAC 03.050 is repealed.

4 AAC 03.050. DUTIES OF THE BOARD. Repealed.

4 AAC 03 is amended by adding new sections to read:

4 AAC 03.051. NOTICE OF MEETING. (a) For each regular or special meeting of the board, the secretary or board executive assistant shall:

(1) publish notice of the date, time, and place of the meeting in at least three newspapers of general circulation in the state;

(2) mail written notice of the date, time, and place of the meeting, and the tentative agenda of the meeting, to

(A) all school district superintendents; and

(B) any individual or organization who has requested receipt of the notice; and

(3) give notice of the date, time, and place of the meeting, and the tentative agenda of the meeting, on the department's electronic mail system.

(b) Notice of a meeting shall be transmitted under (a)(2) and (a)(3) of this section

(1) not less than ten days prior to a regular meeting; and

(2) not less than seven days prior to a special meeting.

(c) If a meeting, or any portion of it, is to be conducted by teleconference, the notice shall note the location of any teleconference facility that will be used.

4 AAC 03.060. AGENDA PREPARATION AND DISTRIBUTION. (a) The board chair and the secretary or board executive assistant shall coordinate preparation of a tentative agenda for each regular or special meeting. To allow for consideration of an item as the agenda is developed, a board member, advisory member, employee of the department, or any member of the public who wishes to place an item on the agenda should submit a request to the secretary, the board executive assistant, or the chair

(1) not less than 15 days prior to a regular meeting; or

(2) not less than 10 days prior to a special meeting.

(b) The secretary or board executive assistant shall distribute the tentative agenda, agenda packet memoranda, and required supporting material. These materials shall be mailed not later than seven days prior to a meeting :

- (1) board members and advisory members;
- (2) interested parties who have requested delivery of these materials; and
- (3) teleconference sites in accordance with AS 44.62.310(a).

(c) The secretary or board executive assistant may make a supplemental distribution of agenda packet memoranda and required supporting material as necessary. If the supporting material is to be considered by the board at a teleconference meeting, the supporting material must be distributed to the teleconference locations.

(d) A member may propose additional agenda items for consideration at the start of the regular meeting. The board may add additional agenda items by vote of the majority of the board members present.

4 AAC 03.070. POLLING OF BOARD MEMBERS. If directed by the chair, the secretary or board executive assistant shall poll board members and advisory members

- (1) to authorize altering a regular meeting from the date and location of the meeting set in the calendar of regular meetings previously adopted by the board;
- (2) to convene a special meeting and to establish or change its time, date, and location; or
- (3) to insert or delete an item on a tentative agenda for a regular or special meeting.

4 AAC 03.090. ADOPTION OF REGULATIONS. (a) Except as provided in (b) of this section, in AS 14.03 - 14.60 and AS 23.15, if state law authorizes or directs action on a regulation by "the department" or "the Department of Education", the regulation may not be adopted, amended, or repealed unless the adoption, amendment, or repeal is approved by the board.

(b) The commissioner of education may approve emergency regulations to be adopted under AS 44.62.250 - 44.62.270 without prior board approval.

4 AAC 03.100. BYLAWS. The board may adopt bylaws to:

- (1) further prescribe
 - (A) organization and operation of the board;
 - (B) orientation of new board members and advisory members;

(C) the appointment, operation, and termination of subcommittee:
of the board; and

(D) appointment to and service of board members on other
committees;

(2) prescribe the process of appointment of the commissioner of
education;

(3) define the duties of the board secretary and of the board
executive assistant;

(4) prescribe matters relating to management of the department,
including but not limited to:

(A) oversight of employee rights under AS 14.07.145(f); and

(B) exercise of budget and fiscal authority under AS 14.07.150;

(5) prescribe matters relating to the management of schools operated
by the state or whose establishment and operation by the state has been
directed by law or by the board;

(6) address other board responsibilities and functions; and

(7) describe a process of bylaw review, amendment, and repeal.

4 AAC 06.075(c) and (e) are repealed.

4 AAC 06.075(c). Repealed.

4 AAC 06.075(e). Repealed.

4 AAC 09.030 is repealed and readopted to read:

4 AAC 09.030. TUITION RATES. (a) The commissioner will calculate a base
tuition rate for each city or borough school district for each fiscal year by
dividing the sum of the municipality's audited local contributions to the
school district during the prior fiscal year for both school operations and
capital outlay, less any state reimbursement to the municipality for debt
retirement during the prior fiscal year, by the district's average daily
membership for the prior fiscal year.

4 AAC 09.035 is adopted to read:

4 AAC 09.035. TUITION PAYMENTS. (a) The department will pay tuition to
each municipal district in which K-12 students are enrolled who are wards of
the state or whose parents, custodial parent, or guardian reside on a military
base or in an REAA district in which the necessary grade level is not provided.

BY ELLIS, KOPONEN, SWACKHAMMER,
ULMER, HUDSON, BARNES, PEARCE,
PHILLIPS AND ZAWACKI

1 IN THE HOUSE

2 HOUSE BILL NO. 424

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the state Board of Education."

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

8 * Section 1. AS 14.07.075 is amended to read:

9 Sec. 14.07.075. CREATION. There is created at the head of the
10 Department of Education a Board of Education consisting of nine [SEV-
11 EN] members.

12 * Sec. 2. AS 14.07.085(a) is amended to read:

13 (a) The nine [SEVEN] members of the board [, NO MORE THAN FOUR
14 OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY AS THE GOVERNOR,]
15 shall be appointed by the governor, subject to confirmation by a
16 majority of the members of the legislature in joint session. Not more
17 than four of the seven members of the board appointed to a term of
18 five years or to fill a vacancy in a term of five years may be from
19 the same political party as the governor. In appointing board mem-
20 bers, the governor shall consider recommendations made by recognized
21 educational associations in the state.

22 * Sec. 3. AS 14.07.085(b) is amended to read:

23 (b) One member shall be appointed from each of the four judicial
24 districts and five [THREE] from the state at large. At [WITH AT]
25 least one member shall represent [REPRESENTING] regional educational
26 attendance areas and at least one member shall represent military
27 reservation schools. One member shall be a student in a public high
28 school in the state. The representative of the military reservation
29 schools and the student member shall be appointed from a list of

1 nominees proposed by the board and submitted to the governor. The
2 representative of the military reservation schools and the student
3 member may be reappointed for successive terms, if they remain qual-
4 ified for appointment to the board.

5 * Sec. 4. AS 14.07.095 is amended to read:

6 Sec. 14.07.095. TERM OF OFFICE. Except for the representative
7 of the military reservation schools and the student member, who shall
8 be appointed for one-year terms, the [THE] members of the board shall
9 be appointed for overlapping five-year terms. The terms of members
10 commence [COMMENCING] February 1 of the year of appointment. A member
11 appointed to fill a vacancy serves for the unexpired term of the
12 member whose vacancy is filled. A vacancy occurring during a term of
13 office is filled in the same manner as the original appointment.

14 * Sec. 5. AS 14.07.105(a) is amended to read:

15 (a) Five [FOUR] members constitute a quorum.

16 * Sec. 6. AS 39.05.100(a) is amended to read:

17 (a) A person appointed to a board or commission of the state
18 government shall be and have been before the last general election,
19 (1) a registered voter in the state, if the appointment is made at
20 large or (2) a registered voter from the judicial district, if the
21 appointment is made from a specific judicial district. The student
22 member of the Board of Education appointed under AS 14.07.085, the
23 student member of the Board of Regents of the University of Alaska
24 appointed under AS 14.40.150(b), and the student member of the Alaska
25 Commission on Postsecondary Education appointed under AS 14.42.015(e)
26 are exempt from the requirement of this subsection if the member was
27 not old enough to be a registered voter in the last general election.
28 The member of the Board of Education appointed under AS 14.07.085 as
29 the representative of the military reservation schools is exempt from

1 the requirement of this subsection.

2

3