

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 137 thru SE 139 55

SB

137

3/15/88
4 (213)
FIR
F

FISCAL NOTE

REQUEST:

Revision Date: 3/8/88
Title: An act relating to state land withdrawn from mineral location, etc.
Sponsor: Coghill, Faiks, et. al.
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Geological and Geophysical Surveys
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	35	35	35	35	35	35
TRAVEL	5	5	5	5	5	5
CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70	70	70	70	70	70

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	70	70	70	70	70	70
FEDERAL FUNDS						
OTHER						
TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
Division: Geological and Geophysical Surveys Date: 3/8/88

Approved by Commissioner: Jennie Gomb Date: 3-8-88
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

RECEIVED

MAR 15 1988

Senate Bill 137

Bill Analysis

One can give a general estimate needed to track the withdrawals and to carry out a minimum field analysis and sampling program. The projected expenditures for each fiscal year are as follows:

100 - 35.0	6 months' salary and benefits for Geol. IV
200 - 5.0	Travel to withdrawal and field per diem
300 - 25.0	Helicopter expenses (18.0) Geochemical, mineral and petrographic analyses (7.0)
400 - 5.0	Field supplies and equipment (3.0) Office supplies (2.0)

Fiscal Note
3/8/88
page 2 of 2

SENATE COMMITTEE REPORT

FURTHER:

4/22/87

DATE TURNED INTO OFFICE 5/4/87

Mr. President:

FINANCE

Committee considered SB 137

definition of 'multiple use'

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR SB 137 (Pass)) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

\$70.0

MEMBERS SIGNING DO PASS

Walter Hume

Paul Fink

[Signature]

OTHER RECOMMENDATIONS

Paul Finkoff No Rec

Jan D... No Rec

John Kelly (NO REC)

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup Attached

11/3

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____
 Revision Date: 4/13/87
 Title: An act relating to state land withdrawn from mineral location, etc.
 Sponsor: Coghill, Faiks, et al
 Requestor: Senate Resources

Bill Version: SB 137
 Publish Date: _____

Agency Affected: Natural Resources
 BRU: Geological and Geophysical Surveys
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	35	35	35	35	35	35
TRAVEL	5	5	5	5	5	5
CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70	70	70	70	70	70

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	70	70	70	70	70	70
FEDERAL FUNDS						
OTHER						
TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
 Division: Geological and Geophysical Surveys Date: 4/13/87

Approved by Commissioner: [Signature] Date: 4/15/87
 Agency: Natural Resources

Distribution (by preparer):

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

APR 17 1987

LEGISLATIVE FINANCE

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 137 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state land withdrawn from mineral
7 location or mining."

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

9 * Section 1. AS 38.05.185 is amended by adding new subsections to read:

10 (d) The commissioner shall submit a report to the legislature
11 and to the governor within the first 10 days of the convening of each
12 regular session of the legislature detailing the state land closed to
13 mineral location and mining during the previous calendar year. The
14 report shall include

- 15 (1) the known resource values of the area;
16 (2) the reason for the closure;
17 (3) the effective date of the closure; and
18 (4) the legal description of the land involved in the
19 closure.

20 (e) Each area closed under (a) of this section remains closed to
21 mineral location and mining until the commissioner issues an order
22 altering the status of the land or until the closure is disapproved by
23 act of the legislature. An act of the legislature disapproving a
24 closure by the commissioner may make recommendations to the commis-
25 sioner on future management of the area involved.

26 (f) Each report prepared under (d) of this section that reports
27 on an area of more than 5,120 acres shall include a mineral assessment
28 report for the area.

29 (g) Every 10 years, the commissioner shall submit a report to

1 the governor and the legislature concerning state land that is at that
2 time withdrawn from mineral location or mining, including state land
3 withdrawn from multiple use by the legislature. The commissioner may
4 make recommendations in each report regarding existing closures of
5 state land.

6 * Sec. 2. Notwithstanding AS 38.05.185(g), as enacted by sec. 1 of this
7 Act, the first report to the governor and legislature shall be delivered to
8 the legislature five years after the effective date of this Act.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : SB137
Publish Date : 2/19/87

Revision Date: _____
Title: An Act Relating to the Definition
of Multiple Use
Sponsor: Cochill, et al.
Requestor: _____

Agency Affected: Fish and Game
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

REVENUE		0				
---------	--	---	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker
Division: Habitat

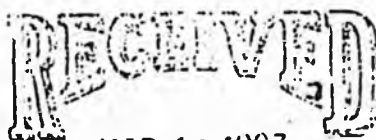
Phone: 465-4105
Date: 3/3/87

Approved by Commissioner: Orin Collinsworth
Agency: Department of Fish and Game

Date: 3-12-87

Distribution (by preparer):

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





STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 137	SPONSOR Cochill, et al.
DEPARTMENT POSITION Oppose			
PREPARED BY Habitat Division	DATE 3/5/87	COMMISSIONER'S SIGNATURE <i>Donnell</i>	DATE 3-12-87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All Users of State Land
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The existing definition of "multiple use" is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State should be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the (continued below)

ANALYSIS OF BILL/PROGRAM EFFECTS

commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

The definition of "multiple use" in SB 137 emphasizes that the land be used for "all" rather than "some or all" resources. Although SB 137's reduced emphasis on "the use of the land for less than all of the resources," is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is great enough to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) place the burden of proof unduly upon those attempting to utilize those resources that are often the most difficult to quantitatively value.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS (Continued)

To the extent that SB 137 also proposes to supplant the multiple use definition in the state's Forest Resources and Practices Act, it would eliminate the current provision that "consideration be(ing) given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." This provision in existing statute is especially valuable insofar as it recognizes the fact that certain fish, wildlife, and other resource values may not be as easily quantified in economic terms as may timber and certain nonrenewable resources.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of ✓ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

*Revised ?
Finance ?*

**FISCAL NOTE(S) ATTACHED ✓ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/19/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 137

~~relating to~~ the definition of 'multiple use'

and recommended:

replace with CS SB 137 (res) same title
 new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Grider

William H. ...
...

[Signature]
Chairman signature and recommendation

Committee Backup Attached

1 IN THE SENATE

BY COGHILL, FAIKS, BENNETT,
JONES AND FAHRENKAMP

2

SENATE BILL NO. 137

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the definition of 'multiple
7 use'."

8

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

9

* Section 1. AS 38.04.910(4) is amended to read:

10

(4) "multiple use"

11

(A) means the management of state land and its various

12

resource values so that it is used in the combination that will

13

best meet the present and future needs of the people of Alaska,

14

making the most judicious use of the land for [SOME OR] all of

15

the [THESE] resources or related services over areas large enough

16

to provide sufficient latitude for periodic adjustments in use to

17

conform to changing needs and conditions; [IT]

18

(B) includes

19

(i) [(A)] the use of the [SOME] land for less

20

than all of the resources but does not exclude compatible

21

competing uses; [,] and

22

(ii) [(B)] a combination of balanced and diverse

23

resource uses that takes into account the short-term and

24

long-term needs of present and future generations for renew-

25

able and nonrenewable resources, including, but not limited

26

to, recreation, range, timber, minerals, watershed, wildlife

27

and fish, and natural scenic, scientific, and historic

28

values;

29

* Sec. 2. AS 41.17.950(8) is amended to read:

1 (8) "multiple use" has the meaning given in AS 38.04.910

2 [MEANS

3 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
4 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
5 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
6 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
7 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
8 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
9 CONFORM TO CHANGING NEEDS AND CONDITIONS;

10 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
11 THE RESOURCES; AND

12 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
13 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
14 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
15 SIDERATION BEING GIVEN TO THE RELATIVE VALUES OF THE VARIOUS
16 RESOURCES, AND NOT NECESSARILY THE COMBINATION OF USES THAT WILL
17 GIVE THE GREATEST DOLLAR RETURN OR THE GREATEST UNIT (OUTPUT);

C S S B

1 3 7

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/20/88

FURTHER REFERRALS:

DATE: 5-3-88

The Finance Committee has considered CSSB 137(Res)am
"An Act relating to state land withdrawn from mineral location or mining."

RECOMMENDS:

- replace with _____ 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 _____
- zero with analysis

SIGNING DO PASS:

Adams Al Adams

Pourchet Ed Pourchet

Larson Ron Larson

Swack Al Swack

Boyer Mark Boyer

Rieger Steve Rieger

Davis Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Goll John Goll

Wallis Kay Wallis

Brown Jay Brown

Al Adams
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Re: to state land withdrawn from
mineral location...
Sponsor: Coghill, Faiks, et. al.
Requestor: House Finance Committee

Agency Affected: Natural Resources
BRU: Geological and Geophysical
Surveys
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Adams, Chair Phone: 465-3706
Division: House Finance Committee Date: 5/3/88

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 137 (Resources) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to state land withdrawn from mineral
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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10 (d) The commissioner shall submit a report to the legislature
11 and to the governor within the first 10 days of the convening of each
12 regular session of the legislature detailing the state land closed to
13 mineral location and mining during the previous calendar year. The
14 report shall include

- 15 (1) the known resource values of the area;
16 (2) the reason for the closure;
17 (3) the effective date of the closure; and
18 (4) the legal description of the land involved in the
19 closure.

20 (e) Each area closed under (a) of this section remains closed to
21 mineral location and mining until the commissioner issues an order
22 altering the status of the land or until the closure is disapproved by
23 act of the legislature. In addition to an act of the legislature
24 disapproving a closure by the commissioner, the legislature may by
25 resolution make recommendations to the commissioner on future manage-
26 ment of the area involved.

27 (f) Each report prepared under (d) of this section that reports
28 on an area of more than 5,120 acres shall include a mineral assessment
29 report for the area.

1 (g) Every 10 years, the commissioner shall submit a report to
2 the governor and the legislature concerning state land that is at that
3 time withdrawn from mineral location or mining, including state land
4 withdrawn from multiple use by the legislature. The commissioner may
5 make recommendations in each report regarding existing closures of
6 state land.

7 * Sec. 2. Notwithstanding AS 38.05.185(g), as enacted by sec. 1 of this
8 Act, the first report to the governor and legislature shall be delivered to
9 the legislature five years after the effective date of this Act.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SB 137
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 3/8/88
Title: An act relating to state land withdrawn from mineral location, etc.
Sponsor: Coghill, Faiks, et. al.
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Geological and Geophysical Surveys
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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TOTAL OPERATING	70	70	70	70	70	70

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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GENERAL FUND	70	70	70	70	70	70
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TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
Division: Geological and Geophysical Surveys Date: 3/8/88

Approved by Commissioner: Jennie Gornik Date: 3-8-88
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 13, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: CSSB 137, an act relating to state land withdrawn from mineral location or mining.

Position: The Department of Natural Resources recommends passage of CSSB 137, with modification to Section 1(e), page 1, lines 24-26.

Background: CSSB 137 calls for the Commissioner of Natural Resources to provide a report to the Governor and Legislature detailing state land closed to mineral location and mining during the previous calendar year.

Additionally, the bill states that a section closed to mineral location and mining by the Commissioner shall remain closed until the Commissioner issues an order altering its status, or the Legislature disapproves of the closure.

In Section 1(e), lines 24-26, of CSSB 137, the proposed language states that "[a]n act of the legislature disapproving a closure by the commissioner may direct the commissioner on future management of the area involved." Such language appears to pre-empt the authority of the Commissioner of Natural Resources. In the opinion of the Department, a preferable substitute would be as follows: "[a]n act of the legislature disapproving a closure by the commissioner may make recommendations to the commissioner on future management of the area involved."

Section 1(f) of CSSB 137 calls for a mineral assessment report for each area that exceeds 5,120 acres for which a report to the Legislature is prepared.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

FISCAL NOTE

REQUEST:

Revision Date: 3/8/88
Title: An act relating to state land withdrawn from mineral location, etc.
Sponsor: Coghill, Faiks, et. al.
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Geological and Geophysical Surveys
Components: _____

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REVENUE	0	0	0	0	0	0
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TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
Division: Geological and Geophysical Surveys Date: 3/8/88

Approved by Commissioner: Jennie Gomb Date: 3-8-88
Agency: Natural Resources

Distribution (by preparer):

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

Senate Bill 137

Bill Analysis

One can give a general estimate needed to track the withdrawals and to carry out a minimum field analysis and sampling program. The projected expenditures for each fiscal year are as follows:

100 - 35.0	6 months' salary and benefits for Geol. IV
200 - 5.0	Travel to withdrawal and field per diem
300 - 25.0	Helicopter expenses (18.0) Geochemical, mineral and petrographic analyses (7.0)
400 - 5.0	Field supplies and equipment (3.0) Office supplies (2.0)

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 13, 1987

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Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

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Senator Coghill

-2-

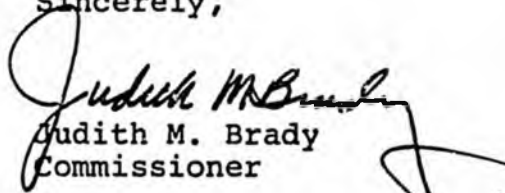
April 13, 1987

Finally, under Section 1(g), the commissioner is required to submit a report, every 10 years, concerning land that is withdrawn from mineral location or mining and may make recommendations regarding existing closures.

Recommendation: With the suggested language change in Section 1(e), the Department of Natural Resources supports CSSB 137 and recommends its passage.

I would be pleased to make my staff available to the committee for additional information or further work with the committee staff.

Sincerely,


Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
George Sullivan
Rod Swope

Calista Corporation

516 Denali Street, Anchorage, Alaska 99501 (907) 279-5516

March 10, 1988 MAR 14 1988

Governor Steve Cowper
Third Floor, State Capitol
P.O. Box A
Juneau, Alaska 99811

Dear Governor Cowper:

On February 17, 1988, I wrote to you regarding Calista Corporation's concerns with mineral closures in the middle Kuskokwim River area (copy enclosed). Although I did not request it, I had hoped to receive a response from you or your staff indicating your position with respect to this issue.

It is my understanding that on March 21, 1988, the Kuskokwim Area Plan will be delivered to you for your authorization for the implementation of this plan. If you make the decision to authorize these closures, we would invite you to provide Calista Corporation a letter which we will publish in our next edition of the Calista Newsletter. A copy of the Newsletter will, in turn, be provided to each of Calista's 13,306 shareholders prior to the Calista Annual Shareholders' Meeting in May.

This will give you an opportunity to explain your position with respect to these closures. In your letter, we hope that you will explain the steps your office has taken to determine that the short and long term economic impact to this region of the state will not be substantially impacted as a result of these mineral closures. If this factor is not a consideration in a decision by your office to implement mineral closures or if a determination has been made that these closures may have a negative impact on the local economy and the mineral closures are authorized regardless of the identified impacts, we would like you to address this as well. Any plans that your office has developed to offset the potential negative impacts in this area as a result of a decision to authorize mineral closures should also be outlined in your letter. If no plans have been made to compensate for the potential economic opportunities lost by the people and communities of this region as a result of the proposed mineral closures, we think it is important that you state this also.

There is an ironic twist in this plan with regard to mineral properties. DNR is recommending additional state selections in the area plan. All of these selections are being based on their high mineral potential. Calista received a letter from Martha Welbourn, Project Manager for the Kuskokwim Area Plan, dated February 3, 1988. She states that; "As a result of the review of selections proposed because of mineral value, the George River area, the upper George River and Horn Mountain selections are rated high priority...."

It is noteworthy that one of the numerous rivers to be closed to mineral entry by the plan is the George River. This is the same river that is also being considered by DNR for selection by the state because of its high mineral potential.

Governor Steve Cowper
March 10, 1988
Page 2

Every other area, without exception, that has been identified as having high mineral potential has been targeted for mineral closures within this southern area of the plan. It makes me wonder why then the DNR is proposing the state selection of these areas of high mineral potential. These areas are currently unappropriated Federal lands managed by BLM and thus subject to the Mining Laws of 1872. If the areas are already available to the public for mineral entry, it makes one wonder what benefit the state will derive by selecting these areas of high mineral potential when mining will be allowed to occur under either ownership. It doesn't make a great deal of sense for DNR to waste valuable state selections to open a mineralized area to the public that is already open under its present management. It only makes sense if like all the other surrounding areas of high mineral value in state ownership there is some other hidden agenda.

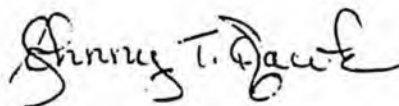
At least at Calista we are asking if these selections are being made for the purpose of facilitating a program of mineral closures in these areas. Since there exists enough doubt in our minds about the necessity, wisdom and motives behind these additional state selections, we are very much opposed to them. We urge you to review these selection recommendations with these concerns in mind.

Hopefully you will receive my letter in time to prevent these ill-conceived mineral closure orders from taking effect. If so, I urge you once again to send this plan back to DNR without your approval.

I will be anxiously awaiting a response from your office to the concerns I have raised.

Sincerely,

CALISTA CORPORATION



Johnny T. Hawk
Acting President

JTH:slb

Enclosure

cc Senator John Binkley
Senator Arliss Sturgulewski
Senator John B. Coghill
Senator Willie Hensley
Rep. Albert P. Adams
Rep. Lyman Hoffman
Rep. Kay Wallis
Alaska Federation of Natives
Gene Peltola, AVCP
Glenn Fredericks, Kuskokwim Corp.

Calista Corporation

518 Denali Street, Anchorage, Alaska 99501 (907) 279-5518

February 17, 1988

Governor Steve Cowper
Third Floor, State Capitol
P.O. Box A
Juneau, Alaska 99811

Dear Governor Cowper:

After reviewing the reading files of Calista, I discovered several letters regarding Calista Corporation's concerns with respect to the Kuskokwim Area Plan. Although there has been a change in leadership at Calista, I wanted you to know that I and my board still support Nelson Angapak's position with respect to mineral closures.

If there has been any change in Calista's position, it is that we are now more adamant than ever regarding these closures. We do not wish to see the development of a potential major source of income for this area of the Calista region jeopardized by an arbitrary decision of the state to close these lands to mineral entry. I do not need to tell you that Calista Corporation is concerned about the importance of the Kuskokwim salmon fishery to the subsistence and commercial fisherman in our region. Calista staff and board members have been at the forefront to protect this resource for the benefit of our shareholders. Although we have no legal responsibility to support fisheries issues, our board does believe it has an obligation, nevertheless, to our shareholders to protect this resource.

Nonetheless, Calista is also supportive of developing a mineral industry in the middle Kuskokwim. This corporation has spent a great deal of resources and time trying to identify mineralized zones and encouraging the mineral industry of the potential of the area. All of this expenditure of money and energy will be in vain if you adopt the Kuskokwim Area Plan with its proposed mineral closures.

As you are no doubt aware, the mining industry is already somewhat gun-shy of the middle Kuskokwim due to the ongoing Tuluksak mining incident. If you were not aware of this, I would like to tell you that whenever our Land Department has approached an exploration company with offices in Alaska, the Tuluksak incident invariably becomes a major topic for discussion. To add state imposed mineral closures of the magnitude that is being proposed by DNR is going to send one more strong message to the industry that this region of the state is an inhospitable place for miners.

The sad thing to us is that we do not believe that the mineral closures are necessary to protect the fisheries on these rivers. It is still a puzzle to Calista how DNR can justify these particular closures. Their justification apparently is that these are areas of highest potential conflict between mining and fisheries. It is our understanding, however, that DNR.

Governor Cowper
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means the streams in question are anadromous streams and that the areas being closed to mineral entry have the highest and most significant potential for mineralization in the southern half of the planning area. Consequently, the argument is made that mining will more likely occur here than any other place, and if any conflicts at all occur, no matter how minor, they will occur along the portions of the streams that go through the lands having the highest mineral potential.

This does not mean, however, that the greatest conflict with the salmon rearing and spawning habitat will occur here if mineral development occurs in the region. In fact, the areas being closed cannot be demonstrated to be the most favorable habitat for salmon rearing and spawning. Those areas with the greatest potential for fisheries habitat are not being closed to mineral entry. This plan allows miners to mine to their hearts' content in the most productive stretches of these rivers.

If the object of these closures is to avoid conflicts and to protect the fishery, it would seem to be more effective to close the portions of the river that have the highest fisheries productivity to mining rather than to close the stretch of the river that runs through the area with the highest potential for mineralization to have occurred regardless of the river's productivity in those locations. If, on the other hand, the object of the closures is to insure that mining will not be an allowable activity in the plan, then one would choose to close the best mineral lands. These are the mineral lands that would attract the attention of the industry first. If discoveries were made in these areas, then exploration interest would gradually expand beyond these areas into areas now considered to have less potential. By eliminating mineral activity in the areas that can currently generate interest, there will be no overlap into surrounding areas. It is no mystery or coincidence that the Department of Fish and Game waited until the Department of Natural Resources identified the very best mineral lands before they began their efforts to secure mineral closures. The real mystery to us is why the DNR has become an active participant in this effort to torpedo the mining industry in this area.

I would urge you to take a more rational approach to this issue than has the DNR. In order to get a more objective opinion of this issue, we would urge you to have the Departments of Community and Regional Affairs and Commerce and Economic Development review this issue for you to help you determine the potential economic significance that this decision will have on the middle Kuskokwim communities both in the short and long runs.

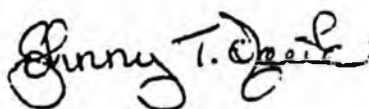
The recent Daily News article on the effects of alcohol in some bush communities identified this area of the state as a major problem area. It is my opinion that there is no area in the state with greater alcohol problems per capita than some of the communities along the middle Kuskokwim. If you didn't get the message in the Daily News articles, then allow me to tell you that there is a growing problem in this area that is not being adequately

Governor Cowper
February 17, 1988
Page 3

addressed by the State of Alaska. Unless you are willing to close your eyes to this situation or provide massive subsidies indefinitely to this part of the state, you had better do something soon to develop or encourage private enterprise in this area. If you are willing to shut out the industry with the greatest potential to resolve the economic and job problems of this area, then by all means adopt the Kuskokwim Area Plan with the mineral closures. Otherwise, I urge you to send the plan back to DNR with instructions to remove the mineral closures altogether or tailor them to address the real threatened areas, if any.

Sincerely,

CALISTA CORPORATION



Johnny T. Hawk
Chairman of the Board

JTH:slb

cc Senator John Binkley
Senator Arliss Sturgulewski
Senator John B. Coghill
Senator Willie Hensley
Rep. Albert P. Adams
Rep. Lyman Hoffman
Rep. Kay Wallis
Alaska Federation of Natives
Gene Peltola, AVCP
Glenn Fredericks, Kuskokwim Corporation

AVAILABILITY OF LAND FOR MINERAL EXPLORATION AND DEVELOPMENT IN ALASKA¹

by
Robert Bottge
Alaska Field Operations Center
Juneau, Alaska

INTRODUCTION

The Bureau of Mines' Alaska Field Operations Center is currently conducting a mineral land inventory of Alaska to determine the availability of federal, state, and private land, for mineral exploration and development through six regional studies. The objective of these studies is to provide government land use planners and the mineral industry with information which,

1. displays land ownership and land availability for mineral exploration and development,
2. shows the location of known metallic mineral deposits, and discusses associated geologic mineral terranes, and
3. compares known metallic mineral deposits and associated geologic terranes, to land ownership and land availability patterns.

Concern over the accessibility of federal lands was expressed as early as 1964, when Public Law 88-606 established the Public Land Law Review Commission "...to study existing laws and procedures related to the administration of the public lands of the United States, and for other purposes." However, it was not until the study, "Is Our Account Overdrawn," in 1976, that real concern for the availability of federal lands for mineral exploration and development became an issue. That study estimated that a large portion of public lands were excluded from the mining and leasing laws (67% and 73%, respectively).

The Bureau showed its interest in this problem in 1977 when it contracted with the Arizona Bureau of Mines to study and make recommendations for an inventory of the public lands in the United States for their availability to

¹Presentation made at the Agency Session, Alaska Miners Convention, in Anchorage, Alaska, October 30, 1986.

mineral exploration and development. The 12-state study presently underway by the Bureau shows its continued efforts to address the availability of mineral resources of federal lands to the United States mineral and materials policy objectives.

The Alaska Field Operations Center is in its third year of investigating the federal, state, and private lands available to mineral exploration and development in Alaska. To date we have addressed the land that is available in eighty four, 1:250,000-scale quadrangles in southeast, southcentral, northcentral and northern Alaska. We have published one report on the southeast region, and the reports on the southcentral, northcentral and the northern regions are in various stages of publication. We have completed perhaps 30% of the work on the 38 quadrangles in western Alaska, leaving the 31 quadrangles in southwestern Alaska. We should complete our assessment of the state in FY 1987.

Each published regional report includes 1:500,000-scale maps showing the land availability patterns for the region. The 1:250,000 scale work maps for the southeast, southcentral and northcentral regions have been put on open file and are available for viewing in our Anchorage, Fairbanks, and Juneau offices

SCOPE AND METHODOLOGY

The inventory of land availability currently being conducted by the Bureau in the other 11 western states addresses only federal land, but because of the complex nature of land ownership in Alaska, we felt we could not adequately explain federal ownership without portraying ownership of all land. Our reports are composed of three parts: (1) an inventory of federal, state, and private lands, (2) a comparison of mineral terranes and land availability categories, and (3) a comparison of mineral deposits and mineral terranes versus land availability categories.

Inventory of Land Ownership

Computer generated 1:250,000-scale maps, showing state and Native selections and conveyances of federal lands, were purchased from the Bureau of Land Management (BLM) Public Office in Anchorage. These maps were plotted from information in the Alaska Automated Land Records System (AALRS). The information was traced onto mylars, labelled, and checked against the Master Title Plats (MTP's) of the BLM and the State of Alaska. We then obtained the land management plans from all the federal and state agencies having land management responsibility in each region.

Land selections allowed under the Statehood Act, ANCSA, and ANILCA were plotted to the nearest whole section; Native allotments and other private parcels were shown as a dot centered on the sections in which they occur. State mineral closing orders were plotted as whole sections whether or not the closing order included the entire section. Maps and plans from towns in the regions were used to determine land where mining would be discouraged.

Because of the continuing selection and conveyance of land from the federal domain to the state and to Native corporations, this information is quickly outdated. The computer data for the southcentral, northcentral and northern study areas are for October, 1984, but the corrections made from the MTP's were from cards updated as recently as June, 1986. While the use of one final date for all data would be preferable, the use of the federal and state MTP's during 1985 and 1986 to check the computerized data received in 1984 made this impractical as the MTP's are constantly updated. This situation exemplifies the very dynamic nature of federal land ownership in Alaska.

LAND STATUS CATEGORIES

Up to 15 land status categories were plotted on 1:250,000 scale quadrangle maps and reduced to 1:500,000 scale for our reports. The 15 sub-categories were part of three major categories: land available for mining, land available

with restrictions, and land unavailable for mining. In our report on Southeast, we showed four major categories and no sub-categories. Depicting land ownership is fairly easy when the federal government owns 95 percent of the land.

Land Available for Mining

To date we have examined about 242 million of Alaska's 375 million acres (2/3's of the state) and have found that roughly 75 million acres (31%) are available for mineral exploration and development. The southcentral region has the most available land (31 million of 72 million acres) while the least available acreage is in northern Alaska, 14 million of 90 million acres.

Restricted Land

Approximately 24 million of the 242 million acres examined to date are available with restrictions. This category includes certain federal lands where mineral entry is allowed but under rigid controls, and all land conveyed to the Native regional corporations except the Bristol Bay Native Corporation. Land open to exploration and development with restrictions include parts of the Steese National Conservation Area and the White Mountains National Recreation Area in northcentral Alaska, and the College Fiord and Nellie Juan proposed wilderness areas of the Chugach National Forest in southcentral Alaska. In Southeast, LUD II areas were also put in this category. While mining is considered an authorized use in LUD II areas, the emphasis is on retaining a primitive wildland character. Amenity values are emphasized over commodity values.

Land Unavailable for Mining

Federal Land

Over 59 percent of the land (144 million acres) is presently closed to mineral exploration and development of new claims. Nearly one half of that acreage (68 million acres) is located in northern Alaska. Closed lands con-

sist of federal parks, preserves, wildlife refuges, wild and scenic rivers, wilderness areas, and military land, all of which will remain closed to mineral entry. Additional land has been closed by Public Land Orders (PLO) issued by the Secretary of the Interior. Unconveyed lands will eventually go back to the public domain once the BLM processes the land selection.

State Land

Basically all state land is open to mineral exploration and development unless it is withdrawn through legislative statute, such as for parks, or through Mineral Closing Orders issued by the Commissioner, Department of Natural Resources.

State game refuges are open to mineral exploration and development under administration by the Department of Fish and Game. However, the permit requirements imposed by the Department essentially make mining impractical in a game refuge.

Selected Land

Selected lands consist of tracts that have been selected by the state under the Statehood Act and ANILCA, and by Native corporations under terms of ANCSA or ANILCA. If the selection is denied or relinquished, the land remains closed to mineral entry until the BLM changes the Master Title Plat. This is called the notational rule. Land categories include land selected by Native corporations, land selected by the State, and land selected by both.

ANILCA set aside 104 million acres of federal land for the creation of, and addition to, national parks, preserves, wildlife refuges, conservation areas, and recreation sites. The Act also allowed the state and the Native corporations to select lands within the withdrawn areas. Our maps show lands selected by the Native corporations in federal withdrawals, state selections in federal withdrawals, and selections by both in federal withdrawals.

Private Land

The Federal government has made land available to individual Natives under the Alaska Natives Allotment Act (ANAA), and ANCSA; to Native corporations under ANCSA and ANILCA, and to other individuals for homesteads, homesites, patented mining claims, residential sites, recreational sites, and land acquired in federal disposal sales. Private parcels are designated by a dot centered in the sections wherein they occur. The state has distributed some of its land to individuals through land disposal sales and leases. The total acreage distributed by the state to individuals is not available.

GEOLOGICALLY FAVORABLE AREAS

Mineral Terranes

Maps from the Mineral Terranes of Alaska; 1982, were changed in scale to match the 1:250,000-scale quadrangle maps prepared for this study. The mineral terrane maps were overlaid on the land status maps, and the area in each terrane type was determined by land status category using an electronic planimeter. The compilations for each quadrangle are given in an appendix, while a table in each report summarizes all the quadrangle data.

In the four areas we have examined to date, we have found 90 million acres underlain by mineral terranes. Of these lands, 26% are available for mineral exploration and development, 9% are available with restrictions, and 65% are unavailable. Of the 90 million acres that are underlain by mineral terranes, approximately 65 million acres underlay federal lands, of which 12% are available for mineral exploration and development. About 17 million acres of state land are underlain by mineral terranes of which 92% are available. Nearly 8 million acres of private land are underlain by mineral terranes of which 98% may be available.

MINERAL TERRANES AND MINERAL DEPOSITS

Each quadrangle map in our reports shows the location of metallic mineral deposits in addition to land status. This information was derived from the Bureau of Mines Mineral Industry Location System (MILS) data base. Each of the computer-generated MILS location points, identifies one or more mineral deposit sites within a 3-mile radius. Numbers refer to properties listed in an appendix. The appendix also includes a list of past producers and the commodities produced.

Tabulations comparing the mineral deposits and mineral terranes against land status categories were made by quadrangle. These tabulations are shown in an appendix and summarized in a table in each report text.

In our work to date, we have noted 4,800 mineral deposits and occurrences, of which over half are in lands available for mineral exploration and development and over one third are in land which is unavailable.

CONCLUSIONS

Perhaps the most meaningful statistics to come out of our work to date are as follows:

After examining two thirds of the state, we have found

30% of the land is open to mining
10% is open with restrictions, and
60% is closed

In round numbers

90% of the state land is open.
80% of the federal land is closed

Ten percent of the land examined to date, 24 million of 242 million acres, is underlain by mineral terranes in land that is considered open. In other words, only 10% of the land that is worth looking at is available for mineral exploration and development.

Alaska needs mineral resource assessment

A lot is being said these days about the sad state of the mineral industry in Alaska. Hardly a day goes by that we don't read or hear of some new government regulation affecting mining or of another report indicating that the gross value of minerals produced last year in Alaska was down compared to previous years.

More frequently we hear of another lawsuit being filed in an effort to stop mining somewhere in the state. The same could be said about most of the basic industries in Alaska, including tourism and recreation, when someone proposes to land an aircraft inside one of the parks or build a tourist destination facility that will involve public lands.

Of all the Alaska legislation adopted by the Congress since statehood, and there has been considerable, the Alaska National Interest Lands Conservation Act (ANILCA) has probably had the greatest impact on mining in Alaska. Millions of acres of land theretofore open to mining activity were closed by ANILCA.

Yet Congress, in adopting ANILCA, said:

"This act provides sufficient protection for the national interests in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the state of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition..."

Recently, a study conducted by the U.S. Bureau of the Mines looked at land availability and ownership in Alaska and compared these features with where mineral terranes and known mineral deposits exist geographically within the state. The study took four years to complete.

The study causes me to question whether balance was really achieved in the ANILCA legislation. Consider the following "bottom line" of the analysis and draw your own conclusion:

- 30 percent of the land area of Alaska is open to mining;
- 10 percent of the land area of Alaska is open to mining "with restrictions;"
- 80 percent of the land area of Alaska is closed to mining.
- 90 percent of state-owned land in Alaska is open to mining;
- 20 percent of federal-owned land within Alaska is open to



assessment of all of Alaska is needed.

This is a chore that will require a decade or more of time and hundreds of millions of dollars to accomplish. But it can be done in a fraction of the time which would have been required just a decade ago using sophisticated technology which was not available even a few years ago. It can be done without damage to the environment, too.

One provision of ANILCA is entitled "National Need Mineral Activity Recommendation Process." It recognizes the time will come when the nation needs to access lands closed by law to mineral entry but which contain deposits of minerals the country needs because of national emergency. The process is lengthy and could never work in time of true emergency. Most importantly, it will only work if we actually know the minerals exist in the first place. There will not be time, in a true emergency, to assess the availability of the minerals. That needs to be done ahead of time, now!

The Bureau of Mines study is but the first step in locating Alaska minerals this nation will need in the future. The federal government needs to accelerate this effort. It should not wait till an emergency develops.

Vern R. Wiggins is co-chairman of the Alaska Land Use Council.

mining;

- 10 percent of all the land area within Alaska that is underlain by mineral terranes is open for mineral exploration and development.

Has the balance scale been tipped against the national interest when only 10 percent of the lands within Alaska that are known to be underlain by mineral terranes are open to mineral activity? Stated in the negative, is closing 90 percent of the known mineral terranes in Alaska to mining a balanced, or responsible, land-use decision? It would appear that the state of Alaska has done a better job of applying multiple-use management to its land than has the federal government which has instead chosen to set aside large blocks of public land for single-use purposes.

The federal government, with the support and help of private industry and the state, needs to complete a comprehensive analysis of all public lands in Alaska to determine the presence of economically recoverable minerals. In short, a minerals resource as-

Berry's World

PARDON ME...

BOY,
IS THAT THE
CHATTANOOGA
CHOO CHOO...



Jim Berry
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Opinion

Tuesday, December 15, 1987

Mineral assessments—a wind of change?

The release in early November of the first of three mineral assessments conducted for the Bureau of Land Management of the White Mountains National Recreation Area and the Steese National Conservation Area should have far-reaching implications.

The first of these mineral assessments covering the Lime Peak-Mount Prindle Area in itself calls into serious question the entire land-use planning process pursued throughout the length and breadth of Alaska in dozens of land plans by both state and federal agencies since passage of the Alaska National Interest Lands Conservation Act.

What is the justification for such an assertion, you may ask, which implies that hundreds upon thousands of man-hours spent on evaluating land use priorities and values for numerous plans was misplaced effort?

Quite simply, it is abundantly clear that judgments have been made, plans written and restriction placed upon land use—particularly the ability to explore, develop and mine minerals—from a skewed knowledge base characterized by almost total ignorance of the subsurface mineral values. In most cases surface values—scenic, wild-life habitat, etc.—can be readily



Views expressed here do not necessarily represent those of the Daily News-Miner

identified, but a lot more effort and, yes, financial commitment is needed to evaluate even in broad terms the subsurface mineral potential of the public lands.

The mineral assessment on the BLM lands north of Fairbanks may help expose the sham which has and is being perpetrated on Alaska. Congress, in its wisdom, established these special areas under BLM management and mandated that plans be written consistent with the will of the U.S. Congress. Congress, in its wisdom, had recognized that significant and competing values were involved, but some special interests were much more successful than others in persuading Congress as to where the management leanings should be placed. Congress, also in its wisdom, decided that in the White Mountains National Recreation Area those

lands that were open to mineral entry would be through leasing only, whereas in corresponding areas of the Steese National Conservation Area mineral activity would be subject to the 1872 mining laws. The planners had additional tools at their disposal enabling them to maintain closure to any form of mineral entry over extensive acreage within both areas.

The plans, with severe restrictions intact, were implemented in 1986 over the protests of the mining industry; a tribute, I suppose, to the effective and sustained lobbying efforts by national environmental groups in Washington, D.C. It was a travesty for sure, but, before the door was slammed shut, the miners and their allies won a concession. Largely through the efforts of Sen. Ted Stevens, the U.S. Congress agreed to spend \$1 million to conduct mineral assessments. The money was appropriated to the U.S. Geological Survey who in turn set up a cooperative project with the Alaska Division of Geological and Geophysical Surveys and the U.S. Bureau of Mines.

The first of the mineral assessments cost \$910,000. Now, \$900,000 does not go very far in the Alaska Bush, especially when advanced prospecting technology, costly laboratory analyses by the hun-

dreds and expensive logistical support by helicopter is a must. I venture to suggest that in terms of the work load performed and the economic points which are emerging, that this public expenditure just could be the bargain of the decade.

The BLM has traditionally managed the lands under its jurisdiction for multiple use. This has been its mission and it was very good at executing the task. Now to many of us multiple-use means precisely that—allowing uses on the public lands that are both varied and productive while ensuring through management practices reasonable protection of other values. However, in the case of the land north of Fairbanks the mission of BLM became clouded and tangled with politics and in effect Congress set up BLM for a contradictory role. The mantle of administering lands for restrictive public access and use does not fit the professionals of BLM. The BLM was, in essence, taking on the appearance of a National Park Service clone!

The question, now that mineral values estimated in terms of billions of dollars have been indicated, is will the land-use classifications be changed significantly and mineral entry facilitated? The evidence favoring this action is not coming from a bunch of rowdy min-

ers but rather from highly trained and respected professionals in the state and federal geological surveys and the U.S. Bureau of Mines. If the decision to amend the plans is made once all the mineral assessments are in, it will take a minimum of two years to change the present provisions.

Beyond that time frame, what should happen? Well, mineral assessments do not of themselves make mines; neither is it a function of government to mount the sort of high-cost detailed exploration that would pinpoint specific mineable ore reserves—that is the role of the private sector.

However, the private sector—individual mining companies—must have the assurance that exploration success would be rewarded with the ability to develop and mine economic reserves before money and human resources are risked in the effort to prove mines.

Hopefully, mineral assessments like those for BLM could bring some balance and credibility back into the land planning process. Maybe, just maybe, a glimpse into Pandora's box is what it takes!

Dr. John Sims served as director of the state Office of Mineral Development and is presently vice-president of marketing for Usibelli Coal Mine.

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 137 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state land withdrawn from mineral
7 location or mining."

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

9 * Section 1. AS 38.05.185 is amended by adding new subsections to read:

10 (d) The commissioner shall submit a report to the legislature
11 and to the governor within the first 10 days of the convening of each
12 regular session of the legislature detailing the state land closed to
13 mineral location and mining during the previous calendar year. The
14 report shall include

- 15 (1) the known resource values of the area;
16 (2) the reason for the closure;
17 (3) the effective date of the closure; and
18 (4) the legal description of the land involved in the
19 closure.

20 (e) Each area closed under (a) of this section remains closed to
21 mineral location and mining until the commissioner issues an order
22 altering the status of the land or until the closure is disapproved by
23 act of the legislature. An act of the legislature disapproving a
24 closure by the commissioner may make recommendations to the commis-
25 sioner on future management of the area involved.

26 (f) Each report prepared under (d) of this section that reports
27 on an area of more than 5,120 acres shall include a mineral assessment
28 report for the area.

29 (g) Every 10 years, the commissioner shall submit a report to

1 the governor and the legislature concerning state land that is at that
2 time withdrawn from mineral location or mining, including state land
3 withdrawn from multiple use by the legislature. The commissioner may
4 make recommendations in each report regarding existing closures of
5 state land.

6 * Sec. 2. Notwithstanding AS 38.05.185(g), as enacted by sec. 1 of this
7 Act, the first report to the governor and legislature shall be delivered to
8 the legislature five years after the effective date of this Act.

1 IN THE SENATE

BY COGHILL, FAIKS, BENNETT,
JONES AND FAHRENKAMP

2

SENATE BILL NO. 137

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the definition of 'multiple
7 use'."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 41.17.950(8) is amended to read:

1 (8) "multiple use" has the meaning given in AS 38.04.910

2 [MEANS

3 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
4 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
5 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
6 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
7 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
8 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
9 CONFORM TO CHANGING NEEDS AND CONDITIONS;

10 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
11 THE RESOURCES; AND

12 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
13 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
14 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
15 sideration being given to the relative values of the various
16 resources, and not necessarily the combination of uses that will
17 give the greatest dollar return or the greatest unit output];

S B

139

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/19/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/19/87

DATE TURNED INTO OFFICE 3/19/87

Mr. President:

FINANCE

Committee considered SB 139

relating to wages and benefits for certain legislative employees; efd.

and recommended:

replace with CS _____ same title

attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)

2 zero 2/24/87 5FC fiscal impact
2/23/87 DOA

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature] No RFC
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version : SB 139
Publish Date : _____

REQUEST: _____

Revision Date: _____
Title: Act relating to wages and
benefits for certain legislative employees
Sponsor: Senate Rules Committee
Requestor: Senate Finance

Agency Affected: Legislative Affairs
BRU: Legislative Council
Components: Administrative Services
Legal Services, Session Expenses

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

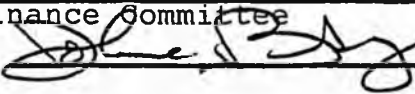
GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funding for SB 139 will be absorbed by the legislative budget.

Prepared by: _____ Phone: 465-4985
Division: Senator John Binkley, Co-chairman Date: 2/24/87
Senate Finance Committee
Approved by Commissioner:  Date: _____
Agency: _____

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 139
Publish Date: 2/19/87

REQUEST _____

Revision Date: _____ Agency Affected: Administration
Title: An Act relating to wages and BRU: Finance
benefits for certain legislative employees...
Sponsor: Rules Components: _____
Requestor: Rules

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary ~~See attached~~

FEB 23 1987

Prepared By: KBS Kenneth Bischoff Phone: 465-2240
Division: Finance Date: 2/20/87
Approved by Commissioner: Garrey Peska Date: 2/23/87
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

1 IN THE SENATE

BY THE RULES COMMITTEE

2

SENATE BILL NO. 139

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to wages and benefits for certain
7 legislative employees; and providing for an effective
8 date."

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

10 * Section 1. AS 24.10.060 is amended to read:

11 Sec. 24.10.060. LEGISLATIVE EMPLOYEES. (a) The house and
12 senate [TEMPORARY] employees of the legislature are hired for the
13 duration of each session upon the recommendation of the rules commit-
14 tee of each house. During the interim, house and senate employees are
15 hired with the approval of the president of the senate or the speaker
16 of the house of representatives, as appropriate [EMPLOYEES ASSIGNED TO
17 EACH HOUSE ARE UNDER THE SUPERVISION OF THE CHIEF CLERK AND SENATE
18 SECRETARY].

19 (b) Employees assigned to the duplicating, distributing, mail-
20 ing, and other centralized services are under the immediate super-
21 vision of the Legislative Affairs Agency.

22 (c) Except as provided in (e) of this section for hourly em-
23 ployees, all [PERMANENT AND TEMPORARY] employees of the legislature
24 are [AND ITS AGENCIES SHALL BE] employed subject to

25 (1) classification and wage plans based on the merit prin-
26 ciple and adapted to the special needs of the legislature; and

27 (2) [PERMANENT EMPLOYEES ARE SUBJECT TO] the general state
28 laws regarding leave and retirement.

29 * Sec. 2. AS 24.10.060 is amended by adding new subsections to read:

1 (d) During sessions, all employees of the legislature are em-
2 ployed with the understanding that they will work as many hours as may
3 be required by their supervisors. All employees are on call for duty
4 every day of the session.

5 (e) The permanent interim committees of the legislature, the
6 rules committees, the president of the senate, or the speaker of the
7 house of representatives, as appropriate, may authorize the employment
8 of hourly employees. Hourly employees are subject to the salary
9 schedule set out in AS 39.27.011 and general state laws regarding
10 retirement but are not entitled to receive leave benefits.

11 * Sec. 3. AS 24.10.200(a) is amended to read:

12 Sec. 24.10.200. HOUSE AND SENATE [SESSION] EMPLOYEES. (a)
13 During the legislative session, house and senate [TEMPORARY SESSION]
14 employees of the legislature are compensated under the salary schedule
15 set out in AS 39.27.011 [FOR EACH CALENDAR DAY OF THE LEGISLATIVE
16 SESSION] at the rate authorized by the Joint Rules Committee and upon
17 approval of the house and senate. During the interim, house and
18 senate employees are compensated at a rate approved by the president
19 of the senate or the speaker of the house of representatives, as
20 appropriate, consistent with the policies adopted by the Joint Rules
21 Committee and approved by the house and senate.

22 * Sec. 4. AS 24.10.210 is amended to read:

23 Sec. 24.10.210. EMPLOYEES OF LEGISLATIVE AGENCIES. Employees
24 of agencies governed by permanent interim committees of the legisla-
25 ture under AS 24.20 and employees of the committees themselves are
26 compensated under AS 39.27.011, [IN ACCORDANCE WITH] the general state
27 salary schedule, [INCLUDING OVERTIME PAYMENT AND COMPENSATORY TIME
28 POLICIES,] at levels budgeted and approved by the governing committees
29 in accordance with law. The governing committees shall coordinate

1 with each other on position levels and salary-related [OVERTIME AND
2 COMPENSATORY TIME] policies to every extent possible consistent with
3 the statutory duties and powers of each permanent committee and its
4 agency.

5 * Sec. 5. AS 24.55.070(c) is amended to read:

6 (c) The ombudsman and the staff appointed by the ombudsman are
7 in the exempt service under AS 39.25.110 and are not subject to the
8 employment policies under AS 24.10 or 24.20.

9 * Sec. 6. AS 39.27.011(a) is amended to read:

10 (a) The following monthly basic salary schedule is approved as
11 the pay plan for classified and partially exempt employees in the
12 executive branch of the state government who are not members of a
13 collective bargaining unit established under the authority of the
14 Public Employment Relations Act and employees of the legislature under
15 AS 24.10 and AS 24.20:

16	Range	Step	Step	Step	Step	Step	Step
17	No.	A	B	C	D	E	F
18	05	1,387	1,425	1,467	1,507	1,552	1,593
19	06	1,467	1,507	1,552	1,593	1,639	1,687
20	07	1,552	1,593	1,639	1,687	1,740	1,793
21	08	1,639	1,687	1,740	1,793	1,845	1,903
22	09	1,740	1,793	1,845	1,903	1,965	2,020
23	10	1,845	1,903	1,965	2,020	2,082	2,145
24	11	1,965	2,020	2,082	2,145	2,217	2,286
25	12	2,082	2,145	2,217	2,286	2,365	2,445
26	13	2,217	2,286	2,365	2,445	2,531	2,623
27	14	2,365	2,445	2,531	2,623	2,715	2,818
28	15	2,531	2,623	2,715	2,818	2,910	3,020
29	16	2,715	2,818	2,910	3,020	3,129	3,242

1	17	2,910	3,020	3,129	3,242	3,353	3,468
2	18	3,129	3,242	3,353	3,468	3,582	3,717
3	19	3,353	3,468	3,582	3,717	3,831	3,974
4	20	3,582	3,717	3,831	3,974	4,095	4,246
5	21	3,831	3,974	4,095	4,246	4,379	4,537
6	22	4,095	4,246	4,379	4,537	4,687	4,859
7	23	4,379	4,537	4,687	4,859	5,021	5,209
8	24	4,687	4,859	5,021	5,209	5,385	5,568
9	25	5,021	5,209	5,385	5,568	5,773	5,990
10	26	5,209	5,385	5,568	5,773	5,990	6,206
11	27	5,385	5,568	5,773	5,990	6,206	6,442
12	28	5,568	5,773	5,990	6,206	6,442	6,666
13	29	5,773	5,990	6,206	6,442	6,666	6,901
14	30	5,990	6,206	6,442	6,666	6,901	7,144

15 * Sec. 7. AS 39.27.022 is amended by adding a new subsection to read:

16 (d) This section applies to employees of the legislature only if
17 the committee responsible for adopting employment policies concerning
18 the employee adopts a written policy that the section applies. This
19 section applies to the employees of the office of the ombudsman only
20 if the ombudsman adopts a policy that the section applies.

21 * Sec. 8. AS 39.35.385(f) is amended to read:

22 (f) Subject to AS 39.35.450, an employee is eligible for a
23 normal retirement benefit at age 60 or an early retirement benefit at
24 age 55 if the employee has at least 60 days of credited service as an
25 [A TEMPORARY] employee of the legislature, other than as an employee
26 of the Office of the Ombudsman, during each of five legislative ses-
27 sions.

28 * Sec. 9. Notwithstanding the amendments made to AS 39.27.022 by sec. 7
29 of this Act, an employee of the legislature who has received a longevity

1 pay increment under AS 39.27.022 before the effective date of sec. 7 of
2 this Act shall continue to receive the increment until the committee re-
3 sponsible for adopting employment policies concerning the employee adopts a
4 policy on the question of longevity pay increments.

5 * Sec. 10. AS 24.10.200(b) is repealed.

6 * Sec. 11. The amendments to AS 39.35.385(f) made by sec. 8 of this Act
7 are retroactive to July 1, 1979.

8 * Sec. 12. Sections 1 - 7, 9, and 10 of this Act take effect on the
9 first day of the first pay period that begins 14 or more days after the
10 effective date of secs. 8 and 11 of this Act.

11 * Sec. 13. Sections 8 and 11 of this Act take effect immediately under
12 AS 01.10.070(c).

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 139

Publish Date: _____

Revision Date: 2/23/87
Title: An Act relating to wages and benefits for certain legislative employees; providing e.f.

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council

Sponsor: Senate Rules Committee
Requestor: Senate Rules Committee

Components: Administrative Services
Legal Services Session Expenses

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		78.8	78.8	78.8	78.8	78.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		78.8	78.8	78.8	78.8	78.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

by JFC 2/24/87

GENERAL FUND		78.8	78.8	78.8	78.8	78.8
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is assumed that the current budget levels will not be exceeded. For example, ranges allocated to various position titles and longevity criteria for monthly employees will remain in effect. If the longevity criteria is changed, the fiscal impact of this bill could be substantially higher.

(Continued on Page 2)

Prepared by: Pamela A. Stoops, Manager
Division: Administrative Services

Phone: 465-3850
Date: 2/23/87

Approved by: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Date: 2/23/87

Distribution (by preparer):

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

RECEIVED

FEB 23 1987

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 139
Revised Date: 2/23/87

Daily paid employees longevity was budgeted at an average of 5 legislative sessions. Monthly paid employees longevity is budgeted at a "Step C" for an average. Step C's criteria is three legislative sessions or two full years with the legislature at a comparable level.

Administrative Services

14 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 226,001
Annual cost daily paid with no leave	\$ 222,738
	<hr/>
Additional cost of bill	\$ 3,263

Legal Services

8 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 187,474
Annual cost daily paid with no leave	\$ 183,558
	<hr/>
Additional cost of bill	\$ 3,916

Session Expenses

153 daily paid positions converting to monthly paid with leave benefits

Annual cost monthly paid with leave	\$ 2,618,489
Annual cost daily paid with no leave	\$ 2,546,897
	<hr/>
Additional cost of bill	\$ 71,592
	<hr/>
GRAND TOTAL	\$ 78,771

Edison

SB 139 (and HB 142) ON LEGISLATIVE STAFF SALARIES AND BENEFITS

PURPOSE OF THE LEGISLATION

- * Eliminate the main inequities and illogical features in the current staff salary and benefit situation by doing the following:

Put all employees on the same state salary schedule.

Eliminate differentiation of staffers into "permanent" and "temporary session" categories. All staffers treated equally regardless of pay range or number of months worked each year. That is; all employees paid on a monthly basis, and all with the same benefit package (although provision is made to hire hourly-paid personnel in certain circumstances).

All employees are tied to any increases or decreases that are negotiated by state workers for employees in partially exempt service.

- * Add flexibility for future staffing adjustments by enabling the employment of staffers at various ranges and for various numbers of months without risking changes in job status or altering benefits. This will be particularly helpful if further staff cut-backs become necessary. Both shuffling of personnel between positions, and any across-the-board salary adjustments could be more easily and fairly made.
- * The statute regarding the eligibility of legislative employees for the state retirement system is amended both to clear up misunderstandings over divergent interpretations which have developed over the years, and to make the language consistent with other changes made by this bill.
- * Update statutes to more accurately and clearly reflect actual practice in such areas as determining which entity has hiring authority for specific times, and groups of employees.
- * Make staffing parameters for each of the hiring entities (Rules, Leadership, Finance, Budget and Audit, Legislative Council, etc) more consistent with each other, while retaining the autonomy of each entity in establishing its own personnel policies for administering the general guidelines established.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1987

SUBJECT: Sectional Analysis of SB 139 (Wages and
benefits for certain legislative employees)

TO: Senator Richard Eliason
Chairman, Senate Rules Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above de-
scribed bill.

As a preliminary matter, note that a sectional analysis or
summary of a bill should not be considered an authoritative
interpretation of the bill and the bill itself is the best
statement of its contents.

The bill generally refers to three kinds of legislative em-
ployees, those employed by the permanent interim committees
of the legislature (the Legislative Council under AS
24.20.010, Legislative Budget and Audit Committee under AS
24.20.151, and the Administrative Regulation Review
Committee under AS 24.20.400), those employed in the House
and Senate, and hourly employees. House and Senate
employees include those employed by legislators and by
legislative committees other than the permanent interim
committees.

Section 1 subsection (a) substitutes the term "house and
senate employees" for "temporary employees" and provides
that during the interim they are hired with the approval of
the appropriate presiding officer. The section also removes
those employees from the supervision of the chief clerk or
senate secretary.

Subsection (c) extends application of the general state laws
regarding leave and retirement to House and Senate employees
as well as to the permanent employees currently covered.

Section 2 puts all legislative employees on call every day for as many hours as required by their supervisors during sessions. The requirement previously extended by statute only to temporary session employees. Subsection (e) permits the named entities to approve the employment of hourly employees. Hourly employees are paid from the state salary scale and are subject to the retirement laws but not to leave benefits.

Section 3 requires that House and Senate employees be paid at a rate on the state salary schedule instead of at a daily rate. During the interim, the presiding officer establishes the appropriate rate for those employees but the rate must be consistent with the policies adopted by the Joint Rules Committee and approved by the house and senate.

Section 4 includes the employees of the permanent interim committees in the section on compensation for employees of the agencies governed by those committees. It also removes reference to overtime and compensatory time policies.

Section 5 makes clear that the provisions of the bill do not apply to the Office of the Ombudsman.

Section 6 amends the state salary schedule to include legislative employees under AS 24.10 and 24.20. This excludes the Office of the Ombudsman.

Sections 7 and 9 make longevity pay increments applicable to legislative employees only if the appropriate committee has adopted a written policy that the section applies. They apply to the Office of the Ombudsman only if the ombudsman adopts an appropriate policy. However, under section 9, an employee who is currently receiving a longevity pay increment will continue to receive it until the appropriate committee adopts a policy. Then the policy will govern.

Sections 8 and 11 clarify existing retirement law to make any legislative employee other than an employee of the Office of the Ombudsman eligible for certain retirement benefits if the employee worked for at least 60 days during at least 5 sessions and has reached the necessary age. Currently the statute refers to "temporary employees of the legislature." Section 11 makes the amendment retroactive to the beginning of the program.

Section 10 repeals a subsection which established the daily rate of pay. The working hours portion of the subsection is

Senator Eliason
February 19, 1987
Page 3

included in section 2, subsection (d), of the bill.

Section 12 makes those parts of the bill concerned with legislative employee pay take effect on the first day of a pay period that comes at least 14 days after the immediate effective date contained in section 13.

Section 13 is an immediate effective date for the retirement sections of the bill.

If I may be of further assistance, please advise.

TC:mkr
m9/033



Alaska State Legislature

SENATE

Rules Committee

Senator R. I. Eliason, Chairman
Senator William Hensley, Vice-Chairman
Senator Don Bennett
Senator John Binkley
Senator Jan Faiks

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3770

The attached copies of letters are from the House Rules Committee files. They are examples of the dissatisfaction expressed over the years by many legislators in regards to the inequalities in legislative staff salaries and policies. These letters are useful in explaining what some of the concerns have been and why some of the current policies are irrational and need to be corrected.

SB 139 addresses and resolves most of the complaints found in the attached letters.

INTERIM OFFICE:
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 485-4883

Alaska State Legislature



Representative Mitch Abood
CHAIRMAN

House Committee on State Affairs

TO: Representative Jack Fuller, Chairman
House Committee on Rules

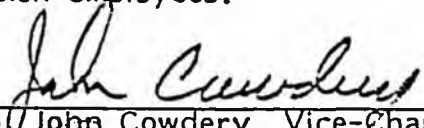
FROM: Representative Mitch Abood, Chairman
House Committee on State Affairs

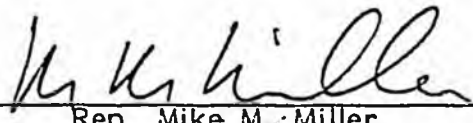
DATE: May 23, 1983

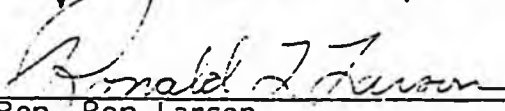
SUBJECT: Salary of Session Employees

The Committee on State Affairs has had SB 294, "An Act relating to the compensation of state officers and employees not covered by collective bargaining," under consideration. It is the belief of this Committee that a serious inequity exists between the salary schedules of permanent and session employees of the Legislature which should be remedied as quickly as possible.

The Committee urges the Rules Committees of the House and Senate to meet under Rule 3 (b) Uniform Rules, and to use the general salary schedule in AS 39.27.011 as a guide in adjusting the compensation of session employees.

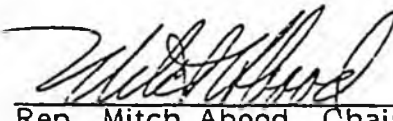

Rep. John Cowdery, Vice-Chairman


Rep. Mike M. Miller


Rep. Ron Larson


Rep. Walt Furnace


Rep. Dick Shultz


Rep. Mitch Abood, Chairman

cc: House Finance Committee Members
Sen. Jan Faiks, Chairperson Senate Rules

SUBJECT: Pay Raises for Permanent Employees

As you requested, I have found out the status of the legislative employees pay raises.

SB 294 which just passed out of the Senate, would give permanent employees a salary raise. The equivalent bill is HB 226/227 which is in House Finance and hasn't moved as I understand it.

The session employees are funded through the Legislature - Joint Rules and so when permanent employees are given a raise, it does not necessarily mean that session employees (who differ really in title only and not in jobs performed) also get a raise.

As a matter of fact, three years ago, there was a major attempt to bring more equality into the staff pay situation and a beginning was made to bring permanent and session closer together. The main reason that there had been such a discrepancy was because permanent employees over the years kept getting their raises and the session employees did not until a huge gap existed. Three years ago, changes were made which brought the two closer together but it would only work, if session employees were given raises when permanent were.

Last year, there was a raise for permanent employees and not for session and this year Representative Fuller's office told me that they intended to raise the session employees to bring them closer to the permanent. Right now, there is no increase in the legislative budget for session employees.

What this means is that a session secretary is still being paid 71.16 and a permanent would be getting 79.93, a session admin. assistant is getting 94.57 and a permanent would be getting 105.90.

SENATOR
ARLISS STURGULEWSKI

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99508
SENATE DISTRICT F, SEAT A

Alaska State Legislature



Senate

While in session
POUCH V
UNEAU, ALASKA 99501
(907) 465-1813

MEMORANDUM

May 30, 1983

TO: Representative Jack Fuller, Chairman
House Rules Committee

FROM: Senator Arliss Sturgulewski (12)
Senate District F, Seat A

RE: Legislative Staff Inequities

I was pleased to see that the National Conference of State Legislators (NCSL) in their "Alaska Legislative Procedures Study Final Report" made some very specific recommendations dealing with staffing issues, many of which coincided with my memo of February 25, 1983, to the Special Committee on Legislative Reform regarding salary schedules. In that memo I stated that there should be unified salary schedules. In addition, that there should be clearly defined personnel standards for all employees of the various divisions of the legislature as well as legislative staff employees.

The NCSL report said:

1. The Alaska Legislature should develop a systematic way of hiring and dealing with equities in qualifications and pay for legislative staff.
2. The Alaska Legislature should standardize and clearly define staff benefit policies between the two houses.
3. The Alaska Legislature should develop an administrative manual for staff which covers such topics as compensation, benefits, and other personnel procedures pertinent to the Alaska Legislature.
4. The Alaska Legislature should clarify the definition of "session" and "interim" employment, including the status of interim employees. Full-time employees should be considered and treated as such.

Although a number of issues raised by NCSL will require substantial work to develop and implement, the suggestions are sound and will do a great deal to minimize the ongoing conflict which the current system provides.

An immediate need which should be resolved is the inequity that exists between the salary schedules of permanent and session employees of the legislature. Additionally, the issue of acquisition of leave time needs to be addressed. Apparently staff in the House accrue leave time while certain of the Senate staff do and others do not. I am enclosing miscellaneous memorandum to point out some of the concerns being raised.

I do appreciate your attention to this important area of concern. It is difficult to respond to employees questions as to why some are afforded rather handsome salary increases while others have been in a static position since 1981 with the exception of the \$2.00 per day longevity-- somehow, it just doesn't compute.

Enclosures



Official Business

Alaska State Legislature

Senate

Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

February 23, 1983

MEMORANDUM

To: Senator Faiks, Rules Chairman

From: Peggy Mulligan, Secretary of the Senate

Subject: Salary Policy adopted June 23, 1981
(See Senate journal pg 1637-39)

Attached is a list of salaries as received from Pam Calhoun of Legislative Affairs showing the salaries negotiated by the Chief Clerk for the staff of that office for this session. The employees checked on the list for the House work every other week and are paid for every day of the session. Also listed are the salaries of the staff of the Secretary of the Senate.

I am assuming that if salary increases are contemplated for 1983, the salaries of House and Senate session employees will be determined by a Joint Rules Report and will be the same for both houses.

~~Last year it was determined that "regular" legislative employees would benefit from the negotiated state salary increase (about 7%) retroactive to the beginning of the session. Session employees did not receive this increase.~~

The legislative session runs smoothly because of dedicated, experienced session employees. The salary increase in 1981 for regular legislative employees and the salary increase of one house over the other this year makes it difficult to keep loyal staff.

It would be appreciated if you would give the above your consideration.

cc: members of Rules

ALASKA

STATE LEGISLATURE

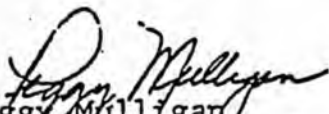
MEMORANDUM

February 25, 1983

In previous years (at least the past 12 years that I have been employed), the Rules Committee of each house works as a joint committee comparing state pay scales, deciding the value of experience, deciding the titles of positions to come to an agreement to set before the members of the Senate and the House. This Joint Rules Report is voted on in the Senate and the House. If adopted, this becomes the authority to the Legislative Affairs Agency for payment of legislative personnel. This changed in 1982 when all legislators were allowed full-time staff. It was determined that regular staff would receive the state-negotiated pay raise, and it was made retroactive along with state employees. Session employees did not receive this pay increase. This determination was not made by a Rules Report or a vote of the members of the legislature.

It appears there will be no pay increase again this year for session staff. I suppose that regular staff will benefit by a state-negotiated raise as they did last year, and then they will be receiving from 14 to 15% more pay than session staff. I fail to see how this can be justified.

Salaries for all staff including the Finance Committee should be done in an open manner, by a Joint Rules Committee report and be voted up or down by both houses.


Peggy Mulligan
Secretary of the Senate



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMORANDUM

TO: Sen. Jan Faiks
Senate Rules Chairman

DATE: May 23, 1983

FROM: Rep. Jack Fuller
House Rules Chairman

SUBJECT: Session employees salary increases

I would again like to bring to your attention the issue of salary increases for session employees. As you recall, a joint Senate and House Rules meeting to deal with the matter was cancelled at your request early in the session. Session employees were not given last year's pay increases; and, if a new increase for state workers goes through this year and not given to session employees, they will be two jumps behind.

I would like to resolve the inequity between the pay of year-round and session staffers. It is my feeling that if an increase is given to one classification of legislative employee, it should be given to all.

During the coming interim I would be most interested in working with you to come up with an amended staffing policy for legislative employees as a whole. I see the house and senate moving farther and farther apart in actual practice, and I do not think this is desirable. I would like to avoid the type of head-on collision we had in 1981 over inequities in staffing practices.

Please let me know your thoughts on this matter.



Official Business

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: REPRESENTATIVE JACK FULLER
CHAIRMAN, HOUSE RULES COMMITTEE

FROM: SPEAKER JOE HAYES *JH*
ALASKA STATE HOUSE

DATE: DECEMBER 18, 1981

RE: STAFFING

Some more questions have just been brought up concerning policy for hiring employees and the pay scale for same.

I have listed below some questions and/or suggestions that have been brought to my attention.

1. As near as can be ascertained, base pay for a "session" secretary is \$1995 per month or \$65.58 per day (NOTE: All figures in this memorandum are based on the range pay scale information. Per day figures are arrived at by multiplying the monthly rate times 12 and dividing by 365.)

"Permanent" secretaries are to be hired at range 15A (\$2135 per month, \$70.19 per day), 15B (\$2213 per month, \$72.76 per day) or 15C (\$2291 per month or \$75.32 per day).

"Session" employees are granted longevity at \$2 per day.

With this in mind, a "session" secretary who has four years with the legislature would make more than a 15A. "Base" (meaning first year worked with legislature) plus four would give this secretary more than a 15B and base plus five would give this secretary more than a 15C. Since "permanent" secretaries are only allowed to be hired to a maximum of 15C, it would be advantageous, in some cases, to hire a person as a "session" secretary to allow that person a better pay scale.

2. The recent memoranda state that legislative aides to the majority may be hired at 19A through 19C rates; however, legislative aides

Representative Jack Fuller
December 18, 1981
Page 2

to minority or "session" aides will be hired at the base of 19A plus the \$2 per day longevity.

In that case, 19A daily rate is \$93.27 per day; 19B daily rate is \$96.49 per day; and 19C daily rate is \$99.91 per day (monthly rates are \$2837, \$2935, and \$3039, respectively). This would mean that an aide hired as "session" aide with two years of experience would make more than a 19B. An aide hired at "session" with four years experience would make more than a 19C (i.e., base of \$93.27 plus \$8 is \$101.27 as compared to \$99.91).

3. Who decides whether a secretary is hired as "session" or "permanent?" What is this decision based on?
4. Who decides whether a legislative aide is hired as "session" or majority rate or what? It would be to an employee's advantage, if he/she has long service with the Legislature, to request that he/she be hired as "session" employee and then add the \$2 per day rather than be hired as a 19A, B, or C. What is the hiring decision based on?
5. In the December 1 memorandum (copy attached), reference is made to "session/interim" employees who are "so-designated." Who designates and what is this decision based on?
6. Reference is repeatedly made to "session" versus "permanent" type of employees. Does the word "permanent" bring up any problems -- wouldn't it be advisable to stay away from a "permanent" designation other than for internal uses for benefits (i.e., health insurance)?

It is my suggestion that some written guidelines be established so that legislators could explain to potential employees the procedures that will be used for figuring classification and pay. These guidelines should be plain enough so that things can be settled before the session so that staff who have worked during interim will know what to expect in the way of pay when they get to Juneau and legislators can advise new oncoming staff about what to expect. With the rental rates, etc., presently in the Juneau market, staff will need to know what they are looking at in the way of income before they can make any decisions about personal expenses.

As we discussed this morning, something needs to be done. In your position as Rules Chairman, staffing matters are yours to handle. I appreciate your concern and attention to these problems.

Thank you for your cooperation and assistance.

Attachment
JH:oj:jss

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 4, 1981

TO: THE HONORABLE RAMONA BARNES
CHAIR, HOUSE JUDICIARY COMMITTEE

FROM: Richard G. Berg, Director
Administrative Services

SUBJECT: Expanding Leave Benefits

Your aide has requested information on methods that might be applicable to allow leave benefits for legislative staffers who are not on permanent status. We generally follow the State Personnel System with pay and benefit accrual issued under their (Executive) procedures.

We have within the Legislative system employees paid 7 days per week (session) and interim employees paid on a hourly basis as well as monthly basis. The problem as I understand it is to equalize the benefits between those staffers who work full session and immediately go into interim work and are for all intents and purposes permanent year-round employees. The easiest method to accomplish an equalization is to classify all such employees on a comparable basis, i.e., permanent. You will recall a proposal to accomplish this was discussed during Rules Committee meetings.

At the present time, all interim employees (other than permanent leadership) are classified as temporary interim employees and although allowed health benefits and retirement accrual, they do not accrue leave time nor are they allowed moving and transportation costs per Speaker Hayes memorandum, dated July 16, 1981. (Leadership positions have historically been budgeted as permanent positions with all benefits.)

You could consider establishing additional year-round positions as special legislative aides, which would allow us to establish a benefit accrual akin to that of a standard State permanent employee. I would assume these positions would be at one rate year around and not at an

Memorandum to: The Honorable Ramona Barnes
November 4, 1981
Page 2

interim rate and then switching to session rate. Frankly, however, regardless of the name, these people are permanent employees in exempt status and it may very likely be cause for concern that additional "permanent" positions are being established.

This and my previous memo only cover the surface of this subject and I would suggest that it be reviewed in more detail by you or one of the members of your staff, due to the consequences that might ensue from precipitous action. I hope the above has been helpful.

RGB:mm

HEADINGS TITLE 24.
Legislature.
CHAPTER 10.
Officers, Employees and Compensation.
ARTICLE 2.
Employees.

CITATION Sec. 24.10.060.

CATCH LINE

LEGISLATIVE EMPLOYEES.

TEXT

The temporary employees of the legislature are hired for the duration of each session upon the recommendation of the rules committee of each house. Employees assigned to each house are under the supervision of the chief clerk and senate secretary. Employees assigned to the duplicating, distributing, mailing, and other centralized services are under the immediate supervision of the Legislative Affairs Agency. Permanent and temporary employees of the legislature and its agencies shall be employed subject to classification and wage plans based on the merit principle and adapted to the special needs of the legislature. Permanent employees are subject to the general state laws

regarding leave and retirement.

HISTORY

(Sec. 17 ch 157 SLA 1959; am sec. 4 ch 47 SLA 1961; am sec. 36 ch 32 SLA 1971)

HEADINGS TITLE 24.
Legislature.
CHAPTER 10.
Officers, Employees and Compensation.
ARTICLE 4.
Compensation of Employees.

CITATION Sec. 24.10.200.

CATCH LINE

SESSION EMPLOYEES.

TEXT

(a) Temporary session employees of the legislature are compensated for each calendar day of the legislative session at the rate authorized by the Joint Rules Committee and upon approval of the house and senate.

(b) The daily compensation provided for in (a) of this section applies for each day of the session the employee is officially on the payroll. Session employees hired or retained on the payroll for pre-session or post-session work at the direction of the legislative council shall be paid on an hourly basis for hours actually worked as determined by dividing the authorized daily compensation for each position by seven, the number seven representing the average working hours each day. During sessions, all employees are employed with the understanding that they will work as many hours as may be required by their supervisors with the approval of the Rules Committees. All temporary employees are on call for duty every day of the session.

HISTORY (Sec. 1 ch 13 SLA 1961; am sec. 1 ch 45 SLA 1965; am sec. 1 ch 22 SLA 1969)

ANNOTATIONS

REVISOR'S NOTES Formerly AS 24.15.060(a) and (b). Renumbered in 1985.

HEADINGS TITLE 24.
Legislature.
CHAPTER 10.
Officers, Employees and Compensation.
ARTICLE 4.
Compensation of Employees.

CITATION Sec. 24.10.210.

CATCH LINE

EMPLOYEES OF LEGISLATIVE AGENCIES.

TEXT Employees of agencies governed by permanent interim committees of the legislature under AS 24.20 are compensated in accordance with the general state salary schedule, including overtime payment and compensatory time policies, at levels budgeted and approved by the governing committees in accordance with law. The governing committees shall coordinate with each other on position levels and salary-related overtime and compensatory time policies to every extent possible consistent with the statutory duties and powers of each permanent committee and its agency.

HISTORY (Sec. 1 ch 85 SLA 1978)

ANNOTATIONS

REVISOR'S NOTES Formerly AS 24.15.060(c). Renumbered in 1985.

HEADINGS TITLE 24.
Legislature.
CHAPTER 55.
Office of the Ombudsman.
ARTICLE 1.
Organization.

CITATION Sec. 24.55.070.

CATCH LINE

STAFF AND DELEGATION.

TEXT

(a) The ombudsman may appoint a deputy ombudsman. The ombudsman shall also appoint assistants and clerical personnel necessary to carry out the provisions of this chapter.

(b) The ombudsman may delegate to the deputy or assistants any of the ombudsman's duties except those specified in AS 24.55.190 and 24.55.200, however, during the ombudsman's absence from the principal business offices, the ombudsman may delegate the duties specified in AS 24.55.190 and 24.55.200 to the deputy for the duration of the absence. The duties specified in AS 24.55.190 and 24.55.200 shall be performed by the deputy ombudsman when serving as acting ombudsman under AS 24.55.040(b).

(c) The ombudsman and the staff appointed by the ombudsman are in the exempt service under AS 39.25.110.

HISTORY

(Sec. 1 ch 32 SLA 1975)

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 25.
State Personnel Act.
ARTICLE 2.
Coverage of Personnel.

CITATION Sec. 39.25.110.

CATCH LINE

EXEMPT SERVICE.

TEXT

Unless otherwise provided by law, 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, judges, magistrates, and employees of the judicial branch including employees of the Judicial Council;

(3) employees of the state legislature and its agencies;

(4) the head of each principal department in the executive branch;

(5) officers and employees of the University of Alaska;

(6) certificated teachers and noncertificated 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 control of a regional educational attendance area school board;

(7) certificated teachers employed by the Department of Education as correspondence teachers, teachers in skill centers operated by the Department of Education, or in Mt. Edgecumbe School;

(8) patients and inmates employed in state institutions;

(9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;

(10) members of boards, commissions, or authorities;

(11) the officers and employees of the following boards, commissions, and authorities:

(A) Alaska Gas Pipeline Financing Authority;

(B) Alaska Permanent Fund Corporation;

(C) Alaska Energy Center;

(D) Alaska Industrial Development Authority;

(E) Alaska Commercial Fisheries Entry Commission;

(F) Alaska Commission on Postsecondary Education;

(12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(13) physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities, Department of Health and Social Services;

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

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

(16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;

(17) officers and employees of the state who reside in foreign countries;

(18) employees of the Alaska Seafood Marketing Institute;

(19) firefighters employed by the Department of Natural Resources for a fire emergency;

(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion; LIMITED EFFECTIVE DATE

(21) OREPEALED JUNE 30, 1988E Employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs;

(23) executive director of the Medicaid Rate Commission.

HISTORY

(Sec. 5 ch 144 SLA 1960; am sec. 1 ch 48 SLA 1961; am sec. 1 ch 133 SLA 1961; am sec. 3 ch 93 SLA 1962; am sec. 3 ch 24 SLA 1966; am sec. 31 ch 46 SLA 1970; am sec. 65 ch 69 SLA 1970; am sec. 13 ch 113 SLA 1970; am sec. 3 ch 78 SLA 1971; am sec. 18 ch 78 SLA 1974; am sec. 42 ch 127 SLA 1974; am sec. 2 ch 32 SLA 1975; am sec. 2 ch 79 SLA 1975; am sec. 37 ch 124 SLA 1975; am sec. 1 ch 157 SLA 1976; am sec. 3 ch 90 SLA 1978; am sec. 7 ch 18 SLA 1980; am sec. 43 ch 106 SLA 1980; am sec. 10 ch 131 SLA 1980; am sec. 4 ch 148 SLA 1980; am sec. 4 ch 106 SLA 1981; am secs. 2, 3 ch 37 SLA 1982; am sec. 7 ch 112 SLA 1982; am sec. 1 ch 11 SLA 1983; am sec. 1 ch 103 SLA 1984; am sec. 58 ch 21 SLA 1985; am sec. 1 ch 50 SLA 1985)

AMENDMENT

NOTES

EFFECT OF AMENDMENTS The first 1980 amendment added paragraph (22). (See now paragraph (11)(B).)

The second 1980 amendment added paragraph (23). (See now paragraph (11)(D).)

The third 1980 amendment added paragraph (24). (See now paragraph (15).)

The fourth 1980 amendment added paragraph (25). (See now paragraph (11)(C).)

The 1981 amendment added a paragraph (26) (see now paragraph (18)), relating to employees of the Alaska Seafood Marketing Institute.

The first 1982 amendment added a paragraph (27) (see now paragraph (21)), relating to employees of the Citizens' Advisory Commission on Federal Areas in Alaska. Section 3, ch. 37, SLA 1982, effective June 30, 1988, repeals this paragraph.

The second 1982 amendment rewrote this section.

The 1983 amendment rewrote paragraph (13).

The 1984 amendment added paragraph (22).

The first 1985 amendment added paragraph (23).

The second 1985 amendment, effective May 31, 1985, in paragraph (7) added "or in Mt. Edgecumbe School" at the end of the paragraph and made a minor, related change.

DECISIONS

NOTES TO DECISIONS The thrust of the exemptions in this chapter, the Public Employees Retirement System, former AS 39.35.680(5)(c), and the statutory leave provisions for state employees, AS 39.20.310, is to provide for those public employees

who are not susceptible to ordinary recruiting and examining procedures. *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978). No inconsistency between ferry crew exemption of this section and inclusion of such personnel with Public Employment Relations Act, AS 23.40.070 et seq. - See *Hafling v. Inlandboatmen's Union*, Sup. Ct. Op. No. 1743 (File No. 3438), 585 P.2d 870 (1978). Cited in *State v. Haley*, Sup. Ct. Op. No. 2860 (File Nos. 6604, 6608, 6609, 6610), 687 P.2d 305 (1984).

ALASKA STATUTE
*39.27.011(a)

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 27.
Pay Plan for State Employees.
CITATION Sec. 39.27.011.
CATCH LINE

SALARY SCHEDULE.

TEXT (a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,387	1,425	1,467	1,507	1,552	1,593
06	1,467	1,507	1,552	1,593	1,639	1,687
07	1,552	1,593	1,639	1,687	1,740	1,793
08	1,639	1,687	1,740	1,793	1,845	1,903
09	1,740	1,793	1,845	1,903	1,965	2,020
10	1,845	1,903	1,965	2,020	2,082	2,145
11	1,965	2,020	2,082	2,145	2,217	2,286
12	2,082	2,145	2,217	2,286	2,365	2,445
13	2,217	2,286	2,365	2,445	2,531	2,623
14	2,365	2,445	2,531	2,623	2,715	2,818
15	2,531	2,623	2,715	2,818	2,910	3,020
16	2,715	2,818	2,910	3,020	3,129	3,242
17	2,910	3,020	3,129	3,242	3,353	3,468
18	3,129	3,242	3,353	3,468	3,582	3,717
19	3,353	3,468	3,582	3,717	3,831	3,974
20	3,582	3,717	3,831	3,974	4,095	4,246
21	3,831	3,974	4,095	4,246	4,379	4,537
22	4,095	4,246	4,379	4,537	4,687	4,859
23	4,379	4,537	4,687	4,859	5,021	5,209
24	4,687	4,859	5,021	5,209	5,385	5,568
25	5,021	5,209	5,385	5,568	5,773	5,990
26	5,209	5,385	5,568	5,773	5,990	6,206
27	5,385	5,568	5,773	5,990	6,206	6,442
28	5,568	5,773	5,990	6,206	6,442	6,666
29	5,773	5,990	6,206	6,442	6,666	6,901
30	5,990	6,206	6,442	6,666	6,901	7,144

(b) ORepealed, sec. 38 ch 3 SLA 1980.E

(c) If a state officer or employee is appointed a deputy department head or a division director and, at the time of appointment, the officer or employee is receiving a salary higher than that set for the position to which appointment has been made, the officer or employee is entitled to continue receiving the higher salary. This subsection does not apply to the salary of a person appointed to a position other than a deputy department head or a division director.

HISTORY (Sec. 12 ch 148 SLA 1976; am sec. 1 ch 92 SLA 1977; am secs. 1, 10 ch 80 SLA 1978; am secs. 1, 16, 30, 31, 38 ch 3 SLA 1980; am sec. 1 ch 50 SLA 1982; am sec. 1 ch 83 SLA 1983; am sec. 4 ch 87 SLA 1985)

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 27.
Pay Plan for State Employees.

CITATION Sec. 39.27.022.

CATCH LINE

PAY INCREMENTS FOR LONGEVITY IN STATE SERVICE.

TEXT (a) Pay increments, computed at the rate of 3.75 per cent of the employee's base salary, shall be provided after an employee has remained in the final step within a given range for two years, provided that the employee has worked continuously for the state for seven years and provided that the current annual rating by the employee's supervisors is designated as "good" or higher.

(b) Additional increments, each computed at the rate of 3.75 per cent of the employee's base salary, shall be provided under the same restrictions as provided in (a) of this section when the employee has remained in the final step for four, nine and thirteen years.

(c) Longevity pay increments provided for in (a) and (b) of this section are approved under AS 39.25.150(2) as an amendment

to the pay plan for employees of the state.

HISTORY (Sec. 1 ch 163 SLA 1972)

ANNOTATIONS

OPINIONS OF ATTORNEY GENERAL Interpretating the longevity pay increments provided for by this section, so as to suggest that these increments may not be salary steps and therefore employees receiving these longevity increments who are promoted to a higher job series are not entitled to the salary increases required by Personnel Rule 9.02.13 and article 7 of the agreement between the state of Alaska and Alaska Public Employees Association covering the general government unit would be at variance with the legislative intent expressed in this section. September 11, 1974, Op. Att'y Gen.

DECISIONS NOTES TO DECISIONS The purposes of this section are twofold, namely: To provide a reward for longevity in state employ, and to reestablish an incentive for employees who have attained the final step within a given range to continue in their employment. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Legislative history. - See Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). The language of this section is not clear and unambiguous as to when the pay increments in either subsection (a) or (b) should be granted. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). But at least some increment intended for immediate implementation. - The language of this section is not clear and unambiguous as to when the pay increments should be implemented. However, the Free Conference Committee Report indicates an intention that at least some increment be implemented immediately. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d

12 (1974). No basis for assigning different implementation times to increments of subsections (a) and (b). - Since the wording of subsections (a) and (b) is nearly identical, there would seem to be no basis for assigning different implementation times to the increments, unless an indication of such legislative intent is to be found elsewhere. The supreme court has discovered no such expression of contrary legislative intent. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Thus, employees entitled retroactively to pay increments in subsection (b). - As of July 1, 1972, state employees who otherwise met the statutory eligibility requirements and had been in the last step of their pay range for four, nine, or 13 years should have immediately received the pay increments provided by subsection (b) of this section. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974). Given an indication of retroactivity in the Free Conference Committee Report on the original bill and the similarity in the phrasing of subsections (a) and (b), the most intrinsically reasonable interpretation of the bill would seem to be that, in the absence of any indications of legislative intent to the contrary, if eligibility for the initial pay increase was to become effective on July 1, 1972, then eligibility for all the incremental increases should become effective on that date. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).