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Foster also gave Berkowitz a gun on one birthday. It's the kind of gift he sometimes thrusts on unwitting colleagues. This time it was a derringer nestled in a hollowed-out mystery novel that Foster had earlier given to former Gov. Tony Knowles on a trip to Nome. The governor immediately turned the pistol over to state troopers, who eventually gave it back to Foster. Berkowitz still has it.

## **PASSION FOR FIREARMS**

Foster inherited his passion for firearms from his father, former state Sen. Neal "Willy" Foster, who also shared his air taxi business and Will Rogers-style humor with his son.

It was the younger Foster's zeal for collecting weaponry that landed him in trouble 16 years ago. A Vietnam veteran and former Army captain, Foster grabbed the attention of federal agents when he asked a Juneau machinist to craft some submachine gun parts.

But a sympathetic Nome jury acquitted Foster, to the applause of the gallery.

Former Nome Mayor Leo Rasmussen is not surprised that people in the capital are now rallying to Foster's support.

"Richard is just good old Alaskan in the true sense," Rasmussen said. "The old Alaskan doesn't fit the mold of today. They have a genuineness to them that by and large the country has lost."

At the fundraiser on his behalf, Foster was characteristically low-key. Though he has a possible donor lined up -- a friend is now going through a battery of tests -- and Foster is undergoing dialysis, he already has been disappointed several times.

"I hope this is not an obituary," he told well-wishers with a soft laugh.

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## Heart transplant survivor urges all to donate life

Article published on Tuesday, Apr 10th, 2007

By DONNA BELL

Guest Opinion

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"Donating organs, marrow, and tissue is a kind and compassionate act that can protect and enhance the precious gift of life. During National Donate Life Month, we recognize the generosity of donors and raise awareness of the importance of donating.

In recent years, there has been great progress in this important effort, and the rate of organ donation has steadily increased — helping save thousands of lives.

Despite this success, more than 95,000 Americans currently await organ transplants, and hundreds more are added to the transplant list each month. ...

— From a proclamation by the president of the United States of America

President Bush signing the National Donate Life Month for April may not mean much to you, but it is of great interest and importance to me, because on Friday, I will have had an extra five years of life.

I am here, plain and simple, because a wonderful person made a decision about being an organ donor. His family abided by that decision to donate his organs if anything ever happened to him. Because of someone else's choice to be an organ donor, a person he didn't even know, myself, has been given the possibility for a longer life. What a blessing.

and tissue donation, and to record their personal decision. Registration is considered legal consent for donation. The Web site address is [www.livinglegacyregistry.org](http://www.livinglegacyregistry.org).

If you are not an organ donor, I encourage you to get registered. If you are an organ donor, please get registered. It may be on your driver's license, you may have told your family members, but when the time comes, they may not follow your wishes to let you be an organ donor.

I would like to end with this: God can do the miraculous; trust him to provide the resources. Sometimes those miracles can end up right here in Kodiak.

Donna Bell received a heart transplant at the University of Washington Medical Center on April 13, 2002.

Why did I need a heart transplant? I had caught a cold. For whatever reason, it went into my heart and damaged it. The left ventricle of my heart became enlarged. My heart was going to have to work harder at pumping the blood to the rest of my body. At the age of 41, I had congestive heart failure. Eight years later, my name was added to the National Transplant Patient Waiting List. After waiting four months, I received the heart from a 33-year-old man. My life began anew.

One organ donor can save the lives of up to eight people; a tissue donor may enhance the lives of more than 50 individuals. Nineteen people die each day waiting for lifesaving organ transplants. A new name is added to the National Transplant Patient Waiting List every 14 minutes.

Most Americans support donation, but only half of them have made it known. Now there's a way to be sure your wishes are known. The Living Legacy Registry was created through legislation to enable the public to make informed choices about organ

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### State Leave Laws Related to Medical Donors

Currently 29 states have enacted laws that provide paid or unpaid leave for bone marrow and/or organ donors. Eight states (Arkansas, Connecticut, Illinois, Louisiana, Maine, Minnesota, Nebraska and Oregon) allow a leave of absence for private sector employees. The period of leave is usually 30 days for organ donors and 7 days for bone marrow donors. Some state laws have provisions which require authorization for requested leave or prohibit states from penalizing employees from taking such leave.

State	Bill/Act/ Statute	Enacted	Summary
Arkansas	Act No. 2235	4/13/05	Requires private employers to provide an unpaid leave of absence for employees during testing for, donations of and recovery from organ donation; provides an income tax credit for employers electing to pay the wages of the employee on organ donation leave.
	SB 167	3/20/03	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
California	Chapter No. 869	9/26/02	Grants up to a 30 day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and a 5 day leave of absence with pay to employees who are bone marrow donors.
Connecticut	Act No. 04-95	5/10/04	Expands the state family and medical leave acts for state employees and private sector employees to provide unpaid leave to donate an organ or bone marrow.
Delaware	§1218B	n/a	Authorizes teachers and school employees may use up to 7 days of donated leave to serve as a bone marrow donor and up to 30 days of donated leave to serve as an organ donor.
Georgia	HB 1049	4/24/02	Provides for state employees to receive a leave of absence, with pay, for serving as an organ or bone marrow donor.
Hawaii	Act No. 176	6/30/05	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
Idaho	SB 1373	3/30/2006	Grants a leave of absence for full-time state employees and full-time non-classified state officers and employees for a specified period of time for bone marrow or organ donation.
Illinois	Act No. 94-33	6/15/05	Amends the Organ Donor Leave Act. Provides that the Act applies to all public employers in the State.
	HB 5907	8/2/02	Creates the Organ Donor Leave Act. Provides for time off with pay for State employees who donate an organ, bone marrow, blood or blood platelets.
Indiana	HB 1030	3/28/02	Allows a state employee of the Executive Branch to take a paid leave of absence for the purpose of being an organ donor or bone marrow donor.
Iowa	HB 381	8/28/03	Provides up to five workdays of leave for bone marrow and up to thirty workdays of leave for vascular organ donation by state employees.
Louisiana	§10:1009.124	1992	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Maine	LD 1945	4/11/02	Adds organ donation to the reasons allowed for family leave.
Maryland	SB 17	5/11/00	Provides that all State employees may be entitled to organ donation leave with pay; Provides up to seven days of leave for bone marrow and up to 30 days for organ donation in any 12-month period.
Massachusetts	Chapter No. 99-2005	9/29/05	Grants 30-day leave of absence to public employees serving as organ donors.

Minnesota	§181.945	1990	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Mississippi	Chapter No. 336	10/15/04	Provides up to 30 days of paid leave for living organ or bone marrow donation.
Missouri	HB 679	7/6/01	Allows state employees to take paid leave of absence up to five workdays to serve as a bone marrow donor or 30 days as a human organ donor.
Nebraska	§21-1820	1992	An employer shall be encouraged to grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow.
New York	AB 4138	8/29/01	Permits state employees to take paid leave for bone marrow donation and for organ donation, in addition to any other annual or sick leave.
North Dakota	SB 2298	4/20/05	Allows leave of absence for 20 workdays to state employees donating an organ or bone marrow.
Ohio	HB 326	7/10/01	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
Oklahoma	SB 1628	5/8/02	Grants state employees 30 days paid leave per year to serve as an organ donor and five days paid leave per year to serve as a bone marrow donor.
Oregon	§659A.312	n/a	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
South Carolina	SB 830	8/6/02	Allows state and local officers and employees are entitled a paid leave of absence up to 30 days to serve as an organ donor.
Texas	§661.916	2003	Grants state employees 30 working days paid leave per year to serve as an organ donor and five working days paid leave per year to serve as a bone marrow donor.
Utah	SB 125	4/8/02	Authorizes a paid leave of absence for state employees who serve as a bone marrow or donor of a human organ.
Virginia	HB 1642	3/26/01	Allows state employees with up to 30 days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donor.
Wisconsin	AB 545	5/9/00	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
West Virginia	Act 175	5/11/05	Grants state employees thirty days of paid leave for kidney or liver donation and seven days of paid leave time for bone marrow donation.

Source: NCSL  
October 2006

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**Blood Bank of Alaska**

### Donating

- Whole Blood
- Apheresis
- Bone Marrow
- Locations & Hours
- Special Collections
- Donor Recognition
- FAQ
- Volunteer
- Financial Gifts

### Blood Drives

### Appointments

### Special Promotions

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### Press Room

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## DONATING BONE MARROW

### Why Register To Donate Bone Marrow?

Every year, thousands of adults and children need bone marrow transplants -- a procedure which may be their only chance for survival. Although some patients with aplastic anemia, leukemia or other cancers have a genetically matched family member who can donate, about 70 percent do not. These patients' lives depend on finding an unrelated individual with a compatible tissue type -- often within their own ethnic group -- who is willing to donate marrow.

Since 1987, the National Marrow Donor Program (NMDP) has facilitated more than 4,000 unrelated marrow transplants.

There is a critical need for more volunteer donors. Many patients, especially minority ethnic groups, cannot find a compatible donor among those on the registry. Patients and donors must have matching tissue types, and these matches are found most often between people of the same ethnic group. A large, ethnically diverse group of prospective donors will give more patients a chance for survival.

### What Is Bone Marrow?

Marrow is the tissue found inside bones that produces red blood cells, white blood cells and platelets. These vital blood cells fight infection, carry oxygen and help control bleeding. Any disease that attacks the bone marrow can eliminate the body's ability to protect itself.

### Who Can Donate Marrow?

If you are in good health and between the ages of 18 and 60, you may be eligible to join the NMDP's registry, where patients seeking a compatible donor begin their search.

### Steps To Joining The Registry

- The Bone Marrow Donor Program registers volunteers who wish to join the registry. After you complete your registration form and meet the required health guidelines, a kit will be used to collect four swabs of cheek cells for tissue typing.
- The laboratory results are entered into the NMDP's registry, a computerized database of potential donors.
- If you match the tissue type of a patient seeking a donor, additional testing will confirm the results. Marrow donor counselors will discuss the procedure with you and help you make an informed decision about donating marrow.
- The marrow collection process is performed in Seattle, Washington and may require an overnight stay in the hospital. The procedure itself is painless, because it is performed under anesthesia. But, for an average of two weeks following the procedure, most donors experience sore hips and some must restrict their activities. Most donors also report that donating marrow is a very positive experience. Many marrow donors are willing to donate again in the future.
- The donated marrow is transfused to the patient, whose diseased cells have been destroyed by intensive chemotherapy. In time, the donated marrow engrafts and begins producing healthy blood cells.



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**Why Are More Ethnically Diverse Donors Needed?**

Because patients are most likely to find a compatible donor within their own ethnic group, a diverse group of potential donors is needed. Over 3.5 million volunteers have joined the national registry, but only small percentage are not Caucasian.

Percentage of ethnic groups on the national registry:

- African American - 8.0%
- Asian/Pacific Islander - 5.9%
- Hispanic - 9.0%
- Native American - 1.3%
- Caucasian - 75.1%
- Multi-Race - 1.7%

**Funding**

When someone volunteers to join the national registry of potential donors, a kit will be used to collect four swabs of cheek cells for tissue typing. This test costs \$52. Because funding is limited and the need to diversify the registry is so critical, the U.S. government pays the fee for people of ethnic minorities. For Caucasian donors, we count on volunteer funding and local charity groups.

Once a donor is found to match a patient, the donation is paid for by the NMDP and billed to the patient and transplant center.

**How Can I Join The Registry?**

If you live in Alaska and would like to join the registry, you can visit any four Blood Bank of Alaska centers or you may visit [www.marow.org](http://www.marow.org) to register online. If you are interested in hosting a Bone Marrow and Blood Drive at your location, please contact Mysti Skelton at the Blood Bank of Alaska, Mat-Su center at (907) 376-1195 for more information.

www.marow.org

**The decision to donate a kidney is not always an easy one, and it is not always right for everyone.**

There are many physical, emotional and financial matters to consider. You should discuss this with your family members, as they will also be affected by your decision. Talking to others who have been through the donation process may be of help to you. The transplant coordinator can arrange a meeting for you and someone who has previously donated. The decision to donate a kidney is a personal one to make, and whatever your choice, it must be the right one for you. On behalf of your potential recipient, we certainly thank you for your interest.



BECOMING A  
**Living Donor**  
Kidney Donation



*To consider donating one of your kidneys to a friend or family member is an unselfish act that could result in changing the life of someone with kidney failure.*

WERE IT NOT FOR LIVING DONORS, many patients awaiting kidney transplantation would never receive a kidney. There is a very long waiting list for cadaver kidneys, which are donated at the time of death. Since 1972 the Centara Northbrook General Kidney Transplant Program has performed over 1200 transplants. More than 300 patients have received their kidney from a living person.

A living donor  
may be a blood relative,  
spouse or a friend.  
It is hoped that this brochure  
will answer many of the questions  
that you might have about  
the process.

At the time you express interest in being studied for kidney donation, you will be interviewed by one of the transplant coordinators who will ask you a number of questions about your medical history. If you answer all questions honestly and truthfully, you should be given the go-ahead to donate your kidney. There are many aspects to your medical history that we need to know, especially anything that may be related to your kidney or your overall health. Don't feel that having a kidney donation is a health and safety risk. All the necessary tests conducted in our laboratory are conducted in a sterile environment. All kidney donors and recipients are screened for any past or present infectious diseases. We will respect the privacy of your donor.

The most frequent donor is a special type of donor known as the living donor. The primary goal of your testing is to ensure you are healthy. With all kidney tests, patients in these will be taught the correct use of their kidneys. This information is vital to your health and safety. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

When you receive a kidney, there will be a period of time to ensure that you are healthy and that the kidney is working properly. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

Our medical staff will provide you with the necessary information and support to ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

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#### Blood testing

Living donors will be required to have blood tests to ensure that they are healthy and that the kidney is working properly. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.



#### Evaluation and testing

If the kidney is healthy and the living donor is healthy, the transplant team will be prepared to perform the transplant. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

While being considered a possible kidney donor, it is important that you meet with the Living Donor Workgroup. The social worker will talk with you to discuss the financial and support arrangements that you have to make through the Living Donor Workgroup. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

expenses, including the expenses that you will incur. The transplant team will discuss the financial aspects of the transplant process with you. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

The final step before the kidney transplant is to ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

When all of your financial and medical information is complete, you will be scheduled for a kidney transplant. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

There are two types of surgical procedures that may be used to remove a kidney. The transplant team will discuss the type of surgery that will be used with you. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

The first type of surgery is the laparoscopic procedure. The living donor will be able to have the kidney removed through a few small incisions. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

The second type of surgery is the open procedure. The living donor will be able to have the kidney removed through a larger incision. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

As with any surgical procedure, your transplant expenses may be covered by your health insurance. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation. We will ensure that you are fully informed of all the risks and benefits of kidney donation.

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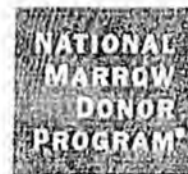
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### About the National Marrow Donor Program

The National Marrow Donor Program (NMDP) saves lives. The non-profit organization facilitates unrelated marrow and cord blood transplants as a single point of access. It connects doctors, donors and researchers to the resources they need to help more people live longer and healthier lives. Its role is critical because there is a vast and long-standing collaborative network of national and international leading medical facilities involved in the marrow and cord blood transplantation process.

- Every year, more than 10,000 Americans get life-threatening diseases that can only be cured with a cord blood or bone marrow transplant from an unrelated donor. These patients do not have a matching donor in their family and transplant is their only hope for a cure.
- Only 30 percent of patients find a matched donor in their family. The other 70 percent can turn to the NMDP to search for an unrelated donor or cord blood unit.
- Only 3 out of 10 patients receive the life-saving unrelated marrow or umbilical cord blood transplant they need.
- The NMDP works with leading transplant centers and donor registries in 35 countries around the world. Every search submitted to the NMDP includes a search of international registries to help patients find the best potential match.
- Every search conducted through the NMDP provides patients with access to more than 11 million donors and more than 290,000 cord blood units listed on the U.S. and global registries.

To support these patients, the NMDP also partners with a network of public cord blood banks that collect and store cord blood units, especially from diverse racial and ethnic communities. The NMDP also serves as the nation's Cord Blood Coordinating Center, which is part of the C.W. Bill Young Cell Transplantation Program authorized by federal legislation to help patients receive marrow or cord blood transplants.

### Alaska-specific Statistics

- In 2007, four patients from Alaska received a transplant. More than 11,000 Alaskans are listed on the NMDP Registry.

### Steps to join the NMDP Registry:

- Complete registration form and sign agreement to join the Registry.
- Pay for tissue typing costs – though there is no cost to register for minorities because the NMDP is working to increase the number of minority donors.
- Give either a swab of cheek cells or a blood sample so your tissue type can be tested.
- Volunteers can also join the NMDP Registry online by visiting [www.marrow.org/join](http://www.marrow.org/join).

### Need for Alaska Native and American Indian Donors

#### How many patients are searching for a donor?

- On any given day, more than 6,000 people worldwide are searching the NMDP Registry for a donor. Because cancer and most diseases treated with transplant affect people of all races, the proportion of patients of a particular race searching for a donor should be about the same as their representation in the general population.

#### Why would a person's race or ethnicity make it harder to find a match?

- Because tissue type is inherited and occurs more frequently in certain populations, patients are most likely to match someone of their same race or ethnicity. The NMDP is working to increase the diversity of the Registry to improve all patients' chances of finding a donor.



- While the likelihood of finding a donor has increased accordingly with the size and diversity of the Registry, there is still a special need to recruit more donors who are: Black, African American, American Indian, Alaska Native, Asian, Native Hawaiian, Pacific Islander, Hispanic and Latino.
- Disparities in access to health care, including insurance coverage, limit the number of patients who are referred for transplant. Only 28 percent of American Indian and Alaska Native patients who need a transplant begin a formal search for a matched donor. Unfortunately, only about 19 percent of American Indian and Alaska Native patients who search the NMDP Registry for a donor will get a transplant. One of the main reasons 81 percent of searching American Indian and Alaska Native patients don't get the transplant they need, is because there are not enough American Indian and Alaska Native donors on the Registry.

#### What is the likelihood of a patient finding a match on the NMDP Registry?

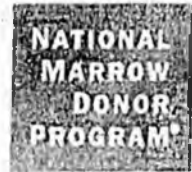
- Caucasians are 87.5% likely to find at least one potential match on the NMDP Registry.
- Hispanics are 80.5% likely to find at least one potential match on the NMDP Registry.
- Asians are 78.1% likely to find at least one potential match on the NMDP Registry.
- American Indians/Alaska Natives are 31.5% likely to find at least one potential match on the NMDP Registry.
- African Americans have a 59.5% likelihood of finding at least one potential match on the NMDP Registry.
- But, finding a matched donor on the NMDP Registry is only the beginning. If a match is found, then it must be determined if the donor is available to donate. Availability of donors ranges from approximately 40 to 70 percent, depending on race. Overall, minority donor availability is less than 50 percent. Unfortunately, only 51 percent of potentially matched American Indian and Alaska Native donors are available when needed.

#### Why are minorities underrepresented on the NMDP Registry?

- Overall, minorities are underrepresented on the NMDP Registry because more awareness is needed about the donation process. Also, there is a high level of misperception in minority communities about what marrow donation really entails, as well as a general skepticism of the medical establishment.

#### Do socioeconomic or cultural factors play into it?

- From a socioeconomic perspective, people may think that there is a cost to joining the Registry. But, for minorities, there is no cost. And there is also **NO FINANCIAL COST** to donate marrow should someone be asked to be a donor. The procedure is paid for by the patient's insurance or the patient directly. And the NMDP works extensively with businesses to encourage them to allow their employees to take paid time off to donate marrow, even working with individual donors' employers.



The current breakdown on the NMDP Registry of the different race and ethnicities:

<b>Minority Potential Donors on the Registry</b>	Number Percent of Total Registry
Minority (includes racial and ethnic minorities)	More than 1.8 million 27%
<b>Potential Donors on the Registry by Race</b>	Number Percent of Total Registry
African American or Black	More than 515,000 8%
American Indian/Alaska Native	Nearly 80,000 1%
Asian	More than 450,000 7%
Caucasian	More than 5 million 73%
Multiple Race	More than 180,000 3%
Native Hawaiian or Other Pacific Islander	More than 8,700 0.1%
<b>Potential Donors on the Registry by Ethnicity</b>	Number Percent of Total Registry
Hispanic or Latino (total number indicating Hispanic or Latino ethnicity or race)	More than 650,000 10%

###

# ALASKA STATE LEGISLATURE




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Representative Gabrielle LeDoux.

## MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX  
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE   
SUBJECT: CSHB 252, THE RICHARD FOSTER, STANLEY M. ROBBINS AND ALEX CESAR DONOR ACT  
DATE: 5/13/2007

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CSHB 252 was heard in the House State Affairs Committee on May 12, 2007. During the hearing there was extensive discussion that resulted in several changes. Listed below is a summary of the major changes that reflect the deliberations and what I understand to be the intent of the committee.

Page 1, Sec. 1, Stanley M. Robbins was added.  
ln. 5  
Page 2, Sec. 4, [not] was deleted.  
ln. 18  
Page 2, Sec. 4 warrant issued by the state was deleted. [paid] was inserted  
[a state public corporation or council established by law, or the University of Alaska] was inserted.

Rationale: The committee had a long-ranging discussion. One of the issues discussed was the exclusion of testing. A committee inquired as to the time it takes to test and find matches for bone marrow and kidney donation. Two other issues dealing with section 4 of the bill included, 1) deleting the language "warrant issued by the state" since many working for the State of Alaska get their payroll through electronic transmission and 2) broadening the definition of what is meant by a state employee. Lastly, there was a change to the short title to include the deceased Stanley M. Robbins, a staffer whose life was extended by a decade due to a kidney transplant.

# ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

## MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX  
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE *CRM*  
SUBJECT: HB 252, THE RICHARD FOSTER AND ALEX CESAR DONOR ACT  
DATE: 5/11/2007

HB 252 was heard in the House HESS Committee on May 8, 2007. During the hearing there was extensive discussion that resulted in several changes. Listed below is a summary of the major changes that reflect the deliberations and what I understand to be the intent of the committee.

Page 1, [(a) An employer who employs 100 or more employees shall provide a paid leave of  
Sec. 2 absence to an employee for the purpose of making a personal organ or bone marrow donation. The employer is not required to provide more than 80 hours of leave under this section; however, the leave may not be less than 40 hours unless the employee requests fewer hours.] was deleted.

Page 2, Paid administrative leave may not include time spent on a screening process to  
Sec. 4 determine whether the employee is a compatible donor. was added.

Page 2, (c) Nothing in this section authorizes employees to request leave for contribution to  
Sec. 4 or for withdrawal from a leave pool. was added.

Rationale: The committee had a long-ranging discussion. One of the issues discussed was the unfunded liability for companies. CSHB 252 now only applies to State of Alaska employees. Another issue involved the screening process, that this bill should be used for, "a" meaning a one time leave of absence for the actual bone marrow or organ donation and recuperation time. The last issue had to deal with to whom this bill would apply to since the State cannot mandate these items to collective bargaining units. Lastly, there was a discussion having to do with insurance since organ and bone marrow donation is actually an "elective" surgery for the donor.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 6, 2008

**SUBJECT:** Sectional Summary (CSHB 252(STA)  
(Work Order No. 25-LS0817\K))

**TO:** Representative Gabrielle LeDoux

**FROM:** Jean M. Mischel  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional 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. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Provides a short title.

**Section 2.** Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

**Section 3.** Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

**Section 4.** Adds a new section to title 39 (state employment) requiring specified employers to provide employees who work 30 or more scheduled hours each week not less than 40 hours of paid administrative leave for donating an organ or bone marrow.

**Section 5.** Provides a cross-reference to the new section added in sec. 4 of the bill and makes a technical change that removes a previously repealed paragraph.

JMM:lmb  
08-014.lmb

# Alaska State House of Representatives

*Interim:*  
112 Mill Bay Road  
Kodiak, AK 99615  
Phone: (907) 486-8872  
Fax: (907) 486-5264



*Session:*  
State Capitol, Room 412  
Juneau, AK 99801-1182  
Phone: (907) 465-2487  
Fax: (907) 465-4956

Sponsor Statement from:

**Representative Gabrielle LeDoux**  
R - District 36

RELEASED: February 4, 2008, v3

CONTACT: Sonya Hymer, 465-2487

## HB252 - Leave For Organ/Bone Marrow Donations

*"An Act requiring paid leave from employment for organ and bone marrow donation."*

Bill Version: CSHB 252(STA)  
Status: (S) HES >> (S) STA : 2008-02-08  
Next Hearing: (S) STA : 2008-04-03 9:00 AM

The Richard Foster, Stanley M. Robbins, and Alec Cesar Donor Act would require the State of Alaska to grant a paid leave of absence to an employee for the purpose of making a personal organ or bone marrow donation. The employer is not required to provide more than 80 hours of leave, however the leave may not be less than 40 hours unless the employee requests fewer hours. Verification may be required and the State may not retaliate or sanction an employee for requesting this leave.

For living donors, paid leave may be needed for the procedure to obtain bone marrow or kidneys, and recuperation time. In order to obtain a bone marrow donor sample, a quick and easy cheek swab is taken. The actual bone marrow donation and recuperation can take time away from work, especially if the donor must travel in order to donate. For kidney donors surgery, and recuperation time is needed.

According to the Alaska Kidney Foundation, over 300 Alaskans are on kidney dialysis and that number has been steadily increasing by 15% annually. There are some patients on dialysis who are in need of a kidney transplant. There are nearly 160 Alaskans waiting for an organ transplant. Every year there are adults and children who need bone marrow transplants for ailments such as leukemia and other blood diseases. A bone marrow donation may be their only chance for survival.

Richard Foster is a longtime legislator from Nome who is currently awaiting a kidney transplant. The late Stanley Robbins was the husband of Representative Sharon Cissna; his life was extended a number of years thanks to a kidney transplant. Alex Cesar is a Filipino/Tlingit boy residing in Juneau who was able to receive a bone marrow transplant in Seattle after the national bone marrow bank turned up a matching donor in New Mexico.

###

House Majority Press: <http://housemajority.org/print.php?id=369&t=spn25>

**HB**

**255**

**HFIN**

**FILE**

**HOUSE COMMITTEE REPORT**

(11)

Date Referred to Committee: March 11, 2008

FURTHER REFERRALS:

Date of Committee Action: 3/18/08

The FINANCE Committee considered:

HB 255

HOUSE BILL NO. 255

DUAL SENTENCING

"An Act relating to dual sentencing of certain juvenile offenders; amending Rule 24.1, Alaska Delinquency Rules; and providing for an effective date."

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW</u> FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DOC			✓	
DOA				✓
DOA				✓
CRT				✓
HSS				✓

<u>PREVIOUS</u> FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LAW	2			✓

<u>Signing with recommendations</u>		Printed Last Name	DP	DNP	NR	AM
		Gara	✓			
		CRAWFORD			✓	
		Hawker	*			
		Joule			✓	
Chair:		Thomas KELLY	X			
Chair:		Meyer	X			

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB255CS-DOC-PM-03-03-08  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB255-DOC-SPP-01-21-08 Dept. Affected: Corrections  
Title: "An act relating to dual sentencing of certain juvenile offenders; amending Rule 24.1, Alaska Delinquency ...." RDU: Population Management  
Sponsor: Representative Johnson Component: \_\_\_\_\_  
Requester: House Judiciary Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	*	*	*	*	*	*	*
Travel	0.0	*	*	*	*	*	*	*
Contractual	0.0	*	*	*	*	*	*	*
Supplies	0.0	*	*	*	*	*	*	*
Equipment	0.0	*	*	*	*	*	*	*
Land & Structures	0.0	*	*	*	*	*	*	*
Grants & Claims	0.0	*	*	*	*	*	*	*
Miscellaneous	0.0	*	*	*	*	*	*	*
<b>TOTAL OPERATING</b>	<b>0.0</b>	*	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	*	*	*	*	*	*	*
1003 GF Match	0.0	*	*	*	*	*	*	*
1004 GF	0.0	*	*	*	*	*	*	*
1005 GF/Program Receipts	0.0	*	*	*	*	*	*	*
1037 GF/Mental Health	0.0	*	*	*	*	*	*	*
Other Interagency Receipts	0.0	*	*	*	*	*	*	*
<b>TOTAL</b>	<b>0.0</b>	*	*	*	*	*	*	*

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time	0	*	*	*	*	*	*	*
Part-time	0	*	*	*	*	*	*	*
Temporary	0	*	*	*	*	*	*	*

**ANALYSIS:** (Attach a separate page if necessary)

At this time Department of Corrections is unable to estimate the number of individuals who would be committed to the custody of the department as a result of this legislation. The Department of Health and Social Services, Division of Juvenile Justice reports this legislation will increase juveniles referred for dual sentencing by 12 - 24 per year. Under dual sentencing if the minor unsuccessfully completes their sentence in the juvenile system they will be placed on adult felony probation under DOC supervision or may be transferred to the DOC's custody if the minor violates AS 41 12 160(d). These juveniles will initially enter the juvenile system. One additional Adult Probation Officer position with support costs will be necessary when these cases increase by 50. The estimated cost for each required position is \$85,600.

The department will track and evaluate the change in caseloads due to passage of this legislation for future operating requests

Prepared by: Sharleen Griffin, Director  
Division: Administrative Services  
Approved by: Dwayne Peeples, Deputy Commissioner  
Department of Corrections

Phone: (907) 465-3339  
Date/Time: 3/3/08 7 00 AM  
Date: 3/3/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 255(JUD)  
(H) Publish Date: 3/11/08

Identifier (file name): \_\_\_\_\_ Dept. Affected: LAW  
Title An Act relating to dual sentencing of certain juvenile offenders RDU Criminal  
Component 2nd Judicial District  
Sponsor REP JOHNSON  
Requester JUDICIARY Component Number 2199

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 00

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

HB 255 would expand eligibility for dual sentencing of minors who commit crimes that are not subject to automatic waiver to the adult system. The department does not expect a significant fiscal impact from this bill.

Prepared by: Betty Martin, Director  
Division: Administrative Services Division  
Approved by: Talis Colberg, Attorney General  
Department of Law

Phone: (907) 465-3673  
Date/Time: 1/21/08 7:30 AM  
Date: 1/21/08 7:30 AM

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB(JUD)255  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB255CS(JUD)-DOA-PDA-3-13-08 Dept. Affected: Administration  
Title: "An Act relating to dual sentencing of certain juvenile..." RDU: Legal and Advocacy Services  
offenders; amending Pula 24.1 Component: Public Defender Agency  
Sponsor: Representative Johnson  
Requester: Governor Component Number: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This bill will expand the number of minors eligible for dual sentencing (being given both a juvenile sentence and a stayed adult sentence) by increasing the types of offenses that make a juvenile eligible for punishment through dual sentencing procedures. There may be as many as 40 additional juvenile cases that will be subject to dual sentencing proceedings. This will not likely result in additional cases assigned to the Agency, but will likely increase the complexity of those cases subject to dual sentencing. Due to the limited number of cases involved and the unpredictable nature of the impact of the increased complexity, the Agency submits a zero fiscal note. The bill could have a fiscal impact if the number or complexity of cases exceeds expectations.

Prepared by: Quinlan Steiner, Director  
Division: Public Defender Agency  
Approved by: Rachael Petro, Deputy Commissioner  
Department of Administration

Phone: 907-334-4414  
Date/Time: 3/13/08, 1:00 p.m.  
Date: 3/13/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB(JUD) 255  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB255CS(JUD)-DOA-OPA-2-25-08 Dept. Affected: Administration  
Title: "An Act relating to dual sentencing of certain juvenile offenders; amending Rule 24.1, Alaska Delinquency Rules..." RDU: Legal and Advocacy Services  
Sponsor: Representative Johnson Component: Office of Public Advocacy  
Requester: Governor Component Number: 43

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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## FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other Interagency Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

### POSITIONS

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time						
Part-time						
Temporary						

### ANALYSIS: *(Attach a separate page if necessary)*

This bill will expand the number of minors eligible for dual sentencing (being given both a juvenile sentence and a stayed adult sentence) by increasing the types of offenses that make a juvenile eligible for punishment through dual sentencing procedures. However, unlike earlier versions of the bill, it would not lower the age of eligibility for dual sentencing. It will, however, greatly increase DJJ's ability to maintain jurisdiction over a young offender. Although there may be some additional juvenile cases that will be subject to additional dual sentencing proceedings, we expect the affect on the agency to be de minimus. Therefore, the agency submits a zero fiscal note.

Prepared by: Joshua P. Fink, Director  
Division: Office of Public Advocacy  
Approved by: Rachael Petro, Deputy Commissioner  
Department of Administration

Phone 907-269-3501  
Date/Time 2/25/08, 11:00 a.m.  
Date 3/12/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 255(JUD)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: Alaska Court System  
Title: Dual Sentencing RDU: Trial Courts  
Component: Trial Courts  
Sponsor: Representative Johnson  
Requester: House Finance Committee Component Number: \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** *(Attach a separate page if necessary)*  
CSHB 255(JUD) expands the existing dual sentencing provisions for minors charged with certain offenses. The Division of Juvenile Justice estimates that it will refer to the district attorneys an average of 10 to 20 cases a year with a recommendation that the DA seek a dual sentence. Because of the small number of cases involved, the court system will be able to handle these cases without the need for any additional funds.

Prepared by: Doug Wooliver, Administrative Attorney Phone 907-463-4750  
Division: Alaska Court System Date/Time: 3/12/08 @ 2:30 pm  
Approved by: Stephanie Cole, Administrative Director by Doug Wooliver Date: 3/12/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
E-File Version: CS HB 255 (JUD)

ID (File name) HB255CS(JUD)-DHSS-PS-03-11-08  
Title DUAL SENTENCING

Published Date: \_\_\_\_\_  
Dept. Affected: Health & Social Services  
RDU Juvenile Justice  
Component Probation Services

Sponsor JOHNSON  
Requester HOUSE FIN

Component No. 2134

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation		Information				
	Required						
OPERATING EXPENDITURES	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES (0)</b>							
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**FUND SOURCE** (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other (Specify Type-do not abbreviate)							
Other (Specify Type-do not abbreviate)							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This bill broadens the criteria under which a juvenile may be "dual sentenced" with both a juvenile order and a criminal adult sentence. Currently, juvenile offenders may be dual sentenced if they are 16 to 17 years old and have either: 1) committed a felony offense against a person, and have also been previously adjudicated for a felony offense against a person; or 2) have committed sex abuse of a minor in the second degree. CS HB 255 (JUD) removes the requirement that offenders 16 to 17 have a previous adjudication for a B felony offense to be considered eligible for dual sentencing. This version of the bill adds Misconduct Involving Weapons I and II, and Arson II to the offenses that may allow a juvenile offender to be considered for dual sentencing. (Continued on Page 2)

Prepared by: Stephen F. McComb, Director  
Division: Juvenile Justice  
Approved by: Karleen Jackson, Commissioner  
Agency: Department of Health and Social Services

Phone: 907-261-4335  
Date/Time: 03/11/2008  
Date: 03/11/2008

FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

BILL NO: CS HB 255 (JUD)

**ANALYSIS CONTINUATION**

CSHB 255(JUD) also extends juvenile jurisdiction for dual-sentenced juveniles through the age of 19 (up to the 20<sup>th</sup> birthday), and allows the Department to transfer dual-sentenced juveniles to the adult system once a petition has been filed to impose the adult sentence.

The Division of Juvenile Justice anticipates that 10 to 20 juveniles a year would be assessed as appropriate for dual sentencing under this committee substitute. An average of 38 juveniles a year who do not currently meet the eligibility criteria for dual sentencing would potentially be eligible under this version of the bill. However, only a portion of these youth will be assessed as enough of a public safety risk to merit receiving a dual sentence. The number of youth that are actually dual sentenced will likely be further reduced because district attorneys may be unwilling to process the case through a dual sentence, or a grand jury will be unwilling to indict the youth through the adult system. Moreover, most youth who are dual sentenced would be expected to complete their juvenile orders successfully and not proceed on to an adult sentence. Because the Division of Juvenile Justice will still manage these youths to the best of its ability whether or not they receive a dual sentence, this bill will not have a fiscal impact on the division.

A  
3/18/08

25-LS0914:0.3  
Luckhaupt  
3.14.08

AMENDMENT |

Rep Meyer by  
Request

OFFERED IN THE HOUSE  
TO: CSHB 255(JUD)

- 1 Page 3, lines 28 - 31;
- 2 Delete all material and insert:
- 3 "(4) if
- 4 (A) a petition has been filed under AS 47.12.160(d) to
- 5 impose an adult sentence;
- 6 (B) a court, at a hearing held within 48 hours of the filing of
- 7 the petition, finds that there is probable cause to support the allegations in
- 8 the petition; and
- 9 (C) the department transfers custody of the minor to the
- 10 Department of Corrections pending the resolution of the petition."

# ALASKA STATE LEGISLATURE

REPRESENTATIVE

**Craig Johnson**

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While in Juneau

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House  
District 28

## Sponsor Statement CS House Bill 255 (JUD)

Currently, Alaska's dual sentencing law provides that a juvenile can receive both a juvenile system order and have an adult sentence pronounced only for a very narrow range of offenses. A youth must be at least 16 years old and either have committed a felony against a person and also been previously adjudicated for a felony against a person; or have committed Sex Abuse of a Minor in the Second Degree. This narrow range of eligibility has led to Alaska's dual sentencing law being used very rarely. The Alaska Division of Juvenile Justice has recorded only five cases of the dual sentencing law being used in the past 10 years.

CS HB 255 broadens the kinds of offenses that can allow a juvenile to be eligible for dual sentencing, and does not require that the juvenile be previously adjudicated for a serious offense, as is current law. This bill also creates the ability to hold dual-sentenced juveniles under supervision or custody longer than is currently allowed. Requiring these juveniles to remain on probation or under custody for an additional year will help improve public safety and will serve to motivate these juveniles to remain crime-free—or else risk having an adult sentence imposed.

The new proposal allows for a dual-sentenced youth to be placed on supervised probation up to their 20<sup>th</sup> birthday, instead of up to their 19<sup>th</sup> birthday. Other juveniles can be maintained under juvenile jurisdiction to age 20 only if the DHSS request this of a court, and both the court and the juvenile agree to the extended jurisdiction.

The new proposal also clarifies the process under which a dual-sentenced juvenile who fails in the juvenile system can be transferred to an adult facility. Under the CS, the transfer can be made once the Department files a petition to impose the adult sentence, and the juvenile can be maintained in the adult facility pending resolution of this petition. This will help ensure that recalcitrant, dangerous juveniles are not being maintained in a juvenile facility alongside younger, less dangerous juveniles.

Ultimately, this CS creates a safe expansion of the dual sentencing law by removing the requirement that a juvenile who commits certain B felonies must have been previously adjudicated for a serious felony charge before they can be eligible. The bill creates a means through which juveniles who commit serious assaults, sex offenses, arson, drugs and weapons crimes can be held accountable longer and more effectively than is currently allowed, and motivates them to change their law-breaking behavior before they become adults.

Approximately 40 more juveniles a year would become eligible for dual sentencing under this change. Use of dual sentencing would remain up to the discretion of the DHSS and the District Attorney. The Division of Juvenile Justice estimates that 10- 20 juveniles a year would be referred for dual sentencing under the proposed bill.

CS FOR HOUSE BILL 255 (JUD)  
SECTIONAL ANALYSIS

Section 1 amends AS 47.12.065(a) by expanding the authority of the Department of Health and Social Services (department) or other entity selected by the department to refer minors alleged to have committed delinquent acts to the district attorney to pursue dual sentencing of the minor.

CSHB 255 (HB 255) would allow a minor 16 years of age and older alleged to have committed (1) a class B felony against a person (for example, assault in the second degree); (2) arson in the second degree; (3) certain acts of misconduct involving weapons in the first or second degree; or (4) a class C felony against a person if the minor has been previously adjudicated delinquent for a crime against a person to be referred to the district attorney for consideration of pursuing a dual sentence. This provision would not apply if the minor is subject to automatic waiver to adult court under AS 47.12.030(a).

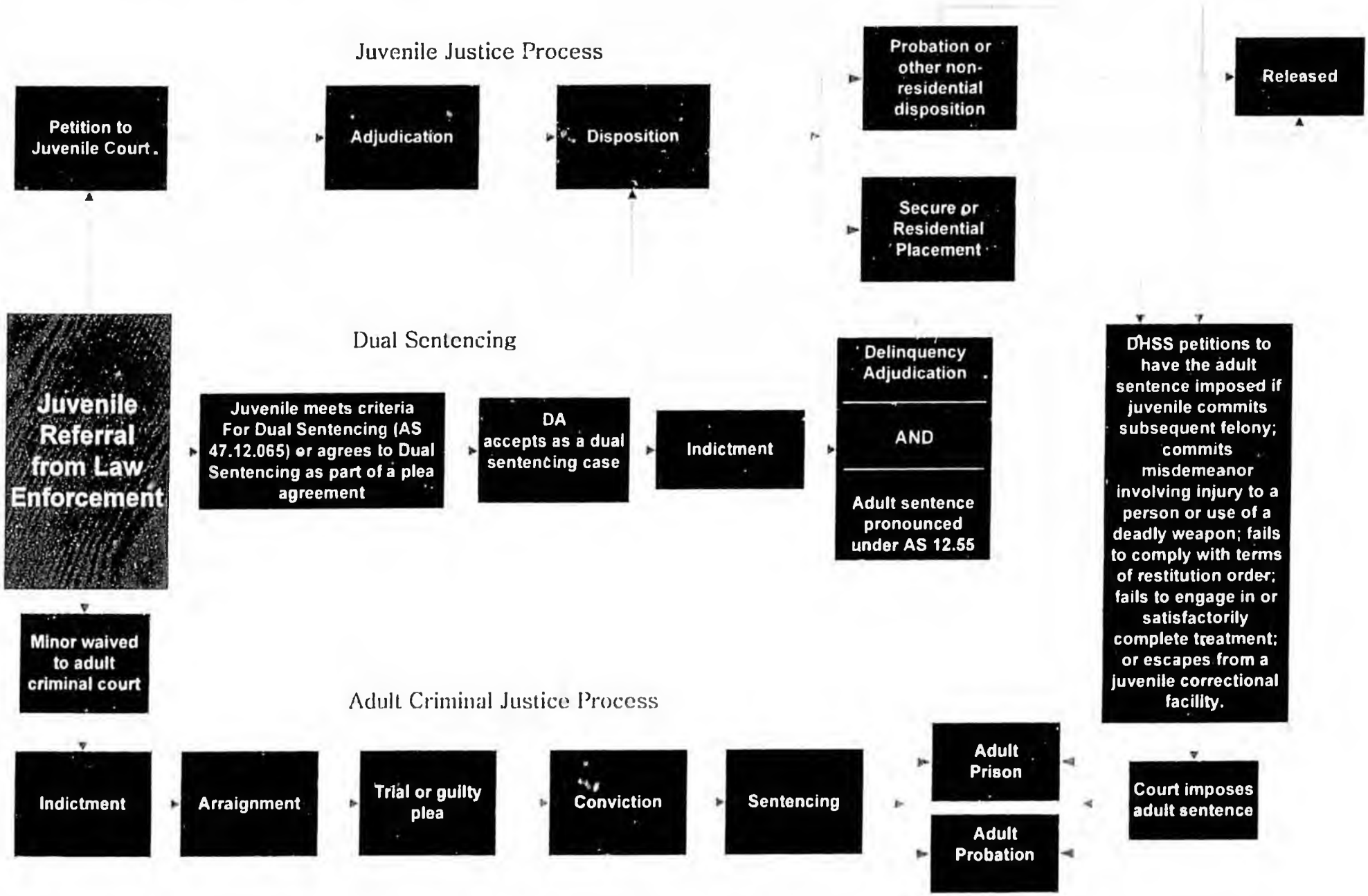
Section 2 allows for the retention of jurisdiction over a minor who has been given a dual sentence by the juvenile court and by the department until the minor is 20 years old.

Section 3 amends AS 47.12.160(a) to clarify that the court retains jurisdiction over minors who have a dual sentence until the person is 20 years old.

Section 4 allows for a minor 16 years of age or older who is subject to a dual sentence to be incarcerated in a correctional facility after the department files a petition to impose the adult sentence.

# Juvenile Justice/Dual Sentencing Process

Prepared by DH&SS, Juvenile Justice - 02/22/2008



## National Overview of Judicial Waiver

### Judicial Waiver

	Discretionary	Presumptive	Mandatory	Direct File	Statutory Exclusion	Reverse Waiver	Once/ Always	Juvenile Blended	Criminal Blended
Total States	45	15	15	15	29	25	34	15	17
<u>Alabama</u>	x				x		x		
<u>Alaska</u>	x	x			x			x	
<u>Arizona</u>	x			x	x	x	x		
<u>Arkansas</u>	x			x		x		x	x
<u>California</u>	x	x		x	x	x	x		x
<u>Colorado</u>	x	x		x		x		x	x
<u>Connecticut</u>			x			x		x	
<u>Delaware</u>	x		x		x	x	x		
<u>District of Columbia</u>	x	x		x			x		
<u>Florida</u>	x			x	x		x		x
<u>Georgia</u>	x		x	x	x	x			
<u>Hawaii</u>	x						x		
<u>Idaho</u>	x				x		x		x
<u>Illinois</u>	x	x	x		x	x	x	x	x
<u>Indiana</u>	x		x		x		x		
<u>Iowa</u>	x				x	x	x		x
<u>Kansas</u>	x	x					x	x	
<u>Kentucky</u>	x		x			x			x
<u>Louisiana</u>	x		x	x	x				
<u>Maine</u>	x	x					x		
<u>Maryland</u>	x				x	x	x		
<u>Massachusetts</u>					x			x	x
<u>Michigan</u>	x			x			x	x	x
<u>Minnesota</u>	x	x			x		x	x	
<u>Mississippi</u>	x				x	x	x		
<u>Missouri</u>	x						x		x
<u>Montana</u>				x	x	x		x	
<u>Nebraska</u>				x		x			x
<u>Nevada</u>	x	x			x	x	x		

## National Overview of Judicial Waiver

### Judicial Waiver

	Discretionary	Presumptive	Mandatory	Direct File	Statutory Exclusion	Reverse Waiver	Once/ Always	Juvenile Blended	Criminal Blended
<u>New Hampshire</u>	x	x					x		
<u>New Jersey</u>	x	x	x						
<u>New Mexico</u>					x			x	x
<u>New York</u>					x	x			
<u>North Carolina</u>	x		x				x		
<u>North Dakota</u>	x	x	x				x		
<u>Ohio</u>	x		x				x	x	
<u>Oklahoma</u>	x			x	x	x	x		x
<u>Oregon</u>	x				x	x	x		
<u>Pennsylvania</u>	x	x			x	x	x		
<u>Rhode Island</u>	x	x	x				x	x	
<u>South Carolina</u>	x		x		x				
<u>South Dakota</u>	x				x	x	x		
<u>Tennessee</u>	x					x	x		
<u>Texas</u>	x						x	x	
<u>Utah</u>	x	x			x		x		
<u>Vermont</u>	x			x	x	x		x	
<u>Virginia</u>	x		x	x		x	x		x
<u>Washington</u>	x				x		x		
<u>West Virginia</u>	x		x						x
<u>Wisconsin</u>	x				x	x	x		x
<u>Wyoming</u>	x			x		x			

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Citation: Griffin, Patrick. 2006. "National Overviews." *State Juvenile Justice Profiles*. Pittsburgh, PA: National Center for Juvenile Justice. Online. Available: <http://www.ncjj.org/stateprofiles/>.

**Rule 24.1 Imposition of Adult Portion of Dual Sentence.**

(a) **Petition to Impose Adult Portion of Dual Sentence.** The district attorney may petition the court for imposition of the adult portion of a dual sentence pronounced under AS 47.12.120(j)(2). The petition must be supported by an affidavit stating the particulars of the alleged violations.

(b) **Detention Pending Hearing.** If the juvenile has been arrested, the provisions of Delinquency Rule 12 apply to continued detention or placement pending a hearing on the petition.

(c) **Hearing.** The provisions of Delinquency Rule 24(c) apply to hearings on the petition to impose the adult portion of a dual sentence.

(d) **Sentence.** If the district attorney demonstrates by a preponderance of the evidence that the juvenile has committed a subsequent felony offense that is a crime against a person or the crime of arson, the adult sentence previously pronounced under AS 47.12.120(j)(2) shall be imposed and custody transferred to the Department of Corrections. If the district attorney demonstrates by a preponderance of the evidence that the juvenile has committed any of the other circumstances set out in AS 47.12.160(d)(1) -- (5), the adult sentence shall be imposed and custody transferred to the Department of Corrections, unless the juvenile proves by a preponderance of the evidence that mitigating circumstances exist that justify a continuance of the stay of the adult sentence and the juvenile is amenable to further treatment in the juvenile system. The court shall make written findings to support its order.

(SCO 1349 effective December 1, 1998)

**Cross References**

**CROSS REFERENCE:** AS 47.12.065; AS 47.12.120(j)(2); AS 47.12.160(d) and (e).

Municipality of Anchorage

Anti-Gang and Youth Violence Policy Team

Law Enforcement Sub-Committee

Legislation

Participants June to December 2007

Bachman, Adrienne (LAW-CRIM DIV)  
Bernitz, John A (DOA-PDA);  
Butler, Rex (Defense Attorney)  
Carpeneti, R Anne D (LAW-CRIM DIV);  
Goehring Harvey.L. (USDOJ);  
Greeson, Marti (Alaska Monitoring Services)  
Hastie, Brian (FBI)  
Henjum, Barbara L (HSS-JUV);  
Heun, Rob (APD)  
Kopp, Chuck (Kenai PD)  
Levitt, Rachel E (DOA-OPA)  
Little, Suzanne (Weed & Seed Program, Mt. View)  
McComb, Stephen F (HSS-JUV DIV C.R.)  
Newman, Anthony (HSS-JUV);  
Reed, Michael J (DOC-ADULT PROBATION)  
Schroder, Bryan (US Attorney's Office)  
Svobodny, Richard (LAW-CRIM DIV)  
Tom Begich, (Community Plan Facilitator)  
Wing, Deborah (Alaska Native Justice Center)  
Wood, Leonard R (HSS-JUV PROBATION);

**Legislation** - This group leads an ongoing priority to review pending and existing crime legislation, and to develop new legislation for consideration by the Policy Team. Staff: Catherine Curtis at 343-7130, or email [CurtisCR@muni.org](mailto:CurtisCR@muni.org).

**Law Enforcement: Legislation**

**Statement by the Legislation Sub-Group:**

Fulfilling the Criminal Justice System's goals of protecting public safety and providing fair and equal access to justice requires a balanced system with adequate resources for each participating agency. The adequacy of agency resources and the fiscal impact of legislation should be reviewed independently and comprehensively to ensure that a balance is promoted and maintained as communities work to improve our Criminal Justice System. A balanced system also requires that criminal legislation be reviewed through a lens of competency, accountability, and public safety.

**Goal: To evaluate existing statutes, legislative proposals, and new initiatives to ensure appropriate statutory authority exists to effectively address youth violence.**

**Objective 1:** Review and develop legislative proposals for recommendation for passage

**Step 1:** Identify 3-5 moving pieces of legislation for review and recommendation (budgets, bail statute, ankle monitoring for gang-related violent young adults 18-24, dual/blended sentencing)

**Step 2:** Identify new initiatives necessary (ex: bail matrix, public service attorney bar due reimbursement, etc.)

- a. Scope of problems
- b. Proposed solution
- c. How it addresses principles

**Step 3:** Develop recommendations on current and new legislation and budgets

Future objectives could include reviewing existing statutes to ensure they are effective.



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STATE OF MINNESOTA  
IN COURT OF APPEALS  
A05-67

In the Matter of the Welfare of: J.L.P., Child.

Filed January 31, 2006  
Affirmed  
Peterson, Judge

Anoka County District Court  
File No. J5-00-55340/K5-03-8948

Felix J. Sahlin, Lakes & Plains Building, Suite 200, 842 Raymond Avenue, St. Paul, MN 55114 (for appellant J.L.P.)

Mike Hatch, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2134; and

Robert M.A. Johnson, Anoka County Attorney, Kristin C. Larson, Assistant County Attorney, Anoka County Government Center, 2100 Third Avenue, Seventh Floor, Anoka, MN 55303 (for respondent State of Minnesota)

Considered and decided by Peterson, Presiding Judge; Stoneburner, Judge; and Huspeni, Judge.

SYLLABUS

1. The imposition of a juvenile disposition and an adult sentence under Minn. Stat. § 260B.130, subd. 4 (a) (2004), is a single sentence that does not violate the constitutional prohibition against double jeopardy.
2. An equal-protection challenge to the length of a sentence imposed under Minn. Stat. § 260B.130, subd. 4(a), is reviewed under a rational-basis test.

OPINION

PETERSON, Judge

Appellant was charged with three felony offenses, and the prosecutor designated that the case should be an extended jurisdiction juvenile (EJJ) prosecution. Appellant pleaded guilty to two felony charges, and the district court sentenced appellant to a juvenile disposition and two stayed adult sentences subject to the terms of appellant's juvenile disposition. Appellant violated a disposition condition, and the district court revoked appellant's EJJ status, continued the stay of the adult sentences, placed appellant on probation for ten years, and as a condition of probation, ordered appellant to serve 180 days in jail. Appellant violated his probation, and the district court revoked the stay and executed the adult sentences. On appeal from the sentence, appellant argues that the imposition and execution of both a juvenile disposition and an adult criminal sentence, as required by Minn. Stat. § 260B.130, subd. 4 (2004), constitutes double punishment for the same offense and, therefore, violates the Double

Jeopardy and Equal Protection clauses of the state and federal constitutions. We affirm.

#### FACTS

A delinquency petition was filed in Goodhue County alleging that appellant J.L.P. committed one count each of criminal vehicular operation resulting in death, criminal vehicular operation resulting in great bodily harm, and criminal vehicular operation resulting in substantial bodily harm. Because appellant was 17 years old at the time of the offenses and because criminal vehicular operation resulting in death is a felony offense for which commitment to prison is presumed under the Minnesota Sentencing Guidelines, the prosecutor designated that the case should be an EJJ prosecution. Appellant pleaded guilty to criminal vehicular operation resulting in death and criminal vehicular operation resulting in great bodily harm. The plea agreement provided that a juvenile disposition would be imposed, along with two stayed adult felony sentences. By order filed July 5, 2001, the district court accepted the plea and adjudicated appellant an EJJ delinquent.

Venue was transferred to Anoka County for disposition. The juvenile disposition granted custody of appellant to Anoka County Juvenile Corrections, under conditions prescribed by the court, until appellant's 21st birthday and placed appellant in the Juvenile Center. The district court also imposed two stayed adult felony sentences of 48 and 18 months to run consecutively.

At a hearing on August 20, 2003, appellant admitted violating a disposition condition by entering a liquor store and trying to buy alcohol using false identification. Based on findings that appellant willfully violated probation and was no longer amenable to treatment in the juvenile system, the district court revoked appellant's EJJ status. The district court continued the stay of execution of the adult sentences and placed appellant on probation for ten years. As a probation condition, appellant was required to serve 180 days in the Anoka County adult correctional facility, with work-release privileges.

A March 8, 2004 Anoka County corrections department report alleged that appellant had violated probation; the violations included failing to complete chemical-dependency treatment. An addendum filed October 7, 2004 alleged additional violations, including that appellant had used alcohol and failed to remain law abiding. Appellant appeared before the district court and admitted the violations, but the hearing was continued to give appellant an opportunity to challenge the constitutionality of the EJJ prosecution statute, Minn. Stat. § 260B.130 (2004). The district court rejected appellant's constitutional challenge and executed the adult sentences. The district court gave appellant credit for a total of 360 days served in juvenile and adult detention facilities.

This appeal followed. By special term order, this court denied the state's motion to dismiss the appeal as untimely. *In re Welfare of J.L.P.*, 701 N.W.2d 282, 285 (Minn. App. 2005).

#### ISSUES

1. Do the dual-sentencing provisions of Minn. Stat. § 260B.130 violate state and federal constitutional prohibitions against double jeopardy?
2. Does Minn. Stat. § 260B.130 violate the equal-protection clauses of the state and federal constitutions?

#### ANALYSIS

1. Whether a district court correctly applied the law of double jeopardy is a question of law, which this court reviews de novo. *Freeman v. Residence Located at 1215 East 21st St.*, 552 N.W.2d 275, 276 (Minn. App.

1996), *review denied* (Minn. Oct. 15, 1996).

A person may not be put twice in jeopardy for the same offense. U.S. Const. amend. V; Minn. Const. art. I, § 7. "The double jeopardy clauses of both constitutions protect criminal defendants from three distinct abuses: a second prosecution for the same offense after acquittal; a second prosecution for the same offense after conviction; and multiple punishments for the same offense." *State v. Calmes*, 632 N.W.2d 641, 649 (Minn. 2001) (footnote and quotation omitted). The prohibition against double jeopardy applies to delinquency proceedings that are based on violations of criminal statutes. *In re Welfare of E.R.D.*, 551 N.W.2d 238, 240 (Minn. App. 1996). When a defendant pleads guilty, jeopardy attaches, at the latest, when sentencing occurs. *State v. Shellito*, 456 N.W.2d 470, 472 (Minn. App. 1990), *review denied* (Minn. Aug. 23, 1990).

Minn. Stat. § 260B.130, subd. 4(a) (2004), states:

If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

- (1) impose one or more juvenile dispositions under section 260B.198;
- and
- (2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense.

Citing *Breed v. Jones*, 421 U.S. 519, 95 S. Ct. 1779 (1975), appellant argues that imposing a juvenile disposition and an adult criminal sentence as required under Minn. Stat. § 260B.130, subd. 4(a), violates the prohibition against double jeopardy. In *Breed*, following an adjudicatory hearing at which the juvenile court heard witness testimony, the juvenile court sustained the petition alleging respondent delinquent based on its findings that respondent violated a criminal statute and was subject to the juvenile court's jurisdiction. *Breed*, 421 U.S. at 521-22, 95 S. Ct. at 1781-82. At the dispositional stage of the proceeding, the juvenile court found respondent unamenable to treatment as a juvenile and ordered that he be prosecuted as an adult. *Id.* at 523-24, 95 S. Ct. at 1782-83. Respondent was then tried as an adult and convicted of robbery. *Id.* at 525, 95 S. Ct. at 1783. Respondent filed a petition for a writ of habeas corpus alleging that his transfer to adult court and his subsequent trial placed him in double jeopardy. *Id.* at 525-26, 95 S. Ct. at 1783-84.

The Supreme Court concluded:

We cannot agree with petitioner that the trial of respondent in Superior Court on an information charging the same offense as that for which he had been tried in Juvenile Court violated none of the policies of the Double Jeopardy Clause. For, even accepting petitioner's premise that respondent never faced the risk of more than one punishment, we have pointed out that the Double Jeopardy Clause . . . is written in terms of potential or risk of trial and conviction, not punishment. . . . The policy of avoiding multiple trials has been regarded as so important that exceptions to the principle have been only grudgingly allowed. . . .

Respondent was subjected to the burden of two trials for the same offense; he was twice put to the task of marshaling his resources against those of the State, twice subjected to the heavy personal strain which such an experience represents. We turn, therefore, to inquire whether either traditional principles or the juvenile court's assumed ability to function in a unique manner supports an exception to the constitutional policy of finality to which respondent would otherwise be entitled.

*Id.* at 532-33, 95 S. Ct. at 1787-88 (quotations and citations omitted). The Court then rejected the argument "that giving respondent the constitutional protection against multiple trials in this context will diminish flexibility and informality to the extent that those qualities relate uniquely to the goals of the juvenile-court system" and agreed that granting constitutional protection to respondent would require, in most cases, that a transfer decision be made

before an adjudicatory hearing and concluded that this would not impose an undue burden on the juvenile-court system. *Id.* at 535-39, 95 S. Ct. at 1789-90. The Court held "that the prosecution of respondent in Superior Court, after an adjudicatory proceeding in Juvenile Court, violated the Double Jeopardy Clause[.]" *Id.* at 541, 95 S. Ct. at 1791.

Appellant argues that it follows from *Breed* "that once a youth has been adjudicated a delinquent, imposing an adult sentence (or transferring to adult court) violates the double jeopardy clause." Appellant contends that he is being subjected to multiple punishments because he was given a single juvenile disposition for both offenses that he admitted committing, and he was also given consecutive adult sentences for the same two offenses. But appellant's argument ignores the fact that the concern in *Breed* was multiple trials. Here, the state designated appellant's case as an EJJ prosecution when the delinquency petition was filed, which meets the requirement that a transfer decision be made before an adjudicatory hearing; and there was a single adjudication of delinquency upon the district court's acceptance of appellant's guilty plea.

The issue in this case is whether imposing a juvenile disposition and adult sentences at the same time, as required under Minn. Stat. § 260B.130, subd. 4(a), constitutes multiple punishments. We conclude that it does not. We agree with the district court's description of the juvenile disposition and the adult sentences as "all part of one integrated statutory framework," which is consistent with the supreme court's explanation of the EJJ prosecution statute in *State v. Garcia*, 683 N.W.2d 294 (Minn. 2004). In *Garcia*, the supreme court explained:

The EJJ designation was conceived to provide a more graduated juvenile justice system based on age and offense with a new transitional component between the juvenile and adult systems. The intent of the EJJ designation is to give juveniles one last chance at success in the juvenile system, with the threat of adult sanctions as an incentive not to reoffend. An initial juvenile disposition reinforced by the possibility of adult sanctions gives juveniles a certainty of punishment combined with an opportunity to be successful in the juvenile system. Thus, unlike certified juveniles, EJJ's are given one last chance at rehabilitation in the juvenile system before being subjected to adult sanctions.

*Id.* at 300 (citations and quotations omitted).

The juvenile disposition and the adult sentence imposed under Minn. Stat. § 260B.130, subd. 4(a), following delinquency adjudication in an EJJ prosecution are not separate, independently imposed punishments. They are a single punishment that has multiple components, with the juvenile disposition being essentially a probation condition of the stayed adult sentence. The actual consequences that a juvenile experiences may increase as a result of the juvenile's failure to comply with the juvenile disposition, but any additional consequences are set forth as a component of the single EJJ disposition. Because the juvenile disposition and the adult sentence are components of a single EJJ disposition, they do not violate the multiple-punishment prong of the prohibition against double jeopardy.

2. Appellant argues that the EJJ disposition imposed under Minn. Stat. § 260B.130, subd. 4(a), violates his right to equal protection because it is a longer sentence than would have been imposed if he had been an adult or a juvenile certified as an adult. Statutes are presumed constitutional and may only be declared unconstitutional when "the challenger bears the very heavy burden of demonstrating beyond a reasonable doubt that the statute is unconstitutional." *State v. Merrill*, 450 N.W.2d 318, 321 (Minn. 1990). The "power to declare a statute unconstitutional should be exercised with extreme caution and only when absolutely necessary." *Id.* (quotation omitted).

The Equal Protection Clause of the Fourteenth Amendment provides, in relevant part, "No state shall . . . deny to any person within its jurisdiction equal protection of the laws." U.S. Const. amend. XIV, § 1. Article 1, Section 2, of the Minnesota Constitution provides, "No member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers." Both clauses have been analyzed under the same principles and begin with the mandate that all similarly situated individuals shall be treated alike, but only invidious discrimination is deemed constitutionally offensive. This court reviews an equal protection challenge to a statute under a rational basis standard unless the challenge involves a suspect classification or a fundamental right.

*Garcia*, 683 N.W.2d at 298 (quotation omitted).

Appellant argues that the deprivation of his liberty involves a fundamental right, and, therefore, a strict-scrutiny standard applies to his equal-protection challenge. But in addressing an equal-protection challenge to the EJJ prosecution statute's disparate treatment of juveniles who are designated as EJJ's by different means, this court applied a rational-basis standard because the fundamental right to liberty is not affected when a stayed adult sentence is imposed concurrently with a juvenile disposition that requires commitment to a juvenile facility. *In re Welfare of T.C.J.*, 689 N.W.2d 787, 795 (Minn. App. 2004), *review denied* (Minn. Jan. 26, 2005).

As in *T.C.J.*, which also involved an EJJ disposition imposed under Minn. Stat. § 260B.130, subd. 4(a), appellant is challenging the length of his sentence rather than the deprivation of his liberty. Appellant does not argue that he has the right to be free from any commitment to a juvenile or correctional facility. He argues that his sentence violates his right to equal protection because it is a longer sentence than would have been imposed if he had been an adult or a juvenile certified as an adult. Because appellant's challenge goes to the length of his sentence, the rational-basis test applies to determine the constitutionality of the sentence.

Appellant does not argue that no rational basis exists for sentencing EJJ's differently than adults or juveniles certified as adults. Accordingly, appellant has failed to meet his burden of showing beyond a reasonable doubt that Minn. Stat. § 260B.130, subd. 4(a), is unconstitutional.

#### DECISION

Because an EJJ disposition imposed under Minn. Stat. § 260B.130, subd. 4(a) (2004), that includes a juvenile disposition and an adult sentence is a single punishment, imposing a juvenile disposition and an adult sentence under Minn. Stat. § 260B.130, subd. 4(a), does not violate state or federal constitutional prohibitions against double jeopardy. Appellant has not shown that Minn. Stat. § 260B.130, subd. 4(a), violates the Equal Protection Clause of the federal or state constitutions.

**Affirmed.**

Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10

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**257**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 257 (FSH)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB257CS(FSH)-DNR-AG-03-11-08 Dept. Affected: Natural Resources  
Title: Transfer Aquatic Farming to DNR RDU: Resource Development  
Component: Agriculture Development  
Sponsor: Rep. Harris  
Requester: H FIN Component Number: 455

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel	5.0		5.0	5.0	5.0	5.0	5.0	5.0
Contractual								
Supplies	6.5		6.5	6.5	6.5	6.5	6.5	6.5
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>11.5</b>	<b>0.0</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF	11.5		11.5	11.5	11.5	11.5	11.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>11.5</b>	<b>0.0</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

CS HB 257 (FSH) will allow 45-50 active shellfish farms throughout the State to participate in the Alaska Grown program. Coordination with other state agency regulators of the shellfish industry including the Aquatic Farm Program in the Department of Fish & Game, the Aquatic Leasing Program in DNR Mining, Land & Water, and DEC, will be necessary to ensure compliance with the Alaska Grown regulations. In addition to on-site inspection, new marketing avenues for aquaculture products through regional trade groups and other federal partners will be pursued. Promotion and marketing efforts will be made to reach out to restaurants and other audiences. Marketing supplies will be produced.

Prepared by: Franci Havemeister, Director  
Division: Agriculture  
Approved by: Tom Irwin, Commissioner  
Natural Resources

Phone 761-3867  
Date/Time March 11, 2008  
Date March 11, 2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 257 (FSH)  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title "An Act directing the Department of Natural Resources to administer and supervise promotional and marketing..." RDU Resource Development  
Component Claims, Permits, & Leases  
Sponsor Representative Harris  
Requester House Finance Component Number 2460

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

The passage of CS HB 257 (FSH) will have no fiscal impact on the Claims, Permits, and Leases component of the department's budget.

Previous versions of CS HB 257 did require that the transfer of two positions and associated funding would be needed for the enactment of the legislation. CS HB 257 has been substantially amended and thus, no additional costs are anticipated due to passage.

Prepared by: Suzanne Armstrong  
Division: House Finance Committee  
Approved by: Rep. Kevin Meyer, Co-Chairman  
Rep. Mike Chenault, Co-Chairman

Phone 465-6875  
Date/Time 3/18/08 10:36 a.m.  
Date 3/18/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: CSHB 257(FSH)  
(H) Publish Date: 2/29/08

Identifier (file name): HB257CS(FSH)-DFG-CF-02-22-08 Dept. Affected: Fish and Game  
Title: Transfer Aquatic Farming to DNR RDU: Commercial Fisheries  
Component: Headquarters Fisheries Management  
Sponsor: Representative Harris  
Requester: House Resources Committee Component Number: 2171

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this bill would have no fiscal impact on the Department of Fish and Game.

Prepared by: Cynthia Pring-Ham, Mariculture Coordinator  
Division: Division of Commercial Fisheries  
Approved by: Tom Lawson, Director  
Division of Administrative Services, Department of Fish and Game

Phone 465-6150  
Date/Time 2/22/08 2:00 PM  
Date 2/22/2008

Adopted  
3/1/12

AMENDMENT |

OFFERED IN THE HOUSE

BY REPRESENTATIVE HARRIS

TO: CS HB 257 (FSH), Version 25-LS0676\L

- 1           Page 2, line 2
- 2                    After "farm"
- 3                    Delete "and hatchery"
- 4
- 5           Page 2, line 31
- 6                    After "farms"
- 7                    Delete "and hatcheries"
- 8
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## Alaska Mariculture Report

Alaskan Shellfish Growers Association  
Newsletter

December 2007

Rodger Painter, president and editor  
[rodgerpainter@hotmail.com](mailto:rodgerpainter@hotmail.com) (907) 957-0704

### ADF&G 'Mini-FRED' position funded in proposed budget

The Alaska Department of Fish and Game (ADF&G) convinced Gov. Sarah Palin to adopt a plan designed to boost the status of aquaculture in the department. The plan appeared to be designed as a response to legislation introduced late last session in both houses to move the mariculture program from ADF&G to the Department of Natural Resources (DNR).

John Hilsinger, director of ADF&G's division of commercial fisheries, said both ADF&G and DNR oppose the identical bills introduced by House Speaker John Harris and Sen. Lesil McGuire. Hilsinger told growers at the ASGA annual meeting in November that the department believes the hiring of an aquaculture program manager with the same status as regional managers would give the problems of growers and salmon hatchery operators more attention.

ADF&G was able to convince Gov. Palin to insert funding for the new program manager in her proposed operating budget. Some of the support staff requested by the department failed to make the cut, though.

Patti Nelson, assistant Comm/Fish director, is confident the reorganization can be successful even at the reduced funding level. She pledged to work with shellfish growers during the transition.

ASGA later sent Nelson a list of preferred qualifications for the new

*Continued on Page Four*

### PSP Funding not in Budget

*ASGA asks governor to reconsider*

Governor Sarah Palin's proposed operating budget would implement user fees of \$125 for each PSP sample tested by the state lab beginning July 1, 2008. ASGA believes the fees would force most existing Alaska oyster growers out of business and put an end to the development of family shellfish farms.

ASGA has asked the governor to reconsider the decision not to cover the \$75,000 program cost with state funding. (The letter is reprinted on page two.) Regardless of the governor's response, ASGA is planning to pull out all stops to head off the funding crisis.

With the release of the governor's proposed Fiscal Year 2008-2009 operating budget, attention now shifts to the legislature, which is scheduled to meet Jan. 15-April 13. The advent of the 90-day legislative session limit imposed by voters, continuing drama over corruption in the legislature, election year politics and a huge influx of surplus revenues create a very uncertain climate in the Capitol as the session approaches.

While the response of legislators to the looming PSP crisis over the past several years has been positive, the problem has been subjected to a series of one-session fixes. A long term solution has remained elusive despite very strong support for the funding from many lawmakers, particularly those from coastal districts.

ASGA is convinced that the crisis must and can be resolved during the upcoming session, but it will require plenty of grassroots effort.

*Continued on Page Four*

## An open letter to Governor Palin

### Dear Governor Palin:

Considering the high cost of energy, lack of infrastructure, limited labor pool and very high cost of operation, running a business in rural Alaska can be quite a challenge. This is particularly true in emerging industries where new obstacles are encountered around every corner. The last thing a rural entrepreneur needs is the state government pushing their heads under water.

Unfortunately, the "mom and pop" operations comprising the membership of the Alaskan Shellfish Growers Association find themselves in the position of being put out of business by the same government that is promising to help us develop one of Alaska's most promising opportunities to create new year-round businesses and employment. The state constitution even supports development of a responsible aquaculture industry, but that's not what we're feeling as we face state-imposed user fees that will put us out of business.

If the State of Alaska wants to help rural coastal communities strengthen economies battered by the loss of the timber industry and shrinking fishing and seafood processing opportunities it shouldn't work to foreclose promising new economic opportunities before they even get off the ground.

For the past five years we have been trying to convince the state to resume funding tests on shellfish for presence of paralytic shellfish poisoning (PSP), but we've only been successful at temporarily keeping the program funded. But, these fixes are about to expire and we're looking at funding PSP testing through user fees that are so high that they will put at least half of existing shellfish farms out of business.

This includes my own farm, Tenass Pass Shellfish Company, which has been in business for the past 20 years. If the fees were in place this summer, I would have had to pay \$250 per week to the DEC lab to sell \$1,000 worth of oysters and clams, or 25 percent of my gross revenues. No small rural Alaska business can survive if the state takes one-fourth of its gross receipts before bills are paid for labor, fuel, freight, and materials, etc. For us it is as simple as looking at our already red bottom line and seeing the new fees would have doubled our losses last year.

If we have to close our operation, Naukati will lose two full-time, year-round jobs and the \$50,000 a year we spend in the community. You'll see this repeated in another two dozen farms scattered between Prince of Wales and Prince William Sound. While this may not be an economic emergency, these lost jobs and future potential are painful in an area like rural Southeast that is projected to lose 25 percent of its population by 2030.

As you can see from the attached resolution of the Southeast Conference, the PSP program also is widely regarded by coastal residents as an important state service designed to help protect public health. Every shellfish-producing state in the country provides free PSP testing of commercial harvests to ensure widespread compliance with monitoring programs except Alaska. As the population the most at risk of getting sick or dying of PSP, Alaskans deserve the same level of public health protection as other states.

We respectfully request you reconsider your administration's decision to not include PSP testing as a general fund expenditure. We hope to be able to count on your administration as being supportive of shellfish farming.

We are confident the legislature will insert the \$80,000 in general funds to support this vital public health service if DEC just supports the proposal. So far, the agency has remained neutral on the issue.

While we understand your determination to hold the line on state spending, this small incremental expenditure certainly is well within the reach of the state to fund at a time when Alaska is enjoying billions of dollars in surplus revenues.

Thank you for considering this request.

Sincerely yours,  
Rodger Painter  
ASGA president

**A RESOLUTION OF SOUTHEAST CONFERENCE REQUESTING FUNDING  
BY THE STATE OF ALASKA FOR THE PARALYTIC SHELLFISH  
POISONING (PSP) TESTING PROGRAM.**

**Resolution 08-05**

**WHEREAS**, the residents of Southeast Alaska are more at risk for being hospitalized for paralytic shellfish poisoning (PSP) from eating abundant local molluscan shellfish than nearly any other coastal US residents; and

**WHEREAS**, PSP testing of shellfish is considered a vital state service designed to protect public health and is funded by every other coastal state except Alaska; and

**WHEREAS**, the only PSP testing in Alaska is conducted upon product harvested by shellfish farmers and commercial dive harvesters; and

**WHEREAS**, even these tests are threatened by the pending imposition of heavy user fees on oyster farmers and geoduck divers for these vital state services; and

**WHEREAS**, the fees will put most Southeast oyster farms out of business and hamper the growth and development of the region's important dive fisheries; and

**WHEREAS**, the Legislature and Administration has funded the Alaska Department of Environmental Conservation's PSP testing program for FY07 and FY08 at the level of \$75,000 to \$80,000, respectively;

**NOW, THEREFORE BE IT RESOLVED:** that the Southeast Conference strongly requests Governor Sarah Palin and the Alaska State Legislature to fully fund the Department of Environmental Conservation's PSP testing program and prevent the agency from implementing user fees to pay for this vital state service.

**This resolution is adopted by the Southeast Conference Membership on September 20, 2007.**

Witnessed by:

Attest:

\_\_\_\_\_  
Jon Bolling  
President

\_\_\_\_\_  
Shelly Wright  
Executive Director

## **PSP Funding Fails to Make Palin's Budget...***Continued from Page One*

The battle over funding the PSP program has been ongoing over the past five years. The Department of Environmental Conservation first removed state funding for PSP testing from its proposed budget under the Murkowski Administration, shifting the cost to user fees on shellfish growers and harvesters. ASGA teamed up with the Southeast Alaska Region Dive Fisheries Association (SARDFIA) to oppose the fees and kept them at bay for a while. The legislature subsequently twice provided one-year funding, the last of which will be spent by June 30, 2008.

Key to legislative action were the letters and messages that individual growers sent to legislators. One enterprising grower, Sharon Gray, even convinced local businesses to write letters of support and concern. A long-term solution will require that kind of response and even more.

ASGA already is gearing up. An ASGA-written resolution supporting PSP funding (see Page Three) was adopted by the Southeast Conference (a regional group of communities and businesses) at its annual 2007 meeting. ASGA board member Art King and grower Eric Wyatt are planning to collect similar resolutions from communities and groups on Prince of Wales Island.

Even more important than these efforts are messages to legislators from individual growers. Write, call or email your legislators. Lawmakers need to know that funding for PSP testing must be a major funding priority. It doesn't matter that you may have contacted them on the issue before. While many lawmakers supported the appropriation last year, the failure to get the funds inserted into the budget base (meaning they are regarded as ongoing expenditures) signals that it may not have been high enough on their priority lists.

After contacting your own legislators, you should also consider sending a message to these key legislators:

- Rep. Kevin Meyer of Anchorage, chairman of the House DEC finance subcommittee and co-chairman of the House Finance Committee. Meyer has consistently balked at including PSP funding in the budget base. He and his staff are very familiar with the issue. Meyer is the most significant person to move on this issue.
- Sen. Kim Elton of Juneau, chairman of the Senate DEC finance subcommittee and Senate Finance Committee member. The full Senate followed Elton's subcommittee recommendation last year to fund PSP testing as part of the budget base. Other subcommittee members are Senators Johnny Ellis and Gary Wilken.
- Senator Bert Stedman, co-chairman of the Senate Finance Committee, who represents Sitka, Wrangell and Juneau. Stedman has many divers and a few shellfish farmers in his district and appears to be facing a tough re-election battle.
- Representatives Bill Thomas and Paul Seaton. These coastal legislators are very active on fisheries issues and can convince other lawmakers to follow their lead. Both have been very supportive. Tell them you appreciate their efforts and stress the importance of reaching a long-term solution this year.
- Representative John Harris, speaker of the House and a key supporter last year. As House Speaker, Harris can make funding happen if he hears from enough of you. A very important contact.

The legislature is likely to have very short timelines for the budget process, and acting quickly is very important. It only takes a few minutes. Check out the easy options on the next page.

## Aquatic Farm Application Process

To start an aquatic farm in Alaska, you must first apply for and receive authorizations from the State of Alaska and the U.S. Army Corps of Engineers. The Department of Natural Resources, Division of Mining, Land and Water (DMLW) currently holds an application opening every other year beginning January 1 and ending April 30. The process for aquatic farm applications takes approximately twelve months to complete after the opening ends. The applications are "batch-processed" in order to assess cumulative impacts and carrying capacity within a particular area.

The joint-agency application includes instructions, examples and guidelines to assist you in completing your application form. The application has evolved into a joint-agency application that addresses the concerns of all involved state agencies requiring some type of authorization or certification, and includes this department, the Departments of Fish and Game and Environmental Conservation. Consequently, the applicant does not have to answer the same questions on as many as five separate application forms.

DMLW accepts the applications and prepares a review schedule. Concurrent with the review of the applications for state agency authorizations, a review for consistency with the Alaska Coastal Management Program (ACMP) also begins. The Office of Project Management and Permitting (OPMP), Alaska Coastal Management Program section conducts the ACMP review and sets Day 1. Once the review period ends, OPMP makes a determination whether a proposal is consistent with the standards of the ACMP, including any enforceable policies described within an affected coastal district management plan. This determination is required before DMLW is able to authorize a lease agreement. DMLW is only able to authorize aquatic farm activities if the proposal is found consistent by OPMP.

After the applications are received and found to be complete, the agencies may hold individual application meetings to fully understand the proposal. DMLW gathers information about the area of the proposed site from documents, such as state and/or federal management plans, U.S. Coast Pilots, and coastal district management plans. State and federal agencies may be contacted for specific information. A description of the proposal and everything that is learned is included a preliminary best interest finding and decision, or "preliminary decisions" (PD). The PDs are noticed and agencies and the public are provided with a 30-day comment period. The PDs recommend approval or denial of the application based only on the information that is known at the time. It is hoped that the review period results in more site-specific information so that the involved agencies can make more informed decisions regarding their respective authorizations.

While OPMP, the Department of Fish and Game (DFG) and the Department of Environmental Conservation (DEC) are reviewing issues that pertain to their respective authorities, DMLW considers such issues as whether there may be conflicts with traditional or existing uses of the site, such as commercial or sport fishing, subsistence activities, use of the site for safe boat anchorage, recreation, or tourism; how public access will be maintained; if the proposed gear or related facilities could pose hazards to navigation; or whether the proposal may impact cultural or historic sites.

Additionally, DMLW manages state owned tide and submerged lands to allow for multiple uses in accordance with the Public Trust Doctrine. The Public Trust Doctrine is applicable whenever navigable waters or the lands beneath are altered, developed, conveyed, or otherwise managed or preserved. It applies whether the trust lands are publicly owned or privately owned. The Public Trust Doctrine provides that these trust lands, waters and living resources in a State, are held by the State in trust for the benefit of all the people, and establishes the right of the public to fully enjoy the trust lands, water and living resources for a wide variety of recognized public uses, such as navigation, commerce, fishing, and other purposes. DMLW evaluates a proposal to ensure those public trust resources are protected. Specific language is included in the lease agreement that subjects it to the principles under the Public Trust Doctrine.

During the 30-day review and comment period of the PDs, both written and oral testimony may be provided. Hearings are held at the request of five or more people wishing to testify. The hearings are generally held by teleconference out of Anchorage, although depending on the number of applications, may be scheduled in a community nearest to the applications, with outlying teleconferenced locations.

With the information received, DMLW prepares and issues the final best interest findings and decisions or "final decisions" (FD). All comments received during this time are considered and addressed in the final decisions. It is important to note that only those that comment during the 30-day review period, either in writing or by public testimony on a specific proposal, will be eligible to appeal DMLW's final decision on that proposal. Anyone who provided either written or oral comments will be sent a copy of the final decision, which includes an explanation of the appeal process.

Before a lease is issued, the first year's annual payment is required. Fees for a DMLW lease are based on fair market value. Our division's appraiser has compared the values of tide and submerged lands in similar areas and has developed a fee schedule for aquatic farms. The current fee schedule sets the annual lease fee at \$450 for the first acre, or fraction, and \$125 for each additional acre or fraction. Applicants may choose not to use the fee schedule and have an independent appraisal done, at their own expense. This fee is for the DMLW lease only. There may be other fees required by the other regulatory agencies.

In addition, DMLW requires the applicant to post a performance bond of a minimum of \$2500. DMLW can raise the amount of the bond after considering such items as the remoteness of a proposal and the amount of gear and/or facilities proposed. Generally, bonds for farmsites 5 acres or less are \$2500, and farms with more than 5 acres have a bond of \$5,000 or more. It mainly depends on the amount of improvements proposed and the estimated costs for DMLW to remove the improvements or clean up and restore the site if the lessee fails to do so at lease expiration, termination, or abandonment.

At the end of year five of the ten-year lease, the farmer is required to meet a commercial use or production level set by DMLW regulations. This requirement was implemented in an effort to prevent "hobbyists" from speculating and not using an area for the commercial purposes intended. If the commercial use requirement is not met by year five of the lease and continued each year for the remaining term, the lease will be terminated. The current commercial use

requirement is \$3,000 in sales per acre, or fraction of an acre, up to \$15,000 per farm, whichever is less.

You may visit DFG's and DEC's websites for information related to their respective authorizations at:

DFG: <http://www.cf.adfg.state.ak.us/geninfo/enhance/maricult/maricult.php>

DEC: <http://www.dec.state.ak.us/eh/fss/seafood/seafood.htm>



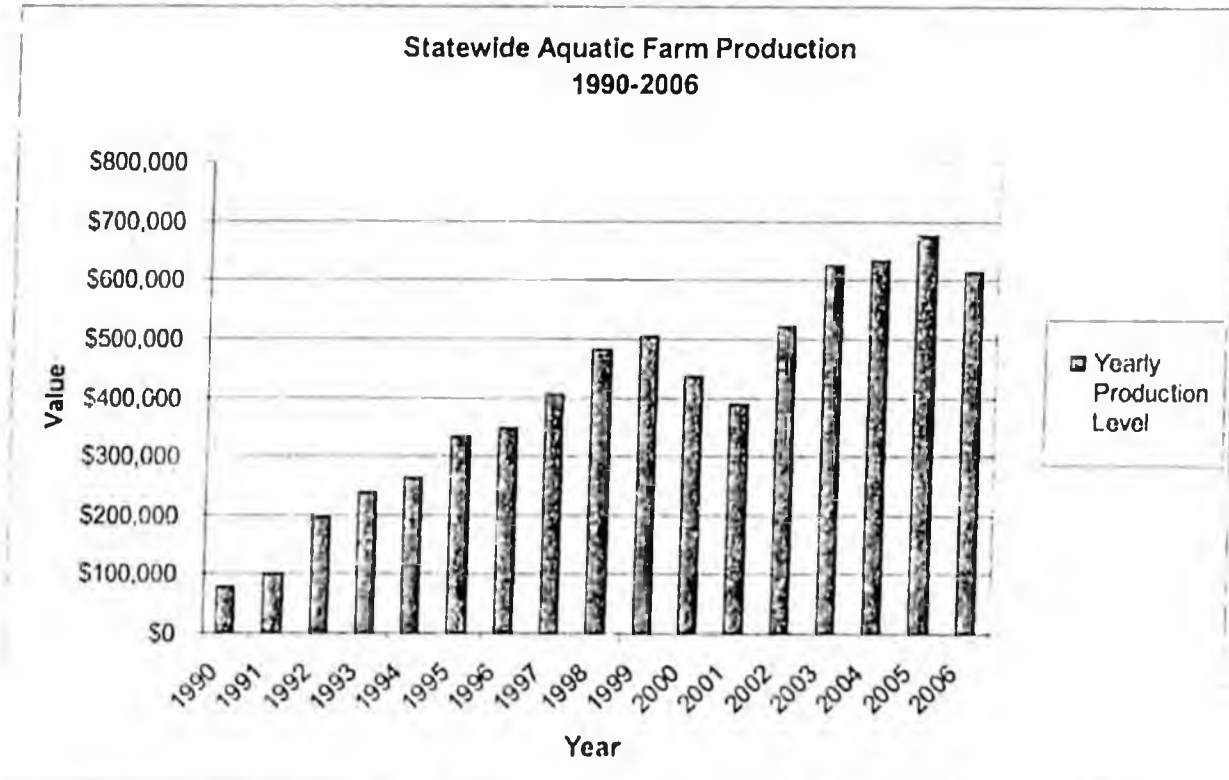
## Alaska Aquatic Farm Program

### Status and Production

Currently, there are 63 farm sites, one hatchery, and 4 nurseries approved to operate in the state. Total acreage permitted for aquatic farming is 330 acres, an increase from 290 acres permitted in 2006.

Table 1 shows historical statewide aquatic farm production in Alaska. Based on 2006 data which is most complete, production totaled \$614,843 with production almost evenly divided between southcentral and southeast Alaska. Peak production for the industry was in 2005 and totaled \$676,045. Over 79% of the production came from the sale of Pacific oysters and the remaining 21% was predominately for littleneck clams sales. Littleneck clam production went up 6% from FY 2005 totals.

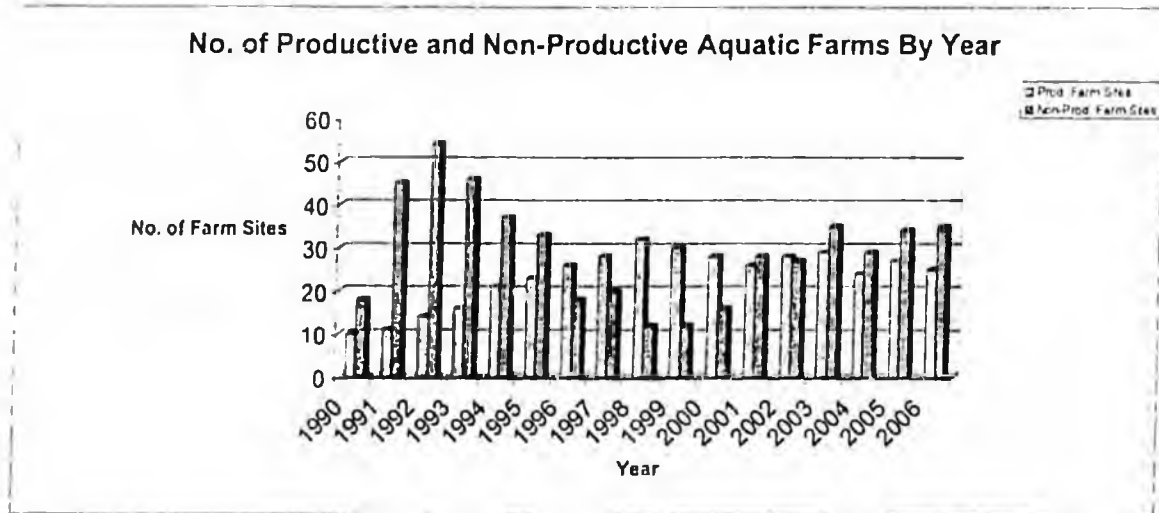
Table 1:



Based on annual reports submitted to the department thus far for calendar year 2007, the overall production estimates for 2007 are anticipated to be lower than 2006. Reports for 15 farms are still outstanding. Preliminary farm data reports for the calendar year 2007, shows 47% of the 63 permitted farms reported some level of production activity compared to 42% at the end of 2006 based on 60 permitted farms.

Table 2 shows the number of farms that had production and non-production since 1990. The percentage of active farm sites has been consistently in the 40-50% range since 2000 and peaked at 73% in 1999.

Table 2:



Note farms are required to show increases in production over a five year period. DNR requires that by the 5<sup>th</sup> year, the lease holder must meet a commercial-use requirement for production that is equivalent to \$3,000 per acreage up to \$15,000 maximum.

In water inventory for Pacific oysters at aquatic farm sites at the end of 2006 was 8,902,721 and was valued at \$3,828,170. This is 8% decrease from 2005 inventory which was 9,68,7442. The inventory estimate was based on farm gate values of an average 0.43/oyster. The reduced inventory was probably due to number of spat availability, quality of spat received, and mortalities due to hard winter.

Aquatic farm employment in 2006 showed 71 people were employed at farm sites totaling 2,848 days of work. This was an increase from the 2005 aquatic farm employment which had 60 people and 2439 days of work.

**Permitting**

In Fiscal Year 2007, ADF&G staff issued 3 new operation permits, 6 operation permit renewals, amended 11 operation permits, completed transfer of 1 permit to a new permit holder, and conducted 26 site inspections to determine compliance with permit conditions.

In addition, ADF&G has completed 99% of all the aquatic farm sites operating under a current aquatic farm site operation permit. In comparison, over half of the operation permits were expired in 2003. This renewal effort provided current permits for 35 farm sites.

There are currently 5 applications that are pending due to the need for more information from the applicants and the need for biomass surveys.

Staff issued 78 transport permits, 10 acquisition permits and 2 fish resource permits for enhancement research projects.

### **Certification**

Four Pacific oyster seed suppliers were certified in 2007, three of which are in the Lower 48 (Lummi, Coast, and Kona Coast). Pacific oyster seed stock supplies were not adequate to meet demands of the farmers this last year.

### **Hatchery**

The number one goal of the shellfish industry is the availability of high quality seed for farmers use. The Mariculture Program has been working with Jeff Hetrick, Alutiiq Pride Shellfish Hatchery Manager, for over a year to develop a Hatchery Management Plan which includes details on anticipated seed production and transport to farms, disease control measures, planned brood stock acquisition and schedule, specific and anticipated breeding practices to maintain and improve genetic fitness. This Management plan is similar to what is required of the Alaska salmon hatcheries and will help in planning for future activities the hatchery plans to do and ensures that hatchery operations are producing spat from native species with sufficient genetic diversity.

### **Mariculture Development Zones**

Before the passage of HB 208, the ASGA and the Alaska Marine Advisory Program worked with ADF&G, ADNR, ADEC, ADGC, the Southeast Conference, the Alaska Cooperative Extension Service, and numerous other organizations, were working on designation of Mariculture Development Zones with an overall purpose of improving rural economies through the expansion of an environmentally sound mariculture industry. ADF&G is working with Ray Ralonde, Alaska Marine Advisory Program Aquaculture Specialist to resurrect this important effort in the coming years.

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 255(JUD)  
(H) Publish Date: 3/11/08

Identifier (file name): \_\_\_\_\_ Dept. Affected: LAW  
Title An Act relating to dual sentencing of certain juvenile offenders RDU Criminal  
Component 2nd Judicial District  
Sponsor REP JOHNSON  
Requester JUDICIARY Component Number 2199

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

HB 255 would expand eligibility for dual sentencing of minors who commit crimes that are not subject to automatic waiver to the adult system. The department does not expect a significant fiscal impact from this bill.

Prepared by: Betty Martin, Director  
Division: Administrative Services Division  
Reviewed by: Talis Colberg, Attorney General  
Department of Law

Phone (907) 465-3673  
Date/Time 1/21/08 7:30 AM  
Date 1/21/08 7:30 AM

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: CSHB 257(FSH)  
(H) Publish Date: 2/29/08

Identifier (file name): HB257CS(FSH)-DFG-CF-02-22-08 Dept. Affected: Fish and Game  
Title: Transfer Aquatic Farming to DNR RDU: Commercial Fisheries  
Component: Headquarters Fisheries Management  
Sponsor: Representative Harris  
Requester: House Resources Committee Component Number: 2171

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this bill would have no fiscal impact on the Department of Fish and Game.

Prepared by: Cynthia Pring-Ham, Mariculture Coordinator  
Division: Division of Commercial Fisheries  
Approved by: Tom Dawson, Director  
Division of Administrative Services, Department of Fish and Game

Phone 465-6150  
Date/Time 2/22/08 2:00 PM  
Date 2/22/2008

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 257(FSH)  
(H) Publish Date: 2/19/08

Identifier (file name): HB257-DNR-CP&L-02-13-08 Dept. Affected: Natural Resources  
Title: Transfer Aquatic Farming to DNR RDU: Resource Development  
Component: Claims, Permits & Leases  
Sponsor: Rep. Harris  
Requester: H FSH Component Number: 2460

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services	180.7		180.7	180.7	180.7	180.7	180.7	180.7
Travel	12.7		12.7	12.7	12.7	12.7	12.7	12.7
Contractual	23.2		23.2	23.2	23.2	23.2	23.2	23.2
Supplies	13.4		5.4	5.4	5.4	5.4	5.4	5.4
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>230.0</b>	<b>0.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	230.0		222.0	222.0	222.0	222.0	222.0	222.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>230.0</b>	<b>0.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time	2		2	2	2	2	2
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This fiscal note reflects the transfer of two positions and associated funding from the Department of Fish and Game. These positions, and the duties for which they are responsible, are transferred in this legislation to the Department of Natural Resources.

DNR assumes that computers and specialized equipment required by these positions would be transferred, and that lease space costs are included in the Contractual Services line item transfer. One-time funding of an estimated \$8.0 would be required in the first year to cover costs associated with moving, phone and computer set up, and office furniture.

Prepared by: Melanie Losh, Special Assistant/Legislative Liaison  
Division: Commissioner's Office  
Approved by: Tom Irwin, Commissioner  
Natural Resources

Phone 465-4730  
Date/Time February 13, 2008  
Date February 13, 2008

**HB**

**260**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 260(STA)  
(H) Publish Date: 1/22/08

Identifier (file name): HB260-DOA-DOP-1-11-08 Dept. Affected: Administration  
Title: State Officer Compensation Commission RDU: Central Administrative Services  
Component: Personnel  
Sponsor: Representative Doogan  
Requester: (H)State Affairs Component Number: 56

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	7.0	0.0	7.0	7.0	7.0	7.0	7.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.5	0.0	0.5	0.5	0.5	0.5	0.5
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>0.0</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	7.5	0.0	7.5	7.5	7.5	7.5	7.5
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>7.5</b>	<b>0.0</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

This fiscal note assumes two meetings per year and includes associated travel and supply expenses.

Prepared by: Nicki Neal, Director  
Division: Division of Personnel  
Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone 907-465-1429  
Date/Time 1/11/08 12:00 AM  
Date 1/11/2008



# Alaska State Legislature

**Mike Doogan**  
Representative  
District 25, Anchorage

## SPONSOR STATEMENT

### HB 260

#### **An Act relating to the State Officers Compensation Commission**

Alaska's only real success in setting fair compensation for public officials came in 1977 and 1979, when the citizen members of the Alaska Salary Commission released reports on how, and how much, certain public officials should be paid.

There has been no impartial review of public officials' compensation since. A 1986 attempt to create a salary commission failed, because it was contingent on passage of a constitutional amendment that never passed. No subsequent attempt has gotten even that far, unless you count a 2006 executive decision that raised the salaries of commissioners.

Twenty eight years is a long time between salary reviews, and in the ensuing years a series of stop-gaps have grown up to meet immediate needs. House Bill 260 is an attempt to take a comprehensive look at the compensation the Governor, Lieutenant Governor, executive department heads, and legislators.

HB 260 creates a five-member commission appointed by the governor, with one of the members recommended by the presiding officer of each legislative house. The compensation commissioners serve without compensation and are staffed by the Department of Administration.

Under the bill, the commissioners would study state officers' compensation and submit a report at least every two years. The recommendations in the report will take affect unless specifically rejected by legislative action. Any increases in salary and benefits are subject to appropriation.

The unworkable provisions of the 1986 salary commission law, including the eternally delayed effective date, are repealed.

This is not an attempt to increase, reduce, or otherwise drive the direction of legislative and executive pay in Alaska. Significant trust is placed in this commission to come up with an equitable solution. But the problems with legislators establishing a compensation system that includes their own pay and benefits seem obvious – and unsolvable. It is the sponsor's view that the State Officers Compensation Commission is the best way to craft a viable long term solution.



# Alaska State Legislature

**Mike Doogan**  
 Representative  
 District 25, Anchorage

## States with compensation commissions

This table contains a list of the other 20 states which possess compensation commissions. It also states whether the compensation commission is established in the state's statutes or constitution, and offers a brief explanation of how the commission works.

State	Statute or Constitution?	How does it work?
Alaska	Statute	Never implemented. Required passage of a constitutional amendment that was never ratified.
Arizona	Constitution	Commission recommendations are put on the ballot for a vote of the people.
California	Constitution	Decision of commission binding; has the effect of law.
Connecticut	Statute	The General Assembly takes independent action pursuant to recommendations of a Compensation Commission.
Delaware	Statute	Are implemented automatically if not rejected by resolution.
Hawaii	Constitution	Commission recommendations take effect unless rejected by concurrent resolution or the governor. Any change in salary that becomes effective does not apply to the legislature to which the recommendation was submitted.
Idaho	Statute	Information not available.
Illinois	Statute	Tied to employment cost index, wages and salaries for state and local government workers.
Kentucky	Statute	The Kentucky committee has not met since 1995. The most recent pay raise was initiated and passed by the General Assembly.

State	Statute or Constitution?	How does it work?
Maine	Constitution	Presented to the Legislature in the form of legislation, the legislature must enact and the Governor must sign into law.
Maryland	Constitution	Commission meets before each four-year term of office and presents recommendations to the General Assembly for action. Recommendations may be reduced or rejected.
Michigan	Constitution	If resolution is offered, it is put to legislative vote; if legislature does not vote recommendations down, the new salaries take effect 1/1 of the new year.
Minnesota	Statute	By May 1 in odd numbered years the Council submits salary recommendations to the presiding officers.
Missouri	Constitution	Recommendations are adjusted by legislature or governor if necessary.
New Jersey	Constitution	Information not available.
North Dakota	Statute	Information not available.
Oklahoma	Statute	Information not available.
Oregon	Statute	Nonbinding recommendation to the legislature.
Utah	Statute	Information not available.
Washington	Constitution	Salary commission sets salaries of legislature and other state officials based on market study and input from citizens.
West Virginia	Statute	Submits by resolution and must be concurred by at least four members of the commission. The Legislature must enact the resolution into law and may reduce, but shall not increase, any item established in such resolution.

*Source: National Conference of State Legislatures*



# Alaska State Legislature

**Mike Doogan**  
Representative  
District 25, Anchorage

## Changes in HB 260

### House State Affairs committee

The House State Affairs committee considered version 25-LS0659\M. The committee amended language stipulating members of the Commission may never have served in any of the offices or positions for which the Commission makes a compensation recommendation to state that members of the Commission may not have served in any of those offices or positions within the 4 years prior to their appointment to the Commission. (Page 2, Lines 18-19)

The version before the House Finance committee is 25-LS0659\K.



# Alaska State Legislature

Mike Doonan  
Representative  
District 25, Anchorage

## SECTIONAL ANALYSIS

### HB 260

#### An Act relating to the State Officers Compensation Commission

- Section 1:** Changes the section describing legislative salaries, from a fixed \$2,001 to an amount determined by the commission.
- Section 2:** Changes legislative moving and per diem from a mandatory to an optional payment. Legislative council policy for these items shall be adopted in accordance with commission recommendations.
- Section 3:** Changes the pay of the governor from a fixed amount to an amount determined by the commission.
- Section 4:** Changes the pay of the lieutenant governor from a fixed amount to an amount determined by the commission.
- Section 5:** Changes the pay of department heads from a limited range of options based on the salary schedule, to an amount determined by the commission.
- Section 6:** Establishes a State Officers Compensation Commission in AS 39.23.
- .500 Commission has five members, state residents, appointed by the governor without confirmation. One member appointed from a list of two or more candidates selected by Senate President, one member appointed from a list of two or more candidates selected by Speaker of the House. Members serve staggered four year terms, two term limit, chair selected by members. Commission established in the Department of Administration.
  - .510 Members may not be state employees or serve on any other board or commission. Members may not have served in an office for which the commission makes a compensation recommendation in the four years prior to their appointment.
  - .520 Members serve without compensation but may receive travel and per diem.

- .530 The Commissioner of Administration shall serve as ex-officio secretary of the commission, and provide staff and administrative services as necessary.
- .540 The Commission shall review the salaries, benefits, and allowances of legislators, the governor, lieutenant governor, and commissioners and prepare a report of their findings at least every two years. They may request reports and other information from state departments. The Commission prepares findings by November 15, gives public notice, and solicits public comments. The Commission provides a final report and recommendations by the 10th day of a legislative session. Unless disapproved by law within 60 days, the recommendations take effect at the beginning of the next session (for legislators), or at the beginning of the next fiscal year (for executive branch employees.) There is no partial approval; either the entire set of recommendations is accepted, or none. A commissioner who disagrees with the majority may attach written objections to the report and recommendations. Recommendations that increase pay are not effective unless all increases are fully funded by legislative appropriations.
- .545 Recommendations may not reduce the salary or benefits of a governor, lieutenant governor, or department head who took office before the effective date of the recommendations.
- .550 Recommendations are filed with the lieutenant governor. Once effective, the commission shall certify them.
- .560 Affirms Legislative policy that the commission shall recommend an equitable compensation package for legislators.
- .600 Definition: "Commission" means "State Officers Compensation Commission."

- Section 7:** Repeals AS 39.23.200-400, the 1986 compensation commission law that was never implemented due to a delayed effective date clause.
- Section 8:** Repeals uncodified portions of the 1986 compensation commission law related to procedure, timing, and effects of commission reports.
- Section 9:** Uncodified section concerning staggered terms of initial appointments and procedure for calling the commission's first meeting.
- Section 10:** Uncodified section making Sections 1 through 5 (amendments to salary statutes) conditional on the receipt, acceptance, and funding of the recommendations described in Section 6.

- Section 11:** Repeals uncodified portions of the 1986 compensation commission law concerning the delayed effective date contingent on a constitutional amendment.
- Section 12:** Effective date of Sections 1 through 5 (amendments to salary statutes) is the same as the effective date of the appropriation that would follow acceptance of the Commission's recommendations.
- Section 13:** Immediate effective date for the rest of bill.

# Perspectives on Legislative Compensation

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NCSL Fall Forum  
Phoenix, November 2007  
Karl Kurtz

Distributed by Rep. Mike Doogan 465-4998



# Estimating Compensation

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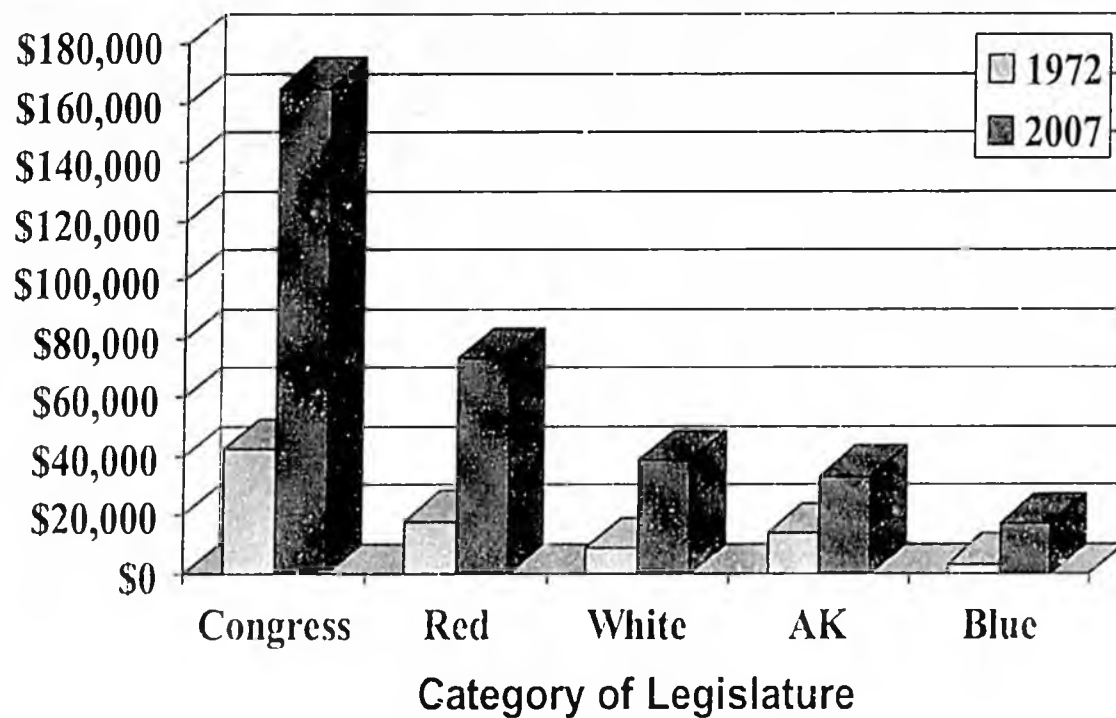
- What the IRS counts as compensation
    - Salary
    - Per diem—session and interim
    - Unvouchered expense payments
  - Excludes special leadership or committee chair compensation
-





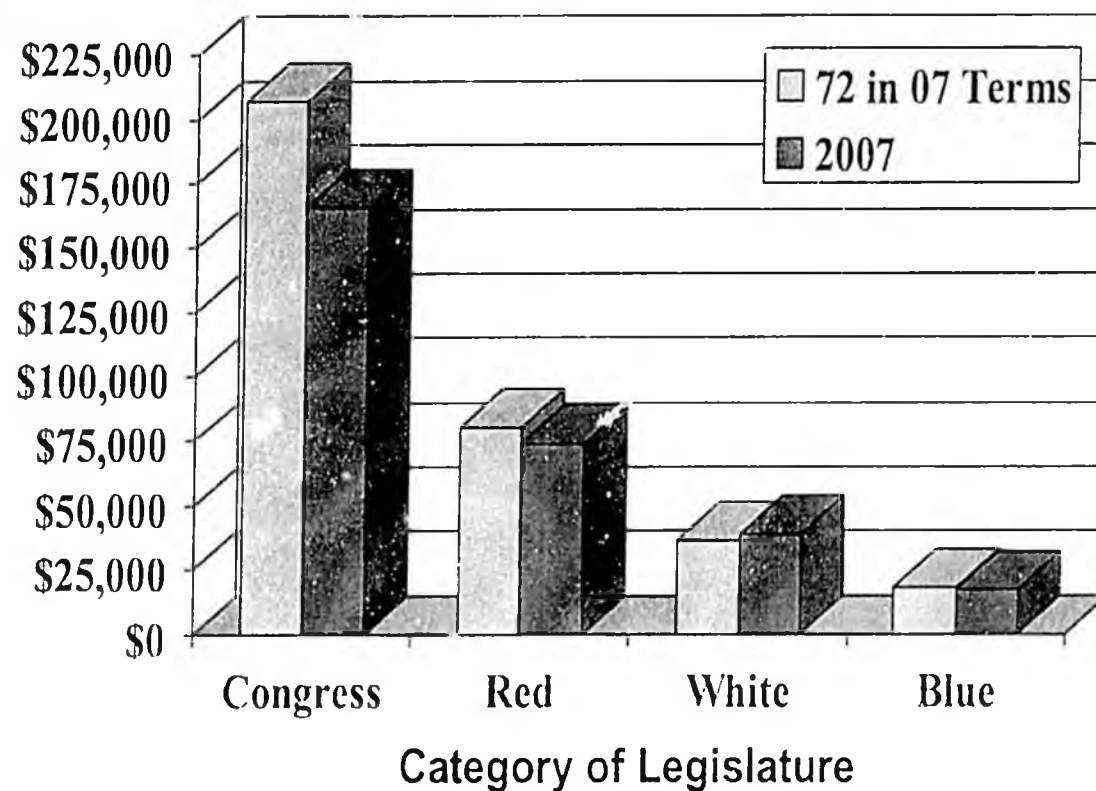


# Compensation of Legislators

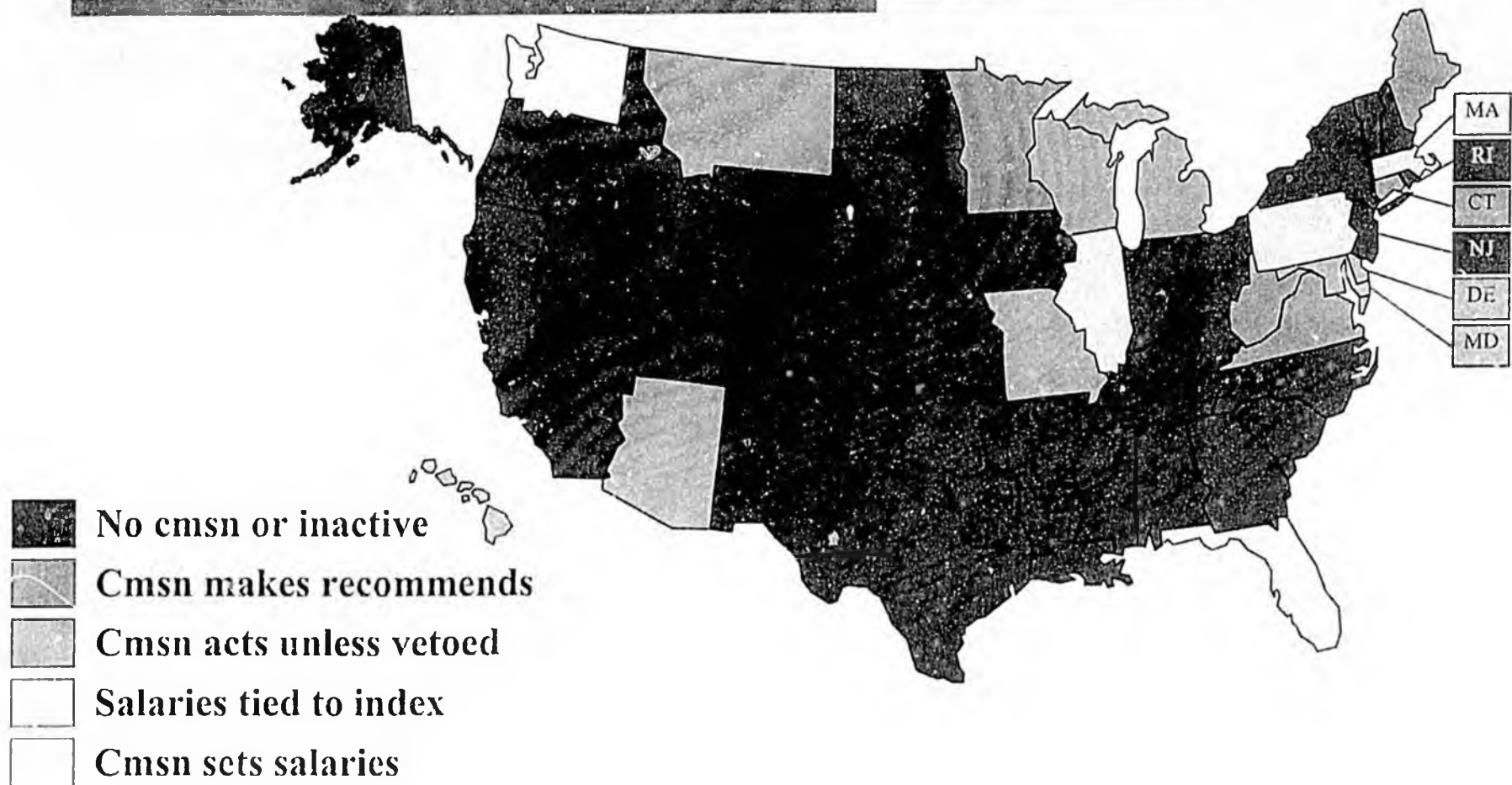


# Real Compensation

Compensation in Constant Dollars



# Compensation Methods



# Compensation Methods

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- Commission makes recommendations only:  
CT, ME, MN, VA, WV
  - Commission action implemented unless  
rejected by leg/gov/voters: AZ, DE, HI, MD,  
MI, MO
  - Commission sets salaries: WA
  - Salaries tied to state workers/economic  
index: FL, IL, MA, MT, PA, WI
  - Inactive commissions: AK, KY, TX
-