

ALASKA LEGISLATURE COMPILED AND PRINTED BY THE ALASKA LEGISLATIVE COUNCIL

2008

HSA

HB

121

-

HB

153

2008

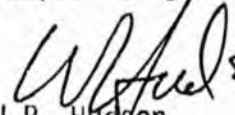
Honorable Ray H. Metcalfe
December 11, 1981
Page 2

the Commissioner of Fish and Game support th's legislation as it will not affect existing employees, yet it will eliminate all future Fish and Game employees from peace officer coverage. The original purpose of placing these employees under the peace officer provisions of the PERS was to extend the superior death and disability benefits to them to compensate for the dangerous duties they performed in the scope of their employment. Death and disability benefits have since been changed and, as a result, the coverage is now identical for all PERS employees. The reason for including Fish and Game employees for peace officer coverage no longer exists, and consequently these employees, or at least all future employees, should be placed under the "30-year and out" provision of the PERS.

The enclosed regulation is a result of concentrated effort to accommodate everyone, yet provide the PERS with the necessary guidelines to determine who should be included as a qualified employee of the Department of Fish and Game under the current law. Any additional comments and suggestions received from concerned parties, particularly employees of the Department of Fish and Game, will be given serious consideration prior to finalizing the regulation.

If you have recommendations or if I can answer any questions, please let me know.

Respectfully


W.R. Hudson
Commissioner

WRH/lw
Enclosures

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

(907) 465-2200

December 8, 1981

TO: All PERS Fish and Game Employees

Enclosed is a revised draft of the proposed regulation which sets forth the requirements which must be met in order for an employee in your department to qualify for PERS "peace officer/fireman" coverage under AS 39.35.680(32).

As you can see, it has undergone considerable change from the version that was mailed to you in October. This is a direct result of letters received from many of you in which you expressed concern that the standards were too rigid. I feel that this new version adequately addresses those concerns. The following is an outline of the changes which have been made.

Subsection (a) has been revised to clarify that seasonal employees who were not specifically mentioned in the first version of the proposed regulation, are nevertheless covered.

The wording in subsection (b) has been revised slightly. However, the meaning is still the same. An employee in a position which qualifies for peace officer coverage prior to the effective date of this regulation shall continue to have peace officer coverage after this regulation becomes effective as long as the employee fills that position or another position that qualifies under this regulation. Many of you asked to have the regulation changed to allow an employee to promote to positions within the department that had the peace officer coverage before the effective date of the regulation, but not after. However, the Department of Law has advised that this cannot be done. There is legislation currently pending, however, which would allow this to be done. Section 54 of SCS CSHB 121 (R1s) am s re-eng would allow current employees who have peace officer coverage to continue with that coverage until termination of employment with the Department of Fish and Game or appointment to retirement or disability, regardless of the position within the department they may occupy. If that bill becomes law, the promotability problem will be resolved. I would encourage your support of this bill.

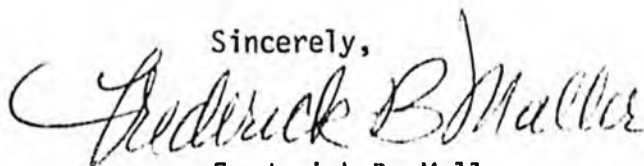
PERS Fish and Game Employees
December 8, 1981
Page 3

does not exclude travel from one city, town, village or community to another if the purpose was to conduct business such as aerial surveys while traveling.

The definition of "exposure to hazardous working conditions" has been completely revised to mean actively engaged in fish and game conservation or protection work involving a risk of serious bodily injury or death and specifically includes aerial surveys in small aircraft, working on vessels on the open sea, travel in small skiffs over open water or in remote locations, or conducting stream surveys or other work where contact with dangerous animals is likely. We feel this revised definition is a major improvement which reflects the unusual dangers which may be encountered by Fish and Game employees.

You should understand that adoption of this regulation does not mean it cannot be amended in the future if the need arises. If you have any suggestions or comments, either favorable or unfavorable, please send them to my attention before December 21, 1981.

Sincerely,



Frederick B. Muller
Deputy Commissioner for
Personnel Management

FBM/lw
Enclosure

Register , 1981 Administration 2AAC30. 010

Title 2. Administration
Chapter 30. Public Employees'
Retirement System
Section .010 Qualified Fish and Game Employees.
2 AAC 30. 010 Qualified Fish and Game Employees.

- (a) Any person, who is a permanent, full-time employee (including a seasonal employee), of the Department of Fish and Game, who fills a position which has been certified by the Commissioner of Fish and Game and approved by the Commissioner of Administration as having duties which necessitate a significant amount of field work, travel, or exposure to hazardous working conditions, is deemed to be a "qualified employee of the Department of Fish and Game" under AS 39.35.680(32) and shall be afforded peace officer coverage in the Public Employees' Retirement System.

- (b) Other provisions of this regulation notwithstanding, any person within the Department of Fish and Game who, prior to the effective date of this regulation, filled a position which was treated by the Division of Retirement and Benefits as qualifying for peace officer coverage shall continue to be afforded peace officer coverage after the effective date of this regulation as long as the person fills that position or any other position within that department that qualifies under this regulation.

DRAFT

(c) AS 39.35.160 requires each peace officer in the system to contribute five percent of compensation to the Public Employees' Retirement System. Therefore, any person who receives credit as a peace officer for service already rendered must contribute an amount equal to the difference between the contributions which have been made and the contributions that are required for peace officer coverage for the same period of service. Public Employees' Retirement System Board Regulation 81-2 sets the rate of interest to be charged on an indebtedness to the system. Therefore, interest at the rate prescribed by that regulation shall accrue on any unpaid contributions commencing ninety (90) days from the date of notification of the amount of unpaid contributions.

(d) Definitions. In this regulation:

- 1) "a significant amount" means at least 5% of an individual's working time;
- 2) "field work" means working outside of a permanent structure and does not include work within or in proximity to a permanent residential community;
- 3) "travel" means going to and from a place of duty as a passenger or operator in a plane, bus, train, automobile, boat, or any other form of mechanized transportation. It does not include travel primarily for the purpose of going from one established city, town, village, or community to another.

4) "exposure to hazardous working conditions" means actively engaged in fish and game conservation or protection work which involves a demonstrated high risk of serious bodily injury or death, and includes:

1. aerial surveys in small aircraft,
2. working on vessels on the open sea,
3. travel in small skiffs over open water or in remote locations, or
4. conducting stream surveys or other work where contact with dangerous wild animals is likely.

(EFF / / , Register)

Authority

AS 39.35.680(32)



THE AMERICAN LEGION

DEPARTMENT OF ALASKA
235 EAST 8th AVENUE
ANCHORAGE, ALASKA 99501
(907) 276-8211

WILLIAM M. BISHOP
Department Commander
Box 848, Kodiak, AK 99615

ROBERT C. BLAIR
National Executive Committeemac
Box 2337, Kodiak, AK 99615

GEORGE H. INMAN
Alternate NEC
Box 1073, Sitka, AK 99835

FLOYD R. JOHNSON
Department Adjutant/Service Officer
235 East 8th Avenue, Anchorage, AK 99501

November 20, 1981

Representative Ray H. Metcalfe, Chairman
House State Affairs Committee
P.O. Box 4-2766
Anchorage, Alaska 99509.

Dear Representative Metcalfe:

The Alaska State Legislature has for many years provided funding for the salaries of the American Legion Service Officer and salaries for the clerical back up. In addition several Legislators have introduced bills authorizing employees of the American Legion and Veterans of Foreign Wars to participate in the State PERS and Insurance Programs on at least two separate occasions starting back in 1977.

Veterans Services is a State responsibility which the Legislature, many years ago, felt would be best served by the Service Officers of the two veterans organizations rather than the establishment of another agency with State wide offices. (Most Cost Effective).

We were asked to amend our By-Laws and Articles of Incorporation to reflect participation in PERS and the State Insurance program. This was accomplished June 16-18, 1977, in Sitka, Alaska, copy enclosed.

The number of full time employees, who would be qualified to participate, totals six (6), two Service Officers, two Assistant Service Officers and two clerical. (3 Legion and 3 Veterans of Foreign Wars).

In addition we are subject to all State Regulations and are audited by the Governors Office and Legislative Affairs. In effect we are State Employees as far as all the rules and regulations go but are not permitted to participate in the benefits packages.

Your favorable consideration is requested.

Sincerely

Floyd R. Johnson
Department Service Officer
The American Legion

TO:

Representative Sam Cotton, Chairman
House Finance Committee
Alaska State Legislature
Juneau, Alaska

FROM:

Following Permanent Employees of the Alaska Dept. of Fish &
Game, Dillingham Area Office

SIGNED: *Michael L. Nelson*

Jeffrey R. Skrade

William L. Sahawda, Jr.

John J. Lamer

MESSAGE:

A great amount of thought and effort has gone into the creation of CS for HB 121, and although certain sections, such as the method of determining PAPAs based on age at retirement are not favorable to younger retirees, this bill has our strong support, and we respectfully urge your committee to support this bill and act favorably on it during this current session.

COPIES TO:

Representatives Joe Chuckwuk, Jim Duncan and Mike Miller

Senators Ed Dankworth, Bill Ray and George Hohman

All Members of the House Finance Committee

Please note changes on page 2

Original sponsor: ~~Ray~~

Offered: 6/11/81
Referred: Finance

1 *House* IN THE SENATE *Finance* BY THE STATE AFFAIRS COMMITTEE
2 CS FOR *House* SENATE BILL NO. *121* ~~490~~ (~~Senate Affairs~~) *Finance*
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the public employees, teachers,
7 judicial, and National Guard benefits; and providing
8 for an effective date."

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

10 * Section 1. AS 14.20.345(d) is amended to read:

11 (d) The governing body of the district may agree to continue the
12 teacher's retirement contributions if the teacher agrees to pay the
13 percentage required under AS 14.25.050 [REQUIRED SEVEN PERCENT] of the
14 salary the teacher [HE] would have received during the [HIS] leave of
15 absence and reimburse the district for the district's required retire-
16 ment contribution. Each year of leave of absence then would count as a
17 year of retirement service.

18 * Sec. 2. AS 14.25.020(a)(1) is repealed and reenacted to read:

19 (1) formulate and recommend to the Alaska Teachers' Retire-
20 ment Board regulations to govern the operation of the system;

21 * Sec. 3. AS 14.25.022 is amended to read:

22 Sec. 14.25.022. REGULATIONS. Regulations adopted by the Alaska
23 Teachers' Retirement Board [PROMULGATED BY THE ADMINISTRATOR] under
24 AS 14.25.010 - 14.25.220 relate to the internal management of a state
25 agency and their adoption is not subject to the Administrative Proce-
26 dure Act (AS 44.62).

27 * Sec. 4. AS 14.25.035 is amended by adding a new subsection to read:

28 (i) The board may adopt regulations recommended by the adminis-
29 trator to carry out this chapter with modifications it considers proper.

1 Sec. 39.35.160. AMOUNT OF EMPLOYEE CONTRIBUTIONS. While partici-
2 pating in the system each peace officer and each fireman shall contri-
3 bute seven [FIVE] percent and every other employee shall contribute six
4 [FOUR] and one-quarter percent of their [HIS] compensation to the
5 public employees' retirement system.

6 * Sec. 26. AS 39.35.200(b) is amended to read:

7 (b) If, upon termination of employment, an employee has credited
8 service of less than five years and has less than \$1,000 in the [HIS]
9 employee contribution account, a refund of the employee contribution
10 account and the employee savings account must be made unless the
11 employee indicates in writing that future retirement is intended and
12 contributions should not be refunded. An employee who is reemployed
13 with an employer and whose contributions have not been refunded before
14 reemployment [RE-EMPLOYMENT] is not eligible for a refund.

15 * Sec. 27. AS 39.35 is amended by adding a new section to article 5 to
16 read:

17 Sec. 39.35.305. CREDITED SERVICE FOR EMPLOYMENT WITH THE DIVISION
18 OF MARINE TRANSPORTATION. (a) A vested employee ^{who is a member of the system on July 1, 1981,} is entitled to

19 credited service for periods of employment before January 1, 1977, with
20 the division of marine transportation for which the employee was
21 credited with service under a marine retirement trust. *The credited service allowed may*

22 (b) In order to obtain credited service under this section, an
23 employee shall make an election to do so and shall verify the period of
24 service. When eligibility for credited service has been established,
25 an indebtedness shall be determined as follows: (1) the employee's
26 actual compensation, or the calculated annual compensation for an
27 employee working less than 12 months, during the calendar year 1981 or
28 the year in which an employee first becomes vested under this chapter,
29 whichever is later, multiplied by (2) eight percent, and this product

credited under this section unless the employee makes retro-active contributions to the system for the period of time that service credited is claimed.

WILLIAM E. BLACKBURN
PROFESSIONAL CIVIL ENGINEER
BOX 25 DOUGLAS, AK. 99824
PHONE: 789-9592

5/8/81

RE: C.S. for HB 121

Rep. Mike Miller
Alaska Legislature
Pouch V
Juneau, Ak.

Dear Mike:

As a STATE EMPLOYEE I support C.S. for HB 121
with the following exception:

- (1) Why should the new retiree receive less
cost of living increase than an older retiree?
Expenses are probably greater at inception
into retirement - not the other way around.
If a cost of living is introduced, it should
not discriminate based on age. I support
equal cost of living for all employees.

Thanks Mike.

Sincerely,

Bill Blackburn

Box 193
Glennallen
99588
3/24/81

Representative Miller

Pouch V

Juneau, Alaska

99811

Dear Representative Miller:

We urge your support on H.B. 121.
Increasing retirement benefits
in keeping with raised cost of
living is absolutely necessary.
A guarantee of increased retirement
wages needs your support. Those
on fixed incomes will be hardest
hit as inflation increases. Please
support this bill H.B. 121 (P.R.P.A.)

Thank you
Mr + Mrs Larry Seubner
Teachers
Copper River School District

P. O. Box 199
Dillingham, Alaska 99576
April 5, 1981

Representative Mike Miller
Representative Jim Duncan
ALASKA STATE LEGISLATURE
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representatives Miller and Duncan:

I am writing to you to express my support of House Bills No. 35 and No. 121 concerning retirement benefits.

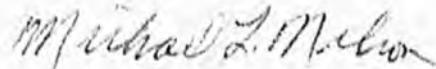
I believe that the increase in the basic retirement benefit formula as expressed in House Bill No. 35 will provide a strong incentive for state employees to view their employment as a long-term career opportunity, which will help to decrease the high employee turnover rate which continues to be a problem.

House Bill No. 121 has my support also, as long as the present retirement program can support the additional cash outflow. If the solvency of the program is in question, as pertains to House Bill No. 121 (and House Bill No. 35), then a serious consideration should be given to an increase in the employee-employer monthly contribution rate.

I do believe that the intent of these two bills is consistent with the desire to obtain and keep high quality persons in state employment, and to act as an inducement to recruit good people.

Your continued support of these bills and similar issues is appreciated by myself and fellow workers in our Dillingham Fish & Game area office.

Sincerely,



Michael L. Nelson

cc: Rep. Joe Chuckwuk

ALASKA STATE RETIRED TEACHERS ASSOCIATION

1411 West 33rd Avenue
Anchorage, AK 99503

The Honorable Mike Miller
House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Miller:

I am president of the Alaska State Retired Teachers Association which has a membership of 859. We strongly endorse HB 121 which would provide an automatic PRPA equal to the percentage increase in the Consumer Price Index. We do need just that kind of PRPA but we are reasonable, responsible citizens who realize that even today state monies are limited and that the needs are many. Therefore, may I suggest that while it is essential that the PRPA be automatic I feel there is room for negotiation as to the amount of the PRPA. I am also quite sure that some funding for a PRPA might come from increased contributions by the active teachers.

For example, a PRPA equal to 75% of the CPI would reduce the cost and still enable retirees to combat the inroads of inflation. In the last few years teacher salaries have increased and new retirees' benefits are based upon the higher salary. Therefore, the costs of a PRPA could be lessened by making the first payment due on the fifth anniversary of one's retirement or at the age of 65, whichever came first.

HB 121 will, of course, have a fiscal note attached which will be based on actuarial studies done for the Division of Retirement Benefits. At our annual meeting on March 7, we were told that the fiscal note might be as much as \$150,000,000 for the first year. The actuaries' report dated June 30, 1980 shows the total expenditures made to 1,245 retirees and beneficiaries to have been \$15,597,360 for the fiscal year 1980. Although there will probably be another 200 teachers retiring as of July 1, 1981, that number hardly seems to justify the PRPA's costing ~~the~~ times as much as the annual expenditures. Can you find out for us if these figures are correct? Can you get an explanation that the retired teachers can understand? I am frank to admit that I do not understand the situation.

Juneau members Jane Gustafson and Rose Olive Druxman would like to tell you that you are a friend of the retired teachers. Do feel free to call upon them or upon Cliff Berge, chairman of our Legislative Committee, for information or for any other help. If I can assist in any way, please let me know. We are very appreciative of your efforts on our behalf.

Very truly,

Catherine J. Larson

(Mrs. Royce Larson)
President, ASRTA

Box 208
Copper Center, Alaska
99573
3/22/81

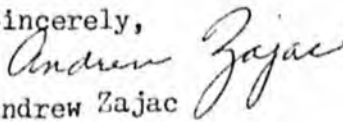
Representative Miller
Pouch V
Juneau, Alaska 99811

Dear Representative Miller,

I would like to encourage you to support H.B. 121 (P.R.P.A.).
I feel that teachers' standards of living will continue to
decrease as inflation increases. Especially those on fixed
retirement incomes will be affected. Please support this bill.

Sincerely,

Andrew Zajac



P.O. Box 1368
Juneau, Alaska
99802

April 4, 1991

Representative Mike Miller
Alaska State House of Representatives
Pouch "V," State Capitol Bldg.

Dear Mike,

The Juneau Retired Teachers Association
wishes to express thanks and appreciation
to you for sponsoring PRPA legislation,
SB 121. We are grateful for your
support.

Sincerely,

Roselline Druxman
President, JRTA

TELEGRAM

W. B. BOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

#V

02204 POM TDA GLENNALLEN ALASKA 15 03-25 2242P AST

PMS REP MIKE MILLER

'81 MAR 26 AM 1 30

JUN

RETIRED TEACHERS NEED DECENT STANDARDS OF LIVING. PLEASE
SUPPORT HB121 PRPA IN YOUR COMMITTEE.

JOE HEERSINK

GLENNALLEN ALASKA 99588

TELEGRAM
ALASKA
PHONE
JUNEAU, ALASKA

91 MAR 26 AM 1 52

#

02208 POM TDA GLENMALLEN ALASKA 15 03-25 22229P AST

PMS REP MIKE MILLER

JUN

FIXED INCOME IS REALLY HURTING RETIRED TEACHERS. PLEASE
SUPPORT HB121 PRPA IN YOUR COMMITTEE.

HARRY HOFSTETTER

GLENMALLEN ALASKA 99588

#

02226 POM TDA GLENNALLEN ALASKA 15 03-25 1116P AST

PMS REP MIKE MILLER

JUN

SINCE INFLATION ERODES RETIRED TEACHERS PAY PLEASE SUPPORT
H121 PRPA IN YOUR COMMITTEE.

JOYCE FISH

GLENNALLEN ALASKA 99588

81 MAR 26 AM 1 52

TELEGRAM

W. B. BROWN, INC.
PHOENIX, ARIZ. 85004

TELETYPE UNIT, R. M. BROWN

#

02218 POM TDA GLENNALLEN ALASKA 15 03-25 1102P AST

PMS REP MIKE MILLER

JUN

HELP KEEP RETIRED TEACHERS OUT OF POORHOUSE.

PLEASE JOIN US, AK 99802

SUPPORT HB121 PRPA IN YOUR COMMITTEE.

LORETTA DASQUEZ

GLENNALLEN ALASKA 99588

01 MAR 25

TELEGRAM

TELECOM, INC.

PHONE: 586-8442

52

Box 22
Glennallen, AK 99588
March 25 1981

Representative Mike Miller
Pouch V
Juneau, AK 99811

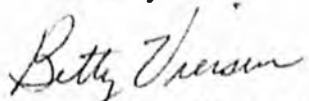
Dear Representative Miller

As a teacher in Alaska for eleven years, I would like to encourage you to support HB 121 (P.R.P.A). It would be difficult for Alaska teachers to live on their retirement in Alaska if the retirement was not tied in some way to the cost of living and inflation.

Please support HB 121.

We appreciate your dedication to Alaskan government and its politics.

Sincerely



Mrs. Betty Viersen

CS for HB 121

Legislation that will:

- **Fight Post-Retirement Inflation**
 - **Increase the Benefit Formula**
-

Contact your Legislator. Get support for this bill. This legislation will help fight inflation during your post-retirement years.

It would mean an immediate pension adjustment for older retirees - the retirees who need it most. It would guarantee protection against future inflation on a soundly funded basis. It could be an Incentive to help retain qualified employees in state service.

Currently, retirees may receive a discretionary 4% PRPA (Post Retirement Pension Adjustment), upon determination by the Administrator. A fixed schedule would be established under the provisions of this bill. A fixed schedule would lend stability and security to a retiree's plans for the future. Income would be predetermined and could not vary due to political or administrative whims and pressures.

This major upgrading of post retirement benefit increase is costly. There would be a 2% increase in the employees' contribution. However, the overall cost breakdown is equitable with FY82 costs of approximately \$79 million apportioned: State - \$35 million; political subdivisions - \$32 million; employees - \$11 million.

The bill would provide the following PRPA schedule:

- For those 65 and over - 75% of the CPI, not to exceed 9% per year.
- For those 60-64 and those under 65 on disability retirement - 50% of the CPI, not to exceed 6% per year.
- For those 55-59 - 25% of the CPI, not to exceed 3% per year.

Benefit Formula Increase Effects:

Current Benefit Formula - 2% of the average monthly salary, based upon salaries for the three, consecutive, highest-income years, multiplied by the number of years worked.

Non Peace Officers' System Employees - will increase formula to 2 ¼ % for 10 years of service, and to 2 ½ % for 20 years or more of service. The increase would be retroactive to the initial date of hire.

Peace Officers' System Employees would have the option of remaining in the system (20 years retirement), or moving to the non Peace Officers' system.

Department of Fish & Game Employees - current employees in the Peace Officers' System, would have the option of remaining in that System, even when promoted to a non-covered position in Fish & Game, or moving to the non Peace Officers' System. New Fish & Game employees will be in the non Peace Officers' System, and those with certified hazardous duty assignment will receive other additional benefits.

**Contact your Legislator Today
Pouch V, Juneau 99811**

**Alaska Public Employees Association
340 N. Franklin St., Juneau 99801 586-2334**

141
121
211 HECKMAN ST.
KETCHIKAN, ALASKA

REP. MIKE MILLER
STATE AFFAIRS & FINANCE
JUNEAU, ALASKA

DEAR MIKE:

I WANT TO THANK YOU FOR YOUR
EFFORT IN BACKING HB #121
PROVIDING A POST RETIREMENT PENSION
ADJUSTMENT FOR BOTH TRS & PERS
EQUAL TO THE CONSUMER PRICE INDEX
FOR ANCHORAGE.

WE HAVE THE MONEY IN ALASKA
NOW AND I CAN'T THINK OF A
MORE WORTHWHILE WAY OF USING SOME
OF IT. THE MANY RETIRED TEACHERS
OF ALASKA HAVE GIVEN MUCH TO THE
YOUTH OF OUR STATE AND THIS IS ABOUT
THE ONLY WAY WE CAN SHOW OUR GRATITUDE.

SINCERELY

Mary Burns



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

January 28, 1982

Representative Ray H. Metcalfe
Pouch V
Juneau, AK 99811

Dear Representative Metcalfe:

On behalf of the Alaska Public Employees Association members and myself, I wish to express our appreciation for your support of CSHB 121.

As you know I am personally aware of the time and effort you expended to negotiate passage of this bill. The members are cognizant of your real contribution and gratefully acknowledge your efforts on their behalf.

I am looking forward to a continuation of our present working relationship during the remainder of the current session.

Most sincerely,

Cherie Shelley
Executive Director

CS/rm

REC'D JAN 29 1982

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

(Resources Committee Room) 118

Dept. of Admin. 2277 Judy Crowder

H.B. 121 -
H.B. 35 -

Jim Kelly - Jim Crawford - assist. dir. at ASHA
ASHA - threat of cutoff of HUD money - need

? Jack Smokey - Anchorage Lawrence Kimball - Anchorage

✓ John Curtis - Anchorage 279-7643 465-4964

Jim Crawford 9:00 Friday -

TUGGLE - when bill is coming over

23rd
Legislative Finance

Given to editor this morning

- UFW

House Secretaries ⊕ 3757 ⊕ 35
3729 121

(519) office

8

MSG 31-00011789 PRTY 1 04/08/01 16:59:49 BRIG: 1F01 IN= 0013 OUT= 0114
FROM: MAXINE / FAIRBANKS TO: JUNG INFO PAGE 0001
TARGET: LJM2 SUBJ: POM'S

TO: REP. MILLER, SMITH, BROWN, ROGERS, BETTISWORTH, ARDOR, CUDDY
FR: GAYLE W HARBO, BOX 80522, COLLEGE 99708 PH. 452-7815
RE: HB 121

I STRONGLY URGE YOUR FAVORABLE PASSAGE OF HB 121 OUT OF CMTE. WE APPRECIATE YOUR WORK ON THIS BILL.

IT IS EXTREMELY IMPORTANT TO TEACHERS TO RECEIVE A P.D.P.A. COMMENSURATE WITH COLA. IT IS JUST IMPOSSIBLE FOR RETIRED PEOPLE TO KEEP AHEAD RIGHT NOW.

I HOPE YOU WILL LISTEN TO TEACHER CONCERNS APRIL 10, 11, AT OUR ANNUAL FLY-IN. THANKS

14

MSG 01-00011983 PRTY 1 04/09/81 15:48:51 0815 1701 IN= 0014 SNT= 0000
FROM: ANNIE IN FAIRBANKS TO: BUREAU INFO.
TARGET: LJM2 SUBJ: POK PAGE 0001

TO: REPS. MILLER, FULLER, BROWN, ABOOD, AND CUDDY
REPS. BETTISWORTH, FANNING, RANDOLPH, ROGERS, SMITH
SENS. PARR, FAHRENKAMP AND BENNETT

FROM: LOLA TILLY, 665 10TH AVE. 304, FAIRBANKS 99701 452-2524

THANK YOU FOR YOUR EFFORTS IN BEHALF OF HR 124 AUTOMATIC COST OF LIVING
ADJUSTMENT TEACHERS' RETIREMENT.

MSG 81-00012145 PRTY 1 04/10/81 17:45:42 ORIG: LF01 IN= 0005 OUT= 0036
FROM: MAXINE/FIX TO: JUND INFO PAGE 0002
TARGET: LJM2 SUBJ: POM

TO: REP ROGER, AND ALL MEMBERS OF HOUSE FINANCE COHEN, FREEMAN, ADAMS, BUCKHOLDT,
REP BEARNE AND ALL MEMBERS OF HOUSE STATE AFFAIRS MALONE, MEEKINS, MOSS, ROGER
MILLER, FULLER, HADD, BROWN, CUDDY
FR: G. DONALD WHEAT, 312 MINNIE ST. FAIRBANKS 99701 PH. 452-0676

RE HR 121

PLEASE SUPPORT HR 121 WHICH PROVIDES FOR ANNUAL ADJUSTMENTS FOR
RETIRED TEACHERS AND PUBLIC EMPLOYEES. RETIRED PERSONS ARE LOSING
PURCHASING POWER AS IS EVERYONE. BUT OUR PROGRES HAVE INCREASED VERY
LITTLE IN THE PAST FIVE YEARS. PLEASE HELP US ENJOY OUR GOLDEN
YEARS.

MSG 81-00011127 PRTY 1 04/06/81 10:19:07 ORIG: LM00 IN= 0002 OUT= 0020
FROM: MARY/MATSU TO: JUNEAU INFORMATION
TARGET: LJH2 SUBJ: P.O.M. PAGE 0004

TO: HOUSE STATE AFFAIRS COMMITTEE
RE: MILLER, REP. FULLER, REP. BROWN, REP. ARDOD, REP. CUDDY
FR: JOHN DEFREEST, BOX 2753, PALMER 99645, 745-3043

AS A RETIRED TEACHER, I APPLAUD THE WORK YOU HAVE DONE ON THE STATE
AFFAIRS COMMITTEE. I STRONGLY URGE PASSAGE OF HR 121 ON AFFECT TEACHER
AND PUBLIC EMPLOYEE RETIREMENT BASED ON CONSUMER PRICE INDEX AS COMPUTED
FOR ANCHORAGE. THANK YOU.

6
MSG 81-00011166 PRTY 1 04/06/81 12:36:06 ORIG: LF01 IN= 0002 OUT= 0034
FROM: MAXINE/FAIRBANKS TO: JUNO INFO
TARGET: LJHZ SUBJ: FOM PAGE 0001

TO: REP. MILLER, REP. BROWN, REP. ABOOD, REP. CUDDY

FR: LOIS MEIER, 721 NORTHWARD BLDG., FAIRBANKS 99701 PH. 452-3638

RE: HB 121

I APPRECIATE YOUR CONCERN AND WORK FOR THE RETIRED STATE TEACHERS AND
PUBLIC EMPLOYEES AND URGE YOU TO SUPPORT HB 121 THIS LEGISLATIVE SESSION
TO GIVE THEM AN AUTOMATIC P.R.F.A.

HB

122

ALASKA STATE LEGISLATURE

TWENTY-THIRD Legislature FIRST Session

HOUSE BILL NO. 122

By MILLER AND DUNCAN

"An Act providing retirement benefits for certain seasonal employees."

Retirement benefits - seasonal employees

Introduced in the House ... 2/5/... 19..81

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on State Affairs and Finance										
Feb 5	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
CHIEF CLERK OF THE HOUSE											

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
SECRETARY OF THE SENATE											

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment: VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

MEMORANDUM

March 27, 1981

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer *TBC*
Administrative Assistant

SUBJECT: Marianne Sheridan -- Retirement Credit for Temporary Service

I talked with Marianne Sheridan concerning her retirement situation. She is a retired state employee with some years of temporary employment in addition to her permanent employment. She applied for credit for the periods of temporary employment and has been informed by the Division of Retirement and Benefits that it would cost her more to pay for credit for her temporary time than she would gain in increased benefits for that time. This happens because the law requires that in order to receive credit for temporary service, the employee must pay the full actuarial cost to the system for the benefits. Employees of the Division of Retirement & Benefits have advised me that their experience indicates that Ms. Sheridan's case is typical of what is happening to almost all retired state employees who have applied for credit for temporary employment.

The law provides in AS 39.35.345(a) that:

A vested employee is entitled to credited service for periods in which he regularly rendered full-time personal service to an employer but was not qualified to participate in the system because of the exclusion of temporary workers as described in AS 39.35.680(21)(C)(iii). Benefits are not payable on this credited service unless the employee makes retroactive contributions to the system for the period of time that credited service is claimed. The retroactive contribution is the full actuarial cost of providing benefits for the credited service claimed.

I spoke with Chuck Elrod from the Division of Retirement. He pointed out that this is one of only two programs which require that the employee pay the full actuarial cost of the benefit in order to be

Senator Bill Ray
March 27, 1981
Page Two

eligible for credit for the service. The other program is for teachers who want credit for years of employment in the Lower 48. For receiving credit for prior military service, for credit for temporary legislative service, for credit for employment as a permanent employee of the Territory or for the various peace officer or correctional officer service periods, employees are required to pay less than the full actuarial cost.

Ms. Sheridan is concerned about why the legislature amended the law to apparently provide benefits for temporary service when, in fact, it is no benefit at all to presently retired Alaskans.

TBC:lmk



State of Alaska

LABOR RELATIONS AGENCY

P. O. BOX 6701 • ANCHORAGE, ALASKA 99502
TELEPHONE (907) 248-2630

C. R. "STEVE" HAFLING
CHAIRMAN
RONALD M. HENRY
MORGAN REED

WM. J. PAUZAUSKIE
CONSULTANT

TO: C.R. "Steve" Hafling, Chairman
ALASKA LABOR RELATIONS AGENCY

FROM: Ann Schwarz, Assistant to the Board

DATE: March 12, 1981

I. SUMMARY OF 1980 BUSINESS1
Unfair Labor Practice Charges.	.1
Unit Clarifications.3
Unit Authorizations.4
Other Petitions.5
II. SUMMARY OF PENDING CASES6

I. SUMMARY OF 1980 BUSINESS

Unfair Labor Practice Charges:

ULPC-80-1 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (1-23-80)

Issue: Local 71 claimed the State was refusing to arbitrate a per diem labor dispute in Valdez.

Action: After the LRA scheduled a hearing, the parties settled their differences and Local 71 withdrew the charge

ULPC-80-2 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (1-4-80)

Issue: The Union alleged that the State violated Alaska statutes by making unilateral changes in health benefits available to bargaining unit members.

Action: In hearing the case, the LRA found that the parties did bargain on the scope of health benefits but were unable to agree. As the State can make unilateral changes in the terms and conditions of employment after a contract expires (LRA Order and Decision #54), and the changes in question were indeed made after the expiration of the contract between the Union and the State, the Agency concluded that the State had bargained in good faith. In Order and Decision #57, the Agency dismissed the charge.

ULPC-80-3 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (1-11-80)

Issue: The Union alleged that the State made certain changes in job classifications without consulting the Union.

Action: In hearing the case, the Agency concluded that the Union had failed to meet the burden of proof that the State had violated the law. In Order and Decision #58, it dismissed the case.

ULPC-80-4 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (1-11-80)

Issue: The Union alleged that the State acted unilaterally in reducing the benefits of the mechanical inspection division.

Action: Following a LRA hearing on March 3, the parties settled their differences.

ULPC-80-5 INLANDBOATMENS UNION-SEAFARERS vs. INLANDBOATMENS UNION OF THE PACIFIC (2-29-80)

Issue: The IBU-Seafarers accused IBU-Pacific of interfering with employees PERA (Public Employees Relations Act) rights.

Action: The first hearing scheduled by the Agency was postponed at the request of IBU-Seafarers. One week before the second scheduled hearing, the IBU-Seafarers withdrew the charge.

ULPC-80-6 IBEW FOR PUBLIC SERVICE EMPLOYEES ASSN vs. STATE OF ALASKA (3-21-80)

Issue: The Union accused the State of failing to bargain in good faith and interfering with employee PERA rights, specifically by unilaterally changing appearance standards of the Trooper dress code.

Action: The Agency asked the State to respond to this charge, and found the State had taken no action to alter appearance standards, and if it were to do so in the future, "such action will be accomplished in accordance with our labor agreement."

ULPC-80-7 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (3-7-80)

Issue: The Union alleged that the State committed an unfair labor practice by refusing to arbitrate a dispute in Kodiak, Alaska. The State wanted to arbitrate in Anchorage.

Action: Upon hearing the case, the Agency issued Order and Decision #60, which 1)set forth the appropriate considerations to determine the proper venue of arbitration hearings; and 2)ordered the parties to conduct this specific arbitration hearing in Anchorage.

ULPC-80-8 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (6-5-80)

Issue: The Union claimed the State was failing to enforce an arbitrator's decision.

Action: The complaintant withdrew the charge.

ULPC-80-9 APEA vs. STATE OF ALASKA (9-19-80)

Case still pending - see Page 6.

ULPC-80-10 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (12-15-80)

Case still pending - see Page 6.

Unit Clarifications

At issue in Unit Clarification cases is the proper bargaining unit classification of a particular job position. Following is a list of the petitions for Unit Clarifications received by the Agency last year, including the particular job position in question and the action taken on each case.

		<u>Position</u>	<u>Action</u>
UC-80-1	2-7-80	Airport Maintenance Supt.	Parties agreed to reclassification.
UC-80-2	4-9-80	Asst Correctional Supt.	LRA determined Supervisors is appropriate unit.
UC-80-3		Natural Resources Cartographer	Hearing scheduled and postponed. Parties settled.
UC-80-4	5-16-80	Retirement Benefit Specialist II	APEA withdrew its objection to General Govt classification.
UC-80-5	5-6-80	Clerk IV	APEA withdrew objection to Confidential classification
UC-80-6	5-6-80	Accounting Clerk II	Position vacant, so LRA took no action.
UC-80-7	6-12-80	Division of Labor Relations Employees Petition to Withdraw from Collective Bargaining	Petition withdrawn prior to scheduled hearing
UC-80-8	5-22-80	Clerk Typist II	Objections to reclassification withdrawn.
UC-80-9	7-8-80	Clerk IV	APEA withdrew objection to reclassification
UC-80-10	8-7-80	Clerk Typist II	APEA withdrew objection to reclassification
UC-80-11	8-6-80	Supervisory bargaining unit	APEA withdrew request for unit clarification.
UC-80-12	9-8-80	Clerk Typist II	After LRA hearing, Board found General Govt unit appropriate (O&D #62)
UC-80-13	9-25-80	Vehicle-Operator-Firefighter	Pending
UC-80-14	12-9-80	Civil Engineer II	Petition withdrawn.
UC-80-15	12-11-80	Airport Safety Officers V	Pending.

Other Petitions:

PET-80-1 INLANDBOATMEN'S UNION-SEAFARERS PETITION FOR DECERTIFICATION OF PRESENT BARGAINING UNIT REPRESENTATIVE, INLANDBOATMEN'S UNION OF THE PACIFIC (3-3-80)

Issue: To determine the bargaining unit representative of employees of the Alaska Marine Highway System.

Action: The LRA investigated the petition and found the required 30% of affected employees wanted an election to determine a bargaining unit representative.

The Agency then conducted a secret ballot election by mail of the 676 bargaining unit members on May 23, 1980. IBU-Union of the Pacific won the election, and the Agency certified it as the bargaining unit representative.

PET-80-1 PUBLIC EMPLOYEES LOCAL 71 REQUEST FOR STRIKE VOTE ELECTION (2-80)

Issue: Petitioner believed a deadlock in collective bargaining with the State had been reached and asked the Agency to conduct a Strike Vote.

Action: The LRA appointed a mediator to help the parties reach agreement. Parties are still negotiating and to date a settlement has not been reached.

PET-80-3 INLANDBOATMEN'S UNION OF THE PACIFIC PETITION FOR STRIKE VOTE (6-5-80)

Issue: Petitioner asserted a deadlock had occurred in bargaining negotiations with the State. The State refused to admit that either negotiations were at impasse or that mediation over disputed issues was necessary. Petitioner therefore asked the LRA to conduct a secret strike vote.

Action: IBU withdrew the petition upon resolution of the collective bargaining dispute.

PET-80-4 MASTERS, MATES, & PILOTS STRIKE VOTE PETITION (6-17-80)

Issue: Petitioner believed a deadlock in collective bargaining with the State had been reached and asked the Agency to conduct a Strike Vote.

Action: The Agency investigated the petition and determined that all efforts to negotiate the dispute had not been exhausted; thus the petition was premature. It appointed a mediator, and the parties are still negotiating.

II. SUMMARY OF PENDING CASES

ULPC-80-9 APEA vs. STATE OF ALASKA UNFAIR LABOR PRACTICE CHARGE (9-19-80)

Issue: The Union accused the State of refusing to hear overtime disputes; the State countersued that the Union was refusing to establish procedures for the orderly conduct of overtime hearings; both thus claimed the other was refusing to bargain collectively in good faith.

Action: Following an informal hearing the Board issued a Preliminary Order pending a final hearing which ordered both parties to contact an arbitrator immediately and proceed to arbitration.

At a subsequent hearing, the charge was amended to include that the State was using evidence from overtime hearings to reclassify job positions, a "chilling effect" on employees exercising their PERA rights.

Parties are still negotiating.

ULPC-80-10 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA (12-15-80)

Issue: The Union claimed the State has refused to comply with an arbitrators Valdez per diem arbitration award.

Action: This case is still pending, with a hearing scheduled for March 20, 1981.

Hearings 3/24/81

UC-80-13 UNIT CLARIFICATION: VEHICLE-OPERATOR-FIREFIGHTER (9-25-80)
UC-80-15 UNIT CLARIFICATION: AIRPORT SAFETY OFFICERS V (12-11-80)

Issue: In both cases, the issue is the proper bargaining unit classification for each job position.

Action: The LRA is hearing both cases the last week of March, 1981.

UA-79-2 UNIT AUTHORIZATION: CORRESPONDENCE STUDY TEACHERS

Issue: The petition sought the recognition of the Correspondence Study Teachers as a separate bargaining unit and the election of a bargaining unit representative for the unit.

Action: After many hearings and investigations, the LRA authorized the unit and is ready to conduct an election this spring for the bargaining unit representative.

UA-80-1 UNIT AUTHORIZATION: ADJUNCT FACULTY, UNIVERSITY OF ALASKA

See Page 4 for Issues and Action.

DISMISSED 3/20/81

UA-80-2 UNIT AUTHORIZATION: ASSOCIATED FACULTY, UNIVERSITY OF ALASKA

See Page 4 for Issues and Action.

ULPC-81-1 PUBLIC EMPLOYEES LOCAL 71 vs. STATE OF ALASKA UNFAIR
LABOR PRACTICE CHARGE (3-10-81)
PET-81-1 PUBLIC EMPLOYEES LOCAL 71 STRIKE VOTE PETITION (3-10-81)

Issue: The Union claimed the State is failing to bargain in good faith, and that an impasse in negotiations exists; thus it has petitioned the Agency to conduct a Strike Vote.

Action: The Agency just received these petitions and has not taken action on them as yet.

*TO MEDIATION
4/1/81*

8
MSG 81-00013656 PRTY 1 04/23/81 10:12:58 ORIG: LM00 IN= 0002 OUT= 0019
FROM: MARY/MATSU TO: JUNEAU INFORMATION PAGE 0004
TARGET: LJH2 SUBJ: P.O.M.

TO: SENATOR KERTTULA
REF. CARNEY
HOUSE STATE AFFAIRS COMMITTEE
REF. MILLER, REP. FULLER, REP. BROWN, REP. ABOOD, REF. CUDDY

FR: MARTY FINE, BOX 801, WASILLA 99687

I URGE YOUR SUPPORT AND PASSAGE OF HR 122. THIS DEFINITELY AFFECTS ME
FROM MY PAST STATE SEASONAL EMPLOYMENT. IT WILL ALSO BENEFIT MANY OTHERS
IN THIS AREA WHO HAVE WORKED ON A SEASONAL BASIS. THANK YOU, IN ADVANCE,
FOR YOUR EFFORTS.

*In House State Affairs
since 2/5/81, then to Finance
Int's by Miller*

APR 24 RECD

Alaska State Legislature



PAT CARNEY
DISTRICT 6
WASILLA, ALASKA 99687

POUCH V
JUNEAU, ALASKA 99811

COMMITTEES

FINANCE

House of Representatives

May 13, 1981

Marty Fine
Box 801
Wasilla, Alaska

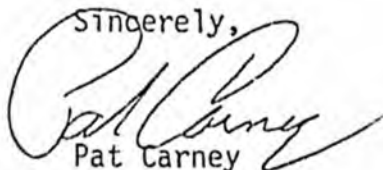
Dear Ms. Fine:

I agree that the passage of HB 122 as it currently reads would benefit many people. The bill does appear to be moving slowly, however. It has been in the House State Affairs Committee since February 5. It then needs to be passed through the Finance Committee before going to Rules and the House floor, not to mention passing the Senate. Although I doubt whether this bill will move much this session, we do have next session in which to work on existing legislation.

I have taken the liberty of sending another copy of your message and my reply to Representative Miller, who introduced HB 122. I am sure he appreciates your support.

Thank you for letting me know your position on this legislation. If I can ever be of further assistance, please don't hesitate to contact my office.

Sincerely,


Pat Carney

JM/lw

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 122

Title An Act Providing Retirement Benefits for Certain Seasonal Employees

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits

Program Category Affected Labor Services

BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-01 (PERS)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS		1965.8	2162.4	2378.6	2616.5	2878.1
TOTAL		1965.8	2162.4	2378.6	2616.5	2878.1

FUNDING (Thousands of Dollars)

GENERAL FUND		1610.0	1771.0	1948.1	2142.9	2357.1
FEDERAL FUNDS		90.4	99.4	109.3	120.3	132.4
VETERAN'S FUND		3.9	4.3	4.7	5.2	5.7
FISH & GAME FUND		11.8	13.0	14.3	15.7	17.3
HIGHWAY FUND		25.6	28.2	31.0	34.1	37.5
AIRPORT FUND		57.0	62.7	69.0	75.9	83.5
CAPITAL FUND		167.1	183.8	202.2	222.4	244.6
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that approximately 660 employees could potentially qualify for benefits under this Bill.
2. Estimate that the FY 82 State covered payroll for seasonal employees is approximately \$6,095,575.00.
3. Increase in State contribution rate would be 32.25% of the seasonal employee payroll or .66% of the total State PERS payroll.
4. Estimate that covered payroll will increase by 10% annually.
5. Estimate that the average seasonal employee works 5 full months.

IV. DATE 4/29/81

PREPARED BY Paul B. Arnoldt, Director

AGENCY Division of Retirement & Benefits

PHONE 465-4460

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Representative Miller.

Office of the Governor (Keith Specking)

MSG 81-00013656 PRTY 1 04/23/81 10:12:58 ORIG: LM00 IN= 0002 OUT= 0019
FROM: MARY/MATSU TO: JUNEAU INFORMATION
TARGET: LJH2 SUBJ: F.O.M. PAGE 0004

TO: SENATOR KERTTULA
REP. CARNEY
HOUSE STATE AFFAIRS COMMITTEE
REP. MILLER, REP. FULLER, REP. BROWN, REP. ABOOD, REP. CUDDY

FR: MARTY FINE, BOX 801, WASILLA 99687

I URGE YOUR SUPPORT AND PASSAGE OF HR 122. THIS DEFINITELY AFFECTS ME
FROM MY PAST STATE SEASONAL EMPLOYMENT. IT WILL ALSO BENEFIT MANY OTHERS
IN THIS AREA WHO HAVE WORKED ON A SEASONAL BASIS. THANK YOU, IN ADVANCE,
FOR YOUR EFFORTS.

HB

128

A M E N D M E N T

OFFERED IN THE HOUSE:

By: MOSS

To: _____ HOUSE BILL No. 128

SENATE BILL No. _____

PAGE: _____

LINE: _____

Change title to read: "An Act authorizing a Korea and Vietnam veterans' bonus; and providing for an effective date."

Page 1, line 9: insert "Korea and" after "Section 1."

Page 1, line 12: insert:

"This Act shall apply to other eligibles." after the word "payment".

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 128

Title A7 Act authorizing a Vietnam veterans' bonus; and providing for an effective date.

Requested By: Moss and Cato

Date 2/6/81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Economic Development

BRU, Program, or Subprogram(s) Affected Division of Veterans' Affairs

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	43.1	16.6				
200 TRAVEL	-0-	-0-				
300 CONTRACTUAL	8.0	4.7				
400 COMMODITIES	.4	.2				
500 EQUIPMENT	-0-	-0-				
600 LAND & STRUCTURES	2.7	-0-				
700 GRANTS, CLAIMS, ETC.	-0-	-0-				
TOTAL	54.2	21.5	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	54.2	21.5	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	2	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	1	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

All figures and time estimates were based on the estimate used in HB 129 which is the grant appropriation bill supporting HB 128. HB 129 would appropriate \$7,500,000 to fund bonuses to an estimated 15,000 Vietnam veterans.

The time required to process each application is approximately 20 minutes each. This would require 2.5 positions to process 15,000 applications. Because it might take more than a year to set up, advertise and process applications, two positions were budgeted for FY 1982 (the Accounting Clerk II for only eight months), and one position on a part-time basis for FY 1983.

SEE ATTACHMENT FOR ADDITIONAL DETAILS

IV. DATE 2/9/81

PREPARED BY Don Hostak

AGENCY Department of Commerce & Economic Development

Original: Legislative Finance

PHONE 465-2555

Division of Veterans' Affairs

cc: Budget and Management

Prime Sponsor (First Legislator Named)

HB 128 - An Act authorizing a Vietnam veterans' bonus

PERSONAL SERVICES

	Document Processing Clerk IV (12 Months)	Accounting Clerk II (8 Months)	Total
<u>Calculations - FY 1982</u>			
Yearly full time salary (as of 1/1/81)	\$ 21,132	\$ 11,800	\$ 32,932
Benefits: SBP Benefits			2,019
Variable Benefits			5,121
Health Benefits			3,000
Total FY 1982 Personal Services			<u>\$ 43,072</u>

Calculations - FY 1983

Yearly part time salary (plus 8% for inflation)	\$ 12,172	-----	\$12,172
Benefits: SBP Benefits			746
Variable Benefits			1,893
Health Benefits			1,800
Total FY 1983 Personal Services			<u>\$16,611</u>

FY 1982
Costs

FY 1983
Costs

TRAVEL

None Anticipated

-0-

-0-

CONTRACTUAL

Postage (70¢ times 15,000 veterans total)	\$ 6,500	\$ 4,000
Printing	700	300
Advertising	800	400
Total Contractual	<u>\$ 8,000</u>	<u>\$ 4,700</u>

COMMODITIES

Supplies \$ 400 \$ 200

ASHA Payment \$ 2,700 \$ -0-

Total cost of administering Veterans bonuses \$ 54,172 \$ 21,511

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

REQUEST

Bill/Resolution No. HB 129
 Title An Act making an appropriation for the payment of bonuses for Vietnam veterans and providing for an effective date.
 Requested By: Moss, Cato Date 2/6/81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Economic Development
 BRU, Program, or Subprogram(s) Affected Division of Veterans' Affairs
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL	SEE THE FISCAL NOTE PREPARED FOR COMPANION BILL - HB 128					
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE THE FISCAL NOTE PREPARED FOR COMPANION BILL - HB 128

IV. DATE 2/9/81 PREPARED BY Don Hostak, Director
 AGENCY Department of Commerce & Economic Development
 PHONE 465-2555 Division of Veterans' Affairs
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB

129

COMMITTEE REPORT

HOUSE

2/6/81

FURTHER: FINANCE

(5)

Date: 3-13-81

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 129

"An Act making an appropriation for the payment of bonuses for Vietnam veterans; and providing for an effective date."

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for ~~HB 129~~ HB 129 same title
 new title
- and recommends CS HB 129
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: MOSS

To: _____ HOUSE BILL No. 129

SENATE BILL No. _____

PAGE: _____

LINE: _____

Change title to read: "An Act making an appropriation for the payment of bonuses for Korea and Vietnam veterans; and providing for an effective date."

Page 1, line 10: delete \$7,500,000 and insert \$10,000,000.

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: MOSS

To: _____ HOUSE BILL No. 128

SENATE BILL No. _____

PAGE: _____

LINE: _____

Change title to read: "An Act authorizing a Korea and Vietnam veterans' bonus; and providing for an effective date."

Page 1, line 9: insert "Korea and" after "Section 1."

Page 1, line 12: insert:

"This Act shall apply to other eligibles." after the word "payment".

Deper

Original sponsors: Moss and Cato

Funding Information

General Fund	\$10,000,000
Other Funds	-0-
	<u>\$10,000,000</u>

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 129 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making an appropriation for the payment of

7 bonuses for Korea and Vietnam veterans; and providing

8 for an effective date."

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

10 * Section 1. The sum of \$10,000,000 is appropriated from the general

11 fund to the Alaska veterans' revolving fund in the Department of Commerce

12 and Economic Development for the payment of bonuses for Korea and Vietnam

13 veterans.

14 * Sec. 2. This Act takes effect on the effective date of an Act autho-

15 rizing a Korea and Vietnam veterans' bonus.

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HB

133

STATEMENT OF CAROLYN BURG BEFORE THE SESSION
OF THE 12TH ALASKA STATE LEGISLATURE ON MARCH
26, 1981 WITH RESPECT TO CS FOR SENATE BILL
NO. 86 (RELATING TO EXPENDITURE OF STATE MONEY
FOR RELOCATION OF THE STATE CAPITAL, AND AMENDING
THE LAW ADDED BY THE INITIATIVE POPULARLY KNOWN AS
THE "FRANK INITIATIVE"- RULES COMMITTEE SUBSTITUTE)
OFFERED MARCH 25, 1981

With all due respect to your offices, you are in the wrong jurisdiction on CS for SB 86 (Rules) because United States Patents (or federal grants) are involved here, and a state statute enacted subsequently to a federal grant cannot operate to vest in the State rights which either remained in the United States or passed to its grantee - United States v. Oregon, 295 U.S. 1, 28 (1935)

Therefore under Chapter 8, (entire) Masons Legislative Manual and Chapter 46, Sections 518 and 519, the same Manual any vote you take on this CS for SB 86 (Rules) or any other legislation on this issue is null and void.

Once the federal grants are in place, as it is in this Capital, state statutes are without force here under Article III of the United States Constitution.

In establishing the judicial branch, the Constitution provides as follows:

..."Section 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority...to controversies to which the United States shall be a party; to controversies between two or more states; between a State and a citizen of another State; between citizens of different states; between citizens of the same State claiming lands under grants of different states, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

..."In all cases ...in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make ..."

Federal law prevails in patent cases, interstate commerce acts and the multitude of subjects upon which Congress may enact laws, any suit brought in the federal court is, of course, governed by the federal law. We also do have federal common law. State legislation cannot interfere with the power of Congress under Art. IV, Sec. 2 of the U.S. Const. or embarrass its exercise. Gibson v. Chouteau, 13 Wall (80 US) 92, 99 (1872). And Congress has acted clearly in this case.

As we have informed you before, initiatives and resolutions have nothing at all to do with this Capital, as it is under United States Patented fee-simple grants. This city is controlled by laws that Congress made almost 75 years ago. This is a trust, and we are declaring that we are presently holding this property for the benefit and in trust for others, Whitehead v. Connelly, Ky., 368 SW 2d 337, as a remainderman.

The beneficial interest under a land trust is personal property. Shefner v. University National Bank, 40 Ill. App. 3d 978, 353 NE 2d 126

While we have not found a constitutional trial lawyer thus far, Chapter 75 (entire) of your Mason's Legislative Manual does allow investigations by the Legislature, and this legislature could check out our authorities with the best professors in the nation. Why is this not being done?

We surely hope that this 12th Alaska State Legislature will consider this trust in its technical sense as an

"obligation on a person to whom the legal title to property has been transferred arising out of a confidence reposed in him to apply the property faithfully and according to such confidence"

1 Perry, Trusts & Trustees (4th ed) Sec. 2

Central Life Assur. Soc. v. Birmingham, 48 F. Supp. 863

Respectfully submitted,

Carolyn Burg

(Mrs. Amos)

Carolyn Burg

- cc: U.S. Solicitor General, Washington, D. C. 20000
- Governor Jay Hammond, Capitol Building, Juneau, Alaska 99801
- Lt. Governor Terry Miller, " " " "
- Commissioner Lee McAnerney, Dept. of Community & Regional Affairs, Pouch B, Juneau, Alaska 99811
- Attorney General's Office, Capitol Building, Juneau, Alaska 99801
- Attorney General of the United States, Washington, D. C. 20000
- Secretary of the Interior James G. Watts, 1951 Constitution Ave., Washington, D. C. 20245
- All members of the Alaska 12th Legislature, 1st Session, Juneau, Alaska

City & Borough of (ss
Juneau, Alaska (

Dated March 26, 1981

I am a Notary Public for the State of Alaska and know Carolyn Burg and she states that the above statements are true according to her research and facts of this case.

James P. Beall
Not. Exp. on 1 Aug. 83

H B

137

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

February 19, 1981

The Honorable Mike Miller
Chairman
House State Affairs Committee
Room 102 - Capitol Building
Juneau, Alaska

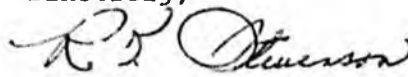
Re: House Bill No. 137

Dear Mr. Miller:

House Bill No. 137, an Act relating to the tax credit for political contributions, was introduced in the House on February 10, 1981 and was referred to the House State Affairs and Finance Committees.

For the consideration of the House State Affairs Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Gary Jenkins, Director, Audit Division and Mr. Vincent Wright, Research Section of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: The Honorable Samuel R. Cotten
Chairman
House Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Gary Jenkins, Director
Audit Division
Department of Revenue

Vincent Wright
Research Section
Department of Revenue

Introduced: 1/13/81
Referred: Labor & Commerce
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE .

2 SENATE BILL NO. 53

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act repealing refundable individual income tax
7 credits under AS 43.20; and providing for an effective
8 date."

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

10 * Section 1. AS 43.20.012 is amended to read:

11 Sec. 43.20.012. LIMITATION ON APPLICATION OF CHAPTER [; CREDITS].

12 The tax imposed by this chapter does not apply to individuals or to
13 fiduciaries. [HOWEVER, AN INDIVIDUAL MAY FILE A RETURN UNDER THIS
14 CHAPTER IN ORDER TO RECEIVE A TAX CREDIT UNDER AS 43.20.013.]

15 * Sec. 2. AS 43.20.013 is repealed.

16 * Sec. 3. In order to receive payment for a tax credit under AS 43.20.-
17 013 for 1979 or 1980, an individual must file a claim for payment on a form
18 prescribed by the Department of Revenue on or before May 31, 1981.

19 * ~~Sec. 4. This Act is retroactive to January 1, 1981.~~

20 * ~~Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-~~
21 070(c).

April 15, 1982

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1982

SUBJECT: Tax credits
(CSHB 137 (SA))

TO: Representative Ray H. Metcalfe
Chairman, House State Affairs
Committee

FROM: Richard A. Bradley *RB*
Legislative Counsel

A bill somewhat responsive to the request of your committee is enclosed; I did not believe that I was able to prepare an internally consistent bill that responded to your request.

According to the minutes of the committee, the request was that the bill

- (1) Delete section 2 (Act is retroactive to January 1, 1981).
 - (2) Add a section identical to Section 1 of SB 53 (the section assumes the repeal of AS 43.20.012(b); it eliminates all "refundable income tax credits under AS 43.20: including the household and dependent care services credit).
 - (3) Make the effective date April 15, 1982.
- Subsequent motions before the committee indicate that the bill should also
- (4) Address political contributions solely.
 - (5) Repeal the child care credit (AS 43.20.013(b)) if it is included in the budget "as a social service".

As I drafted the bill, I operated on the following premises abstracted from the committee notes:

REC'D JAN 15 1982

Representative Ray H. Metcalfe

Page 2

January 15, 1982

(1) I addressed political contributions solely. This is consistent with (4), not inconsistent with (5) as indicated below, but is inconsistent with (2) since the latter provision assumes the repeal of both the political contribution credit and the household and dependent care services credit.

(2) The effective date of the bill will be April 15, 1982. This is consistent with items (1) and (3) above.

Having said this, I would like to offer some comments on the bill.

(1) The "household and dependent care services" credit provided by AS 43.20.013(b) is not incorporated into the budget as a social service. By that I simply mean that the credit is available to individuals making expenditures that qualify quite apart from the question whether the individual is entitled to social services (welfare). No threshold of need or other welfare concepts are present as I understand the point.

(2) The committee should understand the effect of making the effective date be April 15, 1982. The effective date of tax credits and other entitlements or obligations under the tax laws is customarily tied to the date on which the act occurred that gives rise to the entitlement or obligation. The January 1st dates found in both Representative Hayes' bill (HB 137) and the governor's bill (SB 53) are consistent with the premise by making the end of the usual individual's tax year the end of the time in which the credit can be earned.

In my opinion, if the committee establishes the effective date of the repeal as April 15, 1982, individuals will be entitled to a credit for contributions to political candidates made through April 15, 1982.

And refunds for those credits will be due from the state during 1983.

If I may assist further, please advise.

RAB:ljb

Enclosure

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RULE 41. AMENDMENTS IN OTHER HOUSE. (EFFECTIVE JUNE 30, 1982) (a) When a bill, resolution, or citation passed in one house is amended in the other house, the bill, resolution, or citation with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill or resolution enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change.

CONFERENCE AND FREE CONFERENCE COMMITTEES

RULE 42. CONFERENCE AND FREE CONFERENCE COMMITTEES. (a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(b) A Free Conference Committee is appointed in the same manner as a Conference Committee and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of the committee from each house agrees on amendments, the amendments are attached to

the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each house the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee fail to agree on amendments or one or both houses refuses to adopt the free conference report, a second Free Conference Committee may be appointed, but no member of the first committee may be reappointed. A free conference report may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(c) (EFFECTIVE JUNE 30, 1982) A Conference Committee with limited powers of free conference or a Free Conference Committee may not include in its report on an appropriation bill an item which was not included in a version of that appropriation bill adopted in third reading by a house and the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of the bill adopted in third reading by a house. An item in an appropriation bill includes a line item, an allocation, and an appropriation.

(d) (EFFECTIVE JUNE 30, 1982) Notwithstanding the provisions of (c) of this rule, a Free Conference Committee may consider and include in its report on an appropriation bill appropriations as requested by attached fiscal notes on new legislation and resolutions that have been passed by both houses.

(e) (EFFECTIVE JUNE 30, 1982) A Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not adopt a report that requires a change in the title of a bill other than a clerical or technical change.

ENROLLMENT

RULE 43. ENROLLMENT. (a) When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the legislature, who, with the revisor of statutes, checks the bill before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and manifest errors which are clerical, typographical, or errors in spelling or errors by way of additions or omissions. The enrolling secretary is required to report errors by way of addition or omission and deficiencies when the bill is returned to the house of origin. When an error or deficiency has been reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the governor.

(b) Bills consisting of several pages not formally enrolled if the presiding officer announces for reasons of economy and time, formal enrollment is waived. If enrollment is waived, and the presiding officer of the other house consents, the first page and pages of the bill will be enrolled and then affixed to the engrossed bill along with any certified amendments signed by the officers of both houses will be transmitted to the governor with a letter noting that enrollment is waived. Engrossment of such bills may also be waived in the same manner.

TIME LIMIT ON INTRODUCTION

RULE 44. TIME LIMIT ON INTRODUCTION. A resolution other than one sponsored by a standing committee may be introduced after the thirty-fifth day of a regular session of the legislature.

VETOED BILLS

RULE 45. VETOED BILLS. The governor may veto or by veto strike or reduce an item in an appropriation bill. The governor shall return the vetoed bill to the house of origin with a statement of objections to the house of origin. The receipt of the bill and veto statement are required in joint session to reconsider passage of the item. The vote on reconsideration of a vetoed item is entered in the journal of both houses. Revenue and appropriation bills or items, all become law upon reconsideration by the affirmative vote of three-fourths of the full membership of the legislature sitting in joint session as one body. Other bills become law upon reconsideration by the affirmative vote of two-thirds of the full membership of the legislature sitting in joint session as one body (Secs. 15 and 16, State Constitution). Bills vetoed after adjournment of a regular session shall be returned with a statement of the governor's objections to the Legislative Affairs Committee. The bill may be reconsidered by the full membership of the legislature sitting as one body not later than the next regular session or any intervening special session convenes during that legislature.

CONFIRMATION OF APPOINTMENTS

RULE 46. CONFIRMATION OF APPOINTMENTS. Appointments by the governor are made pursuant to Article V of the State Constitution and are subject to confirmation by the full membership of the legislature (Secs. 25 and 26, Art. 111, State Constitution).

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 137
 Title Repealing the campaign contribution tax credit for individuals
 Requested by House State Affairs/and Finance Committees Date 2/18/81

II. FISCAL DETAIL

Agency Affected _____
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

Millions
FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Savings to the state (political contributions and child care.)		(1.63)	(2.8)	(2.8)		

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The aforementioned figures reflect the upward adjustment in the political contribution credit from \$50 to \$100.

The figures indicate the savings to the State as a result of repeal of the refundable credit portion of AS 43.20.013. Claims for refundable tax credits for 1979 and 1980 would be permitted and payments would be made on those claims.

IV. DATE 2/18/81 PREPARED BY Vincenzo Wright
 AGENCY Revenue
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 137

Title An Act relating to the tax credit for political contributions

Requested by House State Affairs Committee Date 2-11-81

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection and Management

BRU, Program, or Subprogram(s) Affected Audit Division

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) - NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars) - NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS - NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There will be no effect on the administrative costs of the Audit Division from the repeal of the refundable credit provisions. This bill would repeal both the political contribution and child care credits.

IV. DATE 2-18-81

PREPARED BY Gary A. Jenkins

AGENCY Audit Division

PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

SIGN IN

NAME	ADDRESS	REPRESENTING	BILL NO.
Joseph Donohue	1144 Floor SOB Jamean	Dept of Revenue	HB 137

H B

153

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Representative Mike Miller, Chairman
House Committee on State Affairs

FROM: Representative Jim Duncan
Speaker of the House

DATE: April 8, 1981

SUBJECT: Confirmation of Governor's Appointments

The attached list of Governor's appointees have been referred to your committee for recommendations on confirmation. It is necessary to receive your committee recommendation as soon as possible. If the committee has decided not to hold confirmation hearings and, therefore, has no recommendations, I would like a memorandum indicating such action.

JD:jp
attach.



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Mike Miller
Chairman, State Affairs Committee

FROM: Representative Jim Duncan
Speaker of the House

DATE: March 4, 1981

SUBJECT: Confirmation of Governor's Appointments

The following names have been submitted by the Governor for confirmation. Please evaluate the nominees and conduct confirmation hearings as you deem necessary. Please submit your recommendations for action on the nominations by the House of Representatives as soon as possible.

ALASKA PUBLIC OFFICES COMMISSION

Mildred A. Opland, Anchorage, term expiring February 1, 1986

JD:jp



Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Rep. Mike Miller, Chairman
House Committee on State Affairs

FROM: Representative Jim Duncan

DATE: February 16, 1981

RE: Confirmation of Governor's Appointments

The following names have been submitted by the Governor for confirmation. Please evaluate the nominees and conduct confirmation hearings as you deem necessary. Please submit your recommendations for action on the nominations by the House of Representatives as soon as possible.

Athletic Commission:

Don Dennis, Fairbanks, term expiring 05/14/82
Reginald Joule, Kotzebue, term expiring 05/14/82

Personnel Board:

Morgan Reed, Skagway, term expiring 06/20/86

State Commission for Human Rights:

James Chase, Anchorage, term expiring 01/31/86

JD:jp

CODE OF ETHICS

for Public Officers and Employees

Chapter 112, Part III, Florida Statutes

with 1977 Amendments

PART III

CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

- 112.311 Legislative intent and declaration of policy.
- 112.312 Definitions.
- 112.313 Standards of conduct for public officers and employees of agencies.
- 112.3141 Additional standards of conduct for public officers.
- 112.3143 Voting conflicts.
- 112.3145 Disclosure of financial interests and clients represented before agencies.
- 112.3146 Public records.
- 112.3147 Forms.
- 112.316 Construction.
- 112.317 Penalties.
- 112.3175 Remedies; contracts voidable.
- 112.3191 Short title.
- 112.320 Commission created; purpose.
- 112.321 Membership, terms, etc.
- 112.322 Duties and powers of commission.
- 112.324 Procedures on complaints of violations.
- 112.3241 Judicial review.
- 112.326 Additional requirements by political subdivisions not prohibited.

112.311 Legislative intent and declaration of policy.—

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law

against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History.—s. 1, ch. 67-469; s. 1, ch. 69-335; s. 1, ch. 74-177; s. 2, ch. 75-208.

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

(3) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(4) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

(5) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(6) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(7) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

(8) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means real property or tangible or intangible personal property, of material value to the recipient, which is transferred to a donee directly or in trust for his benefit or by any other means.

(b) For the purposes of subsection (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(10) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(11) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets

or capital stock of any business entity. For the purposes of this act indirect ownership shall not include ownership by a spouse or minor child.

(12) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(13) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(14) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(15) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(16) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(17) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

History.—s. 2, ch. 67-469; ss. 11, 12, ch. 68-35; s. 8, ch. 69-353; s. 2, ch. 74-177; s. 1, ch. 75-196; s. 1, ch. 75-199; s. 3, ch. 75-208; s. 4, ch. 76-18; s. 1, ch. 77-174.

112.313 Standards of conduct for public officers and employees of agencies.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term "public officer" shall include any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer or employee of an agency or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service:

(a) That would cause a reasonably prudent person to be influenced in the discharge of official duties.

(b) That is based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) October 1, 1975.

(b) Qualification for elective office.

(c) Appointment to public office.

(d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his salary, expenses, or other compensation as a public officer, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer or employee of an agency shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit, or exemption for himself or others. This section shall not be construed to conflict with s. 104.31.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improve-

ments in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **DISCLOSURE OF SPECIFIED INTERESTS.**—

(a) If a public officer or employee of an agency is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate in this state, he shall file a statement disclosing such facts no later than 45 days after becoming an officer or employee or after the acquisition of such position or material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of said interest. New appointees to public office or new public employees shall file the statement required herein, if applicable, no later than 30 days after their appointment or after the date their employment begins.

(b) A person seeking to qualify as a candidate for nomination or election to any office shall file a like statement along with, and as a part of, the required qualification papers. The statement shall be filed with the Department of State if the individual is seeking a state office or is a state officer or employee. Persons seeking to qualify as a candidate for nomination or election to office within a political subdivision of the state, the duties and jurisdiction of which are limited to said political subdivision, and officers and employees of such subdivisions, shall file their statements with the Clerk of the Circuit Court of the

county in which they are principally employed or are residents.

(10) **EMPLOYEES HOLDING OFFICE.**—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) **PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.**—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) **EXEMPTION.**—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within said city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or his spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if he is a state officer or employee, or with the Clerk of the Circuit Court of the county in which the agency has its principal office, if he is an officer or employee of a political subdivision, disclosing his, or his spouse's or child's, interest and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3)

or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee, and there is full disclosure of the officer's or employee's interest in the business entity to the governing body of the political subdivision.

(f) The total amount of the subject transaction does not exceed \$500.

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349.

112.3141 Additional standards of conduct for public officers.—

(1) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(2) No full-time legislative employee shall be otherwise employed during the regular hours of his primary occupation, except with the written permission of the presiding officer of the house by which he is employed, filed with the Clerk of the House of Representatives or with the Secretary of the Senate, as may be appropriate. Employees of joint committees must have the permission of the presiding officers of both houses. This section shall not be construed to contravene the restrictions of s. 11.26.

History.—ss. 4, 8, ch. 74-177; s. 5, ch. 75-208.

112.3143 Voting conflicts.—No public officer shall be prohibited from voting in his official capacity on any matter. However, any public officer voting in his official capacity upon any measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

History.—s. 6, ch. 75-208.

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the follow-

ing positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; district school superintendent; community college presidents; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(b) "Specified employee" means:

1. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a judge of industrial claims; and a hearing examiner.

2. Any person employed in the office of the Governor or in the office of any member of the cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

5. Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

6. The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

8. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

(c) "State officer" means:

1. All elected public officers, to include those elected to the United States Senate and House of Representatives, not covered elsewhere in this part

and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he files, his qualifying papers.

(b) Each state or local officer and each specified employee shall file a statement of financial interests no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year he is in office. Each state or local officer who is appointed and each specified employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers and specified employees shall file their statements of financial interests with the Secretary of State. Local officers shall file their statements of financial interests with the Clerk of the Circuit Court of the county in which they are principally employed or are residents. Persons seeking to qualify as candidates for public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in

excess of 10 percent of such person's total assets. For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

(e) Every debt which in sum equals more than the reporting person's net worth.

(4) Each state officer, local officer, and specified employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each state officer and specified employee no later than 30 days prior to the filing deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the filing deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any state officer, specified employee, or local officer.

(6) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of his disclosure with the officer before whom he qualifies as a candidate at the time he qualifies.

History.—s. 5, ch. 74-177; s. 2, 6, ch. 75-196; s. 2, ch. 76-18; s. 1, ch. 77-174; s. 63, ch. 77-175.

Note.—As amended, effective January 1, 1978.

112.3146 Public records.—The statements required by ss. 112.313, 112.3141, and 112.3145 shall be public records within the meaning of s. 119.01.

History.—s. 6, ch. 74-177.

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3141, and 112.3145(4) shall be on forms prescribed by the Commission on Ethics.

(2) The Commission on Ethics shall prescribe a form for the disclosure of information pursuant to s. 112.3145(3) for use by persons not required to file a statement of contributions pursuant to s. 111.011.

(3) The Commission on Ethics and the Department of State shall jointly prescribe a form for use by elected public officers, on which form both the information required to be furnished by s. 111.011 and the information required to be furnished by s. 112.3145(3) shall be disclosed.

History.—s. 7, ch. 74-177; s. 3, ch. 76-18.

112.316 Construction.—It is not the intent of this part, nor shall it be construed, to prevent any officer or employee of a state agency or county, city,

other political subdivision of the state or any legislator or legislative employee from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such officer, employee, legislator, or legislative employee of his duties to the state or the county, city, or other political subdivision of the state involved.

History.—s. 6, ch. 67-469; s. 2, ch. 68-335.

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, in addition to any criminal penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.
7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.

2. Suspension from employment for not more than 90 days without pay.

3. Demotion.

4. Reduction in salary level.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of s. 112.3145, disqualification from being on the ballot.

(2) In any case in which the commission finds a violation of this part and recommends a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the District Court of Appeal.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its president or by a majority of its membership.

(6) Any person who willfully discloses, or permits to be disclosed, his intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee and in which such complaint is found to be frivolous and

without basis in law or fact, the complainant shall be liable for costs plus reasonable attorney's fees incurred by the person complained against. If the complainant fails to pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

History.—a. 7, ch. 67-469; a. 1, ch. 70-144; a. 2, ch. 74-176; a. & ch. 74-177; a. 2, ch. 75-199; a. 7, ch. 75-208.

112.3175 Remedies; contracts voidable.—Any contract which has been executed in violation of this part is voidable:

(1) By any party to the contract.

(2) In any circuit court, by any appropriate action, by:

(a) The commission.

(b) The Attorney General.

(c) Any citizen materially affected by the contract and residing in the jurisdiction represented by the officer or agency entering into such contract.

History.—a. 8, ch. 75-208.

112.3191 Short title.—This act shall be known and cited as "The John J. Savage Memorial Act of 1974."

History.—a. 1, ch. 74-176.

112.320 Commission created; purpose.—There is created a Commission on Ethics, the purpose of which is to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part.

History.—a. 2, ch. 74-176.

112.321 Membership, terms, etc.—

(1) The commission shall be composed of nine members. Four of these members shall be appointed by the governor, no more than two of whom shall be from the same political party, subject to confirmation by the senate. One member appointed by the Governor shall be a former city or county official. Two members shall be appointed by the Speaker of the House and two members shall be appointed by the President of the Senate. Neither the Speaker of the House nor President of the Senate shall appoint more than one member from the same political party. No member may hold any public employment. All members shall serve 2-year terms, except that four of the initial members appointed by the governor shall serve 1-year terms. All succeeding appointments shall be for 2 years. Members of the commission shall receive no salary, but shall receive travel and per diem as provided in s. 112.061. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term and may not succeed himself as chairman. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(2) The commission shall employ, and set the

compensation of, an executive director, and he shall be provided with the necessary office space, assistants, and secretaries as required.

History.—a. 2, ch. 74-176; a. 3, ch. 75-199.

*Note.—See AGO 076-152, advising that the Governor has authority to appoint the ninth member.

112.322 Duties and powers of commission.—

(1) It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part, including investigation of all facts and parties material related to the complaint at issue.

(2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations made against such person that he or she violated the code of ethics established in this part, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated by the subject official or employee. In the event that a violation is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

(c) All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the commission's investigation thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part to himself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and all of said opinions shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his name.

(b) Said opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena,

audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the commission's duties or exercise of its powers. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or to restrain violations of this part, pursuant to s. 1(b), Art. IV of the State Constitution, and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

History.—s. 2, ch. 74-176; s. 4, ch. 76-199; s. 1, ch. 76-89; s. 1, ch. 77-174.

112.324 Procedures on complaints of violations.—

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, including a dismissal of the complaint, shall be confidential either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapters 119, 120 or 286. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election.

(2) A preliminary investigation shall first be undertaken by the commission to determine if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated, the commission shall dismiss the complaint, and the complaint, unless prohibited

by subsection (3), shall become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part shall be entitled to a public hearing. Such person shall be deemed to have waived the right to public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(3) If, upon completion of its preliminary investigation of a complaint against an impeachable officer or member of the Legislature, the commission finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the President of the Senate or the Speaker of the House, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. The complaint and all records relating to the preliminary investigation shall become public records upon referral by the Speaker or President to the appropriate committee. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason, the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed.

(4) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(a) The Governor, in any case concerning officers

who can be removed or suspended by the Governor.

(b) The head of the agency, in any case concerning a state officer or employee not covered in paragraph (a).

(c) The governing body or appointing official of an officer or employee of a county, city, or other political sub-division of the state not otherwise covered in paragraph (a).

(d) The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(e) The city commission or city council, in any case concerning a candidate for municipal office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(f) The county commission, in any case concerning a candidate for county office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(5) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the State Attorney or any other appropriate official of an agency having authority to initiate prosecution when violation of criminal law is indicated.

(6) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chairman from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chairman thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

History.—a. 2, ch. 74-176; a. 5, ch. 75-199.

112.3241 Judicial review.—Any final action by the commission taken pursuant to this part shall be subject to review in a District Court of Appeal upon the petition of the party against whom an adverse opinion, finding, or recommendation is made. In any case in which the Governor, upon the recommendation of the commission, has the power to suspend an officer or employee, the court may enter a supersedeas order staying the power of the Governor to sus-

pend pending the disposition of the appellate proceeding. However, this section shall not be construed to limit the Governor's power to suspend a municipal official indicted for crime.

History.—a. 6, ch. 75-199.

112.326 Additional requirements by political subdivisions not prohibited.—Nothing in this act shall prohibit the governing body of any political subdivision from imposing upon its own local officers additional or more stringent disclosure requirements than those specified in this part.

History.—a. 5, ch. 75-199.