

ALASKA LEGISLATURE COMMITTEE FILES 1981 - 1982

2080 SSA SB 550 - SB 586

2080

M I N U T E S

ALASKA NATIVE EMPLOYMENT RIGHTS OFFICES

ORGANIZATIONAL WORKSHOP.

APRIL 29, 30, 1981

SUNSHINE MALL, 411 WEST FOURTH AVENUE, ANCHORAGE, ALASKA

INTRODUCTION AND OPENING REMARKS:

Ms. Sylvia Carlsson gave the opening remarks and introduced the participants from all over Alaska. Indicated the purpose of the Workshop and the objectives for creating a network of TERO/NERO offices.

PROFILES OF ALASKA NATIVE EMPLOYMENT RIGHTS OFFICES: (Ten minute presentations)

Profiles given from each TERO/NERO office present. Presentations given by Tanana Chiefs Conference, Inupiat Community of the Arctic Slope, Cook Inlet Native Association, Yupiktak Bista Manpower Centr (AVCP), Sitka Community Association, Bristol Bay Native Association.

FORMING A STATEWIDE NETWORK:

Sylvia Carlsson explained what she felt would be a statewide network of TERO/NERO offices. Al Stevens indicated that he felt that it was necessary but needed to be formed as a committee and not as a commission. He indicated if we are to communicate with one another and combine our efforts we need this approach. Al indicated that he need to unite together to be effective. AVCP presented its views also. Both AVCP and ICAS indicated it would have to take any results of the committee back to their respective Boards. Most all indicated this would be the case. All agreed that the committee is necessary and should be formed right now. It was agreed that not only would this be a good political tool but an excellent way in which to exchange data. Much other discussion was done but the outcome was the same. Approval of a statewide committee on Alaska Native Employment Rights.

FUNDING SOURCES AND PROBLEMS:

Discussion on various methods of funding was done. Some seemed concerned with the States rules on funding for employment rights. Others thought that it would not present a problem. There didn't seem to be any firm or definite means for funding and it being late in the day, the meeting was recessed until 9:00 A.M.

FLOAT BACK TO FORMATION OF STATEWIDE NETWORK:

Agreed that one representative and an alternate be designated from each area. Suggested that nominations be made for a temp. chairperson. Nomination made by Al Stevens for Gale Vick, Seconded by Harry Cross. Nomination made by Tiny Phillips, seconded by Declined by Al due to distance from Barrow to other areas. Gale Vick elected as Temp. Chairperson. Sylvia brought up the funding again. The meeting went back to meeting times and the date of the next meeting. Much, much discussion was done on the name of the committee. The final selection was ANERPC. (Alaska Native Employment Rights Planning Committee)

Various goals were discussed for the purpose of the committee. These were Technical Assistance, Funding Sources, Training, and Sharing of Data, Problems, Incidents, and legal litigation.

Discussion on ANERPC's organizational flow. See attached flow chart as a suggested format to follow. Authority for the committee would be as an advisory committee to make recommendations to the Human Resource Committee of AFN.

Discussion on entering data into a statewide network for available talent within areas or statewide. Some are already on the system but others are trying to develop their own system. Newsletter was suggested but no definite plans were made. Generally accepted that the telephone and correspondence would be more beneficial. Suggested that monthly reports be sent to each other rather than the burdensome process of newsletters, since all TERO/NERO's have monthly and quarterly reports anyway.

Much discussion on dates of meetings since there are so many of them in May & June. Dates for Region XX were changed so many times that it was decided to set our own dates and get on with the program.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:

Ms. Bea Rivers from EEOC in Washington D.C. did not show for the portion of the agenda provided.

TRIBAL EMPLOYMENT RIGHTS PLANNING COMMITTEE:

Ms. Joyce Dixon, Executive Director of TERPC presented what TERPC is and what it is trying to accomplish. Ms. Dixon indicated that all recognized TERO's are a part of TERPC. There are currently 41 TERO's under TERPC. Of the 41 there are 13 in the formation stage. Of the 41 there are three recognized from Alaska, Bethel, Barrow, and CINA of Anchorage. There are 28 which have been in operation at least one year. She indicated that the statistical data collected in March was the reason which TERPC got refunded this year, indicating the importance of this type of data.

Ms. Dixon presented the various activities happening with the TERO's in the lower 48. CINA responded to Ms. Dixon's response of seeking funding from other sources rather than EEOC, as an important part of the EEOC process is the authority to act. Ms. Dixon explained the agenda of the workshop which is going to be taking place at Bottle Hollow, Utah, for the benefit of those who plan to attend. It was agreed by all that Tiny Phillips represent Alaska at this meeting.

BREAK FOR LUNCH:

ALASKA STATE HUMAN RIGHTS COMMISSION:

Mr. Jerry Wood of the Commission presented what the commission was doing in Alaska and how it would be beneficial to the TERO/NERO's. Recommendations by TERO/NERO's as to the communications which should be in effect between HRC and ERO's.

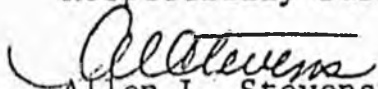
Executive Director of the HRC gave a presentation. Concerns from the TERO/NERO's to the HRC were given along with much discussion. He indicated that the concept of using TERO/NERO's as the rural arm of HRC is sound but there may be problems. He also indicated that he would look at a contract from the TERO/NERO's for intake service. Al Stevens indicated that it would be in the best interest of HRC as well as the TERO/NERO's for this approach since by the time it takes HRC to get on the job site the job would be completed and the contractor would be off the slope in most cases. Al also indicated that the TERO/NERO's need the authority to act from EEOC and HRC. Sylvia indicated that the authority and credibility to work with the employers is needed. Much discussion was done.

SUMMARY OF WORKSHOP:

Dates were once again discussed. May 11-12th will be the ANERPC meeting in Juneau. Be prepared to elect a Chairperson, Feedback from organizations of ANERPC concerning Bottle Hollow, and the recommendations for a workshop for TERO/NERO's. May 19-22, for the Training workshop in Juneau, May 26-29 for the Region XX Meeting, and June 8-9 for the Manpower/Education meeting in Juneau.. Remember SB 318. Gale Vick made closing remarks concerning employment rights. Thanks given to the participants and the speakers.

WORKSHOP ADJOURNED AT 3:00 P.M.

Respectfully Submitted.


Allen L. Stevens

ALASKA FEDERATION OF NATIVES, INC.

1577 'C' Street, Suite 304 • Anchorage, Alaska 99501 • Phone 907-274-3611



ALASKA NATIVE EMPLOYMENT RIGHTS OFFICES

ORGANIZATIONAL WORKSHOP

APRIL 29, 30, 1981

SUNSHINE MALL

411 WEST FOURTH AVENUE

ANCHORAGE, AK

T E N T A T I V E A G E N D A

WEDNESDAY, APRIL 29:

- | | |
|--------------------|--|
| 8:30 - 9:00 A. M. | REGISTRATION, COFFEE, AND DONUTS |
| 9:00 - 9:15 | INTRODUCTIONS AND OPENING REMARKS
Sylvia Carlsson, AFN |
| 9:15 - 10:25 | PROFILES OF ALASKA NATIVE EMPLOYMENT RIGHTS OFFICES
Ten-Minute Individual Presentations |
| 10:25 - 10:40 | B R E A K |
| 10:40 - 12:00 | FORMING A STATEWIDE NETWORK
Discussion by Group |
| 12:00 - 1:00 P. M. | L U N C H |
| 1:30 - 2:30 | ORGANIZING THE NETWORK
Constitution, Bylaws, and Board of Directors |
| 2:30 - 2:45 | B R E A K |
| 2:45 - 4:30 | FUNDING SOURCES AND PROBLEMS
Discussion by Group |
| 4:30 P. M. | RECESS |

-PAGE TWO-

THURSDAY, APRIL 30, 1981:

9:00 - 10:00 A. M.	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Beatrice A. Rivers
10:00 - 10:15	B R E A K
10:15 - 12:00	TRIBAL EMPLOYMENT RIGHTS PLANNING COMMITTEE Joyce Dixon, Executive Director
12:00 - 1:30	L U N C H Arrangements by CINERO
1:30 - 2:30 P. M.	ALASKA STATE COMMISSION FOR HUMAN RIGHTS Neil Thomas, Executive Director
2:30 - 2:45	B R E A K
2:45 - 3:30	SUMMARY OF WORKSHOP Sylvia Carlsson, AFN
3:30 - 4:30	PLAN OF ACTION Discussion by Group
4:30 P. M.	ADJOURNMENT

Funding Information
General Fund \$411,800
Other Funds -0-
\$411,800

Introduced: 5/5/81
Referred: State Affairs and
Finance

1 IN THE SENATE

BY STIMSON AND FISCHER

2 SENATE BILL NO. 550

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 to the Office of the
7 Governor, State Commission for Human Rights; and
8 providing for an effective date."

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

10 * Section 1. The sum of \$411,800 is appropriated from the general fund
11 to the Office of the Governor, State Commission for Human Rights, to be
12 allocated as follows:

13	<i>rural employment</i> tribal equal rights officer program	\$278,600
14	local human rights commissions	133,200

15 * Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by this Act lapses into the general fund June 30, 1983.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

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May 12

Diana Swenson Jim Thomas

Silvia Carlson spec asst - ATN
OK Nat Empl Lts Plug Comm

Letter of intent

- not in or of ~~off~~ funded
- not dis of services ~~of~~ on disc. free
- all, regardless of race, color, ~~ethnic~~

S B

557

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 557

Title An act relating to TRS, PERS, JRS, and NGRS

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 TRS, PERS, JRS, and NGRS

(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.						
800 BENEFITS						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
OTHER FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 6/24/81 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 Budget and Management
 Prime Sponsor (First Legislator Name) Senator Fischer
 Office of the Governor (Keith Spackling)

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 23, 1982

The Honorable Vic Fischer
Chairman, Senate State Affairs
Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Chairman Fischer:

557
When your committee reported out a Committee Substitute for SB 813, the original language was gutted from the bill.

The Governor introduced SB 813, relating to post-retirement pension adjustments and retirement benefits for peace officers, marine transportation employees, and Department of Fish and Game employees; and providing for an effective date, to take care of a problem that exists in the Department of Fish and Game wherein an employee who is currently covered by "peace officer retirement benefits" (20-year retirement) cannot retain that coverage if he is moved to another position within the department which is not considered "qualifying" under that system. The language in the Governor's original bill, sections 5 and 6, would eliminate peace officer coverage for Fish and Game employees prospectively but would allow those employees with that coverage to take it with them as they are promoted or reassigned within the department.

I understand that your committee is working on a retirement housekeeping bill, and I would ask that you consider adding the language contained in the Governor's original SB 813 to that bill.

Thank you for your consideration.

Sincerely,

Keith W. Specking

Keith W. Specking
Legislative Assistant
to the Governor

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

Ph: 465-2200

March 24, 1982

The Honorable Vic Fischer
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator ~~Fischer~~ ^{V.F.}:

Senate Bill 813, as originally introduced by Governor Hammond, was supported by Commissioner Skoog and myself. Sections five and six of SB 813 would eliminate PERS peace officer coverage for all future employees of the Department of Fish and Game but would allow all current employees to retain their peace officer coverage whenever they hold a position with the Department of Fish and Game.

When the law was originally amended to include qualified Department of Fish and Game employees in peace officer coverage, it was felt that there was a need for the increased coverage because these employees had a unique situation. However, in defining "qualified employees of the Department of Fish and Game," the regulation (2 AAC 30.010, copy enclosed) became less and less restrictive in order to include the employees who were considered "qualified" for peace officer coverage. As now written, the regulation could easily apply to many employees in other departments.

The original premise (significant amount of field work, travel, or exposure to hazardous working conditions) for including Department of Fish and Game employees in peace officer coverage was a misconception. For your information I have enclosed a copy of a Division of Retirement and Benefits memorandum outlining the death and disability statistics, by department, for the period July 1, 1975 through December 10, 1981. These statistics show Fish and Game employees to be in no more danger than employees of other departments.

We are at the crossroads and must decide if we will extend peace officer coverage or curtail it. Already union representatives have made inquiries as to the possibility of extending peace officer coverage to additional groups of employees in other departments.

The cost of PERS peace officer coverage is an additional 10% of payroll over the cost of "all other" employees. Currently, approximately 60% of the Department of Fish and Game employees enjoy peace

The Honorable Vic Fischer

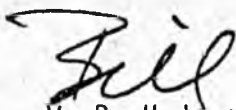
-2-

March 24, 1982

officer coverage--and it is expected to increase under the new regulations. Deletion of future Fish and Game employees from peace officer coverage is estimated to save the State \$232,000 in fiscal year 1983, with similar savings every year thereafter. On the other hand, if we continue to expand peace officer coverage we also create an unnecessary expansion of the State's budget. Assuming that 30% of state employees in other departments would be eligible for peace officer coverage, the additional cost in fiscal year 1983 alone would be \$8.8 million.

I respectfully request that you reconsider including sections five and six of the original SB 813 in your committee substitute for SB 557.

Respectfully,



W. R. Hudson
Commissioner

WRH/rwb
Enclosures
4/C3/9

MEMORANDUM

State of Alaska

TO: Paul B. Arnoldt, Director
 Division of Retirement & Benefits

DATE: January 15, 1982

J. K. Humphreys, Deputy Director
 Division of Retirement & Benefits

FILE NO:

TELEPHONE NO: 465-4473

FROM: Willard Church
 Benefits Specialist
 Division of Retirement & Benefits

SUBJECT: Occupational/Nonoccupational
 Deaths and Disabilities

Since my memorandum of December 9, 1981, we have audited our death records and have discovered that 18 records were not included previously and 5 records had been incorrectly included in the original report, which shows a net increase of 13 deaths. The conclusions generally remain the same, however, I am updating these figures for your information.

For the period July 1, 1975 through December 10, 1981, 142 State of Alaska active employees have died and have been processed through the division data processing system.

The following is a breakdown by department, as to total deaths and whether the death was from occupational or nonoccupational causes:

<u>DEPARTMENT</u>	<u>OCC</u>	<u>NON-OCC</u>	<u>TOTAL</u>	<u>NOV 1981</u>	
				<u>EMPLOYEE TOTAL</u>	<u>INCIDENCE PER 1000</u>
Transportation	3	49	52	2648	19.64
Health & Social Services	1	30	31	1967	15.76
State Operated Schools (TRS)		4	4		
Education		4	4	400	10.00
Labor		7	7	600	11.66
Administration		6	6	873	6.87
Fish & Game	2	7	9	1215	7.41
Natural Resources		7	7	919	7.62
Public Safety		4	4	903	4.43
Commerce		5	5	382	13.09
Revenue		5	5	309	16.18
Judicial		1	1	523	1.91
Governor's Office		3	3	223	13.45
Military Affairs		1	1	91	10.99
Community & Regional Affairs		1	1	173	5.78
Law		0	0	273	
Legislative		2	2	188	10.63
Environmental Conservation		0	0	209	
Ombudsman		0	0	15	

January 15, 1982

Since July 1, 1975, 55 State of Alaska employees have been appointed to receive disability benefits from PERS and TRS.

<u>DEPARTMENT</u>	<u>OCC</u>	<u>NON-OCC</u>	<u>TOTAL</u>	<u>NOV 1981 EMPLOYEE TOTAL</u>	<u>INCIDENCE PER 1000</u>
Transportation	9	14	23	2648	8.68
Public Safety	7	3	10	903	11.07
Health & Social Services		6	6	1967	3.05
Natural Resources		4	4	919	4.35
State Operated Schools (TRS)		4	4		
Administration		3	3	873	3.43
Labor	2		2	600	3.33
Commerce		1	1	382	2.62
Fish & Game		1	1	1215	.82
Legislative		1	1	188	5.32
Education			0	400	
Revenue			0	309	
Judicial			0	523	
Governor's Office			0	223	
Military Affairs			0	91	
Community & Regional Affairs			0	173	
Law			0	273	
Environmental Conservation			0	209	
Ombudsman			0	15	

UC/js

TO
W. R. Hudson
Commissioner
Department of Administration

DATE
February 19, 1982
FILE NO.
J99-152-81
TELEPHONE NO.



FROM
WILSON L. COODEN
ATTORNEY GENERAL

By: Arthur H. Peterson
Assistant Attorney General
and Regulations Attorney

AW

SUBJECT
Retirement and Benefits
Regulation on Qualified
Fish and Game Employees
(2 AAC 30.010)

Under AS 44.62.060, we have reviewed this regulation, and approve it for filing by the lieutenant governor. A duplicate original of this memorandum is being furnished the lieutenant governor, along with your regulation and related documents. In approving this, we understand that the language of 2 AAC 30.010(b) to the effect that an employee will be afforded peace officer coverage "as long as" he or she fills a qualifying position in the Department of Fish and Game is not intended to preclude a qualified employee from receiving appropriate peace officer benefits after disability or retirement. A contrary interpretation would make no sense in this context.

We note that this regulation is being adopted under AS 37.05.020 and 39.35.680(32). The latter provision, authorizing regulations to be adopted by you, requires consultation with the commissioner of fish and game. While neither the adoption order nor the public notice expressly mentions this consultation, correspondence in the file which is being submitted to the lieutenant governor indicates that there has in fact been a considerable amount of consultation with the Department of Fish and Game. We believe that the requirements of this statute have been satisfied.

In accordance with AS 44.62.125(b)(6), some corrections have been made in this regulation, as shown on the attached copy.

In addition, under AS 01.05.031(b)(5) (by way of AS 44.62.125(b)(6)), we are requesting the lieutenant governor to substitute the actual calendar date for the phrase "the effective date of this section" in two places in 2 AAC 30.010(b).

Your adoption order states that this action is not expected to require an increased appropriation. Therefore, AS 44.62.125 does not require a fiscal note.

Title 2. ADMINISTRATION

Chapter 30.
PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Section

10. 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~~ ^{will} be afforded peace officer coverage in the Public Employees' Retirement System.

(b) ~~Other provisions of this regulation~~ ^{section,} ~~Notwithstanding~~ any person within the Department of Fish and Game who, ~~before~~ ^{before} the effective date of this ~~regulation~~ ^{section,} 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~~ ^{section,} as long as the person fills that position or any other position within that department that qualifies under this ~~regulation~~ ^{section.}

(c) AS 39.35.160 ~~requires~~ ^{for} each peace officer in the system to contribute five percent of ~~compensation~~ ^{net pay} 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 ~~90~~ ⁹⁰ days ~~from~~ ^{from} the date of notification of the amount of unpaid contributions.

(d) In this ~~regulation~~ ^{section}:

(1) "a significant amount" means at least five percent 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
(A) "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:

- (A) aerial surveys in small aircraft,
- (B) working on vessels on the open sea,
- (C) travel in small skiffs over open water or in remote locations, *gr and*
- (D) conducting stream surveys or other work where contact with dangerous wild animals is likely.

AM

(Eff. / / , Register)

Authority: AS 37.05.020
AS 39.35.680(32)

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**

LEGISLATIVE REPORTING SERVICE

ANN GARDINER METCALFE

KIMBERLY M. HELMAR

510 KENNEDY STREET
JUNEAU, ALASKA 99801

(907) 586-6672

May 18, 1981

REPORT NO. 18

IN THE SENATE: Honorable Jalmar Kerttula, President

Senator Rodey, Majority Leader
Senator Bradley, Whip

INTRODUCTION OF BILLS (Senate)

Public Emp.
Benefits

SENATE BILL NO. 557, by Senator Fischer. Makes amendments to statutes regarding teachers', public employees', judicial, and national guard benefits. Similar to CSHB 121(SA) offered by House State Affairs last week (see page 881). Does not include: sections increasing the amount of retirement contributions to be made by teachers and public employees; section which would allow a peace officer or fireman to irrevocably relinquish his peace officer or fireman status; section revising monthly amounts of retirement benefits for members of PERS; and section excluding certain Fish & Game employees from receiving peace officer & fireman retirement benefits.

Bill would limit increases in post retirement pensions for teachers and public employees to "the lesser of (1) the increase in the cost of living since the date of retirement; or (2) four percent of the retirement benefit compounded for each year of retirement." (Currently increases are limited to the "greater" of these two factors.) Amends AS 14.25.143(b) and AS 39.35.475(b).

Rewrites definitions of "compensation" for purposes of teachers' and public employees' retirement (amends AS 14.25.220(9) and AS 39.35.680(8)). Makes other miscellaneous amendments to AS 14.25, and AS 39.35. Provides Act effective July 1, 1981.

Introduced May 11 and referred to State Affairs, Health, Education & Social Services and Finance.

Prisoners
(care & confinement of)

SENATE BILL NO. 558, by the Health, Education & Social Services Committee. Amends AS 33.30.060(a) (Commissioner May Contract for Care & Confinement of Prisoners) to allow the Commissioner of Health & Social Services to "enter into an agreement with appropriate public or private agencies [THE PROPER AUTHORITIES OF THE UNITED STATES, ANOTHER STATE, OR A POLITICAL SUBDIVISION OF THIS STATE] to provide for the safekeeping, care, subsistence, proper government, discipline



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

SENATE STATE AFFAIRS COMMITTEE SCHEDULE

ROOM 423 CAPITOL

TUESDAY

Feb. 23

1:30 p.m.

- SJR 13 D.C. voting rights
- SJR 62 MX missiles in Alaska
- SJR 75 Martial law in Poland
- SB 637 Historical Commission
- HB 708 Capital Site Planning Commission appropriation
- S. 630 Sunset legislation
- SB 632 Games of chance

THURSDAY

Feb. 25

1:30 p.m.

- SB 557 Retirement
- SB 753 Retirement

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
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Introduced: 2/18/82
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 813

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to post-retirement pension adjustments
7 and retirement benefits for peace officers, marine
8 transportation employees and Department of Fish and
9 Game employees; and providing for an effective date."

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

11 * Section 1. AS 14.25.143 is repealed and reenacted to read:

12 Sec. 14.25.143. POST-RETIREMENT PENSION ADJUSTMENT. (a) When the
13 administrator determines that the cost of living has increased and that
14 the financial condition of the retirement fund permits, he may increase
15 benefit payments to eligible disabled members and persons age 55 or old-
16 er who both received benefits in the preceding calendar year and are re-
17 ceiving benefits under this system at the time the increase is granted.

18 (b) The increase in benefit payments applies to total benefit pay-
19 ments except for the cost-of-living allowance under AS 14.25.142. The
20 amount of the increase is a percentage of the current benefit and may
21 not exceed

22 (1) the lesser of 75 percent of the increase in the cost of
23 living in the preceding calendar year or nine percent for recipients who
24 are at least 65 years old on July 1;

25 (2) the lesser of 50 percent of the increase in the cost of
26 living in the preceding calendar year or six percent for recipients who
27 on July 1 are at least 60 but less than 65 years old and for members re-
28 ceiving disability benefits who are less than 65 years old; or

29 (3) the lesser of 25 percent of the increase in the cost of

1 65 years old on July 1; or

2 (3) the lesser of 25 percent of the increase in the cost of
3 living in the preceding calendar year or three percent of the current
4 benefit for recipients who are at least 55 but less than 60 years old on
5 July 1.

6 (c) If a recipient was not receiving benefits during the entire
7 preceding calendar year, the increase in benefits under this section
8 must be adjusted by multiplying it by the fraction whose numerator is
9 the number of months for which benefits were received in the preceding
10 calendar year and whose denominator is 12.

11 (d) If, at the time of first receiving a retirement benefit, a
12 member was receiving a disability benefit under this system, the admini-
13 strator shall, at the time the member is appointed to retirement, in-
14 crease the retirement benefit by a percentage equal to the total cumula-
15 tive percentage increase which has been applied to the member's disabili-
16 ty benefit under this section.

17 (e) When computing a spouse's pension under AS 14.25.164, adjust-
18 ments granted to the deceased member under this section must be in-
19 cluded.

20 (f) An increase in benefit payments under this section is effec-
21 tive July 1 of each year and the limit on the increase is based on the
22 percentage increase in the consumer price index for urban wage earners
23 and clerical workers for Anchorage, Alaska during the previous calendar
24 year as determined by the United States Department of Labor, Bureau of
25 Labor Statistics.

26 " Sec. 39.35 is amended by adding a new section to read:

27 Sec. 39.35.305. CREDITED SERVICE FOR EMPLOYMENT WITH THE DIVISION
28 OF MARINE TRANSPORTATION. (a) A vested employee who is a member of the
29 system on July 1, 1981 is entitled to service credit for periods of em-

1 employment before January 1, 1977 with the division of marine highways of
2 the Department of Transportation and Public Facilities for which the em-
3 ployee received service credit under the Northwest Marine Retirement
4 Trust. The service credit allowed under this section may not exceed an
5 aggregate of nine years. Benefits are not payable on service credit un-
6 der this section unless the employee makes retroactive contributions to
7 the system for the period of time for which service credit is claimed.

8 (b) In order to obtain service credit under this section, an em-
9 ployee shall make an election to do so and shall verify the period of
10 service. When eligibility for service credit has been established, an
11 indebtedness shall be determined as follows: (1) the employee's actual
12 compensation, or the calculated annual compensation for an employee
13 working less than 12 months, during the calendar year 1981 or the year
14 in which an employee first becomes vested under this chapter, whichever
15 is later, multiplied by (2) six percent, and this product multiplied by
16 (3) the number years of service credited under this section. Interest
17 as prescribed by regulation accrues on this indebtedness beginning on
18 July 1, 1981, or one year following the date a person first becomes
19 vested, whichever is later. Any outstanding indebtedness that exists at
20 the time a person is appointed to retirement will necessitate an actuar-
21 ial adjustment to the benefits payable based upon service credited under
22 this section.

23 * ~~Sec. 2~~ AS 39.35.370 is amended by adding a new subsection to read:

24 (g) A member may not receive retirement benefits under this sec-
25 tion based on a period of employment for which the member received ser-
26 vice credit under AS 39.35.305 if the member is receiving retirement
27 benefits from a marine retirement trust based on the same period of em-
28 ployment.

29 * ~~Sec. 4~~ AS 39.35.475 is repealed and reenacted to read:

1 Sec. 39.35.475. POST-RETIREMENT PENSION ADJUSTMENT. (a) When the
2 administrator determines that the cost of living has increased and that
3 the financial condition of the retirement fund permits, he may increase
4 benefit payments to eligible disabled members and persons age 55 or old-
5 er who received benefits in the preceding calendar year and also are re-
6 ceiving benefits under this system at the time the increase is granted.

7 (b) The increase in benefit payments applies to total benefit pay-
8 ments except for the cost-of-living allowance under AS 39.35.480. The
9 amount of the increase is a percentage of the current benefit and may
10 not exceed

11 (1) the lesser of 75 percent of the increase in the cost of
12 living in the preceding calendar year or nine percent of the current
13 benefit for recipients who are at least 65 years old on July 1;

14 (2) the lesser of 50 percent of the increase in the cost of
15 living in the preceding calendar year or six percent of the current
16 benefit for recipients who are at least 60 but less than 65 years old on
17 July 1 and for members receiving disability benefits who are less than
18 65 years old on July 1; or

19 (3) the lesser of 25 percent of the increase in the cost of
20 living in the preceding calendar year or three percent of the current
21 benefit for recipients who are at least 55 but less than 60 years old on
22 July 1.

23 (c) If a recipient was not receiving benefits during the entire
24 preceding calendar year, the increase in benefits under this section
25 must be adjusted by multiplying it by the fraction whose numerator is
26 the number of months for which benefits were received in the preceding
27 calendar year and whose denominator is 12.

28 (d) If, at the time of first receiving a retirement benefit, a
29 member was receiving a disability benefit under this system, the admini-

1 strator shall, at the time the member is appointed to retirement, in-
2 crease the retirement benefit by a percentage equal to the total cumula-
3 tive percentage increase which has been applied to the member's disabil-
4 ity benefit under this section.

5 (e) When computing a joint and survivor benefit under AS 39.35.450
6 or a survivor's benefit under AS 39.35.420 or 39.35.440, adjustments
7 granted to the deceased member under this section must be included.

8 (f) An increase in benefit payments under this section is effec-
9 tive July 1 of each year and the limit on the increase is based on the
10 percentage increase in the consumer price index for urban wage earners
11 and clerical workers for Anchorage, Alaska during the previous calendar
12 year as determined by the United States Department of Labor, Bureau of
13 Labor Statistics.

14 * Sec. 5. AS 39.35.680(27) is amended to read:

15 (27) "peace officer" or "fireman" means an employee occupying
16 a position as a peace officer, chief of police, correctional officer,
17 correctional superintendent, [QUALIFIED EMPLOYEE OF THE DEPARTMENT OF
18 FISH AND GAME,] fireman, or fire chief;

19 * Sec. 6. A person who has held a position on or before June 30, 1982, as
20 a "qualified employee of the Department of Fish and Game" shall be treated as
21 a peace officer under AS 39.35 whenever employed by the Department of Fish
22 and Game on or after July 1, 1982.

23 * Sec. 7. AS 39.35.680(32) is repealed.

24 * Sec. 8. This Act takes effect July 1, 1982

MEMORANDUM


State of Alaska

TO: Jay S. Hammond
Governor

DATE: February 4, 1982

FILE NO

TELEPHONE NO: 465-4100

FROM: Ronald O. Skoog 
Commissioner
Department of Fish and Game

SUBJECT: Request for
Legislation
Fish and Game
Retirement

The recent failure of HB 121 is of continuing consequence to the Department of Fish and Game. The bill contained a provision (Section 54) which would have provided continuing peace officer retirement coverage to this Department's employees in the case of their transfer or promotion within the Department. Although I do not agree with the Department of Law's interpretation of the existing law in regard to the promotional positions, the Department of Fish and Game appears forced to accept the implementation of that interpretation by the Department of Administration.

The effect of the regulations being promulgated is that any employee presently covered by "peace officer retirement benefits" can retain that coverage only if he remains in his present position or moves to another position that can be determined as qualifying. Of particular problem are an array of supervisory and other positions that probably would not qualify under the intended "qualification regulations." Most of these we want to fill with experienced personnel from within the Department. Instead it is quite likely that none of these positions will be sought by existing employees presently in the peace officer's retirement system for fear of losing that benefit. Recruitment will continue, of course, but will be limited to "newcomers", who lack the experience of managing fish and wildlife in Alaska and lack experience in this Department.

I doubt the Legislature ever intended to design a retirement system that would divide one Department into two groups, while maintaining the same retirement system uniformly in other Departments. The 1976 amendment was proposed by this Administration and enacted by the Legislature in an effort to overcome that problem. However, if the Department of Law's interpretation of the present law is to be followed, I believe it necessary that Section 54 of SCSCSB 121, or similar language, be proposed to and enacted by the Legislature.

Governor Hammond

-2-

February 4, 1982

I propose that the following language--taken directly from Section 54--to be added to AS 39.35.680(32):

"A person holding a position as a 'qualified employee of the Department of Fish and Game' shall continue to be treated as a peace officer under AS 39.35 until that person

(1) terminates employment with the Department of Fish and Game before eligibility for or appointment to retirement or disability; or

(2) elects to irrevocably relinquish peace officer status under AS 39.35.527."

I urge you to seek this necessary amendment.

cc: Keith Specking
Wilson L. Condon
William R. Hudson
Division Directors
Section Chiefs

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SR 813
 Title An Act Relating to Retirement Benefits...(PERS)...and Providing for an Effective Date
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Centralized Administrative Services
 BRU, Program, or Subprogram(s) Affected Retirement & Benefits
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		(228.0)	(506.5)	(838.3)	(1,231.4)	(1,694.7)
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		(228.0)	(506.5)	(838.3)	(1,231.4)	(1,694.7)

FUNDING (Thousands of Dollars)

GENERAL FUND		(186.7)	(414.8)	(686.6)	(1,008.5)	(1,388.0)
FEDERAL FUNDS		(10.5)	(23.3)	(38.6)	(56.6)	(78.0)
VETERAN'S FUND		(.5)	(1.0)	(1.7)	(2.5)	(3.4)
FISH & GAME FUND		(1.4)	(3.0)	(5.0)	(7.4)	(10.1)
HIGHWAY FUND		(3.0)	(6.6)	(10.9)	(16.0)	(22.0)
AIRPORT FUND		(5.5)	(14.7)	(24.3)	(35.7)	(49.1)
CAPITAL FUND		(19.3)	(43.1)	(71.2)	(104.7)	(144.1)
PERS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

1. Provision to provide PERS service credit for certain Marine transportation service is estimated to cost \$4,000 per year.
2. Cost savings as a result of curtailing peace officer coverage within the Department of Fish and Game are estimated at \$232,000 in FY 83 and increasing in subsequent years.

IV. DATE February 23, 1982 PREPARED BY Paul B. Arnoldt
 AGENCY Division of Retirement & Benefits
 Original: Legislative Finance PHONE 365-4460
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Subcommittee of Finance
 Office of the Governor (Keith Sonckind)

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

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B

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The following bill analyses set forth the purpose and intent of the Administrative Regulation Review Committee in organizing and directing subsequent review activity.

1. "An Act relating to the suspension of effectiveness of regulations by the Administrative Regulation Review Committee."

Section 1. Statement of Purpose

As stated, the intent to suspend is to prevent an untoward or inappropriate action by a regulatory agency, during a period of time when the full legislature is not able to act. The enclosed opinions from the Legislative Affairs Agency on the question of suspension and the Supreme Court Decision in State of Alaska vs. A.L.I.V.E. Voluntary point up a delicate but important issue of constitutional law and policy; that of the use of a "legislative veto" to modify executive decisions.

It is imperative that a distinction be made that the proposed suspension process is not a legislative veto, but a unilateral action by a designated body of the legislature to postpone an action, subject to full review by the delegating body.

Section 2. Suspension by Resolution

The attached memorandum from Joe Guthrie, clarifies the method by which the action is accomplished. The existing use of a "committee report" is vague and imprecise.

3. "An Act relating to legislative review of regulations."

Section 1 adds new language to the Administrative Regulation Review Committee enabling statutes clarifying the committees review, suspension and nullification authority.

Section 2. Chapter 99. Miscellaneous Provisions

This section incorporates the standing committee of the legislature as review bodies to ascertain if new and/or proposed regulations are consistent with legislative intent, if they are generated by approved bills. In the event that the regulations are inadequate or inconsistent, it will then be the responsibility of the standing committee to notify the Administrative Regulation Review Committee and request more formal action.

The section is not intended to replace or change the responsibilities of the Administrative Regulation Review but to incorporate the special staff expertise of the standing committees.

Section 3 changes the review period by cognizant groups from thirty to sixty days, and adds the standing committees to the notification process.

The final attachments include two opinions and the A.L.I.V.E. decision for reference and further inquiry. A separate paper analyzing the more fundamental constitutional questions is in preparation.

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 21, 1981

SUBJECT: Administrative Regulation Review Committee's
use of resolutions as a vehicle to suspend
regulations

TO: Administrative Regulation Review Committee
Attn: Allen Blume, A.A.

FROM: Joseph A. Guthrie
Legislative Counsel 

You have asked why we thought it appropriate that the resolution be the vehicle used by the Administrative Regulation Review Committee to suspend regulations.

Rule 54 of the Uniform Rules, Alaska State Legislature provides that the rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure implement and govern the Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

The Uniform Rules only cover committee action relating to bills. No procedure is provided for committee action on other matters. Sec. 145 of Mason's Manual of Legislative Procedure, paragraph 2, states that resolutions are used for making declarations, stating policies, and making decisions where some other form is not used. Hence our recommendation that the resolution be used by the Administrative Regulation Review Committee to suspend regulations.

JAG:ljb

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 9, 1981

SUBJECT: The Administrative Regulation Review
Committee's power to suspend regulations
after Alaska v. A.L.I.V.E. Voluntary,
606 P.2d 769 (Alaska 1980)

TO: John G. Fuller, Chairman
Administrative Regulation Review Committee

FROM: Joseph A. Guthrie 
Legislative Counsel

As you may remember, on February 19, 1980 the Alaska Supreme Court held in State of Alaska v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), that the use of a concurrent resolution to annul regulations, as authorized by AS 44.62.320, is unconstitutional. The Court equated annulment of regulations with repeal of statutes in finding that the use of a concurrent resolution to annul regulations violated the procedures specified for law-making in Article II of the Alaska Constitution. These procedures, which the Court described as safeguards against ill-considered action, include the requirement that each bill be confined to one subject, have a descriptive title, contain an enactment clause of prescribed wording, be read three times on three separate days, and be passed by the recorded votes of a majority of each house.

None of these safeguards, of course, operate when concurrent resolutions are adopted. While A.L.I.V.E. Voluntary, supra, was concerned with the annulment, and not with the suspension, of regulations the Court referred to the suspension power in a footnote on p. 778 of the opinion in the context of discussing what the legislature could not do. The Court stated that if it approved the annulment of regulations by concurrent resolution, it would necessarily follow that the legislature could vest a power to disapprove regulations in a legislative committee, or even a single legislator; hence the Court could not approve the exercise of the power of annulment by the whole legislature.

Representative John G. Fuller

Page 2

April 9, 1981

While the power to suspend is not final action like the power of annulment, the language in the A.L.I.V.E. Voluntary case requiring the legislature to act in accordance with the procedures set out in Article II of the constitution would seem to cast into doubt the constitutionality of the use of a concurrent resolution to suspend regulations by legislature or a committee of the legislature.

Please contact me if you have any questions.

JAG:ljb

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 28, 1980

SUBJECT: State of Alaska v. A.L.I.V.E. Voluntary
TO: Representative Nels A. Anderson, Jr.
House Majority Leader
FROM: Billy G. Berrier
Director
Division of Legal Services

You have asked my comments on the decision of the Supreme Court in the case of State of Alaska v. A.L.I.V.E. Voluntary, (File No. 3670). A copy of the decision is attached.

The case concerns a regulation relating to games of skill and chance annulled by the legislature. The authority for annulment was AS 44.62.320(a) which provides:

The legislature, by a concurrent resolution adopted by a vote of both houses, may annul a regulation of an agency or department.

The Administrative Procedure Act was adopted by the First State Legislature in 1959. This Act provided, among other things, for the procedure by which regulations of agencies or departments are promulgated and the section was enacted as part of that procedure.

The Court held, with a majority opinion of three justices and a strong dissent by two justices, that regulations could not constitutionally be annulled by concurrent resolution since a resolution is not enacted in accordance with the requirements in Article II of the Constitution for adoption of law. The result, of course, is a non sequitor since the majority opinion avoided addressing the difference between regulation and law and finding that despite the difference, the enactment procedures applied. They, therefore, assumed the middle term of the syllogism and rambled widely to provide a substitute for the missing logic. Various cases were cited, only one of which was relevant and that one is no longer good law in its own jurisdiction.

February 28, 1980

For this reason, it is very difficult to determine the effect of the decision.

The holding is explicit that regulations may not be annulled by concurrent resolution. Although it is not explicitly stated, there is a clear implication that annulment by bill is constitutional.

Beyond that, the Court made several statements which do not appear necessary to the holding in this case. Much of this dicta is in sweeping terms. It casts doubt over substantial areas and, since the reasoning is essentially stream of consciousness rather than coherent, gives only minimal clues concerning the legal status of these areas.

Essentially the areas affected fall into two classes

- (1) regulations and legislative oversight of regulations;
and
- (2) other areas of law where concurrent resolutions are used to provide legislative oversight.

On regulations the majority opinion states broadly:

"The express provision in the Alaska Constitution of two specific legislative veto mechanisms supports our view that no implied general power to veto agency regulations by informal legislative action exists.

* * *

"In our view, the specificity with which the constitution deals with the legislative veto powers it does grant leads logically to the conclusion that no other veto power is implied."

The case law on regulations which the majority opinion cited is not helpful. One of the cases is on point but is no longer good law in its own jurisdiction, the second is a trial court decision and the last is a federal case where the question of a one-house veto was present but not reached. The discussion of this last case illustrates the difficulty in following the reasoning in the majority opinion. The Court referring to the United States Circuit Court decision in Atkins v. United States, 556 F2d 1028 (1977) said:

February 28, 1980

The court implied that for one House to have the authority to make such a change would be unconstitutional: "Nor could one House do anything more than preserve existing law. . ." Id. at 1064. In contrast, the annulment provisions of AS 44.62.320(a) permit the legislature to void administrative regulations which are in effect. Such regulations are laws in every meaningful sense, and annulling any one of them effects a change in the law.

The connection and logic totally escape me.

In its discussion of delegation of power to annul regulations, an issue injected into the opinion since no delegation is involved in the case before the Court, the opinion is even less helpful. The majority opinion observes:

"While the power to void agency regulations could be exercised by either the legislature, or by an agency, when the legislature exercises such power it must do so while acting as a legislature. It may not grant itself the power to act as an agency.

"It might be supposed that if the legislature could condition the validity of a regulation upon the subsequent disapproval by both of its houses by concurrent resolution, it could condition the same upon disapproval by a committee, or a single legislator. Using the theory, propounded by the Amici, that a veto is merely a condition there is no principled distinction between these cases. It is therefore worth observing that most authorities have rejected the validity of laws conferring either affirmative or negatory legislative powers on individual legislators or legislative committees."

Perhaps the second point made by the majority opinion in discussing the desirability of legislative oversight of administrative regulations gives the best clue. The opinion stated:

Second, at least according to a recent case study, the legislative veto has been unimpressive in practice. See Bruff & Geilhorn, Congressional Control of Administrative Regulation: A Study of Legislative Vetoes, 90 Harv. L. Rev., 1369 (1977). That study concludes, essentially, that the legislative veto encourages secretive, poorly

February 28, 1980

informed, and politically unaccountable legislative action. Id. at 1409-20. It is consequences such as these that the enactment provisions of our constitution are designed to guard against.

It should be pointed out that the facts concerning the annulment which was the subject matter of the case do not support a conclusion that the annulment resulted from "secretive, poorly informed and politically unaccountable legislative action" but that, of course, is not material.

It is my conclusion that any annulment of regulation other than by law would be unconstitutional under this case. Although the question is not discussed since it is not relevant to the case, it is very clear that regulations which have the effect of law require statutory authorization and the legislature can withdraw the authorization or establish standards in whatever degree of specificity the legislature desired. Since in case of conflict between statute and regulation the statute controls, it is also clearly permissible to make the substantive statutes detailed thereby leaving less or no areas which must be dealt with by regulations. This latter course, however, involves a loss of flexibility and administrative expertise.

It appears that any form of legislative oversight of administrative regulations would be regarded with suspicion by the court. However, devices such as providing that no regulation can become effective until it has been before the legislature in session for a set time or even a provision that no regulation may become effective unless approved by law are not clearly precluded.

In Plumley v. Hale, 594 P.2d 497 (Alaska 1979), our Court discussed the question of non-retroactive treatment in civil cases. The Court in that case stated:

In accord with United States Supreme Court precedent, we have previously identified four conditions indicating the propriety of non-retroactive treatment in civil cases: 1) the holding is one of first impression, or overrules prior law, and was not foreshadowed in earlier decisions; 2) there has been justifiable reliance on an alternative interpretation of the law; 3) undue hardship would result from retroactive application; and 4) the

February 28, 1980

purpose and intended effect of the holding is best accomplished by prospective application.

The case concerned approval of free conference committee reports without a recorded roll call vote. The Court held the criteria to be satisfied and the decision to be prospective only. In my opinion the facts here, while not as compelling as the facts in Plumley, would lead to a conclusion that annulment of regulations which occurred prior to this case are not affected by the case.

The second major problem area is legislative oversight exercised by concurrent resolution in other areas than regulation oversight. The majority opinion made a very broad statement saying:

The question presented by this case is whether the legislature can exercise its legislative power without following these enactment provisions. In our view the answer must be in the negative, for otherwise they would serve no purpose.

(The dissenting opinion quite correctly pointed out this is not the question at all. Justice Boochever said

In my opinion, the majority misstates the question presented as being whether the legislature can exercise its legislative power without the usual constitutional safeguards. The real question is whether, having exercised its legislative power, subject to all those safeguards, it may condition the delegation of regulatory power to an executive agency upon a provision for legislative oversight. I agree with our statement in Boehl that the legislature has that power.

This view will be significant in subsequent cases which concern the use of concurrent resolutions in context other than annulment of regulations placing as it does the issue before the Court in focus.)

The majority opinion went on to say:

Of course, when the legislature wishes to act in an advisory capacity it may act by resolution. However, when it means to take action having a binding effect on

February 28, 1980

those outside the legislature it may do so only by following the enactment procedures.

While the dissent noted that numerous other statutes provide some specific legislative review function by concurrent resolution, the majority opinion does not specifically address this. The sweeping generality of the majority opinion clouds, and on its face forbids, these other functions.

These include:

1. AS 18.45.025 -- Approval of facilities siting permit for nuclear facilities.
2. AS 18.65.060 -- Disapproval of regulations relating to compilation of criminal justice information and release of this information.
3. AS 28.05.021 -- Approval of compacts with other states relating to motor vehicle registration and driving licenses.
4. AS 28.15.141 -- Approval of regulations relating to classification of drivers licenses.
5. AS 28.15.081 -- Approval of regulations relating to drivers license examination.
6. AS 35.10.080 -- Approval of physical facility procurement and planning policy.
7. AS 37.05.280 -- Approval of leases by the state with a rental in excess of \$12,000. (While this has general application, it was adopted as part of and specifically relates to construction of public buildings by ASHA for lease to the state and is necessary for the validity of the revenue bonds issued by ASHA.)
8. AS 37.12.080 -- Approval of investments in a single project or to a single applicant by Alaska Renewable Resources Corporation if the investment exceeds \$1,500,000 or five percent of the resources of the corporation.
9. AS 38.05.037 -- Disapproval of zoning by the division of lands in the unorganized borough.

10. AS 38.05.182 -- Disapproval of a determination by the Commissioner of the Department of Natural Resources that the taking of royalty on natural resources in money rather than in kind is in the best interests of the state.
11. AS 38.05.065 -- Approval of disposition of oil and gas and contracts for sale of state owned royalty gas or oil.
12. AS 39.23.080 -- Approval of salary commission recommendations. (This is now repealed but until the pay bill this year went into effect, it was the basis on which higher government officials, including the governor, legislators and judges, were paid.)
13. AS 44.55.110 -- Approval of Alaska Power Authority plans. This approval is a specific condition on bonding.
14. AS 44.57.210 -- Approval of projects of the Alaska Toll Bridge Authority. This approval is required before bonds may be issued.
15. AS 46.03.758 -- Disapproval of regulations establishing civil penalties for discharge of oil.
16. AS 46.40.080 -- Approval of Alaska coastal management programs.

While all of these are clouded by the language in the majority opinion, that language is clearly dicta except on the point of annulment of regulations. In my opinion, an attempt to determine whether in later cases the court would follow the broad sweep in the instant case, narrow that sweep depending on the issue before it, or even confine the case to its facts would be pure speculation. Courts have frequently done all three. The majority opinion with its conclusionary approach unsupported by a coherent rationale is of little assistance in determining the scope of the opinion.

Earlier in the opinion, I discussed retro-activity as it applied to regulations annulled by concurrent resolution before the opinion. There is an even stronger case for holding that retroactive application cannot be given to a decision in the areas where annulment of regulations is not in question.

Representative Nels A. Anderson, Jr.

Page 8

February 28, 1980

I am, however, very disturbed by the possibility that a future decision in this area could be retroactive to the date of this decision based on a finding by the Court that this decision "clearly foreshadowed" a subsequent decision that resolutions could not be used as prescribed in these statutes. I do not think this would be the decision since certainly at the time of enactment of the laws referred to there was no foreshadowing and bringing all legislative action to a halt in areas of major concern to the state while the legislature re-wrote the law in these areas is certainly not reasonable.

Since the alternative would be to halt, among other things, power development, coastal zone management, and oil and gas sales based on a possibility that the Court will look on legislative oversight in these areas as unfavorably as it does on legislative oversight of regulations, I recommend continuing to operate within the statutory framework now established until the Court, by a subsequent decision, clarifies its position.

I would also recommend that the legislature consider the question of what options are open to it to meet the serious problems created by the case.

BGB:jdn

SENATE JOURNAL

LB 569

18 May 1981

Administrative Regulation
Review Committee
Pouch V, State Capitol
Juneau, AK 99811

The Hon. Tim Kelly
Chairman
Senate Committee on Rules

Dear Mr. Chairman:

In the past months of this legislature, the Administrative Regulation Review Committee has undertaken an examination of the powers and authorities left to it subsequent to the Supreme Court decision on State of Alaska vs. A.L.I.V.E., Voluntary.

As a result of our investigations it is the position of the Committee that clarification of the rules of procedure; description of the sequences of the review function; and modification of portions of the Administrative Procedure Act are in order to properly address a regulation review program.

Accordingly, the Administrative Regulation Review Committee submits the attached bill for "An Act relating to administrative regulations."

Sincerely,



Rep. Jack Fuller
Chairman
Administrative Regulation
Review Committee

S

B

585

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 585
 Title Relating to the Relocation of the Capital
 Requested by Governor Date 6/3/81

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Executive Office
 BRU, Program, or Subprogram(s) Affected Capital Site Planning Commission

(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		150.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	--	150.0	--			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	--	-0-	--			
PART TIME	--	-0-	--			
TEMPORARY	--	-0-	--			

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

Approximate costs for nine (9) man months for C.P.A., plus staff, travel and commodities cost.

IV. DATE June 4, 1981 PREPARED BY Rod Mourant
 AGENCY Office of the Governor
 PHONE 465-3500

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB 585
586

June 3, 1981

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting two bills on capital relocation. The bills are options. Either will suffice. One or the other should be enacted.

The first bill does not amend the FRANK Initiative. It provides rather for an impartial, nonpartisan update of the cost data developed by the New Capital Site Planning Commission by a panel of certified public accountants. The panel is required to correct any assumptions in the plan or in the statutes which substantial evidence shows are erroneous. It also requires the panel not to overstate or understate costs, but rather to make the most realistic estimates possible with the evidence available. The panel is to report its results in August 1982, and the director of elections will place the costs on the ballot for voter approval or disapproval at the November 1982 general election.

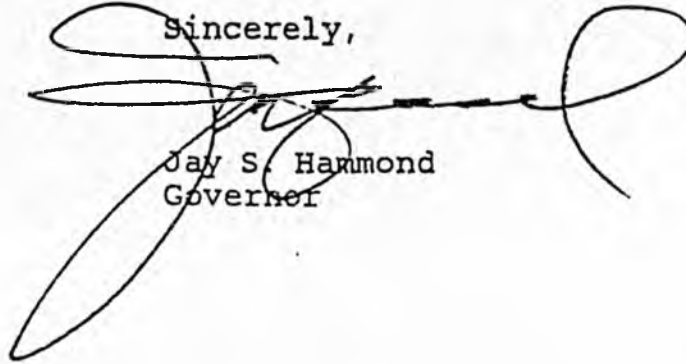
UNACCEPTABLE
retains
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majority of
those voting

The second bill amends the FRANK Initiative rather than merely updating it. It provides for a revitalized New Capital Site Planning Commission to revise its previous work and to go forward with its planning in much the same manner as provided by the latest version of Senate Bill 86. As with the panel of certified public accountants, the commission is under a duty to correct the false assumptions, if any, which are shown to exist in its previous plan or in the statutes, and it is also under a duty not to overstate or understate costs.

Because this option amends the FRANK Initiative, the ballot question will include additional information on the cost of the relocation. But the basic question on costs remains the same under either option: all of the costs. That is what the voters want to vote on.

I urge prompt passage of one of these measures.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jay S. Hammond". The signature is written over the typed name and title.

Jay S. Hammond
Governor

*Filing advisors
consultants*

Introduced: 6/3/81
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 585

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 relocation of the capital."

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

8 * Section 1. Within 15 days after the effective date of this Act, the
9 governor shall select a certified public accountant from Anchorage and a
10 certified public accountant from Fairbanks who together shall select a third
11 certified public accountant, subject to the approval of the governor, and
12 the three so selected shall jointly update the March 1978 report of the New
13 Capital Site Planning Commission with respect to the total costs of relocat-
14 ing the capital from Juneau to Willow. *3 CPAs - credible?
What criteria for selection?*

15 * Sec. 2. (a) In updating the report of the commission, the three cer-
16 tified public accountants shall

17 (1) consult with available members and former members of the com-
18 mission to familiarize themselves with the work of the commission;

19 (2) examine and revise any assumptions made by the commission or
20 contained in AS 44.06.230 which are shown by substantial evidence to be er-
21 roneous; and *MAINTAIN REDU. FOR COMM. OF 30,000?*

22 (3) use the average annual rate of growth in numbers of central
23 state positions and the average annual rate of inflation for construction
24 costs and for other costs for the preceding 10 years, taking into account
25 any unusual changes in the rates caused by special circumstances which are
26 not likely to be recurring. Meetings of the three certified public accoun-
27 tants are subject to AS 44.62.310 - 44.62.312.

28 (b) The three certified public accountants shall neither overstate nor
29 understate the costs, but rather shall make the most realistic estimates

COMMITTEE COPY

SB 585

[Handwritten signatures and scribbles]

offer let session
? why not in time
for let. review.

possible with the evidence available to them.

* Sec. 3. On August 16, 1982, the three certified public accountants shall make a public report of the total updated costs to be paid for relocating the capital from Juneau to Willow.

* Sec. 4. The director of elections, using the total cost of relocating the capital as updated under sec. 2 of this Act by the three certified public accountants, shall place the following proposition on the ballot at the November 1982 general election:

I approve the expenditure of \$ _____ (total costs) to create a new capital at Willow South to which a majority of the state's central employees will be relocated.

YES _____

NO _____

o/o
Majority
of those
voting

CONFLICT WITH?
Repeal FRANK?

why specify
"majority"
if want
to minimize
impact on June
Per 1974 initiative

+ cost of retaining cap. in June

585
Must Repeal
Frank to do this →

Introduced: 6/3/81
Referred: State Affairs and
Finance

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12 the three so selected shall jointly update the March 1978 report of the New
13 Capital Site Planning Commission with respect to the total costs of relocat-
14 ing the capital from Juneau to Willow. *Not capable of getting a credible number*

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COMMITTEE COPY

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6 the capital as updated under sec. 2 of this Act by the three certified pub-
7 lic accountants, shall place the following proposition on the ballot at the
8 November 1982 general election:

9 I approve the expenditure of \$ _____ (total costs)
10 to create a new capital at Willow South to which a major-
11 ity of the state's central employees will be relocated.

12 YES _____

13 NO _____

14
15 *Doesn't say it to rest*
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86

586
Introduced: 6/3/81
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 586

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 relocation of the state capital:
7 repealing and reenacting the law enacted by the ini-
8 tiative popularly known as the 'FRANK Initiative' to
9 provide for the determination of the costs of capital
10 relocation."
11

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

13 * Section 1. AS 44.06.196 is repealed and reenacted to read:

14 Sec. 44.06.196. CAPITAL RELOCATION EXPENDITURES. (a) Except for
15 money used for planning, design, studies, and field investigations in
16 accordance with the provisions of AS 44.06.200 -- 44.06.290, state
17 money may be spent to relocate the state capital from its present
18 location to the new capital site at Willow only after a majority of
19 those voting on the proposition at 1982 general election have
20 approved a ballot proposition which includes the total cost to the
21 state of providing for completion of relocation of a functional state
22 capital at the new capital site at Willow as provided in this section.

23 (b) The ballot must contain an estimate from each of the branches
24 of government of the number of central state employees reasonably ex-
25 pected to be relocated by it from Juneau and other existing, named lo-
26 cations to the new capital site at Willow and a breakdown of costs es-
27 timated by the commission for capital improvements, relocation of per-
28 sonnel and equipment, and indemnification under AS 44.08. The sum of
29 the following, as estimated by the New Capital Site Planning Commis-
sion, shall be the costs submitted to the voters on the ballot proposi-

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1 tion:

2 (1) the cost to the state as of the relocation completion
3 date of the land development, capital improvements, and furnishings ne-
4 cessary to provide a functional state capital;

5 (2) the cost to the state as of the relocation completion
6 date of relocating the central state employees and their dependents and
7 household goods to Willow;

8 (3) the cost to the state as of the relocation completion
9 date of moving offices, office equipment, and office contents suffi-
10 cient to accommodate the central state employees at Willow;

11 (4) the cost to the state as of the relocation completion
12 date of the indemnification requirements of AS 44.08;

13 (5) the cost to the state of the plans, designs, studies,
14 and field tests for relocation of the capital through the relocation
15 completion date;

16 (6) the cost to the state of the elements set out in the de-
17 tailed development plan described in AS 44.06.230, including payments
18 deferred beyond the relocation completion date, to the extent those
19 costs are not otherwise provided for in items (1) - (5) of this subsec-
20 tion; and

21 (7) the cost to the state of financing the costs specified
22 in this section.

23 (c) The New Capital Site Planning Commission shall make the cost
24 estimates provided in (b) of this section by updating its detailed de-
25 velopment plan and cost estimates of March 15, 1978, to reflect the
26 passage of time. In making its update, the commission shall revise
27 those assumptions in the plan, if any, which are shown by substantial
28 evidence to be erroneous and shall use the average rate of growth for
29 central state positions and the average annual rate of inflation for

1 construction costs and for other costs for the preceding 10 years, tak-
2 ing into account any unusual growth or decline in growth caused by spe-
3 cial circumstances.

4 (d) The commission shall update its estimate of the net proceeds
5 (increased value less current value) reasonably expected to be received
6 from the disposal of land at the capital site through the relocation
7 completion date. The commission shall also estimate the costs for con-
8 struction of new or enlarged public facilities or new or expanded
9 leases at Juneau through the relocation completion date, based on the
10 state's past and current practice of providing public facilities at
11 Juneau, which may reasonably be expected not to be incurred by the
12 state, if the capital is relocated by the relocation completion date.
13 These costs and the net proceeds from land disposal, together with the
14 total costs of relocation, as estimated under (b) of this section,
15 shall be included in the explanation in the Official Election Pamphlet
16 (AS 15.58) of the proposition prepared under (a) of this section.

17 (e) In making its estimates, the commission shall neither over-
18 state nor understate the costs, but rather shall make the most realis-
19 tic estimates possible with the evidence available to it.

20 *Too late for Leg. input.*
21 (f) The commission shall, on August 16, 1982, provide the legis-
22 lature, the governor, the lieutenant governor, the director of elec-
23 tions, and the public with its updated plan and a report setting out
24 the cost estimate required by this section and the number of central
25 government employees to be relocated from existing, named locations to
26 the new capital.

27 (g) After receipt of the report of the commission, the director
28 of elections shall prepare a ballot proposition in accordance with (a)
29 of this section and place it on the ballot at the 1982 general election.

(h) In this section

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(1) "functional state capital" means a city which has the public buildings, public utilities, access roads, streets, and other facilities necessary to meet the operational needs of state government and to accommodate the numbers and classifications of central state employees estimated in (b), the population estimated in (b), and the general public;

(2) "central state employees" means employees principally involved in matters which concern statewide activities of the state government rather than regional or local activities of the state government; and

Good (3) "relocation completion date" means the date which the commission, based on substantial evidence, estimates is the earliest practical date by which a functional state capital can be established in Willow.

* Sec. 2. AS 44.06 is amended by adding new sections to read:

Sec. 44.06.270. GENERAL DEVELOPMENT PLAN. (a) Simultaneously with the update of the basic development plan, the commission shall begin preparation of a general development plan and preparation of a specific development plan for the new capital site at Willow. To the extent that they are not adequately covered by the 1978 basic development plan prepared by the commission, the general development plan shall include, but is not limited to,

(1) an estimate of the proposed uses of land throughout the entirety of the new capital site at Willow, with a general allocation of the amounts and proportions of land to be devoted to governmental, residential, commercial, industrial, institutional, and public uses, and indicating the anticipated population and building densities for the new capital site at Willow based on the proposed uses of the land;

(2) an estimate of the cost, number, nature, and general lo-

1 cations of governmental and institutional facilities relating to use of
2 the site as the new capital of the state, public transportation and ma-
3 jor arterial street systems, parks and recreational facilities, water,
4 sewer and drainage systems, electric, telephone and other energy or
5 communications systems or utilities, and health, educational and com-
6 munity facilities;

7 (3) the approximate time schedule for the stages of develop-
8 ment of the new capital site at Willow with reference to both the vari-
9 ous parts of the new capital site and to the various types or categories
10 of land uses proposed;

11 (4) the means of financing the facilities described in (2)
12 of this subsection, the anticipated sources of money for completion of
13 the facilities, and the means by which borrowed money required to com-
14 plete the facilities is to be repaid; and

15 (5) any additional statements or documentation the commission
16 corporation considers necessary or appropriate. ?

17 (b) The commission shall include in the general development plan
18 an estimate of

19 (1) the minimum acreage of land to be allocated for the lo-
20 cation and construction of state offices and related state facilities;
21 and

22 (2) the minimum acreage of land to be set aside and allo-
23 cated for parks, lakes, recreation and open space use, which, when de-
24 veloped, is available for the use and enjoyment of the general public.

25 (c) The commission shall hold at least one hearing in each judi-
26 cial district of the state to receive comments from interested parties
27 on the general development plan proposed by the commission. Each hear-
28 ing shall be held in a community of the state selected by the commis-
29 sion. Public notice of a hearing under this subsection shall be given

1 by the commission by publication in a newspaper of general circulation
2 in the community.

3 (d) Following the completion of public hearings, the commission
4 shall approve the general development plan. The plan may be approved
5 with or without amendment. To be adopted, the general development plan
6 requires approval by at least two-thirds vote of the full membership of
7 the commission upon a finding that the plan is in accordance with and
8 furthers the purposes of this chapter. The commission shall submit the
9 general development plan to the assembly of the Matanuska-Susitna Bor-
10 ough and becomes effective only after review and comment by the assem-
11 bly. The assembly shall submit its comments on the general development
12 plan to the commission not later than 60 days after submission of the
13 plan to the assembly.

14 (e) Major amendments to the general development plan may be made
15 in accordance with the same procedure set out in this section for ap-
16 proval of the plan. Minor amendments of limited application may be
17 made without following the procedure of this section. However, when
18 adopting a minor amendment, the commission shall publish notice of the
19 proposed amendment which it considers appropriate and shall invite
20 written comments on the proposed amendment before its adoption. An
21 amendment to the general development plan takes effect on the date set
22 by the commission. However, a major amendment may not take effect un-
23 less it is reviewed by the Matanuska-Susitna Borough in accordance with
24 (d) of this section.

25 Sec. 44.06.280. SPECIFIC DEVELOPMENT PLANS. (a) After adoption
26 of the general development plan, the commission shall also prepare one
27 or more specific development plans for the new capital site at Willow.
28 A specific development plan includes, but is not limited to,

- 29 (1) a description of the area to be developed;

1 (2) a detailed and specific statement of the proposed uses
2 in the area to be developed, including proposed locations of all build-
3 ings and structures;

4 (3) a general description of the land-use restrictions or
5 covenants proposed for the area to be developed;

6 (4) a map of the existing and proposed transportation and
7 utility systems in the area to be developed;

8 (5) a statement of the methods by which the property in the
9 area to be developed may be disposed of;

10 (6) a statement of the relationship between the specific de-
11 velopment plan and the general development plan; and

12 (7) any additional statements or documentation which the
13 commission considers necessary or appropriate.

14 (b) A specific development plan shall be approved by the commis-
15 sion. A specific development plan becomes effective only after review
16 and comment by the assembly of the Matanuska-Susitna Borough. The as-
17 sembly shall submit its comments within 60 days of submission of the
18 plan to the assembly.

19 (c) Amendments to a specific development plan may be made accord-
20 ing to the procedure established in this section for approval of a spe-
21 cific development plan.

22 (d) The commission shall record a specific development plan and
23 any amendments in the appropriate recording district.

24 (e) A specific development plan constitutes the controlling docu-
25 ment and land use plan for the area to be developed.

26 (f) Approval of a specific development plan is an amendment to
27 the relevant portion of the general development plan. A specific de-
28 velopment plan which constitutes a substantial change from the general
29 development plan is subject to the provisions applicable to amendments

1 to the general development plan under AS 44.06.270(d) and (c).

2 Sec. 44.06.290. As used in AS 44.06.195 - 44.06.290, the word
3 "commission" means the New Capital Site Planning Commission.

4 * Sec. 3. FILLING VACANCIES IN COMMISSION MEMBERSHIP; MEETING. Within 15
5 days after the effective date of this Act, the governor shall fill any
6 vacancies in the membership of the commission and shall call the first
7 meeting of the commission.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB 585
584

June 3, 1981

The Honorable Jalmar Kerttula
President of the Senate
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Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting two bills on capital relocation. The bills are options. Either will suffice. One or the other should be enacted.

The first bill does not amend the FRANK Initiative. It provides rather for an impartial, nonpartisan update of the cost data developed by the New Capital Site Planning Commission by a panel of certified public accountants. The panel is required to correct any assumptions in the plan or in the statutes which substantial evidence shows are erroneous. It also requires the panel not to overstate or understate costs, but rather to make the most realistic estimates possible with the evidence available. The panel is to report its results in August 1982, and the director of elections will place the costs on the ballot for voter approval or disapproval at the November 1982 general election.

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I urge prompt passage of one of these measures.

Sincerely,



Jay S. Hammond
Governor

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

We have read about what many people have written about the Capital Move Issue and respected all of their views because we believe people should be able to express themselves to the full. We thank the Juneau Empire for granting us this privilege.

We are now going to express ourself about the Capital Move Issue, and our opinion is based on many months of research and study.

We wish this community to take notice that the Capital Move Issue is pending in the United States District Court in Juneau, Alaska, and that we have all intention of resolving it once and for all to everyone's satisfaction. We will never let it die until it is. We are firm on this. We are still searching for a constitutional trial lawyer who can help us.

We are alleging that we have the Capital and that it cannot be moved anywhere because of its private character. This statement is based on Alaskan and other settled law. This Capital is property which cannot be reached by an initiative because we are still under territorial law and are considered a "federal district within a state". Territorial law is different from state law. They are two different sovereignties.

Private property does not change from territory to state; it remains the same.

For the people who have been here since 1874 you will recall we had what is called a so-called "vote of the people" to move this Capital from Juneau to Willow, Alaska, but from its inception we have always alleged that this vote was put through us too much of a hurry and was without due process.

So at the first meeting of the First Capital Committee in the Gold Room of the Barnard Hotel, we stood at the podium before a microphone and challenged this vote, stating that we were going to study it. Besides the committee and the press, the whole room was full of people, including Frank Harris, one of the prime sponsors of the initiative, from Anchorage.

At that time we gave Frank Harris public notice that we were challenging this issue, and the press reported this in the Southeast Alaska Empire the next day. The tape of this hearing however, was not saved.

The present Lt. Governor Terry Miller was a member of this

first committee, as he was then Senate President, and we find it difficult to remember all of the names of all of the other members, but the then Senator Terry Miller questioned us when we finished with our presentation.

He asked us what the legislature could do in this instance, and we stated that there was nothing the legislature could do because any money spent on this issue would be "money down the drain". This made it a judicial question.

Since then, according to our former Juneau City Manager Mar Winegar's figure, around 1605,000 was spent out of the city's tax funds to so-call "help this community keep the capital through the use of the Alaska Committee, to whom these funds were given.

Seventy thousand more of our tax dollars were recently also put aside by this city for this purpose, but in meetings before the Assembly we are keeping track of this money, for this is the money we hope to use for a competent constitutional trial lawyer to help us resolve this issue.

According to our State of Alaska Department of Revenue, over 25,000,000 has been spent on the Capital Move (including more tax dollars from this community) with more spent in the form of "loans" as we understand it. We want these "loans" repaid into the fund from whence they came.

All of this means that Juneau has been triply taxed. On top of the taxes we now pay to run this community, money collected for the Alaska Committee and the State of Alaska are other taxes that this community has been burdened with, and surely this is a burden that cannot be lawfully sustained. McCulloch v. Maryland, 4 Wheat. 17 US 318 (1819)

Around November of last year we wrote our congressional delegation asking them how patented land was treated in the new Alaska Lands Bill S.J. We got no answer from Senator Mike Gravel, but Senator Ted Stevens and Representative Don Young wrote back that all patented land is private property.

This Capital is all patented property!

In the Alaska Statehood Act, you will recall Congress gave Block No. 18 (on which the Capital Building sits), Block No. 33 (on which the Governor's Mansion is located) and other property in Juneau to the State of Alaska, when AS 29.73.030 states that a municipality may not be divested of its private property by

adverse possession.

The granting of a patent by Congress is an act of sovereignty. Atlas Glass Co. v. Siroon's MFG. Co., 121 Fed 841, 42 CCA 354 (cert. den. 173 US 684 mem., 215 Ct 916 mem., 45 L ed 386 mem.), so this case, in effect, is a challenge of an entire vote of the people of this state versus Congress' setting of this Capital under this patented private land 74 years ago! Both sovereigns act, so to speak. Both have "the people" in it, because as far as Congress is concerned "the people" gave Congress the power to act for us in a territory such as ours.

Another important research tool we found besides the above is the article called "Property Which Cannot be Feasibly by the Power of Eminent Domain to a Public Use or Purpose" in the University of Pennsylvania Law Review, Vol. 78, No. 2, December 1929 by Milton Colvin, which on page 151 states:

"Although the sovereign power in free government may appropriate all the property, public as well as private, for public use, making compensation therefor, yet it has never been understood, at least in our republic, that the sovereign power can take the private property of A and give it to B by the right of eminent domain." - Mr. Justice Story

This is an article which we returned and gave to our Mayor William Overstreet and he told us he "threw it away." Now, why would our Mayor Overstreet throw away a valuable tool such as this which helps to retain our Capital in Juneau.

Wouldn't you think he would at least give it to a constitutional scholar or our Borough Attorney Lee Sharp? Why would he just "throw it away" as he told us he did?

This article is full of examples of cases where it states that taking the private property of A and giving it to B to use for the same purpose for which it is being utilized is forbidden in America. Private property, in other words, cannot be "taken" by an initiative. It is forbidden to do this.

If this were allowed, we would have shoolz chaos in our country. No corporation with a private character, nor your home nor ours, would be safe from being "taken" by an initiative.

Once "the people" are in it, such as in the case of this Capital where Congress puts us under patented property, "the people" cannot be in it again.

To Whom it May Concern

January 16, 1981

Welcome, members of the 12th Alaska State Legislature! This will bring the new members up to date on the Capital Move Issue which we have been challenging.

As Alaska allows a person to have a competent attorney if he wishes one, this case is in abeyance until we find one. We are not a constitutional trial lawyer competent to litigate international law, which we have found this Capital to be under. Bolshenin v. Zlobin, 11 Alaska 470, 76 F. Supp. 281

So, we are challenging Sen. Bill No. 1 and any other actions by anyone to wrest this Capital away from Juneau, whoever they are, and any appropriations made by this or any future legislature will be considered a "tax" against this community. This Capital is a federal corporation made so by Congress, still under territorial law, and not subject to state taxing. If the State of Alaska has a different idea, it will be able to bring forth its facts in this litigation, which is the reasonable way to settle this issue. And we intend to settle it one way or the other to a constant cloud will not be hanging over this Capital repressing its economic development.

This is going to be a very famous case. It will prove that "this is a new invention for a Capital under United States Patents," and that one cannot take private property by an initiative for the same purpose for which it is being utilized.

Respectfully submitted, Carolyn Burg

cc: All legislators, 12th Alaska Legislature, Governor Jay Hammond, Lt. Gov. Terry Miller, Attorney General's Office, U.S. Solicitor General, U.S. Senator Ted Stevens, U.S. Rep. Don Young, U.S. Senator Frank Murkowski, Washington, D. C. and others

6-16 1981

Given before the Sen. State Affairs Com.
before the Senate State Affairs Committee

no. SB 585
CS for SB 586

We respectfully disagree with all state legislation to "take" or "fund" a new Capital of Alaska as NOTHING HAS CHANGED WITH RESPECT TO OUR POSITION.

First of all we wish to thank all of those legislators who voted with us and supported us during the period we have been researching this issue and looking for a constitutional trial lawyer. We still need a constitutional trial lawyer to close this issue once and for all, as we want the State of Alaska to sign a release on the Capital Issue. We are holding firm to everything we have stated in the civil suit placed with the U.S. District Court in Juneau, Alaska in 1979.

This Capital is a trust under the dominance of the Nation, is still under territorial law and the State of Alaska has no jurisdiction in it. Congress made this Capital a federal grant 75 years ago, Juneau owns it, and a state statute enacted subsequently to a federal grant cannot operate to vest in the State rights which either remained in the U.S. or passed to its grantee. U.S. v. Oregon, 205 US 1, 28 (1935)

We want a hearing on this in a competent court with a competent judge or judges and a ruling thereon, and we want everything we have said to be judicially noticed.

With all due respect to everyone getting this statement, we have done our homework well, and until someone can overcome our authorities, we respectfully disagree with them. This means we expect them to work backward from our authorities.

We are fighting the fight of the PRIVATE PROPERTY OWNER. To "take" private property by an initiative would "x" out everything that the government stands for - to protect us in our life, liberty and property, and put in jeopardy your home or private business or ours, and make Alaska the laughing stock of the Nation. Bolshenin v. Zlobin, 11 Alaska 539, 76 F. Supp. 28

We repeat - all initiatives, including the FRANK initiative, are unconstitutional and void and have nothing at all to do with this Capital.

Thank you. If you have any questions we would be most happy to answer them.

Respectfully submitted,

Carolyn Burg
Carolyn Burg

(Mrs. Amos)

Copies to the same people listed above, and others

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

CAPITAL MOVE STATEMENT

MAY 26, 1981

GOVERNOR JAY S. HAMMOND



I COMMEND THE HOUSE FOR ATTEMPTING TO ACCOMMODATE MY CONCERNS THAT THE INTENT OF THE MAJORITY OF ALASKANS WHO SUPPORTED THE FRANK INITIATIVE ARE CLEARLY MET. HOWEVER, THEIR BILL WOULD AMEND THE FRANK INITIATIVE IN 3 RESPECTS.

THE HOUSE VERSION FIRST FAILS TO MEET MY PRIME STIPULATION THAT "TRUE AND FULL" COSTS, WHETHER TO BE MET BY BONDS, GENERAL FUND APPROPRIATIONS, OR LAND VALUES BE CLEARLY REVEALED TO THE PUBLIC FOR THEM TO VOTE UPON. SECOND, IT REDUCES SUBSTANTIALLY THE CAPITAL CONCEPT FOR WHICH "BONDABLE" COSTS MUST BE DETERMINED UNDER "FRANK", AND THIRD IT AMENDS "FRANK" TO REPLACE THE CAPITAL SITE PLANNING COMMISSION, UPON WHICH "FRANK" PROponents HAD VIRTUALLY EQUAL REPRESENTATION, WITH A CAPITAL SITE DEVELOPMENT CORPORATION SO CONSTITUTED AS TO OVERWEIGH FRANK INITIATIVE ADVOCATES.

SINCE 69,414 ALASKANS VOTED FOR THE FRANK INITIATIVE, WHILE ONLY 46,659 VOTED FOR THE CAPITAL MOVE INITIATIVE, IT SEEMS

RATIONAL TO CONCLUDE THAT "FRANK" ADVOCATES SHOULD BE BETTER REPRESENTED ON AN ENTITY WHICH IS SUPPOSED TO DETERMINE HOW BEST TO COMPLY WITH "FRANK'S" INTENT.

REPRESENTATIVE COTTEN IN FLOOR DEBATE YESTERDAY ADMITTED THAT THE FINANCE COMMITTEE VERSION WAS "STACKED WITH PRO-MOVERS". I CANNOT ACCEPT HIS RATIONALIZATIONS FOR WHY THAT IS BENEFICIAL. FOR THE COST ESTIMATES TO HAVE ANY INTRINSIC VALUE AND BE ACCEPTED AS VALID BY THE ELECTORATE, THEY MUST BE DEVELOPED BY A PREDOMINATELY NEUTRAL PLANNING COMMISSION.

I HAVE SAID FREQUENTLY THAT I AM NOT CONCERNED OVER THE NAME OF A NEW PLANNING BODY, BUT RATHER ITS COMPOSITION AND WHAT PROCEDURES THE COMMISSION WOULD FOLLOW TO DETERMINE THE "TRUE" COST OF A "FUNCTIONAL" CAPITAL CITY -- AS REQUIRED BY THE FRANK INITIATIVE. THE HOUSE MAKEUP OF THE CAPITAL CITY DEVELOPMENT CORPORATION WOULD INSPIRE LITTLE PUBLIC FAITH AS TO THE OBJECTIVITY OF THE GROUP OR THEIR COST ESTIMATES.

HOW CAN A GROUP WHICH IS CLEARLY AN ADVOCATE FOR CREATION OF A NEW CAPITAL CITY PROVIDE COST ESTIMATES WHICH MUST BE PERCEIVED BY ALL SIDES AS UNBIASED? IF THIS ISSUE IS EVER

TO BE LAID TO REST BOTH SIDES MUST PERCEIVE COST ESTIMATES
AS VALID AND JUST.

AS ONE OBLIGATED TO REPRESENT THE VIEWS OF ALL ALASKANS, I
CANNOT PERMIT A PUBLIC INITIATIVE FOR WHICH MOST ALASKANS
VOTED TO BE SO DRASTICALLY AMENDED BY OTHER THAN THE PEOPLE
THEMSELVES. TO PERMIT ANYTHING LESS WOULD BE TO BOW TO THE
ASSERTION OF SOME THAT THE PUBLIC DID NOT KNOW WHAT THEY
WERE VOTING UPON.

MAKE NO MISTAKE, I WANT THIS ISSUE RESOLVED. ACCORDINGLY, I
PROPOSED TWO MEANS BY WHICH IT CAN BE RESOLVED ON THE 1982
BALLOT. TIME AND AGAIN, INCLUDING ONCE FOR OVER TWO HOURS
ON SUNDAY, I MET WITH LEGISLATORS ON BOTH SIDES OF THE ISSUE
AND ADVISED THEM WHAT I FELT WOULD BE ACCEPTABLE TO THE
PUBLIC AND HENCE TO MYSELF. IN FACT, MY OFFICE EVEN
PROVIDED LEGISLATORS WITH COPIES OF TWO DRAFT VERSIONS WHICH
WOULD PASS MUSTER.

THOSE LEGISLATORS WHO CLAIM TO BE IN FAVOR OF THE CAPITAL
MOVE WILL DO THEIR CAUSE NO GOOD BY SENDING ME A BILL WHICH
THEY KNOW I WILL BE FORCED TO VETO.

THE HOUSE VERSION IS A BASIS FOR SATISFACTORILY RESOLVING
THIS QUESTION; HOWEVER, IT SHOULD GO TO CONFERENCE FOR
FURTHER REFINEMENT.

I AM MORE THAN WILLING TO COOPERATE WITH LEGISLATIVE LEADERS
TO PRODUCE A FAIR AND ACCEPTABLE BILL. BUT TO SEND ME AN
UNACCEPTABLE BILL AT THIS LATE DATE IN THE SESSION WILL
SIMPLY PERPETUATE A CRUEL HOAX ON THE PUBLIC AND WILL BE BUT
ONE MORE EXERCISE IN THE "GAME-PLAYING" WHICH HAS ALL TOO
FREQUENTLY ATTENDED LEGISLATIVE CONSIDERATION OF THE CAPITAL
MOVE ISSUE. THEREFORE, BECAUSE I DO NOT WANT TO VETO A BILL
AND THUS PROLONG THE AGONY WHICH WILL ATTEND THIS ISSUE SO
LONG AS IT REMAINS UNRESOLVED, I AM DEPARTING FROM MY USUAL
PRACTICE OF NOT ANNOUNCING IN ADVANCE WHETHER OR NOT I WILL
VETO A BILL. BE ASSURED THAT IF GIVEN THE HOUSE PASSED
VERSION OF THE BILL, IT WILL BE VETOED!

June 1, 1981

INDENNIFICATION

INDENNIFICATION

It is the purpose of this act to carry out the will of the people as expressed in three state-wide votes: after the people have approved the cost, to move the capital to Willow, and to do so without unnecessarily reducing the number of state employees in Juneau. The will of the people is considered binding on the executive, legislative and judicial branches.

No later than 15 days after the convening of the second session of the Twelfth Legislature the governor shall furnish to the legislature:

1. an estimate of the cost of moving the capital to Willow. The estimate shall be based on a maximum of 1,000 state employees at the new capital, exclusive of elected officials.
2. a plan to decentralize state government, assigning authority, responsibility and personnel to regional and district offices to the maximum extent possible. The plan shall clearly specify the authority, responsibility and functions reserved for employees at the capital.

Cost of remaining in Juneau

STATEMENT: HAMMOND COMMENTS ON COMPROMISE CAPITAL MOVE BILL

6-15-81

#101

FOR IMMEDIATE RELEASE

JUNEAU--Governor Jay Hammond earlier this afternoon released the following acceptance by all sides of a proposed draft of a bill which will reactivate the New Capital Site Planning Commission and charge it with producing plans for a new state capital -- plans and cost estimates which will be voted on by state voters at the November 1982 election.

The statement follows:

FOLLOWING MY VETO OF THE LEGISLATURE'S RECENT CAPITAL MOVE COST BILL I INTRODUCED TWO ALTERNATIVE BILLS, EITHER OF WHICH, I STATED, WOULD BE ACCEPTABLE. SINCE THEN, CONSTRUCTIVE NEGOTIATIONS HAVE TAKEN PLACE BETWEEN KEY PRO AND ANTI MOVE ADVOCATES WITH THE STATE'S DEPARTMENT OF LAW ACTING AS INTERMEDIARY.

I'M PLEASED TO BE INFORMED BY PARTICIPANTS THAT THEY HAVE AGREED TO A VERSION OF THE BILL WHICH SET FORTH THE 5

CRITERIA I HAVE STIPULATED AS NECESSARY TO SECURE MY APPROVAL.

HOPEFULLY, THE LEGISLATURE WILL ACT QUICKLY TO PASS THIS MEASURE PROVING THAT, CONTRARY TO THE ASSERTIONS OF SOME, A FAIR AND EQUITABLE BILL CAN BE CRAFTED WHICH CAN BE SUPPORTED BY MOST ALASKANS.

SINCE MY STATE OF THE STATE ADDRESS, I HAVE URGED LAWMAKERS TO PASS A BILL THIS YEAR WHICH WILL REACTIVATE THE CAPITAL SITE PLANNING COMMISSION AND GIVE THE COMMISSION THE CHANCE TO RESTUDY THE ISSUE OF THE CAPITAL MOVE AND PRODUCE UPDATED, ACCURATE COST ESTIMATES OF THE MOVE. I HAVE SAID REPEATEDLY THAT TO RESOLVE THIS ISSUE - ONE OF THE MOST DIVISIVE IN STATE HISTORY - IT IS NECESSARY FOR ALL ALASKANS TO VOTE ONCE MORE ON A BALLOT PROPOSITION WHICH WOULD ELIMINATE CONFLICTS PRODUCED BY VOTER PASSAGE IN 1974 OF A INITIATIVE TO MOVE THE CAPITAL, FOLLOWED IN 1978 BY PASSAGE OF THE "FRANK" INITIATIVE WHICH BARRED THAT MOVE UNTIL ALASKANS APPROVED THE FULL COSTS OF SUCH A MOVE. WHEN THE MAJORITY OF ALASKANS SUBSEQUENTLY DISAPPROVED THOSE COSTS, THE MOVE WAS EFFECTIVELY STALEMATED. DIVISIVENESS AND CONTENTION, HOWEVER, CONTINUED TO ESCALATE.

TO RESOLVE THIS ISSUE AND END THE DIVISIVENESS, I HAVE SAID IT IS VITAL THAT ALASKANS BE PERMITTED TO UNDERSTAND AND THEN AGAIN VOTE ON THE TRUE AND FULL COSTS OF A MOVE. MOREOVER, THOSE COST FIGURES HAD TO BE GENERATED BY A COMMISSION WHICH MOST ALASKANS BELIEVED HAD PRODUCED REALISTIC ESTIMATES OF THE TOTAL STATE COSTS OF THE MOVE.

TODAY I AM PLEASED TO SAY THAT KEY PEOPLE FROM BOTH SIDES HAVE AGREED TO JUST SUCH AN APPROACH -- ONE WHICH SETS UP THE MECHANISM FOR ALASKANS TO RATIONALLY SETTLE A COMPLEX ISSUE WHICH FOR THE PAST DECADE HAS THREATENED TO TEAR THIS STATE APART.

THE BILL, BASICALLY AN AMENDED VERSION OF ONE OF THE TWO BILLS I PROPOSED TO LAWMAKERS JUNE 2, FULLY MEETS THE FIVE CRITERIA I STIPULATED IN MY STATE OF THE STATE ADDRESS AND LATER CLARIFIED ON MARCH 13. (1) IT REQUIRES A NEW CAPITAL SITE PLANNING COMMISSION TO DETERMINE THE TRUE COSTS TO THE STATE FOR MOVING A FUNCTIONAL CAPITAL TO WILLOW SOUTH.

(2) IT REQUIRES THAT THE BALLOT IDENTIFY THE NUMBER OF CENTRAL STATE POSITIONS TO BE MOVED TO WILLOW FROM ELSEWHERE;

(3) IT ALLOWS THE PUBLIC TO KNOW THE TOTAL COSTS OF A FUNCTIONAL MOVE;

(4) TO APPROVE OR REJECT THE STATE'S SHARE OF THAT COST, AND

(5) IT DOES LAY THE ISSUE TO REST INSOFAR AS POSSIBLE. IF THE VOTERS APPROVE THE COSTS OF RELOCATION IN NOVEMBER 1982, THE CAPITAL CAN COMMENCE MOVING TO WILLOW AS QUICKLY AS POSSIBLE. IF THE MOVE IS NOT APPROVED ALL PRIOR INITIATIVES ARE REPEALED AND THE CLOUD OF CONFUSION WHICH HAS HUNG OVER SUCH THINGS AS JUNEAU'S ECONOMIC FUTURE WOULD BE LIFTED.

THIS BILL IS FAIR. IT DOES NOT HIDE THE REVENUE THE STATE MAY MAKE OFF SELLING LAND AT WILLOW TO OFFSET THE COST OF A MOVE. BUT NEITHER DOES IT OVERSTATE THAT VALUE. IT DOES NOT IGNORE THE COST OF NEW CAPITAL CONSTRUCTION WHICH WILL BE NEEDED IN JUNEAU SHOULD REMAIN THE CAPITAL, BUT

NEITHER DOES IT OVERLOOK THE COST OF MOVING EMPLOYEES FROM
JUNEAU AND ANCHORAGE NOR INDEMNIFICATION COSTS SHOULD THE
CAPITAL MOVE TO A NEW CITY AT WILLOW SOUTH.

THE BILL PERMITS THE COMMISSION THE LATITUDE IT NEEDS
TO CORRECT THE PERCEIVED ERRONEOUS ASSUMPTIONS MADE IN
DRAFTING THE 1978 PLAN, BUT ALSO GIVES THE COMMISSION THE
ABILITY TO LOOK AT NEW EVIDENCE RELATING TO COSTS WHICH THE
EARLIER COMMISSION DID NOT HAVE.

KEY PLAYERS FROM ALL SIDES SHOULD BE CONGRATULATED FOR
TAKING TIME TO LOOK SERIOUSLY AT THE TWO BILLS I DEEMED
ACCEPTABLE AND THEN WORKING TOGETHER TO RESOLVE THIS ISSUE
IN A WAY WHICH I BELIEVE THE VAST MAJORITY OF ALASKANS WILL
AGREE IS FAIR AND EQUITABLE. I MUST GIVE SPECIAL CREDIT BY
NAME TO JIM CLARK, AN ATTORNEY REPRESENTING THE ANTI-MOVE
ALASKA COMMITTEE, AND GENERAL AND MRS. B.B. TALLEY, LEADING
PRO-MOVE EXPERTS. TOGETHER WITH ASSISTANT ATTORNEY GENERAL
ROD PEGUES THEY WORKED IN AN EXEMPLARY MANNER TO FASHION A
GOOD, WELL WRITTEN BILL.

WHEN TWO WEEKS AGO I VETOED AN UNACCEPTABLE BILL I
BELIEVED IT WAS POSSIBLE FOR MEN AND WOMEN OF REASON TO

FASHION A BILL WHICH MOST ALASKANS COULD AGREE PRESENTED A FAIR AND EQUITABLE SOLUTION TO THIS PROBLEM. IT IS WITH GRATIFICATION THAT I LEARNED THAT HAD RESULTED.

FOLLOWING ACCEPTANCE#§ OF THIS BILL BY BOTH HOUSES, I WILL MOVE QUICKLY TO APPOINT THE THREE NEW MEMBERS OF THE COMMISSION NEEDED FOR IT TO AGAIN BE ABLE TO CONDUCT ITS WORK. THE COMMISSION WILL HAVE A COMPLEX TASK, BUT ONE WHICH I AM SURE IT WILL CARRY OUT THOUGHTFULLY AND HONESTLY.

IN A DEMOCRACY THE BEST WAY TO SOLVE COMPLEX ISSUES IS TO FULLY INFORM THE PUBLIC OF ALL THE OPTIONS IT FACES, THE COSTS AND RAMIFICATIONS OF ITS ACTIONS AND THEN LET AN INFORMED ELECTORATE DECIDE THE PROPER COURSE. ALASKANS WILL HEAR MUCH ABOUT THE CAPITAL MOVE FOR THE NEXT 17 MONTHS, BUT THAT IS NOT BAD. ONLY BY FULLY UNDERSTANDING THE CHOICES INVOLVED WILL ALASKANS HAVE AN OPPORTUNITY TO GAIN THE WISDOM THEY WILL NEED TO MAKE A DECISION ON AN ISSUE OF CONSIDERABLE COMPLEXITY.

IT IS GOOD THAT ALASKANS WILL NOW GET A CHANCE TO MAKE A REASONED COLLECTIVE DECISION. NO ONE ELSE IS BETTER

QUALIFIED TO MAKE SUCH A DECISION THAN THE PEOPLE WHO MUST
LIVE WITH THE RESULT.

SUMMARY OF CS FOR SB 586 (State Affairs)
RELOCATION OF STATE CAPITAL

- 1) Ballot proposition for November 1982 election includes total cost to the state of relocating a functional state capital to Willow; this includes all items in (c)(1) through (c)(7).
- 2) Ballot will also show:
 - a) Net proceeds from land sales/leases which will defray total costs;
 - b) cost of new or expanded facilities in Juneau and elsewhere that will be required if capital is not moved;
 - c) number of central state employees to be relocated from Juneau and elsewhere (as determined by CSPC);
 - d) estimate of population at Willow site on the relocation completion date;
 - e) estimated cost of capital improvements, relocation of personnel and equipment, and indemnification.
- 3) Relocation completion date is the earliest practical date by which a functional state capital can be established at the Willow site.
- 4) Functional state capital is a city with public buildings, public utilities, access roads, streets and other facilities necessary for operation of state government and to accomodate central state employees.
- 5) Resurrects the Capital Site Planning Commission, with vacancies to be filled and the first meeting to be held within 15 days of effective date of the act.
- 6) CSPC is to revise 1978 plan, revising erroneous assumptions and using average rate of growth and rate of inflation for construction costs for the preceding 10 years. Also eliminates requirement of 30,000 population for new capital.
- 7) Allows CSPC to go forward with general and specific development plans and the ballot cost estimate simultaneously, and to fit the plan to the ground. This will speed development if relocation costs are approved by voters.
- 8) CSPC reports to governor, presiding officers of the legislature and chief justice of supreme court, and the public by April 15 and August 16, 1982.
- 9) Repealers contingent on November 1982 vote.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

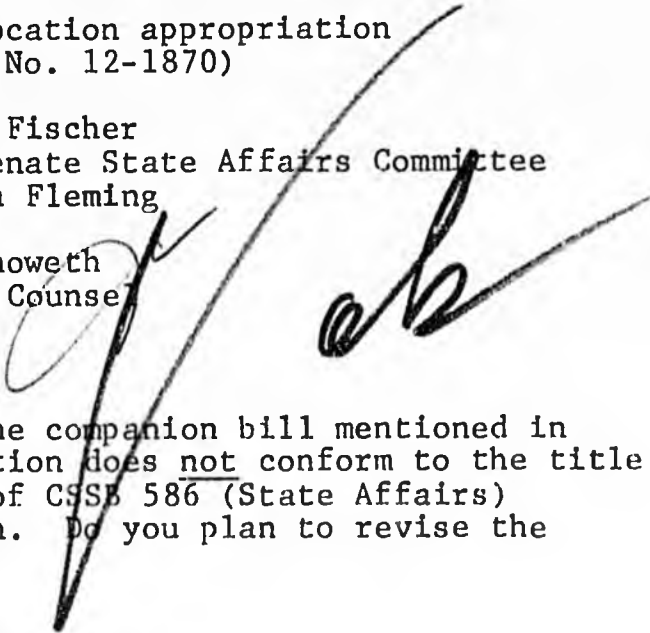
MEMORANDUM

June 12, 1981

SUBJECT: Capital relocation appropriation
(Work Order No. 12-1870)

TO: Senator Vic Fischer
Chairman, Senate State Affairs Committee
Attn: Laura Fleming

FROM: John B. Chenoweth
Legislative Counsel



I note that the title of the companion bill mentioned in
* Sec. 3 of this appropriation does not conform to the title
of the last draft version of CSSB 586 (State Affairs)
provided to you on June 9th. Do you plan to revise the
latter draft?

JBC:ljb

Enclosure

3837

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL 586
 Title Relating to the Relocation of the State Capital
 Requested by Governor Date 6/3/81

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.						
800		2,400.0*				
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	--	2,400.0*	--			
FEDERAL FUNDS	--	--	--			
OTHER (Specify Fund Source)	--	--	--			

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Due to extensive research conducted in estimating costs relative to CSSB86, those figures have been used for this Fiscal Note.

*Due to the nature of the project, this should be funded as a continuing appropriation.

IV. DATE June 4, 1981 PREPARED BY Rod Murrant
 AGENCY Office of the Governor
 PHONE 465-3500

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

