

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

3347

HJUD

HB

438

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HB

454

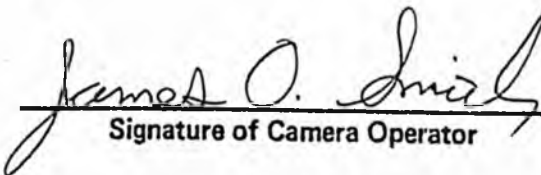
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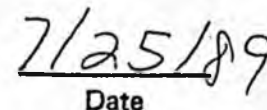


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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

H. Judiciary	3/18/86	1:30 pm
" "	3/19/86	1:30 pm

COMMITTEE REPORT
HOUSE

3/21

(7)

4/11/35

FURTHER: WITNESS

Date: _____

The Committee on JUDICIAL has had HB 433

"An Act relating to penalties for violating the Alaska Historic Preservation Act; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 433 (JUD) same title
 new title
- and recommends As passed
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Adrian T. Taylor

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Wm. Lockman

CHAIRMAN

Original sponsors: Davis and Koponen

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 438 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for violating the
7 Alaska Historic Preservation Act; and providing for
8 an effective date."

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

10 * Section 1. AS 41.35.210 is repealed and reenacted to read:

11 Sec. 41.35.210. CRIMINAL PENALTIES. A person who is convicted
12 of violating a provision of this chapter is guilty of a class A
13 misdemeanor.

14 * Sec. 2. AS 41.35 is amended by adding a new section to read:

15 Sec. 41.35.215. CIVIL PENALTIES. In addition to other penalties
16 and remedies provided by law, a person who is convicted of violating a
17 provision of this chapter is subject to a maximum civil penalty of
18 \$100,000 for each violation.

19 * Sec. 3. This Act takes effect July 1, 1986.
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STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 02-12-86

REQUEST

Bill/Resolution No. : HB 438
 Title : Penalties: Historic Preservation Act Violations.
 Sponsor : Rep Davis
 Requestor : House Judiciary
 Date of Request : 02-05-86

FISCAL DETAIL

Agency Affected : Natural Resources
BRU: Parks & Recreation Mgmt
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Carol J. Wilson *Carol J. Wilson*
 Division : Commissioner's Office

Phone : 465-2400
 Date : 02-13-86

Approved by Commissioner : *Wm D Amiel, Deputy*
 Agency : Natural Resources

Date : 2/13/86

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 438
 Title: "An Act relating to penalties for violating the Alaska Historic Preservation Act:"
 Sponsor: Repr. Davis
 Requestor: House Judiciary Committee
 Date of Request: February 11, 1986

FISCAL DETAIL

Agency Affected: Department of Law
 BRU: Legal Services, Prosecution
 Components: Legal Services Operations, Judicial Districts 1 thru 4

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Reported violations of the Alaska Historic Preservation Act are minimal and they rarely occur. Consequently, we do not anticipate enough additional activity to warrant fiscal note costs.

Prepared by: Richard I. Pegues, (Director)

Phone: 465-3672

Division: Administrative Services Division

Date: 2/12/86

Approved by Commissioner: Richard I. Pegues / FOR
Harold M. Brown, Attorney General

Date: 2/12/86

Agency: Department of Law

Distribution (by Agency preparing fiscal note):

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



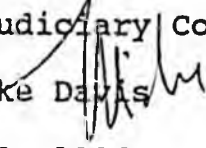
Alaska State Legislature

Representative Mike Davis

Pouch V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

TO: House Judiciary Committee

FROM: Rep. Mike Davis 

DATE: March 18, 1986

RE: HB-438: Penalties for violations of Historic Preservation Act

By statutory definition, any deposit, structure, ruins, site, building, grave, artifact, fossil, or other object of antiquity which provides information pertaining to the historical or prehistorical culture of people or the natural history of the state is subject to the Alaska Historic Preservation Act. The intent of the legislation before you is to provide a higher level of protection to these valuable resources by increasing the penalties for violations.

Alaska has an unusually rich and heretofore largely undisturbed reserve of historic objects which have immense scientific and historic value. These artifacts are eagerly sought after by collectors who are undeterred by either the penalties current law provides or the need to preserve these objects for the public good. The objects range from ivory and bone hand tools used by the Eskimos for thousands of years to the great wood carvings of the Tlingits to the relics of World War II strewn across the Aleutians to the unique dinosaur bones recently found on the North Slope. Without exaggeration, many of these objects are priceless.

This bill proposes that imprisonment for up to one year and a fine of up to \$5,000 be imposed for a violation and that civil penalties of up to \$100,000 be assessed. Current statute provides only for six months and a \$1,000 fine. Two immediate goals I hope to attain by making penalties for violations tougher is to provide a strong deterrent to violators and to increase the public's awareness of a very serious problem.

Although the bill does not now include a provision for penalties for someone who knowingly and willfully assists in the violation of the Alaska Historic Act, I have been told that such a provision is desirable and would ask of the committee that it give consideration to such a provision in an amendment.

WORLD
452-2686
ALL DOWN PARKA, \$125.

MARK GAS & diesel heaters for interior & engine cooling systems of cars & trucks. Full repair & service on all types of gas heaters. Roger Lang's Volkswagen Shop. 479-2748.

MOVING - NEW BROWN plaid loveseat with oak trim; 1 year old brown naugahyde couch with pine trim, both good condition. 488-0101.

MUST SELL!! 1970 CJ-5, \$600 or best offer. 3 1974 Ski-Doo snowmobiles, \$600 or best offer. \$1,000 for all. 456-7762. Ask for Luann Berkley.

NEW TORO ELECTRIC power snow shovel. 100' cord included. \$75. Call 479-7676.

OWATONNA SKID LOADER (like Bob Cat), V-4 Ford propane engine. Gas or propane. Good running condition. \$6,500. 488-3967.

PIONEER VIDEO DISC player w/ remote control. 29 movies. \$3,600 value. Must sell. \$1,000. 457-9112 after 5pm.

POOL TABLE, \$75. New Scandia jacuzzi. 8'x8'x3". Puma, filter, used boiler. \$4,000 or best. 457-0318.

POOL TABLE WITH accessories. \$225. 2 chrome map wheels with fair tires. 10x15 Chev. \$125. 479-4605.

POOL TABLE, 8 sticks, accessories, 3 1/2'x7". New cover, \$500. Wood typewriter desk. 32x60, \$50. 488-2691.

PORTABLE CIRCULAR SAW MILL. Belsaw arbor, 30" and 42" diameter blades. Best offer. 451-6845.

REDUCE YOUR HEATING BILLS. Save money on your heating bills. Purchase a rod press for your own savings. Call 452-4154.

REWARD FOR INFORMATION on location of Intact World War II aircraft: P-39, P-40, P-47, P-51 or P-63. Dave. 209-638-5406 collect.

SALE
ARCTIC CAT
PANTHER 440
\$2,850
REGULARLY \$3,499
See at
NORTHERN POWER
433 3rd St., G-1
452-2748
488-2691

SATOH BEAVER, 4x4, under 1000 lbs blade and 650 Yamaha Cub, fur
SHEER 12, 37, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000, 1005, 1010, 1015, 1020, 1025, 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Published in the Western Flyer, a Tacoma based aviation newspaper.

AVIATION BRIEFS

ALASKA

ANCHORAGE, AK - The United States Historical Aircraft Preservation Museum will begin taking legal action against individuals or organizations that remove the wreckage of any military aircraft that crashed in the state of Alaska and the Aleutians before November 19, 1961. The museum has obtained ownership of all 169 military aircraft that meet that criterion, and it wants to recover

and restore them for display. Some of the hulks would be used only for parts; the museum wants to restore completely at least one example of each of the 40 types of aircraft that crashed.

The museum also has claimed salvage rights on sunken military vessels of the Japanese navy, six Japanese aircraft, and three anti-aircraft guns. For more information on the museum and its restoration project, contact Paul Fox, United States Historical Aircraft

Preservation Museum, PO Box 6813, Anchorage, AK 99502.

ANCHORAGE, AK - "Operation Springback," the FAA's special accident prevention program in Alaska, was a success, reported Franklin Cunningham, the agency's Alaskan director. "We are very pleased with the results of this special safety program. An analysis will be made to determine the success and cost of the

PLANE TALK

UNITED STATES HISTORICAL
AIRCRAFT PRESERVATION MUSEUM



P.O. BOX 6813
ANCHORAGE, ALASKA 99502
Phone: 907-243-0914
Date: Apr 11, 1985

ARCHAEOLOGY

WORLD WAR II and AIRCRAFT

PUBLIC NOTICE NO. 1

Since 1980 as a non-profit, tax-exempt, public museum in Alaska, the United States Historical Aircraft Preservation Museum had been in the process of obtaining legal ownership of all downed military aircraft in Alaska. With the efforts of the Department of the Air Force legal staff and the U. S. Government, the USHAPM has registered and obtained such ownership of all military aircraft that crashed or otherwise lost in the state of Alaska and in the Aleutians prior to Nov. 19, 1961 which still remain either whole, destroyed, partially destroyed, uncovered, or unfound. The museum in the near future is going to attempt to remove all or partially all such military aircraft. Its goal is to obtain one aircraft of each type for public display in the state of Alaska. Since some of the aircraft are destroyed or partially destroyed, they will be used for parts only to make one whole aircraft. Since the USHAPM has ownership of these aircraft, effective April 11, 1985 our museum will take legal actions against any individuals or organizations that remove any of the aforementioned aircraft or aircraft parts. Our museum is asking the state and federal agencies not to issue any temporary use permit for military aircraft that crashed prior to November 19, 1961. Also we are asking the people of Alaska and the Lower 48 to contact us if they know of such individuals or organizations that attempt or have removed these military aircraft or aircraft parts for our museum to set in motion the proper actions.

Paul A. Fox, World War II Archaeologist
United States Historical Aircraft Preservation Museum
P. O. Box 6813, Anchorage, Alaska 99502



United States Department of the Interior

8111

OFFICE OF THE SECRETARY

P. O. Box 100120
Anchorage, Alaska 99510 - 0120

July 29, 1985

MEMORANDUM

TO: Regional Director, National Park Service
Regional Director, Fish & Wildlife Service
Area Director, Bureau of Indian Affairs
State Director, Bureau of Land Management

FROM: Regional Environmental Officer - Alaska

SUBJECT: Ownership of Downed Aircraft from World War II Era
on Public Domain Lands in Alaska

Enclosed for your information is a copy of the Deputy Regional Solicitor's opinion relating to Paul Fox's claim of Ownership of Downed Aircraft on Public Domain Land in Alaska.

The Regional Solicitor is also preparing an opinion on the general subject of Ownership of Downed Aircraft from the World War II Era on Public Domain Land in Alaska which I will forward to you upon receipt.


Paul Gates

AUG 5 10 30 AM '85

BLM AK-0201 31 12 27 PM '85

BLM AK 80 950



United States Department of the Interior

OFFICE OF THE SOLICITOR
ALASKA REGION

IN REPLY REFER TO:

701 C Street, Box 34
Anchorage, Alaska 99513

RECEIVED

July 29, 1985

JUL 29 1985

Office of the Secretary, 701
Anchorage, AK

MEMORANDUM

TO: Regional Environmental Officer
Department of the Interior
Office of the Secretary
(Anchorage, Alaska)

FROM: Deputy Regional Solicitor
Alaska Region (Anchorage, Alaska)

SUBJECT: Paul Fox's Claim of Ownership to Downed
Aircraft on Public Domain Lands in Alaska

You have asked us to review and advise you of the legal sufficiency of notices of claimed ownership of all military aircraft downed in Alaska prior to November 19, 1961 published by a Mr. Paul Fox. We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft.

Consequently, we are of the opinion that the public notices may simply be ignored as legally innocuous.

Dennis J. Hopewell
Dennis J. Hopewell



ALASKA HISTORICAL and TRANSPORTATION MUSEUM, INC.

Box 920 • Palmer, Alaska 99645 • Tel: (907) 745-4493

Exhibit #3

Honorable Ted Stevens
 United States Senator
 147 Russell Office Building
 Washington, D.C. 20510

11/14/85

Dear Senator Stevens,

We need your help!!! We have been working with the State of Alaska Office of History and Archeology, the Governors Office, The Army Corps of Engineers and aviation historical groups across Alaska to formulate and expedite a rational plan for the assessment, recovery and exhibit placement, in Alaska, of World War II aircraft wrecks.

It has been a difficult process, but substantial progress has been made. The Governor of Alaska requested a plan dealing with the W.W. II aircraft recovery and exhibit from a coalition of groups in October of this year and the plan was produced and submitted on time. In cooperation with the mentioned state or federal agencies initially the coalition of non profit groups included this museum, as an established " physical " museum facility in Palmer, the Alaskan Aviation Committee of Anchorage and has expanded to include the Interior Alaska and Arctic Aeronautical Foundation of Fairbanks, which at this time is developing an aviation collection within the Gold Dome at Alaskaland.

At this critical time when we are getting an " Alaskans for Alaska " effort well underway a potentially major disaster is in the making. A combined group of in state and " outside " salvors has gone to both Unalaska and Umnak Islands and gathered up the remains of at least seven P-40 W.W.II fighter aircraft for shipment to the Lower 48 states. This involves federal lands and has been done without the necessary federal permits which should have been obtained from the U.S. Fish and Wildlife Service. It is also the second violation by the same group within several months as similar violations recently occurred on Amchitka Island and were documented by the U.S. Fish and Wildlife Service.

Our concern arises from the fact that the U.S. Fish and Wildlife Service has been forming a position on this particular instance which maintains that the violators will be fined (\$250) for their trespass, but that they can have these historically important aircraft!!! For your information a rock bottom price for a flyable P-40 at this time is in the range of \$400,000. As useful parts alone the assembled wrecks represent, we estimate , a figure substantially in excess of \$400,000. Not a bad return for a couple of \$250 fines!!!

762-

Per Dave Olson of the U.S. Fish and Wildlife Office in Anchorage his agency is about to claim ownership of all other documented wrecks on their lands, but as these particular wrecks have been moved it would be difficult to prove ownership.

This is an indefensible position!! We have photographs of the wrecks in question as they were in place on federal lands, and this documentation has existed for years, these wrecks were included in our plan which was requested by the Governor of Alaska and the helicopter pilot in Dutch Harbor who actually airlifted these wrecks for the salvors has pointed out the origin points to Alaska State Troopers.

Is the U.S. Fish and Wildlife Service acting in an ethical, professional and non biased manner on this issue?? We believe not particularly when their past performance, please see the enclosed information, indicates that at least some U.S. Fish and Wildlife personnel in Alaska seem to have played favorites with Lower 48 collectors in the past. An Alaskan group long on the field definitely came out second best to the Confederate Airforce, in Texas. Does perhaps someone or a number of people in Alaskas U.S. Fish and Wildlife Service have a vested interest in the outside sale of these materials? Perhaps this question should also be examined.

What we want at this time is your help in stopping the drain of historical materials from Alaska which in turn will help us get in place an Alaskan system for dealing with these materials. We want the authority for collection or disposal of W.W.II aircraft, or any important aviation materials, on federal lands to be turned over to the State of Alaska Office of History and Archeology. At this moment we specifically want authority for the P-40s in question to be turned over to the State of Alaska Office of History and Archeology. That agency can then in turn work with our museum and its allied preservation groups to insure quality exhibits within Alaska and perhaps a funding base, via sales of aviation materials deemed surplus, for other important aviation history preservation activities.

We have included a letter we wrote to another historical group recently as part of our effort to include Alaskan interests in the current Army Corps of Engineers Aleutians/W.W.II cleanup impact study. It should clearly illustrate our position on historical aviation preservation in Alaska.

In closing I would like to add that after a great deal of effort and real pain on the part of Alaskans the proposed U.S. Fish and Wildlife stand on the P-40s in question will set a precedent which will virtually open Alaska up to a salvors "Gold Rush". Irreplaceable historical aircraft remains of high educational and exhibit value, worth virtually millions of dollars, will disappear and what will be left for our people, our children?

Please contact us for whatever additional information you might need.

Sincerely,



John Cooper
Director

What to do With Alaska's Old Aircraft Relics

Restore, Remove, or Remain?



One of the most notable remnants of modern warfare is aircraft. Hundreds of planes bit the dust in World War II as they perished in severe weather, were shot down by enemy fire, or were casualties of mechanical failure and human error.

In Alaska old aircraft are scattered throughout the state, but on the Aleutian Islands National Wildlife Refuge, there is a rich museum of abandoned aircraft from World War II lying in the isolated tundra. Only on the Aleutian Islands did enemy troops invade American soil during the war.

What to do with the remains of these aircraft is coming an increasingly difficult question for the U.S. Fish and Wildlife Service, the agency which manages the refuge. In this age of public sentiment and legislation to preserve historic sites and objects, more and more people



(Top photo) #95 as it originally looked on the runway in the Aleutians during World War II. (Bottom photo) An unidentified woman stands by the remains of #95, a P-38G on the Aleutian Islands.

Please refer to the U.S. Fish + Wildlife policy statement on the next page.

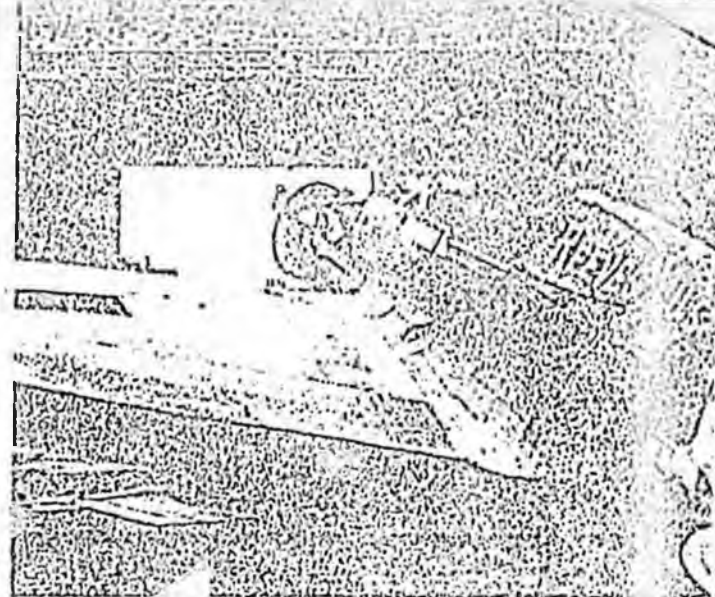
preservation interests are not the only motivation for removal of these planes. The blackmarket value of aircraft for private museums and collectors is on the increase. Many planes have already been vandalized for parts and some have even disappeared.

One plane that disappeared was a Curtiss P-40E which was removed from Amchitka in the early 1970's. This was the type of plane flown by the 343rd Fighter Group, known as the Aleutian Tigers, commanded by Colonel Jack Chennault. The Tigers developed quite a reputation as the primary interceptors of Japanese planes during the war.

public viewing in an Alaskan museum.

"Out of sight is out of mind," Spencer says. "These planes should be preserved to commemorate the service that people put in -- they should be memorials to those who died and suffered. If we don't commemorate those historic actions, there is something wrong."

Spencer cites a P-38G which remains on the Aleutians under surveillance by the U.S. Coast Guard as an example of the unique aircraft remaining on the islands. It is the only G model left in the world, and the State of Alaska has nominated it to the



This Curtiss P-40E disappeared from Amchitka in the Aleutians in the early 1970's.

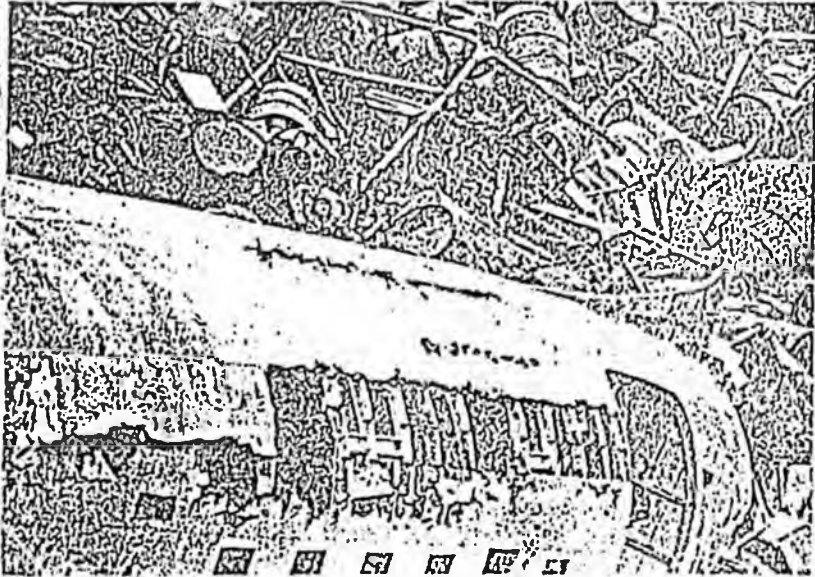


Photo by Henry Peck.

Even the junk yards on Amchitka contain relics, such as this shot-up C-47.

As a start in dealing with the problem of downed aircraft, the U.S. Fish and Wildlife Service has developed a policy for activities connected with the old airplanes on Service land.

"These planes are not there for the taking," says Keith Schreiner, Alaska Area Director for the Service. "Unless an individual has the proper papers establishing ownership and assuring compliance with federal laws protecting historic objects, these planes will remain under the stewardship of the Fish and Wildlife Service."

Ted Spencer, president of the Alaskan Historical Aircraft Society, has taken a keen interest in the Aleutians. He says the islands are rich in aviation history with at least a dozen "significant relics".

Spencer advocates protection for the airplanes at the very least and believes that eventually some of the planes should be removed,

National Register of Historic Places as an historic object. The P-38's were used in combat for the first time in the Aleutians. They were flown from California with Rand McNalley road maps, according to Spencer, and had their first aerial victories of the war when they were used to shoot down two four-engine Japanese "flying boats".

Should the planes be left to time and the elements, should they be removed to a museum, or should they be restored in place, are all questions the Service is trying to deal with.

In the meantime, Schreiner stresses that removing parts or the plane itself from refuge lands is a federal crime. "Destruction or removal of government property is punishable by a \$500 fine and/or six months in prison and forfeiture of the object," Schreiner says.

It may be possible to obtain title to an abandoned aircraft if

no owner is found and if proper procedures are followed; however, if the aircraft is determined to be significant historically, disposition is generally limited.

"Our policy calls for the aircraft to be housed in a public place in Alaska and made accessible to the public," Schreiner says, "and any work done on the aircraft must be in harmony with its original character."

Basically, the Service policy requires establishing ownership of the aircraft, compliance with the 1966 Historic Preservation Act procedures, and use of environmentally sound removal techniques before a land use permit can be issued for removal.

For military aircraft, a statement must be obtained from the Air Force at Wright-Patterson Air Force Base in Ohio relinquishing all rights. A statement also is needed from the historian at Elmendorf Air Force Base to assure compliance with the Historic Preservation Act.

For removal of non-military Federal aircraft, the applicant must furnish a written statement from that Federal agency relinquishing all rights. For privately owned aircraft, the true owner must be located and a statement obtained stating abandonment or relinquishment to the applicant. If the owner cannot be located, the property will be subject to sale or other disposal according to Federal procedures. In all cases, compliance with procedures under the Historic Preservation Act must be followed before a permit can be granted for removal.

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THE ALASKAN
HISTORICAL AIRCRAFT
SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

June 7, 1979

Dear Sir:

The Alaskan Historical Aircraft Society would like to ardently protest the occurrence of a situation and the conduct of certain federal agencies. During April and May a group of gentlemen representing the Confederate Air Force of Harlingen Texas arrived in Alaska with a DC-3 cargo aircraft and a helicopter. Their intent was to salvage as much WWII aircraft or aircraft parts as was feasible. Their journeys took in the Alaskan Peninsula (King Salmon - Cold Bay - Chernofski) and eventually to Adak, a restricted entry Navy base in the Aleutians. There they spent five days and flew on government O.A.S. aircraft in the company of FWS personnel to areas containing actual or reported WWII aircraft wreckage. The survey aircraft was originally chartered to serve the native population at Atka Village, through the BIA. In questioning John Moore, Director of BIA in Juneau, he claims that BIA did not authorize the flying excursions by Confederate Air Force people. He indicates that the flights were FWS authorized as "refuge survey flights." He feels that the "truth" would never have come to light except that the aircraft got stuck in the sand at Tanaga Bay (a rich historical area) and was 18 hours overdue for doing BIA work. The Coast Guard was called out for a search mission.

The FWS refuge manager in Adak, Mr. John Martin, indicates he thought that the flights had been authorized by BIA and the Office of Aircraft Services claims it doesn't know exactly what went on or who paid for the flights. All they did was fly the airplane and land it where ever the CAF indicated. The Confederate Air Force maintains the largest

THE ALASKAN HISTORICAL AIRCRAFT SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

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group flying WWII aircraft in the world and is a major salvager of aircraft, world wide.

The Alaskan Historical Aircraft Society has been working long and hard in a volunteer effort to preserve WWII aircraft in Alaska as valuable historic objects. These machines relate to an important stage of Alaska's development, not to mention the commendable services and events of human courage and sacrifice during the Aleutian Campaign. We're up against the fact that these museum objects are worth tens of thousands of dollars each on vintage aircraft market. Our complaint is this: why is a major aircraft salvager from the states afforded an expeditious tour of Aleutian wreckage sites apparently with government assistance and at government expense when the Alaskan Historical Aircraft Society cannot get similar accommodation when seeking to do the federal mandated task of gathering information for the National Register of Historic Places. This nomination work is necessary to get recognition of these aircraft as historic objects and thus cause them to be preserved in the interest of future generations of Alaskans. It is reflected in Executive Order 11593, and 36 CFR800 _____, that the various federal agencies have a responsibility to do this work. These machines are rare and are historic in the finest sense of historic value. We have established this with the submission and acceptance by the State of Alaska of our nominations of the P-38 on Attu and B-24D at Atka...nominations we put together from photos gleaned from private citizens in Nevada and Massachusetts; information that should have been provided by the federal government in light of Executive Order No. 11593 and 36 CFR800. The work is recognized and endorsed by the Manager of Federal Antiquities of the Heritage Conservation Recreation Service in Wash. D.C. Even though the nomination work is the responsibility of the federal agencies, our small group has endeavored to do it out of pocket and in spare time. We do this because the FWS Service in particular claims to have no time, manpower or funds to conduct such a survey and furthermore cannot offer us any assistance whatsoever in doing their job. They say only that they will issue us a special use permit. They cannot spare any people to assist or accompany us. When we ask what assurance we have that the machines are properly protected until a proper evaluation is done, the FWS claims no one can get into Adak without security clearance and must have legitimate interest there and that, according to Mr. Owen Vivian of the FWS, no salvage

THE ALASKAN
HISTORICAL AIRCRAFT
SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

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personnel would have entry to refuge lands. Yet the people with FWS in Adak can get aircraft together and find time to visit sites with prominent aircraft salvagers.

We feel this historical resource is being compromised by someone in the federal government. Aviation represents a fourth of Alaska's 20th Century development and not much has been done to save it in a heritage sense. The Alaska Historical Aircraft Society is trying desperately to preserve this history. Would you please earnestly investigate this matter? What we want to know is this:

1. Who sponsored the Confederate Air Force with the Navy at Adak.
2. Who paid for the accommodations and the government aircraft for the CAP survey team. Who authorized the aircraft's use. (FWS; USN; BIA; OAS) (aircraft costs: \$324/day + \$247/hr. for fuel + Misc.)
3. Where exactly did the crew from the CAF fly to and what did they take away.
4. Why does FWS personnel have time to accompany the people on permit (#A1-179-9 for Mr. Hoffman; CAF 116-S Ridge Ct. Ft. Collins, Col) and cannot assist the Alaskan Historical Aircraft Soc. personnel trying to perform federal mandated duties.
5. What part did the OAS play in this and what did pilot Dave Macelroy experience during the flights (i.e. log books)
6. Why cannot the ANAS get similar cooperation in their efforts to save this resource for Alaska.
7. Why are efforts to do nominations on valuable WWII aircraft being blocked by federal apathy.

If we cannot get some assistance, soon these historic aircraft will be scattered and broken down for parts and used to line the pockets of a few entrepreneurs. It's going to look bad if it is done with government assistance. Thank you for your time and energy concerning this situation. We know that you are busy.

Sincerely,

Dale Jackson

Sheila Dewey

Ted Spencer
President

Vice President

Treasurer

Editorials

Robert B. Atwood
President and Publisher

T.A. Durr
Managing Editor

ALASKA

Aleutian relics

MAYBE THE FEDS — and all of us — need to rethink the idea of prohibiting the general public from picking up the debris of World War II that litters some of the remote areas and some of the unpopulated islands of the Aleutian Chain.

The Fish and Wildlife Service this week said it had issued a criminal citation against a Missouri man who hired a helicopter and flew out there to pick up some parts from three wrecked P-40 fighter planes that had been rusting away in splendid isolation on the west side of Unalaska Island for more than 40 years.

The federal agents filed charges of landing on refuge lands without permission (is that really a crime?) and then seized the old airplane parts — even though they admitted they don't exactly know what to do with them.

The man who got the parts knew what to do with them. He evidently had a market for them among old airplane buffs who restore World War II aircraft.

IF YOU think about it, what's wrong with that?

Why not invite anybody with the inclination and the talent to go out there and pick up whatever junk he can find?

We remember a few years ago when members of the staff of a United States senator were out in the Aleutians and happily picked up an armload of empty World War II-vintage Coca Cola bottles — the kind that had

the name of the city they came from stamped on the bottom. Our recollection is that Seattle was the home base of these particular bottles.

The old Coke bottles, we're told, are great collectors' items — in high demand and worth money.

So what if somebody knew that and came away from a trip to the chain with a few souvenirs to sell or give away? In the process, some of the litter of World War II was hauled away and the islands were a little cleaner.

THERE ARE many remnants of World War II scattered around the Aleutians — plane wreckage, crumbling quonset huts, bottles, trash, probably a lot of brass casings from expended ammunition, empty oil drums, and who knows what all.

There have been proposals — and probably a lot of money spent — to finance government contracts to hire people to go out and restore the islands to their pristine beauty. They would be hauling away at taxpayer expense what evidently private scavengers, souvenir hunters and collectors would do for nothing.

Why not leave in place whatever nobody wants? That debris, worn by the ravages of 40 Aleutian winters, is part of the history of the islands. In time, it will all disappear.

Meanwhile, if some enterprising fellow wants to claim an old carburetor or wing strut or engine cowling, what's the harm?



Political turnabout

This week the House of Representatives will get down to the lick-log on tax reform. That familiar old refrain, "Sure I'm for tax reform, but . . ." will no longer suffice. Each member will have to choose between the "Yes" button and the "No" button.

At this writing it appears that the majority will choose to vote "Yes," which makes infinite good sense. The wonder is that the issue is in doubt at all.

In similar fashion, the administration will have to put up or shut up. The simple fact is that the president can have a tax reform bill passed by the House if he really wants one, thus keeping the principal domestic priority of his second term alive.

The reason for both the ambivalence of the House and the timidity of the president has a lot more to do with politics than with substance.



would lead one to the basic thrust of all including the version the fly by House I to simplify the tax taxpayers, to shift away from individual penses of business denials from all sides the tax base in pre deficit-cutting tax the road.

Though the con less simple and the president's

Protecting the heritage of aviation in Alaska

We are losing part of our aviation and state heritage. Artifacts of Alaska's aviation history are continually scavenged by Outside private interests. It's unfortunate, but aviation artifacts have become something of value.

Three public, nonprofit organizations are concerned with keeping Alaska's aviation heritage in Alaska. They are the Museum of Alaska Transportation and Industry in Palmer, The Alaskan Historical Aircraft Society in Anchorage, and the Interior and Arctic Alaska Aeronautical Foundation in Fairbanks.

Other organizations also are concerned with recovery of historic aircraft, but their efforts are structured to private use or gain.

The United States Historical Aircraft Preservation Museum, with Paul A. Fox as president, has interfered considerably with other legitimate recovery and preservation efforts.

Fox issued public notices claiming ownership to all downed military aircraft that were no longer claimed by the military. He then issued threats of legal action against any other organization that tried to salvage these aircraft. The notice was published in the Western Flyer, a Tacoma, Wash., aviation newspaper.

Fox's claim was denied by The U.S. Department of the Interior, which wrote, "We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft. Consequently, we are of the opinion that public notices may simply be ignored as legally innocuous."

The problems have not stopped with the Department of Interior's decision. Seven Curtis P-40 crash sites have been scavenged in recent months; the Nome site was allegedly picked over by a member of Fox's organization.

The P-40 is a World War II fighter that was staged in Alaska during the war years. Like most WWII fighters, the P-40 is a rare airplane, worth about \$400,000 in flying condition. The destination of its recovered parts is Texas, not Alaska.

Site locations include federal, Native lands and land still in question. Alaska's state Department of Natural Resources, and the U.S. Fish and Wildlife Service is investi-

Everett Long

Pilot's Corner



Commentary

"We are investigating (the theft or trespass) because two wrecks were on federal land," said Larry Hood, an agent with the USFWS. The fine is \$250 to \$500. A wrecked P-40 is worth over \$100,000.

"It's a big question of ownership after the fines have been paid," Hood said. The state and the three legitimate aircraft museum organizations are trying to have the P-40 seized and kept in Alaska. There are enough parts to make three complete restored aircraft. They would become part of the air museum displays in Fairbanks, Palmer, and Anchorage.

Paul Chattey, who represents the Department of Natural Resources' Office of History and Archeology, is among those who'd like to see more cooperation among the various preservation groups.

"We are concerned with aircraft that are covered by the Alaska Historic Preservation Act," Chattey said. "But that only applies to aircraft on state land. At the moment we need the cooperation of all groups, like the IAAAF, the museum in Palmer, and the Alaskan Historical Aircraft Society."

"Our position is this: If those P-40 parts are seized, they would be moved to storage at Palmer—and used for all Alaskans."

The Palmer museum has contacted U.S. Sen. Ted Stevens for help in seizing and keeping these aircraft in Alaska. The IAAAF and the AHAS support these efforts, and encourage people to express their views to Sen. Stevens. Locally, Rep. Mike Davis also is working to assist the effort.

It looks grim concerning saving the P-40s. Most of the salvaged parts are presently stored at Unalaska and Umnak Island. This "Gold Rush" on irreplaceable historic aircraft has got to be stopped. If not stopped, nothing will remain for educational and exhibit value

A private pilot, Everett Long, is a board member of the IAAAF.

Lawmaker is out to stem loss of aviation heritage

Preserving Alaska's aviation heritage is not simple, and competition for artifacts can be fierce.

The Alaska Historic Preservation Act was designed to protect historic, prehistoric and archeological resources. But its penalty of "up to \$1,000 and/or six months in

jail" has not been effective in protecting rare aircraft.

State Rep. Mike Davis, District 19, Fairbanks, plans to change that law.

Davis' proposed amendment will change it from a \$1,000 penalty and six months in jail, to \$5,000 with up

to one year in jail. In addition a civil penalty of \$100,000 per violation will be charged. The responsibility is also broadened to include those people who assist a person who violates the Alaska Historic Preservation Act.

"Something has to be done to stem the tide of our Alaskan heritage from leaving the state," Davis said. "The recent, and ongoing, issue of the P-40s is a good example of needed legislation."

The intent of the amendment is take the profit out of stealing our Alaskan heritage. And stop those who are willing to claim rewards and make a profit out of finding artifacts for Outside interests.

Presently the charges are only a misdemeanor—still a minor criminal charge. Judith Bittner, Chief of the Office of History and

Everett Long

Pilot's
Corner



Archaeology DNR recommends changing that to a felony charge. I share that recommendation, and Davis is seeking input on recommended charges in the amendment.

The objective is usually World War II fighters found in isolated areas of the state. They are rare, which dulls the effect of a \$1,000 fine, and isolated, which makes it difficult to catch a thief.

Within the last three or four

years, two P-51 Mustangs disappeared from a lake near Selawik north of the Seward Peninsula. When asked, nobody in Kotzebue or Nome knew who took them. Nor did anyone working with state or federal agencies know anything about the missing aircraft.

Threatened aircraft in the interior are P-39 Aircobras. The Interior and Arctic Alaska Aeronautical Foundation wishes to retrieve some of these rare WWII fighters for display in the Alaska Pioneer Air Museum.

The air museum's efforts are for public use and preservation of aviation heritage. Anyone who knows crashed or submerged WWII aircraft are encouraged to assist.

John Cooper, director of the Alaska Historical Transportation Museum in Palmer, says he supports Davis's amendment "100 percent."

People throughout Alaska are concerned about the loss of our history. The P-40s and Mustangs are only a part of the problem. Native artifacts on the coast are often raided by people with boat access. Archaeological sites are indiscriminately robbed. It isn't just a problem involving WWII aircraft. "I don't anticipate any opposition to this amendment," Davis said. "But it will take a concentrated effort by me and other interested people. I would certainly welcome any letters of support sent to me, or to your respective legislators."

Send letters of support to Rep. Mike Davis, Pouch V, Juneau, AK 99811. Anyone interested in protecting Alaska's treasures should support this amendment.

Aviation Happenings

Aviation organizations can have their meetings and activities listed. If they will send a schedule to the Pilot's Corner.

Jan. 20—Monday, 7:30 p.m. General membership meeting, Yukon Squadron Civil Air Patrol, CAP hangar, East Ramp.
Jan. 21—Tuesday 7:30 p.m., Interior & Arctic Alaska Aeronautical Foundation meeting, Alaska Room Fairbanks International Airport terminal. Topics: Move meeting location for accessible parking; proposed amendments to the Alaska Historic Preservation Act.

A private pilot, Everett Long is a board member of the Interior and Arctic Alaska Aeronautical Foundation.



North Star Flying Lions, Inc.

P.O. Box 21301, Fairbanks, Alaska
99708

January 16, 1986

Representative Mike Davis
Pouch V
Juneau, Alaska 99811

Dear Mike:

The twenty five members of the North Star Flying Lions wish to lend their support to the proposed amendments of the Alaska Historic Preservation Act. We are deeply concerned regarding the removal of historical artifacts from Alaska.

We appreciate being made fully aware of this problem through Everett Long's recent Pilot's Corner column in the Fairbanks Daily News-Miner. The tragic loss of the planes mentioned in the column diminishes Alaska's aviation heritage, which we feel is incumbent on all of us to protect and preserve.

The proposed legislation to increase the civil penalty from \$1,000 to \$100,000 is a good start in getting the kind of attention that is apparently necessary to stem further acts of criminal removal (theft, if you will) of these rare planes.

Please include our organization as being 100% in favor of your proposed amendment. Members names will be sent on request.

Sincerely yours,

L. Stanley Zielinski
President, 1985-86

LSZ:mv

CC: Letter to the Editor
Fairbanks Daily News-Miner

ADMIRAL JAMES S. RUSSELL, USN (RETIRED)
7734 WALNUT AVENUE SOUTHWEST
TACOMA, WASHINGTON 98498

29 January 1986

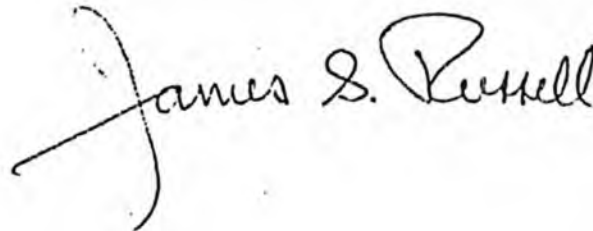
The Honorable Mike Davis
Member of the State Legislature
Representative of the 19th District
Juneau, Ak., 99801

Dear Representative Davis

From one who flew and fought in Alaska in WW II, please accept my hearty endorsement of your effort to preserve for Alaskans those historic airplanes which, due to enemy action or weather, were wrecked and abandoned in the State of Alaska.

With all good wishes for your success.

Sincerely,

A handwritten signature in cursive script that reads "James S. Russell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Enclosure: News clip from Fairbanks paper

CC; Brig.Gen. Benjamin B. Talley, USA (retired)
Anchor Point, AK.

Blink copy to: Mr. Everett Long, Box 1, Ester, AK, 99725

ADMIRAL JAMES S. RUSSELL, USN (RETIRED)
7734 WALNUT AVENUE SOUTHWEST
TACOMA, WASHINGTON 98498

30 January 1986

BGen. Benjamin B. Talley,
Star Route Box 600
Anchor Point, AK., 99556

Dear Ben,

I spent 10-13 January in Fairbanks with the Interior Alaska and Arctic Aeronautic Foundation (IAAAF) and served as guest speaker at their Saturday banquet. A number of their members are deeply concerned about the pirating of WW II historic aircraft from crash sites in Alaska. (e.g. Mr. Fox who has tried to lay claim to all.)

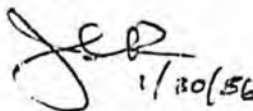
It would be greatly appreciated if you could send a word of support for Representative Mike Davis to those in the State Legislature who are particular friends of yours. See enclosed news clip.

On another subject, - I am holding open 10 March for an advisory committee meeting in Juneau should Bill Hanable call it.

To you and Virginia, all the best,



✓ Blind Copy - to Everett Long - It is Gen Talley who has secured a grant of \$150,000 from the state, plus some private donations, to fund a documentary film "WW II in Alaska".



MEMORANDUM

State of Alaska

Department of Natural Resources, Division of Parks and Outdoor Recreation

TO: Tom Moyer
Legislative Aide
Representative Davis' Office
Alaska State Legislature

FROM: Judith E. Bittner *JB*
Chief, Office of History & Archaeology
Department of Natural Resources

REF: Changes to
ACC.11.16

APR 24, 1961

The Alaska Historic Preservation Act, (AS 41.35.010) formulates as state law the preservation and protection of Alaska's historic, prehistoric and archaeological resources from loss, desecration and destruction. Title 11, Chapter 16 of the Alaska Administrative Code, establishes implementing regulations to deal with jurisdiction, title to collected items, the permitting process, reports, etc. related to these resources.

It is unlawful for a person to appropriate, excavate, remove, injure, or destroy without a permit from the Commissioner, any historic, prehistoric or archaeological resources of the state. There is, quite properly, a broad definition given to "historic, prehistoric and archaeological resources" under 41.35.230 ("deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state.") Penalties are established under Section 41.35.200 for possessing, selling, buying or transporting within the state, or offering to sell, buy or transport within the state, historic, prehistoric or archaeological resources taken or acquired in violation of this section. Violators are guilty of a misdemeanor and, upon conviction, are punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both. (AS 41.35.210)

I am certain that aircraft and parts thereof are adequately covered under AS 41.35.230. Alaskan historic aircraft have been accorded recognition as historic artifacts and/or objects of antiquity by the Governor's Historic Sites Advisory Committee (established under AS 41.35.110) in nominations to the National Register of Historic Places and by award of grants to recover rare, endangered aircraft. I would suggest that changes should not be made to Section 11.16.110, a portion of the implementing regulations that define administrative responsibility for historic sites as being within the Division of Parks and Outdoor Recreation. Any changes in State law should, more appropriately, be made to AS 41.35.200. Mr. Long's efforts are in the right direction; as State Historic Preservation Officer I would support efforts to increase the penalty for violation of 41.35.200 from a misdemeanor to a felony.

MOYER, REP

Old World War II wreckage in the Aleutians is not just 'junk'

Dear Editor:

I read with amazement the editorial, "Aleutian relics," which appeared in the Dec. 11 issue of The Anchorage Times. The author apparently is unaware or unappreciative of the intense effort by a handful of volunteer Alaskans to preserve Alaska's

Letters to the editor

heritage for present and future residents and visitors.

If the remnants of Alaska's illustrious history is worthless junk, why do folks fly up here

from Missouri, rent helicopters and stay in hotels or tents at great expense just to pick up this "junk?" I offer that the reason is bucks, big bucks. A restored Cur-

tis P-40 Warhawk or Lockheed P-38 Lightning is worth \$300-400,000.

During the 1950s and 1960s these same aircraft could be purchased in good condition for as little as \$500. Now that 40 years of attrition has reduced the number to less than a dozen, their value has gone through the roof. Alaska is one of the last depositories of these machines in the wild and they are fairly well preserved by the cold climate.

Not only are the salvagers taking the machines out of state, they are taking our history. What sacrifices of human life do the remains of the Aleutian Campaign represent? As a student of Alaskan history I have a deep appreciation of Alaskan heritage and tradition. This heritage is a source of pride and identity. Over the last century, the land of Alaska has been heavily looted by the carpetbaggers. Consequently many fine collections of Alaskan culture reside in museums somewhere other than Alaska.

If one cares to debate value of preserving Alaska's superb aviation history, take a look at the hundreds of air museums springing up around the world, many of them featuring Alaskan aircraft. Some of these include the National Air and Space Museum; the Air Force Museum in Dayton, Ohio; the Pacific Museum of Flight in Seattle; and the Airpower Museum in Iowa.

Aviation has almost single-handedly changed a centuries-old way of life for Alaskan residents. The issue of historical Alaskan aircraft as a cultural resource has been on the table for at least 10 years. A lot of hard work by volunteers as well as

contributions by the private sector and government have gone into resolving this issue. We are just now beginning to make some meaningful progress. For The Anchorage Times to degrade the intrinsic value of these artifacts borders on irresponsibility. You might as well invite folks to pilfer native artifacts and buy up the vintage art collections, or better yet, saw up Alaska's historic architecture and go into the firewood business.

Ted M. Spencer
President
Alaska Historical
Aircraft Society
7317 Michelin Place, No. 5



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

H B

4 5 4

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	1/27/86	1:30 pm
" "	2/4/86	1:30 pm
" "	2/5/86	1:30 pm

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

EXPLANATION OF CSHB 454 (Jud)

CSHB 454 is an act relating to the compensation of state officers and establishing a commission on compensation of state officers.

I. The State Officers Compensation Commission, established in the Office of the Governor, is:

- A. a seven member commission serving staggered four year terms;
- B. appointed by the governor subject to confirmation by a majority of the legislature in joint session;
- C. made up of at least:
 1. one business executive,
 2. one representative of a non-partisan voters' organization,
 3. one public administrator,
 4. one labor organization representative.
- D. not to have on it any employees of the state, including the University of Alaska, members of state boards, commissions, or authorities, or elected state or municipal officers.

II. The duties of the commission:

- A. review salaries, benefits and allowances of legislators, the governor, lieutenant governor, members of the judiciary and heads of principal executive departments;
- B. determine an equitable rate and form of compensation and benefits and allowances for state officers;
- C. submit a report of its findings and recommendations at least once every two years, but not more frequently than every year;
- D. submit preliminary findings and recommendations by November 15;
- E. after giving public notice of the preliminary findings and recommendations, soliciting public comments, and giving due regard to public comments, submit its final report during the first 10 days of a legislative session;

1. amendments to the final report and recommendations may be submitted by the commission;
 2. commission members who disagree with the proposed or final report and recommendations may submit written objections.
- F. file its final recommendations in the lieutenant governor's office upon transmitting those recommendations to the legislature.

III. Final recommendations of the commission:

- A. have the force of law and become effective on the first day of the next regular legislative session after submission unless rejected by a concurrent resolution adopted by 2/3 of the members in each house.
- B. do not have the effect of reducing compensation and benefits of:
 1. a member of the judiciary who is on the bench on the effective date of the commission's recommendations; and
 2. the governor and lieutenant governor who are in office on the effective date of the recommendation unless consistent with a general law applicable to all other salaried officers of the state;
- C. may reduce the compensation and benefits for a person who became a member of the judiciary or became governor or lieutenant governor after the effective date of the recommendation.

IV. The effective dates of the various provisions of the bill are as follows:

- A. immediate effective date:
 1. all provisions of the bill relating to the establishment and organization of the commission and providing for its compensation review, report, and recommendations;
 2. the standard provisions for the first time appointments of the commission (Sec. 12);
 3. the provisions that, notwithstanding the requirement that final reports of the commission be submitted during the first 10 days of a legislative session, the first report the new commission submits must be submitted by January 10, 1987;
- B. effective on the effective date of a state constitutional amendment creating a State Officers Compensation Commission [CSHJR 54 (Jud)] i.e., 30 days after certification of election returns:
 1. the requirements regarding filing and certification of commission final recommendations in the lieutenant governor's

- office;
2. all other provisions of the bill which provide that the commission sets the compensation of all state officers;
 3. Section 13, which provides that all salaries in effect for state officers prior to the effective date of the constitutional amendment shall remain in effect until the commission has made its first final report on January 10, 1987, and the recommendation has taken effect on the first day of the 1987 legislative session (January 19, 1987).
 - a. If CSHB 48 (Jud), relating to the compensation of legislators, passes and becomes law, the salary of legislators will be a Step A, Range 22 (\$4,095) until January 19, 1987 (the first day of the Fifteenth Legislature). On January 19, 1987, the new commission set salary will take effect.
 - b. If CSHB 48 (Jud) passes and becomes law and the constitutional amendment in CSHJR 54 (Jud) fails, legislators will receive their present salaries until the first day of the Fifteenth Legislature. At that time, their salaries will be dropped to a Step A, Range 10 (\$1,845).

V. Repealers

- A. 22.05.140 (c) - relates to geographic cost of living adjustments for supreme court justices.
- B. 22.10.190 (c) - relates to geographic cost of living adjustments for superior court judges.
- C. 22.15.220 (d) - relates to geographic cost of living adjustments for district court judges.
- D. 39.20.080 (c) - provides that the salaries of heads of principal executive departments of the state may not be reduced during their tenure in office. (See new AS 39.23.250 (a)).
- E. 39.23.200 (e) - is the provision in this bill setting up the commission in the office of the governor. After passage of the constitutional amendment the commission has a life of its own and exists independently of any state office or agency and this initial provision is no longer necessary.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 454 (Judiciary)
 Title : _____

 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Governor's Office
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	70.0	70.0	70.0	70.0	70.0
TRAVEL	0	20.0	20.0	20.0	20.0	20.0
CONTRACTUAL	0	1.0	1.0	1.0	1.0	1.0
SUPPLIES	0	-	-	-	-	-
EQUIPMENT	0	-	-	-	-	-
LAND & STRUCTURES	0	-	-	-	-	-
GRANTS, CLAIMS	0	-	-	-	-	-
MISCELLANEOUS	0	1.0	1.0	1.0	1.0	1.0
TOTAL OPERATING	0	112.0	112.0	112.0	112.0	112.0

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	112.0	112.0	112.0	112.0	112.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : John L. Sund
 Division : _____
 Approved by Commissioner : _____
 Agency : _____

Phone : 465-4919
 Date : 1/27/86
 Date : _____

Distribution (by Agency preparing fiscal note) :

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

Original sponsor: Larson by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 454 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of state officers;
7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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

10 * Section 1. AS 39.23 is amended by adding new sections to read:

11 ARTICLE 1. STATE OFFICERS COMPENSATION COMMISSION.

12 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
13 State Officers Compensation Commission is established. The commission
14 is composed of seven members appointed by the governor subject to
15 confirmation by a majority of the legislature in joint session.
16 Members serve for staggered terms of four years. Commission member-
17 ship shall include at least one business executive, one representative
18 of a nonpartisan voters' organization, one person with experience in
19 public administration and one representative of a labor organization.
20 A vacancy shall be filled for the balance of the unexpired term.

21 (b) The commission shall annually elect a member to chair its
22 meetings. A majority of the commission members constitutes a quorum
23 to transact business. The affirmative vote of four members is re-
24 quired to approve the commission's recommendations on compensation.

25 (c) The commission shall meet at the call of the chair. Notice
26 of a meeting shall be mailed to each member at least 15 days before
27 the date scheduled for the meeting.

28 (d) The commission shall hold a public hearing to discuss its
29 findings and recommendations before submitting its final report to the

1 legislature.

2 (a) The commission shall be established in the Office of the
3 Governor.

4 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
5 A member of the commission may not be employed by the state, including
6 the University of Alaska, serve as a member of a state board, commis-
7 sion, or authority, or hold elective state or municipal office during
8 membership on the commission.

9 Sec. 39.23.220. COMPENSATION. Members of the commission serve
10 without compensation but are entitled to per diem and travel expenses
11 authorized for members of boards and commissions under AS 39.20.180.

12 Sec. 39.23.230. STAFF. (a) The commission may contract for
13 professional services and may employ staff as it considers necessary.

14 (b) If requested by the commission, the director of personnel in
15 the Department of Administration shall serve as secretary to the
16 commission.

17 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
18 shall review the salaries, benefits, and allowances of members of the
19 legislature, the governor, lieutenant governor, members of the judi-
20 ciary, and the head of each principal department and submit a report
21 on its findings at least once every two years, but not more frequently
22 than every year.

23 (b) The commission shall submit its preliminary findings and
24 recommendations by November 15. The commission shall give reasonable
25 public notice of its preliminary findings and recommendations, solicit
26 public comments, and give due regard to the public comments, before
27 submitting a final report under (c) of this section.

28 (c) The commission shall make a final report of its findings and
29 recommendations as to the rate and form of compensation, benefits, and

1 allowances for state officers no later than the 10th day of a legisla-
2 tive session.

3 (d) The commission may submit to the legislature amendments to
4 the report submitted under (c) of this section.

5 (e) A commission member who does not concur in the proposed or
6 final recommendations may attach written objections to the commis-
7 sion's report of its findings and recommendations.

8 **Sec. 39.23.250. RECOMMENDATIONS RELATING TO THE JUDICIARY,**
9 **GOVERNOR, AND LIEUTENANT GOVERNOR.** (a) A recommendation of the
10 commission may not have the effect of reducing the compensation or
11 benefits of a member of the judiciary who is a member of the judiciary
12 on the effective date of the commission's recommendation; or reduce,
13 unless consistent with general law applicable to all other salaried
14 officers of the state, except incumbent members of the judiciary, the
15 compensation and benefits of the governor or lieutenant governor who
16 are in office on the effective date of the commission's recommen-
17 dation.

18 (b) The commission may recommend reduction in compensation or
19 benefits for individuals who become members of the judiciary or gover-
20 nor or lieutenant governor after the effective date of the commis-
21 sion's recommendation.

22 **Sec. 39.23.260. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-**
23 **TION.** The commission shall, upon transmitting its final recommenda-
24 tions to the legislature, file the recommendations in the office of
25 the lieutenant governor, and upon the recommendations becoming effec-
26 tive the commission shall certify the copy of the recommendations on
27 file in the office of the lieutenant governor.

28 **Sec. 39.23.270. POLICY OF THE LEGISLATURE.** It is the policy of
29 the legislature that the commission determine an equitable rate and

1 form of compensation, benefits, and allowances for state officers.

2 Sec. 39.23.280. ADMINISTRATIVE PROCEDURE ACT. The regulation-
3 making provisions of the Administrative Procedure Act (AS 44.62) do
4 not apply to proceedings of the commission.

5 Sec. 39.23.400. DEFINITIONS. In AS 39.23.200 - 39.23.400

6 (1) "commission" means the State Officers Compensation
7 Commission;

8 (2) "judiciary" means justices of the supreme court and
9 judges of the court of appeals and the superior and district courts;

10 (3) "state officer" means members of the legislature, the
11 governor, lieutenant governor, members of the judiciary, and the head
12 of each principal department in the executive branch.

13 * Sec. 2. AS 39.23.240(c) is amended to read:

14 (c) The commission shall make a final report of its findings and
15 recommendations as to the rate and form of compensation, benefits, and
16 allowances for state officers no later than the 10th day of a legisla-
17 tive session. A recommendation has the force of law and becomes
18 effective on the first day of the next regular legislative session
19 unless rejected by a concurrent resolution adopted by two-thirds of
20 the members in each house of the legislature.

21 * Sec. 3. AS 22.05.140(a) is repealed and reenacted to read:

22 (a) The State Officers Compensation Commission shall set the
23 compensation and geographic cost-of-living adjustment, if any, of each
24 justice under AS 39.23.200 - 39.23.400.

25 * Sec. 4. AS 22.07.090(a) is repealed and reenacted to read:

26 (a) The State Officers Compensation Commission shall set the
27 compensation of each judge of the court of appeals under AS 39.23.-
28 200 - 39.23.400.

29 * Sec. 5. AS 22.10.190(a) is repealed and reenacted to read:

1 (a) The State Officers Compensation Commission shall set the
2 compensation and geographic cost-of-living adjustment, if any, of each
3 judge of the superior court under AS 39.23.200 - 39.23.400.

4 * Sec. 6. AS 22.15.220(a) is repealed and reenacted to read:

5 (a) The State Officers Compensation Commission shall set the
6 compensation and geographic cost-of-living adjustment, if any, of each
7 judge of the district court under AS 39.23.200 - 39.23.400.

8 * Sec. 7. AS 24.10.100 is repealed and reenacted to read:

9 Sec. 24.10.100. COMPENSATION OF LEGISLATORS. The State Officers
10 Compensation Commission shall set the compensation of legislators
11 under AS 39.23.200 - 39.23.400.

12 * Sec. 8. AS 39.20.010 is repealed and reenacted to read:

13 Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The State Offi-
14 cers Compensation Commission shall set the compensation of the gover-
15 nor under AS 39.23.200 - 39.23.400.

16 * Sec. 9. AS 39.20.030 is repealed and reenacted to read:

17 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The State
18 Officers Compensation Commission shall set the compensation of the
19 lieutenant governor under AS 39.23.200 - 39.23.400.

20 * Sec. 10. AS 39.20.050 is amended to read:

21 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed
22 by the State Officers Compensation Commission [LAW] for the governor
23 and lieutenant governor is full compensation [IN FULL] for all servi-
24 ces rendered by each of them in any official capacity or employment
25 whatsoever during their respective terms of office, and shall be paid
26 throughout their respective terms of office unless the office becomes
27 vacant.

28 * Sec. 11. AS 39.20.080(a) is repealed and reenacted to read:

29 (a) The State Officers Compensation Commission shall set the

1 compensation of the head of each principal executive department under
2 AS 39.23.200 - 39.23.400.

3 * Sec. 12. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
4 initial members appointed to the commission shall serve a one-year term,
5 two members shall serve two-year terms, two members shall serve three-year
6 terms, and two members shall serve four-year terms.

7 * Sec. 13. Notwithstanding secs. 3 - 11 and 15 of this Act, the salary
8 established for justices of the supreme court in AS 22.05.140, judges of
9 the court of appeals in AS 22.07.090, judges of the superior court in
10 AS 22.10.190, judges of the district court in AS 22.15.220, legislators in
11 AS 24.10.100, the governor in AS 39.20.010, the lieutenant governor in
12 AS 39.20.030, and heads of each principal executive department in AS 39.-
13 20.080, as those sections existed immediately before the effective date of
14 this section shall remain in effect until the commission has recommended a
15 change in the salary of that office in accordance with AS 39.23.200 -
16 39.23.400.

17 * Sec. 14. Notwithstanding the time limit imposed by AS 39.23.240,
18 enacted by sec. 1 of this Act, the commission shall submit its first final
19 report to the legislature by January 10, 1987.

20 * Sec. 15. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); AS 39.-
21 20.080(c); and AS 39.23.200(e) are repealed.

22 * Sec. 16. AS 39.23.260, as enacted by sec. 1 of this Act, and secs.
23 2 - 11, 13, and 15 of this Act take effect on the effective date of an
24 amendment to the Constitution of the State of Alaska creating a State
25 Officers Compensation Commission.

26 * Sec. 17. AS 39.23.200 - 39.23.250 and 39.23.270 - 39.23.400 as enact-
27 ed by sec. 1 of this Act, and secs. 12 and 14 of this Act take effect
28 immediately in accordance with AS 01.10.070(c).
29

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 5, 1986

SUBJECT: Temporary law for legislative salaries under
CSHB 454 (Jud)

TO: Representative M. Mike Miller
Chairman, Judiciary Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested an explanation of Section 13 of CSHB 454 (Judiciary) as it applies to legislative salaries. Section 13 is intended to resolve the question of what salary is to be paid a public official affected by the bill after the adoption of the constitutional amendment and before the commission has adopted a recommendation concerning that salary.

Version 1 of the CS retains the listing of legislative salaries in Section 13. It states, in part

Notwithstanding secs. 3 - 11 and 15 of this Act, the salary established for . . . legislators in AS 24.10.100, . . . [as that section] existed immediately before the effective date of this Act shall remain in effect until the commission has recommended a change in the salary of that office in accordance with AS 39.23.200 - 39.23.400.

1. Section 7 of the bill repeals and reenacts AS 24.10.100 to read:

The State Officers Compensation Commission shall set the compensation of legislators under AS 39.23.200 - 39.23.400.

The effective date of sections 7 and 13 is found in section 16, which provides that both sections take effect on the effective date of the constitutional amendment.

Representative M. Mike Miller

Page 2

February 5, 1986

2. The language of AS 24.10.100 "as that section existed immediately before the effective date of this section" will depend on what legislation is enacted this session. If CSHB 48((Judiciary) is enacted, then, until January 19, 1987, the salary would be \$46,800 per year. Beginning January 19, the salary would change to Range 10, Step A. Under Version 1 of CSHB 454 (Judiciary), that salary would remain in effect until the first day of the next regular legislative session following a recommendation from the commission. (See sections 2 and 13 of Version 1)

3. Under Version 2, which does not include legislators' salaries in section 13, the salary for legislators after the adoption of the constitutional amendment would be the salary set by the commission whether or not the commission had actually recommended a salary. If the commission does not recommend a change before the 1987 session begins, then legislative salaries for that year would not be clearly addressed in statute. It is likely that the salary under AS 24.10.100 before the repeal and reenactment by CSHB 454 would be applied, but it is better legislative practice to speak clearly to this question.

If I may be of further assistance, please advise.

TC:mkr

M2:139

Enclosures

Craner
2/5/86 ✓
Version #1

Original sponsor: Larson by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 454 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of state officers;
7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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

10 * Section 1. AS 39.23 is amended by adding new sections to read:

11 ARTICLE 1. STATE OFFICERS COMPENSATION COMMISSION.

12 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
13 State Officers Compensation Commission is established. The commission
14 is composed of seven members appointed by the governor subject to
15 confirmation by a majority of the legislature in joint session.
16 Members serve for staggered terms of four years. Commission member-
17 ship shall include at least one business executive, one representative
18 of a nonpartisan voters' organization, one person with experience in
19 public administration and one representative of a labor organization.
20 A vacancy shall be filled for the balance of the unexpired term.

21 (b) The commission shall annually elect a member to chair its
22 meetings. A majority of the commission members constitutes a quorum
23 to transact business. The affirmative vote of four members is re-
24 quired to approve the commission's recommendations on compensation.

25 (c) The commission shall meet at the call of the chair. Notice
26 of a meeting shall be mailed to each member at least 15 days before
27 the date scheduled for the meeting.

28 (d) The commission shall hold a public hearing to discuss its
29 findings and recommendations before submitting its final report to the

1 legislature.

2 (e) The commission shall be established in the Office of the
3 Governor.

4 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
5 A member of the commission may not be employed by the state, including
6 the University of Alaska, serve as a member of a state board, commis-
7 sion, or authority, or hold elective state or municipal office during
8 membership on the commission.

9 Sec. 39.23.220. COMPENSATION. Members of the commission serve
10 without compensation but are entitled to per diem and travel expenses
11 authorized for members of boards and commissions under AS 39.20.180.

12 Sec. 39.23.230. STAFF. (a) The commission may contract for
13 professional services and may employ staff as it considers necessary.

14 (b) If requested by the commission, the director of personnel in
15 the Department of Administration shall serve as secretary to the
16 commission.

17 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
18 shall review the salaries, benefits, and allowances of members of the
19 legislature, the governor, lieutenant governor, members of the judi-
20 ciary, and the head of each principal department and submit a report
21 on its findings at least once every two years, but not more frequently
22 than every year.

23 (b) The commission shall submit its preliminary findings and
24 recommendations by November 15. The commission shall give reasonable
25 public notice of its preliminary findings and recommendations, solicit
26 public comments, and give due regard to the public comments, before
27 submitting a final report under (c) of this section.

28 (c) The commission shall make a final report of its findings and
29 recommendations as to the rate and form of compensation, benefits, and

1 allowances for state officers no later than the 10th day of a legisla-
2 tive session.

3 (d) The commission may submit to the legislature amendments to
4 the report submitted under (c) of this section.

5 (e) A commission member who does not concur in the proposed or
6 final recommendations may attach written objections to the commis-
7 sion's report of its findings and recommendations.

8 Sec. 39.23.250. RECOMMENDATIONS RELATING TO THE JUDICIARY,
9 GOVERNOR, AND LIEUTENANT GOVERNOR. (a) A recommendation of the
10 commission may not have the effect of reducing the compensation or
11 benefits of a member of the judiciary who is a member of the judiciary
12 on the effective date of the commission's recommendation; or reduce,
13 unless consistent with general law applicable to all other salaried
14 officers of the state, except incumbent members of the judiciary, the
15 compensation and benefits of the governor or lieutenant governor who
16 are in office on the effective date of the commission's recommen-
17 dation.

18 (b) The commission may recommend reduction in compensation or
19 benefits for individuals who become members of the judiciary or gover-
20 nor or lieutenant governor after the effective date of the commis-
21 sion's recommendation.

22 Sec. 39.23.260. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
23 TION. The commission shall, upon transmitting its final recommenda-
24 tions to the legislature, file the recommendations in the office of
25 the lieutenant governor, and upon the recommendations becoming effec-
26 tive the commission shall certify the copy of the recommendations on
27 file in the office of the lieutenant governor.

28 Sec. 39.23.270. POLICY OF THE LEGISLATURE. It is the policy of
29 the legislature that the commission determine an equitable rate and

1 form of compensation, benefits, and allowances for state officers.

2 Sec. 39.23.280. ADMINISTRATIVE PROCEDURE ACT. The regulation-
3 making provisions of the Administrative Procedure Act (AS 44.62) do
4 not apply to proceedings of the commission.

5 Sec. 39.23.400. DEFINITIONS. In AS 39.23.200 - 39.23.400

6 (1) "commission" means the State Officers Compensation
7 Commission;

8 (2) "judiciary" means justices of the supreme court and
9 judges of the court of appeals and the superior and district courts;

10 (3) "state officer" means members of the legislature, the
11 governor, lieutenant governor, members of the judiciary, and the head
12 of each principal department in the executive branch.

13 * Sec. 2. AS 39.23.240(c) is amended to read:

14 (c) The commission shall make a final report of its findings and
15 recommendations as to the rate and form of compensation, benefits, and
16 allowances for state officers no later than the 10th day of a legisla-
17 tive session. A recommendation has the force of law and becomes
18 effective on the first day of the next regular legislative session
19 unless rejected by a concurrent resolution adopted by two-thirds of
20 the members in each house of the legislature.

21 * Sec. 3. AS 22.05.140(a) is repealed and reenacted to read:

22 (a) The State Officers Compensation Commission shall set the
23 compensation and geographic cost-of-living adjustment, if any, of each
24 justice under AS 39.23.200 - 39.23.400.

25 * Sec. 4. AS 22.07.090(a) is repealed and reenacted to read:

26 (a) The State Officers Compensation Commission shall set the
27 compensation of each judge of the court of appeals under AS 39.23.-
28 200 - 39.23.400.

29 * Sec. 5. AS 22.10.190(a) is repealed and reenacted to read:

1 (a) The State Officers Compensation Commission shall set the
2 compensation and geographic cost-of-living adjustment, if any, of each
3 judge of the superior court under AS 39.23.200 - 39.23.400.

4 * Sec. 6. AS 22.15.220(a) is repealed and reenacted to read:

5 (a) The State Officers Compensation Commission shall set the
6 compensation and geographic cost-of-living adjustment, if any, of each
7 judge of the district court under AS 39.23.200 - 39.23.400.

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9 Sec. 24.10.100. COMPENSATION OF LEGISLATORS. The State Officers
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18 Officers Compensation Commission shall set the compensation of the
19 lieutenant governor under AS 39.23.200 - 39.23.400.

20 * Sec. 10. AS 39.20.050 is amended to read:

21 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed
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23 and lieutenant governor is full compensation [IN FULL] for all servi-
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25 whatsoever during their respective terms of office, and shall be paid
26 throughout their respective terms of office unless the office becomes
27 vacant.

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29 (a) The State Officers Compensation Commission shall set the

1 compensation of the head of each principal executive department under
2 AS 39.23.200 - 39.23.400.

3 * Sec. 12. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
4 initial members appointed to the commission shall serve a one-year term,
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10 AS 22.10.190, judges of the district court in AS 22.15.220, legislators in
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12 AS 39.20.030, and heads of each principal executive department in AS 39.-
13 20.080, as those sections existed immediately before the effective date of
14 this section shall remain in effect until the commission has recommended a
15 change in the salary of that office in accordance with AS 39.23.200 -
16 39.23.400.

17 * Sec. 14. Notwithstanding the time limit imposed by AS 39.23.240,
18 enacted by sec. 1 of this Act, the commission shall submit its first final
19 report to the legislature by January 10, 1987.

20 * Sec. 15. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); AS 39.
21 20.080(c); and AS 39.23.200(e) are repealed.

22 * Sec. 16. AS 39.23.260, as enacted by sec. 1 of this Act, and secs
23 2 - 11, 13, and 15 of this Act take effect on the effective date of a
24 amendment to the Constitution of the State of Alaska creating a Stat
25 Officers Compensation Commission.

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27 ed by sec. 1 of this Act, and secs. 12 and 14 of this Act take effect
28 immediately in accordance with AS 01.10.070(c).

Version #2 ✓

Carmer
2/5/86

Original sponsor: Larson by request

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 454 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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16 Members serve for staggered terms of four years. Commission member-
17 ship shall include at least one business executive, one representative
18 of a nonpartisan voters' organization, one person with experience in
19 public administration and one representative of a labor organization.
20 A vacancy shall be filled for the balance of the unexpired term.

21 (b) The commission shall annually elect a member to chair its
22 meetings. A majority of the commission members constitutes a quorum
23 to transact business. The affirmative vote of four members is re-
24 quired to approve the commission's recommendations on compensation.

25 (c) The commission shall meet at the call of the chair. Notice
26 of a meeting shall be mailed to each member at least 15 days before
27 the meeting is scheduled for the meeting.

28 (d) The commission shall hold a public hearing to discuss its
29 findings and recommendations before submitting its final report to the

1 legislature.

2 (e) The commission shall be established in the Office of the
3 Governor.

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5 A member of the commission may not be employed by the state, including
6 the University of Alaska, serve as a member of a state board, commis-
7 sion, or authority, or hold elective state or municipal office during
8 membership on the commission.

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21 on its findings at least once every two years, but not more frequently
22 than every year.

23 (b) The commission shall submit its preliminary findings and
24 recommendations by November 15. The commission shall give reasonable
25 public notice of its preliminary findings and recommendations, solicit
26 public comments, and give due regard to the public comments, before
27 submitting a final report under (c) of this section.

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3 (d) The commission may submit to the legislature amendments to
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14 officers of the state, except incumbent members of the judiciary, the
15 compensation and benefits of the governor or lieutenant governor who
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19 unless rejected by a concurrent resolution adopted by two-thirds of
20 the members in each house of the legislature.

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13 Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The State Offi-
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21 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed
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23 and lieutenant governor is full compensation [IN FULL] for all servi-
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25 whatsoever during their respective terms of office, and shall be paid
26 throughout their respective terms of office unless the office becomes
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28 * Sec. 11. AS 39.20.080(a) is repealed and reenacted to read:

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4 initial members appointed to the commission shall serve a one-year term,
5 two members shall serve two-year terms, two members shall serve three-year
6 terms, and two members shall serve four-year terms.

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9 the court of appeals in AS 22.07.090, judges of the superior court in
10 AS 22.10.190, judges of the district court in AS 22.15.220, the governor in
11 AS 39.20.010, the lieutenant governor in AS 39.20.030, and heads of each
12 principal executive department in AS 39.20.080, as those sections existed
13 immediately before the effective date of this section shall remain in
14 effect until the commission has recommended a change in the salary of that
15 office in accordance with AS 39.23.200 - 39.23.400.

16 * Sec. 14. Notwithstanding the time limit imposed by AS 39.23.240,
17 enacted by sec. 1 of this Act, the commission shall submit its first final
18 report to the legislature by January 10, 1987.

19 * Sec. 15. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); AS 39.-
20 20.080(c); and AS 39.23.200(e) are repealed.

21 * Sec. 16. AS 39.23.260, as enacted by sec. 1 of this Act, and secs.
22 2 - 11, 13, and 15 of this Act take effect on the effective date of an
23 amendment to the Constitution of the State of Alaska creating a State
24 Officers Compensation Commission.

25 * Sec. 17. AS 39.23.200 - 39.23.250 and 39.23.270 - 39.23.400 as enact-
26 ed by sec. 1 of this Act, and secs. 12 and 14 of this Act take effect
27 immediately in accordance with AS 01.10.070(c).
28
29



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

1987-413-2083

January 29, 1986

Rep. M. Mike Miller, Chair
House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Rep. Miller:

On Monday, January 27, 1986 the House State Affairs Committee passed out CSHB 454 "An Act relating to compensation of state officers; establishing a commission on compensation of state officers." In addition, a motion was passed that a letter be sent to the Judiciary Committee, as next committee of referral, asking members to consider amending Sec. 39.23.270, Policy of the Legislature. It was suggested that the phrase "based upon equitable relationships being maintained among state positions" might make it difficult for legislative salaries to be set at a level less than other state officials.

In addition, the State Affairs Committee asks that Sec. 2 AS 39.23.240(c) regarding the two-thirds vote of the legislature to reject recommendations of the commission be given additional consideration. It was felt that further discussion of this requirement is warranted.

We appreciate your consideration of these points when the Judiciary Committee takes up CSHB 454.

Sincerely,

Katie Hurley
Rep. Katie Hurley
Chair

Cramer

A M E N D M E N T

Offered in the State Affairs Committee

By Larson and Sund

TO: HB 454

Page 2, after line 1, insert a new subsection to read:

"(e) The commission shall be established in the Office of the Governor"

Page 2, line 28 after "session." through page 3, line 2, delete all material.

Page 4, after line 13 insert a new bill section to read:

"* Sec. 2. AS 39.23.240(c) is amended to read:

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for state officers no later than the 10th day of a legislative session. A recommendation has the force of law and becomes effective on the first day of the next regular legislative session unless rejected by a concurrent resolution adopted by two-thirds of the members in each house of the legislature."

Renumber remaining bill sections accordingly

Page 5, line 29, delete "2 - 10 and 13" and insert "3 - 11 and 15"

Page 6, after line 10, insert a new bill section to read:

"* Sec. 14. Notwithstanding AS 39.23.240(b), enacted by sec. 1 of this Act, the commission shall submit its first report to the legislature by February 17, 1987."

Renumber remaining bill sections accordingly

Page 6, line 11, delete "and"

Page 6, line 12, after "AS 39.20.080(c)" insert "and AS 39.23.200(e);"

Page 6, line 13, delete "This Act takes" and insert

"AS 39.23.260, as enacted by sec. 1. of this act, and secs. 2 - 11, 13, and 15 of this Act take"

Page 6, after line 15, insert a new bill section to read:

"* Sec. 17. AS 39.23.200 - 39.23.250 and 39.23.270 - 39.23.400 as enacted by sec. 1 of this Act, and secs. 12 and 14 of this Act take effect immediately in accordance with AS 01.10.070(c)."

TABLE III

STATE COMPENSATION COMMISSIONS

<u>Name of Commission</u>	<u>Number of Members</u>	<u>Appointing Authority</u>	<u>Scope of Recommendations</u>	<u>Frequency of Recommendations</u>
Arizona Commission on Salaries for State Elective Officers	5	2 by Governor, 1 by Senate President, 1 by House Speaker, and 1 by Chief Justice of Supreme Court	Salaries of legislators and elected state officials (Changes in legislative salaries must be approved by the voters.)	At direction of legislature
Colorado State Officials' Compensation Commission	9	3 by Governor, 2 by Senate President, 2 by House Speaker, and 2 by Chief Justice of Supreme Court	Salaries, allowances, and benefits of legislators, state judges, district attorneys, and elected and appointed officials (advisory only)	Biennially
Connecticut Compensation Commission	11	3 by Governor, 2 by House Speaker, 2 by House Minority Leader, 2 by Senate President Pro Tempore, and 2 by Senate Minority Leader	Salary, expenses, and benefits of legislators, elected officials, and judges (advisory only)	Biennially
Florida Officers' Compensation Commission	9	2 by Governor, 2 by Senate President, 2 by House Speaker, and 2 by Chief Justice of Supreme Court. The 8 members appoint the ninth member.	Salary and expenses of legislators, specified state officials, judges, state attorneys, public defenders, public service commissioners, and county officers (advisory only)	Annually
Georgia Commission on Compensation	12	4 by Governor, 4 by Supreme Court, 2 by Senate President (Lieutenant Governor), and 2 by House Speaker	Compensation of legislators, state officers, and heads of state agencies (Legislature required to introduce commission recommendation as a bill)	Biennially
Hawaii Commission on Legislative Salary	11	Governor	Salary of legislators (Recommendations effective unless rejected by Legislature or Governor. If rejected, existing rates are continued)	Every 8 years
Idaho Legislative Compensation Commission	6	3 by Governor and 3 by Supreme Court	Salary and expenses of legislators (Legislature may reject or reduce recommended rates. If rejected, existing rates are continued.)	Biennially

TABLE III--continued
STATE COMPENSATION COMMISSIONS

<u>Name of Commission</u>	<u>Number of Members</u>	<u>Appointing Authority</u>	<u>Scope of Recommendations</u>	<u>Frequency of Recommendations</u>
Montana Salary Commission	8	2 by Governor, 2 by Supreme Court, 1 by Senate Majority Leader, 1 by Senate Minority Leader, 1 by House Speaker, and 1 by House Minority Leader	Compensation of legislators, elected officials, and Judges (advisory only)	Biennially
Oklahoma Board on Legislative Compensation	11	5 by Governor, 2 by the Senate President Pro Tempore, and 2 by House Speaker (Chairman of Tax Commission and Director of State Finance are non-voting ex-officio members.)	Salary of legislators (Board recommendations are final)	Biennially
South Dakota Commission on Salaries for Elective State Officials	5	2 by Governor, 1 by Senate President Pro Tempore, 1 by House Speaker, and 1 by Chief Justice of Supreme Court	Salaries of legislators, elected officials, and Judges (advisory only)	Biennially
Washington Committee on Salaries	7	President of University of Puget Sound, President of Washington State University, Chairman of State Personnel Board, President of Association of Washington Business, President of Pacific Northwest Personnel Managers' Association, and President of Washington State Labor Council	Salaries of legislators, state elective and executive officials, and Judges (advisory only)	Biennially
West Virginia Citizens Legislative Compensation Commission	7	Governor	Compensation and expenses of legislators (Legislature may accept or decrease recommended rates)	Quadrennially

SOURCE: Legislative Research review of state statutes

TABLE III--continued
STATE COMPENSATION COMMISSIONS

<u>Name of Commission</u>	<u>Number of Members</u>	<u>Appointing Authority</u>	<u>Scope of Recommendations</u>	<u>Frequency of Recommendations</u>
Illinois Advisory Committee on Compensation of General Assembly Members	7	3 by Governor, 2 by President of Senate, and 2 by House Speaker	Compensation of legislators (advisory only)	Biennially
Iowa Commission on Compensation, Expenses and Salaries for Elected State Officials	15	5 by Governor, 5 by Senate President (Lieutenant Governor), and 5 by House Speaker	Salary, compensation, and expenses of legislators, elected state officials, and judges (advisory only)	Biennially
Kentucky Public Officials Compensation Commission	5	1 by Governor, 1 by Lieutenant Governor, 1 by House Speaker, 1 by Senate President Pro Tempore, and 1 by Supreme Court	Salaries, benefits, and allowances of legislators and certain elected officials and judges (advisory only)	Biennially
Louisiana Compensation Review Commission	19	5 appointed by Governor, 1 by Chief Justice of Supreme Court, 1 by Chairman of Conferences of Courts of Appeal Judges, 1 by District Judges' Association, and 1 by City Judges' Association (5 Senators and 5 Representatives are also members)	Salary and benefits of legislators, elected officials, judges, and unclassified state employees (advisory only)	Annually
Maryland General Assembly Compensation Commission	9	5 by Governor, 2 by Senate Senate President, and 2 by House Speaker	Salary and allowances of legislators (Legislature may reject or reduce recommended rates. If rejected, existing rates are continued.)	Quadrennially
Massachusetts Advisory Board on Legislative, Judicial and Constitutional Officers' Compensation	5	Governor	Salaries and expenses of legislators, constitutional officers, and judges (advisory only)	Biennially
Michigan State Officers' Compensation Commission	7	Governor	Salaries and expenses of legislators, Governor and Lieutenant Governor, and Justices of Supreme Court (Recommendations effective unless rejected by 2/3 vote of legislature. If rejected, existing rates are continued.)	Biennially

ALASKA LEGISLATIVE PAY HISTORY

<u>DATES</u>	<u>MONTHLY SALARY</u>	<u>YEARLY SALARY</u>	
3/17/61 - 1/22/67	208.33	2,499.96	
1/23/67 - 1/27/69	500.00	6,000.00	
1/28/69 - 7/15/70	541.66	6,499.92	
7/16/70 - 1/10/71	791.66	9,499.92	
1/11/71 - 6/30/75	750.00	9,000.00	
7/1/75 - 10/13/76	1,226.66	14,719.92	* #1
10/14/76 - 5/15/77	750.00	9,000.00	* #2
5/16/77 - 12/31/78	979.17	11,750.04	* #3
1/1/79 - 12/31/79	1,291.66	15,499.92	* #4
1/1/80 - 12/31/80	1,440.00	17,280.00	
1/1/81 - 12/31/81	1,564.00	18,768.00	
1/1/82 - 12/31/82	1,673.00	20,076.00	
1/1/83 - 7/20/83	1,757.00	21,084.00	* #5
7/21/83 - PRESENT	3,900.00	46,800.00	* #6

- *1 CHAPTER 205 SLA 1975/INCLUDED LEGISLATIVE PAY RAISE REPEALED BY VOTERS--AUGUST 1976 PRIMARY
- *2 SALARY RETURNED TO \$750.00 PER MONTH 10/13/76
- *3 SALARY COMMISSION ENACTED 6/25/76 THIS SALARY WAS RECOMMENDED BY COMMISSION AND ADOPTED BY LEGISLATURE.
- *4 SALARY COMMISSION ABOLISHED IN 1980. THIS SALARY SET BY LEGISLATORS.
- *5 1983 BASE + PER DIEM \$34,684-162 DAYS.
- *6 FIRST BASE SALARY WITH NO PER DIEM-EFFECTIVE 7/21/83 28% INCREASE (\$12,756) OVER PRE-RAISE 1983 SALARY

Public Employees' Retirement System
Teachers' Retirement System
Judicial Retirement System
Elected Public Officers Retirement System
National Guard Retirement System
Territorial Retirement System
Retirees' Voluntary Dental-Vision-Audio Plan
Supplemental Benefits System
Group Health/Life Insurance Benefits
Deferred Compensation Plan
Public Employers' Social Security Contributions

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

PLEASE REPLY TO:

POUCH CR (MS 0203)
JUNEAU, ALASKA 99811
PHONE (907)465-4460

2600 DENALI ST. SUITE 401
ANCHORAGE, ALASKA 99503
PHONE (907) 277-7504

Bill Sheffield, Governor

September 27, 1985

Ms. Linda Firestone
Administrative Assistant
Senator Mitchell Abood's Office
1024 W. 6th, Suite 308
Anchorage, AK 99501

Dear Ms. Firestone:

Re: Comparison of Legislative Retirement Benefits

In response to our phone conversation of September 25, I am enclosing a comparison chart which outlines the differences between the Alaska Public Employees' (PERS), Teachers' (TRS), and Elected Public Officers (EPORS) retirement systems. Also enclosed is a comparison chart showing the differences between legislative retirement systems in California, Michigan, New York and Pennsylvania.

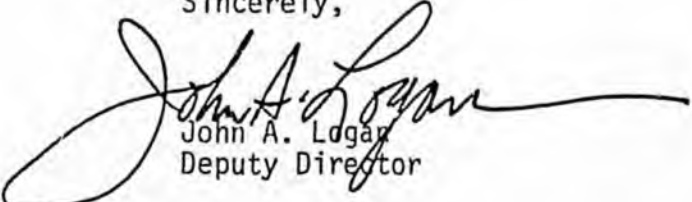
Of the 60 active legislators in Alaska, 42 have elected coverage under the PERS, three are covered under the TRS, 10 are covered under the EPORS, and five have waived participation in the PERS and, therefore, have no coverage.

The PERS was established effective January 1, 1961, and the TRS July 1, 1955. These systems were created to encourage qualified individuals to enter and remain in employment in Alaska. The PERS provides retirement coverage to public employees of the State and participating political subdivisions. The TRS provides coverage to teachers in public schools in Alaska.

The EPORS was established effective January 1, 1976, but was repealed by voter referendum on October 14, 1976. However, the Supreme Court later ruled that the repeal should not affect those elected officials who were at that time participating in the EPORS. Covered under this system are the governor, lieutenant governor, and legislators who were participating prior to the October 14, 1976 repeal.

I hope this information is helpful. If I can be of further assistance, please let me know.

Sincerely,


John A. Logar
Deputy Director

JAL/CS/cam/1
Enclosures

PUBLIC EMPLOYEES' RETIREMENT SYSTEM / TEACHERS' RETIREMENT SYSTEM / ELECTED PUBLIC OFFICERS RETIREMENT SYSTEM
A COMPARISON AS OF JULY 1, 1985

	PO/F	PERS	All Others	TRS	EPORS
Benefit Multiplier	2% on years 1-10 2½% on years over 10	2%		2%	5% membership 2% other creditable service
Vesting	5 years service	5 years service		8 years of membership service; OR 5 years membership service and 3 years AK BIA; OR 15 years credited service if hired prior to 7/1/75, last 5 years membership service	5 years service
Retirement Age	55 if vested or at any age 20 years PO/F service OR 50 if vested for early reduced benefit	55 if vested OR at any age 30 years service OR 50 if vested for early reduced benefit		55 if vested OR at any age with 20 years membership service; OR 20 years combined membership and AK BIA, last 5 years membership service; OR 25 years credited service, last 5 years membership service OR 50 if vested for early reduced benefit	60 if vested OR 55 if vested for early reduced benefit
Employee Contributions	5%	4.25%		7%	7%
Employer Contributions (actuarially determined)	19.71% consolidated rate	12.77% consolidated rate		17.76%* *8.88% employer and 8.88% State matching	Unfunded System, Annual Appropriations
COLA	10% (or \$50, if less) if domiciled in Alaska	10% (or \$50, if less) if domiciled in Alaska		10% if domiciled in Alaska	NO
Post Retirement Pension Adjustments	Ad Hoc	Ad Hoc		Ad Hoc	Benefits Increase with Last Position's Salary Increase
Health Insurance Coverage After Retirement	YES	YES		YES	YES

LEGISLATIVE RETIREMENT SYSTEMS
A Comparison - As of September 26, 1985

	California	Michigan	New York	Pennsylvania
Benefit Multiplier	3.36%	4% (Maximum of 16 years)	1.66% - up to 25 years, plus 2% - between 25 and 30 years, plus 1.5% - over 30 years	2%
Vesting	4 years of service	8 years of service	10 years of service	10 years of service
Retirement Age	Age 60 or at any age with 20 years Early retirement at any age with 15 years (reduced benefit)	Age 55 No early retirement	Age 62 No early retirement	Age 50 Early retirement at any age with 10 years (reduced benefit)
Employee Contributions	8%	7%	3%	6 1/2%
Employer Contributions	18.81%	None - revenue from court filing fees is used to fund system.	16%	17.81%
Post Retirement Pension Adjustments	Annually based on CPI - not actuarially funded.	Annually	Ad hoc	Ad hoc
Health Insurance Coverage After Retirement	Yes, if member is retired within 120 days of termination	Yes	Yes	Yes

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 3, 1985

SUBJECT: Annual Salaries for Legislators

TO: Senator Mitch Abood
Chairman, Legislative Salary Committee

FROM: Teresa B. Cramer *JBC*
Legislative Counsel

You have asked for information concerning the development of the statutes concerning legislative salaries, allowances, per diem, and travel expenses. I have provided Linda Firestone of your staff with copies of the chapters that adopted or amended the appropriate statutes. The following table sets out the development of each of the relevant statutes.

AS 24.15.010. Legislative per diem.

Ch. 1 SLA 1959

Section 1. Legislative Per Diem. The rate of per diem in lieu of subsistence and other expenses for each member of the Legislature while in session shall be \$40.00 per day.
Effective: February 11, 1959.

Ch. 26 SLA 1961

Section 1. Legislative Per Diem. The rate of per diem in lieu of subsistence for each member of the legislature whose permanent residence is in Election District 5 is \$25.00 for each day in session. The rate for all other members of the legislature is \$35.00 for each day in session. This per diem shall also be payable for those days of necessary travel to and from sessions.
Effective: March 18, 1961.

Ch. 100 SLA 1963

Sec. 3 AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is \$35 for each day in session. The per diem is also payable for those days of necessary travel to and from sessions.
Effective: May 2, 1963.

Ch. 193 SLA 1970

* Sec. 8. AS 24.15.010 is amended to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is \$35 for the first 90 days of a legislative session. The per diem is also payable for those days of necessary travel to and from sessions.
Effective: July 16, 1970.

Ch. 87 SLA 1971

* Sec. 5. AS 25.15.010 is amended to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is \$35 for each day of a legislative session. The per diem is also payable for those days of necessary travel to and from sessions.

Effective: Retroactive to April 10, 1971.

Ch. 205 SLA 1975

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) For each day of the legislative session and for each day on official legislative business between sessions, legislators (1) on travel status and

away from home overnight shall be allowed, instead of their actual expenses for subsistence a per diem allowance of \$48 for each day; (2) not away from home overnight shall receive an allowance of \$35 for each day. The per diem allowance is also payable for each day of necessary travel.
Effective: July 1, 1975

Ch. 263 SLA 1976

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of per diem instead of subsistence for each member of the legislature shall be prescribed in accordance with AS 39.23.

Effective On the effective date of the first recommendation submitted to the legislature by the Alaska Salary Commission.

Ch. 3 SLA 1980

* Sec. 13. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) Each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if he does not live in his place of permanent residence during the session; and

(2) while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if he lives in his place of permanent residence during the session; and

(2) while he is engaged in committee business for an interim committee of the legislature at his place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

Effective: Retroactive to January 1, 1979

Ch. 83 SLA 1983

* Sec. 7. AS 24.15.010 is repealed.

Effective: July 21, 1983

AS 24.15.020. Legislative Salaries.

Ch. 1 SLA 1959

Section 2. Annual Salaries. The annual salary for each member of the Legislature shall be \$3,000.00, to be paid at the rate of \$250.00 per month.

Effective: February 11, 1959

Ch. 26 SLA 1961

Sec. 2. Annual Salaries. The annual salary for each member of the legislature is \$2,500.00 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives shall each be paid an additional \$500.00 per year during tenure of office.

Effective: March 18, 1961

Ch. 149 SLA 1966

* Section 1. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is \$6,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

Effective: January 23, 1967.

Ch. 193 SLA 1970

* Sec. 9. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is \$9,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

Effective: July 16, 1970

Ch. 205 SLA 1975

* Sec. 4. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is 33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

Effective: July 1, 1975

Ch. 148 SLA 1976

* Sec. 6. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is 33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The president of the senate and speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.
Effective: July 16, 1976

Ch. 263 SLA 1976

* Sec. 7. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. Each member of the legislature is entitled to receive annual compensation prescribed in accordance with AS 39.23 to be paid in approximately equal monthly installments. The president of the senate and speaker of the house of representatives are each entitled to an additional annual sum prescribed in accordance with AS 39.23.

Effective: On the effective date of the first recommendations submitted to the legislature by the Alaska Salary Commission.

Ch. 3 SLA 1980

* Sec. 14. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE COMPENSATION.
(a) The annual salary for each member of the legislature is \$15,500, payable monthly in 12 equal installments. The president of the senate and speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

(b) Except as provided by a general law applicable to all officials of the state, the compensation of a member of the legislature may not be reduced during his term of office.

Effective: Retroactive to January 1, 1979

Ch. 3 SLA 1980

* Sec. 28. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. The monthly salary for each member of the legislature is equal to Step A, Range 10 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

Effective: Retroactive to January 1, 1980

Ch. 83 SLA 1983

* Sec. 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The monthly salary for each member of the legislature is equal to Step A, Range 22 (10) of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.
Effective: July 21, 1983

Ch. 87 SLA 1985

* Section 1. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The annual (MONTHLY) salary for each member of the legislature is \$46,800 (EQUAL TO STEP A, RANGE 22 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA). The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office.

Effective: July 16, 1985

AS 24.15.030. Additional Allowances

Ch. 1 SLA 1959

Section. 3. Additional Allowances. In recognition of their extra duties the President of

the Senate and the Speaker of the House shall each be paid an additional allowance of \$600.00 per year during tenure of office. These sums shall be paid at the rate of \$50.00 per month.
Effective: February 11, 1959

Ch. 26 SLA 1961

Sec. 3. Additional Allowances. In addition, each member of the legislature shall receive an annual allowance of \$300.00 for postage, stationery, stenographic services and other expenses.

Sec. 7. Special Provisions: First Session-Second Legislature. Members of the first session-second legislature shall receive the salary, per diem and allowances set out in Ch. 1, SLA 1959 until the effective date of this Act. On the effective date of this Act the salary, per diem and allowances set out in this Act shall apply, except that the additional allowance set out in Sec. 3 shall be reduced one-half for the first session of the second legislature. Payment of this special allowance may be made from the line item appropriation made for the per diem of legislators for the fiscal year ending June 30, 1961.
Effective: March 18, 1961

Ch. 8 SLA 1970

* Section 1. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of \$1,000 for postage, stationery, stenographic services and other expenses.
Effective: February 18, 1970

Ch. 193 SLA 1970

* Sec. 10. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of \$4,000 for

postage, stationery, stenographic services and other expenses.

Effective: July 16, 1970

Ch. 263 SLA 1976

* Sec. 8. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance prescribed in accordance with AS 39.23 for postage, stationery, stenographic services and other expenses.

Effective: On the effective date of the first recommendations submitted to the legislature by the Alaska Salary Commission.

AS 24.15.050. Travel Allowance

Ch. 36 SLA 1959

Section 1. Each member of the Alaska State Legislature shall be entitled to receive one round trip first class airline fare, or its equivalent, from his place of residence in the election district from which elected or appointed to Juneau for purposes of attending regular, reconvened regular or special sessions of the State Legislature. When needed, an allowance up to fifty pounds for excess baggage each way is hereby authorized.

Sec. 2. This Act shall be effective upon its passage and approval or upon its becoming law without such approval.

Effective: March 13, 1959

Ch. 100 SLA 1963

Sec. 4. AS 24.15.050 is repealed and re-enacted to read:

Sec. 24.15.050. Transportation Allowance. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from

which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to a baggage allowance not to exceed the cost of 100 pounds excess baggage by air each way upon submission of proper documentation to substantiate the baggage shipment.
Effective May 2, 1963

Ch. 106 SLA 1975

* Section 1. AS 24.15.050 is amended to read:

Section 24.15.050. TRANSPORTATION ALLOWANCE. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to an allowance not to exceed the cost of 200 pounds air freight each way upon submission of proper documentation to substantiate the baggage shipment.
Effective June 4, 1975

Ch. 3 SLA 1980

* Sec. 29. AS 24.15.050 is repealed and re-enacted to read:

Sec. 24.15.050. LEGISLATIVE TRANSPORTATION. A member of the legislature is entitled to reimbursement for the expense of moving between his place of residence and the capital city for the purpose of attending a regular session of the legislature. Reimbursement shall be as provided by regulations covering state employees adopted by the commissioner of administration under AS 39.20.160.
Effective Retroactive to January 1, 1980

ANNUAL LEGISLATIVE SALARIES ESTABLISHED BY AS 24.15.020

1959-1961	\$ 3,000	Special Senate President \$500 This amount has not changed since 1959.
1961-1966	\$ 2,500	
1967-1970	\$ 6,000	
1970-1975	\$ 9,000	
1975-?	\$14,705	Established at 33.3% of Range 28E of the salary schedule established in AS 39.27.010. Chapter 138 SLA 1975 establishes the monthly rate for Range 28E as \$3,680. This salary remained in effect until the Alaska Salary Commission submitted its first recommendations to the legislature.
1979	\$15,500	
1980-1982	\$17,280	Set at Range 10A of the salary schedule in AS 39.27.011.
1982	\$20,076	Chapter 50, SLA 1982 amended the salary schedule in AS 39.27.011.
1983	\$46,800	Range 22A of the salary schedule in AS 39.27.011 from 1983 to 1985, then ch. 87 SLA 1985 set this amount by statute.

If I can be of further assistance, please advise.

TC:mkr
M1:026

Attachments

1/14/86

TUESDAY

No. 12

RECOMMENDATIONS AND FINDINGS
AS REPORTED BY THE
JOINT SPECIAL COMMITTEE ON
LEGISLATIVE SALARIES

TO THE ALASKA LEGISLATURE ON
JANUARY 13, 1986

SENATOR MITCH ABOOD, CO-CHAIRMAN

REPRESENTATIVE RON LARSON, CO-CHAIRMAN

SENATOR BETTYE FAHRENKAMP

SENATOR BILL RAY

REPRESENTATIVE JOHN SUND

REPRESENTATIVE RANDY PHILLIPS

PUBLIC MEMBERS

Mr. Frank Chapados, Fairbanks
Mr. Lew Williams, Ketchikan
Mr. George Sullivan, Anchorage

EXECUTIVE SUMMARY

This report contains the recommendations and findings submitted to the Alaska Legislature as required by SCR 19, "Establishing a Joint Special Committee on Legislative Salaries." The members of the Committee were: Senator Mitch Abond, Co-Chairman; Representative Ron Larson, Co-Chairman; Senator Bettye Fahrenkamp; Senator Bill Ray; Representative John Sund; Representative Randy Phillips; and serving as public members, Mr. George Sullivan; Mr. Iew Williams; and Mr. Frank Chapados.

In keeping with the directive of SCR 19 the Committee has: examined the streamlining of expenditures and the reduction of operating costs; examined legislative salaries, per diem, and allowances; compared the approach taken by the State of Alaska regarding salaries with the approaches taken by other states.

Along with the above directive, the Committee kept paramount in its considerations the public concern for legislators setting their own salaries and the desire to reduce the retirement benefits of legislators. With this in mind, the Committee, after much deliberation, recommends that a constitutional amendment be placed on the November 1986 ballot to establish a State Officers Compensation Commission to set the salaries of legislators along with other state officials. To accompany this, is the enabling legislation which would take effect when the Commission is established.

The Committee recommends introduction of a salary legislation which will lower the retirement benefits of legislators, as well as save many thousand of dollars in future operating costs. We are recommending that the Legislature set a base salary of \$30,000 and reinstate the per diem system for session only and reimbursement for expenses only during the interim. The Committee does maintain that adequate compensation is essential if public service in the legislature is to be obtainable for the "average citizen" and not just a reality for an elite few.

SUMMARY OF MAJOR AREAS ANALYZED BY
THE JOINT SPECIAL COMMITTEE ON LEGISLATIVE SALARIES

Due to the wide disparities in legislative salaries, benefits, retirement programs, population, members, budgets, cost of living differentials, and size differences of all fifty states, the committee had to narrow the scope of analysis. Consideration was given to the fact that Alaska has the highest cost of living and at first glance pays the highest compensation. Therefore, in most of the extensive comparisons four states paying comparable legislative compensation were used. The average cost of living for these states is as follows:

Alaska 29% above national average
California 3% above national average
New York 1% above national average
Michigan 3% below national average
Pennsylvania 1% above national average

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A comparison of the above states with Alaska was made by individually contacting each state. Alaska was found to be well within the norm in this comparison.

The EPOPS (Elected Public Officials Retirement System) was established effective January 1, 1976, but was repealed by voter referendum on October 14, 1976. However, the Supreme Court later ruled that the repeal should not affect those elected officials who were at that time participating in the EPOPS. Covered under this system are the governor, lieutenant governor, and legislators who were participating prior to the October 14, 1976 repeal.

The Alaska PERS (Public Employees' Retirement System) was established effective January 1, 1961. The PERS provides retirement coverage to public employees of the state and participating political subdivisions.

Of the 60 current legislators in Alaska, 42 have elected coverage under the PERS, three are covered under the TRS (Teachers' Retirement System), 10 are covered under the EPOPS, and five have waived participation in the PERS and, therefore, have no coverage. In the Senate 17 members are currently vested and only 10 House members are vested. In 1982 the Alaska House of Representatives suffered a 55% turnover rate which was the highest turnover rate of all the states in that year.

ALASKA PROPOSED BASE SALARY AND PER DIEM VS OTHER STATES

In order to reduce the retirement benefits of legislators the base salary needed to be reduced thereby making per diem and a lower base pay a possible solution.

In determining a reasonable per diem rate for Alaska legislators all four comparable states were closely examined. An estimate for each state was based not only on per diem but personal expense accounts used for such things as car leasing and unlimited gas, etc., the average per diem and extras totaled as follows:

	AV. PER DIEM	+ BASE PAY	TOTAL
California	\$20,448	\$33,732	= \$54,180
New York	\$12,835	\$43,000	= \$55,825
Michigan	\$ 6,700	\$36,520	= \$43,220
Pennsylvania	\$15,250	\$35,000	= \$50,250
Alaska			
Non-Juneau	\$14,170	\$30,000	= \$44,170
Juneau	\$ 9,880	\$30,000	= \$39,880

These totals do not reflect additional compensation given to legislators in New York, Michigan, and Pennsylvania. The compensation in these states range from the low end of the scale being Michigan with seven positions in each House receiving extra compensation ranging from \$15,680 to \$4,900 to New York with 82 positions in the Senate and 132 positions in the House receiving from \$30,000 to \$6,500.

According to the Alaska House Research Agency, when session length and potential per diem are factored into a ranking of legislative salaries (using the current legislative salary) in various states, Alaska ranks sixth.

LEGISLATIVE COMPENSATION COMPARED WITH EXECUTIVE AND JUDICIAL BRANCHES

Alaska legislative salaries along with the formentioned states were used as a gauge to measure pay scale differentials between the Executive and Judicial branches and to determine whether or not Alaska was within an acceptable range. All salaries included per diem if applicable and as with the last comparison no additional compensation was considered. For Alaska, the current salary of \$45,800 was used. The results were that each legislature received less than the combined average wage of the governor, lieutenant governor, attorney general, supreme court judges, and intermediate appellate court judges. These differences were as follows:

Alaska	\$31,058 less
California	\$ 3,565 less
Michigan	\$28,748 less
New York	\$28,284 less
Pennsylvania	\$17,460 less

SALARIES OF OTHER ALASKA STATE EMPLOYEES

The Committee examined research comparing legislative salaries to those received by Alaska teachers, University of Alaska employees, Alaska Railroad employees, and other state employees.

Alaska Teachers' Salaries

According to the FY 85 Association of Alaska School Boards survey of Alaska Teacher Salary and Benefits, the statewide average base salary is \$26,770 and the average top salary is \$48,789. Of the total of 7,039 full-time equivalent positions reported in the survey, 654 (about 9 percent) earn salaries greater than \$49,500 per year.

University of Alaska Salaries

According to the University Statewide Budget Office most university employees are not paid on a full-time basis. Many teachers work part-time and others are on 9-month contracts. The average annual salary for the 2,873 employees with permanent positions in the university system is \$33,374. There are 544 employees (about 14 percent of the total staff) who make over \$50,000 a year.

Alaska Railroad Salaries

The Alaska Railroad Corporation has 541 employees. Between 189 and 195 (about 35 percent) earn more than \$50,000 per year.

Alaska State Employees

During 1984, 19,304 state employees in Alaska earned an average salary of \$32,403. There are 1,531 (about 8 percent of the total) who earn salaries greater than \$50,000 per year.

A LOOK AT HOW OTHER STATES SET LEGISLATIVE COMPENSATION

Current research indicates:

- 3 states set compensation by the constitution.
- 21 states set compensation by a compensation commission
- 21 state legislatures set their own compensation

The consensus of the Committee was to draft legislation to establish a compensation commission that would not only set the salaries of legislators, but other state officials as well. The Michigan constitutional amendment to establish their State Officers Compensation Commission was used as a basic guide and enabling legislation was drafted to accompany this amendment. This enabling legislation will take affect when the constitutional amendment is approved by the voters.

FOOTNOTES

¹These figures were derived by using a formula supplied by the Institute of Social and Economic Research, University of Alaska, Anchorage to update the 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas prepared by the U. S. Bureau of Labor Statistics. The 1981 Urban Family Budgets were updated to 1983 by using the 1983 Consumer Price Index-Selected Cities.

²Book of the States 1984-85 (Lexington, Kentucky: The Council of State Governments, 1984), p. 103.

³Ibid., pp. 95-102. In addition, each of the four states were individually contacted for current information.

⁴Ibid., pp. 66-71 and p. 150.