

ALASKA LEGISLATIVE COMMITTEE FILES 1903-1900 00/2

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In recent years, Alaska voters have been attracted to third-party and independent candidates in presidential elections more than voters in the United States generally (Table 13). In the 1968 election, George Wallace's 13.5 percent of the national vote signaled his powerful appeal, and he ran nearly as well in Alaska, winning just over 12 percent of the vote. (In the Mountain States, Wallace won an average of 8.6 percent of the vote.) In the 1970s and 1980s, American Independent and Libertarian candidates, and Independent John

Anderson, have done better in Alaska than nationally. The best Alaska showing by any third-party or independent candidate for governor was made by Libertarian Dick Randolph in 1982, when he won 15 percent of the statewide vote.

In Alaska, as is generally true elsewhere, third-party, independent, and write-in campaigns are impronable ventures, given election laws, realities of campaign financing, and voter habits, among other factors. But such campaigns have not been altogether quixotic in Alaska, given the state's relatively fluid, independent electorate.

Election Outcomes

This final part focuses on election outcomes. We look first at party control of state government, including effects on state legislative elections of "coattails," incumbency, and reapportionment. We then turn to interactions of parties, candidates, and issues in the case of the 1982 race for governor.

Party Control in the States

Increasingly common in the states has been the situation of one of the major parties occupying the governor's office while the other controls one or both houses of the state legislature.¹⁹ Such divided control has, in fact, become the most common pattern.

Ticket-splitting, a key manifestation of party disintegration, may be a major cause of divided party government in the states.²⁰ Voters do not look for "responsible parties" or "party governments"; they look instead to individual candidates and issues that have themselves become detached from organized party bases.

An important force behind ticket-splitting is the electoral power of incumbency. In all of the states, it is increasingly difficult to dislodge incumbents from state legislative offices. Since the mid-1960s, about 90 percent of incumbent state legislators seeking re-election have been re-elected.²¹ Voters are increasingly inclined to vote for the more familiar candidate, usually the incumbent, regardless of party.²²

Institutional obstacles, weak parties, independent or nonpartisan voters, power of incumbency, and ticket-splitting have had strong disintegrative effects on electoral politics; they have produced

¹⁹Jewell and Olson, *American Political Parties and Elections*, p. 232.

²⁰*Ibid.*, p. 237.

²¹Ribby, "Parties in State Politics," pp. 150-152.

²²Jewell and Olson, *American State Political Parties and Elections*, p. 214.

Table 13

Third-Party and Independent Voting in Alaska Presidential and Gubernatorial Elections

Year	Candidate/Party*	Presidential Elections		Gubernatorial Elections	
		% AK Vote	% U.S. Vote	Candidate/Party*	% AK Vote
1968	Wallace, AI	12.1	13.5		
1970				Anderson, API	1.5
1972	Shmitz, AI	7.3	1.4		
1974				Vogler, AIP	5.0
1976	MacBride, L	5.3	0.0		
1978				Kelly, AKP	12.3
1980	Clark, L	11.7	1.2		
	Anderson, IA	7.0	6.6		
1982				Vogler, AIP	1.7
				Randolph, L	14.9
1984	Bergland, L	3.1	NA		

*AI = American Independent; L = Libertarian; IA = Independents for Anderson; AIP = Alaskan Independence Party; AKP = Alaskans for Kelly and Poland.

Source: Alaska Division of Elections, U.S. Bureau of the Census.

divided governments not only in the states but also at all levels in the American political system.

Party Control in Alaska

These disintegrative forces emerged in Alaska's electoral politics roughly during the same period that they appeared most clearly on the national scene—the late 1960s and the 1970s. In Alaska, their appearance was probably accelerated by the petroleum boom of the 1970s and 1980s, which brought increased growth, diversity, and conflict to Alaska political life.

During the post-World War II period, states outside the South experienced divided party control of the governor's office and the lower house of the legislature about half the time.²³ Since 1959, Alaska has experienced such a division nearly 60 percent of the time. If state senates are included in the calculation, divided party control has occurred about 70 percent of the time both in Alaska and nationally (Table 14).

The most striking thing about Alaska's record of party control since statehood has been its complete change from the 1960s to the 1970s and 1980s. During the first decade of statehood, Alaska's Democratic leaders had been the most prominent leaders of the statehood movement during the 1950s. Democrats controlled the governor's office and both houses of the legislature most of the time.²⁴ Then, from 1969 through 1986, there were no instances of "unified"

²³*Ibid.*, pp. 232-233.

²⁴Except for two U.S. House terms at the end of the 1960s, Democrats controlled Alaska's three seats in the U.S. Congress as well.

	Total Years	Unified	Divided
1959-1968	10	8	2
1969-1986	18	0	18
Total Years	28	8	20
Percentages	100%	29%	71%

Table 15
Average Net Gains and Losses of Alaska Legislative Seats
by Winning Party in Presidential and Gubernatorial Elections,
1960-1984

	Average Net Change in Senate	Average Net Change in House
1960-1984		
Presidential Elections	0.7	4.7
Gubernatorial Elections	2.0	2.0
1960-1972		
Presidential Elections	1.3	7.0
Gubernatorial Elections	4.7	8.3
1974-1984		
Presidential Elections	0	1.7
Gubernatorial Elections	-0.7	-4.3

party control of state government at all. Governors elected under one party's banner invariably confronted a legislative leadership from the other party.

This dramatic reversal in the pattern of control went further than the change from unified to divided party control of state government. In the early 1980s, the legislative parties split further into cross-party *coalitions* that formed in both the house and the senate. This occurred largely as a result of regional and interfactional conflict over the division of the petroleum-revenue spoils.²⁵

Neither presidential nor gubernatorial coattails have been long enough to produce legislative majorities that might organize unified party governments. Table 15 shows the average number of state legislative seats picked up by the winning parties in presidential and gubernatorial elections since statehood. Over the whole period, the winning presidential party has averaged less than one additional seat in Alaska's senate (out of an average of twelve up for election) and slightly less than five additional seats (out of forty) in Alaska's house. The winning gubernatorial party has done little better, picking up an average of two seats each in the senate and house.

²⁵See Thomas A. Morehouse, ed., *Alaska Resources Development: Issues of the 1980s* (Boulder: Westview Press, 1981), pp. 176 ff.

The direction of change in this already-slight coattail effect is negative. During the most recent ten-year period, winning presidential parties have gained no seats in the state senate and less than two seats in the state house. And winning gubernatorial parties have actually lost ground in both senate and house. National, statewide, and local elections in Alaska—as elsewhere—are increasingly separate and insulated from one another as voters shed party loyalties and routinely split their tickets.

Incumbency is an additional factor that reinforces ticket-splitting in Alaska as it does elsewhere. Table 16 shows the differences in party turnover of state legislative seats with and without incumbents running for re-election. When incumbents run in either house or senate races, they lose their seats to the opposition party candidate only about one-fifth of the time. But when senate and house incumbents do not run, their parties' new candidates lose to the opposition party candidates nearly one-third of the time.²⁶

Legislative incumbents who are vulnerable tend to be from the largest and fastest-growing urban areas, where voters tend to be less familiar with public officials. This is clearly the case in Alaska, where incumbent losses are disproportionately concentrated in Anchorage and Fairbanks. These two cities account for about two-thirds of incumbent losses, but only about half of the contested legislative seats over the statehood period.

²⁶These figures do not include the first two legislative elections, when "incumbency" was still very fluid, or five elections immediately after redistricting and reapportionments, when incumbents and specific seats were recombined.

	House			Senate		
	Total Seats	Turnovers	Percent	Total Seats	Turnovers	Percent
Incumbents Running	192	41	21%	50	11	22%
Incumbents Not Running	87	27	31%	22	7	32%

	House, %	Senate, %
Total Period	49	32
1962-70	52	36
1972-84	46	27
Reapportioned	51	38
Non-Reapportioned	46	23

First-term office holders have been somewhat more numerous in Alaska's legislature than in legislatures elsewhere. In the states generally, about one-third of the members of each new legislature in recent decades have been first-termers—just over one-third in state houses and just under one-third in state senates.²⁷ In Alaska, as shown in Table 17, there has been more turnover in the house—an average of about one-half of each Alaska house has consisted of newly elected members, while the Alaska senate has experienced about the same amount of turnover as has occurred nationally. Table 17 also shows that turnover rates have slowed in the Alaska legislature from the 1960s to the '70s and '80s.

Reapportionment can be a threat to incumbency rule in Alaska's legislature, especially in the senate. Table 17 shows that in Alaska's six reapportioned legislatures through 1984, an average of 38 percent, or eight of the state senators, were first-termers as opposed to 23 percent, or two, in nonreapportioned legislatures. It does not appear, however, that the reapportionment power of the governor has had much partisan effect on this pattern. If governors have tried to improve the electoral opportunities of their party's legislative candidates through any form of gerrymandering, this is not apparent in election results. The five legislatures reapportioned by Democratic governors lost eleven Democratic house seats and six Democratic senate seats. The one legislature reapportioned by a Republican governor made small Republican gains—five house seats and one senate seat.

The higher turnover in reapportioned legislatures may be attributable simply to the fact that reapportionment creates new districts

²⁷Jewell and Olson, *American State Political Parties and Elections*, p. 229; Bibby, "Parties in State Politics," p. 156.

and constituencies. Thus, incumbent legislators will be more vulnerable to electoral challenges and, as a result, more likely to be defeated or less likely to seek re-election in the first place.

The 1982 General Election

Alaska's 1982 election represents an especially valuable case for examining relationships between candidates, issues, and regional voting patterns. There was a vigorous three-way race for governor. There were also several controversial ballot measures, or "propositions," and some of them were strongly divisive regionally. Further, candidates chose to or were forced to take stands, particularly on these regionally sensitive issues. These conditions make it possible to trace some of the effects of candidate-issue interactions and determine how they helped shape electoral outcomes in Alaska's regions.

In the race for governor, Democrat William Sheffield was elected with a 47 percent plurality over Republican Tom Fink (38 percent) and Libertarian Dick Randolph (15 percent). Voters also cast ballots on eight propositions, four of which are of interest here: (1) a constitutional amendment limiting increases in state appropriations, (2) an initiative claiming state ownership of most federal lands in Alaska ("tundra rebellion"), (3) an initiative abolishing special subsistence hunting and fishing preferences for rural Alaskans, and (4) a measure authorizing the legislature to spend money to move the state capital from Juneau to a new site at Willow, north of Anchorage. The statewide vote on these propositions was as follows:

	For, %	Against, %
Appropriations Limit	61	39
Tundra Rebellion	73	27
Subsistence Repeal	42	58
Capital Move	47	53

In the election campaign, the two major party candidates took strong, conflicting positions on two of these propositions. Democrat Sheffield opposed the subsistence preference repeal and the capital move, and Republican Fink favored them. Both of these propositions reinforced another political division in Alaska, that between urban and rural regions, or primarily between Anchorage and the rest of the state. The proposition to repeal subsistence preference represented a direct threat to the interests of Native Alaskans, who are the

majority population in the "bush"—the northwest region and the central region outside Fairbanks. The proposition to move the capital was the current version of a measure that has appeared on the ballot in various forms six times since statehood. In 1982, as in all previous elections in which it has appeared, the capital move proposal reflected economic, political, and social cleavages between the Anchorage area and much of the remainder of Alaska.

In part because of these cleavages and the candidates' positions on the issues, Fink was widely perceived as the candidate from Anchorage. Sheffield was widely, but perhaps more vaguely, perceived as the candidate from Alaska outside of Anchorage and its immediate southcentral region. (Both Sheffield and Fink were long-time Anchorage residents.)

The following figures show how voting in the state's twenty-seven election districts on the four propositions related to voting for governor. The districts are identified by region. In all cases, the figures relate district votes *against* the proposition to district and regional votes *for* Sheffield: Sheffield took positions against the capital move and against repeal of subsistence preference, and negative votes on the other two propositions can, with some license, be characterized as more "liberal" and, thus, closer to Sheffield's perceived orientation than to Fink's "conservative" image. There are very high correlations between the proposition votes and the Sheffield vote.²⁸ In two cases—capital move and subsistence preference—not only is the *statistical relationship* strong between the pro-Sheffield and anti-proposition vote, but the apparent *electoral effect* was also substantial.

Figures 1 and 2 show that voting against these measures by southeast and "bush" voters most clearly differentiated them from voters elsewhere in the state. (Fairbanks voters also voted heavily against the capital move.) These same southeastern and bush districts also gave Sheffield his heaviest majorities. The significance of these issues for voters of these regions, and the stands on them by the two candidates, probably were major factors in increasing 1982 registered voter turnout in the southeast and northwest regions by more than 15 percentage points over the average of the previous four elections (see Table 5, above).²⁹

²⁸Correlation coefficients, or "r" values, are capital move, 0.93; subsistence preference, 0.88; tundra rebellion, 0.86; and appropriation limit, 0.94. (N = 27 election districts.)

²⁹Table 5 shows that registered voter turnout in these two regions settled back to previous levels in the 1984 election. Although turnout increased in all regions (Continued on page 34)

Figure 1
 Relationship Between Sheffield Vote and Capital Move Vote,
 1982 Election

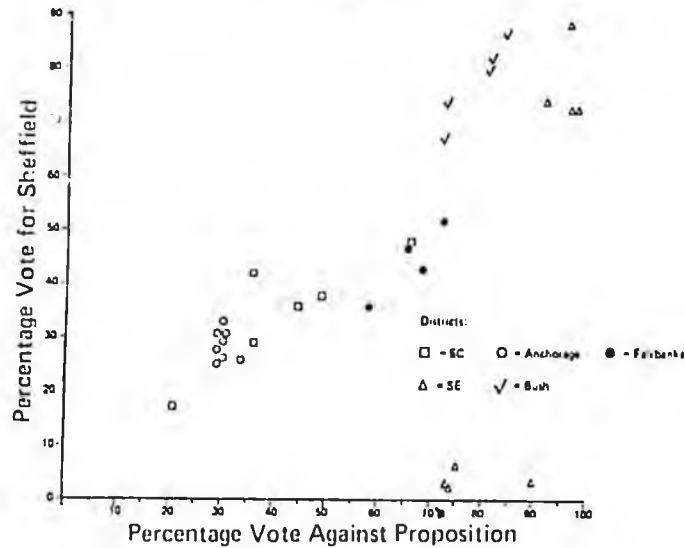


Figure 3
 Relationship Between Sheffield Vote and Tundra Rebellion Vote,
 1982 Election

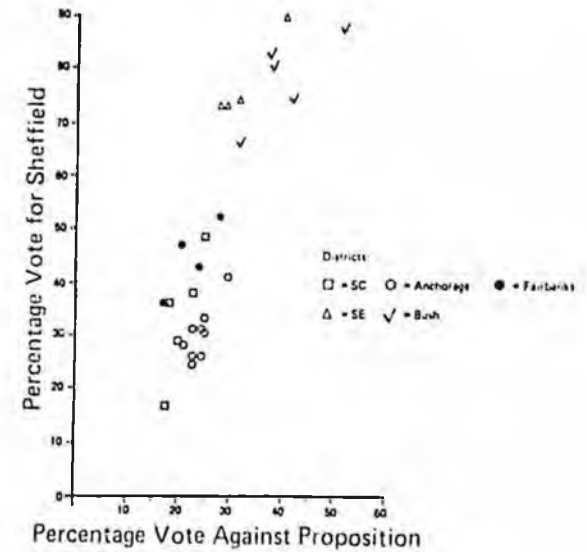


Figure 2
 Relationship Between Sheffield Vote and
 Subsistence Preference Repeal Vote,
 1982 Election

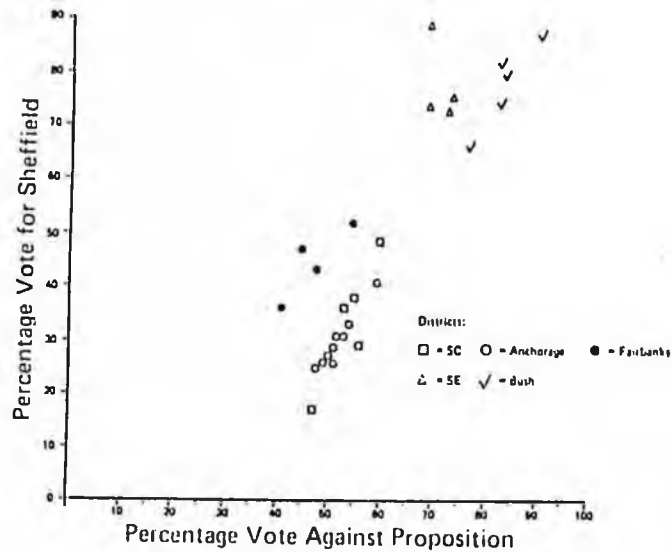
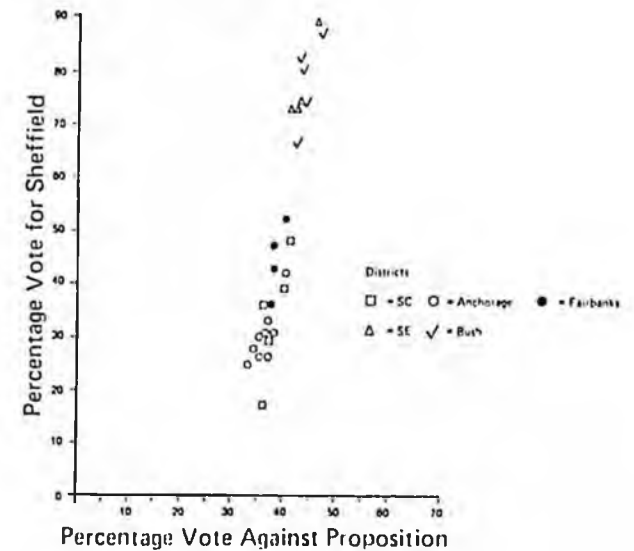


Figure 4
 Relationship Between Sheffield Vote and
 Appropriation Limit Vote,
 1982 Election



The strong regional differences on the capital move and subsistence preference issues were to be expected. These issues represented direct threats to southeastern and bush interests, respectively. The regional vote on these issues was also strongly related to the vote for governor, to the extent of directly reinforcing the vote for Sheffield. Since the two major candidates explicitly differentiated themselves on these issues, it appears that the strong votes against the propositions actually increased Sheffield's expected majorities in the southeast and bush regions.

Although much smaller in magnitude, there were also "expected" regional differences in voting on the tundra rebellion and appropriation limit propositions (Figures 3 and 4). The strongholds of the pro-tundra rebellion and pro-appropriation limit votes were southcentral, Anchorage, and Fairbanks. While the southeast and bush regions also supported the rebellion and the limit, neither voted quite as strongly for these propositions as did the other regions. In contrast to the capital move and subsistence preference cases, most voters in all regions voted for the rebellion and appropriations limit issues. There were smaller differences on these two issues between districts going to Sheffield and those going to either of the other two gubernatorial candidates.

Thus, the ballot issues on which the two major candidates most clearly differentiated themselves—capital move and subsistence—appear to have worked more strongly for Sheffield in the threatened southeast and bush regions than they worked against him in the regions that went to Fink (southcentral and Anchorage). Voting on two other propositions (tundra rebellion and appropriation limit), although highly correlated with the gubernatorial vote and reflecting "expected" regional differences in political or ideological orientations, had little or no apparent electoral effect.

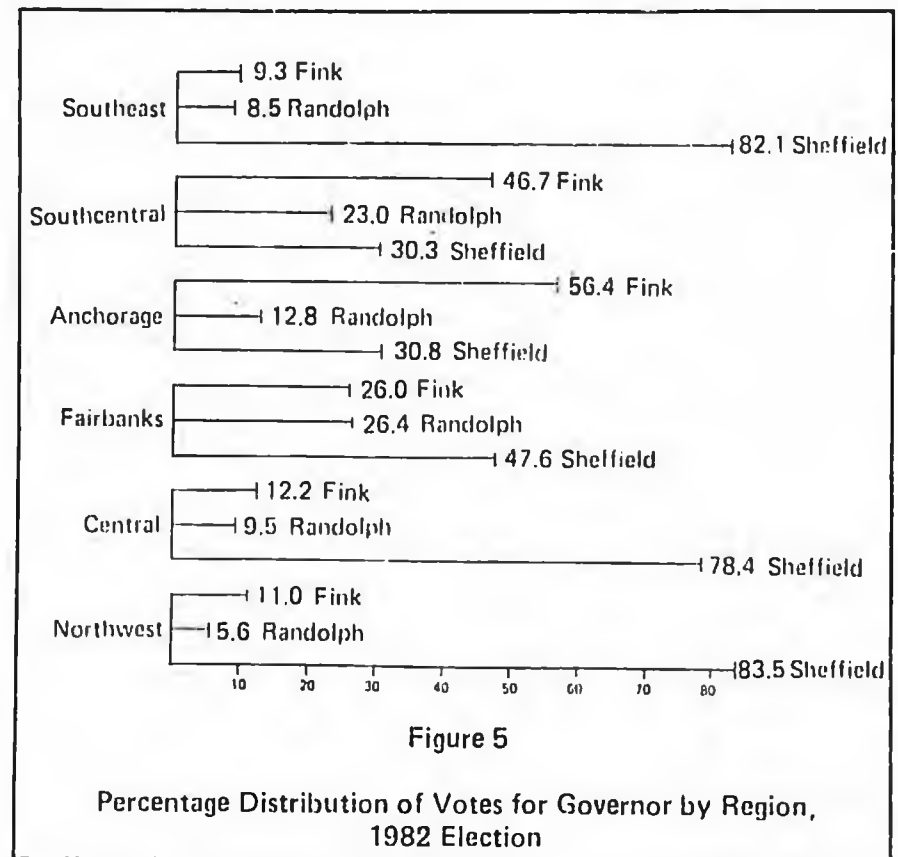
Libertarian candidate Randolph's role in this electoral interplay was that of "spoiler," insofar as Republican Fink's candidacy was concerned. Randolph and Fink tended to appeal to the same side of the political spectrum. Thus, Randolph probably took more votes away from Fink than from Sheffield. If so, Randolph hurt Fink in every region, particularly in southcentral and Anchorage, where Fink had to win by huge margins in order to overcome Sheffield's overwhelming support in Southeast and the bush (Figure 5). Randolph also edged Fink in Fairbanks, Randolph's hometown. In order to win

²⁹ (Continued from page 31)

in 1982, the extent of the increase in the more transient and growing Southcentral, Anchorage, and Fairbanks regions is probably overstated because of unpurged and inflated registration lists for these places in previous years.

the election, Fink would have needed less than two-thirds of Randolph's 29,000 votes. If Randolph had not run, Fink would likely have won the votes—particularly in Anchorage, Southcentral, and Fairbanks—necessary to edge Sheffield statewide. In any case, the combination of the Randolph vote and the regionally divisive capital move and subsistence preference issues appear sufficient to account for Sheffield's victory.

Only once before Sheffield's 1982 victory has a candidate won a statewide election while losing in both Anchorage and Southcentral regions. This happened in 1960, when Democrat Ralph Rivers was re-elected to his second term in the U.S. House over Republican Ron Rettig. After the mid-1960s, it became increasingly difficult for candidates to win statewide if they lost by a significant margin in Anchorage alone. Thus, Sheffield's statewide electoral majority in 1982 was built on a winning regional voting pattern that is unlikely to appear soon again in Alaska's elections.



Conclusions

Alaska's social and economic growth and diversification since statehood have been reflected in the state's elections. Unified leadership under the Democrats, the statehood party, gave way within a decade to a more fragmented and volatile pattern of control of state-wide and legislative offices.

The whole electoral pattern became increasingly complex in the 1970s and 1980s. *As Alaska's electoral politics have changed, they have become more clearly like those of the rest of the states.* At the same time, the traditional Alaska phenomena of "small town" and regional politics persist, though in diminished or modified form.

Political parties are increasingly weak organizers of voters, candidates, and election campaigns. In Alaska, historically, party weakness has probably been aggravated by the state's small population and a corresponding emphasis on personality and individual candidate appeals directly to voters. Voters' party loyalties are slight or nonexistent. A majority of Alaska voters continues to register as independents and nonpartisans. *These weak party ties are reflected in a widespread and growing tendency toward split-ticket voting,* which is a familiar pattern throughout the states.

Reinforcing the split-ticket vote is the power of incumbency. State legislators in particular enjoy lengthening tenure in office, and voters are increasingly inclined to re-elect incumbents regardless of party. The power of incumbency is not yet as strong in Alaska as it is in most other states, but it is growing.

With fading parties and party loyalties, *national electoral trends have decreasing influence on state elections, and, similarly, statewide elections have little effect on legislative and other elections within the state.* This too increases Alaska's electoral similarities to the states generally. Neither a president's nor a governor's coattails seem sufficiently long to consistently pull other party candidates into supporting offices.

As candidates have become increasingly detached from party organizations and programs, so also have electoral races become more insulated from one another. *Voters in Alaska, like those elsewhere, tend to vote for individual candidates, not for parties or party programs.*

Thus, strong interparty competition, as measured by relative shares of total votes in any given election or series of elections, does not necessarily refer to vigorous majority-opposition party contention. Increasingly, it means merely that a fluid and shifting electorate has divided its votes over time in ways that maintain the via-

bility of candidates wearing either party's label. Such "competition" also does not necessarily stimulate turnout, as participation rates in national and state elections indicate. It is, instead, the intensity of individual races, the temporary salience of electorally related issues, and the sense of civic duty that motivate voters to go to the polls, despite the institutional obstacles and other costs of voting.

Recent high turnout rates in Alaska can, in part, be attributed to increases in perceived stakes in elections that have involved unusually controversial issues, including subsistence preference laws, capital move, and the spending of billions of dollars in petroleum revenues. These issues have also aggravated Alaska's traditional regional divisions.

One of the most critical outcomes of the electoral dynamics summarized above is the growing incidence of divided party government. As often as not, governors confront legislatures controlled in part or whole by opposition parties or unfriendly coalitions, and policy leadership and direction becomes obscured in complex legislative and executive gaming, bargaining, and conflict. This contrasts sharply with the elusive ideal of unified government, which envisions a governor and legislative leaders from the same party cooperatively developing policies consistent with their party's program and then standing before the electorate to account for their collective decisions.

A further departure from the ideal of unified government occurred in Alaska in the early 1980s, when cross-party coalitions formed in both houses of the legislature. This most recent political adaptation occurred largely as a product of interregional and inter-factional conflict over the issues of saving, spending, and distributing Alaska's petroleum revenue windfall.

Section 5. General Elections. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

Revisor's note. — Exercising its authority under this section, the legislature has provided that the date of general elections is the Tuesday after the first Monday in November in every even-numbered year. See AS 15.15.020.

Article VI

Legislative Apportionment

Section 1. Election Districts. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Cross references. — For current (1974-1980) description of election districts, see note following section 3, article XIV of this constitution.

The legislature may not break election districts down into wards or subdistricts. 1961 Op. Att'y Gen., No. 20.

For current election districts, see note following section 1 of Article XIV of this constitution.

Section 2. Senate Districts. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Cross references. — See note to Alaska Const., art. XIV.

For current (1974-1980) description of election districts see note following section 3, Article XIV of this constitution.

See notes on redistricting under section 6, Article VI of this constitution.

Senate must be apportioned according to population. — Since the adoption of the Alaska Constitution in 1956 the United States supreme court has ruled that both houses of a state legislature must be apportioned according to population. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Reapportionment of senate must be similar to reapportionment of house. — Although no provision comparable to this article governs reapportionment of the senate, the supreme court has held that the senate, too, must be reapportioned similarly to the house of representatives in order to conform to constitutional requirements imposed by the United

States supreme court. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Intent of constitutional convention as to reapportionment of senate. — See *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The senate was unconstitutionally apportioned. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

An analysis of the Alaska legislature's apportionment indicated that the senate was not then apportioned on a population basis within the meaning of the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

And this affected entire legislative apportionment system. — A court can declare Alaska's entire legislative apportionment system unconstitutional on the ground that the senate's apportionment is invalid. 1964 Op. Att'y Gen., No. 4.

Regardless of whether or not house was validly apportioned. — See 1964 Op. Att'y Gen., No. 4.

No specific provision is made for changing senatorial representation. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

But it is the intent of the constitution that the function of reapportionment be performed only by the governor with the assistance of the reapportionment board. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

An enlightened construction of this article which permits realization of its fundamental purpose, that reapportionment not be dependent in any manner on legislative initiative and that effective means of enforcement be readily available to any voter, is that its remaining constitutional provisions provide the implied power in the governor and the reapportionment board to reapportion the senate on an interim basis. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Because the Alaska Constitution makes no provision for reapportionment of the senate, the supreme court has held that on an interim basis until amendment of the Alaska Constitution the governor has the power to reapportion the senate in the same manner as specified by the constitution for the reapportionment of the house. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Not the legislature. — No part of the authority or responsibility for

apportionment was intended to be entrusted to the legislature. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Constitutional amendment providing for senate reapportionment urged. — Since the constitution does not specifically provide for senate reapportionment and impermissibly limits the house reapportionment base to civilian population, the supreme court has strongly urged that an appropriate amendment to the constitution be prepared and presented to the electorate. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The reapportionment plan proclaimed by the governor on September 3, 1965 (see note to Alaska Const., art. XIV), was declared to be effective for the 1966 primary and general elections and thereafter until the state constitution has been amended to provide a valid, permanent reapportionment plan for the senate. Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections, with population variations ranging from +23.75 to -45.93 per cent in the house and from +26.14 to -17.22 per cent in the senate violated the United States constitutional guarantee of equal protection. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Section 3. Reapportionment of House. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Cross references. — See notes to Alaska Const., art. XIV, §§ 1-3. See note to § 2 of this article.

House must be apportioned according to population. — Since the adoption of the Alaska Constitution in 1956 the United States supreme court has ruled that both houses of a state legislature must be apportioned according to population. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Military personnel cannot be arbitrarily eliminated from population base. — Military personnel as a class

cannot be deprived of the right to vote, and they cannot be arbitrarily eliminated in a population base used to design an apportionment scheme. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

In the absence of reliable data, the elimination of the military from the population base as a class of persons would be a denial of equal protection of the law,

prohibited by the 14th amendment to the United States Constitution. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Alaska's constitution requires that the requisite population total be arrived at by use of the census data. It does not mandate a population base composed exclusively of registered voters, citizens who have previously voted in Alaska, or only those people living in Alaska with the intention of making Alaska their home. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But some military may be excluded as device to limit impact of transients. — But while the clause of the Alaska Constitution seeking to exclude military as a class is unconstitutional, that is not to say that some military cannot be excluded as a permissible device for limiting the impact of transients and nonresidents on legislative districting. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is necessary to distinguish the degree of precision required in dealing with representational rights as against the strict right to vote. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The substantial military population present in the state because of military orders and without intention to make Alaska their home can easily give an unbalanced representation to areas abutting their bases. But there is a need for a permanent plan which achieves a level of accuracy of their voting participation which is closer than either including or excluding all military as a class. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is not offensive to notions of equal protection to exclude from the population base even military personnel who have lived in Alaska for substantial periods of time, so long as these people have exercised their option to remain residents and domiciliaries of other states. Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section is invalid insofar as it is based on "civilian population". — The provision basing reapportionment upon civilian population within each election district as reported by the census is invalid insofar as it is based on "civilian population." Egan v. Hammond, Sup. Ct.

Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Exclusion of military from population base in 1974 revised reapportionment plan. — In the 1974 revised reapportionment plan, there was no discrimination against all military as a class and no improper exclusion of military personnel based on the nature of their employment. Groh v. Egan, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Provision requiring exclusive use of census is not severable. — The provisions of that portion of this section requiring that "reapportionment shall be based upon civilian population within each election district as reported by the census" is not severable. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The constitutional provision requiring exclusive use of the census would not have been enacted independently of the void reference to "civilian population." Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

If the requirement to use census figures were to be retained after striking the provision which limited the base to civilian population, the apparent intent of the members of the constitutional convention to prevent the large number of military personnel concentrated in small areas of the state, who do not regard the state as their home and do not actively participate in its affairs, from distorting the representational base might be frustrated. Only skeletal information of location and mobility characteristics of the military can be extrapolated from census data. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Alternatives to the census base should be permitted. — Because the equal protection clause of the United States Constitution requires more specific factual justification than the census for eliminating portions of the military from the population base, the board and the governor should be permitted to use alternates to the census base. Egan v. Hammond, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

For a discussion of alternative plans which may be available to handle the problem of developing a reapportionment plan which achieves an accurate assessment of the military vote, see Egan v. Hammond, Sup. Ct. Ops. No. 815 and

830 (File No. 1711), 502 P.2d 856 (1972).

There is no longer a specific constitutional mandate as to the population base to be utilized by the governor. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

In the absence of a constitutional amendment reestablishing specific guidelines, the governor has the power to select alternative bases for reapportionment purposes, such as a registered voter, state citizenship or state residency base. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The governor may select from among different available statistical compilations. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section places in the executive the full authority and responsibility for reapportionment. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

The governor, with the assistance of the reapportionment board, must reapportion representation in the house of representatives on a method of equal proportions every 10 years. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Because the Alaska Constitution makes no provision for reapportionment of the senate, the supreme court has held that on an interim basis until amendment of the Alaska Constitution the governor has the power to reapportion the senate in the same manner as specified by the constitution for the reapportionment of the house. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Reapportionment by legislature was specifically rejected. — The drafters of the constitution put reapportionment in the hands of the governor, acting on the advice of a reapportionment board, and specifically rejected the idea of giving reapportionment to the legislature. 1964 Op. Att'y Gen., No. 4.

As legislature cannot be expected to reapportion itself. — The Alaska constitutional convention reports and minutes indicate that the delegates who drafted this article gave the duty of reapportioning to the governor for one reason: a legislature cannot and should not

be expected to properly reapportion itself. 1964 Op. Att'y Gen., No. 4.

Constitution provides widely used population-based method. — Alaska Const., art. VI, § 4, provides that the house will be apportioned on the "method of equal proportions," which is a population-based method widely used in reapportionment of Congressional districts. 1964 Op. Att'y Gen., No. 4.

Transfer of population to adjacent district. — When a concentrated area of population, not having a sufficient population to become a district in itself, prefers to be transferred to its adjacent district within the local senate district, the transfer is possible under the constitution, provided that all constitutional requirements for redistricting are met. 1961 Op. Att'y Gen., No. 20.

Constitutional amendment urged. — Since the constitution does not specifically provide for senate reapportionment and impermissibly limits the reapportionment base to civilian population, the supreme court strongly has urged that an appropriate amendment to the constitution be prepared and presented to the electorate. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections, with population variations ranging from + 23.75 to -45.93 per cent in the house and from + 26.14 to -17.22 per cent in the senate violated the United States constitutional guarantee of equal protection. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Use of 1970 census data in determining population base to be used for reapportionment in 1974 revised reapportionment plan did not constitute error. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Limited supreme court review. — Since the governor's authority to choose census data as a population base is not limited by either the state or the federal constitution, supreme court review is restricted to whether that authority has been exercised in a rational as opposed to an arbitrary manner. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Section 4. Method. Reapportionment shall be by the method of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Cross reference. — See note to Alaska Const., art. VI, § 3.

This section establishes the formula for reapportionment. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Application of section. — This section applies equally to all present and future election districts without any restriction to the original districts. 1961 Op. Att'y Gen., No. 21.

Section 5. Combining Districts. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Application of section. — This section applies equally to all present and future election districts without any restriction to the original districts. 1961 Op. Att'y Gen., No. 21.

Stated in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 6. Redistricting. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

The need for numerical adjustment is the very focus of the mandate to reapportion. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

State must make good-faith effort to achieve equality. — The Equal Protection Clause of the United States Constitution requires that a state make an honest and good-faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972); *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Rigid standards for reapportionment applied in *Egan v. Hammond*, Sup. Ct. Op. Nos. 815 and 830 (File No.

1711), 502 P.2d 856 (1972), have been somewhat ameliorated. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Showing of justification required for deviations in reapportionment. — In the absence of a showing that the manner of reapportioning a state was improperly motivated or had an impermissible effect, deviations of up to 10 per cent require no showing of justification. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The state has the burden of showing that deviations in excess of 10 per cent are "based on legitimate considerations incident to the effectuation of a rational state policy." *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

When variances permitted under *Egan v. Hammond*. — Only after a good-faith effort has been made to achieve precise mathematical equality may variances be permitted. And then the state has the burden of justifying in detail each such variance. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The standard for reapportionment allowed two separate justifications for deviation from the ideal population figures. The first was that variance occurring because of uncontrollable factors, despite a good-faith effort to achieve mathematical precision. The second acceptable deviation was that which "the state must justify" — the implication being that while it had been a controllable deviation, other factors "incident to the effectuation of a rational state policy" could be advanced in justification. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

However, acceptable state policies to justify deviation were greatly limited. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

In permissible factors in justifying disparities under *Egan v. Hammond*. — Neither history alone, nor economic or other sorts of group interests, were permissible factors in attempting to justify disparities from population-based representation. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Modern developments and improvements in transportation and communications made rather hollow, in the mid-1960's, most claims that deviations from population-based representation could validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives was impaired were today, for the most part, unconvincing. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But insuring voice in legislature to political subdivision was consideration of substance. — A consideration that appeared to be of more substance in justifying some deviations from population-based representation in state

legislatures was that of insuring some voice to political subdivisions, as political subdivisions. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

No adequate justification offered for variances in 1971 interim reapportionment plan. — The 1971 interim reapportionment plan fashioned by the supreme court for the 1972 legislative elections was held unconstitutional since there was no adequate justification offered for the variances which range from +23.35 to -45.93 per cent in the house districts, and from +26.14 to -17.2 per cent in the senate districts. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

It is significant to note that in no case coming before the supreme court of the United States have population variances approaching those of the 1971 plan been upheld, while less substantial variances have been repeatedly rejected as unconstitutional. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Burden of challenging unconstitutionality of method or motive of districting. — Where the method or motive of districting rather than the mathematical precision of the apportionment is being challenged, the challenger bears the burden of proving unconstitutionality. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Difficulty of creating districts of equal population under this section. — The supreme court recognizes the difficulty of creating districts of equal population while also conforming to the Alaska constitutional mandate that the districts "be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area." *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

When Alaska's geographical, climatical, ethnic, cultural and socio-economical differences are contemplated the task of creating districts of equal population while conforming to this section assumes Herculean proportions commensurate with Alaska's enormous land area. The problems are multiplied by Alaska's sparse and widely scattered population and the relative inaccessibility of portions of the state. Surprisingly small changes in district boundaries create large

percentage variances from the ideal population. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

When confronted with conditions so different from those of any other single state in the continental United States, it is readily apparent that it becomes well nigh impossible to achieve the mathematical precision of equal proportions which is feasible in those other states. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

For discussion of geographical, demographical, ethnical, cultural, and economical conditions in Alaska in relation to redistricting, see *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Meaning of the term "socio-economic area". — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

A community such as the Greater Anchorage Borough might be considered a socio-economic area. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Power of governor to authorize constitutional device to accomplish redistricting. — Redistricting is inseparable from reapportionment and the governor should be able to authorize any constitutional device to accomplish the task. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Such as terminating senate terms. — The governor has the power to terminate senate terms as incidental to his general reapportionment powers. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

A need to truncate the terms of incumbents may arise when reapportionment results in a permanent change in district lines which either excludes substantial numbers of constituents previously represented by the incumbent or includes numerous other voters who did not have a voice in the selection of that incumbent. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The discretionary authority to require mid-term elections when necessary is well established. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

And designating seats within multi-member districts. — The governor's general power to reapportion

includes the right to utilize the tool of designated seats within multi-member districts. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

And changing boundaries and areas. — It is clear that the governor is authorized to redistrict by changing boundaries and areas. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The creation of single-member districts from multi-member districts is within the powers available to the governor. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The creation of single-member districts from multi-member districts would appear to be a concomitant power under the authorization to redistrict. Furthermore, this authority is inherent in the general power to reapportion the legislature. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The governor may create single-member districts from multi-member districts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The power to create single-member districts applies to integrated socio-economic areas as well as to other areas. *Groh v. Egan*, Sup. Ct. Op. No. 1018(A) (File No. 2233), 526 P.2d 863 (1974).

The supreme court does not construe the Alaska constitutional requirement that districts be formed from contiguous, compact, relatively integrated socio-economic areas to prohibit smaller districts within such areas. The smaller districts would still conform to the constitutional standard. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Plan whereby Anchorage was divided into six election districts upheld. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Implied power to reapportion senate on interim basis. — Under the Alaska Constitution the governor with the assistance of the reapportionment board has the implied power to reapportion the senate on an interim basis. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

The Advisory Reapportionment Board may always divide a district into smaller districts provided the requirements laid down in the Alaska

Const., art. VI, § 6, are complied with. No. 346 (File No. 731), 414 P.2d 689 (1966).
 1961 Op. Att'y Gen., No. 20.
 Stated in *Wade v. Nolan*, Sup. Ct. Op.

Section 7. Modification of Senate Districts. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

This section is clearly invalid under the United States supreme court's reapportionment rulings. 1964 Op. Att'y Gen., No. 4.

This section, which requires virtually unchangeable senate districts based on area, must give way to the United States supreme court's rulings on reapportionment. 1964 Op. Att'y Gen., No. 4.

But it is severable from the rest of this article. 1964 Op. Att'y Gen., No. 4.

And with this section excised, this article is constitutional and workable, so long as it is administered in compliance with the United States supreme court reapportionment decisions. 1964 Op. Att'y Gen., No. 4.

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 8. Reapportionment Board. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Revisor's note. — The governor's September 3, 1965 Proclamation of Reapportionment and Redistricting abolished the senate districts referred to in this section.

Purpose of provision that appointments be made "without regard to political affiliation." — The obvious purpose of the constitutional provision that appointments be made "without regard to political affiliation" was to prevent the appointment of a board whose efforts might result in a politically motivated reapportionment plan. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Bi-partisan board not required. — The phrase "without regard to political affiliation" is not the equivalent of requiring a "bi-partisan" board. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

But certain political considerations are germane. — In reviewing the validity of the appointment of a board, some (although not necessarily all) of the following considerations would appear to be germane: The political affiliation of members of the board; the nature of their activities in partisan politics, particularly if from one political party only; and the expertise and general qualifications which members bring to the board. *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 (File No. 1711), 502 P.2d 856 (1972).

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966); *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Cited in *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Section 9. Organization. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three

members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

Quoted in *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Section 10. Reapportionment Plan and Proclamation. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Commencement of board's function. — The constitutional convention provided that the reapportionment board should automatically commence to function after the decennial census, without any direction from the governor. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

How plan becomes law. — Once a valid reapportionment plan has been established and proclaimed, it becomes law, or "effective," by the force of the

constitution. *Wade v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

1960's apportionment plan could not remain in effect until 1970. — This section's mandate that 1960's reapportionment plan remain in effect until 1970 had to give way to the United States supreme court's rulings on reapportionment. 1964 Op. Att'y Gen., No. 4.

Section 11. Enforcement. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

Legislative intent. — The drafters of this provision intended that appellate review be in the nature of a *de novo* proceeding, but without additional evidence being presented. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

This section does not confer upon the supreme court the power to decide what is preferable between alternative rational plans. If that were the case, there would be little reason to provide for the governor to promulgate the reapportionment plan after receiving the

recommendations of the Advisory Reapportionment Board. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

The constitutional authority to reapportion resides in the executive, not the courts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Since the governor's authority to choose census data as a population base was not limited by either the state or the federal constitution, supreme court review was restricted to whether that authority has been exercised in a rational as opposed to an arbitrary manner. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

When jurisdiction conferred on courts. — Jurisdiction is conferred on the courts only when an application is made to compel the governor "to perform his reapportionment duties or to correct any error in redistricting or reapportionment." *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

It cannot be said that what the supreme court may deem to be an unwise choice of any particular provision of a reapportionment plan from among several reasonable and constitutional alternatives constitutes "error" which would invoke the jurisdiction of the courts. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Standard of review. — See *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Reapportionment matter is considered de novo on appeal. — In reviewing a reapportionment plan the supreme court will consider the matter de novo upon the record developed in the superior court. *Groh v. Egan*, Sup. Ct. Op. No. 1081(A) (File No. 2233), 526 P.2d 863 (1974).

Stated in *Wude v. Nolan*, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Cited in *Egan v. Hammond*, Sup. Ct. Ops. No. 815 and 830 File No. 1711), 502 P.2d 856 (1972).

Article VII

Health, Education and Welfare

Section 1. Public Education. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Editor's note. — An amendment to this section was proposed by House Joint Resolution No. 73, SLA 1976, but was rejected at the general election held in November, 1976.

Intent of section. — This section was intended to ensure that the legislature establish a system of education designed to serve children of all racial backgrounds. *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).

This section guarantees all children of Alaska a right to public education. *Breese v. Smith*, Sup. Ct. Op. No. 827 (File No. 1614), 501 P.2d 159 (1972).

Education is a matter of statewide concern. *Macauley v. Hildebrand*, Sup. Ct. Op. No. 741 (File No. 1550), 491 P.2d 120 (1971).

This section was designed to commit Alaska to the pursuit of public, not private education, without requiring absolute governmental indifference to any student choosing to be educated outside the public school system. *Sheldon Jackson College v. State*, Sup. Ct. Op. No. 1916 (File Nos. 3978, 4002), 599 P.2d 127 (1979).

Section constitutes mandate for pervasive state authority in field of education. — The constitutional mandate of this section for pervasive state authority in the field of education could not be more clear. First, the language is mandatory, not permissive. Second, this section not only requires that the legislature "establish" a school system but also gives to that body the continuing obligation to "maintain" the system. Finally, the provision is unqualified; no other unit of government shares responsibility or

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 2/14/86

FURTHER REFERRALS: JUDICIARY

DATE: 5/2/86

The STATE AFFAIRS Committee has considered HB 593

"An Act relating to election districts; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

Katie Hurley - No Rec
Bette Cato - no Rec

[Signature]
Chairman



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Date

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HOUSE
COMMITTEE REPORT

U
(7)

Date referred: 2/14/86

FURTHER REFERRALS: FINANCE

DATE: 4/3/86

The STATE AFFAIRS Committee has considered HB 599

"An Act relating to suspending the operation of longevity pay increments for employees in state service; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

B. L. Bondu

Bette Cato

SIGNING OTHER RECOMMENDATIONS:

Mike Tarvone - no rec

W. W. Miller - DO NOT PASS

Katie Hurley - No Rec

Charles Wallis no rec

Roger Jenkins No Rec

Katie Hurley

Chairman

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance

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Anchorage, Alaska 99501

(907) 274-0615

Testimony of Rep. Al Adams on

House Bill 599

Before the House State Affairs Committee

March 5, 1986

House Bill 599 suspends the operation of AS 39.27.022 (Attached) which provides for pay increments at the rate of 3.75% to state employees who have remained at the final pay step of a pay range for two, four, nine and thirteen years.

My reasons for introducing this bill are threefold:

1) Automatic longevity increases mandated by law in addition to negotiated salary increases are inconsistent with the philosophy behind the state's collective bargaining statute which assumes state employee representatives will sit down with representatives of the executive branch to negotiate state employee salaries subject, of course, to legislative appropriation;

2) The state does not appear to have a problem with retaining state employees--in fact, HB 382 which has passed both the House State Affairs and House Finance Committees-- would create a retirement

incentive program which is designed to encourage the retirement of state employees who are near normal retirement age. The Department of Administration estimates that approximately 2200 state employees would qualify for this retirement incentive program and it is my assumption that a number of these employees are currently in the longevity steps of the state salary schedule; and

3) The current downturn in state revenues due to tumbling world oil prices requires the legislature and the executive branch to carefully evaluate all personal services costs and to make such cost saving measures as are possible at this time.

Cost savings associated with the suspension of longevity increases are difficult to estimate. Attached is a copy of a memo from the Office of Management & Budget which suggests a range of savings which could be expected should the legislature prohibit the payment of longevity pay increases and merit increases for all state employees. The range of savings associated with suspension of longevity increases and merit increases runs from 13.6 to 18.1 million dollars--8.7 to 11.6 million of which would be state general funds.

Perhaps the best way to put these savings in perspective is to relate to you my recent experience as Chairman of the Department of Health & Social Services Budget Subcommittee. As you are aware, the Department of Health & Social Services is one of the few agencies to receive an increase in

funds in the Governor's FY 87 budget request. What few people realize, however, is that a large portion of this increase is to reduce what is called "personal services underfunding". In fact, the majority of these additional personal services funds are to be used to pay merit and longevity pay increases. The situation facing departments that did not get an increase in the Governor's budget is even worse. In order to pay merit and longevity pay increases these departments will have to actually reduce services to the public. To the extent that state revenues will allow for any increase in state operating programs I, for one, would much rather see the funds used for additional services to Alaskans rather than for payment of state employee merit increases.

It is my intention to propose language to the FY 87 operating budget which would prohibit the expenditure of operating funds for the payment of merit increases.

Given the difficulty in estimating the savings which would accrue to the state by suspending just longevity increases and due to the fact that these savings would be spread throughout the budget, I have prepared a zero fiscal note for HB 599. I would anticipate that cost savings estimates could be refined prior to final passage of HB 599 and the FY 87 operating budget.

In summary, I believe that for the reasons listed above, suspension of longevity pay increments is warranted at this time. When coupled with

suspension of all other merit increases, the savings to the state in FY 87 are quite significant and could be used to maintain vital state services.

In addition, I believe that the entire question of merit/longevity pay increases beyond FY 87 should be carefully evaluated. A vehicle for this evaluation would be HCR 47 which establishes a special joint legislative committee on state employee compensation.

Your favorable consideration of HB 599 will be appreciated.

APPENDIX
HB 599 TESTIMONY BACK-UP

ATTACHMENT A ZERO FISCAL NOTE FOR HB 599 PREPARED BY REP. ADAMS

ATTACHMENT B COPY OF AS 39.27.022

ATTACHMENT C PROPOSED LANGUAGE FOR INCLUSION IN FY 87 OPERATING
BUDGET PROHIBITTING PAYMENT OF MERIT INCREASES

ATTACHMENT D COPY OF OMB MEMO SHOWING RANGE OF SAVINGS IF
LONGEVITY/MERIT INCREASES WERE DENIED IN FY 87

ATTACHMENT E COPY OF MEMO FROM LEGISLATIVE LEGAL SERVICES RE
ISSUES RAISED BY FAILURE TO FUND NEGOTIATED PAY INCREASES

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 599
 Title : RELATING TO SUSPENDING LONGEVITY
PAY INCREMENTS

 Sponsor : REP. ADAMS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : ALL
 BRU : _____

 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-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

WHILE THIS BILL WILL RESULT IN SAVINGS TO THE STATE IN FY 87 IT IS VERY DIFFICULT TO DETERMINE PRECISE AMOUNTS. ATTACHED IS AN ANALYSIS OF ESTIMATED SAVINGS SHOULD LONGEVITY AND MERIT INCREASES FOR STATE EMPLOYEES BE DENIED IN FY 87. THE ANALYSIS WAS PREPARED BY THE OFFICE OF MANAGEMENT & BUDGET.

Prepared by : REP. AL ADAMS Phone : 465-3706
 Division : HOUSE FINANCE COMMITTEE Date : 3/3/86

Approved by Committee : [Signature] Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

§ 39.27.022

ALASKA STATUTES

§ 39.27.022

§ 39.27.025

Election District

Pay Steps Above Basic
Salary Schedule

17	9
18	9
19	8
In other states	minus 6

(b) For purposes of (a) of this section, "election district" means an election district designated in the governor's proclamation of reapportionment and redistricting of December 7, 1961.

(c) The director shall establish salary differentials for positions in foreign countries. The differentials shall be adjusted annually, effective July 1, to maintain equitable relationships between salaries for positions in foreign countries and salaries for positions in Alaska. (§ 1 ch 158 SLA 1966; am § 8 ch 101 SLA 1969; am § 2 ch 87 SLA 1971; am § 3 ch 47 SLA 1974; am § 3 ch 138 SLA 1975; am § 13 ch 148 SLA 1976; am §§ 32, 33 ch 3 SLA 1980)

Revisor's notes. — Section 6, ch. 138, SLA 1975 provides: This Act takes effect immediately in accordance with AS 01.10.070(c), and terminates upon the effective date of the pay schedule established by the State Personnel Board under AS 39.25.070(7) (as enacted by a version of SB 318, "An Act relating to public employment; and providing for an effective date"). AS 39.25.070(7) was never enacted by a

version of SB 318, so no pay schedule was adopted under it.

Effect of amendments. — The 1980 amendment deleted the reference to AS 39.27.010 in the introductory language of subsection (a), substituted "In other states" for "Outside the State" in the last-listed election district in the chart of pay step differentials in subsection (a), and added subsection (c).

Sec. 39.27.022. Pay increments for longevity in state service.

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

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

(c) Longevity pay increments provided for in (a) and (b) of this section are approved under AS 39.25.150(2) as an amendment to the pay plan for employees of the state. (§ 1 ch 163 SLA 1972)

Opinions of attorney general. — Interpreting the longevity pay increments provided for by this section, so as to suggest that these increments may not be salary steps and therefore employees receiving these longevity increments who are promoted to a higher job series are not entitled to the salary increases required by

Personnel Rule 9.02.13 and article 7 of the agreement between the state of Alaska and Alaska Public Employees Association covering the general government unit would be at variance with the legislative intent expressed in this section. September 11, 1974, Op. Att'y Gen.

The purpose twofold, namely longevity in s reestablish an i who have attaine given range to co ment. Alaska P State, Sup. Ct. (1999), 525 P.2d 1.

Legislative his Employees Ass'n v 1066 (File No. 19

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Sec. 39.27.0:
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a one-step in
r.

(b) Classified work a "gravey are entitled to a this chapter. (§

Sec. 39.27.03
division of pers manner prescril dations in pay ; state's partially

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NOTES TO DECISIONS

Steps Above Basic
Salary Schedule

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- 6

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961.

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ch 87 SLA 1971;
§ 13 ch 148 SLA

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government unit
with the legislative
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p. Att'y Gen.

The purposes of this section are twofold, namely: To provide a reward for longevity in state employ, and to reestablish an incentive for employees who have attained the final step within a given range to continue in their employment. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Legislative history. — See Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

The language of this section is not clear and unambiguous as to when the pay increments in either subsection (a) or (b) should be granted. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

But at least some increment intended for immediate implementation. — The language of this section is not clear and unambiguous as to when the pay increments should be implemented. However, the Free Conference Committee Report indicates an intention that at least some increment be implemented immediately. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

No basis for assigning different implementation times to increments of subsections (a) and (b). — Since the wording of subsections (a) and (b) is nearly identical, there would seem to be no basis

for assigning different implementation times to the increments, unless an indication of such legislative intent is to be found elsewhere. The supreme court has discovered no such expression of contrary legislative intent. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Thus, employees entitled retroactively to pay increments in subsection (b). — As of July 1, 1972, state employees who otherwise met the statutory eligibility requirements and had been in the last step of their pay range for four, nine, or 13 years should have immediately received the pay increments provided by subsection (b) of this section. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Given an indication of retroactivity in the Free Conference Committee Report on the original bill and the similarity in the phrasing of subsections (a) and (b), the most intrinsically reasonable interpretation of the bill would seem to be that, in the absence of any indications of legislative intent to the contrary, if eligibility for the initial pay increase was to become effective on July 1, 1972, then eligibility for all the incremental increases should become effective on that date. Alaska Pub. Employees Ass'n v. State, Sup. Ct. Op. No. 1066 (File No. 1999), 525 P.2d 12 (1974).

Sec. 39.27.025. Swing and graveyard shift differentials. (a) Classified and partially exempt state employees who regularly work a "swing" shift beginning between 12:00 noon and 7:59 p.m. are entitled to a one-step increase over their normal pay established by this chapter.

(b) Classified and partially exempt state employees who regularly work a "graveyard" shift beginning between 8:00 p.m. and 3:59 a.m. are entitled to a two-step increase over their normal pay established by this chapter. (§ 3 ch 87 SLA 1971)

Sec. 39.27.030. Annual salary survey. (a) The director of the division of personnel shall conduct an annual salary survey in the manner prescribed by AS 39.27.030 — 39.27.040, and make recommendations in pay ranges to be applied to all classes of positions in the state's partially exempt and classified service. This survey shall

(1) reflect the costs of living in the various election districts of the state by using the cost of living in Seattle, Washington, as a base of 100;

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-2500

MEMORANDUM

February 11, 1986

SUBJECT: Suspending merit increases for state employees (Work Order No. 14-1795)

TO: Representative Albert P. Adams

FROM: Teresa B. Cramer *JBC*
Legislative Counsel

You have requested language that could be included in the operating budget to suspend merit increases for state employees for one year.

*Sec. . The amounts appropriated by this Act may not be used to fund a merit increase for a state officer or employee.

If I may be of further assistance, please advise.

TC:mkr
M3:015

BILL SHEFFIELD, GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF BUDGET REVIEW

POUCH AM
JUNEAU, ALASKA 99811
PHONE: (907) 465-3568

February 14, 1986

The Honorable Albert P. Adams
Chairman House Finance Committee
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Adams:

On the average, step increases result in a 3.5% increase in the salary and benefit rates for a position. Depending on how you use this information, you need to determine your stand on each of the following assumptions:

1. All positions do not receive a step increase in January. Therefore, the annual increase in costs due to step increases is less than 3.5%. One could assume that a step increase would be in place for six months each year.
2. All positions do not receive merit increases each year. The exact percentage is unknown.
3. Costs to the State of merit increases are offset by employee turnover at which time the position (if filled by a non-state employee) returns to step A. The exact degree of the offset is unknown.

Because of these unknowns, we offer you a range of cost estimates starting with 1.5% annual cost increase and ending with 2.0% annual cost increase. The base personal services costs for FY 87 for all state agencies is \$905,029.8.

	<u>1.5%</u>	<u>1.75%</u>	<u>2.0%</u>
General Funds	\$ 8,709.9	\$10,161.7	\$11,613.3
Other Funds	<u>4,865.4</u>	<u>5,676.2</u>	<u>6,487.3</u>
	\$13,575.3	\$15,837.9	\$18,100.6

Sincerely,

David Hunt

for Jay Hogan
Associate Director

STATE OF ALASKA
THE LEGISLATUREPOUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 3, 1986

SUBJECT: Issues raised by failure to fund negotiated pay increases (Work Order 14-1795)

TO: Representative Albert P. Adams

FROM: Teresa B. Cramer *TC*
Legislative Counsel

You have asked for an opinion concerning the effect of the legislature's failure to fund merit increases or cost-of-living adjustments negotiated as part of collective bargaining agreements with state employee bargaining organizations.

The legislature has required the state, as a public employer within the definition in the Public Employment Relations Act, to negotiate with employee bargaining organizations over the terms and conditions of employment but has reserved to itself power to review and fund the monetary terms of the negotiated agreement. AS 23.40.215(a) provides that

The monetary terms of any agreement entered into under the Public Employment Relations Act are subject to funding through legislative appropriation.

This is consistent with Article IX, Section 13 of the Alaska Constitution which provides in part

No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law.

If the legislature does not authorize payment of a monetary term then the Administration is prohibited from implementing it. Legislative funding of monetary terms is a condition subsequent to the contract, which is enforceable as entered unless the condition fails.

In 1984, the legislature added subsection (b) to AS 23.40.215, requiring the Department of Administration to submit the monetary terms of a collective bargaining agreement to the legislature for its review within a certain time schedule. The subsection adds

The approval of the monetary terms of an agreement under this subsection is a nonbinding, advisory expression of the legislative intent. (Emphasis Added)

The subsection encourages the legislature to advise the executive branch and public employee unions of its intentions regarding funding of contract terms. Failure to act under this subsection does not bind the legislature.

Collective bargaining agreements for the General Government Unit and the Supervisory Unit address the question of legislative funding in similar terms. The GGU Contract provides in Article 38, Legislative Action, that

The Employer agrees to submit legislation which may be necessary to implement the monetary terms of the Agreement at the earliest possible date. Upon submission of said legislation both parties agree to support its passage at the full level of funding requested.

The GGU contract also provides, in Article 43, Duration of Agreement, that

3. If the legislation submitted pursuant to Article 38 of this Agreement is not passed by the end of the legislative session in which submitted, or if such legislation is rejected by the Legislature, the parties shall immediately reenter negotiations to be conducted in accordance with AS 23.40.

4. Provisions of this Agreement not requiring legislative funding before they can be put into effect shall be implemented on the effective date of this Agreement or the date otherwise specified in this Agreement.

Therefore, if the legislature does not authorize payment of the raise, the parties have agreed to renegotiate the contract.

Representative Al Adams
Page 3
March 3, 1986

If the legislature appropriates a sum of money for personal services without forbidding use of the appropriation to pay the raises, then the Administration would be bound by the terms of the contracts to pay the negotiated salaries.

The most direct way for the legislature to prohibit funding of a monetary term, including the negotiated raises, would be to include a condition prohibiting this use in the operating budget. While indicative of legislative intent, passage of a resolution does not have the force of law and if the budget appeared to authorize the pay raises, a resolution could not operate to change that authorization.

If I may be of further assistance, please advise.

TC:mkr
m3/103

POSITION PAPER
HOUSE BILL 599

This bill would suspend the application of longevity pay increments under AS 39.27.022 for a period of one year.

AS 39.27.022 is an amendment to the six step salary schedule. AS 39.27.022 was passed in 1972, prior to the passage of the Public Employee Relations Act (PERA) which gave public employees the right to bargain collectively. The Superior Court in 1974 interpreted the purposes of AS 39.27.022 as providing a reward for longevity in state employment and reestablishing an incentive for employees who obtained the final step within a given range to continue in their employment. (Alaska Public Employees Association v. State, Supt. Ct. Op. No. 1066).

The first longevity pay increment, Step J, is awarded when an employee has been at Step F (the final step of the basic six step salary schedule) for two years, provided the employee has worked continuously for the state for seven years and has a current overall performance rating of "good" or better. The additional increments, Steps K, L and M, are awarded when the employee has remained at Step F for four, nine and thirteen years, respectively. Movement to these longevity increments is also subject to the requirements for movement to Step J.

Because the basic salary schedule of AS 39.27.011 applies specifically only to classified and partially exempt employees of the executive branch who are not members of a collective bargaining unit established under PERA, this bill would have limited effect. It would directly apply to the thirteen members of the classified service who are excluded from collective bargaining and the 503 partially exempt employees. Of the total of the above employees, 27 would be eligible to receive a longevity increment between July 1, 1986 and July 1, 1987.

Employees in the General Government, Supervisory and Confidential bargaining units currently receive longevity increments through specific reference to AS 39.27.022 in their contractual agreements. Members of the Public Safety Employees Association have no specific contract provision incorporating AS 39.27.022, but would rely on past practice in the award of longevity increments. Labor, Trades and Crafts Unit employees have a service bonus provision that does not rely specifically on AS 39.27.022.

The current collective bargaining agreements with all the above units expire on December 31, 1986. Therefore, HB599 could not apply to the majority of classified employees until January 1, 1987. Assuming all affected employees did come under coverage of this bill at that time, it would impact 160

bargaining unit members due to receive a longevity increment during the last six months of the term of this bill.

A year long suspension of longevity increments for affected non-union employees, along with a six month suspension of the increments for bargaining unit members, would result in a nonexpenditure of \$237,894.00 during FY87. This figure is derived by multiplying the average monthly salary of employees at each longevity increment by 3.5%, the approximate percentage of increment. An average benefit calculation of 30% is used.

Unless specifically prohibited by law, those employees who would have been eligible to receive a longevity increment during the suspension of AS 39.27.022 would not forfeit their right to receive the increment after the suspension was repealed. Further, once AS 39.27.022 was again operative, there is a question about whether those employees would be entitled to their longevity increment retroactive to the date it was earned.

The Department of Administration is neutral concerning HB 599.



Frank Raye, Director
Division of Personnel

2/27/86

Date



Commissioner Eleanor Andrews
Department of Administration

2/28/86

Date

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: HB 599
Title: Act Suspending Longevity Pay
Increments

FISCAL DETAIL
Agency Affected: All
BRU:

Sponsor: Adams and Marrou
Requestor:
Date of Request:

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	(237.9)	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	(237.9)	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary Please see attached.

Prepared By: Frank Rave, Director *S.R.*
 Division: Personnel
 Approved by Commissioner: Eleanor Andrews *Eleanor Andrews*
 Agency: Department of Administration

Phone: 465-4430
 Date: 2/26/86
 Date: 2/28/86

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

CONTINUATION of FISCAL NOTE ANALYSIS

For HB 599

SUBJECT OF PROPOSED BILL:

This bill would suspend the application of longevity pay increments under AS 39.27.022 for a period of one year.

SUMMARY/EXPLANATION OF INTENT:

AS 39.27.022 is an amendment to the six-step salary schedule at AS 39.27.011.

Because the basic salary schedule of AS 39.27.011 applies specifically only to classified and partially exempt employees of the executive branch who are not members of a collective bargaining unit established under the Public Employees Relations Act (AS 23.40), this bill would have limited effect. It would directly apply to the 13 members of the classified service who are excluded from collective bargaining and the 503 partially exempt employees. Of the total of the above employees, 27 would be eligible to receive a longevity increment between July 1, 1986, and July 1, 1987.

Employees in the General Government, Supervisory and Confidential bargaining units receive longevity increments through specific reference to AS 39.27.022 in their contractual agreements. Members of the Public Safety Employees Association have no specific contract provision incorporating AS 39.27.022, but would rely on past practice in the award of longevity increments. Labor, Trades and Crafts Unit employees have a service bonus provision that does not rely specifically on AS 39.27.022.

The current collective bargaining agreements with all the above units expire on December 31, 1986. Therefore, HB 599 could not apply to the majority of classified employees until January 1, 1987. Assuming all affected employees did come under coverage of this bill at that time, it would impact 160 bargaining unit members in all units who would become eligible for a longevity increment during the last six months of the term of this bill.

A year-long suspension of longevity increments for affected classified and partially exempt employees, along with a six-month suspension of increments for bargaining unit members, would result in a nonexpenditure of \$237,894 during FY 87. This figure is derived by multiplying the average monthly salary of employees at each longevity increment by 3.5%, the approximate percentage of increment.

ESTIMATED FISCAL IMPACT:

Partially Exempt (July 1, 1986, through July 1, 1987)

	<u>Number of Employees</u>	<u>Average Salary</u>		
Step F to Step J	13	\$6,152 x 3.5% x 12 months =		\$33,590
Step J to Step K	11	\$6,324 x 3.5% x 12 months =		29,217
Step K to Step L	1	\$6,680 x 3.5% x 12 months =		2,806
Step L to Step M	2	\$6,811 x 3.5% x 12 months =		5,721
				<u>\$71,334</u>

Excluded

None

Classified (January 1, 1987, through July 1, 1987)

	<u>Number of Employees</u>	<u>Average Salary</u>		
Step F to Step J	85	\$3,127 x 3.5% x 6 months =		\$55,817
Step J to Step K	59	\$3,365 x 3.5% x 6 months =		41,692
Step K to Step L	16	\$4,212 x 3.5% x 6 months =		14,152
Step L to Step M	0			
				<u>\$111,661</u>

GRAND TOTAL	\$182,995
x 30% Benefits	54,899
	<u>\$237,894</u>

Unless specifically prohibited by law, those employees who would have been eligible to receive a longevity increment during the suspension of AS 39.27.022 would not forfeit their right to receive the increment after the suspension was repealed. Further, once AS 39.27.022 was again operative, there is a question about whether those employees would be entitled to their longevity increment retroactive to the date it was earned.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3000

May, 1986

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

Jeanie Henry

House State Affairs Committee 4/3/1986, 3:00 pm
" " " " 3/5/1986, 3:00 pm



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.


Signature of Camera Operator

9/11/89
Date

HB

601

HOUSE
COMMITTEE REPORT

(7)

Date referred: 2/14/86

FURTHER REFERRALS: FINANCE

DATE: 4/2/86

The STATE AFFAIRS Committee has considered HB 601

"An Act abolishing inactive boards, council, commissions, and centers."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - ~~new~~ new fiscal note
 - ~~new~~ zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Katie Hurley

W. M. O'Rourke

Betty Cato

D. A. Brouha

Royal Jenkins

Charles Miller

Mike Swane

Katie Hurley
Chairman

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

March 17, 1986

MAR 17 1986

The Honorable Katie Hurley
Chair, House State Affairs
Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: HB 601 (Abolishing inactive
state entities)

Dear Representative Hurley:

At the hearing last week on this bill, your committee requested more information about the inactive entities which would be formally abolished by the repeal of their respective authorizing statutes in section 2 of the bill. On March 11, I provided your staff a February 20, 1985 letter to you from Carol Derfner, former special assistant to the governor for Boards and Commissions concerning HB 122, the predecessor of HB 601. A copy of that letter is also enclosed with this letter. It provides some specific information on six of the seven entities dealt with in HB 601 along with information on the Governor's Commission on the Administration of Justice which is dealt with separately in HB 183.

The Alaska Energy Center (AS 46.12) is the one additional entity that would be formally abolished by HB 601 but which was not mentioned in the February, 1985 letter because it was not included in HB 122. The center was established in 1980 and disbanded in 1982 and has not been funded since. The Department of Commerce and Economic Development, which had responsibility for the wind-down of the center, has recommended that AS 46.12 be repealed now that the last residual court case related to it has been decided by the Alaska Supreme Court. Zerbetz v. Alaska Energy Center, 708 P.2d 1270 (Alaska 1985), concerning the employment contract of the former executive director of the short-lived center, was, for the most part, resolved by the Alaska Supreme Court's May 10, 1985 decision. The center has not been funded since 1980 and the remainder of that appropriation was transferred to the Department of Commerce and Economic Development in 1981 "to be used only to complete projects to pay overhead expenses" (sec. 20, ch. 82, SLA 1981).

Honorable Katie Hurley
Chair, House State Affairs Committee
Alaska State Legislature
Re: HB 601

March 17, 1986
Page 2

A summary of all seven entities which would be formally abolished by sec. 2 of HB 601, along with the statutes to be repealed and the reasons, follows:

- (1) Alaska International Development Commission.
 - AS 44.19.131 -- AS 44.19.072.
 - Functions absorbed by Department of Commerce and Economic Development, Department of Natural Resources and Governor's Office.
 - No appropriation since at least FY 1975.
- (2) Commission of the Conference of the Law of the Sea.
 - AS 44.19.131 -- AS 44.19.140.
 - Functions absorbed by Department of Fish and Game and Governor's Office.
 - No appropriation since FY 1981.
- (3) Governor's Commission of Transportation Safety.
 - AS 44.19.190 -- AS 44.19.192 (and mentioned in AS 44.99.001).
 - Functions absorbed by Department of Public Safety.
 - Never funded since creation in FY 1982.
- (4) Tourism Advisory Board.
 - AS 44.33.190 -- AS 44.33.230.
 - Functions absorbed by Department of Commerce and Economic Development, Department of Natural Resources and Governor's Office.
 - No appropriation since at least FY 1981.
- (5) Advisory Council of Cultural Facilities.
 - AS 44.33.401 -- AS 44.33.430.
 - Function accomplished.
 - No appropriation since FY 1980.
- (6) Rural Development Council.
 - AS 44.47.160 -- AS 44.47.190.
 - Functions absorbed by Department of Community and Regional Affairs and Governor's Office.
 - No appropriation since FY 1982.
- (7) Alaska Energy Center.
 - AS 46.12
 - Functions absorbed by Department of Commerce and Economic Development, Department of Community and Regional Affairs.
 - No appropriation since FY 1980.

Honorable Katie Hurley
Chair, House State Affairs Committee
Alaska State Legislature
Re: HB 601

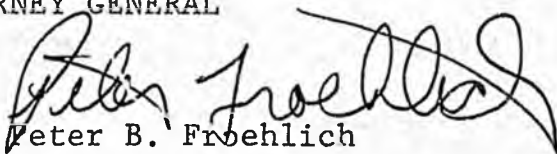
March 17, 1986
Page 3

The reason for the repeal of the statutes creating the defunct entities is to eliminate confusion and to conform the codified Alaska statutes with the reality established by the lack of appropriation by the legislature. According to the inventory conducted by the Governor's Office in 1983 there were 124 Boards and Commissions "on the books." Passage of this bill is a necessary step in the effort to weed out those unnecessary and unfunded entities whose functions have either been absorbed by other agencies or accomplished.

Please let me know if I can provide further information or assistance concerning this bill.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
Peter B. Froehlich
Assistant Attorney General

HMB:PBF:cck

Enclosure

cc w/o enc.:

Hon. Loren Lounsbury, Commissioner
Dept. of Commerce & Economic Development

Hon. Emil Notti, Commissioner
Dept. of Community & Regional Affairs

Hon. Richard Knapp, Commissioner
Dept. of Transportation and Public Facilities

Hon. Robert Sundberg, Commissioner
Dept. of Public Safety

Barbara Dale, Special Assistant for
Boards & Commissions
Office of the Governor

February 20, 1985

The Honorable Katie Hurley
Chair, House State Affairs
Committee
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Hurley:

Pursuant to your request of February 7, requesting background information on the inactive boards and commissions listed in House Bill No. 122, I have prepared information which the Committee may find helpful.

Because there is confusion in the public's mind as to the existence of these boards and commissions, many people still continue to apply for them. By abolishing the boards which are inactive, the Legislature will assist in clearing up the confusion.

Basic information about the seven boards mentioned in this bill follows.

The bill abolishes the following boards, councils, and commissions by repealing the statutes governing their operation: Alaska International Development Commission, Governor's Commission on the Administration of Justice, Commission on the Conference of the Law of the Sea, Governor's Commission on Transportation Safety, Tourism Advisory Board, Advisory Council on Cultural Facilities, and the Rural Development Council. These entities, although still in existence on paper, have not been active or functioning for some time. They are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;
3. the specific need for which they were established no longer exists.

Specific information regarding the seven boards is presented below.

~~GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE
AS 18.65.250; AS 44.19.110-122~~

~~When the Law Enforcement Assistance Administration was eliminated at the federal level in 1980 or 1981, the principal source of funding for the Commission and its programs was gone. Following that, the Legislature defunded the Criminal Justice Planning Agency, which was the Commission's planning arm.~~

* IN
HB 183

~~The Commission still has a function under the security and privacy regulations pertaining to the criminal justice information systems (6 AAC). The Commission is also empowered to approve all secondary interim user applications. Because of the Commission's dormant status, the Attorney General has informally assumed this responsibility by virtue of his position as ex-officio chair of the Commission. A separate proposed bill regarding the Commission confers these powers to the Attorney General.~~

~~A Criminal Justice Working Group, or COG, as it is called, was formed in the fall of 1983 to examine specific criminal justice system problems and devise resolutions and plans. The Attorney General heads this group, which includes representation from all agencies dealing with criminal justice.~~

ADVISORY COUNCIL ON CULTURAL FACILITIES
AS 44.27.050(5); AS 44.33.020(23); AS 44.33.401-430

The Advisory Council on Cultural Facilities was created by Chapter 62, SLA 1979, to establish criteria, by regulation, for the purpose of construction or development of cultural facilities under AS 43.18.500, etc. The five-member Council was housed under the Department of Commerce and Economic Development, and was appointed by Governor Hammond from a list provided to him for that purpose by the State Council on the Arts.

The Department of Commerce and Economic Development stated that the Council performed much in-depth research and provided the Department with written documentation regarding their findings. However, the Council recommended to the Administration that approximately \$110 million be set aside in a revolving fund for the development and construction of cultural facilities. Neither the Legislature or the Administration implemented that recommendation.

It was stated by the contact agency (DCED) that the terms of the members of the Council were allowed to expire because the Council had presented its findings, there were no funds with which to implement them, and there was no real need for

the Council's activities without the funding of the revolving fund. Additionally, the recommendations made by the Council eventually became the responsibility of each community, who would maintain and operate whatever capital project was decided upon by the community and funded by the Legislature.

ALASKA INTERNATIONAL DEVELOPMENT COMMISSION
AS 44.19.064-072

The Alaska International Development Commission was created in the Office of the Governor in 1959. It was amended by the 1961 and 1963 Legislatures. The statute defines its duties as primarily involving planning in the development and use of water, minerals, power, and forest resources near the border of Alaska and Canada.

The Boards and Commissions Office has no documentation on this Board. Research reflects that the Board was dormant and not "on the books" at the beginning of former Governor Jay Hammond's tenure in 1974, nor since then.

The Alaska International Development Commission is not to be confused with the Alaska International Trade Commission, created by former Governor Hammond by Administrative Orders 57 and 66 in 1979 and 1981, respectively. The Alaska International Trade Commission is also dormant, having been replaced in function by the multi-faceted Office of International Trade with the Department of Commerce and Economic Development.

If you desire information regarding the Development Commission, the only source which may have information is the State Archives. Any information or reports emanating from the Development Commission would now be considered property of that office.

COMMISSION ON THE CONFERENCE OF THE LAW OF THE SEA
AS 44.19.131-140

The Commission on the Conference of the Law of the Sea was created October 4, 1972, by AS 44.19.134 to aid the State in developing positions on the Law of the Sea Conference with specific regard to the State's uses of marine resources. The Commission was strictly an advisory board to the Governor and the Legislature.

The Commission is currently dormant because of the shift of Alaska into the Exclusive Economic Zone (EEZ).

The Extended Jurisdiction Office of the Alaska Department of Fish and Game monitors the Law of the Sea so that information can be had when matters arise at the federal level. However, ADFG considers the board dormant. No funds were expended for its operation in FY 83, FY 84, or FY 85.

RURAL DEVELOPMENT COUNCIL
AS 44.47.160-190; AS 44.66.010(a)(9)

The Rural Development Council, created on July 2, 1980, was established to promote rural Alaska's economic development and to recommend policies to the Governor and the Legislature in this regard. The Council was defunded in 1982 during the previous Administration.

By its creating authority, the Council was advisory in nature. Its duties have been picked up by other entities since its deactivation three years ago -- the Department of Community and Regional Affairs, the Governor's Special Staff Assistant for Rural Development, and additional public input vehicles created by both the Legislature and the Executive Branch specifically to facilitate communications with rural Alaska.

TOURISM ADVISORY BOARD
AS 44.33.190-230

The Tourism Advisory Board has not functioned for at least four and one-half years, and there are no members attached to it, as their terms have expired.

Small industry and community development outreach is being handled internally by the staff of the Division of Tourism in the Department of Commerce and Economic Development. Additionally, the Division has institutionalized a relationship with the Alaska Visitors' Association. State officials from the Governor's Office, the Division of Parks within the Department of Natural Resources, and the Division of Tourism sit on the board of the Alaska Visitors' Association.

GOVERNOR'S COMMISSION ON TRANSPORTATION SAFETY
AS 44.99.001; AS 44.19.190-192

This board, created by AS 44.19.190, on January 15, 1982, was never activated. Governor Hammond vetoed the legislation when it passed both houses; however, the Legislature overrode his veto. A fiscal note, which was attached to the original bill, got lost in the shuffle and there were no funds attached to the new Commission. Consequently, the prior Administration took no action to activate the Commission.

The Commissioner of the Department of Public Safety in the previous Administration took no position on the bill when it was before the Legislature because it removed the Highway Safety Planning Agency from the Department and placed it in the Governor's Office.

The Honorable Katie Hurley

-5-

February 20, 1985

The Department of Public Safety states that the charges of the Commission are being picked up by other offices within the Department and does not feel there is a need for this Commission.

If you have additional questions, please contact me at 465-3651. I have enclosed relevant pages from the November 1982 Boards and Commission Book in order to advise you of previous memberships.

Sincerely,

Carol A. Derfner
Special Staff Assistant
to the Governor

Enclosures

CAD:JH:kk

CAROL

LAW OF THE SEA, COMMISSION ON THE CONFERENCE OF THE
 (AS 44.19.131) 4 public members appointed by the Governor with a member of the House
 of Representatives, a member of the Senate and an executive director; 6-year
 overlapping terms.

MEMBERS	REPLACING	APPT.	TERM
Mr. Jeffrey R. Stephan Box 2917 Kodiak, Alaska 99615	Thomas A. Casey	80/12/03	86/09/01
Mr. Philip A. Daniel Box 75 Ninilchik, Alaska 99639	Reappointed	80/12/03	86/09/01
Mr. Robert M. Thorstenson Box 683 Petersburg, AK 99833	Robert Hartig	80/12/03	82/09/01
VACANT	Daniel J. O'Hara	80/12/03	85/09/01
Senator Robert Mulcahy Alaska State Legislature Pouch V Juneau, Alaska 99822	Reappointed		
Rep. Eric Sutcliff Alaska State Legislature Pouch V Juneau, Alaska 99811	Fred Zharoff		

CONTACT AGENCY:
 Department of Fish & Game
 Juneau, AK 99811
 Reva Lafavour (465-4100)

TRANSPORTATION SAFETY, GOVERNOR'S COMMISSION ON

(AS 44.19.190) consists of 15 members: the attorney general, commissioners of Public Safety, DOT/PF, and H&SS; one superior or district court judge experienced in adjudication of traffic cases; six legislative members (at least one from each house); four public members selected by Governor, based on geographic representation and population distribution.

MEMBERS

REPLACING

APPT.

TERM

TOURISM ADVISORY BOARD

(AS 44.33.190) 11 members; 9 public chosen by the Governor with representatives from the House of Representatives and Senate; 3-year term; serve at the pleasure of the Governor.

MEMBERS	REPLACING	APPT.	TERM
Mr. Leonard Laurance Box 6018 Ketchikan, Alaska 99901	Reappointed	82/02/05	85/01/31
Mr. Ross Wood 313 E St., Suite 5 Anchorage, Alaska 99501	Reappointed	82/02/05	85/01/31
Mr. Paul Smith Golden Bear Motel Tok, Alaska 99780	Reappointed	81/02/02	83/01/31
Mr. George Charles 1426 E. 26th Anchorage, Alaska 99504	Reappointed	81/02/05	83/01/31
Ms. Hazel Heath Box 676 Homer, Alaska 99603 (Chairman)	Reappointed	81/02/02	83/01/31
Ms. Dorothy Urbach P. O. Box 277 Seward, AK 99664	Reappointed	82/04/02	85/01/31
Cecelia Kleinkauf 4201 McInnes Road Anchorage, Alaska 99504	Reappointed	81/02/03	84/01/31
Ms. Laurie Herman 4839-4 Bryn Mayr Court Anchorage, AK 99504	Reappointed	81/07/31	84/01/31
Ms. Donna Davidson P. O. Box 80335 Fairbanks, Alaska 99708	Reappointed	81/03/31	84/01/31
Senator M. E. Dankworth Alaska State Senator Pouch V Juneau, Alaska 99811	Brad Bradley		
Don Dickey, Director Division of Tourism Pouch E Juneau, Alaska 99811 (Executive Director)			

TOURISM ADVISORY BOARD (Cont.)

MEMBERS	REPLACING	APPT.	TERM
James Eide, Director Division of Marine Highways Pouch R Juneau, Alaska 99811			
Ms. Dolores Moulton Information & Education Dept. of Fish and Game Juneau, Alaska 99811			
Mr. W. Chip Dennerlein Director Division of Parks 232 E. 4th Anchorage, Alaska 99501	Terry McWilliams		
VACANT Legislative Appointment	Jim Duncan	78/06/23	

CONTACT AGENCY:
Commerce & Economic Development
Division of Tourism (465-2010)
Pouch E
Juneau, AK 99811

CULTURAL FACILITIES, ADVISORY COUNCIL ON

(AS. 44.33.400) Department of Commerce and Economic Development; consists of five members appointed by the Governor from a list of candidates provided for that purpose by the State Council on the Arts; overlapping three-year terms.

MEMBERS	REPLACING	APPT.	TERM
Ms. Mary E. Binkley P. O. Box G College, Alaska 99708		79/09/27	82/09/26
VACANT	Jane Stewart	91/11/25	84/09/26
Ms. Lois R. Hermanson 2979 Glacier Street Anchorage, Alaska 99504	Reappointed	80/11/13	83/09/26
Ms. Joy Morgan Box 56 Hope, AK 99605	Carol Derfner	82/04/02	84/09/26
Mr. Allan P. Gregg P. O. Box 2078 Wrangell, Alaska 99929		79/09/27	82/09/26

CONTACT AGENCY:

Commerce & Economic Development
Pouch D
Juneau, AK 99811
William Paulick (465-2020)

RURAL DEVELOPMENT COUNCIL

(AS 44.47.130) 16 members; 6 rural residents and chairperson appointed by the Governor, a member of each house of the Legislature, commissioners of Transportation and Public Facilities, Commerce and Economic Development, Community and Regional Affairs, and the Director of the Division of Policy Development and Planning. Meet at least four times a year.

MEMBERS	REPLACING	APPT.	TERM.
Mr. Vern Wiggins Special Assistant to the Secretary U.S. Department of the Interior P.O. Box 120 Anchorage, Alaska 99501 (Ex Officio)	Jerry Gilliland		
Mr. Roger E. Willis FmHA Business and Industry and Community Programs Palmer Business Plaza P.O. Box 1289 Palmer, Alaska 99645 (Ex Officio)	Frank Muncy		
Mr. Dave Dougherty Principal Regional Official, HEW 6058 Arcade Plaza Building 1321 Second Avenue Seattle, Washington 98101 (Ex Officio)	Bernard Kelly		
Commissioner Robert Ward Department of Transportation and Public Facilities Pouch Z Juneau, Alaska 99811			
Commissioner Lee McAnerney (Mr. Richard Aks, Designee) Dept. of Community & Regional Affairs Pouch B Juneau, Alaska 99811			
Commissioner Charles Webber Dept. of Commerce & Economic Development Pouch D Juneau, Alaska 99811			
Mrs. Caroline Powell Box 158 Yakutat, Alaska 99684 (Chair)			

RURAL DEVELOPMENT COUNCIL (Cont.)

MEMBERS	REPLACING	APPT.	TERM.
Mr. Thomas Able Box 56 Craig, Alaska 99921			
Mr. Caleb Pungowiyi Box 948 Nome, Alaska 99762			
Mr. Ralph Anderson Box 801 Barrow, Alaska 99723			
Mr. Herb Smelcer Drawer G Copper Center, Alaska 99573			
VACANT	Freeman A. Roberts		
VACANT Alaska State Legislature	George Hohman		
Rep. Bob Bettisworth Alaska State Legislature Pouch V Juneau, Alaska 99811	Jim Duncan	81/07/15	
Mr. Jim Souby Division of Policy Development & Planning	Marie Matsuno		
Mr. Michael L. Jennings 1255 Hayes Avenue Fairbanks, AK 99701 (Rural Resident)	VACANT	82/04/16	

CONTACT AGENCY:

Dept. of Community & Regional Affairs
Rural Development Council (465-4872)
Pouch B
Juneau, AK 99811

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 14, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing seven non-functional boards, councils, commissions, and centers. The repealers in sec. 2 are the heart of this bill and sec. 1 makes an amendment to correspond with one of the repeals.

Two years ago, the Office of the Governor conducted an inventory of all state boards and commissions. Several of these entities were determined to be nonfunctional, and the following require legislative action to repeal statutes: (1) Alaska International Development Commission (AS 44.19.064 -- 44.19.072); (2) Governor's Commission on the Administration of Justice (AS 44.119.110 -- 44.19.122), which is dealt with separately in HB 183 introduced last year at my request; (3) Commission on the Conference of the Law of the Sea (AS 44.19.131 -- 44.19.140); (4) Governor's Commission on Transportation Safety (AS 44.19.190 -- 44.19.192); (5) Tourism Advisory Board (AS 44.33.190 -- 44.33.230); (6) Advisory Council on Cultural Facilities (AS 44.33.401 -- 44.33.430); (7) Rural Development Council (AS 44.47.160 -- 44.47.190); and (8) the Alaska Energy Center (AS 46.12).

All of these entities are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;

3. the specific need for which they were established no longer exists.

Despite their dormant status, these entities all continue to exist on the pages of the Alaska Statutes. The purpose of this bill is to officially abolish these entities and repeal the statutes governing their operation. The cultural facilities development fund, AS 44.33.401 -- 44.33.417, which was to be handled by the Advisory Council on Cultural Facilities, is also repealed, as are references to the council in AS 44.27.050(5), and to the fund in AS 44.33.020(23). No money has ever been appropriated to the fund, and no grants have ever been awarded from it. In addition, a reference to the Rural Development Council in AS 44.66.010(a)(9) is repealed.

I urge your prompt and favorable action on this measure, to clean up the statutes and to clear up public confusion about these entities.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

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

CE
7/14

Revision Date : _____

REQUEST SLB 601 #1

FISCAL DETAIL

Bill/Resolution No. : _____
Title : Abolishing inactive boards,
councils, commissions, and centers

Agency Affected : Community and Regional
BRU : N/A

Sponsor : Governor Sheffield
Requestor : Harold Brown, Attorney General
Date of Request : _____

Components : N/A

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						
---------	--	--	--	--	--	--

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

The Rural Development Council --AS44.47.160--44.47.190-- was not funded in the FY 85 Budget, and is defunct.

Prepared by : Jennifer Fate
Division : Commissioner's Office

Phone : 465-4700
Date : 1/6/86

Approved by Commissioner : Emil Notti
Agency : Community and Regional Affairs

Date : 1/6/86

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 HB 601 #2
 Bill/Resolution No. : _____
 Title : An Act Abolishing Inactive
Boards, Councils, Commissions, and
Centers
 Sponsor : Governor
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected : DOT&PF
 BRU : _____

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Abolishment of the Governor's Commission on Transportation Safety will not affect the Department of Transportation and Public Facilities.

Prepared by : Susan K. Fleischhauer, Legislative Liaison Phone : 465-3900
 Division : Office of the Commissioner Date : 1-3-86
 Approved by Commissioner : R. J. Knapp Date : 1-3-86
 Agency : Transportation and Public Facilities

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 HB 601 # 3

FISCAL DETAIL

Bill/Resolution No. : _____
 Title : Abolishing Inactive boards,
 councils, and commissions.

Agency Affected : Public Safety
 BRU : Highway Safety

Sponsor : Rules Committee
 Requestor : Governor
 Date of Request : 1-2-86

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						
---------	--	--	--	--	--	--

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 : T. Michael Lewis
 Division : Highway Safety Planning Agency

Phone : 465-4374
 Date : 1/2/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 1/2/86

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 ALB 601 #4
 Bill/Resolution No. : 377-024.086
 Title: An Act abolishing inactive boards, councils, commissions and centers.
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected: Dept. Comm. & Econ. Dev.
 BRU : _____

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

FUNDING : (Thousands of Dollars)

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

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____
 Division : State Office - Div. of Admin. Serv.

Phone : 465-2505
 Date : 12-30-85

Approved by Commissioner : _____
 Agency: Commerce & Economic Development

Date : _____

Distribution (by Agency preparing fiscal note) :

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

BILL SHEFFIELD
GOVERNOR



HB 661

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 14, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing seven non-functional boards, councils, commissions, and centers. The repealers in sec. 2 are the heart of this bill and sec. 1 makes an amendment to correspond with one of the repeals.

Two years ago, the Office of the Governor conducted an inventory of all state boards and commissions. Several of these entities were determined to be nonfunctional, and the following require legislative action to repeal statutes: (1) Alaska International Development Commission (AS 44.-19.064 -- 44.19.072); (2) Governor's Commission on the Administration of Justice (AS 44.119.110 -- 44.19.122), which is dealt with separately in HB 183 introduced last year at my request; (3) Commission on the Conference of the Law of the Sea (AS 44.19.131 -- 44.19.140); (4) Governor's Commission on Transportation Safety (AS 44.19.190 -- 44.19.192); (5) Tourism Advisory Board (AS 44.33.190 -- 44.33.230); (6) Advisory Council on Cultural Facilities (AS 44.33.401 -- 44.33.430); (7) Rural Development Council (AS 44.47.160 -- 44.47.190); and (8) the Alaska Energy Center (AS 46.12).

All of these entities are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;

3. the specific need for which they were established no longer exists.

Despite their dormant status, these entities all continue to exist on the pages of the Alaska Statutes. The purpose of this bill is to officially abolish these entities and repeal the statutes governing their operation. The cultural facilities development fund, AS 44.33.401 -- 44.33.417, which was to be handled by the Advisory Council on Cultural Facilities, is also repealed, as are references to the council in AS 44.27.050(5), and to the fund in AS 44.33.020(23). No money has ever been appropriated to the fund, and no grants have ever been awarded from it. In addition, a reference to the Rural Development Council in AS 44.66.010(a)(9) is repealed.

I urge your prompt and favorable action on this measure, to clean up the statutes and to clear up public confusion about these entities.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

2/14

Revision Date : _____

REQUEST HRB 601 #1

FISCAL DETAIL _____

Bill/Resolution No. : _____
Title: Abolishing inactive boards, councils, commissions, and centers

Agency Affected: Community and Regional
BRU: N/A

Sponsor: Governor Sheffield
Requestor: Harold Brown, Attorney General
Date of Request: _____

Components: N/A

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						
---------	--	--	--	--	--	--

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

The Rural Development Council --AS44.47.160--44.47.190-- was not funded in the FY 85 Budget, and is defunct.

Prepared by: Jennifer Fate
Division: Commissioner's Office

Phone: 465-4700
Date: 1/6/86

Approved by Commissioner: Emil Notti
Agency: Community and Regional Affairs

Date: 1/6/86

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

REQUEST HB 601 #2
 Bill/Resolution No. : _____
 Title : An Act Abolishing Inactive
Boards, Councils, Commissions, and
Centers
 Sponsor : Governor
 Requestor : _____
 Date of Request : _____

Revision Date : _____

FISCAL DETAIL
 Agency Affected : DOT&PF
 BRU : _____

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Abolishment of the Governor's Commission on Transportation Safety will not affect the Department of Transportation and Public Facilities.

Prepared by: SKF Susan K. Fleischhauer, Legislative Liaison Phone: 465-3900
 Division: Office of the Commissioner Date: 1-3-86
 Approved by Commissioner: R. J. Knapp Date: 1-3-86
 Agency: Transportation and Public Facilities

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 HB 601 # 3

FISCAL DETAIL

Bill/Resolution No. : _____
 Title : Abolishing Inactive boards,
 councils, and commissions.

Agency Affected : Public Safety
 BRU : Highway Safety

Sponsor : Rules Committee
 Requestor : Governor
 Date of Request : 1-2-86

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						
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 : T. Michael Lewis
 Division : Highway Safety Planning Agency

Phone : 465-4374
 Date : 1/2/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 1-2-86

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

REQUEST HB 601 #4
 Bill/Resolution No.: 377-024.086
 Title: An Act abolishing inactive
boards, councils, commissions and
centers.
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

Revision Date: _____

FISCAL DETAIL
 Agency Affected: Dept. Comm. & Econ. Dev.
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	F, 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	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

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

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: _____
 Division: John Johnson - Dir. of Admin. Serv.

Phone: 465-2505
 Date: 12-30-85

Approved by Commissioner: _____
 Agency: Commerce & Economic Development

Date: _____

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 501
 Title : Abolishing inactive boards, councils, and commissions.
 Sponsor : Rules Committee
 Requestor : House State Affairs
 Date of Request : 2/4/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Highway Safety Planning Agency
 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						
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 : T. Michael Lewis
 Division : Highway Safety Planning Agency
 Approved by Commissioner : [Signature]
 Agency : Public Safety

Phone : 465-4371
 Date : 3/3/86
 Date : 3/3/86

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - HB 601

SUPPORT AS AMENDED

MARCH 3, 1986

"An act abolishing inactive boards, councils, commissions and centers."

This bill amends AS 44.99.001 to abolish the Governor's Commission on Transportation Safety as established in AS 44.19.190, as well as several other inactive boards, councils, commissions and centers. Although this bill is a house-cleaning measure, it is an appropriate vehicle to improve the efficiency of the administration of the Highway Safety Program, as well as reduce the amount of document processing by numerous State agencies.

Because of the conflict between the federal fiscal year and the State fiscal year, and the inability to crossover State fiscal years with federal funds, it is recommended that all federal highway safety funds be designated as continuing funds.

Currently, the Highway Safety Planning (HSPA) must prepare five Reimbursable Services Agreements (RSAs) for each project with another State agency. It must also encumber project funds in two different State fiscal years which results in a double encumbrance of federal funds and seriously inflates the agency's budget. The processing of five RSAs for each project also increases the workload of the DPS finance section, the Office of Management and Budget, the servicing agency project manager and the servicing agency's finance section.

The benefits of a continuing designation on federal highway safety funds would be a 60% reduction in RSA document processing for a minimum of five State agencies, would reduce the number of RSAs from the current 95 to approximately 35 and would allow for more realistic budgeting based upon actual estimated federal funds.

Recommendation:

Amend HB 601 as follows:

(a) The authority to receive and expend federal funds under the Federal Highway Safety Act of 1966 shall remain in effect for a period of not less than two years nor more than four years from date of authorization.

Recommended by:

T. Michael Lewis

T. Michael Lewis, Program Director
Alaska Highway Safety Planning Agency

Date:

3/3/86

Approved by:

Robert J. Sundberg

Robert J. Sundberg
Commissioner
Department of Public Safety

Date:

3/3/86

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811
907-465-3000

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 State Affairs Committee, 3/10/1986, 3:00 pm
" " " " 3/21/1986, 3:00 pm
" " " " 4/2/1986, 3:00 pm