

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 80/2
4350 SSTA SB 157 - SB 162 1289

Original sponsors: Fahrenkamp, Kelly
and Bennett

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IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 157 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act continuing the existence of the Alaska Administrative Journal; and providing for an effective date."

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

* Section 1. FINDINGS. The legislature recognizes that public knowledge of and participation in the administrative regulatory process, and easy access to information concerning executive actions, are essential to the democratic process of state government. The legislature recognizes that publication and distribution of the Alaska Administrative Journal facilitates the widespread dissemination of information about the regulatory process and activities by state agencies. In order that the public may continue to be provided with this information in a timely and useful manner and with a means to participate more fully in the regulatory process, the legislature makes permanent the publication and distribution of the Alaska Administrative Journal.

* Sec. 2. AS 44.62 is amended by adding a new section to read:

Sec. 44.62.175. ALASKA ADMINISTRATIVE JOURNAL. (a) The lieutenant governor shall publish or contract for the publication of the Alaska Administrative Journal. The journal shall be published weekly. The journal must include

(1) notices of proposed actions given under AS 44.62.-190(a);

(2) notices of state agency meetings required under AS 44.-62.310(e), even if the meeting has been held;

1
2 (3) notices of solicitations to bid issued under AS 37.05.-
3 230;

4 (4) notices of state agency requests for proposals issued
5 under AS 18.55.255, 18.55.320; AS 19.10.190; AS 19.40.020; AS 35.15.-
6 030; AS 36.98.030; AS 37.05.230, 37.05.315(d); AS 38.05.120; AS 43.-
7 40.010; and AS 46.11.030;

8 (5) executive orders and administrative orders issued by
9 the governor;

10 (6) written delegations of authority made by the governor
11 or the head of a principal department under AS 44.17.010;

12 (7) the text or a summary of the text of a regulation or
13 order of repeal of a regulation for which notice is given under
14 AS 44.62.190(a), including an emergency regulation or repeal whether
15 or not it has taken effect;

16 (8) a summary of the text of recently issued formal op-
17 inions and memoranda of advice of the attorney general; and

18 (9) a list of vacancies on boards, commissions, and other
19 bodies whose members are appointed by the governor.

20 (b) The issuer of a notice, order, delegation, text, summary, or
21 list in (a) of this section shall send a copy to the lieutenant gover-
22 nor in a computer-readable magnetic medium in a format prescribed by
23 the lieutenant governor.

24 (c) The lieutenant governor shall provide to the Legislative
25 Affairs Agency the text of each issue of the journal in a computer-
26 readable magnetic medium compatible with the legislative data process-
27 ing system. The Legislative Affairs Agency shall retain the text of
28 each issue of the journal in a computer-readable magnetic medium.

29 (d) The lieutenant governor shall sell subscriptions to the
journal at a price reasonably calculated to offset the cost of

CSSB 132 (State Affairs)

TESTIMONY OF SENATOR BETTYE FAHRENKAMP
Before the House State Affairs Committee
May 23, 1983

Mr. Chairman:

Thank you for the opportunity to speak in support of SB 132, a bill establishing the Administrative Journal.

As you know, I've been working on this idea now for several years. The original purpose was to create a one-stop-shopping type of approach to government information. Take all of the public notices; proposed regulatory changes, adopted regulatory changes, Attorney General opinions, Executive Orders, open meetings and hearings, notices of competitive bid solicitations, agency requests for proposals, proposed mineral and timber sales and any other tidbit of information which is daily being churned out of our state government agencies, and make it available in one publication.

The idea, while I'd like to suggest its novelty, is not new. The federal government prints a daily federal register of its public information and 36 of the 50 United States have a journal or register wherein they publish the text and in some cases the summaries of their executive and administrative actions.

Mr. Chairman, word of mouth government simply does not work in a state literally on the cutting edge of development and growth. It discourages public participation, trust and faith in the entire mission of government: which is to serve.

One of the bill's previous failings was that the fiscal impact had been too large to warrant the effort. I've fought large fiscal notes because I'm convinced that we can accomplish the goal without incurring large costs. There are, however, some unknowns which add to the uncertainty of costs. Some of these include: How many people or organizations might be interested in such a journal; how much would they be willing to pay for it; how can we coordinate state agency effort to gather and transmit the information, and several others.

As a result, the Lieutenant Governor and I have come up with an idea which will affect the basic thrust of SB 132 and at the same time assuage the uncertainty.

The bill before the Committee today will affect an 18 month trial run of the journal. Rather than an actual publication, each issue or agency would be required to provide a compatible magnetic tape format of their actions to a coordinator in the Lieutenant Governor's office, who will process the material for acceptance by the Legislative Affairs Agency.

The idea is simple. Provide the information we require to Legislative Affairs Data Processing. They are geared-up with the equipment and personnel to almost instantaneously translate the information onto the Legislative Computer Network which operated in 18 Legislative Information Offices throughout the state as well as individual legislators' offices in many cities. Any interested person can access the "journal" index and call up those portions which are of interest and can copy those pages and information. As part of the trial run, we would ask users of this information to answer basic data gathering questions which will establish the track record from which we can make educated decisions on the publication of a hard copy Administrative Journal.

While this may sound far fetched, it is no novelty either. Other states which currently have hard copy journals are putting this data on state computers for quicker reference and access. Not only do we beat the high costs of publication and distribution, but we continue to move into the 21st century and what we know will be an almost total reliance on word processing and data gathering computerized systems. Alaska has for years been in the vanguard of high tech development and utilization in the communications field. It is my hope that the Committee will act favorably on the substitute language to SB 132 and I would be happy to answer any questions the Committee might have. Thank you, Mr. Chairman.

THE ALASKA ADMINISTRATIVE JOURNAL:
What it is and what it is not!

What is it?

- A one stop collection of all information required to be made public by state agencies
- It is timely, bi-weekly
- It is an inexpensive public information tool
- It is a trial run to determine need, advisability of a hard copy, suggested cost and private publishing interest
- It goes beyond the authority in AS 44.62.130, which directs the Lt. Governor to quarterly publish final regulations by additionally requiring the publication of: all of the public notices, proposed regulatory changes, adopted regulatory changes, Attorney General opinions, Executive Orders, open meetings and hearings, notices of competitive bid solicitations, agency requests for proposals, proposed mineral and timber sales and any other tidbit of information which is daily being churned out of our state government agencies, and make it available in one publication.

It will not:

- Proliferate paper
- Be a hard copy
- Be expensive
- Affect newspapers or their advertising income
- Put any private publisher out of business. NO ONE is currently providing this service nor has anyone recently expressed an interest in publishing this type of information.

How will it work?

The idea is simple. Provide the information we require to Legislative Affairs Data Processing. They are geared-up with the equipment and personnel to almost instantaneously translate the information onto the Legislative Computer Network which operates in 18 Legislative Information Offices throughout the state as well as individual legislators' offices in many cities. Any interested person can access the "journal" index and call up those portions which are of interest and can copy those pages and information. As part of the trial run, we would ask users of this information to answer basic data gathering questions which will establish the track record from which we can make educated decisions on the publication of a hard copy Administrative Journal.



*Copy to BF
assigned to
scrapbook
copy files - copy me!*

3111 "C" STREET
ANCHORAGE, ALASKA

TELEPHONE: (907) 265-0140

MAIL: POUCH 6-612
ANCHORAGE, ALASKA 99502

CHARLES R. ELDER JR.
CONSULTANT

November 21, 1983
CC-689

Senator Bettye Fahrenkamp
515 7th Street, Suite 320
Fairbanks, Alaska 99701

Dear Bettye:

A wonder has been created from the ashes of three legislative sessions!

We have discussed before the great advantage of an Alaska Administrative Journal and speculated as to the reasons it had been so difficult for you to bring about--who and/or whom did you catch in a weak moment?

Seriously, Bettye, congratulations for fighting through such a logical and practical project.

Best personal regards.

Sincerely,

Charlie

SV



ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-7469

ADMINISTRATIVE LAW
SECTION

MAR 18 1983

401 F. Street
Douglas, Alaska 99824

March 14, 1983

The Honorable Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

On behalf of the administrative law committee of the Alaska Bar Association, I wish to express our strong support for Senate Bill 132 which would establish the Alaska Administrative Journal to be published on the bi-weekly basis.

Should you require further detail about our position or desire oral testimony in support of the bill, please do not hesitate to contact me.

Sincerely yours,

Bruce M. Botelho
Chairperson

BMB/prm



APR 27 1983

file

Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328

Juneau, Alaska 99801

907-586-2345

April 25, 1983

Senator Bettye M. Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Senator Fahrenkamp:

The concept of establishing an administrative journal as outlined in CS SB 132 is an excellent one, and the Alaska Environmental Lobby strongly supports that legislation. We too realize the immediate importance of stepping beyond "word of mouth government" in this rapidly growing state. Alaska, by virtue of its geography and different cultures, offers enormous communication and information barriers. We are heartened by your efforts to clear this particular path between private citizens and state government.

Though the Lobby favors a hard copy version of the journal in addition to the magnetic tape system, we anticipate a productive trial period should CS SB 132 pass. Thank you for your past and continuing work on this legislation.

Ken Troyer
Volunteer, Fairbanks

Sincerely,

Jay Nelson
Executive Director

League of Women Voters of Alaska

FEB 22 1985

9151 Skywood Lane
Juneau, Alaska 99801
February 19, 1985

Senator Mitch Abood, Chairman
Senate State Affairs Committee
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 157: Alaska Administrative Journal

Dear Senator Abood:

The League, as you must already be aware, strongly supports public participation in legislative and regulatory processes. We think the Alaska Administrative Journal makes a major contribution to the ability of Alaskans to participate in the regulatory process, that the Journal's publication and distribution should be continued, and that it should be mandatory for all State agencies to publish their proposed regulations in the Journal at the beginning of the public comment period. Therefore, we support SB 157.

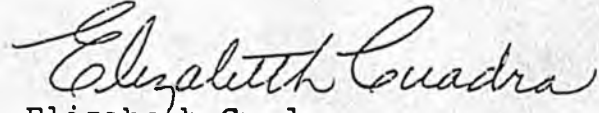
We do not presently have any amendments to SB 157 to recommend. However, let us underscore several points which definitely should remain in the bill and not be amended out: (1) both paper form and computer access form of the Journal should be available; (2) it should be mandatory (not discretionary) that every State agency publish its proposed regulations for public comment, and then its final regulations, in the Journal; (3) subscriptions should be available at as low a cost as possible; (4) there should be wide distribution through the State library system and the municipalities; and (5) many people in remote areas still will not see the Journal and therefore should continue to be able to get on agencies' mailing lists to receive direct-mailed notices of proposed agency regulations or other actions [line 29, page 3 through line 1, page 4 of the bill]. All of these provisions are already in the bill, and we offer these comments merely as reinforcement to support their remaining in the final version.

Senator Mitch Abood, Chairman
February 19, 1985
Page Two

We think that if SB 157 is adopted and implemented, the Alaska Administrative Journal can become as reliable a means of informing Alaska citizens about proposed State agency regulatory actions as the Federal Register has become in informing U.S. citizens about proposed regulatory actions of the federal government.

Thank you for considering our comments.

Sincerely,



Elizabeth Cuadra
State Board Member
(Natural Resources Portfolio)

DEC:sd

cc: Committee Members (DeVries, V. Fischer, Ray, Kelly)
Sponsors (Fahrenkamp, Bennett and Kelly)

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
907-456-2899



Senate

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE (907) 465-3763
HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027

MEMORANDUM

TO: Senator Mitch Abood

FROM: Senator Bettye Fahrenkamp *Bettye*

RE: Scheduling SB 157, an Act continuing the existence of the
Alaska Administrative Journal

DATE: March 25, 1985

I have previously requested a hearing on SB 157 and understand that you may schedule it for the week of April 1. I have prepared a committee substitute for your consideration (attached). I have also attached a memo from the Attorney General's office which outlines the rationale behind the amendments contained in the committee substitute.

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

March 20, 1985

Honorable Bettye Fahrenkamp
Alaska State Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Amendments to SB 157 --
Alaska Administrative Journal

Dear Senator Fahrenkamp:

As requested by your assistant, Mark Boyer, this morning, here are my suggestions for amending SB 157 (with no. 5 being the most important):

1. Page 1, line 24 and line 25: Change "shall" to read "must" in both places.
2. Page 2, line 19: Change "including" to read "such as." (Actually, it might be smarter to delete proposed AS 44.62.175(a)(10) [page 2, lines 18 -- 21] altogether [which would require changing line 17's semi-colon to a period, and either deleting the "and" or relocating it to line 15].)
3. Page 3, lines 2 -- 6: Delete all material.
4. Page 3, line 7: Change "(e)" to read "(d)."
5. Page 3, lines 10 -- 16: Delete all material and insert the following in its place: "(e) A person may not maintain an action based on publication or lack of publication in the journal."
6. Page 3, line 17: Change "(g)" to read "(f)."
7. Page 4, lines 22 and 23: Delete "summary specified in (a)(3) of this section must be approved by the issuing agency as" and insert the following in its place: "agency that issues a notice under this section is responsible for assuring that the notice is prepared in such a way that it is."
8. Page 4, lines 27 -- 29: Delete all material.

9. Page 5, line 1: Change "Sec. 6" to read "Sec. 5."

The first amendment above recognizes one of the distinctions between the appropriate uses of "must" and "shall." Please see paragraph (h) on page 51 of the Manual of Legislative Drafting, 1985 (Legislative Affairs Agency), and paragraph (10) beginning on page 46 of the Drafting Manual for Administrative Regulations (Department of Law, 8th ed., 1982). Since this wording is in a new section, we might as well use the right word to begin with.

The purpose of the second amendment above is to make clearer that publication of the additional kinds of information described is within the lieutenant governor's discretion. Eliminating that paragraph (10) altogether would help minimize costs.

Sally Hanson, of the Lieutenant Governor's Office, has recommended deletion of the bill's proposed AS 44.62.175(d) (page 3, lines 2 -- 6) as being unnecessary, and its deletion would save money.

The language being deleted from page 3, lines 10 -- 16, is the most troublesome in the current version of the bill. The language set out above as a substitute for it is identical to sec. 1(d) of your ch. 45, SLA 1983. At one point during the consideration of the bill that became ch. 45, SLA 1983, I wrote a provision that I believe is better than that one, and will try to find it if you wish.

The language being deleted from page 4, lines 23 and 24, simply doesn't make sense. According to Sally Hanson, the language being substituted for it more accurately conveys her office's intent.

The language being deleted from page 4, lines 27 -- 29, is not necessary after deletion of the bill's present AS 44.62.175(f).

I'm not sure whether you have agreed to deleting the bill's proposed amendment of AS 44.62.190(a)(1) (page 3, line 28). We would prefer to have it deleted, but, with the change in the proposed AS 44.62.175(f), described above, this becomes less of a problem and it could be left in as a compromise. To delete that amendment, all of sec. 3 of the bill should come out. (This deletion is not covered in the amendments set out above.)

I understand that you and the attorney general agreed on the essence of these changes this morning. I would be happy

Honorable Bettye Fahrenkamp, Senator
Alaska State Legislature

March 20, 1985
Page 3

to discuss them with you further, at your convenience. (Mark mentioned that you plan to amend the bill to require weekly, rather than the current bi-weekly, publication of the journal.) If you would like to have this office prepare a committee substitute for you, we would be happy to do so.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Sally Hanson
AAC and AAJ Coordinator
Lieutenant Governor's Office

Ray Gillespie
Legislative Assistant
Governor's Office

Departmental AAC and AAJ
Contacts



RECORDS CERTIFICATION

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

James O. Smith
Signature of Camera Operator

11/24/89
Date

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COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

2/18/85

Date 3/21/85

Mr. President

The Committee on STATE AFFAIRS considered SB 161
relating to compensation of elected officials; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
[Signature]

[Signature]
Chairman

[Signature]
Chairman recommendation

Inflation is good living

Introduced: 2/18/85
Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY JOSEPHSON

2 SENATE BILL NO. 161

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of elected offi-
7 cials; and providing for an effective date."

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

9 * Section 1. AS 24.15.020 is repealed and reenacted to read:

10 Sec. 24.15.020. COMPENSATION OF LEGISLATORS. The Commission on
11 Compensation of Elected Officials shall set the compensation of legis-
12 lators.

13 * Sec. 2. AS 24.15.050 is amended to read:

14 Sec. 24.15.050. LEGISLATIVE TRANSPORTATION. A member of the
15 legislature is entitled to reimbursement for the expense of moving
16 between the legislator's [HIS] place of residence and the capital city
17 for the purpose of attending a regular session of the legislature.
18 Reimbursement shall be as provided by order of the Commission on
19 Compensation of Elected Officials [REGULATIONS COVERING STATE EMPLOY-
20 EES ADOPTED BY THE COMMISSIONER OF ADMINISTRATION UNDER AS 39.20.160].

21 * Sec. 3. AS 39.20.010 is repealed and reenacted to read:

22 Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The Commission on
23 Compensation of Elected Officials shall set the compensation of the
24 governor.

25 * Sec. 4. AS 39.20.030 is repealed and reenacted to read:

26 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The Com-
27 mission on Compensation of Elected Officials shall set the compensa-
28 tion of the lieutenant governor.

29 * Sec. 5. AS 39.20.050 is amended to read:

1 Sec. 39.20.050. EXCLUSIVE COMPENSATION. Retirement benefits
2 established by law and the [THE] compensation fixed by the Commission
3 on Compensation of Elected Officials [LAW] for the governor and
4 lieutenant governor are full compensation [IS IN FULL] for all servi-
5 ces rendered by each of them in any official capacity or employment
6 whatsoever during their respective terms of office, and shall be paid
7 throughout their respective terms of office unless the office becomes
8 vacant.

9 * Sec. 6. The compensation of the governor, lieutenant governor, and
10 legislators established by law on the day before the effective date of this
11 Act shall remain in effect until the Commission on Compensation of Elected
12 Officials has issued an order setting the compensation.

13 * Sec. 7. This Act takes effect on the effective date of an amendment
14 to the Constitution of the State of Alaska creating a commission on
15 compensation of elected officials.

Introduced: 2/18/85
Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY JOSEPHSON

2

SENATE JOINT RESOLUTION NO. 15

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Proposing an amendment to the Constitu-
tion of the State of Alaska creating a
commission on compensation of elected
officials.

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

10 * Section 1. Article II, sec. 7, Constitution of the State of Alaska is
11 amended to read:

12 SECTION 7. SALARY AND EXPENSES. Legislators shall receive
13 annual salaries. They may receive a per diem allowance for expenses
14 while in session and are entitled to travel expenses going to and from
15 sessions. Presiding officers may receive additional compensation.
16 Compensation of legislators shall be set by the Commission on Compen-
17 sation of Elected Officials.

18 * Sec. 2. Article III, sec. 15, Constitution of the State of Alaska is
19 amended to read:

20 SECTION 15. COMPENSATION. The compensation of the governor and
21 the lieutenant governor shall be prescribed by the Commission on
22 Compensation of Elected Officials [LAW] and shall not be diminished
23 during their term of office, unless by order of the commission consis-
24 tent with a general law applying to all salaried officers of the
25 State.

26 * Sec. 3. Article XII, Constitution of the State of Alaska is amended
27 by adding new sections to read:

28 SECTION 14. COMPENSATION COMMISSION. There is established a
29 Commission on Compensation of Elected Officials. The commission is

Introduced: 2/18/85
Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY JOSEPHSON

2

SENATE JOINT RESOLUTION NO. 15

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Proposing an amendment to the Constitu-

6

tion of the State of Alaska creating a

7

commission on compensation of elected

8

officials.

9

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. Article II, sec. 7, Constitution of the State of Alaska is

11

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SECTION 7. SALARY AND EXPENSES. Legislators shall receive

13

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14

while in session and are entitled to travel expenses going to and from

15

sessions. Presiding officers may receive additional compensation.

16

Compensation of legislators shall be set by the Commission on Compen-

17

sation of Elected Officials.

18

* Sec. 2. Article III, sec. 15, Constitution of the State of Alaska is

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amended to read:

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SECTION 15. COMPENSATION. The compensation of the governor and

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the lieutenant governor shall be prescribed by the Commission on

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Compensation of Elected Officials [LAW] and shall not be diminished

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during their term of office, unless by order of the commission consis-

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tent with a general law applying to all salaried officers of the

25

State.

26

* Sec. 3. Article XII, Constitution of the State of Alaska is amended

27

by adding new sections to read:

28

SECTION 14. COMPENSATION COMMISSION. There is established a

29

Commission on Compensation of Elected Officials. The commission is

1 composed of five members appointed by the governor, subject to confir-
2 mation by a majority of the members of the legislature in joint ses-
3 sion. Members serve for terms of six years. The membership shall
4 include at least one business executive, one representative of a
5 nonpartisan voters' organization, one person with experience in public
6 administration, and one representative of a labor organization. A
7 member of the commission may not be employed by the state during the
8 member's term and may not hold an elective state office during the
9 term or within one year thereafter.

10 SECTION 15. POWERS AND DUTIES OF THE COMMISSION. Except for
11 retirement benefits, which shall be established by general law appli-
12 cable to all officers of the state, the commission shall establish the
13 compensation of the governor, lieutenant governor, and members of the
14 legislature, including their salaries, benefits, per diem, and allow-
15 ances, if any. An order of the commission takes effect at the begin-
16 ning of the next fiscal year of the state. The commission shall hold
17 a public hearing in each judicial district before issuing an order
18 that changes the compensation of an elected official. At least every
19 two years, but not more frequently than every year, the commission
20 shall review the compensation of elected officials. The commission
21 shall issue an order with respect to salaries not later than thirty
22 days before the end of the fiscal year.

23 SECTION 16. FINALITY OF ORDER. An order setting the compensa-
24 tion of an elected official is not subject to veto by the governor.
25 An order of the commission is subject to initiative and referendum in
26 the same manner as an act of the legislature. The legislature shall
27 appropriate money to fund the orders of the commission.

28 * Sec. 4. The amendments proposed by this resolution shall be placed
29 before the voters of the state at the next general election in conformity

1 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
2 tion laws of the state.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB161
 Title: Commission on Compensation of Elected Officials
 Sponsor: Josephson
 Requestor: _____
 Date of Request: March 1, 1985

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Executive Operations
 BRU, Program or Subprogram(s) Affected: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		8.9		9.7		
400 SUPPLIES		7.1		7.8		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		16.0		17.5		

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		16.0		17.5		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Assumptions: 1) One Commissioner appointed from Juneau, Fairbanks and Nome, 2 from Anchorage. 2) Two meetings held in Anchorage, 1 each in Nome, Juneau and Fairbanks.

Prepared By: Michael A. Nizich Phone: 465-3616
 Division: Administrative Services Date: 3/5/85

Approved by Commissioner: Sandra J. Herman Date: 3/6/85
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

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

7/1/84

Contractual Services:

Advertising - 3 times in local paper for each meeting
@ \$130/day (5 1/4" x 5") = \$1950.00

Room rentals - 1 @ \$75/day = \$ 75.00
 2 @ \$100/day = \$200.00
 3 @ \$150/day = \$450.00

\$725.00

Secretarial and transcription services: \$4340.00

Secretarial = \$40/hour x 46 hours (2 4-hour mtgs
 + 4 8-hour mtgs
 + 1 hour each for
 set up and take
 down) = \$1840.00

Transcription = \$5/page x 500 = \$2500.00

FY 88 estimated using 10% inflation factor.

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT H — ANCHORAGE
1526 F STREET
ANCHORAGE, ALASKA 99501
(907) 277-4419

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4525



COMMITTEES
BUDGET & AUDIT
HEALTH, EDUCATION & SOCIAL SERVICES
RULES
TRANSPORTATION
SENATE CHAIR, ANCHORAGE CAUCUS

OFFICE OF MINORITY WHIP

SB 141
SJR 15

February 13, 1985

Dear Colleague:

On Monday, February 18, I will introduce a bill and a resolution to establish, by constitutional amendment, the Commission on Compensation of Elected Officials.

I invite you to co-sponsor these measures. A copy of each is enclosed.

The measures have the following objectives:

First, they will take legislators out of the unseemly and misunderstood business of setting our own salaries. The measures are based on a very successful feature of the Anchorage Municipal Charter, where assembly and mayoralty salaries are set by the Commission on Salaries and Emoluments.

Second, they assure a public hearing process, in each judicial district, at least every other year on the issue of gubernatorial and legislative salary.

Third, they eliminate the twin dangers of the existing system -- on the one hand, the possibility of legislative decisions that might be selfish or self-serving; on the other hand, the possibility of attacks that are demagogical and politically motivated upon reasonable decisions regarding salary.

Under the measures, the proposed Commission members would be appointed for six-year terms and would not be removable during their terms. Thus, the Commission would have independence, once appointed, from the Governor and the Legislature.

As I see it, the enactment of these measures would not make moot the pending voter initiative proposition scheduled to be on the ballot in 1986. A decision by the voters to repeal the pay increase adopted in 1983 would be compatible with approval of the proposed constitutional amendment.

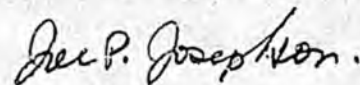
February 13, 1985

Page Two

Such a decision, would be one of the factors which the members of the Commission could take into account in setting legislative salary. A decision by the voters not to adopt the initiative would also be compatible with passage of the constitutional amendment. One result would be to reduce public passions about the pay repeal initiative by offering a different, depoliticized method of setting salaries, hitherto an insoluble problem. Energies and attention can then be focused on other questions and the critical races that will be on the ballot.

Should you wish to co-sponsor these measures, please advise my office at 4525 this week. If you do not wish to co-sponsor, please give your support, or at least your open-minded consideration, as they proceed through the committee system. I hope you will join me in this effort.

Sincerely,



Joe P. Josephson

JPJ:rak
Enclosures

ALASKA STATE SENATE

JOE P. JOSEPHSON
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OFFICE OF MINORITY WHIP

COMMITTEES
BUDGET & AUDIT
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RULES
TRANSPORTATION
SENATE CHAIR, ANCHORAGE CAUCUS

M E M O R A N D U M

To: Senate State Affairs Committee members
From: Senator Josephson
Date: March, 6, 1985
Re: SB 161 and SJR 15 (Elected Officials Compensation Commission)

In order to provide information to the committee on the workings of the Municipality of Anchorage's Salary and Emoluments Commission, which SB 161 and SJR 15 are based on, I have gotten copies made of all Commission minutes since 1975. The minutes from the most recent meeting of the Commission are attached, and I would be glad to make the others available to any committee member.

Thank you for your consideration of these measures.

SALARY & EMOLUMENTS COMMISSION

MEETING OF SEPTEMBER 10, 1984

I. CALL TO ORDER:

The meeting of the Salary and Emoluments Commission was called to order by Chairperson Pamela Gotham at 4:15 p.m. in the Clerk's Conference Room, 4th floor, room 411, Municipal Hill Building.

II. ROLL CALL:

Present: Pamela Gotham, Robert Piazza, Connie Sipe.

Absent: Frank Turpin (excused), Dan Alex (unexcused).

III. MINUTES OF PREVIOUS MEETING:

A. Minutes of August 27, 1984 meeting.

Ms. Sipe moved, to approve the minutes of
Mr. Piazza seconded, August 27, 1984 as stated.
and it passed without
objection,

IV. OLD BUSINESS:

Chairperson Gotham stated that Old Business was the proposed salaries for mayor, assembly and school board.

Ms. Sipe asked if the order could be changed so they could take the school board first, assembly second and mayor last.

Chairperson Gotham agreed to the change and stated the proposed compensation changes would be effective January 1, 1985.

Chairperson Gotham then read Resolution 85-3 (see Attachment A).

Ms. Sipe moved, to adopt Resolution 85-3,
Mr. Piazza seconded,

Chairperson Gotham then opened the public hearing on school board compensation and asked if anyone wished to be heard.

Dr. THERESA OBERMEYER introduced herself and her husband, MR. TOM OBERMEYER. Dr. OBERMEYER stated that she does intend to seek School Board, Seat C (seat vacated by the death of Vi Schellenberg) and that she also ran for the school board in 1980. Dr. OBERMEYER stated she was present to discuss equities between assembly and school board, not so much salaries as reimbursements. The ad in the newspaper, about the proposed salary changes, seemed to state a yearly salary for the mayor where assembly and school board salaries were expenses. She understood this compensation to be for expenses of driving to school board

meetings, driving to parent meetings, driving to work sessions and etc. She asked if this was the commission's philosophy that assembly and school board compensation be for expenses and not salaries or salaries for expenses of the work they do.

Chairperson Gotham stated the commission is not in a position to give a philosophy view. The commission deals with compensation levels for individual positions as stated in the Charter. Compensation as stated would be considered salary.

DR. THERESA OBERMEYER felt the basic issue was equity between the assembly and school board. She felt public service should not be for money at all. The word emoluments does mean profit and she felt there should be no profit for public service. She would serve on the school board if there was no reimbursement at all. The school board members run on an areawide basis and there is something like 144,000 registered voters and 244,000 residents in Anchorage. The assembly members are voted on by individual Assembly sections making their constituent level much smaller. The school board members, which there are seven (7), encompass a much broader area than assembly members, which are eleven (11). The municipality employs roughly 4,000 employees compared to 5,200 employees of the school district. There are 42,000 children in the Anchorage schools and this is continually changing. Additionally, the school board does not have the staff to deal with constituent inquiries and complaints.

MR. TOM OBERMEYER, expert in compensation and benefits, stated the issue is equity between school board members and assembly members. Although the nature of the problems presented to the bodies are different, the individual members are equally competent and qualified to deal with them. He believed the school district had become big business with a larger budget and more employees than the municipality. These facts are quantitative accountability factors which must be weighed when determining compensation. It costs more to run for school board than for the assembly. Being a school board member is very time consuming and compensation should be comparable with the assembly. The assembly consumes 5.6% of the municipality's operating budget, a part of which pays for staff support. There are no such identified costs in the school district budget. Both bodies deserve qualified people who are comparably paid. In response to Chairperson Gotham, he indicated the compensation for school board members should be the same as for the assembly.

DR. THERESA OBERMEYER suggested the board consider replacing expense moneys with medical benefits or retirement benefits rather than a salary increase.

Sue Lindemuth, Manager of Records and Benefits, explained that assembly members are eligible to participate in PERS. The assembly member pays the employee contribution and the

municipality pays the employer contribution. She was unsure whether the same situation existed in the school district.

Chairperson Gotham thank Dr. OBERMEYER for bringing up the point but felt the Salary and Emoluments Commission had no authority in the area of such benefits.

MR. RICHARD MARKEY opposed raises for elected officials. Most have paid to get the job they now hold knowing what the salary was. No one ran for office because of the salary.

MR. JOE GRAHAM, 4107 Minnesota, stated that we ought to pay for what we get. Because of the atrocities of Bartlett and Greuning schools, we should pull those responsible. Since the school board hasn't done such a great job recently, increasing the salary at this time is pure lunacy. It isn't necessary to have a great educational background or great accomplishments to be a good school board member. Most often the exercise of common sense will suffice. He felt school board members should run by district rather than areawide. That approach would decrease the cost of running for office and put the elected official closer to his constituency. The element of public service must be considered when determining compensation. Compensation for the school board members should be less than for the assembly because it is a subordinate body and paid on a per meeting basis with a total compensation of \$500/month.

MR. TOM OBERMEYER felt it was important to attract qualified people to the school board, preferably persons with a background in education. That kind of experience is very valuable in making the kinds of decisions the board is asked to make. It would be nice if such qualifications could be built into the job description.

Chairperson Gotham called the question on the motion to approve the increase for school board (Resolution 85-3) members and it passed by a majority voice vote.

Resolution 85-2 (see Attachment B)

Ms. Sipe moved,
seconded by Mr. Piazza,

that the commission adopt Resolution 85-2 establishing compensation for the Anchorage Assembly in the amount of \$1,725 for the Chair and \$1,400 for other assembly members.

Chairperson Gotham opened the motion for commission's comment.

Ms. Sipe pointed out the salaries for elected officials were last increased in 1981. If one considers the amount of increase over the three year period, it represents only 5% per year, at a time when the cost of living increased at a rate between 5% and 7%

each year. The commission seems to have established a pattern of considering raising salaries only every two to three years. If the pattern persists, the commission will not seriously consider another increase until 1987. If one spreads the increase of a six year period, the salary increase amounts to about a 2.5% increase per year, which at the most, just keeps pace with inflation.

Chairperson Gotham noted that under Proposition 24, any salary increases approved by the Salary and Emoluments Commission means some place somebody is losing those dollars. Public service is a short term commitment, not a long term money making commitment. She then opened the meeting to public comments.

MR. DAVID WALSH urged the commission to keep the assembly salary at the current level. Increasing the assembly members' salaries would mean cutting dollars elsewhere in the budget. Eventhough the increase might be justified, it is large for one year. Increasing the compensation to \$20,000 per year makes it possible for a person to pay his bills, maintain his lifestyle and be totally involved in public service. That becomes the first step towards a full-time assembly. The workload is growing and the assembly may have to consider either becoming full time or adding significant staff support in the next few years. But the level of compensation really doesn't determine the level of dedication of the individual. None of the members are in it for the money. The money does provide minimal compensation for time away from family, expenses that go with the job and compensation for a job well done. If one wanted to set a figure equal to what the job is worth, the salary would be too high. To go to zero, really isn't recognizing the sacrifices people make in order to be a public official. The level should be set considering that (1) it is a part-time salary, and (2) budget constraints as a result of Proposition 24. The current salary level is adequate. In response to Ms. Sipe, he supported the additional money paid to the Chairman of the Assembly because of additional time required to do that job.

MR. TOM OBERMEYER commented according to his calculations, the average salary was \$40,000 to \$50,000 per year. Assembly members should not be short changed as a result of increases to other salaries. He agreed the public did not want full-time assembly members. But it is a consuming job and should be fairly compensated. He noted the cost of campaigning is reaching a point where the average citizen cannot run for assembly or school board.

MR. CHARLES BARGERON stated that being an assembly member is not a full time job. He felt a 15% increase was too much in one year. The public isn't aware the salaries have not been raised for three years. No figures have been presented which show the salaries of similar positions in similar sized cities. Without such information, it is difficult for the public to judge whether the compensation is fair.

ASSEMBLYMEMBER CAROL MASER, 2526 Glenwood, felt the people she represented would object to any of the raises being proposed. The public tends to view assembly members in the same light as the state legislators who recently increased their salaries. The people don't think it is time for raises. It is difficult to sit on the assembly and cut expenditures when the assembly has received an increase in its salary. Being an assembly member is a public service. The position is not sought because of the level of compensation for the job. People run because they feel they can return something to the community. The salary level does not compensate the members for the time spent on municipal affairs. It is important to realize the public does not support this salary increase at this time.

MR. JOE GRAHAM emphasized this is an area where the consumer needs protection. The assembly sets the mill level. The assembly used to sit as a Board of Equalization and set its own salary. Neither of those functions is performed by the assembly now. They are ducking their job. He suggested members be paid \$200 per regular meeting and only for meetings attended. He questioned whether the public was getting its money's worth with the level of service provided by the assembly members, i.e., are packets being read? There are a lot of people who haven't received a raise in salary but that is not reported. Salary surveys often only consider salaries paid by large companies rather than a cross section of wages. He opposed increasing the assembly members' salaries.

MR. CHARLES BARGERON felt the commission should meet every year and consider increasing salaries rather than only consider increases once every three years which makes any increase proposed appear excessive and raise public ire.

MR. RICHARD MARKEY agreed with Mrs. Maser's comments.

Chairperson Gotham called the question on the motion to adopt Resolution 85-2 and it failed by a unanimous voice vote.

The meeting recessed at 5:05 p.m. and reconvened at 5:10 p.m.

Resolution 85-1 (see Attachment C).

Ms. Sipe moved,
seconded by Mr. Piazza,

that the commission adopt
Resolution 85-1 which
establishes compensation for
the Mayor of Anchorage in the
amount of \$80,500 per annum
starting fiscal year 1985.

Chairperson Gotham opened the floor to discussion of the motion.

ASSEMBLYMEMBER CAROL MASER, 2526 Glenwood, felt people sought the position of mayor as a matter of community service. One does not serve the community well by expecting one's salary to continually

be increased. The public in general opposes increases in elected officials' salaries at this time. It is difficult to hold the spending line while accepting increases in pay.

MR. TOM OBERMEYER felt the mayor's salary should be kept in perspective of the average municipal salary. He personally didn't think this particular mayor required additional compensation. He thought the mayor had gone on public record as opposing this increase.

MR. RICHARD MARKEY opposed the pay raise. The morning newspaper reported Mayor Knowles would not accept a pay raise if one were approved by the commission. Mayor Knowles indicated he would give the increase to charity and that is not what the taxpayers have in mind when they pay someone.

MR. CHARLES BARGERON opposed the raise.

MR. TOM OBERMEYER added part of the cause of inflation is government spending on salaries of top government officials.

MR. JOE GRAHAM said the consumers were worried about the big figure increase proposed for the mayor. One shouldn't be overly concerned about the relation of salary strata to job strata. Government is not completely similar to industry. Recently published reports showed that several policemen were paid more annually than the Chief of Police. This decision comes on the heels of the dirty deal of General Motors and Ford Motor Company which gave large raises to executives after jockeying employees into contracts with concession and no pay raises. Government is getting on shaky ground with what it tries to extract from people. He didn't think people were getting what they paid for and the mayor didn't deserve a \$10,000 raise.

MR. DAVID WALSH stated the job of mayor has changed since unification. It is a difficult job and worth the proposed amount of compensation. Traditionally, the mayor has received the highest salary in local government. The result has been salary compression. In the last administration, there were people who wanted to stay in public service but simply couldn't afford to stay. Government can't offer its top executives stock options or offer them very many PERKS at all. Perhaps a little more in salary could have kept those highly qualified people. On the other hand, if the top executive's salary goes up, we can expect the same percentage raise in pay of non-executives. The mayor's salary should go up but not as much as proposed. MR. WALSH felt that perhaps a 5% to 6% increase was reasonable.

Ms. Sipe noted the commission discussed at its last meeting salaries of municipal employees who because of longevity and other factors earn more than the mayor. She stated that Mr. Turpin had asked members of his industry to do an informal study of comparable positions and the results indicated the pay should

be at least \$20,000 more than currently paid. The commission has attempted to look into what other people in similar jobs are paid.

MR. TOM OBERMEYER agreed that salary compression was an important factor to consider. Anchorage is in an escalator role with regard to salaries, especially government salaries. Salaries are not necessarily increasing in relation to other segments of society. There has been a disproportionate increase in government salaries which has created compression at higher levels which may or may not have forced some of the top people out. At some point there will have to be a cap put on salary increases.

MR. JOE GRAHAM agreed the problem of inflation was very bad. The one segment of society which can do something about it is government. Government had better do something about inflation soon.

Chairperson Gotham called the question on the motion to adopt Resolution 85-1 and it failed by unanimous voice vote.

Ms. Sipe moved,
seconded by Mr. Piazza,

that the commission pass a resolution establishing compensation for the municipal mayor at an amount 5% above the current level or \$73,500.

Chairperson Gotham opened the motion to discussion.

MR. RICHARD MARKEY commented a lot of money was spent running for the office of mayor. People don't run for the salary.

Mr. Piazza noted the mayor's salary had not been increased since 1981. Compensation for the position should take into account inflation and whether the amount is adequate for the responsibility regardless of the financial standing of the person who holds the position. Five percent after four years of no increase is on line.

MR. TOM OBERMEYER felt giving the mayor a raise at this time might have undesirable public repercussions especially in light of the budget constraints invoked by Proposition 24. The mayor has publicly stated he does not want an increase.

MR. JOE GRAHAM thought the public felt the budget was overloaded with positions paying \$50,000 per year which are actually worth \$25,000. Part of the job of getting a handle on rising costs of government belongs to the Salary and Emoluments Commission.

Chairperson Gotham called for the vote on the motion to increase the mayor's salary by 5% and it passed:

AYES: Sipe, Piazza.
NAYS: Gotham.

Chairperson Gotham announced the resolution would be numbered Resolution 85-4.

Ms. Sipe moved,
seconded by Mr. Piazza,
and it died,

that consideration of each of
the salaries be placed on next
year's agenda for the Salary
and Emoluments Commission.

MR. TOM OBERMEYER felt the commission should meet more often than once a year. The problem is so great it cannot be dealt with successfully unless the commission meets periodically throughout the year.

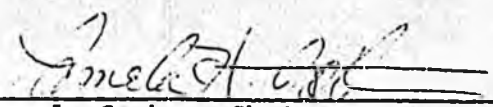
Chairperson Gotham pointed out the Charter provides the commission must meet every two years but prohibits more frequent meetings than every year. In order to change this, it would require a charter amendment approved by the voters. In response to MR. MARKEY, she outlined the Charter requirements for commission composition.

MR. TOM OBERMEYER felt it was important for salaries of elected officials to be reviewed on a frequent basis. In the current situation, very few people with very little information and time set very important salaries.

Ms. Sipe inquired of the Municipal Clerk whether meeting more frequently would work a hardship on the Clerk's office staff. The Charter says the commission cannot consider salaries more frequently than once a year but does not preclude more frequent meetings.

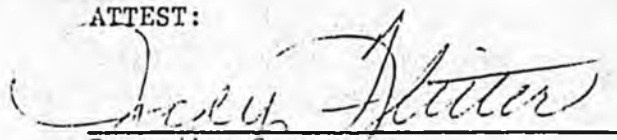
Chairperson Gotham suggested the question be tabled until the commission discussed this with the Municipal Clerk. Chairperson Gotham then ordered a meeting convene in one year and one of the topics of the meeting be consideration of the salaries of elected officials.

The meeting adjourned at 5:45 p.m.



Pamela Gotham, Chairperson

ATTEST:



Recording Secretary



Telegram

09008 NL ANCHORAGE ALASKA 50 03-03 1225 AST

PMS

SENATOR MITCH ABOOD

POUCH V

JUNEAU AK

0047

RECEIVED
MAR 5 1985
3 PM 1 27

DEAR SIR,

I AM A 32-YEAR-OLD FULL-TIME STUDENT AT A.C.C. I LIVE IN HOUSE DISTRICT 11 AND I AM A STUDENT SEANTOR ON THE ACCSA.

WE WOULD APPRECIATE YOUR SUPPORT OF SB17 AND SB165 AND WOULD GREATLY APPRECIATE YOUR SUPPORT TO DEFEAT HB161.

WILLIAM B. WEBB, STUDENT SENATOR, ACCSA

4113 COPE ST

ANCHORAGE AK 99503

Copy to see me pls



RECORDS CERTIFICATION



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

James A. Smith
Signature of Camera Operator

11/24/89
Date

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COMMITTEE REPORT

SENATE

FURTHER:

JUDICIARY
FINANCE

2/18/85

Date 3/13/85

Mr. President

The Committee on STATE AFFAIRS considered SB 162
relating to public records and certification of state vouchers, efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 162(SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Brian Kay

V. Fischen

T. Kelly

[Signature]

 Chairman
[Signature]

 Chairman recommendation

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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

March 11, 1985

Honorable Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Attention: Catherine, A.A.

Re: CSSB 162 (public records and
certification of government
vouchers)

Dear Senator Abood:

Attached is the draft committee substitute for SB 162. Please note that we are proposing a title change to more accurately describe the contents of the bill. Dean Guaneli of our criminal division will appear on Tuesday, March 12, 1985 and explain the provisions of the proposed committee substitute.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 

James L. Baldwin
Assistant Attorney General

JLB:md

cc w/enc.:

Hon. Bill Ray, Senator
Alaska State Legislature

Ken Bischoff, Director
Div. of Finance
Dept. of Administration

Dean Guaneli, Asst. Atty. Gen.
Criminal Division
Dept. of Law

C32LH

latest CS for SB 162 from

DRAFT #1 2
Law 3/11/85 fvu

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 162 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public records and certification
7 of government vouchers; and providing for an effective
8 date."

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

10 * Section 1. AS 11.56 is amended by adding a new section to read:

11 Sec. 11.56.815. TAMPERING WITH PUBLIC RECORDS IN THE FIRST
12 DEGREE. (a) A person commits the crime of tampering with public
13 records in the first degree if the person violates AS 11.56.820(a)
14 with intent to obtain a benefit for that person or or any person or to
15 injure or deprive another person of a benefit.

16 (b) Tampering with public records in the first degree is a class
17 C felony.

18 * Sec. 2. AS 11.56.820 is amended to read:

19 Sec. 11.56.820. TAMPERING WITH PUBLIC RECORDS IN THE SECOND
20 DEGREE. (a) A person commits the crime of tampering with public
21 records in the second degree if the person [KNOWINGLY]

22 (1) knowingly makes a false entry in or falsely alters a
23 public record; [OR]

24 (2) knowingly destroys, mutilates, suppresses, conceals,
25 removes, or otherwise impairs the verity, legibility, or availability
26 of a public record, knowing that the person lacks the authority to do
27 so; or

1 reckless disregard of whether the claim is lawful, or that payment of
2 the claim is not authorized in the budget of the government agency.

3 (b) In this section

4 (1) "certifies" means attesting to the existence, truth, or
5 accuracy of facts, or that one holds an opinion, stated in a public
6 record; the term includes the responsibilities for state officials set
7 out in AS 37.10.030;

8 (2) "falsely alters" has the meaning ascribed to it in
9 AS 11.46.580; and

10 (3) "makes a false entry" means to change or create a
11 public record, whether complete or incomplete, by means of erasure,
12 obliteration, deletion, insertion of new matter, transposition of
13 matter, or by any other means, so that the record so changed or cre-
14 ated states or implies a fact that the maker knows is not true, or
15 states or implies an opinion that the maker does not hold.

16 (c) Tampering with public records in the second degree is a
17 class A misdemeanor.

18 * Sec. 3. AS 37.10.030 is amended by adding a new subsection to read:

19 (b) In (a) of this section, an approval or certification of a
20 voucher is effective when an authorized person uses a password as-
21 signed by the department if the certification or the voucher itself is
22 prepared and recorded by using an electronic accounting device that is
23 a part of the computerized state accounting systems.

24 * Sec. 4. AS 44.21.050 is repealed.

25 * Sec. 5. This Act takes effect July 1, 1985.
26
27

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

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

February 28, 1985

Hon. Mitchell Abood, Chairman
Senate State Affairs Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Proposed CSSB 162(SA), public
records and certification of
state vouchers
Our file: 377-104-85

Dear Senator Abood:

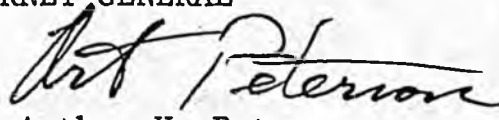
Enclosed please find the proposed committee substitute for SB 162, which incorporates the changes requested by Ken Bischoff, director of the division of finance, Department of Administration. Ken discussed these changes with Jim Baldwin, Assistant Attorney General, who is that agency's representative in the Department of Law.

The two changes are as follows:


1. Page 2, line 7 -- 8: The clause "the term includes the responsibilities for state officials set out in AS 37.10.030" has been added.
2. Page 2, line 20: Correction of a typographical error, "an password" to "a password", was made.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By 
Arthur H. Peterson
Assistant Attorney General

CONCUR:


Kenneth Bischoff, Director
Division of Finance
Department of Administration

Hon. Mitchell Abood, Chairman
Senate State Affairs Committee
377-104-85 (CSSB 162(SA))

February 28, 1985
Page #2

AHP/pjg

Enc.

cc w/enc.: Hon. Lisa Rudd
Commissioner
Department of Administration

Ray Gillespie
Legislative Assistant
Governor's Office

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 162 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to public records and certification
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8 date."

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11 Sec. 11.56.815. TAMPERING WITH PUBLIC RECORDS IN THE FIRST
12 DEGREE. (a) A person commits the crime of tampering with public
13 records in the first degree if the person violates AS 11.56.820(a)
14 with intent to obtain a benefit for that person or to injure or de-
15 prive another person of a benefit.

16 (b) Tampering with public records in the first degree is a class
17 C felony.

18 * Sec. 2. AS 11.56.820 is amended to read:

19 Sec. 11.56.820. TAMPERING WITH PUBLIC RECORDS IN THE SECOND
20 DEGREE. (a) A person commits the crime of tampering with public
21 records in the second degree if the person [KNOWINGLY]

22 (1) knowingly makes a false entry in or falsely alters a
23 public record; [OR]

24 (2) knowingly destroys, mutilates, suppresses, conceals,
25 removes, or otherwise impairs the verity, legibility, or availability
26 of a public record, knowing that the person lacks the authority to do
27 so; or

28 (3) certifies a public record setting out a claim against a
29 government agency, or the property of a government agency, with

1 reckless disregard of the fact that the claim is not lawful, or that
2 payment of the claim is not authorized in the budget of the government
3 agency.

4 (b) In this section

5 (1) "certifies" means attesting to the existence, truth, or
6 accuracy of facts, or that one holds an opinion, stated in a public
7 record; the term includes the responsibilities for state officials set
8 out in AS 37.10.030;

9 (2) "falsely alters" has the meaning ascribed to it in
10 AS 11.46.580; and

11 (3) "makes a false entry" means to change or create a
12 public record, whether complete or incomplete, by means of erasure,
13 obliteration, deletion, insertion of new matter, transposition of
14 matter, or by any other means, so that the record so changed or cre-
15 ated states or implies a fact that the maker does not believe to be
16 true, or states or implies an opinion that the maker does not hold.

17 (c) Tampering with public records in the second degree is a
18 class A misdemeanor.

19 * Sec. 3. AS 37.10.030 is amended by adding a new subsection to read:

20 (b) In (a) of this section, an approval or certification of a
21 voucher is effective when an authorized person uses a password as-
22 signed by the department if the certification or the voucher itself is
23 prepared and recorded by using an electronic accounting device that is
24 a part of the computerized state accounting systems.

25 * Sec. 4. AS 44.21.050 is repealed.

26 * Sec. 5. This Act takes effect July 1, 1985.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____ Page 1 of 1

REQUEST
 Bill/Resolution No.: SB162
 Title: An Act Relating to Public Records and certification of State Vouchers; and providing for an effective date
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: A11
 Program Category Affected: A11
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 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	0	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:

	0	0	0	0	0	0
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)

No fiscal impact will be incurred

Prepared By: Kenneth E. Bischoff *KEB* *A* Phone: 465-2240
 Division: Finance Date: February 7, 1985

Approved by Commissioner: Lisa Rudd *LR* Date: 2/8/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget *fiscal note SB 162*
- Impacted Agency(ies)

Sec. 37.10.030. Responsibility of officer or employee approving or certifying voucher. The officer or employee approving or certifying a voucher

(1) is responsible for the existence and correctness of the facts recited in the certificate or stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(2) shall give bond in the form and manner prescribed by AS 39.15 to the state, and approved by the Department of Administration, in an amount fixed by the head of the department, agency, or establishment concerned, under standards prescribed by the Department of Administration; the premium on the bond shall be paid from funds made available for the administrative costs of the department, agency, or establishment concerned; officers already bonded under other provisions of law for the faithful performance of their duties are not required to give additional bond; and

(3) shall be held accountable for and required to make good to the state the amount of an illegal, improper, or incorrect payment resulting from a false, inaccurate, or misleading certificate made by the officer or employee, or a payment prohibited by law or which does not represent a legal obligation under the appropriation or fund involved. (§ 12-3-3 ACLA 1949)

Revisor's notes. — Section 12-3-3 and § 2, ch. 24, SLA 1953 re-enacted ACLA 1949 was repealed and re-enacted § 12-3-3 ACLA 1949 as it appeared in by § 38, ch. 133, SLA 1951. Section 1, ch. ACLA 1949. 24, SLA 1953 repealed ch. 133, SLA 1951

Sec. 37.10.040. Enforcement of liability. The liability of a certifying officer or employee is enforced in the same manner as provided by law with respect to enforcement of the liability of a disbursing and other accountable officer. (§ 12-3-4 ACLA 1949)

Article 2. Accounting.

Section	Section
50. Accounting for state money and payment to Department of Revenue for deposit in proper fund	60. Department of Revenue to deposit money to state treasury

Sec. 37.10.050. Accounting for state money and payment to Department of Revenue for deposit in proper fund. (a) Each office, board, commission, or bureau authorized to collect or receive fees, licenses, taxes or other money belonging to the state shall account for and pay the fees, licenses, taxes or other money, less fees to which the collector is entitled by law, to the Department of Revenue at least once each month.

Title 37
Public Financ

Title 35
Buildings, Works,
Improvements

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF ADMINISTRATION

DIVISION OF FINANCE

POUCH C
JUNEAU, ALASKA 99811
PHONE:

February 25, 1985

Honorable Mitch Abood
Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Dear Mr. Chairman:

This letter is intended to provide you and the Senate State Affairs Committee a brief background on the need for Senate Bill Number 162 entitled: "An Act relating to public records and certification of State vouchers; and providing for an effective date." This bill is scheduled to be heard by your Committee on Thursday, February 28 at 8:30 a.m.

The passage of this bill is necessary to help establish an adequate system of internal controls in the processing and certification of state accounting and vendor payment transactions.

Introduction of this bill is being prompted by two events:

1. In order to improve vendor payment times and provide accurate, up-to-date accounting information, the new State accounting system (AKSAS) provides for data to be submitted electronically through computer terminals in remote locations throughout the state. State certifying officers are responsible for the propriety of all accounting transactions as defined by AS 37.10.030. Historically, the certification function was evidenced by an individuals hand written signature on a public document. In order to provide improved service to the public and to State agencies, accounting transactions will be certified on-line through computer terminals via electronic passwords which will uniquely identify the individual who authorized and released the transaction for processing. Section Three of this bill amends AS 37.10.030 to provide for the electronic certification feature.
2. Over the past several years there have been instances where State certifying officers and others have deliberately falsified public records. When these instances were referred to the Department of Law for review it was determined that falsification of public records needed to be better defined as a crime in order to be able to successfully prosecute such cases. Section One of this bill defines tampering with public records as a class C felony if the person who violates the law does so to obtain personal benefit or to



February 25, 1985

injure or deprive another person of a benefit. Section Two of this bill defines tampering with public records as a class A misdemeanor if the offense is committed without the intent to obtain personal benefit.

This is basically a housekeeping bill with no fiscal impact. This bill is necessary to provide for proper internal accounting control in our State financial systems and to provide for proper disciplinary action when these controls are violated.

It should be noted that Sections One and Two of the bill apply to all public records and not just to accounting transactions.

We are recommending one modification to the bill and that is to include in the definition of "certifies" contained in Section Two of the bill, the definition of the responsibilities of a State certifying officer as provided by AS 37.10.030.

Sincerely,


Kenneth E. Bischoff
Director

KEB/sg

8/3D1/0225-05

cc: Commissioner Lisa Rudd
Department of Administration

Honorable Edna DeVries
Vice Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Honorable Vic Fischer
Alaska State Legislature
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Honorable Tim Kelly
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