

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6642 SENATE STATE AFFAIRS

Sec. 37.13.060. Term of office. The public members of the board shall be appointed for terms of four years, and they may be reappointed. The terms of the public members shall be staggered so that no more than one term of a public member expires each year. (§ 5 ch 18 SLA 1980; am § 2 ch 81 SLA 1982)

Cross references. — For manner of public members, see § 14, ch. 81, SLA transition to staggered four-year terms for 1982.

Sec. 37.13.070. Removal and vacancies. (a) The governor may remove a member of the board from office. A removal by the governor must be in writing and must state the reason for the removal. A member who is removed by the governor may not participate in board business and may not be counted for purposes of establishing a quorum after the member receives written notice of removal from the governor.

(b) A vacancy on the board shall be promptly filled by appointment by the governor. An appointee to a vacancy shall hold office for the balance of the term for which the appointee's predecessor on the board was appointed.

(c) A vacancy on the board does not impair the authority of a quorum of the board to exercise all the powers and perform all the duties of the board. (§ 5 ch 18 SLA 1980; am § 3 ch 81 SLA 1982)

Sec. 37.13.080. Quorum. Four members of the board constitute a quorum for the transaction of business and the exercise of the powers and duties of the board. (§ 5 ch 18 SLA 1980)

Sec. 37.13.090. Compensation of board members. Public members of the board receive an honorarium of \$400 for each day spent at a meeting of the board or at a meeting of a subcommittee of the board or at a public meeting as a representative of the board. Members of the board are entitled to per diem and travel allowances as provided by law for members of state boards and commissions. (§ 5 ch 18 SLA 1980; am § 4 ch 81 SLA 1982)

Sec. 37.13.100. Corporation staff. The board may employ and determine the salary of an executive director. The executive director may, with the approval of the board, select and employ additional staff as necessary. An employee of the corporation, including the executive director, may not be a member of the board. The executive director and the other employees of the board are in the exempt service under AS 39.25. (§ 5 ch 18 SLA 1980)

Permanent Fund
Corporation Compensation

Sec. 42.40.050. Compensation and expenses. (a) An appointed member of the board is entitled to compensation at a rate of \$400 for each day the member is engaged in the actual performance of duties as a member of the board. The board may provide by rule for compensation for partial days during which an appointed member is engaged in actual performance of duties as a member of the board.

(b) In addition to compensation under (a) of this section, an appointed member of the board is entitled to per diem and travel expenses authorized by law for state boards and commissions. (§ 2 ch 153 SLA 1984)

Sec. 42.40.060. Board officers. (a) The board shall elect from its membership a chairman and vice-chairman and prescribe their duties by rule.

(b) The board shall appoint a secretary and prescribe the duties of the secretary. (§ 2 ch 153 SLA 1984)

Article 2. Management.

Section
100. Management by the board
110. Executive officers

Section
120. Delegation

Sec. 42.40.100. Management by the board. The board is responsible for the management of the corporation but shall delegate certain powers and duties to the chief executive officer in accordance with AS 42.40.120. In managing the corporation the board shall

(1) be responsible for the management of the financial and legal obligations of the Alaska Railroad;

(2) operate the Alaska Railroad as a common carrier subject to the jurisdiction of the United States Interstate Commerce Commission consistent with 45 U.S.C. 1207;

(3) generally manage the corporation on a self-sustaining basis;

(4) apply to the legislature for an appropriation with the concurrence of the governor to be used to provide a particular service that is not otherwise self-sustaining if a subsidy is required to maintain that service;

(5) provide for safe, efficient, and economical transportation to meet the overall needs of the state;

(6) raise needed capital by issuing bonds of the corporation upon approval by the legislature while ensuring that borrowing by the corporation does not directly or indirectly endanger the state's own borrowing capacity;

(7) review all state and other land disposal proposals to aid in planning for future development or expansion of transportation services;

(8) ensure that the procurement procedures of the corporation meet accepted railroad industry standards;

*Alaska Railroad
compensation*

Sander

RECEIVED MAR 21 1989

Alaska State Legislature

Chairman
(907) 465-4523




Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

March 17, 1989

MEMORANDUM

TO: Representative Mike Davis, Chairman
Legislative Council

FROM: Senator Jan Faiks 

SUBJECT: Interim Legislative Per Diem

I appreciate learning of the Council's interest in adopting a new policy regarding per diem paid to legislators during the interim.

As you may be aware, on February 27th I introduced Senate Bill 192 which would change the system for payment of interim per diem. I want to draw the legislation to your attention because I believe it is more appropriate the issue be clearly addressed by a change in statute instead of through adoption of a policy by Legislative Council. By utilizing the committee process for review of the legislation, a mechanism for public involvement in the decision making process will also be provided.

I applaud your leadership in this area and encourage you to take it one step further so that any violation of the new standards would be a violation of law, instead of an administrative policy.

cc: All Legislators

Members
Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session
3111 C Street, Anchorage, Alaska 99503 • (907) 561-7610

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE



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(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 581-7612

SENATOR TIM KELLY

MEMORANDUM

To: Warren Endicott
Executive Director
Legislative Affairs Agency

From: Senator Kelly **TOK**
Senate President

March 13, 1989

As requested in our telephone conversation this morning, I'm asking that your agency draft a strong written policy on legislators' use of per diem during the interim between sessions of the legislature. I think that the Legislative Council should adopt such a policy before this session is over.

I believe some strong written guidelines, authorized by the Legislative Council, will go a long way towards halting some of the obvious inequities that have been allowed to develop during the last few years. While some legislators have felt justified in claiming almost every available working day, others have felt unclear as to what is acceptable and authorized. We all know that each of the 60 legislators carries a workload of legislative business during the interim, and that workload should be recognized in a more equitable manner.

Your draft policy should be specific enough so that there is no confusion about what is acceptable. It should be fair in its applicability, and it should provide accountability.

Copies to:

Rep. Davis, Chairman, Legislative Council
Sen. Pourchot, Chairman, Ethics Committee
All Senators

Current Policy

The section of the Administrative Services Policies and Procedures Manual entitled "Legislative Per Diem," construing AS 24.10.105 and the Policies and Procedures of the Commissioner of Administration, is repealed and readopted to read:

LEGISLATIVE PER DIEM

March 23, 1987

I. Session per diem

Under AS 24.10.105, legislators are entitled to a per diem for each day of a legislative session. Legislators whose place of permanent residence is not Juneau are paid at the short term rate. Legislators whose place of permanent residence is Juneau are paid at the long term rate.

Legislators receive per diem in advance every two weeks starting on the first day of session. Per diem checks are delivered to the legislator's mail box in the Capitol.

II. Interim per diem

Under AS 24.10.105, a legislator is entitled to per diem during the interim at the long-term rate while engaged in legislative business at the place of the legislator's permanent residence.

III. Travel per diem or reimbursement

Under AS 24.10.105, when a legislator is away from Juneau on legislative business during the legislative session, the legislator is entitled to receive travel per diem for incidental transportation, food, and lodging expenses. In lieu of travel per diem, the legislator may receive meal allowances and reimbursement for the actual amount of the other expenses. However, for travel to Anchorage, Fairbanks, or Juneau reimbursement for lodging and meals may not exceed the applicable travel per diem amount. The travel per diem or reimbursement is in addition to session per diem.

A legislator on legislative business during the interim between legislative sessions is entitled to receive travel per diem or meal allowances and reimbursement for other actual expenses.

A legislator who is entitled to travel per diem shall be paid

(1) at the short-term rate while on legislative business

(A) during the interim in a place that is not the legislator's place of permanent residence; and

(B) during the session in a place that is neither Juneau nor the legislator's place of permanent residence; and

(2) at the long-term rate while on legislative business in the legislator's place of permanent residence during the session if the legislator's place of permanent residence is not Juneau.

IV. Reimbursement for actual expenses

If the legislator expects to request reimbursement for expenses in lieu of travel per diem, the president of the Senate or the speaker of the House of Representatives, as appropriate, or the designee of the president or the speaker, must approve the reimbursement in advance of the trip. The presiding officer may delegate authority to approve reimbursements to another legislator or to the executive director of the agency.

Unless requirements are changed in the State Administrative Manual, a legislator who is requesting reimbursement for actual expenses shall submit

- (1) receipts for lodging on letterhead invoice, showing the rate for single occupancy;
- (2) receipts for incidental transportation expenses if the charge for the item was more than \$10;
- (3) a statement of expenses for incidental transportation for which the charge was less than \$10 per item;
- (4) an itemized statement, initialed by the legislator, for business telephone calls;
- (5) a statement of the date and time the travel began and ended to be used in computing meal allowances;
- (6) if a statement or receipt required under (1)-(4) is not available, a written explanation of the failure to present the statement or receipt.

Unless the amounts are changed in the State Administrative Manual, a legislator seeking reimbursement for actual expenses is entitled to the following meal allowances for actual time in travel status:

Breakfast -----	\$	6.00
Lunch -----		9.00
Dinner -----		16.00

As required by the State Administrative Manual, reimbursement for lodging and meals itemized under (1) and (5) may not exceed the applicable travel per diem amount for travel to Anchorage, Fairbanks and Juneau. However, reimbursement for other itemized expenses may exceed the applicable travel per diem amount.

Per Diem Policy Revision, Proposal #1

The Legislative per diem section of the Administrative Services Policy and Procedures Manual is amended to read:

LEGISLATIVE PER DIEM

Session Per Diem

Under AS 24.10.105, legislators are entitled to a per diem for each day of a legislative session. Legislators whose place of permanent residence is not Juneau are paid at the short-term rate. Legislators whose place of permanent residence is Juneau are paid at the long-term rate.

Legislators receive per diem in advance every two weeks starting on the first day of session. Per diem checks are delivered to the legislator's mail box in the Capitol.

Interim Per Diem

Under AS 24.10.105, a legislator is entitled to per diem during the interim at the long-term rate while engaged in legislative business at the place of the legislator's permanent residence.

Travel Per Diem or Reimbursement

Under AS 24.10.105, when a legislator is away from Juneau on legislative business during the legislative session, the legislator is entitled to receive travel per diem for incidental transportation, food, and lodging expenses. In lieu of travel per diem, the legislator may receive meal allowances and reimbursement for the actual amount of the other expenses. However, for travel to Anchorage, Fairbanks, or Juneau reimbursement may not exceed the applicable travel per diem amount. The travel per diem or reimbursement is in addition to session per diem.

A legislator on legislative business during the interim between legislative sessions is entitled to receive travel per diem or meal allowances and reimbursement for other actual expenses.

A legislator who is entitled to travel per diem shall be paid

- (1) at the short-term rate while on legislative business

- (a) during the interim in a place that is not the legislator's place of permanent residence;
 - (b) during the session in a place that is neither Juneau nor the legislator's place of permanent residence; and,
- (2) at the long-term rate while on legislative business in the legislator's place of permanent residence during the session if the legislator's place of permanent residence is not Juneau.

A legislator who is entitled to travel per diem at the short-term rate may, upon request and approval of the presiding officer, receive the lesser long-term rate.

Reimbursement for Actual Expenses

If the legislators expect to request reimbursement for expenses in lieu of travel per diem, the president of the Senate or the speaker of the House of Representatives, as appropriate, or the designee of the president or the speaker, must approve the reimbursement in advance of the trip. The presiding officer may delegate authority to approve reimbursements [TO ANOTHER LEGISLATOR OR] to the executive director of the agency.

Unless the amounts are changed in the State Administrative Manual, a legislator seeking reimbursement for actual expenses is entitled to the following meal allowances for actual time in travel status:

Breakfast -----	\$ 6.00
Lunch -----	9.00
Dinner -----	16.00

As required by the State Administrative Manual, reimbursement for lodging and meals itemized under (1) and (5) may not exceed the applicable travel per diem amount for travel to Anchorage, Fairbanks, and Juneau. However, reimbursement for other itemized expenses may exceed the applicable travel per diem amount.

Application and Eligibility for Interim Per Diem, Travel Per Diem, or Reimbursement

To qualify for interim per diem, travel per diem, or reimbursement for actual expenses for a day, a legislator must attend a meeting for a legislative or public purpose.

or spend at least four hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

A legislator must request interim per diem, travel per diem, or reimbursement by submitting a signed statement describing the legislative and constituent business and amount of time spent on it, for each day requested, to the appropriate presiding officer within 30 days after the day the business was conducted. The presiding officer may approve the statement and submit it to the Legislative Affairs Agency for payment. The presiding officer may delegate the authority to approve interim per diem, travel per diem, or reimbursement requests to the executive director of the agency.

Unless requirements are changed in the State Administrative Manual, a legislator who is requesting reimbursement for actual expenses shall submit

- (1) receipts for lodging on letterhead invoice, showing the rate for single occupancy;
- (2) receipts for incidental transportation expenses if the charge for the item was more than \$10;
- (3) a statement of expenses for incidental transportation for which the charge was less than \$10 per item;
- (4) an itemized statement, initialed by the legislator, for business phone calls;
- (5) a statement of the date and time the travel began and ended to be used in computing meal allowances; and
- (6) if a statement or receipt required under (1)-(4) is not available, a written explanation of the failure to present the statement or receipt.

GU:kb
L7/035

Per Diem Policy Revision, Proposal #2

The Legislative per diem section of the Administrative Services Policy and Procedures Manual is amended to read:

LEGISLATIVE PER DIEM

Session Per Diem

Under AS 24.10.105, legislators are entitled to a per diem for each day of a legislative session. Legislators whose place of permanent residence is not Juneau are paid at the short-term rate. Legislators whose place of permanent residence is Juneau are paid at the long-term rate.

Legislators receive per diem in advance every two weeks starting on the first day of session. Per diem checks are delivered to the legislator's mail box in the Capitol.

Interim Per Diem

Under AS 24.10.105, a legislator is entitled to per diem during the interim at the long-term rate while engaged in legislative business at the place of the legislator's permanent residence.

Travel Per Diem or Reimbursement

Under AS 24.10.105, when a legislator is away from Juneau on legislative business during the legislative session, the legislator is entitled to receive travel per diem for incidental transportation, food, and lodging expenses. In lieu of travel per diem, the legislator may receive meal allowances and reimbursement for the actual amount of the other expenses. However, for travel to Anchorage, Fairbanks, or Juneau reimbursement may not exceed the applicable travel per diem amount. The travel per diem or reimbursement is in addition to session per diem.

A legislator on legislative business during the interim between legislative sessions is entitled to receive travel per diem or meal allowances and reimbursement for other actual expenses.

A legislator who is entitled to travel per diem shall be paid

- (1) at the short-term rate while on legislative business
 - (a) during the interim in a place that is not the legislator's place of permanent residence;
 - (b) during the session in a place that is neither Juneau nor the legislator's place of permanent residence; and,
- (2) at the long-term rate while on legislative business in the legislator's place of permanent residence during the session if the legislator's place of permanent residence is not Juneau.

A legislator who is entitled to travel per diem at the short-term rate may, upon request receive the lesser long-term rate.

Reimbursement for Actual Expenses

If the legislators expect to request reimbursement for expenses in lieu of travel per diem, the president of the Senate or the speaker of the House of Representatives, as appropriate, or the designee of the president or the speaker, must approve the reimbursement in advance of the trip. The presiding officer may delegate authority to approve reimbursements [TO ANOTHER LEGISLATOR OR] to the executive director of the agency.

Unless the amounts are changed in the State Administrative Manual, a legislator seeking reimbursement for actual expenses is entitled to the following meal allowances for actual time in travel status:

Breakfast -----	\$ 6.00
Lunch -----	9.00
Dinner -----	16.00

As required by the State Administrative Manual, reimbursement for lodging and meals itemized under (1) and (5) may not exceed the applicable travel per diem amount for travel to Anchorage, Fairbanks, and Juneau. However, reimbursement for other itemized expenses may exceed the applicable travel per diem amount.

Application and Eligibility for Interim Per Diem, Travel Per Diem, or Reimbursement

To qualify for interim per diem, travel per diem, or reimbursement for actual expenses for a day, a legislator must attend a meeting for a legislative or public purpose, or spend at least four hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

A legislator must request interim per diem, travel per diem, or reimbursement by submitting a signed statement describing the legislative and constituent business and amount of time spent on it, for each day requested, to the Legislative Affairs Agency within 60 days after the day the business was conducted.

Unless requirements are changed in the State Administrative Manual, a legislator who is requesting reimbursement for actual expenses shall submit

- (1) receipts for lodging on letterhead invoice, showing the rate for single occupancy;
- (2) receipts for incidental transportation expenses if the charge for the item was more than \$10;
- (3) a statement of expenses for incidental transportation for which the charge was less than \$10 per item;
- (4) an itemized statement, initialed by the legislator, for business phone calls;
- (5) a statement of the date and time the travel began and ended to be used in computing meal allowances; and
- (6) if a statement or receipt required under (1)-(4) is not available, a written explanation of the failure to present the statement or receipt.

GU:kb
L7/035

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Alaska State Legislature

Chairman
(907) 465-4523



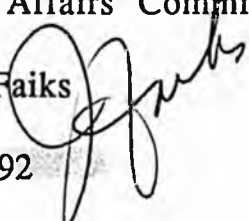
Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

March 7, 1989

MEMORANDUM

TO: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks 

SUBJECT: Senate Bill 192

As you know, Senate Bill 192 has been referred to your committee for consideration. It changes the basis for claiming legislative per diem during the interim so that it will only be paid while attending a meeting called by a chairman.

For your further consideration, I have enclosed additional language for a potential committee substitute which was provided by LAA Accounting at my request. This provision would enable a legislator to receive long term per diem while on legislative business outside her or his place of residence in addition to short term per diem or actual expenses for meals and lodging. This would be similar to the current per diem policy for travel outside of Juneau during the legislative session.

I would appreciate your scheduling the bill to come before the committee at your earliest convenience. If I can provide any additional information, please let me know.

Thank you.

Members
Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session
3111 C Street, Anchorage, Alaska 99503 • (907) 561-7610

Changes to SB 192 as requested by Senator Faik's Office

Sec. 2. AS 24.10.105 (c) is amended to read:

(c)

(1)

(2)

(3) In addition to the per diem allowed under AS24.10.105, Sec 2.(b) (2), a legislator is entitled to receive per diem at the long term rate while on legislative business in a place that is not the legislator's place of permanent residence.

OR,

Sec. 2. AS 24.10.105 is amended to read:

(e) A legislator is entitled to receive a \$55 per day travel allowance, in addition to the per diem allowed under AS 24.10.105 Sec 2.(b) (2), while on committee business or other legislative business in a place that is not the legislator's place of permanent residence.

Legal Services should probably review to see if this is in an acceptable format. I prefer the 2nd choice because it distinguishes the Long Term Per Diem from a Travel Allowance. Just terminology, but it might help keep things separated. The travel allowance rate could be any amount you found acceptable.

Another aspect to giving legislators a travel allowance (or long term per diem payment) during the interim, at the same time they are receiving Short Term Per Diem, is that we would report the Travel Allowance (long term per diem) to the IRS.

**LEGISLATIVE AFFAIRS AGENCY
LONG TERM PER DIEM CLAIM FORM**

P.O. Box Y
Juneau, AK 99811

Accounting
(907) 465-3852

DRAFT

I, John Green, CERTIFY that the facts herein contained and on supporting documents are correct and constitute a valid claim for long-term per diem in my home district.

John Green
Print name of legislator

John Green 9/2/89
Signature of legislator Date

I was on legislative or committee business in my home district as indicated below and claim _____ days of long-term per diem.

(To qualify for long term per diem a legislator must attend a meeting for a legislative or public purpose or spend at least 4 hours of that day on legislative and constituent business.)

****TO BE CLAIMED WITHIN 30 DAYS AFTER THE DAY THE BUSINESS WAS CONDUCTED****

DATE	NUMBER OF HOURS	TYPE OF BUSINESS (If committee business, please specify committee name)
8/23/89	2	Mayor's Task Force on Recreation Development
	1	constituent letters and mail
	1½	meeting with Joe Smith/Sandra White regarding tourism budget
8/28/89	4	Ethics Seminar
	1	speak at Middlerock School for summer school program
	1	meet with Senator Stone on mining

Pls send this
check

I. Per diem 2 days @ \$ 50.00 = \$100.00

Claim	Accounting
100.00	
Per Diem	Per Diem

VDR OFFICE USE

Collocation Code	Ledger Code	Account Code	Warrant No.	Amount
31-92-				
31-92-				
31-92-				

pouch to Anchorage LIO

Warrant Mailing Address

from Pam Stoops
4-10-89

LONG TERM PER DIEM

Prior to the repeal of Sec. 24.15.010 Legislative Per Diem, Legislators were eligible to receive per diem at the long term rate while engaged in committee business for an interim committee of the legislature at their place of permanent residence.

In 1981, under this definition, long term per diem claims were paid in the amount of \$13,725.

SB192 specifies that long term per diem may only be claimed for attending a meeting or subcommittee called by the chair of the committee at the legislator's place of permanent residence. This bill tightens the standard for long term per diem which would likely result in fewer days being claimed. However, the long term per diem rate has changed since 1981. If the same number of days were claimed at the \$55 rate the cost would be \$16,775.

Under the current statute, long term per diem in the amount of \$181,700 was paid in FY88. FY89 long term per diem claims from July 1 through March 16, 1989 amount to \$126,445.

1981 before salary went to \$39,000/yr.

SENATE

a.	2-037	39 days	39 @ 45 -	1755.00
b.	Sen. State Affairs	49 days	49 @ 45 -	2205.00
c.	Rules, Council	26 days	26 @ 45 -	1170.00
d.	Blue Ribbon, Trans, Title 4	60 days	60 @ 45 -	2700.00
e.	Budget	18 days	18 @ 45 -	810.00
f.	C&RA	<u>9 days</u>	9 @ 45 -	<u>405.00</u>
		201 days		\$9045.00

per diem

In these days, per diem came out of committee budget.

HOUSE

a.	Reg. Review, Trans	7 days	7 @ 45 -	315.00
b.	C&RA, Jud., Code Rev.	11 days	11 @ 45 -	495.00
c.	Jud.	3 days	3 @ 45 -	135.00
d.	C&RA, LB&C	2 days	2 @ 45 -	90.00
e.	LB&C	71 days	71 @ 45 -	3195.00
f.	Jud.	2 days	2 @ 45 -	90.00
g.	Trans.	1 day	1 @ 45 -	45.00
h.	Trans.	1 day	1 @ 45 -	45.00
i.	Rules, Jud.	2 days	2 @ 45 -	90.00
j.	LB&C	<u>4 days</u>	4 @ 45 -	<u>180.00</u>
		104 days		\$4680.00

LAA Don't keep LBoA & Finance Committee records.

Cross references. — For provisions relating to special operating budget 37.05.159. Effect of amendments. — The 1982 amendment added subsection (b). obligations, see

Chapter 15. Compensation of Legislators, Officers and Employees.

Article 1. Legislators.

Section

- 10. Legislative per diem
- 20. Salary of legislators
- 50. Legislative transportation

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

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

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

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

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

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

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

(d) In this section

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

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160. (§ 1 ch 26 SLA 1961; am § 3 ch 100 SLA 1963; am § 8 ch 193 SLA 1970; am § 5 ch 87 SLA 1971; am § 6 ch 263 SLA 1976; am § 13 ch 3 SLA 1980)

Effect of amendments. — The 1980 amendment retroactive to January 1, 1979, rewrote the section.

Sec. 24.15.020. Salary of legislators. The monthly salary for each member of the legislature is equal to Step A, Range 10 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional \$500 a year during tenure of office. (§ 2 ch 26 SLA 1961; am § 1 ch 149 SLA 1966; am § 9 ch 193 SLA 1970; am § 6 ch 148 SLA 1976; am § 7 ch 263 SLA 1976; am §§ 14, 28 ch 3 SLA 1980)

OLD
LAW

APR 14 1989

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

State Senate

M E M O R A N D U M

TO: Representative Mike Davis, Chairman
Alaska Legislative Council

FROM: Senator Paul Fischer *PF*

DATE: April 10, 1989

RE: Suggestions for consideration regarding per diem
and moving policy.

I am requesting that you consider the following suggestions with regards to the per diem policy revisions currently under consideration by the Alaska Legislative Council:

1. Under AS 24.20.105, Travel Per Diem or Reimbursement, would change

FROM: A legislator who is entitled to travel per diem at the short-term rate may, upon request receive the lesser long-term rate if eligible.

TO: A legislator who is entitled to travel per diem at the long-term rate may, upon request receive the greater short-term rate.

Why should it involve more paper work and an extra effort to save the state money?

2. Under AS 24.20.105, would change

FROM: To qualify for interim per diem, travel per diem, or reimbursement for actual expenses for a day, a legislator must attend a meeting for a legislative or public purpose or spend at least four hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

TO: To qualify for interim per diem, travel per diem or reimbursement for actual expenses for a day, a legislator must attend a meeting for a legislative

or public purpose, or spend at least six hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

While it appears the Council may not want to require a full day's work, which is my own personal standard, I would suggest you consider not less than six hours of work be required to qualify for per diem.

3. Under 24.10.130, Legislative Transportation, Session Moving and Travel Policy, which the Council does not address in its policy revision, I would suggest the following changes:

I. MOVING

HOUSEHOLD GOODS AND PERSONAL EFFECTS - change

FROM: "LAA will pay for actual and necessary expenses charged by a commercial mover for packing, transporting, and unpacking up to 10,000 pounds of household goods and personal effects,..."

TO: "LAA will pay for actual and necessary expenses charged by a commercial mover for packing, transporting, and unpacking up to 5,000 pounds of household goods and personal effects,..."

It has come to my attention that violations sometimes occur under the section **ITEMS THAT MAY NOT BE SHIPPED**. The above change would prevent violations of this section and help assure that the personal belongings of legislative staff are not shipped at state expense.

The Council might choose review past history to determine whether or not 10,000 pounds is necessary.

II. TRAVEL AND VEHICLES, change

FROM: "A legislator may receive payment for transportation costs for not more than two motor vehicles which are registered in the name of the legislator, his or her spouse, or dependent."

TO: "A legislator may receive payment for

transportation costs for not more than one motor vehicle which is registered in the name of the legislator, his or her spouse, or dependent.

I suggest you consider the above change for obvious reasons. A legislator cannot drive more than one vehicle at a time. Again, the Council may choose to review past history to determine if a change is warranted.

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: State Affairs Committee Members

FROM: Senator Pat Pourchot, Chairman

RE: April 10 Committee Meeting

DATE: April 8, 1989

On Monday, April 10 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will receive a briefing from Donna Willard, Chairman of the Alaska State Officers' Compensation Commission, on the Commission's 1989 report.

The Commission, established in 1986, is charged with reviewing and recommending the salaries of legislative, judicial and executive officers in Alaska. The Commission consists of seven members including one representative of labor, one representative of a non-partisan voter organization, one business executive, and one person with experience in public administration.

Copies of the Commission's report were distributed to members directly by the Commission. A brief summary of their recommendations is attached.

SB 192. An Act relating to legislators' long term per diem

SB 192 would limit eligibility for long term per diem during the interim to days spent attending meetings of a legislative committee or subcommittee. Current statute allows long term per diem to be collected whenever the legislator is engaged in "legislative business".

Included in the packet is an amendment proposed by the bill sponsor which would allow both short term and long term per diem to be collected whenever the legislator is on legislative business away from his or her home town. This would be akin to a day of pay with travel expenses.

Also included in the packet are two proposals under consideration by the Legislative Council that would revise the current policy

Committee Memo
April 10, 1989
Page 2

on long term per diem. Both would limit eligibility for interim per diem to days spent attending meetings for a legislative or public purpose, or days in which at least four hours were spent on legislative or constituent business.

SB 250, An Act relating to the confidentiality of research conducted by the University of Alaska

SB 250 would exempt research in progress at the University from the state's open records law. This would allow information owned by a researcher to be kept confidential while a research project is underway. In addition, the University would be authorized to keep confidential under certain circumstances records developed as a result of research.

Alaska State Legislature



Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling

P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: April 26 Committee Memo
DATE: April 25, 1989

On Wednesday, April 26 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SJR 46, Supporting the establishment of a Joint Commission on the Status of Alaska Natives by Congress

SJR 46 would support the establishment of a Joint Commission on the Status of Alaska Natives and commit the state to actively participate on the commission. The commission would be charged with conducting a comprehensive review of federal and state policies affecting Alaska Natives and the current health, social, and economic status of Alaska Natives.

The resolution that would establish the Commission is pending introduction in the U.S. Senate. The effort stems from the recently published AFN Report on the Status of Alaska Natives.

SSSB 72, An Act relating to registration and licensing of contractors; prohibiting the use of state money for certain residential work unless the work is performed by a licensed residential contractor

SB 72 would require that contractors who construct or alter privately-owned residential structures of one to four units have a residential endorsement on their license. To receive the endorsement, the contractor would need to pass a written or practical exam which tests competence in arctic construction techniques, and complete the Alaska Craftsman Home program or a postsecondary course in arctic engineering or its equivalent.

The Labor and Commerce C.S. clarified that the residential requirement would be an endorsement to the general contractor's license rather than a separate license, allowed participation in programs equivalent to the Alaska Craftsman Home program, and allowed the exemptions in current statute for small projects and owner-built projects.

ADOPTED BY LEG. COUNCIL

As amended April 24, 1989

LEGISLATIVE PER DIEM POLICY

Session Per Diem

Under AS 24.10.105, legislators are entitled to a per diem for each day of a legislative session. Legislators whose place of permanent residence is not Juneau are paid at the short-term rate. Legislators whose place of permanent residence is Juneau are paid at the long-term rate.

Legislators receive per diem in advance every two weeks starting on the first day of session. Per diem checks are delivered to the legislator's mail box in the Capitol.

Interim Per Diem

Under AS 24.10.105, a legislator is entitled to per diem during the interim at the long-term rate while engaged in legislative business at the place of the legislator's permanent residence.

To qualify for interim per diem, a legislator must attend a meeting for a legislative or public purpose, or spend at least four hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

A legislator must request interim per diem by submitting a signed statement describing the legislative and constituent business and amount of time spent on it, for each day requested, to the appropriate presiding officer within 60 days after the day the business was conducted. The presiding officer may approve the statement and submit it to the Legislative Affairs Agency for payment. The presiding officer may delegate the authority to approve interim per diem to the executive director of the agency.

Travel Per Diem or Reimbursement

Under AS 24.10.105, when a legislator is away from Juneau on legislative business during the legislative session, the legislator is entitled to receive travel per diem for incidental transportation, food, and lodging expenses. In lieu of travel per diem, the legislator may receive meal allowances and reimbursement for the actual amount of the other expenses. However, for travel to Anchorage, Fairbanks, or Juneau reimbursement may not exceed the applicable travel per diem amount. The travel per diem or reimbursement is in addition to session per diem.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: April 26 Committee Memo
DATE: April 25, 1989

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The resolution that would establish the Commission is pending introduction in the U.S. Senate. The effort stems from the recently published AFN Report on the Status of Alaska Natives.

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The Labor and Commerce C.S. clarified that the residential requirement would be an endorsement to the general contractor's license rather than a separate license, allowed participation in programs equivalent to the Alaska Craftsman Home program, and allowed the exemptions in current statute for small projects and owner-built projects.

Committee Memo
April 26, 1989
Page 2

SB 157, An Act relating to imposition of a civil fine for violation of a statute, regulation, or ordinance related to alcoholic beverages

SB 157 would authorize the Alcoholic Beverage Control Board to assess civil fines against liquor licensees who violate liquor laws. The fine would be in addition to license suspension or revocation, and would follow the suspension/revocation hearing required under current statute. The amount of the fine would be determined by the Board.

The bill would also provide the Board with program receipt authority. Fees and fines would be separately accounted for and could be appropriated by the legislature to fund the Board's operation.

SB 192, An Act relating to legislators' eligibility for long-term per diem

SB 192, which would limit eligibility for long term per diem during the interim to days spent attending meetings of a legislative committee or subcommittee, was heard by the State Affairs Committee on April 10. No action was taken pending action by the Legislative Council on a revised per diem policy.

The Council policy, adopted April 24, is attached. It provides that to qualify for interim per diem a legislator must attend a meeting for a legislative or public purpose, or spend at least four hours of that day on legislative and constituent business.

Also attached is a fiscal note for SB 192, indicating savings of \$161,700. Fiscal impact of the new Council policy has not yet been determined.

CSHB 93(Jud), An Act relating to a duty of the director of the division of elections and to voter registration by the Department of Public Safety

HB 93 would require that the Division of Elections provide voter registration forms to the Division of Motor Vehicles, and that DMV advise persons registering their vehicles or applying for drivers' licenses that they may also register to vote.

According to the Division of Elections, most motor vehicle registration outlets currently provide voter registration services. Elections provides training to DMV personnel; DMV forwards completed voter registration forms to Elections.

In addition, SJR 38, Proposing an amendment to the Constitution of the State of Alaska relating to terms of legislators, will be before the committee. Due to time constraints, the bill was not heard on April 24 as scheduled.

As amended April 24, 1989

LEGISLATIVE PER DIEM POLICY

Session Per Diem

Under AS 24.10.105, legislators are entitled to a per diem for each day of a legislative session. Legislators whose place of permanent residence is not Juneau are paid at the short-term rate. Legislators whose place of permanent residence is Juneau are paid at the long-term rate.

Legislators receive per diem in advance every two weeks starting on the first day of session. Per diem checks are delivered to the legislator's mail box in the Capitol.

Interim Per Diem

Under AS 24.10.105, a legislator is entitled to per diem during the interim at the long-term rate while engaged in legislative business at the place of the legislator's permanent residence.

To qualify for interim per diem, a legislator must attend a meeting for a legislative or public purpose, or spend at least four hours of that day on legislative and constituent business. Travel time required in the course of conducting legislative business qualifies as legislative business.

A legislator must request interim per diem by submitting a signed statement describing the legislative and constituent business and amount of time spent on it, for each day requested, to the appropriate presiding officer within 60 days after the day the business was conducted. The presiding officer may approve the statement and submit it to the Legislative Affairs Agency for payment. The presiding officer may delegate the authority to approve interim per diem to the executive director of the agency.

Travel Per Diem or Reimbursement

Under AS 24.10.105, when a legislator is away from Juneau on legislative business during the legislative session, the legislator is entitled to receive travel per diem for incidental transportation, food, and lodging expenses. In lieu of travel per diem, the legislator may receive meal allowances and reimbursement for the actual amount of the other expenses. However, for travel to Anchorage, Fairbanks, or Juneau reimbursement may not exceed the applicable travel per diem amount. The travel per diem or reimbursement is in addition to session per diem.

A legislator on legislative business during the interim between legislative sessions is entitled to receive travel per diem or meal allowances and reimbursement for other actual expenses.

A legislator who is entitled to travel per diem shall be paid

- (1) at the short-term rate while on legislative business
 - (a) during the interim in a place that is not the legislator's place of permanent residence;
 - (b) during the session in a place that is neither Juneau nor the legislator's place of permanent residence; and,
- (2) at the long-term rate while on legislative business in the legislator's place of permanent residence during the session if the legislator's place of permanent residence is not Juneau.

A legislator must request travel per diem or reimbursement for actual expenses by submitting a claim to the Legislative Affairs Agency within 60 days after returning from the trip.

Reimbursement for Actual Expenses

If the legislators expect to request reimbursement for expenses in lieu of travel per diem, the president of the Senate or the speaker of the House of Representatives, as appropriate, or the designee of the president or the speaker, must approve the reimbursement in advance of the trip. The presiding officer may delegate authority to approve reimbursements to the executive director of the agency.

Unless the amounts are changed in the State Administrative Manual, a legislator seeking reimbursement for actual expenses is entitled to the following meal allowances for actual time in travel status:

Breakfast -----	\$ 6.00
Lunch -----	9.00
Dinner -----	16.00

As required by the State Administrative Manual, reimbursement for lodging and meals itemized under (1) and (5) may not exceed the applicable travel per diem amount for travel to Anchorage, Fairbanks, and Juneau. However, reimbursement for other itemized expenses may exceed the applicable travel per diem amount.

Unless requirements are changed in the State Administrative Manual, a legislator who is requesting reimbursement for actual expenses shall submit

- (1) receipts for lodging on letterhead invoice, showing the rate for single occupancy;
- (2) receipts for incidental transportation expenses if the charge for the item was more than \$10;
- (3) a statement of expenses for incidental transportation for which the charge was less than \$10 per item;
- (4) an itemized statement, initialed by the legislator, for business phone calls;
- (5) a statement of the date and time the travel began and ended to be used in computing meal allowances; and
- (6) if a statement or receipt required under (1) - (4) is not available, a written explanation of the failure to present the statement or receipt.

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: May 1 Committee Hearing
DATE: April 28, 1989

On Monday, May 1 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 192, An Act relating to legislators' eligibility for long-term per diem

A draft committee substitute prepared at the sponsor's request is attached. In addition to allowing long-term per diem to be paid for days spent attending a meeting of a legislative committee, the CS would make eligible attendance at a public meeting called by a governmental entity and days during which at least four hours are spent on legislative or constituent business.

SB 301, An Act relating to the power cost equalization program

SB 301 would restructure the Power Cost Equalization (PCE) program to establish residential customers as the first priority for funding, community facilities as the second priority, and commercial users as the third. In addition, eligible consumption levels would be reduced.

Included in the packet are proposed amendments that would adjust the percentage of costs eligible for subsidy, the minimum level to which rates may be subsidized, and eligibility requirements for participation in the program.

The PCE program became effective in October 1985. It is intended to lower power rates statewide to levels somewhat comparable to rates in Anchorage, Fairbanks, and Juneau. PCE funds are distributed to eligible utilities, and passed on to consumers through a credit on the consumer's electric bill. The Governor requested \$17,872,600 to fully fund the program in FY 90; the House budget proposes a 10% reduction, the Senate budget a 5% reduction. A fiscal note for SB 301 is being prepared.

It is not my intent to move SB 301 out of committee today.

MAY1POOP.TXT

SB 192 LEGISLATORS' LONG-TERM PER DIEM

TO TESTIFY

SEN. FAIKS, SPONSOR (CHERYL)

KATHARINE, REP. DAVIS'S OFFICE (LEG. COUNCIL)

PAM STOOPS, L.A.A.

F.Y.I.

C.S. PREPARED BY FAIKS:

- ATTEND MEETING OF LEG. COMMITTEE OR SUBCOMMITTEE
- ATTEND MEETING WITH PUBLIC PURPOSE CALLED BY GOVERNMENTAL ENTITY
- SPEND AT LEAST FOUR HOURS ON LEGISLATIVE OR CONSTITUENT BUSINESS

AMENDMENT IN YOUR NOTEBOOK; NOT DISTRIBUTED TO MEMBERS. FAIKS PREPARED SO AL COULD OFFER IF HE WANTS TO. WOULD LIMIT TO 8 DAYS LONG-TERM PER DIEM IN ANY MONTH DURING THE INTERIM.

S192POO.TXT
4/26/89

SB 192 LEGISLATORS' LONG TERM PER DIEM

WILL BE PRESENT

SEN. FAIKS, SPONSOR

Reardon

KATHARINE, REP. DAVIS'S OFFICE (FOR LEGISLATIVE COUNCIL)

PAM STOOPS, L.A.A.

F.Y.I.

CURRENT "WHILE ENGAGED IN COMMITTEE BUSINESS OR OTHER
LEGISLATIVE BUSINESS"

SB 192 "ATTENDING A MEETING OF A LEGISLATIVE COMMITTEE OR
SUBCOMMITTEE CALLED BY THE CHAIR"

COUNCIL "ATTEND A MEETING FOR A LEGISLATIVE OR PUBLIC PURPOSE,
OR SPEND AT LEAST FOUR HOURS OF THAT DAY ON LEGISLATIVE
AND CONSTITUENT BUSINESS"

WE COULD AMEND SB 192 TO INCLUDE THE COUNCIL LANGUAGE, OR AMEND
SB 192 TO AUTHORIZE LEG. COUNCIL TO DEFINE "COMMITTEE OR
LEGISLATIVE BUSINESS".

THE BILL DOESN'T HAVE AN EFFECTIVE DATE -- SHOULD IT?

Sandra

1 IN THE SENATE

BY FAIKS

2

SENATE BILL NO. 192

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to legislators' eligibility for
7 long-term per diem."

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

9 * Section 1. FINDINGS AND PURPOSE. (a) Under current state law,
10 legislators may receive long-term per diem during the interim while engaged
11 in committee or other legislative business. As a result of individual
12 interpretation of this law, certain legislators have claimed per diem while
13 engaged in minimal legislative business. The result has been the payment
14 of hundreds of thousands of dollars to legislators in long-term per diem
15 without oversight or accountability.

16 (b) This Act is intended to establish specific criteria setting out
17 when legislators are eligible to receive long-term per diem for work in
18 their place of residence.

19 * Sec. 2. AS 24.10.105(c) is amended to read:

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

22 (1) during a legislative session if the legislator is
23 living in the legislator's place of permanent residence during the
24 session; and

25 (2) for each day spent attending a meeting of a legislative
26 committee or subcommittee called by the chair when the committee or
27 subcommittee meeting is held in [WHILE ENGAGED IN COMMITTEE BUSINESS
28 OR OTHER LEGISLATIVE BUSINESS AT] the legislator's place of permanent
29 residence.

expect public notice (i.e. newspaper)

*Faiks -
OK to
drop*

a) same rate as state employee

39.20.110 } set by DDA in reg.
39.20.160 }

b) Short term

1 IN THE SENATE

- during session if don't live in your
leg. business away from home

BY FAIKS

SENATE BILL NO. 192

{ either session
or interim

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to legislators' eligibility for
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25 (2) for each day spent attending a meeting of a legislative
committee or subcommittee called by the chair when the committee or
subcommittee meeting is held in [WHILE ENGAGED IN COMMITTEE BUSINESS
OR OTHER LEGISLATIVE BUSINESS AT] the legislator's place of permanent
29 residence.

during session if
live in your

during interim -
(leg. business)
at home

During session (ie Pat)
short term p.d. for being in Juv
+ short term per SB 192
diem if travel

Faiks wants to
define

Pat

→ \$80 - short term during session
return to Anch - \$50 = long term
if go to Fbx { \$90

if → SF Short term session
- short term travel
- travel per diem req. receipts
\$31/day/meal + hotel

+ travel per diem = short term unless actual expenses (except in Anch, Fbx, Trn) are more

House

Cotten - can't get \$50 if return to home city

Fuiks

short term
+ long term

~~\$80~~ - leg. business away from home

+55 - " " " " " "
ie for travel
travel expenses + "pay"

Currently, during session

like session
travel +
pay

\$80 day
return to Anch \$50/day
go to Fbx \$90

Leg Council #1 Kelly, #2 Davis
who approve? presiding officer or warden
submit? 30 days or 60

SB 192 LEGISLATORS' LONG TERM PER DIEM

TO TESTIFY

SENATOR FAIKS, SPONSOR

~~REP. DAVIS~~ ^{NO} CHAIRMAN, LEGISLATIVE COUNCIL (KATHARINE)

shell do presentation

PAM STOOPS, LEGISLATIVE AFFAIRS

TERRY CRAMER, LEGAL DIVISION (QUESTIONS ONLY)

F.Y.I.

FAIKS WANTS CHANGES IN STATUTE -- THINKS "POLICY" ISN'T ENOUGH. LEGAL DIVISION AGREES -- QUESTIONABLE HOW RESTRICTIVE WE CAN BE IN POLICY WHEN STATUTE IS SO BROAD.

LEG. COUNCIL LOOKED AT 2 PROPOSALS. BOTH LIMITED PER DIEM TO "MEETING FOR LEGISLATIVE OR PUBLIC PURPOSE" OR "4 HOURS OF LEGISLATIVE OR CONSTITUENT BUSINESS, INCLUDING TRAVEL TIME". KELLY WANTS PRESIDING OFFICER TO O.K. PER DIEM; DAVIS WANTS L.A.A. TO DO. KELLY WANTS PER DIEM REQUESTS SUBMITTED WITHIN 30 DAYS; DAVIS WANTS 60. WHEN WILL LEG. COUNCIL MEET TO FINALIZE?

IS YOUR INTENT TO AMEND FAIKS' BILL TO REFLECT THE LEG. COUNCIL POLICY?

CURRENT STATUTE/POLICY:

DURING SESSION = \$80/DAY IF JUNEAU ISN'T YOUR HOME; \$50/DAY
IF JUNEAU IS YOUR HOME
\$50/DAY IF YOU TRAVEL TO YOUR HOME; \$80/DAY
IF YOU TRAVEL ELSEWHERE
DURING INTERIM = \$50/DAY FOR DOING LEGISLATIVE BUSINESS IN
YOUR HOME TOWN
\$80/DAY IF YOU TRAVEL

(NOTE: BOTH DURING SESSION AND INTERIM, YOU CAN SUBMIT ACTUAL TRAVEL EXPENSES IN LIEU OF PER DIEM. THERE ARE RESTRICTIONS ON HOW MUCH YOUR EXPENSES CAN BE.)

THE ONLY CHANGE PROPOSED BY LEG. COUNCIL OR SB 192 IS IN THE DEFINITION OF LEGISLATIVE BUSINESS. FAIKS' PROPOSED AMENDMENT WOULD ALLOW COLLECTION OF BOTH THE \$50 "BASE PAY" AND THE \$80 "TRAVEL ALLOWANCE" DURING THE INTERIM.

PER DIEM RATES ARE DEFINED IN REGULATION BY D.O.A. FOR ALL STATE EMPLOYEES, INCLUDING LEGISLATORS:

\$80/DAY SHORT TERM (WITH GEOGRAPHIC ADJUSTMENTS)
\$50/DAY LONG TERM

PAM STOOPS HAS NOT PREPARED A FISCAL NOTE, BUT WILL COME PREPARED TO DISCUSS POTENTIAL FINANCIAL IMPLICATIONS UNDER THE VARIOUS PROPOSALS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to legislators' eligibility for long-term per diem.
Sponsor: Senator Faiks
Requestor: Senate State Affairs

Affect Agency: Legislative Affairs Agency
BRU: Legislative Council
Legislative Operating Budget
Components: Legislative Leadership Council and Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	0	<161.7>	<161.7>	<161.7>	<161.7>	<161.7>
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	<161.7>	<161.7>	<161.7>	<161.7>	<161.7>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0	<161.7>	<161.7>	<161.7>	<161.7>	<161.7>
Federal Fund						
Other						
TOTAL	0	<161.7>	<161.7>	<161.7>	<161.7>	<161.7>

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)

This bill would change the basis for payment of long-term per diem which would result in a cost savings of \$161,700. In FY 88 long-term per diem expenditures were \$181,700. This bill would limit long-term per diem expenditures to approximately \$20,000 for each fiscal year.

(See attached)

Prepared By: Pamela Stoops, Director
Division: Administrative Services

Pamela Stoops

Phone: 465-3850
Date: 4/18/89

Approved By: Warren Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren Endicott

Date: 4/18/89

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: SB 192

There are 20 standing committees (10 House and 10 Senate), the Council, and approximately 4 subcommittees which total 25 committees. Each committee may hold up to 4 meetings during the interim which could total 100 meetings. As 25 legislators are from Anchorage, an Anchorage meeting with 4 Anchorage legislators was assumed for budgeting interim long-term per diem costs.

20 standing committees (10 House and 10 Senate) plus Council and approximately 4 subcommittees. Total = 25 committees

Each Committee- Approximately 4 meetings each.
Total = 100 committee meetings

1 day meeting in Anchorage x 4 Anchorage legislators x \$50/day = \$200 per meeting

25 committees x 4 meetings = 100 meetings x \$200/meeting = \$20,000 per fiscal year.

FY 88 long-term per diem expenditures:	\$181,700
This bill would allow approx.:	<u>\$20,000</u>
Saving	\$161,700

Not all committees will meet 4 times. However, the bill would allow long-term per diem payments for subcommittee meetings as well as committee meetings. Committee meetings are scheduled more often in non-election years. Committees will likely meet frequently during the FY 89-90 interim as it is not an election year.

FISCAL NOTE

REQUEST:

Revision Date: _____ Affect Agency Legislative Affairs Agency
 Title: An Act relating to legislators' eligibility for long-term per diem. BRU: Legislative Council
 Sponsor: Senator Faiks Components Salaries & Allowances
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	0	<31.7>	<31.7>	<31.7>	<31.7>	<31.7>
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	<31.7>	<31.7>	<31.7>	<31.7>	<31.7>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (THOUSANDS OF DOLLARS)

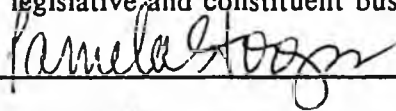
General Fund	0	<31.7>	<31.7>	<31.7>	<31.7>	<31.7>
Federal Fund						
Other						
TOTAL	0	<31.7>	<31.7>	<31.7>	<31.7>	<31.7>


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)

In FY 88 a total of \$181,700 was paid for legislators' long-term per diem during the interim. CSSB 192 (St. Aff.) adds two subsections which strengthen the existing policy along with the recent Legislative Council action. Recent action by Legislative Council on April 24, 1989 added "to qualify for interim per diem, a legislator must attend a meeting for a legislative or public purpose, or spend at least 4 hours of that day on legislative and constituent business."

Prepared By: Pamela Stoops, Director  Phone: 465-3850
 Division: Administrative Services Date: 5/1/89

Approved By: Warren Endicott, Executive Director 
 Agency: Legislative Affairs Agency Date: 5/1/89

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

Continuation of Fiscal Note: CSSB 192 (St. Aff.)

Section 1(c)(3) defines "a meeting with a public purpose."

Section 1 (c)(4) defines the number of hours needed for each day spent on legislative or constituent business to qualify for long-term per diem.

The assumption is made under Section 1 (c)(3) and (4) that instead of 60 days being claimed per legislator a total of 50 days would be claimed.

50 days x 60 legislators = 3,000

3,000 x \$50/day = \$150,000

\$181,700

\$150,000

\$31,700

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4-10-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

2/27/89

DATE TURNED INTO OFFICE 5-2-89

Mr. President:

STATE AFFAIRS

Committee considered

SB 192

legislators' eligibility for long-term per diem

and recommended:

replace with CS SB 192 (St Aff) same title

attached amendment(s) and

new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

James D. Smith
Tom Kelly

Al Adams - Do No Pass

[Signature]
Chairman signature and recommendation

Committee backup attached

Original sponsor: Faiks

adopted

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 192 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislators' eligibility for
7 long-term per diem."

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

9 * Section 1. AS 24.10.105(c) is amended to read:

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

12 (1) during a legislative session if the legislator is
13 living in the legislator's place of permanent residence during the
14 session; [AND]

15 (2) for each day spent attending a meeting of a legislative
16 committee or subcommittee called by the chair when the committee or
17 subcommittee meeting is held in [WHILE ENGAGED IN COMMITTEE BUSINESS
18 OR OTHER LEGISLATIVE BUSINESS AT] the legislator's place of permanent
19 residence;

20 (3) for each day spent attending a meeting with a public
21 purpose called by a local, state, or federal government entity when
22 the meeting is held in the legislator's place of permanent residence;
23 and

24 (4) for each day during which at least four hours are spent
25 on legislative or constituent business in the legislator's place of
26 permanent residence.

Original sponsor: Faiks

draft

ina

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 192 (St Aff)

*Changes in CS
lines 20-26
added*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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19 residence;

20 (3) for each day spent attending a meeting with a public
21 purpose called by a local, state, or federal government entity when
22 the meeting is held in the legislator's place of permanent residence;

23 and

24 (4) for each day during which at least four hours are spent
25 on legislative or constituent business in the legislator's place of
26 permanent residence.

ADDED IN CS

1989 REPORT

OF

THE STATE OFFICERS'
COMPENSATION COMMISSION
STATE OF ALASKA

A Report on Compensation and Benefits
for the
State of Alaska
Executive, Judicial and Legislative Branches

February 21, 1989


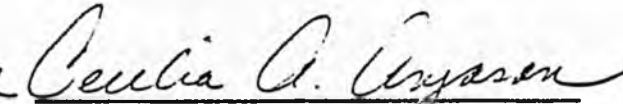

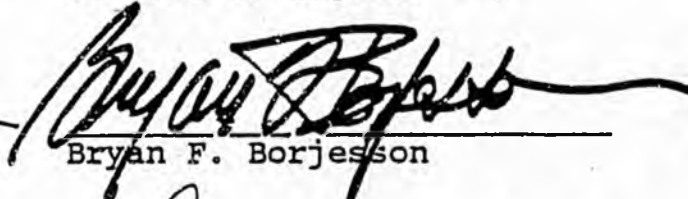
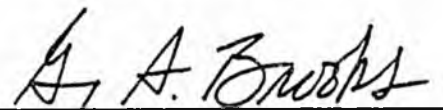
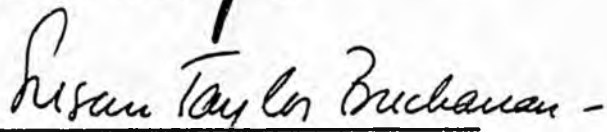
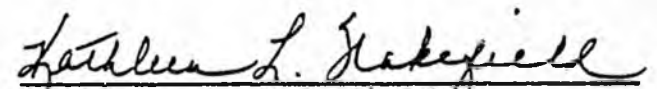
1988 MEMBERS

STATE OFFICERS'
COMPENSATION COMMISSION

	<u>Expiration of Term</u>
Donna C. Willard, <i>Chairman, Anchorage</i> (Business Executive Member)	July 1, 1992
Cecelia A. Angasan, <i>Dillingham</i> (Public Member)	July 1, 1989
Donald Argetsinger, <i>Kotzebue</i> (Public Administrator Member)	July 1, 1990
Bryan F. Borjesson, <i>Fairbanks</i> (Public Member)	July 1, 1992
Gary A. Brooks, <i>Palmer</i> (Labor Member)	July 1, 1989
Susan Taylor Buchanan, <i>Anchorage</i> (Public Member)	July 1, 1990
Kathleen L. Wakefield, <i>Juneau</i> (Non-partisan Voter Organization)	July 1, 1991

CERTIFICATION

The following report and recommendations accurately represent the conclusions and findings of the Alaska State Officers' Compensation Commission.

 Donna C. Willard, Chairman	 Cecelia A. Argasan
 Donald Argetsinger	 Bryan F. Borjesson
 Gary A. Brooks	 Susan Taylor Buchanan
 Kathleen L. Wakefield	

Dated: February 21, 1969

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INTRODUCTION

The State Officers' Compensation Commission was created by the Alaska State Legislature in 1986 (Chapter 124, SLA 1986). It is made up of seven members appointed by the Governor subject to confirmation by the Legislature. No current State or municipal employee or official may serve on the Commission.

The Commission must include one representative of labor, one representative of a non-partisan voter organization, one business executive and one person with experience in public administration. Commissioners are appointed to staggered four-year terms. Members of the Commission receive travel and per diem for attendance at Commission meetings. Members may also receive per diem for work done on behalf of the Commission upon approval of the Chairman. They do not receive any other form of compensation.

The Alaska State Officers' Compensation Commission is charged with reviewing and recommending the salaries of legislative, judicial and executive officers in Alaska. Its responsibility and authority are derived from Title 39 of the Alaska Statutes as enacted by Chapter 124, Session Laws of Alaska 1986, signed into law June 8, 1986.

The Commission is required to review legislative compensation at least once every two years. The first such review was undertaken in 1987. In 1988, the Commission commenced its review of the compensation, benefits and allowances of the justices and judges of the state court system. While thus engaged, it determined that a review of the compensation and benefits paid to the executive branch of state government was also appropriate. Because of the concomitant workload, the Commission did not issue a report in FY 1988. In addition, as mandated by law, the Commission conducted its second review of legislative salaries. Thus, this Report includes analyses and recommendations for all three branches of state government.

The Commission perceives its role as a neutral one: to develop recommendations based on an objective assessment of what compensation should be in light of the inherent responsibilities of the various positions in the executive, judicial and legislative branches and the demands of those positions.

Given the Commission's advisory function, it is left to the Legislature to consider the political implications and the economic climate as it decides whether to enact legislation in accordance with the Commission's recommendations.

EXECUTIVE
BRANCH

EXECUTIVE BRANCH ORGANIZATION

1988

GOVERNOR

DEPARTMENTS	LIEUTENANT GOVERNOR	OFFICE OF THE GOVERNOR
Administration	Division of Elections	Management & Budget (OMB)
Commerce & Economic Development		D.C. Office
Community & Regional Affairs		Other
Corrections		
Education		
Environmental Conservation		
Fish and Game		
Health & Social Services		
Labor		
Law		
Military & Veterans Affairs		
Natural Resources		
Public Safety		
Revenue		
Transportation & Public Facilities		

QUALIFICATIONS FOR OFFICE

The general qualifications for the office of governor, lieutenant governor and commissioners of state departments are set out in the Alaska Constitution and the State Statutes. Additional specific qualifications for commissioners of some departments are spelled out both in the Alaska Statutes and in departmental policies.

In addition to the basic minimum qualifications required by law, the governor and lieutenant governor must run successfully for office in both primary and general elections. The candidates of each party for governor and lieutenant governor who receive the highest number of votes in the primary election become the gubernatorial slate in the general election.

A. LEGISLATIVE REQUIREMENTS

As required by the Constitution and the Alaska Statutes, the following minimum qualifications must be met by a candidate for governor in the State of Alaska:

1. Be at least 30 years of age;
2. Be a qualified voter of the State;
3. Have been a resident of Alaska for at least seven years immediately preceding filing for office;
4. Have been a citizen of the United States for at least seven years.

The same minimum qualifications set out for governor apply to lieutenant governor.

The only legislative qualification generally mandated for commissioners is that they shall be United States citizens. However, professional qualifications for some commissioners, such as Education, are set forth in the Alaska Statutes.¹ All nominees for the post of commissioner must be approved by the Legislature, except the Commissioner of Education.

B. OTHER REQUIREMENTS

Additional qualifications for commissioners may be imposed at the departmental level. For example, the activities of the Departments of Education and Fish and Game are both overseen by boards whose members are appointed by the Governor and confirmed by the Legislature. These boards play a direct role in the selection of the commissioners for their respective departments. The Board of Education, for instance, selects the Commissioner of Education based on a combination of legislatively mandated standards and board policy. The candidate selected is approved by the Governor but is not subject to legislative confirmation. The Commis-

¹ . Qualifications for the Commissioner of Education are contained in AS 14.07.145.

sioner of Fish and Game is also selected by the combined boards of Fish and of Game, but this choice must be approved by both the Governor and the Legislature.

In addition to formal requirements for office, the ability to be elected is the primary requisite for candidates for elective office. Similarly, commissioners appointed by the Governor must meet requirements which the Governor feels to be important. Aside from some familiarity with the area of expertise appropriate to particular departments, such criteria are likely to include administrative experience and the ability to deal effectively with the Legislature and the general public.

EXECUTIVE BRANCH RESPONSIBILITIES

A. THE GOVERNOR

As stated in Article III, Section 1 of the Alaska Constitution, the executive power of the State is vested in the Governor. Section 16 of the State Constitution states that the Governor shall be responsible for the faithful execution of the laws. Section 17 empowers him to convene the Legislature, either one House or the two Houses in joint session, whenever he considers it to be in the public interest. Section 18 requires the Governor to give the Legislature information concerning the affairs of the State at the beginning of each session and to make recommendations he considers necessary.

Section 19 designates the Governor as Commander-in-Chief of the armed forces of the State, while Section 20 enables him to proclaim martial law. Section 21 empowers the Governor to grant certain pardons, commutations and reprieves. Section 23 enables the Governor to make changes in the organization of the executive branch of government or in the assignment of functions among its units which he feels are necessary for efficient administration. Section 24 states that each principal department shall be under the supervision of the Governor.

B. THE LIEUTENANT GOVERNOR

As stated in Article III, Section 7 of the State Constitution, the Lieutenant Governor shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor. To date, these include responsibility for elections; custody of the state seal; repository for state administrative regulations; publication of the Administrative Journal; responsibility for the Administrative Procedures Act and the State Constitution; authentication of state legislation; organization of the first regular session of the Legislature; administration of Notary Public commissions; submission of Federal Election Commission reports; chairmanship of several state boards and commissions; and standing in for the Governor as required.

C. COMMISSIONERS

As stated in Article III, Section 25 of the Alaska Constitution, the head of each principal department shall be a single executive unless otherwise provided by law. The particular responsibilities of each commissioner are defined in the Alaska Statutes governing each agency.

RESTRICTIONS ON ACTIVITIES OF EXECUTIVE BRANCH

Senior members of the executive branch are subject to certain restrictions on their activities. These restrictions, contained both in the Constitution and the Alaska Statutes, are primarily designed to avoid conflicts of interest on the part of the State's top policy makers.

Article III, Section 6 of the Alaska Constitution states that the Governor shall not hold any other office or position of profit in federal or state government or in any political subdivision.

Alaska's Conflict of Interest Law, also referred to as the financial disclosure law, requires the filing of detailed financial statements by the Governor, Lieutenant Governor, head or deputy head of, or director of a division within a department of the executive branch, assistants to the Governor, and members of certain state boards or commissions.² Statements are filed with the Alaska Public Offices Commission within 30 days of taking an oath of office and, thereafter, by April 15 of each year.

The financial statement is a sworn document which details the executive branch official's, and his or her family's, reportable financial interests during the prior calendar year. It must include all sources of income or capital gains over \$100 received during that period by the official, his or her spouse and each dependent child or non-dependent child who resides with the official. In addition, if an official, or an immediate family member, are self-employed or hold more than 50 percent of the stock in a corporation, they must disclose all clients and customers from whom more than \$100 was received during the preceding calendar year, except for those for whom client exemption is requested.

For the same period, officials must also detail the identity, location and nature of each business involvement, including non-profit corporations, in which he or she or an immediate family member was engaged; show the identity and nature of each interest in real property, including options to buy; describe each trust, including pension and profit-sharing accounts and Keogh plans, or fiduciary relationships; disclose all loans, loan guarantees or financial obligations over \$500; reveal all contracts offered, bid or held during the preceding calendar year with the State or its instrumentalities; and detail all leases or offers to lease natural resources.

Certain exemptions from the reporting requirements of the Conflict of Interest Law have been provided, principally in situations where disclosure is prohibited by law

². AS 39.50 *et seq.*

and would subject the official to criminal and civil penalties.

Failure to comply with the provisions of the Conflict of Interest Law can result in the assessment of civil and criminal penalties ranging from fines to recommendations for removal from office, loss of remuneration and referral to the Office of the Attorney General for further civil or criminal action.

More recently, the Alaska Executive Branch Ethics Act of 1986 mandated additional restrictions for senior members of the executive branch both during and after their terms of employment.³ Aside from stating obvious ethical conflicts such as misuse of official position; acceptance of improper gifts; improper use or disclosure of information; improper influence in State grants, contracts, leases or loans; and improper representation, the Act places restrictions on outside employment during state service as well as on employment after an executive has left state service, as follows:

1. **Outside employment restricted.** (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency shall report, by July 1 of each year, the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.⁴
2. **Restrictions on employment after leaving state service.** A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination, but does not include the proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures; or the proposal, consideration, or adoption of administrative regulations.⁵

However, the most severe restrictions on activities of top executives in state government do not derive so much from legislation as from the need to put personal careers "on hold" for an unspecified amount of time, together with the necessity, in most cases, to move to Juneau. Unlike the judicial branch, the posts of governor, lieutenant governor and commissioner are not seen as career jobs. A governor or lieutenant governor may not serve more than two complete consecutive terms, while commissioners serve at the pleasure of the Governor, frequently for less than one full term.

Unless individuals have previously accrued time in the state retirement system,

³. AS 39.52 *et seq.*

⁴. AS 39.52.170.

⁵. AS 39.52.180.

it is possible that they may not be able to realize such benefits in future years. Furthermore, while some individuals may be able to utilize their experience in state government to future economic advantage, others may find the disruption which public service has inflicted on their private careers to be more than offsetting.

EXECUTIVE BRANCH SALARIES AND BENEFITS

A. SALARIES

The current salaries for the Governor, Lieutenant Governor and commissioners have been in effect since 1985. They are as follows:

1. Governor.....\$81,648⁶
2. Lieutenant Governor\$76,188
3. Commissioners\$77,304, equivalent to Step E,
Range 28 of the salary
schedule in AS 39.27.011(a)
for Juneau.

Since the Governor, Lieutenant Governor and all commissioners are based in Juneau, with the exception of the Adjutant General, who is the Commissioner of Military and Veterans Affairs and who is based in Anchorage, no top members of the executive branch are eligible to receive geographic cost of living adjustments.

B. BENEFITS

The Governor and Lieutenant Governor are not considered employees of the State for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time and travel allowances. However, as a matter of policy, state regulations relating to per diem and expenditures are followed as closely as possible. In addition, the Governor and Lieutenant Governor have the right to participate in the state retirement system and in state group insurance plans.⁷

The Governor is provided with a vehicle and an official residence, with staff, in Juneau throughout the term of his office. The Governor's Mansion is considered a public facility which receives its own operating budget. Those funds are utilized for the maintenance and upkeep of the Mansion as well as for formal entertainment expenses.⁸

⁶. In an apparent dispute between the executive and legislative branches, the salaries of governor and lieutenant governor were frozen in 1985. Although a raise was accorded in 1983, to the amounts currently being paid, no salary increase was granted in 1985 when other executive and judicial compensation was raised. Thus, while in prior years, the Governor's salary was equal to that of a supreme court justice, that parity was destroyed in 1985 when the judicial salaries, but not the gubernatorial salary, were raised.

⁷. AS 39.20.060.

⁸. The Commission estimated that the perquisites of office, or intangible benefits, accruing to the Governor, amounted to approximately \$30,000 per year.

Commissioners are eligible to receive the same retirement, supplemental benefits and health insurance benefits as the Governor, Lieutenant Governor and other members of the executive branch. Unlike the Governor and Lieutenant Governor, commissioners also receive personal leave benefits. The various benefits are as follows:

1. Retirement

All permanent full-time and part-time, defined as persons who work twenty or more hours per week, state employees are required to be members of the Public Employees' Retirement System (PERS). Elected officials, including the Governor and Lieutenant Governor, are automatically covered under PERS, unless a written waiver is filed. Employees are required to contribute 6.75 percent of all salary, with peace officers and firemen required to contribute a higher percentage. The State, as employer, must contribute the balance needed to pay future benefits. During FY 1989, the State must contribute an average of 9.38 percent of each employee's salary.

State employees are vested in the PERS when they have at least five paid-up years of creditable PERS service. For persons terminating state service, contributions must be left in the PERS in order for them to stay vested. Persons meeting the minimum PERS service requirements and who were first hired under the PERS before July 1, 1986 can retire at age 55 for normal, or age 50 for early retirement. Those hired after June 30, 1986 can retire at age 60 for normal, or age 55 for early retirement.

Benefits are calculated by applying a percentage multiplier to the average monthly compensation; i.e., adding the compensation earned during an employee's three highest consecutive payroll years and dividing the total by the number of months worked during that same period, times an employee's PERS service. The percentage multiplier, for members other than peace officers and firemen, is 2 percent per year for all service earned up to 10 years. For service earned after June 30, 1986, the multiplier rises to 2.25 percent for all service over 10 years but less than 20 years, and 2.5 percent for all service over 20 years.

2. Supplemental Benefits

The Supplemental Benefits System (SBS) was designed to provide benefits in lieu of those supplied by the social security system from which the State withdrew. Employees contribute 6.13 percent of their salary, with the State contributing an equal amount. Each enrollee has the option of selecting a variety of benefits, including disability benefits, life insurance, supplemental health insurance or annuities from his or her SBS account.

These benefits can be tailored to meet an employee's individual needs. Upon retirement, the outstanding balance in an SBS account, which includes principal and interest, becomes available to the employee or his or her beneficiary.

3. Personal Leave

Commissioners are entitled to personal leave which is a combination of medical and vacation leave. This differs from some of the general government employees

who have separate sick leave and annual leave entitlements.

Personal leave entitlement is calculated based on a 40 hour work week and on years of eligible state service. A commissioner is entitled to 16 hours per monthly pay period if he or she has less than two years of service; 18 hours per pay period for two to five years of service; 20 hours per pay period if he or she has more than five years but less than ten years of service; and 24 hours per pay period if he or she has more than ten years of service.

Thus, after two years of service, a commissioner is entitled to personal leave of 27 days per year and after five years, he or she is entitled to 30 days per year.

Once a commissioner terminates his or her service, accrued personal leave may be cashed out. If a commissioner transfers to another state position, the leave may also be transferred, although if the new position divides leave into sick and annual categories, the accrued personal time is allocated among the two.

4. Health Insurance

All executive branch employees are covered by the same basic health insurance plan which is available to general government employees. Also, like other state employees, they may also elect to receive additional health insurance coverage under the State's Supplemental Benefits System.

5. Leave Without Pay

In addition to personal leave, commissioners may take leave without pay. Permission to take such leave must be obtained from the Governor's chief of staff.

COMPARISON WITH OTHER STATES

A. SALARIES

State Officers' Compensation Commission staff contacted each state to determine the current salary of the chief executive. However, it is not practical to compare the salaries of lieutenant governors since their duties differ from state to state. Similarly, it is impractical to attempt to compare salaries of commissioners because the manner in which they attain office may be elective or appointive and very few states pay all commissioners at the same rate.

As indicated by Table 2, the salary of the Governor of the State of Alaska ranked 19th among the states in 1988.

B. BENEFITS

No attempt was made to compare the benefits accruing to top Alaska executive branch officials with those of other states except to note that provision of an official residence for the governor is a benefit common to all other states except Arizona, Massachusetts and Vermont. In general, however, it can be stated that the benefits available to executive branch employees in Alaska are superior to those available to such employees in many other states.

C. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries or benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

COMPARISON WITH OTHER STATE EMPLOYEES

Table 3 indicates the salaries of the top officials of the executive branch, compared with those of chief executives of various independent state agencies and the University of Alaska. Table 4 lists the annual salaries of state employees within the various departments, including independent state agencies, which were greater than those of the commissioners as of the beginning of 1988¹.

In general, the salaries of state employees which exceed those of the governor and various commissioners are paid to persons having highly specialized levels of expertise. In addition, in the Department of Law, persons with salaries greater than that of the Attorney General have many years of state service.

The following observations can be made:

1. The base salary of \$81,648 paid to the Governor is less than the salary of \$85,728 which supreme court justices receive. The failure to raise the salaries of the Governor and Lieutenant Governor in 1985, which was earlier referenced, accounts for this difference. One non-salary benefit accruing to the Governor, housing, is not available to the judiciary. The salaries of other state judges are lower than that of the Governor.
2. The base salary of \$77,304 paid to commissioners is the same as that received by superior court judges.
3. The base salaries of chief executives of independent state agencies and corporations are highly variable. In 1987, the executive directors of four of these agencies and corporations, the Alaska Permanent Fund Corporation, the Alaska Power Authority, the Alaska Railroad Corporation and the Postsecondary Education Commission, received base salaries which exceeded that of the Governor. In two cases, those of the Alaska Permanent Fund Corporation and the Alaska Railroad Corporation, the salaries also exceeded that paid to state supreme court justices.
4. Base salaries paid to top officials of the University of Alaska exceed those paid to either the Governor or members of the Alaska judiciary. The same is true with respect to the salary paid to the Superintendent of the Anchorage School District.
5. Some state employees with long service, particularly in the Department of Law,

¹. These salary figures were current as of the period November 1987 through January 1988.

earn base salaries higher than that of their commissioners. In 1987, one Department of Law employee had a base salary in excess, not only of the Attorney General but also of that paid to Alaska Supreme Court justices. Another seven employees in the same Department had base salaries equal to or exceeding that paid to Court of Appeals judges. In 1988, two Department of Law employees had base salaries in excess of that paid to Alaska Supreme Court justices and another five had base salaries equal to or exceeding that paid to Court of Appeals judges.

6. The base compensation of the Administrative Director of the Court System is pegged at \$2,000 less than that received by supreme court justices, for a salary of \$83,728. Thus, he currently earns more than the Governor.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since statehood which have shaped and changed the Alaska executive branch. The basic character of the executive branch was established by the State Constitution and the State Organization Act of 1959. Changes since that time have been enacted through state statutes and executive orders. A history of changes in executive branch compensation, together with that for the judiciary, is contained in Table 1.

CONSTITUTIONAL PROVISIONS

1959 — Article III of the State Constitution outlines the authority, powers, responsibilities and qualifications for office; establishes procedures for succession, plus declarations of martial law and executive clemency; and sets out guidelines for organization of the executive branch.

Specifically, the Constitution contains the following relevant provisions:

Governor:

The executive power of the state is vested in the Governor. (Section 1).

The Governor shall be at least 30 years of age and a qualified voter of the State. He shall have been a state resident for at least 7 years immediately preceding his filing for office and shall have been a U.S. citizen for at least 7 years. (Section 2).

The term of office of the Governor is 4 years. (Section 4). No person who has been elected governor for two full terms shall be eligible to again hold that office until one full term has intervened. (Section 5).

The Governor shall not hold any other office or position of profit under the United States, the State or its political subdivisions. (Section 6).

The Governor shall be responsible for the faithful execution of the laws. This authority shall not be construed to authorize any action or proceeding against the Legislature. (Section 16).

Whenever the Governor considers it in the public interest, he may convene the Legislature. (Section 17).

The Governor shall, at the beginning of each session, give the Legislature information concerning the affairs of the State and recommend the measures he considers necessary. (Section 18).

The Governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary

for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The Legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. (Section 23).

Lieutenant Governor:

The Lieutenant Governor was originally denominated Secretary of State but the title was changed by Constitutional amendment approved by the voters on August 25, 1970, becoming effective October 10, 1970. A candidate for this position must meet the same qualifications as those set for the office of governor and shall serve for the same term.

The Lieutenant Governor shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor. (Section 7). In the temporary absence of the Governor from office, the Lieutenant Governor shall serve as acting governor. (Section 9).

In the case of a vacancy in the office of governor for any reason, the Lieutenant Governor shall succeed to the office for the remainder of the term. (Section 11).

The compensation of the Governor and Lieutenant Governor shall be prescribed by law and shall not be diminished during their terms of office, unless by general law applying to all salaried offices of the State. (Section 15).

Commissioners:

All executive and administrative departments and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than 20 principal departments. Regulatory, quasi-judicial and temporary agencies need not be allocated within a principal department. (Section 22).

Each principal department shall be under the supervision of the Governor. (Section 24).

The head of each principal department shall be appointed by the Governor, subject to confirmation by the Legislature, and shall serve at the pleasure of the Governor. The heads of all principal departments shall be citizens of the United States. (Section 25).

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the Governor, subject to confirmation by the Legislature, and may be removed as provided by law. They shall be United States citizens. (Section 26).

1970 — SJR 2¹⁰

Changed the name of the Secretary of State to Lieutenant Governor.

¹⁰. The Constitutional provisions affected are Article III, ((7-11, 13-15 and 25; Article XI, ((2-6; and Article XIII, ((1-3.

LEGISLATIVE ENACTMENTS AND EXECUTIVE ORDERS

1959 — **State Organization Act of 1959** (Sections 1 and 2, Chapter 64, SLA 1959):
Section 2 created and established the following principal departments and offices: Office of the Governor, Department of Administration, Department of Law, Department of Revenue, Department of Education, Department of Health and Welfare, Department of Labor, Department of Commerce, Department of Military Affairs, Department of Natural Resources, Department of Fish and Game, Department of Public Safety, and Department of Public Works.

Section 4 specified that the head of every principal executive department shall be appointed by the Governor, subject to confirmation by a majority of the members of the Legislature in joint session, shall serve at the pleasure of the Governor, and shall receive such compensation as may be fixed by law.

Section 6 established standards for members of boards appointed by the Governor, subject to confirmation by a majority of the members of the Legislature in joint session.

Subsequent sections of the State Organization Act related to the organization of the various departments and offices; to the establishment of interim boards; and to the abolition of previously existing agencies and offices.

— **Section 1, Chapter 105, SLA 1959:**

Established maximum annual salaries for the heads of twelve principal executive departments:

Commissioner of Administration	\$17,000
Attorney General	17,000
Commissioner of Education	17,000
Commissioner of Health & Welfare	17,000
Commissioner of Natural Resources	17,000
Commissioner of Fish and Game	17,000
Commissioner of Public Works	17,000
Commissioner of Commerce	15,000
Commissioner of Revenue	15,000
Commissioner of Labor	15,000
Commissioner of Public Safety	15,000
Adjutant General	12,000

1962 — **Section 1, Chapter 159, SLA 1962:**

Created the Department of Economic Development and Planning.

— **Section 2, Chapter 128, SLA 1962:**

Department heads to receive a salary not to exceed the following:

Commissioner of Highways	\$19,000
Commissioner of Administration	18,000
Attorney General	18,000
Commissioner of Education	17,000
Commissioner of Health & Welfare	17,000

Commissioner of Natural Resources	17,000
Commissioner of Fish and Game	17,000
Commissioner of Public Works	17,000
Commissioner of Revenue	17,000
Commissioner of Labor.....	17,000
Commissioner of Public Safety	17,000
Commissioner of Commerce.....	17,000
Commissioner of Economic Development	17,000

1963 — **Sections 1 and 2, Chapter 49, SLA 1963:**

Section 1 listed the following principal offices and departments in state government:

- (1) Office of the Governor;
- (2) Department of Administration;
- (3) Department of Law;
- (4) Department of Revenue;
- (5) Department of Education;
- (6) Department of Health and Welfare;
- (7) Department of Labor;
- (8) Department of Commerce;
- (9) Department of Military Affairs;
- (10) Department of Natural Resources;
- (11) Department of Fish and Game;
- (12) Department of Public Safety;
- (13) Department of Public Works;
- (14) Department of Economic Development and Planning;
- (15) Department of Highways.

Section 2 established the Department of Highways.

1965 — **Section 1, Chapter 115, SLA 1965:**

Section 1 set the annual salary of the Governor at \$27,500.

Section 2 set the annual salary of the Lieutenant Governor at \$21,000.

Section 3 set the annual salaries of commissioners at \$20,000 except for that of the Adjutant General which was set at \$17,000.

1966 — **Section 1, Chapter 156, SLA 1966:**

Provided for uniformity in the salaries of all commissioners, effective July 1, 1966. At that date, all commissioners were entitled to an annual salary of \$20,000.

1971 — **Section 1, Chapter 120, SLA 1971:**

Section 1 created the Department of Environmental Conservation.

1972 — **Section 1, Chapter 20, SLA 1972:**

Section 1 created the Department of Community and Regional Affairs.

- 1975 — **Section 1, Chapter 207, SLA 1975:**
Abolished the Department of Economic Development and Planning.
- 1977 — **Executive Order No. 39:**
Created the Department of Transportation and Public Facilities.
- 1984 — **Executive Order No. 55:**
Created the Department of Corrections.
- 1986 — **Section 1, Chapter 87, SLA 1986:**
Adopted the Alaska Executive Branch Ethics Act which provides a code of ethics for public officers in the executive branch, and establishes procedures for the hearing of complaints, and for enforcement of the Code.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the Governor, Lieutenant Governor and commissioners:

Governor	\$100,000 per year
Lieutenant Governor	76,188 per year
Cabinet officers	92,000 per year

The Commission also recommends that commissioners be allowed 12 weeks of maternity leave.

B. RATIONALE

First, it should be noted that, as with the federal system, there are three co-equal branches of government in Alaska; the executive, the judicial and the legislative. Thus, as nearly as possible, given the divergent responsibilities, lengths of service and hours expended, the compensation of the responsible leaders should also be co-equal.

That fact was apparently first recognized in 1979 when the salaries of the governor and supreme court justices, both full-time positions, first reached parity.¹ And that equality was maintained until 1985 when, for whatever reason, the justices were accorded a raise while the gubernatorial salary was maintained at the 1983 level. In 1985, the justices were raised to a salary level of \$85,728, elevating them above the amount paid to the Governor who remained at a salary of \$81,648. There has been no increase, for either branch, since that date.

It should furthermore be recognized that, since 1985, when Alaska's governor was ranked seventh in the nation, he now occupies nineteenth position.²

Apart from the foregoing, the Commission also recognized that the Consumer Price Index in Alaska (Anchorage) increased 7.1 percent between 1985 and July 1988. If that percentage alone were to be applied to what should have been a 1985 gubernatorial salary of \$85,728, it would mean that the Governor of the State of Alaska would be entitled to base compensation of \$91,815, solely as the result of inflation.³

The recommended salary for the Governor is based on a longer term review of changes in the Consumer Price Index for Alaska (Anchorage) since 1975. If im-

¹. Table 1.

². Table 2.

³. See Appendix A and Table 19.

plemented, it would place Alaska's governor fourth in the nation!⁴ Given the difficulties which our State faces, and with which its chief executive must deal, the Commission believes that the recommended salary is both prudent and fair.

The Commission recommended no salary increase for the Lieutenant Governor. It noted that higher utilization of the Lieutenant Governor beyond the present responsibilities of overseeing the currently assigned duties should be achieved before additional compensation is warranted. The Commission recognized that individuals holding the office may undertake more or fewer duties but felt that additional statutory duties for the office should be assigned in order to justify any further increase in salary!⁵

In recommending the salaries of the commissioners of the State of Alaska, the Commission relied heavily on a tier system. In their minds, albeit recognizing the differences between the longtime service of superior court judges and the appointed executive branch positions, the two could be most closely juxtaposed. Thus, for both, identical salaries were recommended.

The issue of maternity leave has received increased attention during the past few years, including the introduction in Congress of the Family and Medical Leave Act of 1987 and the Parental and Medical Leave Act of 1988!⁶ In support of this type of legislation, Dr. T. Berry Brazelton testified that a period of at least three months of prolonged intimate contact between parent and newborn child is necessary to facilitate their "bonding" or attachment and identification with each other!⁷ Other studies and opinions support that statement!⁸

The Commission unanimously agrees that maternity leave, in conformity with the foregoing, is an important aspect of any worker's life and that, at a minimum, 12 weeks' leave should be accorded.

⁴. See Table 2.

⁵. A similar conclusion was reached by the Hawaii Public Officers and Employees Compensation Review Commission in its Report presented to the 12th Hawaii State Legislature on February 28, 1983.

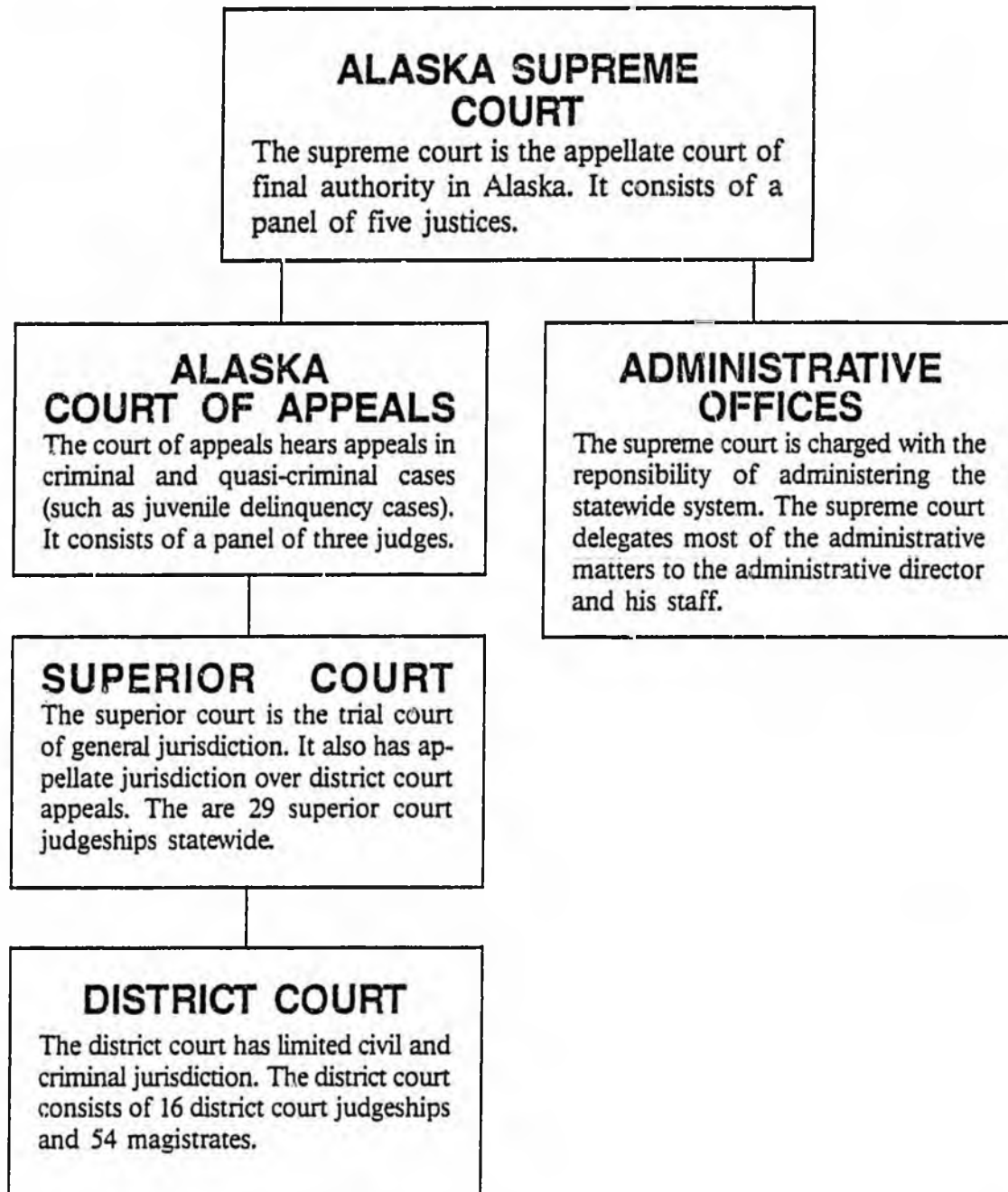
⁶. H.R. 4300, the 1987 bill, in its introduction, states, in pertinent part: "The Congress finds that (1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly, (2) it is important to the development of the child and to the family unit that fathers and mothers be able to participate in early childrearing and the care of their children who have serious health problems, (3) the lack of employment opportunities to accommodate working parents can force individuals to choose between job security and parenting. . . ." The Senate version of the 1988 Act is designated S.2488 while the House version carries the number H.R. 925.

⁷. Colvin, *New Perspectives in Parental Leave: The Family and Medical Leave Act of 1987*, 12 *Employee Relations Law Journal* 546, 553 (1987). Dr. Brazelton is associate professor of pediatrics at Harvard Medical School and chief of the Child Development Unit of the Children's Hospital.

⁸. See Catalyst, *Report on a National Study of Parental Leave*: (1986); Note, H.R. 4300, *The Family and Medical Leave Act of 1986: Congress' Response To the Changing American Family*, 35 *Clev. St. L. Rev.* 455 (1987); Note, *Maternity Leave Policies: an International Survey*, 11 *Har. Women's L.J.* 171 (1988); Note, *An Overview of Federal and State Protections for Pregnant Workers*, 56 *Cincinnati L. Rev.* 757 (1987); and Staff Report, Subcommittee on Civil Service Committee on Post Office and Civil Service, *Federal Agency Parental Leave Policies*, 83 (1988).

JUDICIAL
BRANCH

ALASKA COURT SYSTEM ORGANIZATION



The Alaska judiciary has a unified, centrally administered, and totally state funded judicial system. County and municipal governments do not maintain a separate court system.

JUDICIAL QUALIFICATIONS

According to the American Bar Association, "the quality of a court system is determined chiefly by the quality of its judges. Judges should be selected on the basis of ability, character, training and experience, by a procedure that assures that selection is made on a merit basis."¹⁹

In August of 1983, the American Bar Association approved guidelines for reviewing qualifications of candidates for state judicial office in the following areas: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, health, financial responsibility, and public service.

Although prescribed judicial qualifications in Alaska appear, at first glance, to be relatively straightforward, candidates for judicial office are closely screened and evaluated. The performance of Alaska judges is subject to evaluation by the Alaska Judicial Council and is ultimately judged by the voters in retention elections.²⁰ In order to become and remain a Supreme, Appellate, Superior or District Court judge in Alaska, one must:

1. Possess the minimum qualifications prescribed by the State Constitution and general law;
2. Be considered one of two or more candidates deemed "most qualified" for the judicial vacancy when nominated; and
3. Perform his or her judicial duties to the satisfaction of the electorate.

A. LEGISLATIVE REQUIREMENTS

As prescribed by Title 22 of the Alaska Statutes and/or the Alaska Rules of Court, the following minimum qualifications must be met in order for a person to be considered by the Alaska Judicial Council for nomination to a judgeship:

Supreme Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for 5 years immediately before appointment;
3. Have been engaged in the active practice of law for at least 8 years immediately prior to appointment;
4. Be licensed to practice law in Alaska at the time of appointment.²¹

¹⁹. American Bar Association, *Standards Relating to Court Organization*, (1984).

²⁰. Alaska Constitution Article IV, Section 6.

²¹. AS 22.05.070.

Court of Appeals

Same qualifications as for the Supreme Court.²²

Superior Court

Same qualifications as for Supreme Court and Court of Appeals except that the candidate must have engaged in the active practice of law for not less than 5 years prior to appointment.²³

District Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for at least 5 years immediately prior to appointment;
3. Have been engaged in the active practice of law for not less than 3 years immediately prior to appointment or have served at least 7 years as a magistrate in the State;
4. Be at least 21 years of age.²⁴

In addition, Rule 19 of the Administrative Rules of Court mandates that district court judges have a law degree.²⁵

B. EDUCATION AND QUALIFICATIONS

As set forth in the applicable statutes and rules, the members of the Alaska judiciary must be members of the Alaska Bar Association. Implicit in that requirement is the necessity for a formal post high school education which generally means acquisition of a four year undergraduate degree and subsequent graduation from the three year program of an American Bar Association accredited law school. Thus, most attorneys have seven years of higher education.

After graduating from law school, in order to practice law, each prospective attorney must take and pass a rigorous two and one-half day examination administered by the state in which he or she intends to practice. Upon passage of the written exam, and after demonstrating good moral character, the candidate is admitted to the Bar. Every applicant for the bench in Alaska must have completed these requisites.

C. ALASKA JUDICIAL COUNCIL EVALUATION

The Alaska Judicial Council operates independently of the court system. It was created by the State Constitution to perform two primary functions. They are to solicit, screen and nominate applicants for gubernatorial appointments to vacant judgeship positions and conduct studies for improvement in the administration of justice and to make recommendations to the Legislature and the Supreme Court.²⁶

²². AS 22.07.040.

²³. AS 22.10.090.

²⁴. AS 22.15.160.

²⁵. The currently authorized judgeships in the State of Alaska are set forth in Table 5.

²⁶. Alaska Constitution, Article IV, Section 8.

The Council is comprised of the Chief Justice of the Alaska Supreme Court who serves as chair and *ex officio* member; three attorney members appointed by the Board of Governors of the Alaska Bar Association; and three non-attorney members appointed by the Governor and subject to confirmation by the majority of members of the Legislature sitting in joint session. These six members serve for six year terms.

With regard to the Council's primary function, nomination of judicial candidates, applicants for gubernatorial appointments to vacant judgeships must undergo a comprehensive review process. They must first complete the Council's "Application for Judicial Appointment" questionnaire, together with appendices, provide a physician's certification of the applicant's health and submit a legal writing sample. Each applicant is then evaluated by the following means:

1. **The Bar Survey.** All active members of the Alaska Bar Association are asked, by an independent firm, to rate each candidate on a 5-point scale in five areas: professional competence, judicial temperament, integrity, suitability of experience for the position, and fairness. Members are asked to indicate whether their ratings are based on direct professional experience, other personal contacts or reputation.²⁷
2. **Letters of Reference.** Confidential letters of reference are solicited by the Council as part of its evaluation process.
3. **Investigation of Applicants.** The Council is empowered to conduct such investigations as may be necessary or desirable into the applicants' background for the purpose of evaluating fitness for judicial appointment.
4. **Screening.** Following its review of the applications, investigative and survey data, the Council screens the various candidates for formal interviews.
5. **Interviews.** As the final stage of the evaluation process, applicants are invited to a one-half hour interview with the full Alaska Judicial Council where they are asked about their judicial philosophy and are given an opportunity to respond to or explain any information of importance gathered during the investigation.

Following the interviews, the Alaska Judicial Council submits a list of nominees to the Governor of those candidates deemed to be the "most qualified." This list must include at least two names.

D. SELECTION BY THE GOVERNOR_____

The Governor has 45 days to appoint a nominee from the list submitted by the Alaska Judicial Council to fill a particular judicial vacancy.

²⁷ The Alaska Bar Association is comprised mainly of attorneys living and practicing law in the State of Alaska and state court judges.

E. RETENTION BY VOTERS

As provided by Alaska law, judges are periodically required to stand for retention by the voters. They do not run against other candidates — the voters merely vote to either retain or not retain particular judges or justices. District Court judges must stand for retention in the first general election held not sooner than one year after appointment and every four years thereafter. Supreme Court, Court of Appeals and Superior Court justices and judges stand in the first general election held not sooner than three years after initial appointment and ten, eight and six years respectively thereafter.

As part of the retention election process, the Alaska Judicial Council is responsible for conducting retention evaluations. The Council uses a three-part plan to evaluate all judges eligible for retention in a given election year, as follows:

1. The Council surveys all active members of the Alaska Bar Association and all State peace officers and probation officers. Bar Association members are asked to rate each appellate judge or justice on a 5-point scale in twelve categories and each trial court judge on the same scale in 21 categories. Peace and probation officers do not rate appellate judges but rate all trial court judges in 16 categories. All survey respondents indicate the amount and nature of their experience before each judge. Peace and probation officers evaluate trial judges using the same criteria except for those relating to the judge's legal reasoning, knowledge of civil and criminal law, and settlement skills. Following the Council's review, quantitative evaluations of all judges who have filed for retention are made public.
2. Brief narrative questionnaires are completed by selected counsel who have appeared before each judge or justice during the current term. The purpose of these questionnaires is to validate the results of initial survey findings and to obtain further information on aspects of judicial performance. Council questionnaire results are summarized and submitted to the Council for review.
3. Each justice or judge seeking retention is asked to complete a personal questionnaire regarding his or her judicial performance, health and judicial and non-judicial activities during the current term of office.

Following a review of these and other appropriate data, the Alaska Judicial Council votes to recommend either for or against each judge up for retention. These findings are made public for consideration by the voters.

Since Statehood, one Supreme Court justice and two District Court judges have been rejected by the voters, the latter on the recommendation of the Alaska Judicial Council.

The Alaska Judicial Council believes that its extensive review of potential candidates and monitoring of judicial performance have contributed to the quality of persons seeking judicial office. This belief is bolstered by higher Bar ratings for more recently appointed justices and judges, for example those appointed using the above conditions of review by the Council.²⁸ The Council also considers that the high proportion of justices and judges who make the judiciary a lifetime career is an indication of their commitment to the office.²⁹

²⁸. See Table 6.

²⁹. See Table 7.

JUDICIAL RESPONSIBILITIES

The four levels of state courts in Alaska are Supreme, Appeals, Superior and District, each with different powers, duties and responsibilities. The Supreme Court and the Court of Appeals are referred to as appellate courts, while the Superior and District Courts are referred to as trial courts. Unlike many other states, Alaska has no municipal courts.

A. DIVISION OF RESPONSIBILITY

The responsibilities of the state courts are set out in Title 22, Alaska Statutes. In general, they can be summarized as follows:

1. Supreme Court

The five member Supreme Court is the highest court in Alaska.

The Supreme Court is empowered by the Alaska Constitution to establish rules governing the administration of all state courts and those governing practice and procedure in civil and criminal cases.

The Supreme Court hears cases on appeal from throughout the State.

- An appeal may be taken to the Supreme Court from any final judgment entered by the Superior Court in a civil action or proceeding;
- In criminal and certain quasi-criminal actions, the Supreme Court has the discretion to accept or deny a litigant's request that it review decisions made by the Court of Appeals; and¹⁰
- The Supreme Court may take jurisdiction of a case pending before the Court of Appeals if the latter court certifies that the case involves a significant question of constitutional law or an issue of substantial public interest.

2. Court of Appeals

The three member Court of Appeals has the authority to hear appeals from judgments in criminal and certain quasi-criminal cases in which prisoners are challenging the legality of their confinement and cases involving probation and parole decisions.

- Criminal appeals from the District Court can be taken to the Superior Court or the Court of Appeals, at the option of the defendant; and

¹⁰. Quasi-criminal actions are defined as infractions with minimal fines and no jail time or loss of license.

- A defendant who appeals from District Court to Superior Court may ask the Court of Appeals to review the Superior Court decision, although the Court of Appeals may refuse such requests.

3. Superior Court

The Superior Court currently has 29 members allocated among four judicial districts. It is the trial court of general jurisdiction, with original jurisdiction in all civil and criminal matters. The jurisdiction of the Superior Court is summarized by the Alaska Court System as follows:

- It handles all felony criminal trials and all civil matters where the amount in controversy exceeds \$35,000;
- It serves as an appellate court of appeals from the District Court;
- It hears cases involving children who have committed crimes or who are abused or neglected;
- It hears cases involving the property of deceased or incompetent persons;
- It hears cases involving the involuntary commitment of persons to institutions for the mentally ill; and
- It handles domestic relations matters.

4. District Court

The District Court currently has 17 members allocated among four judicial districts. The Supreme Court has the power to increase or decrease the number of District Court judges within each division through changes in Rule 19 of the Administrative Rules of Court. The jurisdiction of the District Court is summarized by the Alaska Court System as follows:

- It hears State misdemeanors and violations of city and borough ordinances;
- It issues summonses, arrest warrants and search warrants;
- It hears first appearances and preliminary hearings in felony cases;
- It issues absentee ballots and records vital statistics in some areas of the State;
- It serves as coroner, holds inquests and acts as temporary caretaker of property of decedents;
- It hears civil cases valued up to \$35,000;
- It hears small claims cases to a maximum amount of \$5,000;
- It handles cases involving children on an emergency basis; and
- It hears domestic violence cases.

B. CASELOADS

Alaska Court System caseload statistics from Fiscal Year 1982 through Fiscal Year 1988 were examined.³¹ In general, the number of filings in the Supreme and Appeals Courts increased significantly between FY 1982 and FY 1984 and again between FY 1985 and FY 1986. Filings in the Superior Court increased through

³¹ See Tables 8 and 9.