

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6688 SENATE STATE AFFAIRS

1092

Senator Jack Coghill
Page 3
March 21, 1989

phrase of "holding office". My solution is "until the second biennial election after leaving office."

I believe this formula works and, even, is consistent with your request.

If I may be of further assistance, please advise.

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wkk3/029

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Saturday, February 6, 1988

Coghill seeks term limit for legislators

JUNEAU (AP)—Sen. Jack Coghill lost the first debate 33 years ago, but he has returned to try again.

The Nenana Republican was a delegate to the state constitutional convention in 1955 when a proposal to limit legislators' terms was defeated.

Coghill now is proposing a constitutional amendment to limit legislative service to eight consecutive years.

"It was never designed for legislators to be professionals," he said Friday.

New legislators bring with them new ideas and fresh approaches to old problems, Coghill said. Lawmakers with too much seniority can get too attached to the laws they helped write and often may resist change, he said.

He proposes an eight-year limit on House or Senate service, or any combination of the two. His proposal would allow a legislator to sit out a term and then return for another eight years.

Finances are another reason Coghill proposes a limit on legislative service. The senator favors higher salaries for legislators, but until that happens House and Senate members must depend on other jobs for income.

A break in service would allow a lawmaker to return to a private sector job "to build up his reserves so he could come back and afford to do this," Coghill said.

By law, legislators get a base annual salary of \$22,500 a year, varying amounts of per diem and \$4,000 for office expenses.

Coghill does not believe that a short return to private sector employment would be a temptation for influence peddling. "I don't subscribe to the fact that under every tree is somebody trying to buy a vote in the Legislature."

The senator said Alaska gov-

ernors are limited to eight years in office, as is the president. He said he favors a similar limit for Congress.

Another benefit, Coghill said, would be to take many legislators out of re-election contests and the necessary "political mode," and place them in the "statesman mode" at the end of their eight years.

If the law were in effect this year, five House members would be over the limit by the end of the year. Half of the 20-member Senate would be out now or at the end of the year. He's hoping for passage of the resolution (SJR60) in time to put the question on the 1990 ballot.

Coghill was elected to the territorial House in 1952 and 1956 and to the territorial Senate in 1958. He was elected to the state Senate in 1960 and 1962, then took a long break before returning in 1984.

2-17-88 ANC. TIMES

Eight years is enough

IF THERE'S one thing on which legislators don't want the people to vote, it's a proposal to set a limit on the number of terms a person can serve as a lawmaker.

So don't expect much action on a proposed constitutional amendment submitted last week by veteran Republican state Sen. Jack Coghill.

Mr. Coghill, from Nenana, is one of the surviving delegates who helped write the Alaska Constitution back in the winter of 1955-56. He's the only one still serving in the legislature.

And he now believes the time has come to limit a person's service in the legislature to eight consecutive years — in either the House or the Senate, or in any combination of the two.

IT'S NOT a new thought for Sen. Coghill. He believed in a constitutional limit back when the matter was argued at the convention, 32 years ago. But he couldn't convince a majority of the delegates that he was right.

We've long been convinced of the merit of a limit on such terms, however, and enthusiastically embrace

Mr. Coghill's resolution. We join him in urging his fellow lawmakers to approve the measure so that the issue can be placed on the ballot for a final decision by the people.

But don't bet that will happen. The legislators have a vested interest in not placing any limitation on their service. They like the job, they like the pay and want more, and they love the benefits — including the rich retirement payments offered to legislators. And the longer they stay in, the more they will earn.

But as Mr. Coghill says, "It was never designed for legislators to be professionals."

THE PEOPLE, we're convinced, will agree.

But they'll probably never have a chance to prove it — because no constitutional amendment can reach the ballot unless the legislature puts it there.

This one won't make it — unless the voters of the state, this election year, apply some very hot coals to the feet of their legislators in Juneau.

THE FOLLOWING DOCUMENT MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE
ORIGINAL

MAR 24 1988

Therese Johnson
1102 Box 7246
Palmer, Alaska 99575

February 25 1988

Senator Jack Cochill
Alaska State Legislature
P.O. Box 7 (MS 3100)
Juneau, Alaska 99811

Dear Senator Cochill

I am writing concerning the proposed constitutional amendment to limit legislative service (LTRA/C).

Several other people and I had recently been discussing a petition concerning this very issue. Now this will not be necessary.

But there were some other concerns we felt must be addressed at the same time.

You are right legislative service should not be allowed to become a career. Eight years total in a lifetime is enough but the chances of passing something like that is slim. Therefore, there should be at least 2 or more terms required as a break.

It would be great to raise the pay to a better level if the pension would be completely eliminated once the time of service is limited.

Lawmakers could be fairly compensated while in office and depend upon private professions

Page Two
Sen. Coghill

for their retirement. This is very important
and must be included.

Those legislators that already served 2 years
should only be allowed to serve one more term
if they are re-elected. We have some good
legislators who could run for some other type
of office once their time was up.

I am pleased to bring this to the
attention of the other legislators. I know
so many people who feel it's high time for
this to be done.

If I could be of any assistance to you in
this matter, please let me know.

Sincerely,

Duane Jensen

wedbush securities, inc.

4300 B STREET, STE. 105
ANCHORAGE, ALASKA 99503
(907) 563-4300

MEMBER NEW YORK STOCK EXCHANGE, INC. AND OTHER PRINCIPAL EXCHANGES

February 19, 1988

Senator Jack Coghill
Pouch V
Juneau, AK 99811

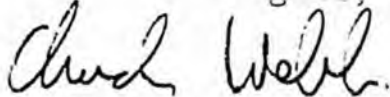
Dear Senator Coghill,

As followup to our conversation yesterday, I reaffirm my support for your term limiting bill. I realize the current difficulty in passing such a bill.

If and when you decide the initiative approach is needed, I would certainly like to be involved in any organizing efforts. I only urge you to move rapidly to an initiative if your bill fails, as I believe the timing is excellent. For my part, I will be questioning several legislators as to their opinion over the coming days.

Thank you for your return call and good luck in your efforts.

Best Personal Regards,



Chuck Webb

Home: (907) 766-2471
Business: (907) 766-2160
Magistrate: (907) 766-2801

Maj. Carl W. Heinmiller, Ret.
Indian Arts and Crafts Specialist

SJK
60

P.O. Box 271
Haines, Alaska 99827

Exec. Director: "Chilkat Dancers"

FEB 22 1988
Feb. 22 1988

The Hon. Jack Coghill
Senator
Pouch V
Juneau, Ak. 99811

Dear Jack:


Enjoyed having dinner with you in Juneau last Thursday. You mentioned the bill you have limiting Legislative service to two terms and I would like to add another view.

House members to serve for 4 yeras, with only two successive terms. Senators to serve six years with two terms in succession.

I've been trying to get some of my represenatives there.. Goll and Eliason to fund a new Public Safety Building here with offices for the Troopers, Fish and Game, Parks, Forestry etc. Also about a dozen of more cells for some 6 to 12 months term prisoners, which would be put to work in the Parks and reforestration program. The City Police department could operate the jail facilities. We have a 24 hrs dispatcher system.

Again, hope to see you again before the term is over (whenever that is).

Best regards,


Carl W. Heinmiller

CWH/p

STEVE McCUTCHEON

Box 190144 • Anchorage, Alaska USA 99519-0144

Tel. 907 344-1370

Senator John Coghill
Fouch V
Juneau Alaska 99811.

FEB 6 Feb 1988

My Dear Senator:

Your introduction of a measure to limit terms of legislators to 8 years has awakened memories of arguments we had during the Constitutional Convention. I'm sure you recall that I was Chairman of the committee on the "Legislative Branch. When our section report came to the floor of the full convention I remember the effort you made to have a limitation on tenure included to match the limitation on the Governors tenure imposed by the Committee on the Executive Branch chaired by Senator Victor Rivers. At that time the full convention sided with our committee and limitation of tenure was left out. I doubt that today the vote would have been the same.

I must say after watching the legislatures since statehood, my opinion of limitation of tenure has reversed. Your argument 30 years ago-- new people, new ideas, new approaches is certainly more valid today than ever.

Alaska does not need "professional " legislators.

I for one sincerely hope your measure is ultimately added to our State Constitution.

Best wishes,

Steve McCutcheon
Steve McCutcheon.

S J R

46

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 46

SPONSOR Adams

BILL TITLE Support Jt. Commission on Status
of Alaska Natives

DATE REFERRED 4-20-89

HEARING SCHEDULED 4-24-89

FISCAL NOTE PREPARED Shari Kochman, Gov 3500 req 4-24

SPONSOR CONTACTED Marla 3707

INTERESTED PARTIES CONTACTED

AFN 274-3611

Julie Kitka
Jame Leask

Tele conference

OTHER

I spoke to Julie Kitka this morning. Resolution still not introduced in Congress - working on minor language problems over appointments, etc.

"Much progress was made last week when Julie was in D.C."

Murkowski & Inouye are sending letter today to Senate Pres. & House Speaker letting them know introduction of the resolution is imminent.

No resolution of funding question.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSJR 46 (Staff)
PUBLISH DATE: 4/27/89

FISCAL NOTE

REQUEST: _____

REVISION DATE: _____ AGENCY: Office of the Governor
TITLE: Supporting establishment BRU: Commissions and Special Offices
of Jt. Commission on Status of Alaska Natives
SPONSOR: Adams, Sturgulewski, et al COMPONENTS: _____
REQUESTOR: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: The level and source of funding for the Commission is currently under discussion in the U.S. Congress. It is likely that some level of state funding will be necessary. When that level is known, the sponsors of SJR 46 will present a funding proposal to the Legislative Council.

PREPARED BY: Senator Pat Bourchot, Chairman, Senate State Affairs Committee

DATE: 4/27/89

PHONE NO.: 465-3712

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Supporting the establishment of a
Joint Commission on the Status of Alaska Natives...
 Sponsor: Adams, Sturgulewski, et al
 Requestor: Senator Pourcnot

Agency Affected: Office of the Governor
BRU: Commissions and Special Offices
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

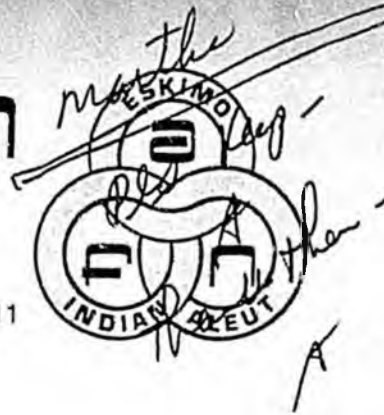
Prepared by: Michael A. Nizich, Director *M. Nizich* Phone: 465-3616
 Division: Division of Administrative Services Date: 4/25/89

Approved by Commissioner: Garrev M. Peska *G. Peska* Date: 4/25/89
 Agency: Chief of Staff

Distribution (by preparer):
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 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ALASKA FEDERATION OF NATIVES, INC.

411 W. 4th Avenue, Suite 301 • Anchorage, Alaska 99501 • Phone (907) 274-3611



April 21, 1989

Senator Al Adams
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Adams:

The Alaska Federation of Natives has just received word that SR 46 has been introduced in the Senate to support Congressional authorization for a Joint (Federal-State-Native) Commission on the Status of Alaska Natives. Its companion legislation in the House is HJR 47.

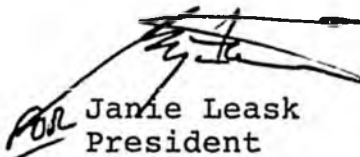
The effort toward creation of such a Joint Commission arises from the recently-published AFN Report on the Status of Alaska Natives. I know you have seen it, but I enclose herewith another copy for your staff's use, as well as a five-page Executive Summary which lists the relevant data on social problems, economics, demographic projections and educational performance.

I want to assure you of AFN's personal commitment to this project. We feel that it is timely for the State of Alaska, the United States and the Native community to stand back from day-to-day political issues and to gather an historical perspective on where Native individuals, families and communities are now and where they are going in the future. We have recommended that the proposed Joint Commission concentrate its efforts on six specific areas under the general rubric of "Native status":

1. Subsistence rights, economies and lifestyles in rural Alaska;
2. Village cash economies, jobs and income;
3. Elementary and secondary education of Native children;
4. Vocational and career training of young Native adults;
5. Native health and social services;
6. Local government, local control and local responsibility in rural Alaska.

SR 46 will be considered by the Senate Committee on State Affairs on Wednesday, April 26. AFN will assist you and the other members of the Committee in any way you see fit during your consideration of this resolution. We will make available to you our staff resources, information and any other political support which may be necessary. If you need our help and participation, please don't hesitate to contact us immediately. Thank you.

Sincerely,


For Jamie Leask
President

enclosure

AFN REPORT ON THE STATUS OF ALASKA NATIVES: A CALL FOR ACTION

EXECUTIVE SUMMARY

In January, 1989, the Alaska Federation of Natives published a report summarizing available data on the current status of Alaska Natives: their social problems and health conditions, their educational position and the lack of economic opportunities they find in rural and urban Alaska. The report is an attempt to alert the federal and state governments to the serious historical situation in which Natives now find themselves - a present circumstance whose prognosis for the coming decades is worse.

HEALTH AND SOCIAL PROBLEMS

Despite recent improvements in physical health, educational opportunities, standards of living and access to government services, many Native villages are caught in a pervasive social and economic crisis, as revealed in abnormally high statistics of individual and family pathology. Change in rural villages has been so rapid and so profound during the past few decades that many Native people have been personally overwhelmed by a world of conflicting values. Individual and group identities have seriously eroded. Epidemic alcohol abuse among a significant minority of Natives has fueled a cycle of despair, violence and self-destruction which exacts its greatest toll from young adults (particularly men), from abused women, from neglected and abused children and from babies not yet born. Behavioral health disorders, often associated with alcohol, have largely replaced infectious diseases as the leading causes of Alaska Native morbidity and mortality. Data are presented in five categories - suicide, homicide, accidents, crime/incarceration and children:

- In 1950, six Native suicides were reported. In 1985, suicide was the fourth most common cause of Native mortality. The current Native suicide rate is four times the national average; for women 20-24 years old, five times; for men 20-24 years old, fourteen times. Rates are not predicted to diminish. 3/4 of autopsy reports on Native suicides record measurable blood alcohol levels.
- During the 1980's, murder was between the sixth and seventh most common cause of Native mortality. The Native homicide rate is four times the national average. Approximately 3/4 of all Native homicide victims are males.
- Accidents are the # 1 cause of Native mortality (more than 50% higher than # 2 cancer and # 3 heart disease). The Native accident mortality rate is three times the national average. During the 1980s, accidents were between the first and second most common cause of Native hospitalization.

1

A significant portion of Native accidental deaths results from alcohol-related violence. Between 1/4 and 1/2 of all Native injuries at Anchorage ANMC (1978 - 1987) were intentional (by self or other party).

- Natives are 14% of the total population in Alaska. Natives are also: 25% of all persons arrested in Alaska, 25% of all persons convicted of felonies in Alaska, 34% of all persons incarcerated in Alaska, 38% of all persons convicted of sex-related offenses in Alaska, 59% of all persons incarcerated for violent crimes in Alaska. In 1987, first degree sexual assault was the leading cause of Native incarceration. More than 80% of all Native-perpetrated violent crime is alcohol-related.
- At birth, Native infant health is generally good. Neonatal (0-28 days) mortality rates are not significant. But after returning home, Native post-neonatal (28 days - 1 year) mortality rates are twice the national average. A high SIDS rate may result from a combination of respiratory infections, nutritional deficiencies, inadequate parental care and physical environment. Fetal Alcohol Syndrome is the leading cause of Native birth defects and Native mental retardation, and the Native FAS rate is more than twice the national average. Native children suffer from high rates of childhood disease (upper respiratory infection, influenza, pneumonia, meningitis). In 1986, more than 1,400 cases of sexual abuse of Native children were reported. In 1984, there were 2,035 cases of Native children receiving state protection services. In 1988, there were 3,109. 30% of Alaska's teenage mothers are Natives, more than twice the proportion of Natives in the total population.

NATIVE DEMOGRAPHIC PROJECTIONS

Those Natives most at risk - children and young adults - are the fastest-growing segments of the Native population. Demographic projections, by age group, gender and geography, are ominous in their anticipation of a new generation of Natives at even greater risk.

- Due to a high birth rate (more than twice the national average), an extremely young population and the large number of females approaching child-bearing age, Native annual population growth (births minus deaths) will at least maintain its current 2.4% level and may increase slightly. At the current rate, the Native population will double in 26 years.

- The Native population is very young, the two largest age groups being 0-9 years and 10-19 years. In 1980, 23% of all Natives were under 10 years of age, a population group which will increase by 40% by 1990.
- Even with migration to cities, villages will continue to grow at 2.2% annually. Despite economic limitations and social problems, between 55 and 60% of all Natives will continue to live in villages.
- In the next 20 years, a large generation of Native children - many of whom have been brutalized by alcohol abuse, violence and death and face limited economic opportunities with inadequate educations - will come to adulthood and give birth to its own children.

VILLAGE ECONOMICS

Stark economic realities limit the opportunities of the Native labor force and of the young who will soon join it. Because adults who are not effective, self-sustaining workers and breadwinners are less capable of taking care of themselves and their children, economics is clearly one of the root causes of the epidemic of social problems among Natives. Lack of productive work, income and personal pride constitutes an important dimension of the village crisis and would significantly diminish the lives of Native people even if there were no social pathology, no culture change and no alcohol.

- Village Natives have become increasingly dependent on the cash economy, and aspirations for goods and services will not diminish. That requires employment, in the village or outside it.
- Despite significant infusion of public resources to rural Alaska during the past two decades, cash economies in remote Native villages remain underdeveloped, artificial dependencies of government.
- There are very few cash jobs in villages. Jobs in urban areas involve intense labor force competition with non-Natives and require skills and education which many Native people do not have. Most new jobs created by the oil boom, in villages or urban areas, went to non-Natives.
- The mixed village economy (subsistence and cash) seasonally draws many Native people, particularly males, out of the cash labor force, weakening their ability to get and retain jobs.
- Many Natives, lacking employment, have come to rely on government transfer payments for income in an extraordinarily high cost-of-living area. This economic and psychological dependency creates low self-esteem and contributes to social dislocation.

- The large public spending of last 15 years is now decreasing, and fewer jobs are available anywhere in Alaska - at the same time the young adult Native population is significantly increasing.
- The cost of maintaining village capital infrastructure built with oil money in the 1970's and 80's is beyond the capability of most villages and will result in a reduction of services and a further loss of jobs on which rural people have come to depend.
- The traditional escape valve of last resort - geographical out-migration from areas of economic depression and poverty - has been unconsciously discouraged in rural Alaska by public policies and assumptions about the future of villages (eg, construction of village high schools).
- It is unlikely in the foreseeable future that a self-sustaining economic base will be created in rural villages sufficient to meet the employment and income needs of the number of Native students now graduating annually from small village high schools.

EDUCATION

Labor force competition with non-Natives, inside or outside the village, will require education and skills, and Alaska's labor market has higher skill requirements than those of most other states. Natives, particularly those in rural areas, are not even beginning to receive the level of training and education they will need in order to succeed.

- Despite vast expansion of secondary education in bush Alaska during the past 15 years (126 Molly Hootch high schools), village high school education is a recent phenomenon. Before 1970, less than 1/2 of all adult village Natives had any high school education, and less than 1/4 held diplomas. The current secondary system was abruptly created by law and in many locations does not rest on a generational development of educational aspirations or achievements.
- With some exceptions, the quality of village primary and secondary education is mediocre and significantly below already low national norms. The majority of students in small village high schools score between the 20th and 30th national percentiles, and few score above the 50th percentile. In 1984, 44% of rural high school classes scored below the 20th national percentile, and another 33% were between the 21st and 40th percentiles.

- Statewide, the Native high school drop-out rate is 27% (especially high in urban high schools), while the non-Native rate is 12%.
- In 1980, slightly less than 25% of Alaska Caucasian and Asian residents had college degrees, compared with slightly less than 10% of the Alaska black population and slightly less than 5% of the Alaska Native population.
- More than 1,000 students now graduate annually from small village high schools in rural Alaska. The fundamental questions facing them, their parents and public policy makers are: What are they going to do? Where? And what will they need in order to make it?

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT (4/3/89)

101st CONGRESS
1st SESSION

S. JOINT RES. _____

IN THE SENATE OF THE UNITED STATES

April ____, 1989

Mr. Inouye (for himself, Mr. Murkowski and Mr. Stevens)
introduced the following joint resolution, which was
read twice and referred to the Committee on Indian
Affairs

To provide for the establishment of the Joint Commission on
the Status of Alaska Natives.

CONGRESSIONAL FINDINGS

The Congress, after an initial review of the
relationships of the Federal Government and the State of
Alaska with and the public programs available to the Alaska
Native people and the current conditions in which Alaska
Native people live, finds that -

(a) the purposes of these relationships have
evolved over time, but in recent decades have been to assist
Alaska Natives to protect their traditional cultures and
subsistence economies and, at the same time, to encourage
Native economic self-sufficiency and individual, group and
village self-determination;

(b) despite the development of Federal and State
policies intended to achieve the aforementioned purposes, it
has not attained the hopes and dreams of those who created
it;

(c) recent published reports available to the
Congress and the public raise serious questions concerning
the growing social and economic crisis in the lives of
Alaska Native people, and report disturbing statistical
information on social problems, lack of economic
opportunity, growing public dependency, severe medical
problems and widespread educational failure;

(d) since the report of the Federal Field Committee for Development Planning in 1969, there has been no comprehensive review of Federal and State policies and programs, the implementation of such policies, or their impact on improving the social and economic status of Alaska Native people; and

(e) Alaska Native people have expressed to the Congress a critical need to review the current status of Natives and to forge a renewed partnership among the Federal and State governments and the Alaska Native people, with the goal of providing new opportunities, making public programs more effective, and building a healthy, productive, self-reliant rural Alaska;

DECLARATION OF PURPOSE

The Congress hereby declares that it is timely and essential to conduct a comprehensive review of Federal and State policies affecting Alaska Natives, the implementation of those policies, and the current social and economic status of Alaska Natives.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That -

(a) In order to achieve the aforementioned purpose, there is hereby created the Joint Commission on the Status of Alaska Natives, hereinafter referred to as the "Commission."

(b) The Commission shall be composed of _____ members, as follows:

- (1) _____ Members of the Senate appointed by the President pro tempore of the Senate;
- (2) _____ Members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (3) the Governor of Alaska;
- (4) _____ Members of the Alaska State Legislature appointed by the President of the Alaska State Senate and the Speaker of the Alaska State House;
- (5) _____ Alaska Natives appointed in the manner set forth in subsection (c); and
- (6) _____ Public At Large members appointed in the manner set forth in subsection (d).

(c) At its organization meeting, Commission members described in subsection (b)(1) - (4) shall elect both a Federal and State Co-Chairman. The Commission shall then appoint _____ Alaska Native members of the Commission, none

of whom shall be an employee of the Federal government or the State of Alaska.

(d) At its organization meeting, Commission members described in subsection (b)(1) - (5) shall appoint _____ Public At Large members. The criteria for consideration for Public At Large members shall include recognized international or national expertise in one or more of the fundamental charges of the commission set forth in Section 2, subsection (c).

(e) Vacancies in the membership of the Commission shall not affect the power of the remaining members to exercise the authority and execute the functions of the Commission, and a vacancy shall be filled in the same manner as in the case of the original appointment.

(f) _____ members of the Commission shall constitute a quorum. The Commission shall develop and adopt procedures for conducting Commission hearings.

(f) Members of Congress, the Governor of Alaska, and Members of the Alaska State Legislature shall serve as members of the Commission without compensation. The Alaska Native members and the Public At Large members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties described in section 2 at a daily rate equal to the daily equivalent of the maximum annual compensation paid to employees of the United States Senate.

DUTIES OF THE COMMISSION

SEC. 2. The Commission shall make a comprehensive review of Federal and State policies affecting Alaska Natives, the implementation of those policies and the social and economic status of Alaska Natives. Such review shall include a review, study and analysis of:

(a) the most recently available statistical information on the social, educational, economic and health status of Alaska Native people;

(b) the statutes, executive orders, regulations and judicial decisions that affect either the substance or implementation of Federal and State policies affecting Alaska Natives, including, but not limited to, the implementation of health, social, housing and economic development programs in which Alaska Natives participate, and federal statutes and regulations affecting the taking of fish, game, marine mammals and migratory waterfowl by Alaska Natives for subsistence, cultural or other purposes.

GOALS OF THE COMMISSION

Sec. 3. (a) The goals of the Commission shall be the development of such federal and state policies as may be necessary to encourage:

(1) effective protection of the priority rights of Alaska Native people, especially rural Village residents to take and use traditional subsistence resources on which they depend for food, clothing, crafts and barter and adequate guarantees of their unimpeded access to federal lands for these purposes;

(2) self-sustaining village economies in rural Alaska, with adequate levels of locally-produced income and a reduced dependency on public resources;

(3) improved public education of Native children to develop human resource potential to the level required for a healthy economy, effective government and stable social order;

(4) effective preparation of Native youth and adults, through institutions of secondary and post-secondary education and vocational training, for successful careers in the modern labor force, inside or outside their villages;

(5) more efficient and effective delivery of health and social services to achieve a reduction in the incidence of severe social problems among Native individuals and families; and

(6) improvement of local government in rural Alaska which will return to Alaska Native people legal and personal responsibility for their lives, their children and their communities.

(b) The Commission shall make every effort in its review and study to respect the important cultural, language, and ethnic differences which characterize Alaska Native groups and shall make recommendations concerning the development of programs which will better enable Alaska Indians, Aleuts and Eskimos to:

(1) maximize self-determination and economic self-sufficiency;

(2) preserve their unique cultures and proud traditions;

(3) maintain individual and group choices with respect to the balance between a subsistence life style and participation in the modern economy; and

(4) continue to exercise authority and control over their land base and their property rights as granted under the Alaska Native Claims Settlement Act, as amended.

POWERS OF THE COMMISSION

SEC. 4. (a) To the extent necessary to conduct the review described in section 2 and achieve the goals set forth in section 3, the Commission, or, if authorized by the Commission, any member of the Commission, is authorized -

(1) sit and act at such places as it deems advisable during the sessions, recesses and adjourned periods of Congress;

(2) administer such oaths and affirmations, to take such testimony, to procure such printing and binding and to make such expenditures as it deems advisable;

(3) request any department, agency or instrumentality of the executive branch of the Federal Government to provide any relevant information or documents;

(4) establish task forces and appoint task force members as described in section 5;

(5) appoint a Director of the Commission, a General Counsel, and such additional staff to assist the Commission and its task forces as it deems necessary, prescribe the duties and responsibilities of such staff members and to fix their compensation at per annum gross rates that do not exceed the per annum rates of compensation of employees of standing committees of the United States Senate who have similar duties and responsibilities;

(6) procure the temporary or intermittent services of experts and consultants, either individually or through organizations in which they are employed, by contract.

(7) make such rules respecting its organization and procedures as it deems necessary.

(b) Commission members, Commission staff, and experts and consultants described in subsection (a)(6) may be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties; provided, that Alaska Natives who are members of the Commission, staff and experts and consultants may receive per diem in lieu of subsistence.

(c) Any member of the Commission may administer oaths or affirmations to witnesses.

(d) Every department, agency and instrumentality of the executive branch of the Federal government that receives a request made pursuant to subsection (a)(3) to provide information or documents shall comply with such request. If, pursuant to subsection (a)(2) or (3), the Commission requests a witness or a department, agency or instrumentality to produce information that has been submitted to a Federal or State Government department, agency or instrumentality on a confidential basis and the confidentiality of such information is protected by Federal

or State statute, such information shall be produced but shall be held by the Commission in confidence.

TASK FORCES

SEC. 5. (a) To the extent necessary to conduct the review described in section 2, the Commission is authorized to establish task forces to make preliminary investigations and studies regarding the subjects described in section 2, and, pursuant to section 3(a)(5), to provide each Task Force adequate staff support. A Task Force shall be composed of not less than three persons, one of whom shall be a member of the Commission. The Task Force shall have such responsibility as the Commission may confer, except that the Commission may not confer authority to administer oaths and affirmations.

(b) Each Task Force shall provide the Commission a quarterly written report describing its progress in conducting the investigations and studies which it has been assigned. Within one year from the date of the appointment of its members, each task force shall submit a final written report of its investigations and studies to the Commission, and, if the Commission so requests, recommendations regarding the subject matter of such investigations and studies.

(c) Each Task Force member who is not an employee of the Federal government or the State of Alaska shall receive compensation for each day such member is engaged in the actual performance of duties described in subsections (a) and (b) at a daily rate equivalent to the daily maximum annual compensation paid to employees of the United States Senate.

COMMISSION REPORT

SEC. 6. (a)(1) The Commission shall review each final written Task Force report described in section 5(b). When the Commission has received the last such report, it shall compile the information in such reports, together with whatever information it has acquired independent of such reports, into a final report that shall be submitted, together with whatever recommendations the Commission deems advisable, to the President of the U.S. Senate and the Speaker of the U.S. House of Representatives within six months of the Commission's receipt of the last final task force report, and to the President of the Alaska State Senate and the Speaker of the Alaska State House of Representatives.

(2) The President of the Senate and the Speaker of the House of Representatives shall refer any recommendation contained in the Commission's final report the implementation of which requires the enactment of Federal legislation to the appropriate committees of the Senate and House of Representatives.

(b) The Commission shall cease to exist 180 days from the date of its submission of its final report and recommendations as described in the preceding subsection at which time all Commission records and all documents and other material acquired by the Commission shall be delivered to the General Services Administration for deposit in the Native Archives.

AUTHORIZATION

SEC. 7. (a) There is hereby authorized to be appropriated a sum not to exceed \$ _____ to carry out the provisions of this resolution. Until funds are appropriated pursuant to this section, salaries and other expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. The total amount of money paid from such contingent fund shall be reimbursed to such fund from monies appropriated pursuant to this section.

(b) the commission is authorized to accept and expend funds from other sources such as the State of Alaska, private and non-profits corporations, and foundations which are deemed appropriate and necessary to carry out the provisions of this resolution.

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.

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.

Alaska State Legislature

Al Adams
District L

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3707

OUT OF SESSION
P.O. Box 333
Korzebue, Alaska 99752
(907) 442-3245

3111 C Street
Anchorage, Alaska 99503
(907) 561-7622

Official Business

April 24, 1989

TO: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

FROM: Senator Al Adams *AAA*

RE: SJR 46

Thank you for scheduling a hearing on SJR 46--Supporting the establishment of a Joint Commission on the Status of Alaska Natives by Congress.

The purpose of the joint commission is to make a comprehensive review of federal and state policies affecting Alaska Natives, the social and economic status of Alaska Natives and implementation of those policies.

It is envisioned that the Commission will study such things as the most up-to-date information on the social, educational, economic and health status of Alaska Natives. It will also review decisions and regulations that have affected the substance or implementation of federal and state policies. Then it will develop recommendations as necessary to improve the human resource potential required of a healthy and productive economy, an effective and modern labor force, and healthy and stable government and social order.

Enclosed for your review is a draft resolution by Senator Inouye, co-sponsored by Senators Stevens and Murkowski. As I understand it, the actual size of the Committee and the issue of whether Committee membership should be Congressionally driven or driven by the Executive Branch with Congressmen as ex officio members are still up in the air.

I feel it very important that the Alaska Legislature go on record in support of a Joint Commission to deal with issues affecting Alaska Natives.

DANIEL K. INOUE, ALASKA, CHAIRMAN
JOHN MCCAIN, ARIZONA, VICE CHAIRMAN

DENNIS DUNCAN, ARIZONA
QUENTIN N. BURDYGE, NORTH DAKOTA
THOMAS A. DABCHLE, SOUTH DAKOTA
KEVIN CONRAD, NORTH DAKOTA

FRANK H. MURKOWSKI, ALASKA
THAD COCHRAN, MISSISSIPPI

ALAN R. PARKER, STAFF DIRECTOR
PATRICIA M. ZELL, CHIEF COUNSEL
ERIC EBERHARD,
MINORITY STAFF DIRECTOR/COUNSEL

United States Senate

SELECT COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-8450

May 2, 1989

Honorable Tim Kelly
President
Alaska Senate
Pouch V
Juneau, Alaska 99801

Dear Senator Kelly:


We were pleased to learn of the resolution introduced in the Alaska Senate and House of Representatives supporting the establishment by the U. S. Congress of a joint commission on the status of Alaska Natives and committing the State to actively participate in its work.

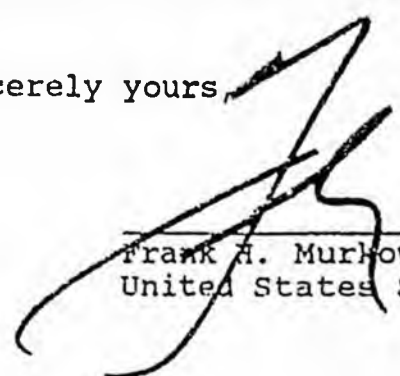
Passage of the resolution by the State Legislature will provide a clear indication to our colleagues in the Senate that the proposed commission will be the joint effort that we envision it to be. In our view, the State's financial support and active participation will be critical to the success of the proposed commission's work.

At the hearing on March 3 in Washington, D. C., the Senate Select Committee heard broad support expressed for the establishment of a joint State-Federal commission to review policies and programs affecting Alaska Natives, and we expressed our support for the concept as well. The committee will be conducting a field hearing in Anchorage on May 27 on the status of Natives, and following that hearing, our plan is to carefully consider the form that a joint commission should take and what level of appropriations would be required to enable it to carry out its work.

Action by the State Legislature would certainly provide further encouragement for us to proceed expeditiously toward the goal of acting on the proposal before the end of this year. If you have questions regarding this matter, please do not hesitate to contact our offices or Bob Arnold of the committee staff at (202) 224-2251.

Sincerely yours,


Daniel K. Inoué
United States Senator
Chairman


Frank H. Murkowski
United States Senator

SR46POOP.TXT
4/26/89

SJR 46 JOINT COMMISSION ON THE STATUS OF ALASKA NATIVES

TO TESTIFY

SEN. ADAMS, SPONSOR (MARLA)

JULIE KITKA, A.F.N. (ON TELECONFERENCE FROM WASHINGTON, D.C.)

F.V.I.

PAGE 2, LINE 18 READS: "LEGISLATURE COMMITS THE STATE OF ALASKA TO ACTIVELY PARTICIPATE ON THE COMMISSION AND IN ITS WORK". THERE WILL BE A COST. A.F.N. SENT AL AND BINKLEY A \$250,000 PROPOSAL, WHICH WAS HALF OF THE ANTICIPATED COST OF THE COMMISSION, THE OTHER HALF TO BE BORNE BY THE FEDS.

AL AND BINKLEY WANT A ZERO FISCAL NOTE (WHICH THE GOVERNOR'S OFFICE IS PREPARING) -- THINK IT'S PREMATURE TO APPROPRIATE FUNDS BECAUSE THE RESOLUTION ESTABLISHING THE COMMISSION AND LAYING OUT THE DETAILS IS STILL UNDER DISCUSSION.

SENATOR STEVENS AND OTHERS ARE ADVOCATING THAT THE COSTS BE EQUALLY SHARED BETWEEN THE STATE AND THE FEDS. -- THERE WILL ALSO BE AN EFFORT TO RAISE PRIVATE FUNDS. BINKLEY TOLD A.F.N. HE MIGHT TRY TO GET \$50,000 OR SO SOMEWHERE IN THE OPERATING BUDGET.

IF WE ARE NOT PREPARED TO DEAL WITH THE FUNDING ISSUE NOW, JANIE SAYS WE MIGHT WANT TO DELETE THE "STATE COMMITMENT" LANGUAGE.

S J R

49

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER 555JR 49

SPONSOR Sturgulewski

BILL TITLE Amends AK. Constitution to set spending limit

DATE REFERRED -1-17-90

HEARING SCHEDULED

FISCAL NOTE PREPARED ~~for~~ Div. of Elec ✓

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 49

SPONSOR Sturgulewski

BILL TITLE Constitutional amendment regarding
use of state money

DATE REFERRED 5-3-89

HEARING SCHEDULED

FISCAL NOTE PREPARED

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER

FISCAL NOTE

REQUEST:

Revision Date: 1/18/90 Agency Affected: Office of the Governor
 Title: Relating to the use and expenditure of state money BRU: Division of Elections
 Sponsor: Sturgulewski Components: II - Elections
 Requestor: Sturgulewski

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2*	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2*	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	2.2*	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote counting purposes.

Prepared by: Linda Edgeworth Phone: 465-4611

Division: Division of Elections Date: _____

Approved by Commissioner: [Signature] Date: 1.19.90

Agency: Division of Elections

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSSJR 49

However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2

Under these circumstances the fiscal note would be:

53.4

S J R

51

STA, JUD, FIN

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 51

SPONSOR DUNCAN, Zharoff

BILL TITLE Amendment Proposal to Constitution to create
Commission on Compensation of Elected Officials

DATE REFERRED 1.8.90

HEARING SCHEDULED

FISCAL NOTE PREPARED *Div. of Elec.*

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

TO: SENATOR PAT POURCHOT
CHAIR
STATE AFFAIRS COMMITTEE

FROM: SENATOR ~~JIM DUNCAN~~

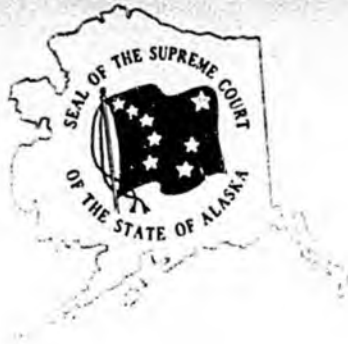
REGARDS: SJR 51

DATE: FEBRUARY 2, 1990

ATTACHED ARE LETTERS FROM ALASKA SUPERIOR COURT JUDGE ROGER PEGUES AND ALASKA COURT SYSTEM ADMINISTRATIVE DIRECTOR ARTHUR SNOWDEN, II IN SUPPORT OF AN AMENDMENT TO SJR 51.

I HAVE SUGGESTED TO BOTH GENTLEMEN THAT I MAY SEEK AN AMENDMENT TO THIS MEASURE WHICH WOULD INCLUDE THE COMPENSATION OF JUSTICES AND JUDGES AS PART OF THE PROPOSED COMMISSION'S AUTHORITY.

I THOUGHT YOU WOULD APPRECIATE COPIES OF THESE LETTERS AS PART OF THE STATE AFFAIRS COMMITTEE DELIBERATIONS ON THIS MATTER.



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

January 26, 1990

Senator Jim Duncan
Alaska State Legislature
Room 119, Capitol
P. O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

As a follow up to our conversation, as well as to your letter of January 16, 1990 to Judge Pegues, the court system would very much like to include the compensation of justices and judges within the proposed Commission on Compensation of Elected Officials.

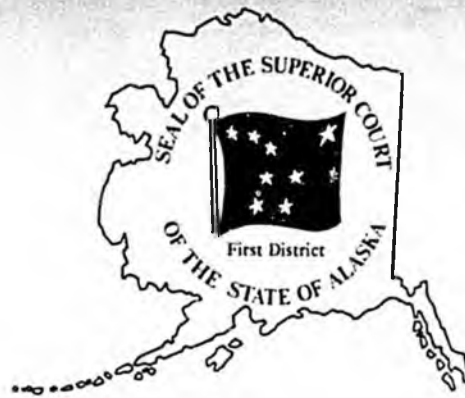
Thank you for suggesting the amendment to SJR 51. If you have any questions about judicial compensation, please call me.

Sincerely,


Arthur H. Snowden, II
Administrative Director

AHS:bh

RECEIVED FEB 01 1990



RECEIVED JAN 25 1990

File

Superior Court
State of Alaska

FIRST JUDICIAL DISTRICT
DIMOND COURTHOUSE
P.O. BOX U
JUNEAU, ALASKA 99811-4100

Chambers of
RODGER W. PEGUES, Judge

(907) 463-4742

January 22, 1990

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, AK 99811-3100

Dear ~~Senator Duncan~~ *Jim,*

Thank you for your prompt and favorable reply to my letter on Senate Bill 230.

I referred your inquiry about including judges and justices in your SJR 51 to Art Snowden. I understand he approves of the idea, and I am pleased to say that I agree.

Sincerely yours,

Rodger W. Pegues
Superior Court Judge

Alaska State Legislature



SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR -
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

TO: SENATOR PAT POURCHOT
CHAIR
STATE AFFAIRS COMMITTEE

FROM: SENATOR JIM DUNCAN

REGARDS: REQUESTS FOR HEARING ON SJR 51

DATE: JANUARY, 9, 1990

I WOULD APPRECIATE THE EARLIEST POSSIBLE HEARING DATE FOR SJR 51 THE STATE AFFAIRS COMMITTEE.

SJR 51 SEEKS AN AMENDMENT OF THE ALASKA CONSTITUTION TO ESTABLISH A COMMISSION CHARGED WITH SETTING THE LEVEL OF COMPENSATION FOR ALASKA'S ELECTED OFFICIALS.

UNDER TERMS OF THIS MEASURE, A FIVE MEMBER COMMISSION ON COMPENSATION OF ELECTED OFFICIALS WOULD SET THE SALARIES, BENEFITS, PER DIEM AND ALLOWANCES OF THE GOVERNOR, LIEUTENANT GOVERNOR AND AND MEMBERS OF THE LEGISLATURE. RETIREMENT BENEFITS ARE NOT IMPACTED BY THIS MEASURE. IF APPROVED THIS SESSION BY THE LEGISLATURE, THE PROPOSED CONSTITUTIONAL AMENDMENT WOULD APPEAR ON NOVEMBER'S GENERAL ELECTION BALLOT.

COMMISSION MEMBERS ARE APPOINTED TO SIX YEAR STAGGERED TERMS BY THE GOVERNOR AND CONFIRMED BY THE LEGISLATURE UNDER PROVISIONS OF THE BILL. THE GOVERNOR MUST APPOINT MEMBERS REGARDLESS OF POLITICAL AFFILIATION AND THE LEGISLATURE MAY ESTABLISH OTHER QUALIFICATIONS FOR COMMISSION MEMBERS. THE BILL FORBIDS EMPLOYMENT BY THE STATE OF ALASKA DURING A COMMISSIONER'S TERM OF OFFICE OR HOLDING ELECTIVE STATE OFFICE DURING THE TERM OR WITHIN ONE YEAR AFTER EXPIRATION OF THE TERM.

OTHER PROVISIONS OF THE BILL INCLUDE CALLING FOR AN ORDER OF THE COMMISSION TO TAKE EFFECT AT THE BEGINNING OF THE NEXT STATE OF ALASKA FISCAL YEAR; REQUIRING THE COMMISSION TO CONDUCT A PUBLIC HEARING BEFORE ISSUING AN ORDER CHANGING THE LEVEL OF COMPENSATION; AND REQUIRING A REVIEW OF COMPENSATION LEVELS AT LEAST EVERY TWO YEARS, BUT NOT MORE THAN ONCE A YEAR.

I FEEL CURRENT CONSTITUTIONAL PROVISIONS ARE FLAWED. DELEGATES TO THE CONSTITUTIONAL CONVENTION DEBATED THIS MATTER EXTENSIVELY AND AGREED ON AN ANNUAL SALARY, BUT FAILED TO ESTABLISH THE AMOUNT OF PAY OR A FORMULA FOR CALCULATING IT IN THE CONSTITUTION. THIS OMISSION CREATED THE SITUATION WE HAVE NOW WHERE THE LEGISLATURE SETS ITS OWN LEVEL OF COMPENSATION. THIS CONSTITUTIONAL AMENDMENT PROVIDES A MORE APPROPRIATE VEHICLE.

YOUR KIND CONSIDERATION OF THIS REQUEST IS MOST APPRECIATED.

DISTRICT C

FISCAL NOTE

REQUEST:

Revision Date: 1/18/90
 Title: Creating the Commission on Compensation of Elected Officials
 Sponsor: Sen. Duncan
 Requestor: Sen. Duncan

Agency Affected: Office of the Governor
 BRU: Division of Elections

Components: II - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2*	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2*	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	2.2*	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote counting purposes.

Prepared by: Linda Edgeworth Phone: 465-4611
 Division: Division of Elections Date: _____

Approved by Commissioner: [Signature] Date: 1-19-90
 Agency: Division of Elections

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 51

However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2

Under these circumstances the fiscal note would be:

53.4

CHAPTER 124

AN ACT RELATING TO COMPENSATION OF STATE OFFICERS; ESTABLISHING A COMMISSION ON COMPENSATION OF STATE OFFICERS; AND PROVIDING FOR AN EFFECTIVE DATE.

(SCS CSHB 454 (Fin))

Be it enacted by the Legislature of the State of Alaska:

Secs. 1—6. Permanent laws. See Table of Disposition of Acts.

Sec. 7. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the initial members appointed to the commission shall serve a one-year term, two members shall serve two-year terms, two members shall serve three-year terms, and two members shall serve four-year terms.

Sec. 8. Notwithstanding the time limit imposed by AS 39.23.240, enacted by sec. 4 and amended by sec. 5 of this Act, the commission shall submit its first final report to the legislature by January 10, 1987.

Sec. 9. AS 39.23.250, as enacted by sec. 4 of this Act, and sec. 5 of this Act take effect on the effective date of an amendment to the Constitution of the State of Alaska creating a State Officers Compensation Commission.

Sec. 10. AS 39.23.200 — 39.23.240 and 39.23.260 — 39.23.400, as enacted by sec. 4 of this Act, and secs. 7 and 8 of this Act take effect immediately in accordance with AS 01.10.070(c).

Sec. 11. Sections 1 — 3 of this Act take effect January 19, 1987.

Sec. 12. AS 24.10.100 and 24.10.105 are repealed and sec. 6 of this Act takes effect on the effective date of recommendations of the State Officer's Compensation Commission under AS 39.23.240(d) as amended by sec. 5 of this Act, setting the compensation of legislators.

Approved: June 8, 1986

Effective: AS 39.23.250, as enacted by section 4, and sections 5 and 6 are

conditional; AS 39.23.200 — 39.23.240 and 39.23.260 — 39.23.400, as enacted by section 4, and

STIC AND FOREIGN WHICH THE ACT

grossed (title am))

Alaska:

1 of Acts.

, 1987 for the tax or subsequent tax

ved: June 7, 1986 ptember 5, 1986

HE ALASKA CODE : RELATING TO ITS IVE DATE.

(HB 307)

Alaska:

ition of Acts.

endment to AS public members ntinue until the re appointed.

rdance with AS

ved: June 8, 1986 e: June 9, 1986

-5
talk to me
about salary com
bill

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

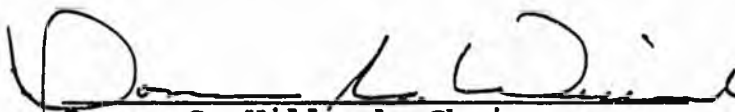
February 21, 1989

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

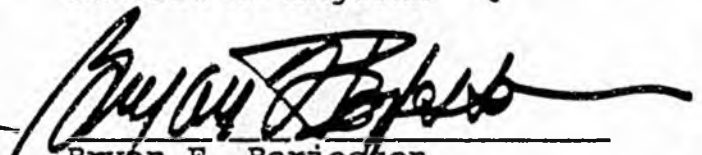
CERTIFICATION

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

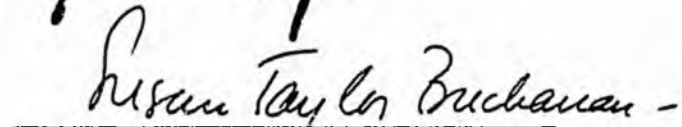

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Dated: February 21, 1989

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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 Statutes¹. 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-

¹¹. Table 1.

¹². Table 2.

¹³. 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.

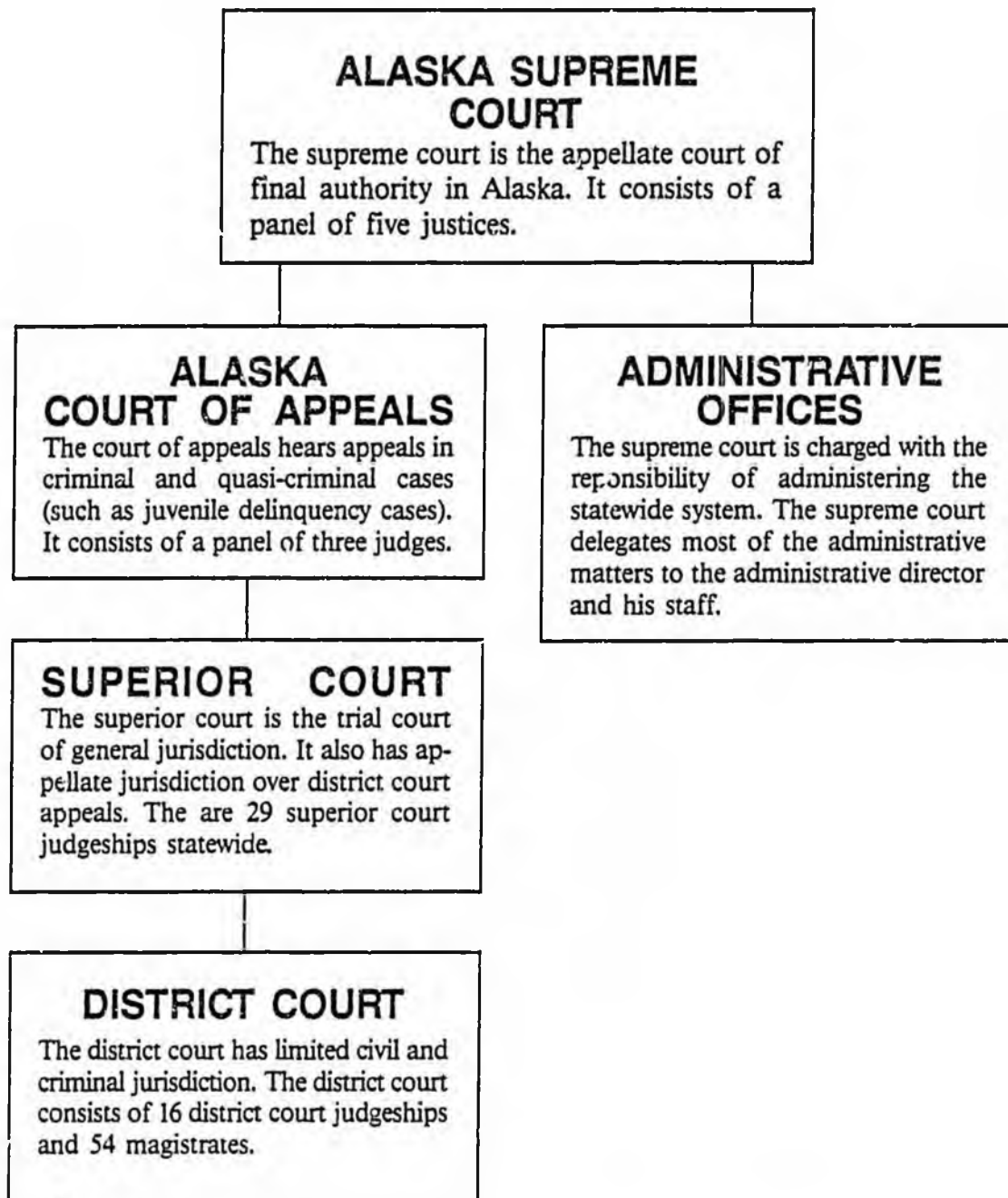
⁶. H.R. 4300, the 1987 bill, in its introduction, states, in pertinent part: "The Congress finds that (1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly, (2) it is important to the development of the child and 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 Leaves* (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; and³⁰
- 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

³⁰. Quasi-criminal actions are defined as infractions with minimal fines and no jail time or loss of license.