

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9093 HOUSE COMMUNITY & REGIONAL AFFAIRS

HB

164

Alaska State Legislature



While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719
Fax 907-465-3258

Interim:
119 N. Cushman, Suite 211
Fairbanks, Alaska 99701-2879
907-456-5081
Fax 907-456-8245

Representative Al Vezey

SPONSOR STATEMENT

HB 164

"An Act providing that employment as a legislator or with the National Education Association is not credited service under the teachers' retirement system; and repealing a provision permitting members of the teachers' retirement system to count unused sick leave credit as credited service"

The intent of this legislation is to remove from the teachers' retirement system (TERS), those individuals who are or were teachers, and are elected to the state legislature.

Currently teachers can apply their unused sick leave for credited service and are not required to make contributions for that credited service. This bill would also repeal that statute allowing this practice.



While in Session:
State Capitol Building
Juneau, Alaska 99801-1192
907-465-3719
Fax: 907-465-3255

Interim:
119 N. Cushman, Suite 211
Fairbanks, Alaska 99701-2879
907-456-5081
Fax 907-456-8245

Representative Al Vezey

SPONSOR STATEMENT

HB 164

"An Act providing that employment as a legislator or with the National Education Association is not credited service under the teachers' retirement system; removing teachers holding limited certificates to teach Alaska Native language or culture from membership in the teachers' retirement system; and repealing a provision permitting members of the teachers' retirement system to count unused sick leave credit as credited service"

The intent of this legislation is to remove from the teachers' retirement system (TERS), those individuals who are or were teachers, and are elected to the state legislature. It also removes those individuals who have been issued a limited teacher certificate from the TERS.

This legislation would also repeal the provision which allows teachers to use their accrued sick leave credit for credited service. Currently teachers can apply their unused sick leave for credited service and are not required to make contributions for that credited service.

Alaska State Legislature



While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719

Interim:
119 N. Cushman
Suite 211
Fairbanks, Alaska 99701
907-456-5081

Representative Al Vezey

March 5, 1997

From: Representative Al Vezey ✓
State Capitol Bldg, Room 13

To: Representative Ivan Ivan
Chairman, Community & Regional Affairs Committee
State Capitol Bldg Room 418

Subject: Hearing Request on HB164

I respectfully request a hearing on HB164 *"An Act providing that employment as a legislator or with the National Education Association is not credited service under the teachers' retirement system; repealing the limited certificate for teachers of Alaska Native language or culture and removing those teachers from membership in the teachers' retirement system; and repealing a provision permitting members of the teachers' retirement system to count unused sick leave credit as credited service"* before the Community and Regional Affairs Committee, at the earliest convenience of that committee and it's chairman.

Thank you for your favorable consideration of this request.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 17, 1997

SUBJECT: Sectional Summary of SSHB 164. (Restrictions on the Teachers' Retirement System)

TO: Representative Al Vezey
Attn: Joseph Easaw

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 amends AS 14.25.040(c), which identifies the teachers who participate in the Teachers' Retirement System (TRS), to remove individuals teaching under a limited certificate from membership in TRS.

Sec. 2 amends the definition of "employer" for the Teachers' Retirement System to exclude the National Education Association and members of the state legislature.

Sec. 3 repeals a number of provisions in the Teachers' Retirement System statutes.

AS 14.25.040(b) and 14.25.040(c) permit certain legislators to retain their membership in TRS and receive credited service under TRS for service as a legislator. The repeal of these subsections has the effect of placing legislators who choose to participate in a state retirement system in the Public Employees' Retirement System (PERS). See AS 39.35.125.

AS 14.25.045 permits employees of the National Education Association who possess or are eligible to possess a teacher certificate to participate in TRS. The repeal removes this authorization.

AS 14.25.048 places teachers of Alaska Native language or culture in a permanent full-time or part-time position in TRS. The repeal makes teachers teaching under a limited certificate (see AS 14.20.025) ineligible for membership in TRS. These teachers would be

Representative Al Vezey

March 17, 1997

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eligible for membership in PERS if the school district or REAA that employs them has chosen to participate in PERS.

AS 14.25.115(a) permits teachers to receive credited service on retirement for unused sick leave.

The repeal of AS 14.25.220(6)(B) removes a reference to the salary of legislators from the definition of "base salary" in TRS. The repeal of this subparagraph is part of the removal of legislators from TRS.

The repeal of AS 14.25.220(21)(F) removes a reference to full-time or part-time service as an Alaska Native language or culture expert from the definition of "membership service" in TRS. The repeal of this subparagraph is part of the removal from TRS of individuals teaching under limited certificates.

The repeal of AS 14.25.220(40)(D) removes reference to state legislators from the definition of "teacher" or "member" in TRS. The repeal of this subparagraph is part of the removal of legislators from TRS.

Sec. 4 limits the application of the amendments made by this Act to individuals who first become members of TRS on or after the effective date of the Act.

Please let me know if you have additional questions on this bill.

TC:jdr
97-187.jdr

cc:Mail for: Tom Wright

Subject: Re: Indian education funds

From: Beth_Lape@educ.state.ak.us (Beth Lape) at CC2MHS1 3/27/97 11:03

To: tom wright at LAA_TRANS

Tom-

I hope this answers your questions. Dr. Nancy Buell is the Director of Teaching and Learning Support. I am forwarding her answers to you. If you have any more questions feel free to email her back or to call Dr. Buell at x8689. Of course you can call me anytime at x2803.

Thanks, Beth.

>Date: Wed, 26 Mar 1997 12:30:17 -0900

>X-Sender: nbuell@educ.state.ak.us.

>To: Beth Lape <Beth_Lape@educ.state.ak.us>

>From: Nancy Buell <nbuell@educ.state.ak.us>

>Subject: Re: Indian education funds

>

>It is certainly possible for districts to use Indian Education money to pay
>for native language experts, though the Indian Education act language is
>very specific that it is to raise academic standards. There is a case which
>can be made that language and culture education are tied to academic
>achievement. Johnson O'Malley money is Bureau of Indian Affairs money, not
>US Department of Education money. In many districts in the state, this
>money is administered by the tribal council, which has the first claim to
>it. Only if the tribal council doesn't take it can the district apply for
>it. If the district gets it, it can be used for teachers. I am certain
>that these sources of funding are supporting these teachers in some
districts.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT AND BENEFITS

TONY KNOWLES, GOVERNOR

☒ P.O. BOX 110203
JUNEAU, AK 99811-0203
PHONE: (907) 465-4460
FAX: (907) 465-3086
TDD: (907) 465-2805

☐ 701 EAST TUDOR RD. SUITE 240
ANCHORAGE, AK 99503-7445
PHONE: (907) 563-5885
FAX: (907) 561-8048

March 26, 1997

The Honorable Ivan Ivan
Alaska State Representative
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Ivan:

At the HB 164 hearing held on March 19, 1997 you asked that I provide information that may be useful to the committee in better understanding the effects of this bill. Some of my comments may duplicate my testimony, however, I would like to portray a complete picture as this bill relates to the retirement system.

- ◆ If enacted, this bill affects only those individuals who are first hired on or after the effective date.
- ◆ Participation in the Teachers' Retirement System (TRS) for those individuals employed by a school district is limited to a certificated full or part-time elementary or secondary teacher, a certificated school nurse or a certified person in a position requiring a teaching certificate as a condition of employment. AS 14.25.220(40) provides a complete list of those eligible to participate in TRS and is attached for your review. Coverage under TRS is mandatory for all eligible employees, with the exception of a small group of employees of the University of Alaska.
- ◆ School districts may also participate in the Public Employees' Retirement System (PERS). As such, employees not covered under the TRS may be covered under PERS. The employer defines job classifications that are covered under the PERS.
- ◆ Teachers of Alaska native language and culture were first covered under the TRS in 1988. Prior to this change in statute individuals may have been covered under the PERS if their employer participated in the program and elected to cover this employee group.
- ◆ The fiscal impact of section I is immaterial to the TRS fund.

- ◆ Representative Vezey indicated that a number of TRS employers were not school districts. This group includes; National Education Association, State of Alaska, Department of Education, Southeast Regional Resource Center, Legislative Affairs (TRS Legislators), Special Education Service Area, University of Alaska, and the Geophysical Institute, UAF.
- ◆ The TRS funding ratio as of June 30, 1994 was 89.6% and as of June 30, 1995 was 90.9 %.
- ◆ Representative Vezey indicated that the TRS "past service rate" component of the FY97 contribution rate almost doubled from the previous year. While the past service rate did increase 53% over the previous year, this is not an indication of a problem. As Representative Vezey pointed out, understanding the actuarial science behind fund management is not an easy task. The employer contribution rate is made up of two parts. The first is the "normal cost" which represents the present value of the dollars that must be set aside this year to fund one year of service in the future. The second part is the "past service rate." Each year the actuary predicts the rate of return on investments and the liability experience of the actual membership, such as number of terminations, retirements, disabilities and deaths. To the extent that the actuary's predictions are accurate, the accrued liability will increase or decrease. Assets of the Plan minus accrued liability equal the unfunded liability. The past service cost represents the level annual payment to be made over a 25 year period to amortize the unfunded liability.
- ◆ Representative Vezey indicated the purpose of HB 164, section I is to prevent private contractors of a school district from being covered under the TRS. Since contractor employees are not employees of the district they could not be covered under the TRS or the PERS. The division internal auditor is not aware of any case where this action was attempted.

Should you have any other questions, please contact me directly at 465-5700 and I will meet with you and your committee.

Sincerely,



Bill Church
Retirement Supervisor

WRC/bc
Enclosure



Alaska State Legislature

Please enter into the record my testimony to the CR + A
committee name

committee on HB 164, dated 3/28/97
bill/subject

I am opposed to this bill for the following reasons:

It allows no "grandfathering" provision for persons who have anticipated this during their years of service.

It is especially discriminatory against teachers with limited certificates.

Signed: Thom Horn
Testifier

Representing (Optional)

1150 Golden Hills Drive Palmer AK 99572

Address

745-6382

Phone No.

use their sick leave days as part of

a valued profession. Allow them to
Please show teachers they are

medical crisis.

than sick leave days for a possible

health hazard, teachers also save

since teaching is or can be a

by taking sick leave days away.

it is unfair to penalize teachers

to their jobs and to their students

teacher. Because of this commitment

perform better when with their own

because they know their students

teachers work, not feeling than best,

I am protesting HB 164. Often

their retirement.
 Respectfully Submitted by
 Karen Marie
 2nd Grade Teacher
 Tamanna



Alaska State Legislature

Please enter into the record my testimony to the Comm: Regional Affairs
committee name
 committee on HB 164, dated March 26, 1997
bill/subject

I'm adamantly opposed to the passing of bill HB 164.

I have never abused the use of my sick leave. I have never used it frivolously.

I have taught for over 20 years, knowing I could use my sick leave toward retirement.

This would be unfair to all teachers but especially to those of us that plan to retire in the next couple years and have planned on using the sick leave days towards retirement.

This bill discriminates against all teachers who have been dedicated to their profession and ~~have not~~ misused sick leave.

Signed: Marilyn J. Powell
 Testifier

Representing (Optional)
P.O. Box 870334 - Wasilla 99687
 Address
907-376-5977
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Comp + Regional Affairs
committee name
 committee on HR 164 , dated 3-25-57
bill/subject

I am vehemently opposed to this proposed legislation. It is biased, dishonorable, and discriminatory. Teachers need to be commended for saving sick leave. My students notice that I'm always there - Teachers deserve their sick leave to count towards retirement; if not, cash me out. There should be no bias in legislation - be careful!

Signed: Valerie B. Koipman
Testifier
P O B 870981
Representing (Optional)
Wasilla Alaska 99687
Address
376 - 1170
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Comm. + Regional Affairs
 committee name
 committee on HB 164 , dated 3-25-97
 bill/subject

I am adamantly opposed to this proposed legislation. It is discriminatory in that it singles out specific groups of people. It also opens the door to further discrimination by way of adding more groups to this "list". It undermines the contribution that teachers have made to the profession in their not frivolously using their sick leave days. If you want to take my sick leave away by not allowing it to be counted towards retirement, then pay me for all the days I come to work sick. When I retire, I want my days added to my years of service on a cash basis. By passing this bill you are treating us, and the other targeted groups with disrespect.

Signed: Don Campbell
 Testifier

Representing (Optional)

PO Box 871045 Wasilla, AK

Address

376-2261

Phone No



Alaska State Legislature

Please enter into the record my testimony to the Community Regional Affairs
committee name
 committee on House Bill 1164, dated 3-30-97.
bill/subject

I strongly oppose House Bill 1164
 and urge you not to pass it.
 This bill permits drastic
 changes to TRS that are
 totally unacceptable

Signed: _____

Kathy Jarvis
Testifier

Representing (Optional)

Ho 32 Rev 10/31 li'houia

Address

376-3182

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on HB 164 , dated 3-28-97
bill/subject

I have worked for the district for 16 years. I have felt it detrimental to my classroom to be absent. The only time I have taken sick leave is when it was a very necessity. My reward was to apply those days towards retirement. This to me is a real put down to those of us who put our job first. Also, it is sure to cause a lot of people taking their sick days, whether ^{they are ill,} or not. I will participate in a law suit to defend this agreed right.

Signed: Tacy Carr Tacy Carr
Testifier

REBEKAH STORSEN myself
Representing (Optional)

PO Box 872982 Wasilla, Ak 99687
Address

907-376-5499
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on HB 164, dated _____
bill/subject

Alaska State Representatives:

I would like to ask you to consider very carefully the legislation under consideration. There are a couple of things I would like to bring to mind:

1. Teachers who are healthy and dedicated to their classrooms or specialty areas contribute greatly to the education of the children of Alaska through continuity and consistency. By making very judicious use of sick leave, our teachers set good examples for young people.
2. As to this being a cost-cutting measure, you need to keep in mind that it already is one! Teachers rarely get to use every one of their unused sick leave days as retirement credit, because they must use the days in increment portions. Everyone "loses" the days that are left over after attaining a certain percentage of a year's worth.

Up until now, teachers have been confident to know that their hard work and conscientiousness would eventually be rewarded by their being allowed to use at least some of their unused sick days as credit toward retirement service. It will be a real slap in the face to them if HB164 is passed, robbing them of this opportunity.

Signed: Edde Galstad

Testifier

Mat-Su Ed. Assoc

Representing (Optional)

PO Box 1733 Palmer, Alaska 99645

Address

(907) 376-2959

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Comm of Regional Affairs
committee name
 committee on HB 164, dated _____
bill/subject

I am very much against this bill.
 Please do not do this to us. We signed our
 contracts in good faith, did not abuse
 the sick-leave system and saved those days
 towards retirement & future use.

This bill will most likely cost you more money
 in the end. There are thousands of sick days waiting
 to be used. It is possible that many teachers
 will need to work longer at full-time pay to
 make up this loss. It is not a small
 loss to us.

Signed: Robert Alderman - elem. Classroom teacher
 Testifier

Representing (Optional)
Knappa Elementary
 Address
907-376-8037
 Phone No.

ALASKA STATE LEGISLATURE

Please enter into the record my testimony on HB164 , dated March 31, 1997.

I am opposed to HB164.

By NOT allowing accrued sick leave to be used toward the Teacher's Retirement System (TRS), teachers will be out of the classroom more in order to use up their sick leave. Currently, many of the teachers I know schedule medical and dental visits after the school day or during vacations so they do not disrupt the education of their students. If HB164 is passed, this will change.

Our district does not have a cash out option for unused sick leave, therefore you "use it or loose it". This is no way to reward teachers for their attendance and dedication to the education of Alaska's children. Can you imagine what people would say if every teacher used their sick leave each month? Think of all those substitute dollars! When the public voices their outrage over teachers being out of the classroom, then the legislature must bare the responsibility.

This bill will create more financial hardships on individual school districts and Alaska as a whole. The legislature will need to come up with additional funds for education in order to cover the costs for all the extra substitutes.

Let's be fair and reward those teachers who have demonstrated consistent attendance. It takes many years, based on 12 contracted sick leave days per year, to accumulate enough sick leave to equal one year credit toward retirement. Our yearly contract is for 183 days. Anyone who has saved 200 sick leave days over the course of 21 years, like my husband has, should receive credit based on the current TRS formula. Two hundred unused sick leave days equals one plus years in the classroom. He should get credit for it! This bill is an insult to any teacher who has attended regularly, and worked hard for the education of our children.

Again, for the record, I am opposed to HB164.

Laura Young-Campbell
Testifier

P.O. Box 251045 Kodiak AK 99607
Address/Phone 376-2561



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on HB 164 . dated _____
bill/subject

The economic purpose of HB 164 confounds me. Without incentive to apply unused sick leave to retirement teachers will be more likely to use their sick leave - Resulting in more substitutes, resulting in higher costs for districts and reduce quality in education statewide. This is not a budget cutting measure but will increase overall costs of education. I thought the Republican mission was to cut the cost of government and increase the quality of education.

Signed: Eugenia Sudler
Testifier

Eugenia Sudler
Representing (Optional)

1101 Box 6050 S
Address

746 0923
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on H B 164, dated 3-28-97
bill/subject

I have worked for 26 years as a teacher in the State of Alaska. I have worked under an agreement that any unused sick-leave time would be used towards my retirement. It would seem to me that it would be illegal - not to mention immoral! - to unilaterally change that agreement. I have not used sick leave because I feel it's hard on my class if I'm out, so unless I'm really very ill, I usually go to class. This bill is a slap in the face to those of us who've put professional responsibilities in the front of our own needs. I will participate in a lawsuit to defend this agreed right!

Signed: Carol Lowery Carol Lowery
Testifier

Myself
Representing (Optional)

HC 31 Box 5205 Wasilla Ak 99654
Address

907 376-5684
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on HB 164 , dated 3-28-97
bill/subject

We are currently under an agreement that gives our unused sickleave as credit toward retirement. I believe to take this away from us after (19 yrs) of saving is illegal & immoral. I have earned the right to put this towards my retirement. Because of accruing these days I've saved the district thousands of dollars in sub pay. This is a slap in the face to all teachers! I urge you not to pass this bill. Thank you for listening

Signed: Lore McShane
Testifier

Myself
Representing (Optional)

Box 874311 Wasilla, Ak 99687
Address

907 376-8287
Phone No



Alaska State Legislature

Please enter into the record my testimony to the CRWA
committee name
 committee on HB164, dated 4/2
bill/subject

When I Became a teacher I was told that
 my sick leave could be used For retirement.
 Now you want. to take this away From
 me. I wish you would just say, your not
 worth it. Then I would quit teaching
 and go Back into the private sector
 The problem is not Everyone can work
 with kids. and you get what you pay
 For. This is a Bad Bill

Signed: Neal Lacy (LACY)
Testifier

Representing (Optional)
1800 Red Fox Wasilla AK 99654
Address
373-7896
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the CRNA
committee name
 committee on HB 164, dated 4/2
bill/subject

① TRS limited cert holders are the same as Type A cert holders. We have the same duties, conduct classes in the same way, and are just as good, if not better than type A holders. We are hired because of our industry experience, which you can't get from college. The school districts treat us like second class people in wages and advancement. We are the best value in public education. And in keeping with our school to work programs we are big part of this project. I believe this is a slap in face of all hard working limited cert holders. This is a Bad Bill

Signed: [Signature]
Testifier

limited cert holders mat su district
Representing (Optional)

1800 Red Fox Wasilla AK 99
Address

373-7896
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the CR + A (House)
committee name

committee on HB 164 . dated April 2, 1997 .
bill/subject

For 23 years I have been assured that after retirement for 1 year I could apply my sick leave to the # of years of service + thereby gain something for being a reliable employee. I currently have over 245 days of sick leave. I taught 11 years before taking a 1/2 day off + since then have taken off 5 days to take my 13yr old son outside for heart surgery. I have not abused the sick leave policy like many-(especially for pregnancy problems) but I feel like this is a slap in the face for years of being diligent. Those who for years have been abusing the system + taking 3+4 day weekends + extending their holidays are being rewarded while I am being punished + in fact being fined thousands of dollars. I don't belong to MSEA or NEA + I feel like now ~~no one is representing me!~~

the elected officials don't want to represent me!

Signed: Mick Pellet
Testifier

Myself
Representing (Optional)

Po Box 3743 Palmer AK 99645
Address

745-2705
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the C.R. & A (House)
committee name
 committee on HB 164 , dated April 2, 1997 .
bill/subject

I am opposed to the following provisions of HB 164:

- 1) Taking Teachers with limited certificates out of TRS - These are highly trained employees who while not receiving the majority of their training through the University system, are nonetheless valuable assets for educating students in actual vocations
- 2) Taking away the ability of teachers to use accumulated sick leave as credit for retirement
 - Violates our contractual agreement w/o compensation
 - Would be disruptive to the educational process. Now teachers are rewarded for staying in the classroom, on days when they might otherwise take a sick day. We stay in the classroom on those days in order to provide continuity to our students education

Signed: Paul Mome
 Testifier

Representing (Optional)
9370 Paul Edge Dr Wasilla, AK 99654
 Address
907-376-1339
 Phone No.

435 Eagle Ave
Palmer 99645
745-8479

M. J. [Signature]

Mr. [Signature]

Sincerely,

State! I only have two years until retirement

already have a contract with the

without grandfathering in those who

not fair to change or amend a law

do not want it taken away. It is

towards my planned retirement. I

have 11 years of service or 96 days saved

long and hard saving my sick leave. I

supported in anyway. I have worked

I do not want HB 164 (Nessey)

Dear Sirs;

3-31-97



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on Sick leave Bill HB 164 , dated March 28, 1997 .
bill/subject

We are currently under an agreement that gives us our unused sickleave to use for credit in retirement. Is it the committee's desire to deliberately intentionally break an agreement (contract) that is in effect and has been relied on in good faith?

teacher's The legislature has tried for years to attack the retirement fund which is healthy. Now you are trying to prevent us from using our own fund after serving the State and Community for at least 20 years. Maybe you should take lessons from teachers and their retirement system when working out your own budget; instead of trying to rob us of what we have earned. I will participate in a lawsuit to defend our contracted rights!

Signed: Tracy Moore
Testifier

Myself
Representing (Optional)

HC 89 Box 8550 Talkeetna, AK 99676
Address

733-3128 work (where I am at least 40+ hrs per week)
Phone No. 376-5371



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name

committee on 11B164 , dated Mar. 28, '97
bill/subject

Please reconsider this bill. It is a cold and brutal slap in the face of teachers statewide who have faithfully delivered service to ~~the~~ the state of AK. Taking away accrued sick leave under an ^{existing} agreement by the state is a contradiction and an injustice to all the teachers in this state; a work force that is one of the largest in the state and that directly impacts Alaska's social and community atmosphere. I will join in a class action lawsuit against the state if this bill is passed.

Signed: W. Chris Jones (W. Chris Jones)
Testifier

Self
Representing (Optional)

1180 Balaban Circle, Whittier, AK 99654
Address

376-7778
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HB 164
committee name
 committee on _____, dated 3/28/97
bill/subject

I was a teacher in the Mat-Su. I have resided in the valley for almost 17 years. During my years as a teacher I have not used my sick leave unless I was almost entirely immobile. I felt it was my responsibility to work regardless of my condition. I also knew that I was acquiring sick leave for retirement. My incentive to not stay home when I was sick was my acquired sick leave for retirement. This also contributed to my classes continuity in instruction.

I support the retention of the existing system that encourages employees to work and not stay home.

Signed: Lawrence W. Volker
Testifier
Musell
Representing (Optional)
220 Gloria St. Palmer, AK 99645
Address
746-4706
Phone No



Alaska State Legislature

Please enter into the record my testimony to the C.R. + A (House)
committee name
 committee on HB 164, dated April 2, 1997.
bill/subject

To whom it may concern:

I am writing this to voice my opposition to the action of HB 164 that seeks to disallowing accumulated sick-leave for retirement credit. This right was agreed to years ago, it has been acted on in good faith for years by many teachers and now you are arbitrarily taking it away.

Your actions made me wonder if it wouldn't be more ethical if you just to be up front with the public and teachers and simply say, "We don't want you, at least not on a paying basis and we going to keep attacking you and your profession through legislation as long as it possibly can."

Signed: David Duffman
 Testifier

Testifier

Representing (Optional)

Address

Phone No.

Self

P.O. Box 1634, Alaska AK 99645

376-6410



Alaska State Legislature

Please enter into the record my testimony to the _____ committee name
 committee on HB 164 . dated March 23, 1997
 bill/subject

The legislature is covertly working on
 Union Busting 101. I was born at night,
 but, please, not last night. By whittling
 away teacher benefits now and future benefits
 the legislature is "cutting off their nose to
 spite their face". Your determination to divide
 and conquer our retirement system is not
 that unnoticed. New teachers will get fewer
 benefits, and have fewer reasons to come to
 Alaska to teach. I'm sure you understand that
 in business, you do not stiffen the requirements
 to make an elite product, then charge much less
 for that product. If you want the best then be prepared
 to pay for the plate.

Signed: Tim J. Moore
 Testifier

myself - education
 Representing (Optional)

HC 89 Box 8550 Talkeetna AK 99616
 Address

733-3128 Scholar 376-5371
 Phone No



NEA-ALASKA

Affiliated with the National Education Association

POSITION STATEMENT - HB 164

NEA-Alaska opposes House Bill 164.

House Bill 164 removes new legislators, NEA-Alaska staff members, and teachers holding a limited certificate from the teacher retirement system. The bill also prohibits any new member of the teacher retirement system from counting unused sick leave as credited service toward retirement.

Which retirement system the members of the legislature are in is of little concern to NEA-Alaska. We do believe, however, that this provision of the bill would have a chilling effect on future candidates who happen to teach. This sets up a separate class of citizenship for one group of public sector employees. This section would penalize those who chose education as a profession and then seek to serve the people of Alaska as a legislator. No useful public policy is served by this section of the bill. We believe that all citizens of Alaska should be encouraged to run for public office. NEA-Alaska believes that educators have made a valuable contribution to the Legislature in the past and should be encouraged to run for office in the future.

NEA-Alaska's employees have their own retirement system. This section of the bill would have no effect on our organization.

We are strongly opposed to the removal of vocational education teachers, ROTC instructors, and native language teachers from the retirement system. We believe that these teachers are an important part of the education system of Alaska and that they are as deserving of the benefits of the retirement system as any other class of teacher. Districts hire vocational education teachers, ROTC instructors, and native language teachers, because of their unique qualifications and abilities. The removal of these teachers from the retirement system will make it hard to attract and retain quality people in our schools. The very programs that many believe are of paramount importance will suffer.

We are also strongly opposed to the repealing of the provision that allows for the counting of unused sick leave towards retirement. Sick leave is a benefit that employees earn. To deny them the ability to use this leave toward retirement is to deny employees the right to use a benefit that has been rightfully earned. We believe that should this provision become law it would encourage teachers to use their earned benefit by taking leave rather than using it for retirement credit.

March 11, 1997

Dear Legislator and Committee Member:

I am writing to share my concern and displeasure regarding House Bill No. 164 sponsored by Representative Vezey. I am in favor of continuing the issuance and retention of Limited Teaching Certificates.

Alaska Native Tradition Bearers are a vitally needed and utilized resource in the classrooms of Alaska. All Alaska children benefit by their presence, knowledge and wisdom shared in teaching the Native ways of knowing and the teaching of our Alaska Native languages.

In my opinion, House Bill No. 164 reflects a serious lack of respect by many non-Native Alaskan people of our most valuable resources; the elders. Our youth need, and more importantly, look to our elders for guidance, support and knowledge.

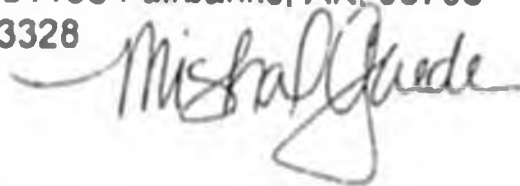
As an Inupiaq woman, I use my talents and resources to convey our rich Alaska Native culture. I have committed my energy and gifts in working with and for our people. I obtained my Secondary Teaching certificate over a year ago

I hope that each legislator will acknowledge the warning that valuable learning also occurs outside of the classroom; not necessarily from a book. The knowledge that elders impart is priceless, timeless and useful.

I believe the \$500,000 appropriated by the Legislature, to battle Indian Country, could be better invested. This money could be used to assist in the development of community-based education which reflects local traditional ways of knowing and values.

I hope you will vote against House Bill No. 164. Thank You.

Mishal Tooyak Gaede P. O. Box 81188 Fairbanks, AK, 99708
Telephone Work 452-8251, Ext. 3328



AMENDMENT

OFFERED IN THE HOUSE

TO: Draft CSSSHB 164() ("L" Version Dated 4/7/97)

1 Page 1, line 3, following "credit":

2 Insert "or compensation"

3 Page 1, following line 5:

4 Insert a new bill section to read:

5 ** Section 1. AS 14.20 is amended by adding a new section to read:

6 Sec. 14.20.225. Compensation for unused sick leave. Except for a teacher
7 who receives credited service for accrued sick leave under AS 14.25.115, a school
8 district shall compensate a teacher who first began employment as a teacher with the
9 district on or after the effective date of this Act and who terminates employment with
10 the school district, either by retirement or otherwise, for accrued sick leave for which
11 the teacher does not elect to receive credited service under AS 14.25.115. The
12 amount of the compensation shall be figured using the teacher's average base salary
13 at the time the teacher ended employment with the district."

14 Page 1, line 6:

15 Delete "Section 1"

16 Insert "Sec. 2"

17 Renumber the following bill sections accordingly.

18 Page 2, lines 4 - 12:

19 Delete all material and insert:

20 "(d) A teacher who first joins the system on or after the effective date of this
21 Act may elect to apply unused sick leave credit in computing the total number of

1 years of credited service under AS 14.25.110(d) except for sick leave earned while
2 participating in the optional university retirement program under AS 14.40.661 -
3 14.40.799. To obtain service credit for unused sick leave, a teacher must apply to the
4 administrator no later than one year after appointment to retirement. Unused sick
5 leave shall be credited on a day-for-day basis in accordance with the table for service
6 on or after July 1, 1969, contained in AS 14.25.220(43). A teacher who elects to
7 receive credited service under this subsection is indebted to the system. The amount
8 of the indebtedness is equal to 8.65 percent of the teacher's base salary at the time
9 the teacher retired multiplied by the credited service the teacher will receive for
10 unused sick leave."

11 Page 2, line 21:

12 Delete "2 - 4"

13 Insert "1 and 3 - 5"

0-LS0636L
Cramer
4/7/97

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 164()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE VEZEY

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that employment as a legislator or with the National Education
2 Association is not credited service under the teachers' retirement system; and
3 relating to credit for unused sick leave for members of the teachers' retirement
4 system."

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

6 • Section 1. AS 14.25.115(a) is amended to read:

7 (a) A teacher in membership service on or after July 1, 1977, and before the
8 effective date of this Act, who is appointed to retirement on or after July 1, 1978,
9 may elect to apply unused sick leave credit in computing the total number of years of
10 credited service under AS 14.25.110(d) except for sick leave earned while participating
11 in the optional university retirement program under AS 14.40.661 - 14.40.799. To
12 obtain service credit for unused sick leave, a teacher must apply to the administrator
13 no later than one year after appointment to retirement. Unused sick leave shall be
14 credited on a day-for-day basis in accordance with the table for service after July 1,

1 1969, contained in AS 14.25.220(43). Teacher contributions may not be required for
2 credited unused sick leave.

3 * Sec. 2. AS 14.25.115 is amended by adding a new subsection to read:

4 (d) If there is a collective bargaining agreement entered into between the
5 bargaining organization representing the teacher and the teacher's employer that
6 includes a term that permits applying unused sick leave credit to the computation of
7 the total number of years of credited service, a teacher who first becomes a member
8 of this system on or after the effective date of this Act may elect, for sick leave earned
9 during the period covered by the collective bargaining agreement, to apply unused sick
10 leave credit in computing the total number of years of credited service. To the extent
11 that a teacher is entitled to credit for sick leave under this subsection, the credit shall
12 be applied in accordance with this section.

13 * Sec. 3. AS 14.25.220(16) is amended to read:

14 (16) "employer" means a public school district, the Board of Regents
15 of the University of Alaska, the Department of Education, or [THE NATIONAL
16 EDUCATION ASSOCIATION OF ALASKA,] the Regional Resource Centers [, OR
17 THE STATE LEGISLATURE WITH RESPECT TO A STATE LEGISLATOR WHO
18 ELECTS MEMBERSHIP UNDER AS 14.25.040(b)];

19 * Sec. 4. AS 14.25.040(b), 14.25.040(c), 14.25.045, 14.25.220(6)(B), 14.25.220(21)(D), and
20 14.25.220(40)(D) are repealed.

21 * Sec. 5. Sections 2 - 4 of this Act apply to persons who first become members of the
22 teachers' retirement system on or after the effective date of this Act.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: CS for SSHB 164 (), Draft 0-LS0636\K

1 Page 1, Line 2, following "system":

2 Delete "; and repealing a provision permitting members of the
3 teachers' retirement system to count unused sick leave credit as
4 credited service"

5 Page 1, Line 12, following "14.25.045,"

6 Delete "14.25.115 (a),"

O-LS0636K
Cramer
3/20/97

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 164()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE VEZEY

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that employment as a legislator or with the National Education
2 Association is not credited service under the teachers' retirement system; and
3 repealing a provision permitting members of the teachers' retirement system to
4 count unused sick leave credit as credited service."

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

6 • Section 1. AS 14.25.220(16) is amended to read:

7 (16) "employer" means a public school district, the Board of Regents
8 of the University of Alaska, the Department of Education, or [THE NATIONAL
9 EDUCATION ASSOCIATION OF ALASKA.] the Regional Resource Centers [, OR
10 THE STATE LEGISLATURE WITH RESPECT TO A STATE LEGISLATOR WHO
11 ELECTS MEMBERSHIP UNDER AS 14.25.040(b)];

12 • Sec. 2. AS 14.25.040(b), 14.25.040(c), 14.25.045, 14.25.115(a), 14.25.220(6)(B),
13 14.25.220(21)(D), and 14.25.220(40)(D) are repealed.

14 • Sec. 3. This Act applies to persons who first become members of the teachers' retirement

1 system on or after the effective date of this Act.

#2

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: SSHB 164

1 Page 1, Line 4, following "certificates;":

2 Delete "removing teachers holding limited certificates to teach Alaska
3 Native Language or culture from membership in the teachers'
4 retirement system;"

5 Page 1, Line 6:

6 Delete all material in Section 1.
7 Renumber sections accordingly.

8 Page 2, Line 8, following "14.25.045":

9 Delete "14.25.048,"

10 Page 2, Line 9, following "14.25.220(6)(D)":

11 Delete "14.25.220(21)(F),"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE IVAN

TO: SSHB 164

1 Page 1, line 3, following "of":

2 Insert "certain"

3 Page 1, line 4:

4 Delete "removing"

5 Insert "permitting an employer of"

6 Page 1, line 5:

7 Delete "from"

8 Insert "to provide for"

9 Following "system":

10 Insert "for those teachers"

11 Page 1, line 13, following "However,":

12 Insert "except as provided in AS 14.25.048,"

13 Page 2, following line 1:

14 Insert new bill sections to read:

15 ** Sec. 2. AS 14.25 048(a) is amended to read:

16 (a) Except as provided in (d) of this section, an employee employed by a
17 participating employer on or after June 5, 1988, and before the effective date of this
18 Act, or employed on or after the effective date of this Act by an employer who
19 elects to provide coverage under (c) of this section, shall participate in the system
20 under this chapter if the employee

21 (1) teaches Alaska Native language or culture in a permanent full-time

1 or permanent part-time position;

2 (2) learned about the subject to be taught by living in the culture or
3 using the language in daily life; and

4 (3) is qualified to teach the subject to elementary or secondary students
5 as required by regulations adopted by the Department of Education.

6 * Sec. 3. AS 14.25.048 is amended by adding a new subsection to read:

7 (e) On or after the effective date of this Act, a public school district may, by
8 resolution of the school board, elect whether employees who meet the requirements
9 of (a) of this section are entitled to coverage under this system. An employee of the
10 Department of Education who meets the requirements of (a)(1) - (3) of this section
11 is entitled to coverage under this system. A school board that makes an election
12 concerning coverage under this subsection may not change that election for a period
13 of three years from the date of the election. An election under this subsection entitles
14 employees of the public school district who meet the requirements of (a) of this
15 section to membership in the system only during the period of the election. If the
16 school board subsequently adopts a resolution terminating membership in the system
17 for those employees, the employees are not entitled to credited service for
18 employment with the public school district after the effective date of the resolution."

19 Page 2, line 8:

20 Delete "14.25.048,"

21 Page 2, line 9:

22 Delete "14.25.220(21)(F),"

FAX

To: Linda
Rep. Joule's Office

From: Judith Entwife, Administrator 
Teacher Education & Certification

Fax: 4586

Fax: 2441

Here are the 5 pages of information you requested on Limited Certificates. The first query shows the number of 5-year certificates issued:

Total	198
Recognized Expert (Native languages and cultures)	122

The second query shows by district those holding Limited Certificates who are currently teaching in Alaska school districts:

Total	147
Recognized Expert (Native languages and cultures)	76
Recognized Experts in District 37	51

Please let me know if there's anything more I can do to help you.

Extn description	Area description	Count
MILITARY-JROTC	JROTC	5
	MILITARY SCIENCE	3
	RUSSIAN LITERATURE	1
	Total for MILITARY-JROTC	9
RECOGNIZED EXPERT	ALASKA NATIVE ART	2
	INUPIAQ	12
	TLINGIT	1
	YUPIIT	12
	BILINGUAL/BICULTURAL	15
	BILINGUAL/BICULTURAL ED	12
	CULTURAL HERITAGE	3
	INUPIAQ LANGUAGE	4
	NATIVE LANGUAGE & CULTURE	31
	RECOGNIZED EXPERT	23
	YUP'IK LANGUAGE	6
	YUP'IK NATIVE CULTURE	1
Total for RECOGNIZED EXPERT	122	
VOCATIONAL	DIESEL	1
	EMT	1
	AUTO BODY	2
	AUTO MECHANICS	2
	AUTOMOTIVE	2
	AVIATION	1
	BROADCASTER/ENGINEER	1
	BUILDING CONSTRUCTION	1
	BUILDING MAINTENANCE & REPAIR	1
	BUILDING TRADES	1
	BUSINESS	1
	COMPUTER ASSISTED DRAFTING	1
	COMPUTER EDUCATION	4
	COMPUTER SCIENCE	1
	CONSTRUCTION	1
	COSMETOLOGY	1
	DIESEL TECHNICIAN	1
	ELECTRONICS	2
	ELECTRONICS/ELECTRICIANS	3
	EMERGENCY MEDICAL TECH.	2
	FIRE MANAGEMENT	1
	FISHERIES	5
	FOOD SERVICE	5
	FOOD SERVICES	2
	FORESTRY	1
	GRAPHIC ARTS	1
	HEALTH SERVICES	1
	JOB SKILLS DEVELOPER	1

Distribute to Tom Liotta

Distribute to Tom Liotta

01/14/97 16:13:38 Limited Certs by District/Extn as of Jan 1, 1997 PAGE 1

District	Extn. description	Count
ANCHORAGE SCHOOL DISTRICT	VOCATIONAL	17
	Total for ANCHORAGE SCHOOL DISTRICT TOTAL	17
ANNETTE ISLAND SCHOOLS	RECOGNIZED EXPERT	1
	Total for ANNETTE ISLAND SCHOOLS TOTAL	1
AVTEC	RECOGNIZED EXPERT	1
	VOCATIONAL	24
	Total for AVTEC TOTAL	25
BERING STRAIT SCHOOLS	RECOGNIZED EXPERT	30
	Total for BERING STRAIT SCHOOLS TOTAL	30
COPPER RIVER SCHOOLS	RECOGNIZED EXPERT	1
	VOCATIONAL	1
	Total for COPPER RIVER SCHOOLS TOTAL	2
CRAIG CITY SCHOOLS	VOCATIONAL	1
	Total for CRAIG CITY SCHOOLS TOTAL	1
DILLINGHAM SCHOOL DISTRICT	VOCATIONAL	1
	Total for DILLINGHAM SCHOOL DISTRICT TOTAL	1
FBNKS-NORTH STAR BOROUGH SCH	MILITARY-JROTC	6
	VOCATIONAL	1
	Total for FBNKS-NORTH STAR BOROUGH SCH TOTAL	7
GALENA CITY SCHOOL DISTRICT	RECOGNIZED EXPERT	1
	VOCATIONAL	1
	Total for GALENA CITY SCHOOL DISTRICT TOTAL	2
KASHUNAMIUT SCHOOLS	VOCATIONAL	1

Distribute to Tom Liotta

01/14/97 16:13:38 Limited Certs by District/Extn as of Jan 1, 1997 PAGE 2

District	Extn. description	Count
	Total for KASHUNAMIUT SCHOOLS	
	TOTAL	1
KENAI PENINSULA SCHOOL DISTRICT	VOCATIONAL	2
	Total for KENAI PENINSULA SCHOOL DISTRICT	
	TOTAL	2
KETCHIKAN GATEWAY SCHOOLS	RECOGNIZED EXPERT	4
	Total for KETCHIKAN GATEWAY SCHOOLS	
	TOTAL	4
KODIAK ISLAND SCHOOLS	VOCATIONAL	2
	Total for KODIAK ISLAND SCHOOLS	
	TOTAL	2
KUSPUK SCHOOLS	RECOGNIZED EXPERT	6
	Total for KUSPUK SCHOOLS	
	TOTAL	6
LOWER KUSKOKWIM SCHOOLS	VOCATIONAL	1
	Total for LOWER KUSKOKWIM SCHOOLS	
	TOTAL	1
LOWER YUKON SCHOOLS	RECOGNIZED EXPERT	5
	Total for LOWER YUKON SCHOOLS	
	TOTAL	5
MAT-SU SCHOOLS	MILITARY-JROTC	2
	VOCATIONAL	5
	Total for MAT-SU SCHOOLS	
	TOTAL	7
NENANA CITY SCHOOLS	VOCATIONAL	3
	Total for NENANA CITY SCHOOLS	
	TOTAL	3
NOME CITY SCHOOLS	RECOGNIZED EXPERT	1
	Total for NOME CITY SCHOOLS	
	TOTAL	1
NORTH SLOPE BOROUGH SCHOOLS	RECOGNIZED EXPERT	21
	VOCATIONAL	2

Distribute to Tom Liotta

District	Extn. description	Count
	Total for NORTH SLOPE BOROUGH SCHOOLS	
	TOTAL	23
SITKA SCHOOL DISTRICT	RECOGNIZED EXPERT	2
	Total for SITKA SCHOOL DISTRICT	
	TOTAL	2
ST MARYS SCHOOL DISTRICT	RECOGNIZED EXPERT	1
	Total for ST MARYS SCHOOL DISTRICT	
	TOTAL	1
SW REGION SCHOOLS	RECOGNIZED EXPERT	1
	Total for SW REGION SCHOOLS	
	TOTAL	1
WRANGELL CITY SCHOOLS	VOCATIONAL	1
	Total for WRANGELL CITY SCHOOLS	
	TOTAL	1
YAKUTAT CITY SCHOOLS	RECOGNIZED EXPERT	1
	Total for YAKUTAT CITY SCHOOLS	
	TOTAL	1
	FINAL TOTALS	
	TOTAL	147

*** END OF REPORT ***

Distribute to Tom Liotta

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 164

Revision Date: _____
 Title: An Act providing that employment as a legislator or with the National Education Association is not credited service under the

Department Affected: Administration
 BRU: All State Agencies

Component: _____

Sponsor: Vozy
 Requestor: HICBA

COMPONENT SERIAL NO. 64

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ zero

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill has no fiscal impact on the Teachers' Retirement System (TRS). This bill will impact members first hired after the effective date. The provision to eliminate credit for unused sick leave is estimated to decrease the future contribution rate by .36% after 25 years. This would be a decrease in total employer contributions of \$220,200 yearly after 25 years. This effect is not estimated to affect the funding ratio.

Prepared by: Robert F. Stalnaker
 Division: Retirement & Benefits

Phone: 465-4470
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/17/97

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Sec. 14.25.040. Membership.

(a) Unless a teacher or member has elected to participate in the optional university retirement program under AS 14.40.661 - 14.40.799, a teacher or member contracting for service with a participating employer is subject to this chapter.

(b) A state legislator who was an active member of this system under other sections of this chapter within the 12 months immediately preceding election to office may elect to be an active member of this system for as long as the state legislator serves continuously as a state legislator subject to the requirements of (c) of this section, if, within 90 days after taking the oath of office,

(1) the state legislator directs the employer in writing to

(A) pay into this system the employer contributions required for a member under this chapter, and

(B) deduct from the state legislator's salary and pay into this system

(i) the employee contributions required for a member under this chapter; and

(ii) an amount equal to the difference between the total employer and state contributions required for a member under this chapter and the employer contributions which would be required under the public employees' retirement system (AS 39.35) if the legislator were covered under that system; and

(2) notice is given the administrator in writing.

(c) A state legislator is not entitled to elect membership under (b) of this section if the state legislator is covered for the same period of service under the public employees' retirement system (AS 39.35). An election of membership under (b) of this section is retroactive to the date the state legislator took the oath of office. A state legislator may not receive membership credit under (b) of this section for legislative service performed before the legislative session during which the state legislator elected membership under (b) of this section. In order to continue in membership service under (b) of this section, the state legislator must earn at least 0.3 years of membership service under other sections of this chapter during each five-year period.

(d) A person who is employed at least half-time in the system during the same period that the person is employed at least half-time in a position in the public employees' retirement system under AS 39.35 shall receive credited service under each system for half-time employment. However, the amount of credited service a person receives under the public employees' retirement system during a school year may not exceed the amount necessary, when added to the amount of credited service earned during the school year under the system, to equal one year of credited service. A person who was employed at least half-time in a position in the public employees' retirement system under AS 39.35 in the same period that the person was employed at least half-time in a position in this system may claim credited service in both systems for employment before May 31, 1989. To obtain this credited service, the person shall claim the service and verify the period of half-time employment. When eligibility for half-time service credit has been established, an indebtedness shall be determined to the retirement system in which the person did not participate. The amount of the indebtedness is the full actuarial cost of providing benefits for the credited service claimed. Interest as prescribed by regulation accrues on that indebtedness beginning on the later of July 1, 1989, or the date on which the member is first eligible to claim the service. Any outstanding indebtedness existing at the time the person retires will require an actuarial adjustment to the benefits payable based on that service.

History -

(sec. 5 ch 145 SLA 1955; am sec. 1 ch 86 SLA 1963; am sec. 1 ch 151 SLA 1966; am sec. 1 ch 85 SLA 1971; am sec. 1 ch 66 SLA 1973; am sec. 1 ch 169 SLA 1976; am sec. 1 ch 82 SLA 1979; am sec. 1 ch 58 SLA 1989; am sec. 1 ch 104 SLA 1989)

Sec. 14.25.045. Participation by National Education Association employees.

(a) An employee or former employee of the National Education Association of Alaska may participate in the system under this chapter if

(1) the employee or former employee possesses or is eligible to possess a teacher certificate under AS 14.20.020; and

(2) the employee or former employee of the National Education Association of Alaska pays all retroactive contributions required to be made under this chapter.

(b) For purposes of computing the period of time for which retroactive contributions may be due, an employee or former employee may count employment with the National Education Association of Alaska since July 1, 1956.

History -

(sec. 4 ch 99 SLA 1974; am sec. 1 ch 98 SLA 1975; am sec. 3 ch 106 SLA 1988)

Sec. 14.25.048. Teachers of Alaska Native language and culture.

(a) Except as provided in (d) of this section, an employee employed by a participating employer on or after June 5, 1988, shall participate in the system under this chapter if the employee

(1) teaches Alaska Native language or culture in a permanent full-time or permanent part-time position;

(2) learned about the subject to be taught by living in the culture or using the language in daily life; and

(3) is qualified to teach the subject to elementary or secondary students as required by regulations adopted by the Department of Education.

(b) An employee or former employee may receive credit for retroactive membership service for employment before June 5, 1988 if the employee or former employee met the requirements listed in (a) of this section at the time of the employment. To receive credit for the retroactive membership service, the employee or former employee shall claim the service and pay the retroactive contributions required under AS 14.25.061. However, an employee or former employee may not receive retroactive credit under this subsection if the employee received credited service under AS 39.35 for the employment.

(c) An employee or former employee who received credit under AS 39.35 for service that qualifies under (a) of this section may elect to transfer those periods of employment to the system. To receive credit for retroactive membership service under this subsection, the employee or former employee shall claim the service and pay the retroactive contributions required under AS 14.25.061.

(d) Notwithstanding (a) of this section, an employee employed as a teacher of Alaska Native language and culture and participating in the Public Employees' Retirement System under AS 39.35 on the day before June 5, 1988 shall remain a member under AS 39.35 unless the employee elects to become a member of the Teachers' Retirement System on or before September 3, 1988.

History -

(sec. 4 ch 106 SLA 1988)

Editors Notes -

Section 36, ch. 106, SLA 1988 provides: "If June 5, 1988 occurs during the interim between school terms, a person is considered to be employed on the day before June 5, 1988 if the person was employed by a participating employer on the last day of the school term immediately preceding the beginning of the interim and is employed by the employer on the first day of the school term immediately following the interim."

Sec. 14.25.115. Unused sick leave credit.

(a) A teacher in membership service on or after July 1, 1977, who is appointed to retirement on or after July 1, 1978, may elect to apply unused sick leave credit in computing the total number of years of credited service under AS 14.25.110(d) except for sick leave earned while participating in the optional university retirement program under AS 14.40.661 - 14.40.799. To obtain service credit for unused sick leave, a teacher must apply to the administrator no later than one year after appointment to retirement. Unused sick leave shall be credited on a day-for-day basis in accordance with the table for service after July 1, 1969, contained in AS 14.25.220(43). Teacher contributions may not be required for credited unused sick leave.

(b) A teacher appointed to retirement before July 1, 1978, who returns to membership service on or after July 1, 1978, and is subsequently reappointed to retirement is eligible for unused sick leave credit only with respect to sick leave accrued during membership service on or after July 1, 1978.

(c) Benefits payable under this section accrue from the first day of the month after which all the following requirements are met: (1) the teacher meets the eligibility requirements of this section; (2) the teacher's written application for unused sick leave credit is received and verified by the administrator; and (3) a period of time has elapsed since the date of appointment to retirement equal to the amount of verified unused sick leave. Benefits are payable on the last day of the month.

History -

(sec. 13 ch 136 SLA 1978; am sec. 29 ch 59 SLA 1982; am sec. 10 ch 137 SLA 1982; am sec. 2 ch 104 SLA 1983)

Decisions -

Cited in *Casperson v. Alaska Teachers' Retirement Bd.*, 664 P.2d 583 (Alaska 1983).

Sec. 14.25.220. Definitions.

In this chapter, unless the context requires otherwise,

(1) "active member" means a member who is employed by an employer, is receiving compensation on a full-time or part-time basis and is making contributions to the system, or a member making contributions under AS 14.20.330 or 14.20.345;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 14.25.015;

(4) "annuitant" means a retired member or a disabled member who is receiving a benefit under this system;

(5) "average base salary" means the result obtained by dividing the sum of the member's three highest years' base salary by three, or if a member does not have three years base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the computation of the average base salary; the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

(6) "base salary"

(A) means the total remuneration payable under contract for a full year of membership service, including addenda to the contract;

(B) has the same meaning as "compensation" under AS 39.35.680(8) when applied to a state legislator who elects membership under AS 14.25.040(b);

(7) "beneficiary" means a person designated by a member to receive benefits that may be due from the system upon the member's death;

(8) "BIA service" means service, including partial years, as a teacher, a certificated person employed in a full-time position requiring a teaching certificate as a condition of employment, or a Bureau of Indian Affairs professional educator in a school or school system contracted or operated by the Bureau of Indian Affairs in Alaska,

(9) "board" means the Alaska Teachers' Retirement Board established under AS 14.25.035;

(10) "compensation" means the total remuneration paid under contract to a member for services rendered during a school year, including cost-of-living differentials, payments for leave that is actually used by the member, the amount by which the member's wages are reduced under AS 39.30.150(c), and the amount deferred under an employer-sponsored deferred compensation plan or the tax shelter annuity plan approved by the Department of Education, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments, or payments for leave not used by the member, whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any payment made after June 30 of a school year for services rendered before the end of the school year;

(11) "credited service" means

(A) all membership service as defined in this section, territorial employment as defined in this section, plus outside, military, and Alaska BIA service, with outside and military service limited to 10 years except under the conditions set out in AS 14.25.100;

(B) for purposes of eligibility for benefits under this chapter, service for which no indebtedness is owed;

(12) "deferred vested member" means an inactive member who meets the service requirements of a vested member;

(13) "dependent child" means an unmarried child of a member, including an adopted child, who is dependent upon the member for support and who is either (A) less than 19 years old, or (B) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; the age limits set out in this paragraph do not apply to a child who is totally and permanently disabled;

(14) "disabled member" means a member who is terminated, who has not received a refund from the system, and who is receiving a disability benefit from the system;

(15) "early retirement" means retirement under AS 14.25.110(b);

(16) "employer" means a public school district, the Board of Regents of the University of Alaska, the Department of Education, the National Education Association of Alaska, the Regional Resource Centers, or the state legislature with respect to a state legislator who elects membership under AS 14.25.040(b);

(17) "former member" means a member who is terminated and who received a total refund of the balance of the mandatory contribution account, or who has requested in writing a refund of the balance of the mandatory contribution account;

(18) "full-time teacher" means a teacher occupying a position requiring teaching on a regular basis for the normal work period per day or week at a teaching assignment, excluding teaching as an assistant or graduate assistant or teaching on a substitute, temporary, or per diem basis;

(19) "inactive teacher or member" means a member who is terminated and who has not received a refund from the system or a member who is on leave of absence and who is not making contributions under AS 14.20.345;

(20) "member contribution account" means the total maintained by the system of the member's mandatory contributions, indebtedness principal and interest payments, interest credited to each of those accounts, and adjustments to the account in accordance with AS 14.25.173;

(21) "membership service" means

(A) full or part-time service as a teacher in a public school in the Territory or State of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education or the school board of a city, regional educational attendance area, or borough school district;

(B) full-time or part-time teaching at the University of Alaska or a full-time administrative position at the University of Alaska that requires academic standing and that has been approved for inclusion in the system by the administrator;

(C) any period during which the teacher receives a disability benefit under this system or is on an approved sabbatical leave granted in accordance with AS 14.20.310;

(D) continuous service as a state legislator when performed by a state legislator who elects membership under AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

(E) full-time or part-time service as an employee of the Special Education Service Agency, subject to the requirements of AS 14.25.047; or

(F) full-time or part-time service as an Alaska Native language or culture expert, subject to the requirements of AS 14.25.048;

(22) "military service" means active duty in the armed forces of the United States;

(23) "nonpublic school" means a school established by an agency other than a state that is primarily supported by other than public funds, and operation of whose program rests with other than publicly elected or appointed officials, and is state approved or accredited;

(24) "non-vested member" means an active or inactive member who does not meet the requirements of a vested member or deferred vested member;

(25) "normal retirement" means retirement under AS 14.25.110(a);

(26) "outside service" means service for full years as defined by (43)(A)(x) and (43)(B)(xi) of this section

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory - Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

(27) "part-time teacher" means a teacher occupying a position requiring teaching on a regular basis for at least 50 percent of the normal workweek at a teaching assignment, excluding teaching as an assistant or graduate assistant, or teaching on a substitute, temporary, or per diem basis;

(28) "permanent disability" means a physical or mental condition that, in the judgment of the administrator, based upon medical reports and other evidence satisfactory to the administrator, presumably prevents a member from satisfactorily performing the member's usual duties for the member's employer or the duties of another position or job that an employer makes available for which the member is qualified by training or education;

(29) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system, for crediting interest to members' contributions, and for charging interest on members' indebtedness accounts;

(30) "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and

that is supported by public funds;

(31) "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(A) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a member;

(B) sets out the name and last known mailing address, if any, of the member and of each alternate payee covered by the order;

(C) sets out the amount or percentage of the member's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(D) sets out the number of payments or period to which the order applies;

(E) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(F) does not require an increase of benefits in excess of the amount provided by this chapter, determined on the basis of actuarial value; and

(G) does not require the payment, to an alternate payee, of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order;

(32) "retired teacher or member" means a member who is terminated, who has not received a refund from the system, and who is receiving a benefit, other than disability, from the system;

(33) "retirement" means that period of time from the first day of the month following

(A) the date of termination; and

(B) application for retirement in which a person is appointed to receive a retirement benefit, other than a disability benefit;

(34) "retirement benefit" means the annuity received by a retired member from the system;

(35) "retirement fund" or "fund" means the fund in which the assets of the system are deposited and held;

(36) "Retirement System of 1945" and "Retirement Fund of 1945" or like terms mean the system and fund established in sections 37-5-21 - 37-5-35, ACLA 1949;

(37) "school year" means the 12-month period beginning July 1 of each year and ending June 30 of the following year;

(38) "supplemental contribution account" means the account maintained by the system to record the supplemental contributions of each member, including interest and adjustments to the account in accordance with AS 14.25.170;

(39) "system" means the Teachers' Retirement System of Alaska;

(40) "teacher" or "member" means a person eligible to participate in the system and who is covered by the system, limited to

(A) a certificated full-time or part-time elementary or secondary teacher, a certificated school nurse, or a certificated person in a position requiring a teaching certificate as a condition of employment in a public school of the state;

(B) the commissioner of education and all supervisory positions in the Department of Education;

(C) a full-time or part-time teacher of the University of Alaska or a person occupying a full-time administrative position at the University of Alaska that requires academic standing; the approval of the administrator must be obtained before an administrative position qualifies for membership in the system; however, a teacher or administrative person at the university who is participating in the optional university retirement program under AS 14.40.661 - 14.40.799 is not a member under this system;

(D) a state legislator who elects membership under AS 14.25.040(b);

(41) "territorial employment" means non-teaching employment with the Territory of Alaska as provided under AS 14.25.105; territorial employment is not membership service;

(42) "vested member" or "vested teacher" means an active member who has completed either

(A) 15 years of service, the last five of which have been membership service, for a member first hired before July 1, 1975;

(B) eight years of membership service;

(C) five years of membership and three years of BIA service; or

(D) 12 school years of part-time membership service or 12 school years in each of which the member earned either part-time or full-time membership service;

(43) "year of service" means service, except for military and territorial service, during the dates set for a school year; partial-year service credit is given for membership and BIA service as follows:

(A) before July 1, 1969, during any school year,

(i) less than 20 days, no credit;

(ii) 20 days or more but less than 35 days, 0.2 years;

(iii) 35 days or more but less than 49 days, 0.3 years;

(iv) 49 days or more but less than 63 days, 0.4 years;

(v) 63 days or more but less than 77 days, 0.5 years;

(vi) 77 days or more but less than 91 days, 0.6 years;

(vii) 91 days or more but less than 105 days, 0.7 years;

(viii) 105 days or more but less than 119 days, 0.8 years;

(ix) 119 days or more but less than 133 days, 0.9 years;

(x) 133 days or more, 1.0 years;

(B) on or after July 1, 1969, during any school year,

(i) less than nine days, no credit;

(ii) nine days or more but less than 27 days, 0.1 years;

(iii) 27 days or more but less than 45 days, 0.2 years;

(iv) 45 days or more but less than 63 days, 0.3 years;

(v) 63 days or more but less than 81 days, 0.4 years;

(vi) 81 days or more but less than 100 days, 0.5 years;

(vii) 100 days or more but less than 118 days, 0.6 years;

(viii) 118 days or more but less than 136 days, 0.7 years;

(ix) 136 days or more but less than 154 days, 0.8 years;

(x) 154 days or more but less than 172 days, 0.9 years;

(xi) 172 days or more, 1.0 years;

(C) service performed on a part-time basis will be credited with one-half credit for each day of service.

(sec. 2 ch 145 SLA 1955; am sec. 1 ch 142 SLA 1957; am sec. 2 ch 89 SLA 1960; am sec. 7 ch 179 SLA 1960; am sec. 1, 2 ch 78 SLA 1962; am sec. 8 - 12 ch 86 SLA 1963; am sec. 1 ch 76 SLA 1968; am sec. 15 - 19 ch 84 SLA 1969; am sec. 21 ch 46 SLA 1970; am sec. 13 - 18 ch 138 SLA 1970; am sec. 3 - 5 ch 229 SLA 1970; am sec. 16 - 18 ch 32 SLA 1971; am sec. 6 - 8 ch 86 SLA 1971; am sec. 30 - 33 ch 66 SLA 1973; am sec. 3 ch 57 SLA 1974; am sec. 21 ch 127 SLA 1974; am sec. 12, 13 ch 173 SLA 1975; am sec. 1, 6 ch 155 SLA 1976; am sec. 5 ch 169 SLA 1976; am sec. 12, 13 ch 128 SLA 1977; am sec. 4, 5 ch 174 SLA 1978; am sec. 4 - 7 ch 82 SLA 1979; am sec. 24 ch 13 SLA 1980; am sec. 25 - 28 ch 137 SLA 1982; am sec. 1 ch 55 SLA 1985; am sec. 4 - 7 ch 82 SLA 1986; am sec. 4 ch 112 SLA 1986; am sec. 19 ch 117 SLA 1986; am sec. 18, 19 ch 106 SLA 1988; am sec. 31 ch 50 SLA 1989; am sec. 3 ch 104 SLA 1989; am sec. 16 ch 97 SLA 1990; am sec. 1 ch 44 SLA 1992)

Revisors Notes -

Reorganized in 1987 to alphabetize the defined terms.

Cross References -

For retroactive effect of the 1980 amendments to paragraphs (21), (22), (26), and (40), see sec. 51(1), ch. 13, SLA 1980; for claims of prior service based on the 1985 amendment of paragraph (8), see sec. 2, ch. 55, SLA 1985.

Amendment Notes -

The 1992 amendment, effective August 28, 1992, inserted "contracted or" in paragraph (8).

AG Opinions -

Amounts paid by the Anchorage School District to the Anchorage Education Association for dues for the association's representation of teachers in the district should not be included in base salary either for payment of contributions or for computation of benefits. July 25, 1989 Op. Att'y Gen.

Decisions -

"Membership years" in AS 14.25.130(a). - Teachers' Retirement Board erred when it interpreted the term "membership years" in AS 14.25.130(a) as being the equivalent of "years of service" as defined in this section. *Casperson v. Alaska Teachers' Retirement Bd.*, 664 P.2d 583 (Alaska 1983).

Quoted in *Flisock v. State, Div. of Retirement & Benefits*, 818 P.2d 640 (Alaska 1991).

Cited in *Laing v. Laing*, 741 P.2d 649 (Alaska 1987).

HB

212

Alaska State Legislature



Committees
Labor & Commerce
Legislative Council
World Trade
Trade & Tourism
Special Committee
on Fisheries

Representative Eugene Kubina
House Minority Leader

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182

During Interim:
P.O. Box 2463
Valdez, Alaska 99686

SPONSOR STATEMENT - HB 212

HB 212, "An act relating to determination of an established village for the purposes of regulating the sale, use, and possession of alcoholic beverages in the unorganized borough," gives the Alcoholic Beverage Control (ABC) Board greater flexibility in defining actual boundary dimensions for the purpose of enforcing the local option law.

As Villages throughout Alaska have voted themselves dry over the years, their relative isolation has minimized regional conflicts. But when the Native Village of Gulkana decided to ban all alcoholic beverages within the communities' borders, the situation became more problematic. The five-mile radius perimeter effects businesses that exist along the highway system, several residents of the Village of Gakona, as well as general traffic along the highway. As a consequence, these people did not get the opportunity to cast a vote, but they are effected by the law.

This bill would give the ABC Board authority to set the boundary of the established village when circumstances such as these occur. This legislation will resolve the Village of Gulkana problem, as well as provide a permanent solution for those villages in similar circumstances that wish to go dry in the future.

Alaska State Legislature



Committees
Labor & Commerce
Legislative Council
World Trade
Trade & Tourism
Special Committee
on Fisheries

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182

During Interim:
P.O. Box 2463
Valdez, Alaska 99686

Representative Eugene Kubina
House Minority Leader

MEMORANDUM

TO: Representative Ivan Ivan, Chair
House Community & Regional Affairs Committee

FROM: Representative Gene Kubina *Gene*

DATE: March 26, 1997

RE: Scheduling of HB 212

I would respectfully request that you hold a hearing on HB 212, "An Act relating to determination of an established village for the purposes of regulating the sale, use, and possession of alcoholic beverages in the unorganized borough".

I urge you to schedule this bill at your earliest convenience and also welcome you and the members of your committee to sign on as a co-sponsor.

Thank you.

FISCAL NOTE

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to determination of BRU: none
an established village for purposes ... Component: none
 Sponsor: Rep. Kubina
 Requestor: House C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY97) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would have no fiscal impact on the department.

Prepared by: Remond Henderson, Director Phone: 465-4708
 Division: Division of Administrative Services Date: 4/4/97
 Approved by Commissioner: _____ Date: 4/4/97
 Agency: Community & Regional Affairs

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
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Rev 6/98

Central Microfilm Services
Department of Education
State of Alaska

FISCAL NOTE

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to determination of BRU: none
an established village for purposes ... Component: none
 Sponsor: Rep. Kubina
 Requestor: House C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY97) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

This legislation would have no fiscal impact on the department

Prepared by: Remond Henderson, Director Phone: 465-4708
 Division: Division of Administrative Services Date: 4/4/97
 Approved by Comm. member: _____ Date: 4/4/97
 Agency: Community & Regional Affairs

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PUBLIC NOTICE

15 AAC 104.645(j)

Enforcement of Local Option Elections

Notice is also given that any person interested may present written comments relevant to the proposed action, including potential costs to private persons of complying with the proposed action by writing to Douglas B. Griffin, director, Alcoholic Beverage Control Board 550 W 7th

Avenue, STE 350, Anchorage, Alaska 99501, so that they are received no later than April 30,

1997. Additionally, any interested person may present oral or written comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, at a public hearing on the proposed regulations that will be held at the Legislative Information Office site, at the State Office Building, room 13, Valdez, Alaska 99686 for teleconference hearings on the proposed regulations dealing with local option enforcement for communities on the highway system. The hearing will be held on Monday, April 14, 1997 starting at 6:30 p.m. from the Valdez LIO office. The public hearing will have teleconference connections to Legislative Information offices at the following locations that will allow persons interested in commenting to submit oral comments relevant to the proposed regulations from the following locations:

Glennallen LIO	Community Library	Phone #	822-5588
Gakona Hotel	128.5 Richardson Hwy	Phone #	822-3664
Anchorage LIO	716 W 4th Ave, STE 200	Phone #	258-8111

Interested persons may submit oral comments relevant to the proposed regulations at any of the Legislative Information Offices listed above locations, at the time and specified above.

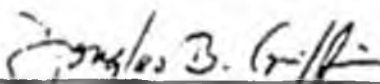
This action is not expected to require an increase appropriation.

If you are a person with a disability who may need a special modification or special assistance in order to comment on the proposed regulation, please contact Verna Hallett at 277-8638 by April 10, 1997.

Copies of the proposed regulations may be obtained by writing to the Alcoholic Beverage Control Board, 550 W. 7th Ave., STE 350, Anchorage, Alaska 99501.

After the close of the public comment period, the Department of Revenue will either adopt these or other proposals dealing with the same subject, without further notice, or decide to take no action on them. You should comment during the time allowed if your interest could be affected.

DATE: March 26 1997



Douglas B. Griffin, Director
Alcoholic Beverage Control Board

Register _____ 1997 REVENUE

15 AAC 104.645(j) is amended to read:

(j) For purposes of this section and AS 04.11.491, 04.11.497 and 04.11.503, "perimeter" means a line around an established village; the line is a circle with a five-mile radius, having at its center a post office station or, if there is no post office station

site reasonably designated by the local governing body or the board if there is no local governing body. But excluding from that circle

- (1) any area that is within an incorporated city; and
- (2) any area that is within another established village.

If, however, the established village is accessible by a regular (not modified) passenger motor vehicle from a road or highway as defined herein, the perimeter is not a five mile radius surrounding the village, but shall be limited to the area generally considered to constitute the village, and includes the entire contiguous growth and development area of the village. For purposes of this subsection, road or highway means one of the following located in Alaska: Alaska Highway, Cooper River Highway, Dalton Highway, Denali Highway, Edgerton Highway, McCarthy Road, Elliot Highway, George Parks Highway, Glenn Highway, Haines Highway, Klondike Highway, Richardson Highway, Seward Highway, Steese Highway, Chena Hot Springs Road, Sterling Highway, Taylor Highway, and the Top of the World Highway.

(Eff. 11/29/81, Register 80; am 3/31/85, Register 93; am 10/24/87, Register 104; am 7/30/89, Register 111; am 5/1/94, Register 130; am 5/11/96, Register 138; am __/__/__, Register __)

Authority:	AS 04.06.090	AS 04.11.491	AS 04.16.052
	AS 04.06.100	AS 04.11.497	AS 04.16.060
	AS 04.11.010	AS 04.11.503	AS 04.16.125
	AS 04.11.150	AS 04.16.051	

Post-It™ brand fax transmittal memo 7671		# of pages > 1	
To	REP. KUBINA	From	Doug Griffin
Co	ATTN: KATRINA	Co	ABC
Dept		Phone	277-8638
Fax	465-3799	Fax	272-9412

Alaska House of Representatives

State Capitol

Juneau, Alaska 99801-1182

Fax: (907) 465-3799

RE: House Bill No 212

Dear Representative Kubina:

I have reviewed HB 212, a bill you introduced on March 25, 1997 relating to determination of an established village for purposes of enforcing local option alcohol restrictions in the unorganized borough.

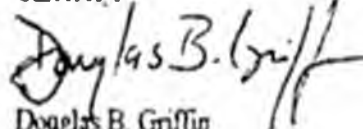
This bill is in response to a very real situation that exists relating to the ban on sale, importation, and possession of alcohol in the village of Gulkana. Gulkana is the first community adjacent to a major Alaska highway to enact such a ban by public vote. In the process of working to establish enforcement jurisdiction for this community it became clear that statutory and regulatory direction which has worked well in rural Alaskan communities off the road system does not adapt itself as well to regulate alcohol possession and use in road system villages.

HB 212 gives the Alcoholic Beverage Control Board discretion to take into account facts and situations that are unique in defining the enforcement area of and around a village that approves local option alcohol restrictions. I support this flexibility because it allows the ABC Board to consider local opinions, geography, impacts on tourism related activities, established land uses, land ownership, access, and settlement and residency patterns in and around a village when it establishes a perimeter other than the five-mile radius standard.

This role of balancing the right of citizens and communities to protect themselves from alcohol abuse with the privilege of conditionally selling and responsibly enjoying alcoholic beverages is one the ABC Board is accustomed to performing. I believe the ABC Board and its staff have the experience and judgement to fairly use the authority delegated to it in HB 212 and make the regulation of alcoholic beverages even more responsive to local concerns. While the ABC Board has not taken a formal position on this legislation, I believe it would concur that the approach of HB 212 to resolve conflicts is sound.

I will be available to speak in support of HB 212 at the April 4 hearing before the House Community and Regional Affairs Committee. I will also be happy to respond to any questions you may have on this issue.

Sincerely,



Douglas B. Griffin
Director

cc: ABC Board Members
Bob Bartholomew, Legislative Liaison, Dept of Revenue

Rep. Gene Kubina
P.O. Box 2463
Valdez, Alaska 99686

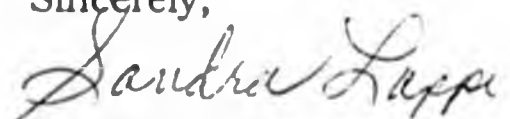
Dear Mr. Kubina,

Enclosed is a petition representing Gakona Community's decision regarding the Local Options Law that Guikana Village voted in recently. Our community should NOT be confused with Gakona Village. I know you have been here as you have stood in my front yard one day (next to the Gakona Post Office) when I was out working with my dogs. You complimented me on how they behaved.

Early last week my husband & I faxed you a letter in reference to this issue also. Hopefully, you received it. This is a big issue in our community.

Please keep us as up-to-date as you can regarding this situation? It would be greatly appreciated.

Sincerely,



Sandra Lappi
Box 207
Gakona, Ak. 99586

Ph# (907) 822-3320
email- lappi@alaska.net
fax# 907-822-5946

WE, THE UNDERSIGNED, DO HEREBY REJECT ANY ACTION BY ANY FEDERAL OR STATE LAW THAT WOULD INFRINGE UPON OUR CIVIL RIGHTS.

WE SUPPORT GULKANA VILLAGE'S DECISION TO BAN LIQUOR FROM THEIR VILLAGE.

WE DO NOT SUPPORT ANY DECISION THAT EXCEEDS THE EXACT GULKANA VILLAGE PROPERTIES!

SIGNATURE PRINT PHYSICAL ADD. PHONE #

✓ ~~John~~ Bruno Gauris Mile 8 Tokuloff 822 5947

Gordon R Brown MILE 7 1/2 TOK CUT OFF

✓ ~~John~~ John Gato mi 2.5 TOK CUT OFF 822 5021

✓ ~~Bob~~ BOB FLINT Mile 9 TOK CUT OFF 822-3070

✓ Joe LaFaire 11CO 2 Box 157 Gulkana, AK

✓ Fred Henry mile 4.7 Fok Road Box 125 Gulkana, AK 822-3304 99586

✓ Jim Hopkin Box 308 MI 2 1/2 TOKENY GULKANA AK 822 5496 99586

✓ ~~James~~ James + Judy Box 9 Gulkana, AK 822-3376 99586

✓ ~~James~~ James + Judy Box 9 Gulkana, AK

✓ ~~John~~ John + Judy Box 9 Gulkana, AK

✓ ~~John~~ GREG Smith Mile 2.45 Gulkana, AK 99586

✓ ~~Richard~~ Richard + Mary Deborah Strong Gulkana AK 99586

✓ ~~John~~ John + Judy Box 9 Gulkana, AK

✓ ~~John~~ John + Judy Box 132 Mile 4.25 TOK CUT OFF

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SIGNATURE PRINT PHYSICAL ADD. PHONE #

✓ Warren Ulrich WARREN ULRICH RICHARDSON HWY 822-3071
Mj 132

✓ Heidi McMahan Heidi McMahan Mi. 1.5 Tok Cutoff 822-3441

✓ Francine McMahan Francine McMahan Mi. 1.5 Tok Rd. 822-3441

✓ Harley McMahan Harley McMahan 1.5 Tok Rd 822-3441

✓ Christine Egbert Christine Egbert Mi. 2.5 Tok cutoff 822-5016

✓ Annalee Egbert Annalee Egbert Mi. 2.5 Tok cutoff 822-5991

✓ Steve Troll STEVE TROLL Mi. 12.5 Rd 822-3168

✓ Gail Troll GAIL TROLL Mi. 2.5 Tok cutoff 822-3634

✓ TERESA GATES TERESA GATES MILE 2.5 Tok Cutoff 822-5021

✓ MARY SCHLENKER MARY SCHLENKER MILE .5 Tok Rd 822-3103

✓ Hilly Lapp Hilly Lapp Mi. 2.5 Tok Rd 822-3302

✓ Cathy King Cathy King mi. 2.5 Tok Rd 822-3391

✓ Susan Susan Fall 11.6 Tok 822-3181

✓ Terry Spauldon Terry Spauldon Mi. 2.5 Tok Cutoff 822-3852

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SIGNATURE PRINT PHYSICAL ADD. PHONE #

- ✓ Mark Mark MILE 105 Richardson 822-364
- ✓ Shirley LeMaster Shirley LeMaster Mile 128.5 Richardson 822-3664
- ✓ Gregory R. Colang GREGORY R. COLANG MILE 117.5 RICH 822-3968
- ✓ Cindy L. Rhodes CINDY L. RHODES HURTS GLENHAY 822-3663
- ✓ Douglas Rhodes P.O. Box 110 Glennallen AK 99588
- ✓ Nancy D. Honderk Hco. 1 Box 275 Gulkana, AK 99586 5174
- ✓ Dean Brington Box 2.5 Tok Cutoff 822-3981
Gulkana AK
- ✓ Barbara Brington Barbara Brington Mile 2.5 Tok Cutoff 822-3981
- ✓ Emilie Frisbie Emilie Frisbie 1/2 mile Tok Cutoff 822-3662
- ✓ Mark Jaktin 1/2 mile Tok Cutoff NO PHONE
- ✓ R.A. Frisbie Sub A Tok Mile 1/2 Tok Rd, Gulkana 822-3062
- ✓ Gerard W Strand GERARD W STRAND MILE 2 TOK RD GULKANA, AK
99586
- ✓ Donovan Maher DONOVAN MAHER 8.5 Tok Cutoff 822-5512
- ✓ Nellie R. Ulrich Nellie R. Ulrich MP 132 Richardson Hwy 822-3071

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SIGNATURE	PRINT	PHYSICAL ADD.	PHONE #
<i>[Handwritten Signature]</i>	JULIE SWE	MI 2.2 Tok Hwy	822-3015
<i>[Handwritten Signature]</i>	William Leonard	129 R. Star Ln	822-5380
<i>[Handwritten Signature]</i>	Keri E Barnard	MI 2 Tok Hwy	822-5087
<i>[Handwritten Signature]</i>	CHEFT FERRILL	MI 128.5 RICHMON	822-3465
<i>[Handwritten Signature]</i>	LUNDA SMYTHE	MI 128.9 RICHMON	822-5073
<i>[Handwritten Signature]</i>	Michael J Suelton	MI 125 Tok. cut-off	822-3471
<i>[Handwritten Signature]</i>	Judy H. Shelton	MP 1/4 Tok Cut Off Gulkana	822-3471
<i>[Handwritten Signature]</i>	John J Srrang	MP Tok Cut Off Gulkana	822-3482
<i>[Handwritten Signature]</i>	BENNY TRZUNIC	M. 5 TOK CUT OFF GULKANA	822-3000
<i>[Handwritten Signature]</i>	Sandra Lappi	MI 2.5 Tok Hwy	822-3320
<i>[Handwritten Signature]</i>	MAEK LAPPI	MI 2.5 Tok Hwy	822-3320
<i>[Handwritten Signature]</i>	Don Bedrick	M.P. 2.6 Tok Hwy	822-3170
<i>[Handwritten Signature]</i>	MW Jenkins	MP 0.5 Tok Hwy	822-3935
<i>[Handwritten Signature]</i>	MARIE JENKINS	MP 0.5 Tok Hwy	822-3935
<i>[Handwritten Signature]</i>	RONALD N SIMON	Jump Rd Copper Pt	822-3647

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SIGNATURE	PRINT	PHYSICAL ADD.	PHONE #
<i>[Signature]</i>	<i>[Signature]</i>	11712 <i>[Address]</i>	<i>[Phone]</i>
<i>[Signature]</i>	Resin Wharton	Tazlina Tr. Dist. #116	<i>[Phone]</i>
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Address]</i>	<i>[Phone]</i>
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Address]</i>	<i>[Phone]</i>
<i>[Signature]</i>	DENNIS PECK	mile 188 Glenn Hwy	907 822-3821
<i>[Signature]</i>	LARRY D HUDSKOETTER	mile 105 Rinkham Hwy	822-3479
<i>[Signature]</i>	ERIK MAYNELL	mile 197 Glenn	
<i>[Signature]</i>	Dann Pecker	Tazlina 40 Rd.	822-3857
<i>[Signature]</i>	John Downe	Box 309 Copper Ctr AK	99573
<i>[Signature]</i>	Lisa Downe	Box 309 Copper Ctr AK	99573
<i>[Signature]</i>	David B. Bell	Box 154 Gakona, AK	99586
<i>[Signature]</i>	Sue Strang	Box 194 Gakona, AK	99586
<i>[Signature]</i>	Logan Leppi	Box 194 Gakona, AK	99586
<i>[Signature]</i>	Alan Heger	Box 141 Gakona AK	99586
<i>[Signature]</i>	Amy Kirkway	Box 283 Gakona AK	99586 822 56 31

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SIGNATURE PRINT PHYSICAL ADD. PHONE #

✓ ~~Michael J. Hanson~~ Michael J. Hanson ^{mile 182} ~~6100 Hwy~~ 822-3780
✓ Richard L. Cross P.O. Box 204 Glenallen, Ed 2-5153
✓ De Du Wilson P.O. Box 322 Copper Center ^{mile 89 14th Hwy} 822-3706
✓ ~~Richard L. Cross~~ P.O. Box 110 ^{mile 1835 Glenallen Hwy} ~~Glenallen, Ed 2-5153~~
✓ Frederick B. Cross P.O. Box 483 ^{mile 1835 Glenallen Hwy} ~~Glenallen, Ed 2-5153~~
✓ Ken M. Sprinkle Ken M. Sprinkle ^{mile 2.5 Tok Cutoff} 907-822-3652
✓ Barbara A. Doozen Barbara A. Doozen ^{mile 2.5 Tok Cutoff} 907-822-3440
✓ ~~Eric P. Green~~ ERIC P. GREEN ^{mile 2.5 Tok Cutoff} 822 3440

Emilie Frisbie
P O Box 635
Glennallen, Alaska 99588

February 22, 1997

Representative Gene Kubina
State Capitol Room 404
Juneau, Alaska 99801-1182

Dear Representative Kubina,

I am writing to you with a request to help the people of Gakona and the village of Gulkana. I have great respect for the people of Gulkana and their efforts to help themselves by voting to become a dry village. As you are aware, this is a village on the road system and therefore there are no statutes to help enforce the law without taking in the surrounding area. This is where the people of Gakona come into the equation. We would like to support the village, but not at the expense of giving up our constitutional rights of freedom of choice. We have had no choice in the local option, and the village of Gulkana had no intentions of the community of Gakona being pulled into the dry area.

Please help us keep the peace in our two communities. The community of Gakona has worked hard for the past four years to form a volunteer fire department. The people of Gulkana have given us their support in our efforts and they are in our service area. This issue has the potential of disrupting our easy coexistence. There were approximately 46 ballots sent out for the vote on local option. These to the people of Gulkana because the ABCB and the Division of Elections felt that the boundaries were distinct. If they elect to go with the current law on local option, approximately 230 people will be effected that had no voice in the vote.

Please give this issue your consideration. I would like to give the people of Gulkana my support in solving a very real problem in their village. Thank you for your time.

Emilie Frisbie

CC: Representative Irene Nicholia
Senator Georgianna Lincoln
Fran Ulmer, Lieutenant Governor
Shelly Growden, Elections Supervisor
Doug Griffin, ABCP Director

Feb. 24, 1997

Rep. Gene Kubina
P.O. Box 2463
Valdez, Alaska 99686

Dear Mr. Kubina,

It is with sincere urgency I write this letter.

You are probably most aware that Gulkana Village at Mile 127, on the Richardson Highway, voted to ban alcohol in their village. The vote was certified as of January 28, 1997. The citizens of the Gakona Community have been pulled into this decision because of the 5 mile radius portion of this law. The entire body of people that are affected by this law did not get a chance to vote.

It would seem that though we would defend the rights for the Gulkana citizens to have a say in what happens in their community, we of Gakona Community would not be granted the same equal rights by our own State Government, which in all fairness has gone against the US Constitution.

This law is how Gulkana Village has chosen to deal with issues within their village. This law for the residents of Gakona is not an alcohol issue nor should it be misconstrued as a prejudicial issue. We people of Gakona feel our Civil Rights have been violated.

It would seem that the reason we have no defense against this law is because there are no boundaries set or established for a Gakona Community. This is false, anyone who has lived in this area for any length of time knows there have always been boundaries that have been backed up by the state. Since the time of State Operated Schools and up to the present, our community has been defined by school attendance areas and School bus routes. We are

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also defined by the State of Alaska through our Volunteer Fire Department. Which according to State Guidelines had to register a service area, which pretty much sums up the area that was and is still recognized by School boundaries, bus routes and most especially the people that live here.

This law that is being forced upon us, is not the wish of the people of Gulkana Village, it is not the wish of the people who live in the Gakona Community.

Why does the State of Alaska and the ABC Board feel compelled to impose problems upon the people of these communities? Is there any kind of contingencies by the State to deal with this law? If not, WHY?

It would seem obvious, at some point in time, this law was bound to have an adverse effect on many citizens in the State of Alaska.

Hopefully, this matter can be resolved quickly, reasonably and with the consideration of everyone concerned.

Sincerely,
Mark and Sandra Lappi
P.O. Box 207, Mile 2.5 Tok Hwy.
Gakona, Alaska 99586