

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12372

a nonprofit corporation, and under the specific law providing for their make-up, and you would still have a board of regents appointed by the governor and confirmed by the legislature, and the powers as you now have them would be identical to what they now are as I visualize them.

WALSH: We still have the power to choose a president of the University?

V. RIVERS: Yes, this refers only to principal departments of government.

WALSH: There would be no change when this transformation takes place from the Territory to the State?

V. RIVERS: Unless it were made by law there would be no change, as I see it.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. Rivers, was it the thinking of the Committee that if all department heads were single it might save a lot of trouble in the capital city?

V. RIVERS: The interpretation of many English words has great duality of meaning in many cases. Of course, this one here is one of those things that you could put most any interpretation on. The interpretation if you want the serious definition of that single department head, it was that it would help effectuate and make more efficient the strong executive type of government in the executive branch.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, in Section 17, in what Mr. Walsh was referring to, it says that such a board or commission and the members have been appointed by the governor and then approved by the senate, "Such a board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor." It has no provision in there whatsoever about the governor removing the executive head, but the procedure has been reversed; rather than the governor appointing this board and being confirmed by the senate, which it does down to a certain extent, and then letting the board have the choice of its executive, now all of a sudden the executive of this board has to be approved by the governor.

PRESIDENT EGAN: Mr. Rivers.

V. RIVERS: That is correct. The approval power of the governor who is the strong executive head of the state would be required

before the commission could appoint and submit the name to the legislature for approval, but you also have to have the approval of the legislature, and in the case of judges you have a very similar situation under our new judiciary. The judicial council recommends a judge to the governor who makes a selection from two or more and then it is approved by the legislature. I see no variation in the method particularly.

PRESIDENT EGAN: Mr. Cooper.

COOPER: It does not say though that this executive officer is approved by the senate or any legislators. It is merely that the appointment shall be subject to the approval of the governor. There would be no appointment of a principal executive officer. There would be the appointment and the confirmation of the senate of the five members, that is what the board consisted of.

V. RIVERS: That's right. There would be no approval of the senate of the executive officer. I misstated, I was thinking of a board member.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: Mr. Rivers, did you consider the use of the expression "administrative board" instead of "quasi-judicial body"?

V. RIVERS: Yes, we considered a great deal of terminology there -- regulatory boards, nonregulatory boards, administrative boards, quasi-judicial bodies, and we tried to arrive at the wording which would most nearly express the intent and "quasi-judicial" means one more board exercising powers as we visualize it, that are semijudicial in nature and have certain powers to make rules and certain powers to make regulations that might have the force of law.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: You are getting into the field of administrative law then, aren't you?

V. RIVERS: I presume that is the right place to put this matter.

PRESIDENT EGAN: Mr. Smith:

SMITH: Mr. President, I would like to ask Mr. Rivers, I am still not quite clear on what the difference between a principal department with a single executive, what the difference between that and the principal department under a board or commission. Now possibly I can make myself clear by referring to the Alaska Department of Fisheries. If that department were set up without a board, then would you say it was a principal department and

would come under Section 16?

V. RIVERS: Well, it is a matter for the organizational setup of the state to decide what principal departments they are going to establish. As I stated before, we have a number of departments now headed up by boards where it might be eventually they will be single-headed departments. It is the hope of many that they will have such single-headed departments. I for one think the Department of Fisheries could probably and would qualify as a principal department, although it might well fall under a department of resources as one of the fields of that particular department.

SMITH: It would depend then on how the state organization was set up as to whether it would come under Section 16 or 17?

V. RIVERS: That is correct.

PRESIDENT EGAN: Are there other questions relating to Section 16? Mr. Sundborg.

SUNDBORG: Mr. President, I would like to go back just one, and I would like to ask Mr. Rivers, what is the purpose of Section 15? Why is it necessary at all? We have provided that each department head shall be appointed by the governor. Why do we need to say that each department shall be under his supervision?

PRESIDENT EGAN: Mr. Rivers.


V. RIVERS: Mr. President, the governor under this setup is charged with the executive responsibility of the management of the state. As I recall, to effectuate that we felt that the phraseology of the model constitution was important, that he actually be indicated as being the supervisory head of all the departments under him. I will pick out the wording for you, if I can. I don't find it just at the moment, Mr. President. I will locate it and bring it out for you and show it to you as soon as I am able to locate it.

PRESIDENT EGAN: Are there questions to Section 17? Mr. Ralph Rivers.

R. RIVERS: Mr. President, I would like to ask a question in regard to 17. I will start first by mentioning Section 15: "Each principal department shall be under the supervision of the Governor." And then in Section 17 it says: "Wherever a board or commission is at the head of a principal department or of a regulatory or quasi-judicial body, the members thereof shall be nominated and appointed by the Governor..." etc. I am wondering if in the case of a department of education which had a school board made up of members confirmed by the legislature who in turn appoint a commissioner of education to administer the

school system. I think probably the department of education would be one of the principal departments, even though it had a board to carry out the program, I am wondering if the governor is really the supervisor of that kind of a department. I might go along with saying the general supervision of the governor, or such, but actually I don't think he would be running the University through the Board of Regents either. I think the regents would be running it, and I think the board of education would be running the department of education, and it would be a very vague supervision that the governor would have in a case like that, and I am just wondering if there is any inconsistency there.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: First, I would like to say that the University of Alaska is not a principal department of the government. It is something apart from this. And second, actually our present government is a very fine example of what can happen when a governor does not have any supervision over departments. I don't believe our present governor, if he sees a certain department of government that is wasting public funds, that is hiring a great deal of personnel that it does not need, he has no authority to go and say to the head of that department, "Now look, you had better reorganize this thing and operate it more efficiently." That is what we want the governor of the state to do, to be responsible for seeing to it that each department runs as efficiently and economically as possible, as well as carry out the laws. 

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: On the supervision of these various departments, it was the understanding and intent of the Committee that the governor could require reports, and if necessary, make investigations down in to the functioning of these departments as to whether they could be improved upon, and of course would naturally have to do the same with practically all departments. The report-making power requested by the governor and investigating power of the governor into the functioning of the departments is the main supervisory function he would have.

PRESIDENT EGAN: Mr. Emberg.

EMBERG: Mr. President, I would like to ask a question in regard to that Section 15. Does that relate to the ability of the governor then to supervise these different departments in such a way as to coordinate their activities?

PRESIDENT EGAN: Mr. Rivers.

COGHILL: Mr. President, I have an amendment to Section 16 but with the amendment now adopted I wish to withdraw that one. I do have an amendment for Section 17.

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment as offered by Mr. Coghill for Section 17.

CHIEF CLERK: "Page 8, lines 8 and 9, delete 'but the appointment shall be subject to the approval of the governor'."

PRESIDENT EGAN: Mr. Coghill.

COGHILL: I move that the proposed amendment be adopted.

PRESIDENT EGAN: Mr. Coghill moves for the adoption of the proposed amendment. Is there a second to the motion?

KILCHER: I second the motion.

PRESIDENT EGAN: Mr. Kilcher seconds the motion. The motion is open for discussion. Mr. Coghill.

COGHILL: Mr. President, in proposing this amendment, what it has done, in turn it has made the principal department boards that are appointed by the governor free of hand to appoint their executive officer and to keep in trust the thinking of the people as to the violation of political inference in particular service boards. I mainly am interested in the board of education and so, therefore, will refer my remarks to them. The Hawaii Constitution provides that a lay board of education be established and the board be given the sole power to appoint its chief state school officer and in turn that would be what we would call in Alaska our commissioner of education. I note that in 18 states the board is provided by the constitution and 21 states by statute and in all of these instances, or most of them, why the executive head or the head of the board, the administrative head, is appointed by this responsible lay board which is in turn answerable to the governor. I feel that this is a move to take any sort of partisan politics out of a service board or a service department such as the commissioner of education or the commissioner of health or welfare. I think that it would apply to all three of them. I might add that one of our great men in education provided that in a speech that he made that governors and state legislatures without exception are bound by state constitutions, by court decisions and their tradition to establish and maintain public schools free from political entanglements and the domination of any special interests or selfish interest groups, and I believe that by deleting this particular part of the last sentence that we would thereafter have no rash move on our strong executive power to remove a good man from office or to turn one down because of party or political affiliations.

PRESIDENT EGAN: Mr. Walsh.

WALSH: Mr. Chairman, we were discussing this matter Saturday to some extent with some of the members at this desk, and at that time I was prepared to bring in a similar amendment to what Mr. Coghill has brought in now to strike after the word "law" on page 8, because I thought it would affect the University of Alaska, and if it would affect the University of Alaska I certainly would be in favor of this amendment because the University of Alaska has a Board of Regents appointed by the governor and confirmed by both houses of the legislature and they in turn select the administrative officer which is the President of the University. I don't believe that a man so selected by that board should be subject to the approval of the governor, so I checked up with a couple of the attorneys here and we find that the University of Alaska would not be subject to, the appointive officer of the board of regents would not be subject to the approval of the governor because the University of Alaska is a corporation and its Board of Regents is the Board of Directors so to speak, and I will ask Mr. Riley, whom I consulted Saturday and again today, to bear me out on this point. *

PRESIDENT EGAN: Mr. Riley.

RILEY: Mr. Walsh, I have not given the matter any independent study, but I have no reason to question anything Mr. Walsh has said. I think that others have provided the right source material on which his remarks are based.

PRESIDENT EGAN: Mr. Walsh.

WALSH: If the University of Alaska and the Board of Regents of the University of Alaska and their appointment of the administrative officers, if the appointment should be subjected to the approval of the governor, I am going to vote for this amendment.

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: I think it is clear in everyone's mind that the University of Alaska is not a principal department of government. We are dealing in this article only with setting up the departments of the executive branch of government, and it seems to me only consistent that the heads of those departments be approved by the governor. It is not very likely he would disapprove them since he has appointed the boards; naturally, the board should be in sympathy with his general viewpoint. Furthermore, there might be times -- the board of education is not going to be the only board -- I don't think there is anything dangerous about it at all. I think it is only consistent with a coordinated government, and never forget, the governor is responsible. I don't think any enlightened person in this day and age wants to see education in politics. *

PRESIDENT EGAN: Mr. Cooper.

COOPER: I raised a question on this Saturday also. It says "...at the head of a principal department or of a regulatory or quasi-judicial body..." Therefore, I feel that all boards or commissions eventually would be classed within those three limitations and that the governor would have to approve the appointment of the executive officer, and I agree with Mr. Walsh and others that eventually politics can possibly enter into some board or commission where it has no point of being and I support the amendment.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would just like to say that I do not consider education or anything else a "holy cow". It is a function of this state. It is part of the general administrative organization, and I do not believe that it deserves any kind of special treatment. I think that the commissioner of education should possibly be appointed by a special board of education, a non-partisan board. At the same time, however, that commissioner will have to work with the governor. He will have to work with other department heads. For instance, the commissioner of education, I do not believe it would be right to leave the way open for the appointment of a commissioner of education who will just be separate from the general executive branch of the state and from that standpoint I am very much opposed to the amendment, and I stand by the article as it is written.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: May I ask a question of Mr. Victor Rivers?

PRESIDENT EGAN: You may.

HELLENTHAL: Mr. Rivers, would you have any objection if specific language excluding the University of Alaska were included in the section?

V. RIVERS: Mr. Hellenthal, I will stand by the committee report in this matter. It is one of the things we discussed at length. We feel we have solved it adequately and properly, and I would not care to see a specific inclusion, or exclusion made. I speak for myself and I think for the whole Committee on that.

HELLENTHAL: For example, would you object to saying, "Provisions of this section shall not be construed to apply to the board of regents of the University of Alaska."?

V. RIVERS: I would object. I understand that there is going to be brought in in connection with the actual indication of the University of Alaska as a state university, and if there

were to be some particular mention, I think it should be made there.

HELLENTHAL: Would you object to it being made anywhere?

V. RIVERS: Not in its proper place I wouldn't, but in this article I would.

HELLENTHAL: Then you will agree with me that somewhere in the constitution it would be proper?

V. RIVERS: I don't say I see a need for it. I said I would not object.

PRESIDENT EGAN: Mr. Riley.

RILEY: At Mr. Walsh's request and to clarify any impressions I may have left a moment ago, I don't see the need for Mr. Helleenthal's suggested language. I would not oppose it but I feel the University is clearly without the contemplation of this language as it has been presented by the Committee.

PRESIDENT EGAN: Mr. Coghili.

COGHILL: To clarify Mr. Walsh, we looked it up in the code book, Alaska Code Book No. 2, and it does provide that the University of Alaska is an Alaska corporation and it is run by the regents and they are appointed by the governor, and has no reference to the executive head of the government.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: Mr. President, I would just like to point out that I think we all agree that we would like to see the board of education appointment effective, and I'm not worried about it even with this language that we have, but we should keep in mind that at present there are some 20 boards in the Alaska administration which would also come under this same language if we strike it, and it would certainly hamstring the governor's administration not to be able to approve the heads of a lot of those other departments, so in voting on this you must keep in mind that it is not just the department of education, at present and if these laws carry over, it's going to be a lot of other boards until we can straighten up our present laws.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: Mr. President, could we have a one-minute recess?

PRESIDENT EGAN: If there is no objection the Convention will be at recess for one minute.

RECESS

PRESIDENT EGAN: The Convention will come to order. Mr. Coghill.

COGHILL: If there are no other delegates that wish to speak on this, I wish to exercise the privilege of having the closing debate.

PRESIDENT EGAN: Is there any delegate who hasn't been heard that wishes to speak on this? Mr. Sundborg.

SUNDBORG: I would like to say a few words, Mr. President. If we should adopt this amendment we would be inviting and opening the way to principal departments of our state running wild without any reference to the policies of the governor; he could say a thing to a man who might be the head of the department of fisheries, for instance, if they were a board of fisheries, as I assume they would be. He couldn't say anything to the head of the department of game about how his department's activities should fit in with those of the rest of the state government. I believe we would soon get back to government as bad and as irresponsible as we have now under the Territory of Alaska if we would adopt this amendment, and I hope we will not adopt it.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: The one thing that strikes a little fear into my heart in this matter of making such a broad, inclusive destruction of this particular section here by this amendment, is the fact that so many people mention politics getting into this and politics getting into that. The connotation of politics is the science of government, and we must remember if we strike this out, Mr. Sundborg's argument is perfectly valid -- we cannot fix responsibility, and if we are to have the executive that we hope the new state will have, we must be able to fix responsibility or we might as well redraft this whole executive department and do just as we are doing now. To strike this out strikes the very heart out of this section. We are a group of citizenry here who are, by and large, tired of rule by board. It may have been necessary in a protection in past years in order to eliminate too much influence from an absentee governor, or one appointed by absentees, in dominating our Territorial affairs. We have created boards for the purpose of getting away from Washington, D. C., and controlling our own affairs, but when we can elect our own governor, he sets up his upper cabinet and operates the government in conjunction with the legislative branch, we need have no fear that politics are going to get into this in the fashion in which most of the connotation of politics has been hurled here, and I am absolutely opposed, predicated on experience and analysis of this thing, that we strike this particular thing. If Mr. Coghill wants to set aside the Territorial Board of Education, if that is the way it is going to be governed, education by a board, then of course, let him do it by one specific amendment, or let the legislature take care of it. I don't believe that the legislature is going to

invoke the principle of political "ward heeler-ism", or whatever you want to call it, on our board of education or in education. It's been shown in the past that they don't want it that way and I don't believe that this is the way to get at the problem that Mr. Coghill fears.

PRESIDENT EGAN: Is there anyone else who wishes to be heard who has not been heard? Mr. Boswell.

BOSWELL: Maybe I will have to speak on special privilege since I have spoken once.

PRESIDENT EGAN: Are you asking for the special privilege of the floor?

BOSWELL: Well, I just --

PRESIDENT EGAN: If there is no objection, Mr. Boswell has the special privilege of the floor.

BOSWELL: Well, I just wanted to say, I can't speak for the Committee but I know that some language is being drafted to take the University out of this and satisfy Mr. Walsh in that manner, and if the Committee doesn't wish to introduce it, I will be glad to do it as an individual.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I would like to say just a word. I sympathize with Mr. Coghill, as far as the board of education is concerned. However, I can see where this would leave the door open for every board head or every principal officer to be appointed if they are run by a board without any O.K. at all by the governor. I am wondering if it would not be better to put in the words, "appoint the principal executive officer when and as authorized by law". Then it would leave it entirely up to the legislature, if they want to set up a department of education completely independent, that is up to the legislature, and they are the people. They will be the people in the future, they will be the voice of the people. If they want to close the door down and make the others subject to the approval of the governor, that is fine, but at least we will have some out for the voice of the people to be heard in the future. I certainly feel that we must make certain allowances, otherwise we are going to tie the whole thing up and probably have some of our departments that shouldn't be politically operated, they still will be subject to politics.

PRESIDENT EGAN: Mr. Coghill, if no one wishes the floor you may make the closing argument if you so desire.

COGHILL: Mr. President, it looks like I stand alone on this issue. In closing, I would like to point out to the delegates

that in Section No. 16 we have set up, "The head of each principal department shall be a single executive, unless otherwise provided by law. Such single executive shall be nominated and appointed by the governor...." On Section 17 we have put a board at the head of these principal departments, and it is the head of that board that is responsible to the governor for the coordination of his executive branch with reference to that particular department. We are using, in reference to the board of education, we set up a board of education; we provide for a head of that board; they in turn hire an executive head. This executive head carries out the intent of that board and there is no reason why the governor should approve them because actually according to the way this section is written, he will not be sitting on the board, on the governor's cabinet or his executive committee or whatever it might be. The board is the one that is responsible to the governor, and in turn the board will meet and elect a president or chairman of the board, and he is the one that is responsible to the governor and not the executive. The executive has got to have one head that he will be responsible to. Is he going to carry out the wishes of this nonpartisan lay board or is he going to carry out the wishes of the governor? He will be in turn carrying out the wishes of the governor that are directed to him through the board and keeping in line their complete program, in consistency. That is why I have introduced the amendment.

PRESIDENT EGAN: Mr. Barr.

BARR: Point of information. I would like to address a question to Mr. Coghill.

PRESIDENT EGAN: If there is no objection you may address your question.

BARR: Mr. Coghill, I agree with what you have said, but this board sits for only a short period. When they are not in session then who is running our department of education here in the Territory?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. Barr, with reference to the board of education which I am familiar with, the executive officer, our commissioner of education is running the department by the program set forth in the board's meeting that they have annually.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I would like to ask a question please of Mr. Coghill.

PRESIDENT EGAN: If there is no objection, Mr. Taylor, you may ask your question.

TAYLOR: Mr. Coghill, do you think it would be necessary under the state that we would have to have a board of education, that it would be just as advisable to have a commissioner of education answerable to the governor?

PRESIDENT EGAN: Mr. Coghill.

COGHILL: No, I don't. I believe we should have a board of education. I believe we should have a board of education appointed from different parts of the Territory to sit in an advisory capacity.

TAYLOR: Is that answer based upon the fact we have had a board in the past?

COGHILL: No, that is answered on the basis that we have, out of the 48 states, a large majority run by boards.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Coghill be adopted by the Convention?" All those in favor will signify by saying "aye" --

COGHILL: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 4 - Coghill, Cooper, Kilcher, Londborg.

Nays: 50 - Armstrong, Awes, Barr, Boswell, Buckalew, Collins, Cross, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeess, Walsh, White, Wien, Mr. President.

Absent: 1 - McNealy.)

CHIEF CLERK: 4 yeas, 50 nays, and 1 absent.

PRESIDENT EGAN: So the "nays" have it and the proposed amendment has failed of adoption. Are there other amendments to Section 17?

R. RIVERS: May we have a two-minute recess?

PRESIDENT EGAN: If there is no objection, the Convention will be at recess for two minutes.

RECESS

PRESIDENT EGAN: The Convention will come to order. Do we have a proposed amendment on the Chief Clerk's desk?

CHIEF CLERK: Mr. Robertson has one but I don't have it.

R. RIVERS: I offer mine now, Mr. President.

CHIEF CLERK: Mr. Robertson had already been recognized.

ROBERTSON: I think Mr. Rivers had the floor before I did.

PRESIDENT EGAN: That is correct, Mr. Robertson. The Chief Clerk will please read the proposed amendment as offered by Mr. Ralph Rivers.

CHIEF CLERK: "Section 17, page 8, line 9, at the end of the section, add the words 'except that such appointments by the Board of Education or the Regents of the University of Alaska need not be so approved by the governor.'"

PRESIDENT EGAN: What is your pleasure, Mr. Rivers?

R. RIVERS: I move the adoption of that amendment.

WALSH: I second the motion.

PRESIDENT EGAN: The motion is open for discussion. Mr. Taylor.

TAYLOR: I am going to vote against the amendment because it is absolutely useless, uncalled for and would have no effect whatsoever as the University is not a part of the Territorial government whatsoever; it is an independent agency. *

R. RIVERS: May I open the argument, Mr. President?

PRESIDENT: Mr. Ralph Rivers.

R. RIVERS: Mr. President, both Mr. Walsh and Mr. Coghill have a real point here, notwithstanding the fact that Delegate Fischer does not think that education is a "sacred cow". The very power of the legislature which creates a corporation known as the University of Alaska with the power to own land, to sue and be sued, has the power to dissolve that corporation. Mr. Walsh wants to be absolutely certain that whatever the governing board of the University is in the future, if that corporation is dissolved and a new administrative setup brought into effect, that the regents or governing board of that University may choose the President of the University without the sanction of the governor. The governor would no doubt have the power of making the appointments of the regents or whatever you might want to call them subject to the approval or confirmation by

the legislature, as would be the case in all those appointments. The department of education will have a board no doubt, and I think the same arguments that apply to the University of Alaska apply to the board of education. I agree with Mr. Sundborg and others that when you are dealing with the run-of-the-mill administrative departments that involve administrative policies and political considerations, as stated in the platforms of the various political parties, that you have got something that bears squarely on the controversial issues of politics. Education, I think, should be governed by a nonpartisan group of men with nothing but the long-range benefits of the particular educational institutions involved. We've been through it before. I feel that if the governor has to put his sanction upon the executive officer of the University or the administration of our schools that you are injecting a political element into that situation, and this is not useless or senseless as Delegate Taylor imports. I think he spoke a little hastily when he said that, and I am always opposed to calling the proposals of other people either silly or senseless, or insane.

TAYLOR: I rise to a point of order. I don't believe I used any of those words.

PRESIDENT EGAN: The Convention will come to order.

R. RIVERS: If I misquoted Mr. Taylor I apologize. I think the apology probably should come from the other direction. Mr. President, this is a serious consideration, and it seems I voted against Mr. Coghill's amendment because I agreed with those who thought that generally speaking on these administrative boards that the governor should have a say-so, but I think there is a very positive distinction between the rest of those boards and the board of education and the regents of the University of Alaska, and I consulted with Mr. Coghill and Mr. Walsh before I submitted this amendment. The wording may not be perfect but the thought is absolutely clear, and if this body agrees with me as far as the importance of this language is concerned, then we will certainly leave it to Style and Drafting to improve the language. Now I might say that where I have said the "board of education", you might say the "governing body of the department of education", whatever the name may be called by the legislature later. I'm not trying to freeze a board of education. Style and Drafting can use a broader term if it sees fit, but the principle I'm pointing out is absolutely clear in my mind and I hope the delegates will consider it.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I would like to direct a question to Mr. Rivers.

PRESIDENT EGAN: If there is no objection, Mr. Fischer, you may address your question.

V. FISCHER: Do you think it is better that the department of education be administered by a board or that it be administered by a single-head executive?

R. RIVERS: I strongly favor the selection of a nonpartisan board from various parts of the Territory, as Mr. Coghill has stated.

V. FISCHER: Mr. President, then I submit that this exception would open the way and probably encourage the establishment of the department of education as a direct staff department of the executive with the appointment of the commissioner of education directly by the governor. If we have any kind of a governor who wants uniformity in his administration he would certainly request that the legislature not provide for a commissioner of education who is completely exempt from his jurisdiction.

PRESIDENT EGAN: Mr. Boswell.

BOSWELL: Mr. President, I wanted to make a point regarding the University of Alaska, referring back to this language that we're now drafting. Mr. Rivers has said that the legislature could change the University from a corporate body and this among other things will set it up as a corporate body that cannot be dissolved by the legislature and that would be one thing in its favor.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, as Committee Chairman, I think we have the point covered in the committee article, and in present time, 1935 as I recall, the present board was set up, and in this present setup the approval of the commissioner of education lies with the legislature, but in any session in which I sat, in which a commissioner of education was actually approved, the appointment of the commissioner of education came down through the governor to the legislature. It also says in the same article that the commissioner of education may be removed for certain causes by a majority vote of the board of education, and also, there again by approval of the both houses of the legislature. Now, I think that the present system has worked very satisfactorily. As the article is at the present moment, rather than clearing through the legislature, the board would then clear their appointment through the governor. It would give some cohesion and some coordination to that department of government in connection with the over-all operation of government; therefore, I must oppose the amendment. Our present system is working satisfactorily. The only change, and would have no more political implication in this manner that we set up than it has now, the only change would be the matter of approval. The law could provide no doubt for means of removal, the law providing for the appointment of such a chief executive, and there again I assume it would be similar to what it is now, *

recommendation and approval of the majority of the board and by and with the approval and consent of the legislature, I assume.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: Mr. President, I move to amend the amendment by striking the words, "the board of education or" therefrom.

UNIDENTIFIED DELEGATE: I object.

RILEY: I second the motion.

PRESIDENT EGAN: Mr. Hellenthal moves, it was seconded by Mr. Riley. The Chief Clerk will please read the proposed amendment to the amendment.

CHIEF CLERK "Strike the words 'the board of education or' so that it would read: 'except that such appointments by the regents of the University of Alaska need not be so approved by the governor.'"

PRESIDENT EGAN: The question is, "Shall the proposed amendment to the amendment be adopted by the Convention?" All those in favor of the proposed amendment to the amendment will signify by saying "aye", all opposed by saying "no". The "ayes" have it and the proposed amendment to the amendment is ordered adopted. Mrs. Nordale.

NORDALE: Mr. President, it seems to me unnecessary to mention the Board of Regents of the University. I think there should be an article in our constitution somewhere setting up the University of Alaska, possibly in similar language to that of the University of Hawaii. "It is hereby established as a state university and constituted a body corporate..." and then it goes on, and that would take care of the University and make it very clear that it can never be dissolved and that it is not part of the executive branch of the government.

PRESIDENT EGAN: Mr. Hilscher.


HILSCHER: The Chairman of the Ordinance and Transition Committee is not here but I believe that is one of the provisions in the ordinances, the establishment of the Territory University as the State University and that would probably be a logical place to put that in.

PRESIDENT EGAN: Mr. Hellenthal.

HELLENTHAL: That may be all very well. Such a proposal would doubtless be proper, and I would support it if there were a separate inclusion. I would support it unless I felt we were getting over into the legislative field, but I certainly agree with the principle, but I think we should right now give

an expression of how we feel on this matter by including the exception applicable to the University of Alaska. Later, if the proposal comes, then this could be deleted perhaps, and the other one left. That is a matter of Style and Drafting but now this is a question of principle. I support this amendment.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: This whole section applies only to three classes of agencies. It applies to principal departments of the state, to regulatory bodies and quasi-judicial bodies. It is inconceivable to me that no matter what the legislature did it could ever put the University of Alaska under one of those three headings, and I am very much afraid here that if we read in here an exception saying that it shall not apply to the University of Alaska, that it would apply or that it could be construed to apply to any other state corporation because we had not excepted that from the language. 

R. RIVERS: Mr. President --

PRESIDENT EGAN: Is there anyone else that wishes to be heard before Mr. Rivers closes? Mr. Kilcher.

KILCHER: Mr. President, I think that whole question of the last 20 minutes was 10 minutes too long, but I don't understand Mr. McCutcheon's argument even in the former amendment which has bearing on this one, that this question is so vital as to the governor's authority and powers. The governor appoints the board. In nine cases out of 10, if he appoints the board, he will know, he can make his wishes be known whom he wants in there as head of the board, and the governor has the power to appoint the board, not the legislature, so one way or the other, it doesn't make much difference, and as pointed out here the University can be dealt with in a separate article, so let's vote this amendment down and leave this as it is and then vote, if necessary, for a special treatment of the University.

PRESIDENT EGAN: The question is, "Shall the proposed amendment, as amended, be adopted by the Convention?"

HILSCHER: Could we have it read please?

PRESIDENT EGAN: The Chief Clerk will please read the proposed amendment, as amended.

CHIEF CLERK: "Line 9 -- add 'except that such appointments by the Board of Regents of the University of Alaska need not be so approved by the governor.'"

PRESIDENT EGAN: All those in favor of the adoption of the proposed amendment as amended will signify by saying "aye", all

opposed by saying "no". The "noes" have it and the proposed amendment as amended has failed of adoption. Mr. Sundborg.

SUNDBORG: Mr. President, I would like to announce a meeting of the Style and Drafting Committee for 12:15 o'clock, a luncheon meeting. Subject to other committee announcements I would now like to move and ask unanimous consent that we recess until 1:30 o'clock.

PRESIDENT EGAN: Are there other committee announcements?
Mr. Coghill.

COGHILL: Mr. President, your Committee on Administration will have a meeting at 1 o'clock.

PRESIDENT EGAN: Mr. Smith.

SMITH: The Committee on Resources will meet at 12:50 in one of the committee rooms upstairs.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: Engrossment and Enrollment immediately upon recess.

PRESIDENT EGAN: If there are no other announcements and if there is no objection, the Convention will stand at recess until 1:30 p.m.

RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief Clerk will please read any communications that are on her desk.

CHIEF CLERK: All of it?

PRESIDENT EGAN: You might summarize it.

(The Chief Clerk read a telegram from A. W. Boddy, President of the Alaska Sportsmen Council of Juneau urging that certain language be inserted in the resources article.)

PRESIDENT EGAN: The communication is referred to the Committee on Resources.

(The Chief Clerk read a letter from the Alaska Native Brotherhood signed by Mr. Herbert Bradley, Grand Vice President, endorsing the Alaska Sportsmen Council's recommendation regarding the resources article.)


PRESIDENT EGAN: That communication will also be referred to the Committee on Resources. It has attached to it a lengthy explanation of their stand on that same issue.

SECOND VICE PRESIDENT: We will proceed with the reading of this additional section.

(The Chief Clerk then read Section 6.)

SECOND VICE PRESIDENT: Mr. Victor Rivers.

V. RIVERS: Mr. President, you have heard the reading of this article and it was considered important that in the constitution there be included an article of this type. It gives the University, as a corporate body, the authority to receive and hold property which will be granted to them under the enabling act. It also gives them the authority for administering and disposing of that according to law. It sets up the board of regents and the governing body of the University, and I think the main point this article has is that constitutionally the University of Alaska shall be the only state university in Alaska. Now, the effect of that statement is to point out to you that even though the University of Alaska should establish eventually a number of diverse branches they would all be under the one head of the University of Alaska. We have situations that occur in the states, such as in the State of Washington, you have the University of Washington on the West coast and Washington State University in the Eastern part of the state. They are operated separately and compete in the legislature and other places for funds. Now, in the situation in California where you have a unified university setup, the University of California and they have the University of California as the main branch and the University of Southern California in the southern part and the University of California at Los Angeles in the southern part -- all of which are operated under the same and the one head, under similar policy, and one group of appropriations. So, the extent of this article to be considered is that it unifies the university system in the state. I believe that covers the subject.



HILSCHER: Mr. President, may I ask if this particular section has been reviewed by Dr. Patty of the University?

V. RIVERS: I personally have not seen Dr. Patty, but I'd like to ask Delegate Boswell.

BOSWELL: Dr. Patty has reviewed this and has had it reviewed by other members of the faculty and they believe it covers everything that is necessary so far as they are concerned.

SECOND VICE PRESIDENT: Miss Awes.

AWES: Could we either get that mimeographed or have it read slowly enough so that we can copy it?

CHIEF CLERK: It was distributed three days ago.

to law."

PRESIDENT EGAN: Is that a committee amendment, Mr. Rivers?

V. RIVERS: That is also a committee amendment and I move and ask unanimous consent for its adoption.

PRESIDENT EGAN: Mr. Victor Rivers asks unanimous consent for the adoption of the proposed committee amendment. Is there objection? Hearing no objection the proposed amendment is ordered adopted. Are there other amendments to be offered? Mr. Hurley.

HURLEY: Mr. President, may I indulge the Convention by asking a question of the Committee on this particular point?

PRESIDENT EGAN: If there is no objection.

HURLEY: Beginning on line 7, "There shall be a board of regents of the University of Alaska, the members of which shall be nominated and appointed by the Governor," etc. Would that sentence then restrict the governor from being a member of the board of regents?

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: We think it would. This is the method at the present time at which members of the Board of Regents are appointed, and I feel that it would restrict the governor from being a member of the board, morally if for no other reason.

HURLEY: I simply mention the matter because of my knowledge that four of the most famous state universities do have the governor as a member of the board of regents.

PRESIDENT EGAN: Are there proposed amendments to Committee Proposal No. 12?

CHIEF CLERK: I have one on the desk.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment.

CHIEF CLERK: By Chief Laws, "Section 3, line 11, strike the comma."

PRESIDENT EGAN: You ask unanimous consent, Mr. Laws, for the adoption of the amendment?

LAWS: I do.

PRESIDENT EGAN: Is there objection? Hearing no objection the proposed amendment is ordered adopted. Are there other amendments to Committee Proposal No. 12? Mr. Sundborg.

Library

(c) The Board of Regents shall provide adequate facilities for members of the public to attend the meetings of the board, its committees or subcommittees. (§ 37-10-5 ACLA 1949; am § 1 ch 100 SLA 1972; am § 30 ch 59 SLA 1982)

NOTES TO DECISIONS

Applicability of section. — This section applies to the Board of Regents and not to the local nature committee for the University of Alaska at Anchorage. *University of Alaska v Constraints*, 666 P.2d 24 (Alaska 1983).

Applied in Alaska Community Colleges' Fed'n of Teachers, Local 2404 v. University of Alaska, 677 P.2d 886 (Alaska 1984).

Sec. 14.40.170. Duties and powers of Board of Regents. (a) The Board of Regents shall

(1) appoint the president of the university by a majority vote of the whole board, and the president may attend meetings of the board;

(2) fix the compensation of the president of the university, all heads of departments, professors, teachers, instructors, and other officers;

(3) confer such appropriate degrees as it may determine and prescribe;

(4) have the care, control, and management of

(A) all the real and personal property of the university; and

(B) land

(i) conveyed to the Board of Regents by the commissioner of natural resources in the settlement of the claim of the University of Alaska to land granted to the state in accordance with the Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance with the Act of January 21, 1929 (45 Stat. 1091), as amended; and

(ii) conveyed to the Board of Regents in trust for the University of Alaska by the commissioner of natural resources under AS 14.40.365;

(5) keep a correct and easily understood record of the minutes of every meeting and all acts done by it in pursuance of its duties;

(6) under procedures to be established by the commissioner of administration, and in accordance with existing procedures for other state agencies, have the care, control, and management of all money of the university and keep a complete record of all money received and disbursed;

(7) adopt reasonable rules for the prudent trust management and the long-term financial benefit to the university of the land of the university;

(8) provide public notice of sales, leases, exchanges, and transfers of the land of the university or of interests in land of the university;

(9) administer, manage, market, and promote a postsecondary education savings program, including the Alaska Higher Education Savings Trust under AS 14.40.802 and the Alaska advance college tuition savings fund under AS 14.40.803 — 14.40.817.

(b) The Board of Regents may

(1) adopt reasonable rules, orders, and plans with reasonable penalties for the good government of the university and for the regulation of the Board of Regents;

(2) determine and regulate the course of instruction in the university with the advice of the president;

(3) set student tuition and fees;

(4) receive university receipts and, subject to legislative appropriation, expend university receipts in accordance with AS 37.07 (Executive Budget Act), (§ 37-10-6 ACLA 1949; am §§ 1, 2 ch 46 SLA 1977, am §§ 4, 5 ch 22 SLA 1983; am § 1 ch 143 SLA 1986; am § 1 ch 9 SLA 1997; am § 19 ch 6 SLA 1998; am § 3 ch 3 SLA 2000; am § 3 ch 136 SLA 2000; am § 1 ch 8 FSSLA 2005)

Revisor's notes. — Paragraph (2)(9) was changed (with 10) and renumbered in 2000.

Cross references. — For duties of board related to sex-based discrimination, see AS 14.18.080; for defn

HB

252

HOUSE COMMITTEE REPC _ I

(7)

Date Referred to Committee: May 10, 2007

FURTHER REFERRALS:

Date of Committee Action: 5-12-07

The STATE AFFAIRS Committee considered:

HB 252

HOUSE BILL NO. 252

LEAVE FOR ORGAN/BONE MARROW DONATIONS

"An Act requiring paid leave from employment for organ and bone marrow donation."

Recommends it be replaced with HCS or CS for HB 252 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of
Abbrev
for
Depts:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Labor				X

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
U of A	4			✓
Labor	3			✓
CED	2			✓
ADM-All Depts	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Andrew Dool</i>	Dool	X			
<i>John Coyle</i>	Coyle			✓	
<i>Mark Brinkley</i>	Brinkley	X			
<i>Kyle Byrd</i>	Sullivan	X			
<i>Bob Ross</i>	Ross	+			
Chair: <i>Bin</i>	LYNN	X			
Chair:					

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Juneau, AK 99801-1182

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FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931
Fax: 907-465-4316

Re: HB 252 Version M – Leave for Organ/Bone Marrow Donations

5/12/07 – The House State Affairs Committee passed out CSHB 252 Version M with four amendments. Please craft a Final CS for HB 252 Version M as amended. Thank you!

Amendment #1 (Doll)

Page 2 Line 18 after the word "may" **DELETE not**

Amendment #2 (Gruenberg)

Page 2 Line 29 after the word "paid" **DELETE by a warrant issued by the state**

Conceptual Amendment #3 (Gruenberg)

Page 2 Lines 25 – 27 – he wants to include other entities in there. Such as AHFC, PFD Corporation, Judicial Council, etc... The important thing was to include other state entities. Not sure how to word it. Call Rep.Gruenberg's office x4940 – talk with Norm Cohen if you have questions.

Amendment #4 (Gruenberg)

Page 1 Line 5 after the word Foster ADD **, Stanley M. Robbins,**

ALASKA STATE LEGISLATURE



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Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
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Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR HB 252 An Act requiring paid leave from employment for organ and bone marrow donation

The Richard Foster and Alex Cesar Donor Act would require the State of Alaska to grant a paid leave of absence to an employee for the purpose of making a personal organ or bone marrow donation. The State is not required to provide more than 80 hours of leave, however the leave may not be less than 40 hours unless the employee requests fewer hours. Verification may be required and the State may not retaliate or sanction an employee for requesting this leave.

For living donors, paid leave may be needed for the procedure to obtain bone marrow or kidneys, and recuperation time. In order to obtain a bone marrow donor sample, a quick and easy cheek swab is taken. The actual bone marrow donation and recuperation can take time away from work, especially if the donor must travel in order to donate. For kidney donors, screening can be intensive however it is surgery and recuperation where paid time is needed.

According to the Alaska Kidney Foundation, over 300 Alaskans are on kidney dialysis and that number has been steadily increasing by 15% annually. There are some patients on dialysis who are in need of a kidney transplant. There are nearly 160 Alaskans waiting for an organ transplant. Every year there are adults and children who need bone marrow transplants for ailments such as leukemia and other blood diseases. A bone marrow donation may be their only chance for survival.

Richard Foster is a longtime legislator from Nome who is currently awaiting a kidney transplant. Alex Cesar is a Filipino/Tlingit boy residing in Juneau who was able to receive a bone marrow transplant in Seattle after the national bone marrow bank turned up a matching donor in New Mexico. Bone marrow matches are relatively rare, one in 100,000. Kidney donors have long waits on lists unless a personal donation from a friend, family member or another person comes forward.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Statewide
 Title An Act requiring paid leave from employment for RDU Statewide
bone marrow donation Component Statewide
 Sponsor Representatives Ledoux, Foster, et al.
 Requester House Health, Education and Social Services Component No. Statewide

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows for 40 to 80 hours of time to make a bone marrow or organ donations without taking leave. The effect of this legislation could only be measured in terms of productivity loss. The bill's maximum of 80 hours equals a 4.1% loss of productivity per donating employee (based on 80hrs / 1950 total working hours per year = 4.1%). It is expected that the number of employees taking advantage of the program would be extremely small. However, we do not have any statistics that back up a hard number.

Prepared by: Dianne Kiesel, Director Phone 907-465-4429
 Division Division of Personnel & Labor Relation Date/Time 5/3/04 4:30 PM
 Approved by: Kevin Brooks, Deputy Commissioner Date 5/3/04
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Leave for Organ/Bone Marrow Donations RDU _____
 Component Alaska Railroad Corporation
 Sponsor LeDoux et al
 Requester House HES Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would require railroad employees to be provided a paid leave of absence to make a personal organ or bone marrow donation.

ARRC is a public corporation supported by revenues generated through its freight, passenger and real estate services. Because ARRC does not receive state funding for operations or capital improvements and is operated as an independent state-owned enterprise, the cost to implement this legislation for railroad employees would fall to the Alaska Railroad Corporation and not the State.

Prepared by: Wendy Lindskoog, Assistant Vice President, Corporate Affairs Phone 907.265.2498
 Division Alaska Railroad Corporation Date/Time 5/4/07 5:26 PM
 Approved by: Emil Notti, Commissioner Date 5/4/2007
 Agency Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note: 3
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
 Title: Leave for Organ/Bone Marrow Donations RDU: Labor Standards and Safety
 Sponsor: Representative Ledoux Component: Wage and Hour
 Requester: House HES Component Number: 345

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: None
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated financial impact to the department as a result of this legislation.

Prepared by: Grey Mitchell, Director Phone: 465-4855
 Division: Labor Standards & Safety Date/Time: 5/4/07 9:39 AM
 Approved by: Click Bishop, Commissioner Date: 5/4/2007
 Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note: HB252CS-DOLWD-WH-05-10-07

Bill Version: CSHB 252(HES)

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Title: Leave for Organ/Bone Marrow Donations

Department: Labor and Workforce Development

RDU: Labor Standards and Safety

Component: Wage and Hour

Sponsor: Representative Ledoux

Requester: House STA

Component Number: 345

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to changes made in the committee substitute, the bill no longer entails enforcement action by the Division of Labor Standards and Safety. With this change no financial impact is anticipated to this department.

Prepared by: Grey Mitchell, Director

Division: Labor Standards and Safety

Approved by: Click Bishop, Commissioner

Agency: Department of Labor and Workforce Development

Phone: 465-4855

Date/Time: 5/10/07 4:01 PM

Date: 5/10/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 5/10/07

Revision Date/Time (Note if correction): _____ Dept. Affected: University of Alaska
 Title Paid leave from employment for organ and bone RDU University of Alaska
marrow donation Component Sysbra
 Sponsor _____
 Requester Rep. LeDoux Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type: Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill would have no fiscal impact on the University.

Prepared by: Michelle Rizk Phone 450-8187
 Division: University of Alaska Date/Time 5/4/07 11:00 AM
 Approved by: Pat Pitney Date 5/4/2007
 Agency: University of Alaska

LEGAL SERVICES

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

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Mail Stop 3101

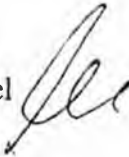
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 4, 2007

SUBJECT: Sectional Summary (HB 252 (Work Order No. 25-LS0817C))

TO: Representative Gabrielle LeDoux
Attn: Christine

FROM: Jean M. Mischel
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. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides a short title.

Section 2. Adds a new section to title 23 (employment practices generally) requiring employers of 100 or more employees who work more than 30 or more scheduled hours each week to provide not less than 40 hours and not more than 80 hours of paid leave to those employees for donating an organ or bone marrow.

Section 3. Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

Section 4. Makes a conforming amendment related to sec. 6's technical change that removes a previously repealed paragraph.

Section 5. Adds a new section to title 39 (state employment) requiring specified employers to provide employees who work more than 30 or more scheduled hours each week not less than 40 hours of paid administrative leave for donating an organ or bone marrow.

Section 6. Provides a cross-reference to the new section added in sec. 5 of the bill and makes a technical change that removes a previously repealed paragraph.

JMM:med
07-297.med



235 E 8th Ave, Ste 100
Anchorage, AK 99501
Phone: 907.562.5433 - Fax: 907.562.5333
www.lifealaska.org
www.alaskadonorregistry.org

May 7, 2007

Representative Gabrielle LeDoux
Alaska State Capitol
Juneau, AK 99801

RE: HB252, "An Act requiring paid leave from employment for organ and bone marrow donation"

Dear Representative LeDoux:


Please accept this letter as a strong endorsement of HB 252; I am most supportive of an initiative that would reduce the financial hardship for those who are willing to offer the gift of life to those who so desperately need the gift of transplantation.

Today, in the U.S., there are more than 95,000 patients awaiting an organ transplant and each day eighteen patients die while waiting. Alaska has approximately 200 patients waiting at the present time. The fact that someone would be willing to donate an organ such as a kidney to another in need is the highest act of selflessness. There simply are not enough organs donated from deceased donors to help the thousands waiting and living kidney donation can make the difference.

In the case of bone marrow donation many thousands of potential donors are needed to find a close enough match for one patient suffering from one of the blood cancers. Without a bone marrow transplant these patients will surely die prematurely.

The financial impact on any individual company in Alaska would be small and supporting these donor patients would be a most honorable community service to Alaskans.

Respectfully submitted,


Bruce Z alneraitis
Chief Executive Officer

Christine Marasigan

From: twood@alaskakidney.com
Sent: Tuesday, May 08, 2007 6:49 AM
To: Christine Marasigan
Subject: RE: draft bill

Dear Ms Marasigan: I am in general support of HB 252, which may encourage more individuals to become living organ donors. At present the need for organ and marrow transplants far exceeds their availability. The paid time off may be generous for certain occupations (desk jobs), but a provision in the bill does allow the donor to return to work sooner at their discretion. Sincerely, Thomas C. Wood, MD, FACP

Christine Marasigan

From: Tana Hughes [tjh@ak.net]
Sent: Wednesday, March 28, 2007 6:20 PM
To: Suzanne Hancock; Christine Marasigan
Subject: regarding bone marrow leave

Dear Gabrielle,

I wanted to personally thank you for your support and your leadership in introducing legislature in the House that will allow administrative leave to be granted to employees should they be lucky enough to be matched to a patient. I have attached a copy of the letter I sent to Sen. Elton in response to his VIP policy letter #266 but would be remiss not to also thank you.

I realize once that if the only prayer you said in your whole life was, "thank you," that would suffice.

Thank You,

Tana Hughes

VIP Policy Letter #266

Dear Sen. Elton

As a National Marrow Donor Program drive volunteer I would like to thank you for recognizing the heroic deed of Mr. Begail, for accepting the message of his and Alec's story and for taking it one step further. Drafting legislation in the Senate for administrative leave for bone marrow donors is a commendable and progressive step forward in removing a barrier for potential donors who may wish to join the NMDP.

As a volunteer working with recruitment on Kodiak Island and with the Kodiak Community Marrow Fund, I have unfortunately discovered that the barriers are many. Remote locations, the lack of educational programs, cultural beliefs and financial reasons are just a few of the stumbling blocks we have encountered. But none of those barriers are as difficult to deal with and overcome as the roadblock that has been consistently been thrown up before us by the system for coordinating drives that currently exists for the State of Alaska.

You noted in your policy letter that training to do bone marrow drives in Alaska is now available for free and I would like to comment on that note specifically. Although the training is free, it is not easy to obtain, maintain or sustain in a small community.

As Alaskans we are accustomed to working with agencies outside our state

attempting to work inside our state. The key to success for any business or venture to be successful in this great state is its ability to be flexible and think outside the box.

As a member of a small group of volunteers I have found the system that currently exists here in Alaska, designed to support the NMDP and a system that **should** support a community's desire to organize self drives to be unorgan^{ized}, unyielding and un-moldable to the needs of communities outside the Anchorage bowl.

On a personal note I feel it is only fair to let you know that in addition to my role as a volunteer I am also a patient, a potential bone marrow transplant recipient. In 2006 I was diagnosed with Idiopathic Myelofibrosis, the least common of the Chronic Myeloproliferative disorders and the one that carries the worst prognosis. Since that fateful day I have struggled with the knowledge that my survival rests in someone's hands, a stranger across the globe or perhaps across the country. Every face in the crowd is a potential hero to me.

But my story is no different than that of up to 3000 men, women and children **a day** that need to find their own hero. So perhaps I do feel the sting of a system that just doesn't work a little too deeply but maybe that personal attachment will allow me to champion this cause with reckless abandon, to speak about the need, to shout if need be. I just need a few more voices like yours to join the choir. Your input and opinion about how to create a more workable self-drive program for small communities would be of great value. Please feel free to contact me with any comments or questions.

Tana Hughes
Po Box 802
Kodiak, AK 99615
907-486-6369



[Click here to return to the original story](#)

Bone marrow donor, recipient's family connect in Juneau

Native boy meets his rare match in emotional reunion at the airport

Leonard Begaii was driving to work about six weeks ago in New Mexico when he got a phone call that changed his life.

He answered it, but the caller was silent. He was about to hang up when he heard an emotional voice.

"She told me, 'My name is Rachel. I'm the mother of Alex Cesar,'" he said. "'That's the patient you donated the bone marrow to.'"

A year and a half after helping save the life of a Juneau boy, Begaii had finally learned the boy's name.

This week, Begaii, 29, was able to meet him. He and his family were flown up from New Mexico to meet Alex and his family, to celebrate the boy's eighth birthday and be honored by the city Monday evening.

"I just wanted to help somebody out," Begaii said. "I kept wondering who got it, where it went to."

Alex's battle with leukemia inspired a statewide drive for bone marrow in 2005. More than 1,000 people registered in the National Marrow Donor Program across Alaska.

A match was not easy to find for Alex, who is one-quarter Filipino and three-quarters Tlingit. It came from an unexpected source: a Navajo man in New Mexico.

Begaii arrived at a donating facility just as the staff was closing it down one afternoon in April. He talked them into taking one last sample. The blood matched, and a transplant took place later in October.

Much of Begaii's desire to donate sprung from health issues that his own son faced. When his son, Xavier, was an infant, doctors discovered a rare chromosomal disorder. They said the boy had six months to a year to live.

Now he's 10.

Begaii decided to donate the marrow even though it was against his Navajo beliefs, he said. The Navajo say that if you give away part of your body, you give away part of your spirit.

"With my wife standing behind me through the whole procedure, I was glad to do it," he said.

The transplant process has been overwhelming for Alex's family, but it was successful.

Alex's mother, Rachel Dugaqua, said Begaii saved Alex's life. She and Alex's aunt, Andrea Quinto, and other family members gathered at the Juneau International Airport on Friday to meet Begaii and his extended family - but the flight was sent to Sitka due to snow. They were able to land later.

"You don't know what to expect," Dugaqua said as she waited for the plane. "It's been a major roller coaster of emotion."

"We called," she added. "We got to talk on the phone. He sent me a photo, and we sent him photos too. But it's all very different face-to-face."

Alex was playing with other kids. When asked if he wanted to talk about his experiences, he just shook his head. He's shy, his family said.

Every family member was affected differently by the events, Quinto said.

"For me, it was a fight to find a donor," Quinto said. "You got to fix what's broken. But you can't fix it if the doctors don't have what they need."

"We have a good success story," she added. "We just happened to be the lucky ones."

Begaii and his family have been enjoying the snow and getting to know Alex. They were able to bring their five children, ranging in ages 4 to 12, and several other family members for a total of nine. They all watched Monday evening as Begaii was named an honorary citizen of Juneau.

The visit has been hectic at times. But meeting Alex and his family has given Begaii a sense of peace.

"It put my heart at ease," Begaii said. "I'm glad somebody is alive today because of what I did."

• Ken Lewis can be reached at ken.lewis@juneauempire.com.

Click here to return to story:

http://www.juneauempire.com/stories/032007/loc_20070320018.shtml

Once again friends rally to help Nome lawmaker in crisis

TRANSPLANT: Colleagues and others offer money, even kidneys.

By ANNE SUTTON
The Associated Press

(Published: April 30, 2007)

JUNEAU -- In 1991, the state representative from Nome was facing trial on federal gun charges. Six unregistered machine guns and a 50 mm Soviet mortar were among the items found in Richard Foster's possession.

In many other places, such troubles could be grounds for a recall. Instead, Foster's constituents threw a fundraiser to help pay for his defense.

Now, in the face of a more serious challenge -- he has a life-threatening kidney disease and needs a transplant -- friends once again are rallying to Foster's side.

Half a dozen people at the Alaska Capitol have offered him one of their kidneys, and more than 200 legislators, staff members, lobbyists and well-wishers turned out in Juneau last month to raise money to help cover out-of-pocket expenses for him and his wife, Catherine.

"I was real touched and humbled by it, especially by the donors who came out of the woodwork to help," said Foster, the father of eight adult children and one teen. "You have all these people in the building here, and they are at each other's throats sometimes, but when someone needs help, they are the first to step forward."

A silver-haired, easygoing man with a ready and somewhat manic laugh, Foster has a knack for making friends. At the fundraiser, the stories flowed thick and fast about his corny jokes and biting sense of humor.

Lobbyist Paul Fuhs, a former Nome city manager, drew the biggest laugh with his story of walking with the legislator in his hometown on the edge of the Bering Sea. When a seagull swooped past, dropping a deposit on Foster's head, Fuhs figured Foster would want to tidy up, so he asked if he should fetch some toilet paper.

"Nah," Foster said, "he'll be long gone by then."

On the House floor, Foster rarely joins in legislative debate and is often observed leafing through



Rep. Richard Foster, D-Nome, has a life-threatening kidney disease and needs a transplant. Alaskans are rallying to Foster's side, with half a dozen people in the Capitol offering him one of their kidneys. (CHRIS MILLER / The Associated Press)



Rep. Richard Foster, D-Nome, has a life-threatening kidney disease and needs a transplant. Alaskans are rallying to Foster's side, with half a dozen people in the Capitol offering him one of their kidneys. (CHRIS MILLER / The Associated Press)

gun magazines. He is better known for his birthday roasts to colleagues, and for "Fridays at Foster's," the end-of-the-week music jam he hosts in his comfortable offices decorated with photographs of the thousands of people who've visited over the years.

Foster said most legislative bills aren't relevant, anyhow, to residents of his far-flung, often icy and northwestern district. He represents the city of Nome, population 3,540, and 28 Native villages -- of which only two are connected to each other by road and none to the greater world.

"There are a thousand bills introduced here every two years and they don't mean a thing to people in Savoonga or Diomedes," Foster said. "I like seat belt laws. Most of my villagers don't even have a car. They all use ATVs (all terrain vehicles) or snowmachines."

CAPITAL BUDGET IS PRIORITY

As a lawmaker, he keeps a single-minded focus on the capital budget and its ability to build jobs and infrastructure in remote, cash-poor villages. In homes there, the toilet is often a bucket behind a curtain in a corner off a main room.

"The question is trying to get good, safe conditions, water and sewer mostly, and affordable power," said Foster, whose ancestry is part Scandinavian, part Eskimo. "When I came (to the Legislature) in 1988 they had just found out in Shishmaref that their drinking water pond was built on an old Eskimo cemetery. They were drinking human remains."

His constituents certainly recognize the importance of seniority and Foster's success in bringing projects home.

In recent years, those have included schools in White Mountain, Sheldon Point, Hooper Bay, Chevak and Stebbins, the repaving of several airport runways, and smaller community projects like washeterias and dust and erosion control.

The senior member of the House of Representatives, Foster is now in his 10th two-year term. He has also remained a member of the House majority during his long tenure despite a shift in power 14 years ago from Democrats to Republicans.

He kept his party affiliation but joined the Republican caucus with three fellow rural Democrats. The move angered those who were left in the minority, but former lawmaker and Anchorage Democrat Ethan Berkowitz said he came to appreciate the pressures that the state's handful of rural lawmakers work under.

"If I don't get a capital project, no big deal. We'll get it later on," Berkowitz said. "If he doesn't get a school, that means his family, his friends, aren't going to get the education they deserve. That's a very heavy burden."

Berkowitz took an annual birthday ribbing from Foster for a boating mishap near Juneau early in his own decade-long tenure.

"He doesn't take a bath; he just washes ashore," was one of Foster's lines.

Foster also honored the event with a song, a handmade model of the capsized boat and a tongue-in-cheek request to the U.S. Board of Geographic Names to consider renaming the spot Berkowitz Island where the legislator spent a cold, wet night before he was rescued by the Coast Guard.

"It's the accident that will never stop giving," Berkowitz said with a laugh.

Foster also gave Berkowitz a gun on one birthday. It's the kind of gift he sometimes thrusts on unwitting colleagues. This time it was a derringer nestled in a hollowed-out mystery novel that Foster had earlier given to former Gov. Tony Knowles on a trip to Nome. The governor immediately turned the pistol over to state troopers, who eventually gave it back to Foster. Berkowitz still has it.

PASSION FOR FIREARMS

Foster inherited his passion for firearms from his father, former state Sen. Neal "Willy" Foster, who also shared his air taxi business and Will Rogers-style humor with his son.

It was the younger Foster's zeal for collecting weaponry that landed him in trouble 16 years ago. A Vietnam veteran and former Army captain, Foster grabbed the attention of federal agents when he asked a Juneau machinist to craft some submachine gun parts.

But a sympathetic Nome jury acquitted Foster, to the applause of the gallery.

Former Nome Mayor Leo Rasmussen is not surprised that people in the capital are now rallying to Foster's support.

"Richard is just good old Alaskan in the true sense," Rasmussen said. "The old Alaskan doesn't fit the mold of today. They have a genuineness to them that by and large the country has lost."

At the fundraiser on his behalf, Foster was characteristically low-key. Though he has a possible donor lined up -- a friend is now going through a battery of tests -- and Foster is undergoing dialysis, he already has been disappointed several times.

"I hope this is not an obituary," he told well-wishers with a soft laugh.

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Heart transplant survivor urges all to donate life

Article published on Tuesday, Apr 10th, 2007

By DONNA BELL

Guest Opinion

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"Donating organs, marrow, and tissue is a kind and compassionate act that can protect and enhance the precious gift of life. During National Donate Life Month, we recognize the generosity of donors and raise awareness of the importance of donating.

In recent years, there has been great progress in this important effort, and the rate of organ donation has steadily increased — helping save thousands of lives.

Despite this success, more than 95,000 Americans currently await organ transplants, and hundreds more are added to the transplant list each month. ...

— From a proclamation by the president of the United States of America

President Bush signing the National Donate Life Month for April may not mean much to you, but it is of great interest and importance to me, because on Friday, I will have had an extra five years of life.

I am here, plain and simple, because a wonderful person made a decision about being an organ donor. His family aided by that decision to donate his organs if anything ever happened to him. Because of someone else's choice to be an organ donor, a person he didn't even know, myself, has been given the possibility for a longer life. What a blessing.

and tissue donation, and to record their personal decision. Registration is considered legal consent for donation. The Web site address is www.livinglegacyregistry.org.

If you are not an organ donor, I encourage you to get registered. If you are an organ donor, please get registered. It may be on your driver's license, you may have told your family members, but when the time comes, they may not follow your wishes to let you be an organ donor.

I would like to end with this: God can do the miraculous; trust him to provide the resources. Sometimes those miracles can end up right here in Kodiak.

Donna Bell received a heart transplant at the University of Washington Medical Center on April 13, 2002.

Why did I need a heart transplant? I had caught a cold. For whatever reason, it went into my heart and damaged it. The left ventricle of my heart became enlarged. My heart was going to have to work harder at pumping the blood to the rest of my body. At the age of 41, I had congestive heart failure. Eight years later, my name was added to the National Transplant Patient Waiting List. After waiting four months, I received the heart from a 33-year-old man. My life began anew.

One organ donor can save the lives of up to eight people; a tissue donor may enhance the lives of more than 50 individuals. Nineteen people die each day waiting for lifesaving organ transplants. A new name is added to the National Transplant Patient Waiting List every 14 minutes.

Most Americans support donation, but only half of them have made it known. Now there's a way to be sure your wishes are known. The Living Legacy Registry was created through legislation to enable the public to make informed choices about organ

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State Leave Laws Related to Medical Donors

Currently 29 states have enacted laws that provide paid or unpaid leave for bone marrow and/or organ donors. Eight states (Arkansas, Connecticut, Illinois, Louisiana, Maine, Minnesota, Nebraska and Oregon) allow a leave of absence for private sector employees. The period of leave is usually 30 days for organ donors and 7 days for bone marrow donors. Some state laws have provisions which require authorization for requested leave or prohibit states from penalizing employees from taking such leave.

State	Bill/Act/Statute	Enacted	Summary
Arkansas	Act No. 2235	4/13/05	Requires private employers to provide an unpaid leave of absence for employees during testing for, donations of and recovery from organ donation; provides an income tax credit for employers electing to pay the wages of the employee on organ donation leave.
	SB 167	3/20/03	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
California	Chapter No. 869	9/26/02	Grants up to a 30 day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and a 5 day leave of absence with pay to employees who are bone marrow donors.
Connecticut	Act No. 04-95	5/10/04	Expands the state family and medical leave acts for state employees and private sector employees to provide unpaid leave to donate an organ or bone marrow.
Delaware	§ 1318B	n/a	Authorizes teachers and school employees may use up to 7 days of donated leave to serve as a bone marrow donor and up to 30 days of donated leave to serve as an organ donor.
Georgia	HB 1049	4/24/02	Provides for state employees to receive a leave of absence, with pay, for serving as an organ or bone marrow donor.
Hawaii	Act No. 176	6/30/05	Authorizes state employees may use up to 7 days of paid leave each calendar year to serve as a bone marrow donor and up to 30 days of paid leave each calendar year to serve as an organ donor.
Idaho	SB 1373	3/30/2006	Grants a leave of absence for full-time state employees and full-time non-classified state officers and employees for a specified period of time for bone marrow or organ donation.
Illinois	Act No. 94-33	6/15/05	Amends the Organ Donor Leave Act. Provides that the Act applies to all public employers in the State.
	HB 5807	8/2/02	Creates the Organ Donor Leave Act. Provides for time off with pay for State employees who donate an organ, bone marrow, blood or blood platelets.
Indiana	HB 1030	3/28/02	Allows a state employee of the Executive Branch to take a paid leave of absence for the purpose of being an organ donor or bone marrow donor.
Iowa	HB 381	8/28/03	Provides up to five workdays of leave for bone marrow and up to thirty workdays of leave for vascular organ donation by state employees.
Louisiana	§40:1299.124	1992	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Maine	LD 1945	4/11/02	Adds organ donation to the reasons allowed for family leave.
Maryland	SB 17	5/11/00	Provides that all State employees may be entitled to organ donation leave with pay; Provides up to seven days of leave for bone marrow and up to 30 days for organ donation in any 12-month period.
Massachusetts	Chapter No. 99-2005	9/29/05	Grants 30-day leave of absence to public employees serving as organ donors.

Minnesota	§181.945	1990	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
Mississippi	Chapter No. 336	10/15/04	Provides up to 30 days of paid leave for living organ or bone marrow donation.
Missouri	HB 679	7/6/01	Allows state employees to take paid leave of absence up to five workdays to serve as a bone marrow donor or 30 days as a human organ donor.
Nebraska	§71-4820	1992	An employer shall be encouraged to grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow.
New York	AB 4138	8/29/01	Permits state employees to take paid leave for bone marrow donation and for organ donation, in addition to any other annual or sick leave.
North Dakota	SB 2298	4/20/05	Allows leave of absence for 20 workdays to state employees donating an organ or bone marrow.
Ohio	HB 326	7/10/01	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
Oklahoma	SB 1628	5/8/02	Grants state employees 30 days paid leave per year to serve as an organ donor and five days paid leave per year to serve as a bone marrow donor.
Oregon	§659A.312	n/a	Grants paid leave of absence up to 40 work hours for employees serving as bone marrow donors.
South Carolina	SB 830	8/6/02	Allows state and local officers and employees are entitled a paid leave of absence up to 30 days to serve as an organ donor.
Texas	§661.916	2003	Grants state employees 30 working days paid leave per year to serve as an organ donor and five working days paid leave per year to serve as a bone marrow donor.
Utah	SB 125	4/8/02	Authorizes a paid leave of absence for state employees who serve as a bone marrow or donor of a human organ.
Virginia	HB 1642	3/26/01	Allows state employees with up to 30 days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donor.
Wisconsin	AB 545	5/9/00	Grants state employees 30 days paid leave per year to serve as an organ donor and seven days paid leave per year to serve as a bone marrow donor.
West Virginia	Act 175	5/11/05	Grants state employees thirty days of paid leave for kidney or liver donation and seven days of paid leave time for bone marrow donation.

Source: NCSL
October 2006

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ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

MEMO

TO: HOUSE STATE AFFAIRS COMMITTEE
REPRESENTATIVE BOB LYNN, CHAIR

FROM: REPRESENTATIVE GABRIELLE LEDOUX *Gabrielle*

SUBJECT: HEARING REQUEST FOR HB 252, AN ACT REQUIRING PAID LEAVE FROM EMPLOYMENT FOR ORGAN AND BONE MARROW DONATION

DATE: 5/10/07

I respectfully request that House Bill 252 be scheduled for a hearing in the House State Affairs Committee.

Attached you will find:

- HB 252, HB 252 (HESS)
- Sponsor statement
- Fiscal notes
- Sectional analysis
- Letters of Support
 - Bruce Zalneraitis, CEO of Life Alaska Donor Services
 - Thomas C. Wood, MD, FACP
 - Tana Hughes, Kodiak, Alaska
- News Articles
 - Juneau Empire, "Bone Marrow Donor, Recipient's Family Connect in Juneau"
 - Anchorage Daily News, "Once Again Friends Rally to Help Nome Lawmaker"
 - Kodiak Daily Mirror, "Heart Transplant Survivor Urges All to Donate Life"
- Side by side comparison from NCSL, "State Leave Laws Related to Medical Donors"

I appreciate your consideration. If you have any questions or concerns, my staff member assigned to this legislation is Christine R. Marasigan at 465-8872.

ALASKA STATE LEGISLATURE



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Representative Gabriële LeDoux

SPONSOR STATEMENT FOR HB 252 **An Act requiring paid leave from employment** **for organ and bone marrow donation**

The Richard Foster and Alex Cesar Donor Act would require the State of Alaska to grant a paid leave of absence to an employee for the purpose of making a personal organ or bone marrow donation. The State is not required to provide more than 80 hours of leave, however the leave may not be less than 40 hours unless the employee requests fewer hours. Verification may be required and the State may not retaliate or sanction an employee for requesting this leave.

For living donors, paid leave may be needed for the procedure to obtain bone marrow or kidneys, and recuperation time. In order to obtain a bone marrow donor sample, a quick and easy cheek swab is taken. The actual bone marrow donation and recuperation can take time away from work, especially if the donor must travel in order to donate. For kidney donors, screening can be intensive however it is surgery and recuperation where paid time is needed.

According to the Alaska Kidney Foundation, over 300 Alaskans are on kidney dialysis and that number has been steadily increasing by 15% annually. There are some patients on dialysis who are in need of a kidney transplant. There are nearly 160 Alaskans waiting for an organ transplant. Every year there are adults and children who need bone marrow transplants for ailments such as leukemia and other blood diseases. A bone marrow donation may be their only chance for survival.

Richard Foster is a longtime legislator from Nome who is currently awaiting a kidney transplant. Alex Cesar is a Filipino/Tlingit boy residing in Juneau who was able to receive a bone marrow transplant in Seattle after the national bone marrow bank turned up a matching donor in New Mexico. Bone marrow matches are relatively rare, one in 100,000. Kidney donors have long waits on lists unless a personal donation from a friend, family member or another person comes forward.

HB

259



Alaska State Legislature

Representative Anna Fairclough – House District 17

Sponsor Statement for HB 259

“An Act establishing the first week of every March as Alaska History Week.”

While relatively short compared to other states around the nation, the history of Alaska is one filled with exploration, adventure, and cultural diversity. We are a state rich with courageous citizens, a unique climate and vast resources.

Alaska History Week will give schools, teachers and students the opportunity to celebrate our State through various activities and events. There is no fiscal note attached to this legislation, yet it will bring a focus to the history of our state one week each year and allow students of all ages to delve deeper into the roots of Alaska's past.

The idea for this legislation was brought to me by the Board of Directors of the National History Day in Alaska. This organization works to encourage the study of our state's history by holding an annual contest and sending students each year to the national competition. This legislation will help spread awareness of this program and recognition for the Alaska students who participate in it and in Alaska History Week events around the state.

I urge you to join me in supporting HB 259.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 259
 () Publish Date: _____

Identifier (file name): HB 259 Dept. Affected: _____
 Title: Establishing Alaska History Week RDU _____
 Component _____
 Sponsor: Representative Fairclough
 Requester: House State Affairs Committee Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
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	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nancy Manly, Committee Aide Phone 465-2794
 Division: House State Affairs Committee Date/Time: 2/11/08 12:00 AM
 Approved by: Representative Bob Lynn Date: 2/11/2008
 Char: _____

Dear Hon. Representatives Fairclough, Dahlstrom, Lynn, and Gardner

Establishing Alaska History Week, HB 259, is an important piece of legislation to the staff and Board of Directors of the National History Day in Alaska (NHDA) organization, to at least seven school districts throughout the state working in partnership with our organization to reform the teaching of history in the school systems of Alaska, and to the children in Middle and High Schools, as well as those being home schooled throughout the state. You introduced HB259 last year during the legislative session, and it is now in the State Affairs committee. We all would like to see completion of consideration and the passage of this legislation.

To remind you, we are not asking for State funding with this legislation, only for the formal recognition of this program that may potentially sway corporate contributors to come forward and assist us monetarily. In 1982, a single student from Alaska attended the national competition. In 2007, over 30 students, their parents, teachers, chaperones and coordinators, made visible the quality of education in Alaska. This program has steadily grown and has changed the lives of many of the students who have taken part, as well as advanced the study of our historical roots immeasurably. We would like the Alaska State Legislature to recognize these efforts and successes and to enjoy the future of the youths that represent us throughout the state.

Judging for the State History Day contest will take place March 17th-26th this year at the National Park Service, Alaska Regional Office in Anchorage. I represent the Board of Directors of National History Day in Alaska, inviting you to be a judge at this year's contest to see what we do and how we determine the best of the best amongst the submissions we receive annually. Projects will include performances, documentaries, exhibits, and websites researched and developed by students in grades 6-12 from across Alaska. Judging will take place Monday through Friday, 8:30am-12:30pm and 1:00pm-5:00pm. I realize that you have an extremely busy schedule at this time of the year and we appreciate the efforts of all our State Leaders. However, If you are interested and available to judge on any of these dates and times it would be an honor to have you. Please let our State Coordinator, Darrell Lewis, know at your earliest convenience if you would like to be a judge. He can be reached at (907) 644-3470, or (907) 230-1623.

Thank You for all you do,

Ray DeTerra, Member, NHDA Board of Directors
(907) 317-1302



Anchorage School District

5530 E. Northern Lights Blvd
Anchorage, Alaska 99504-3135
(907) 742-4000

SCHOOL BOARD

Tim Steele
President

Macun Roberts
Vice President

Crystal Kennedy
Clerk

Chris Tuck
Treasurer

Jeff Friedman

Mary Marks

John Steiner

SUPERINTENDENT

Carol Comeau

February 4, 2008

The Honorable Anna Fairclough
State Capitol
Room 411
Juneau, AK 99801-1182
Attn: Renee Limoge

Dear Representative Fairclough:

The Anchorage School District supports HB 259, An Act establishing the first week of every March as Alaska History Week. We understand that this is an opportunity to celebrate the contributions and experiences that comprise the past development of Alaska, and many current events taking place today. We must continue to educate our young people and our citizens on the important issues of the day regarding our great State.

It is my understanding that this bill comes at the request of our local and state social studies educators as another opportunity to celebrate the uniqueness of our people and our State. Our district will celebrate this week, and other important events in Alaska's history, with assemblies, discussions and forums, and other public events.

Sincerely yours,

Carol Comeau
Superintendent

Southcentral
Foundation



January 24, 2008

The Honorable Anna Fairclough
State Capitol, Room 411
Juneau, AK 99801

Dear Representative Fairclough:

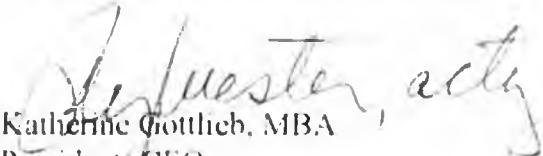
Southcentral Foundation strongly supports the proposed legislation in favor of designating the first week of every March as Alaska History Week (HB 259).

As part of our vision of a Native Community that enjoys physical, mental, emotional and spiritual wellness, our organization offers a variety of Alaska Native and American Indian youth-serving programs with an education component: Head Start and Early Head Start programs, serving children 6 weeks to 5 years of age; an internship training program, serving adolescents and young adults 14 to 25 years of age; and a residential and teaching facility, serving young men 13 to 18 years of age.

The designation of Alaska History Week will present a multitude of opportunities for participants in these programs, through special observance events and exercises, to learn more about Alaska Native cultures, as well as the adventurous spirit that brought others to the state. If this bill passes, Southcentral Foundation could incorporate Alaska History Week into curriculum, distribute informational materials, and feature observance-related stories, photographs and articles in the Anchorage Native News (Southcentral Foundation's external newsletter, which maintains a readership of 10,000 people every other month) and the Communicator (SCF's internal newsletter, which maintains a readership of 1,300 readers every other week). The opportunities to learn about Alaska's culture and history are countless and invaluable, and what more appropriate time to observe its significance than now, as we approach the 50th Anniversary as a state in this great nation.

Southcentral Foundation supports your vision of an observance week to celebrate the contributions and experiences that comprise Alaska's rich history. It is our sincere hope that the State of Alaska enacts this legislation.

Sincerely,
SOUTHCENTRAL FOUNDATION


Katherine Gottlieb, MBA
President/CEO



Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative Anna Fairclough 

Re: HB 259

Date: February 6, 2008

Dear Representative Lynn,

I respectfully request a hearing in House State Affairs on HB 259, legislation to make the first week of every March Alaska History Week.

For your information I have attached a sponsor statement and a copy of the bill, as well as letters of support for this legislation.

If you need anything further, please contact my staff member, Renee Limoge, at 465-3777.

Thank you in advance for your time.

HB 259

Talking points for National History Day

House State Affairs Committee – February 12, 2008

- The National History Day program is the largest history education program in the Nation with more than 700,000 students and 40,000 teachers participating annually. **In Alaska approximately 3,000 students and 50 teachers participate each year.**
- By designating the first week in March as Alaska History Week, we are hoping to bring recognition to National History Day in Alaska – an organization that encourages our young people to delve into the history of this great state.
- National History Day in Alaska is not requesting any funding – our favorite kind of program – but simply the designation of the first week of March in order to give focus to their work.
- **The National History Day program consists of three levels of competition with local contest being held in February, the State Contest in early March, and the National Contest in June.** Students research topics related to a theme and produce projects to display their findings. Projects include research papers, documentaries, exhibits, performances, or web sites.
- Each year in June more than 2,500 students from across the nation travel to the University of Maryland in College Park to participate in the National History Day contest. **Since 1990, over 200 Alaska students have participated in the National History Day contest.**
- **In 2007, 31 Alaska students from Anchorage, Haines, Copper Center, North Pole, Fairbanks, and Eagle River participated. In addition to students from these communities the 2008 state contest will include students from Barrow, Wasilla, Sitka, and numerous home school students from across the state.**
- In 2007, History Day in Alaska provided teacher trainings at five workshops attended by approximately 75 teachers from across the state.
- History Day in Alaska sponsors include the National Park Service, National Archives and Records Administration, Alaska Historical Society, Alaska Airlines, and The History Channel.

HB

260

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 2

Phone: 907-465-4931

Fax: 907-465-4316

Re: HB 260 - STATE OFFICERS COMPENSATION COMMISSION

1/19/08

HB 260 passed out of the House State Affairs committee this morning with one amendment.
Please draft a final CS

Amendment #1 (Roses)
25-LS0659 M.1 (see attached)

HOUSE STATE AFFAIRS
COMMITTEE

Amendment # 1

To Bill Number HB 260

Sponsor RDSU'S

Date: 1-17-08 Logged By: Nm

AMENDMENT

25-LS0659.M.1

Bullard

1/17/08

OFFERED IN THE HOUSE

TO: HB 260

BY REPRESENTATIVE ROSES

1 Page 3, line 18, following "not":

2 Insert ", in the four years preceeding that member's appointment,"

Perspectives on Legislative Compensation

Alaska House State Affairs
Committee

January 17, 2008

Karl Kurtz

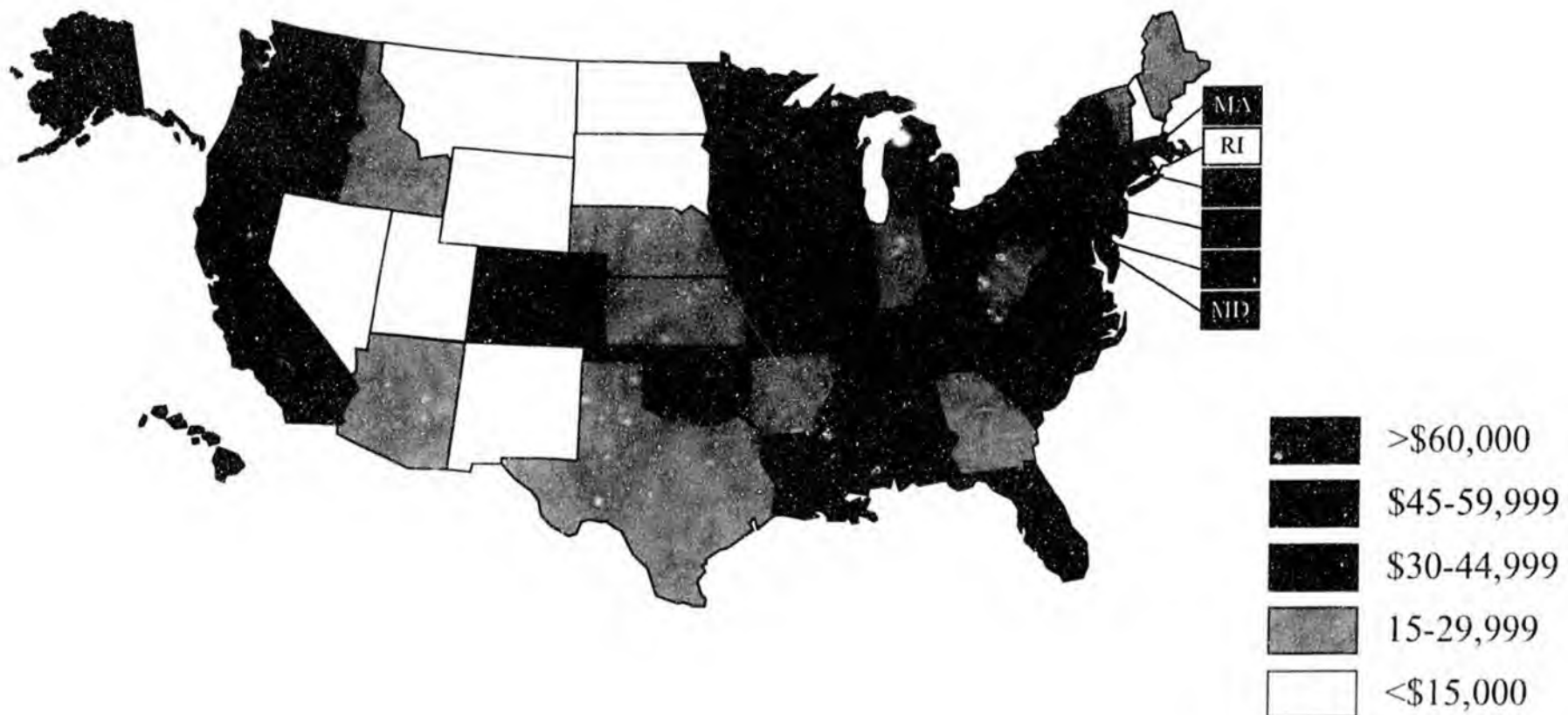


Distributed by Rep. Logan

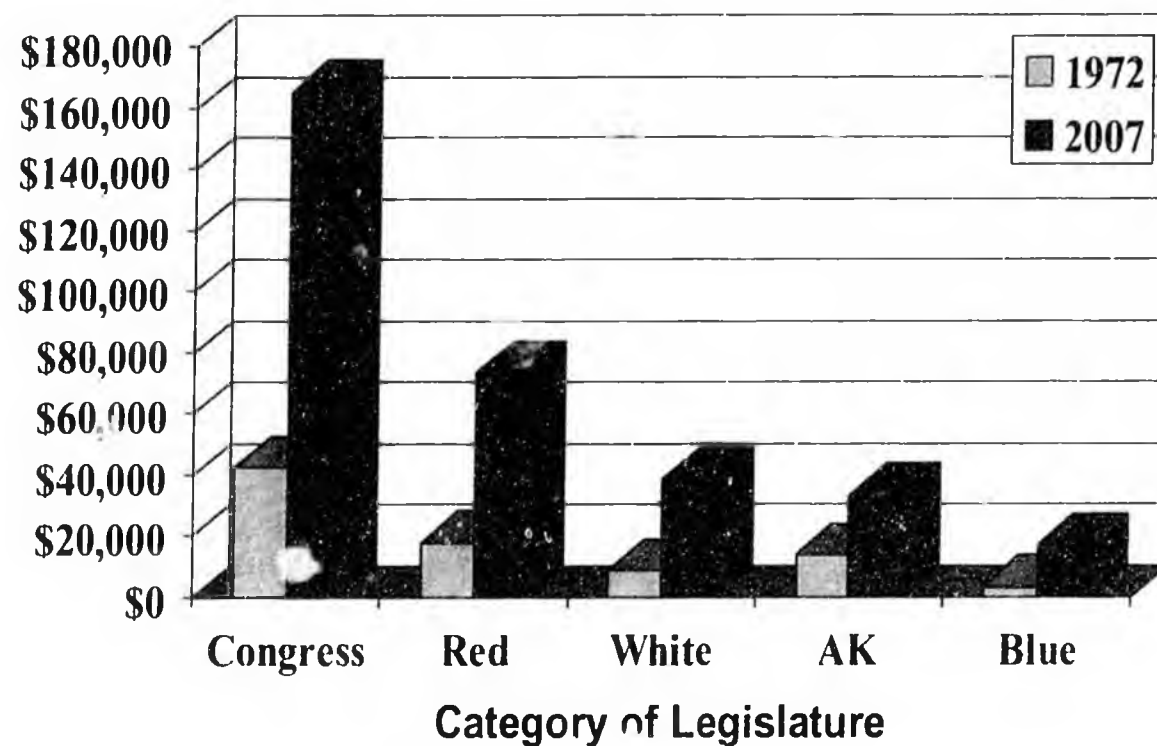
Estimating Compensation

- What the IRS counts as compensation
 - Salary
 - Per diem—session and interim
 - Unvouchered expense payments
 - Excludes special leadership or committee chair compensation
-

Estimated Annual Compensation, 2007

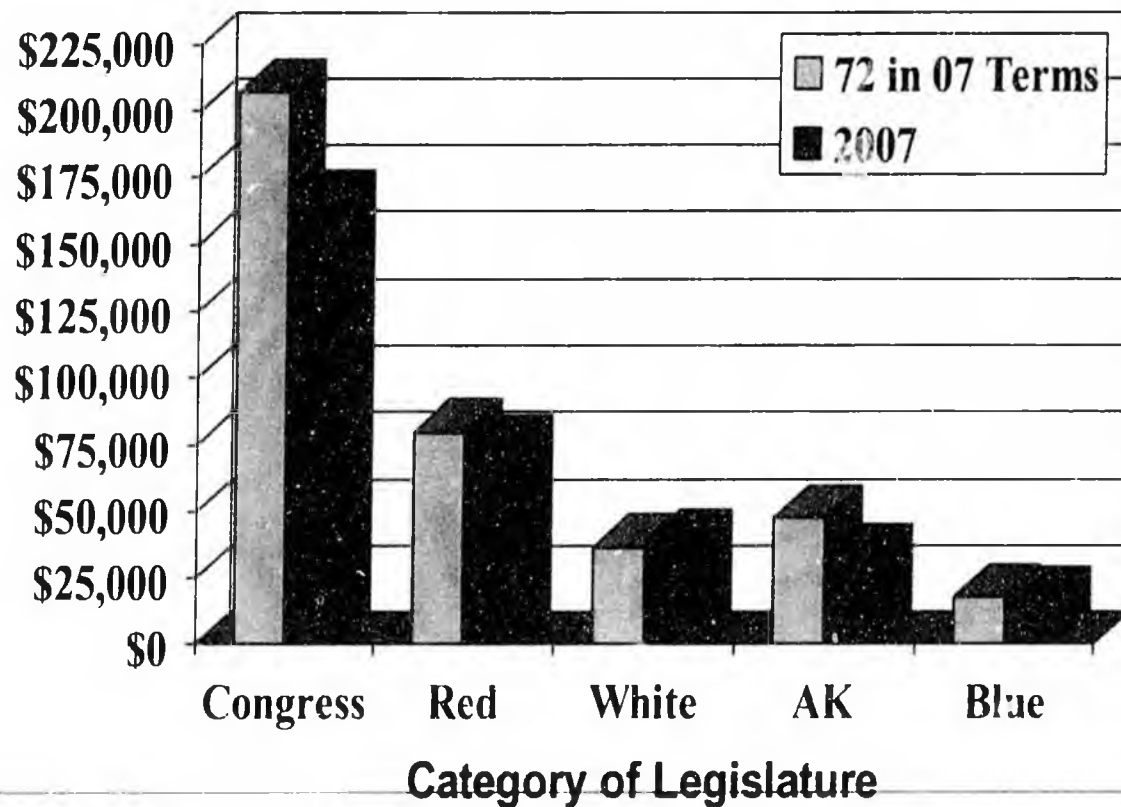


Compensation of Legislators

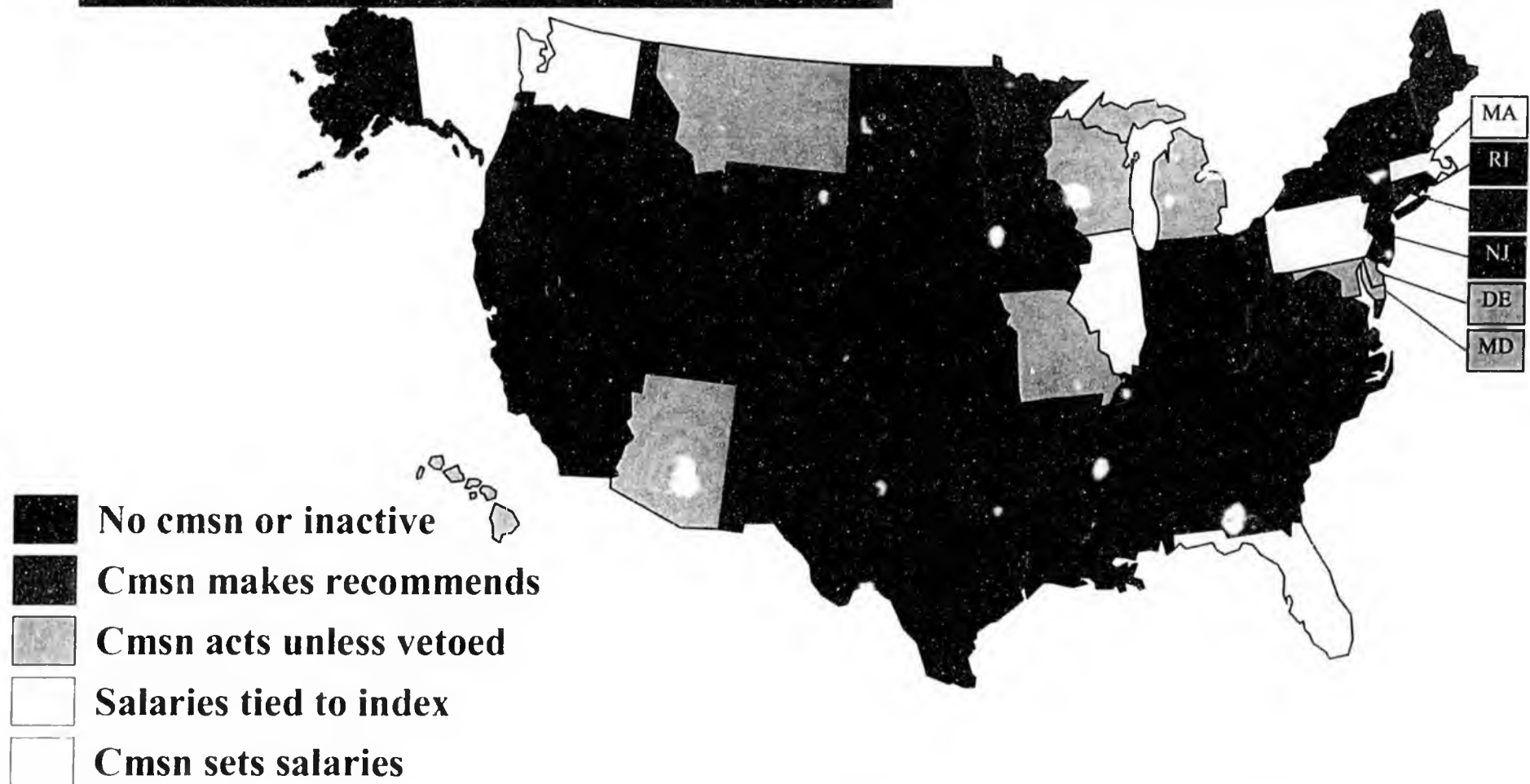


Real Compensation

Compensation in Constant Dollars



Compensation Methods





Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SPONSOR STATEMENT

HB 260

An Act relating to the State Officers Compensation Commission

Alaska's only real success in setting fair compensation for public officials came in 1977 and 1979, when the citizen members of the Alaska Salary Commission released reports on how, and how much, certain public officials should be paid.

There has been no impartial review of public officials' compensation since. A 1986 attempt to create a salary commission failed, because it was contingent on passage of a constitutional amendment that never passed. No subsequent attempt has gotten even that far, unless you count a 2006 executive decision that raised the salaries of commissioners.

Twenty eight years is a long time between salary reviews, and in the ensuing years a series of stop-gaps have grown up to meet immediate needs. House Bill 260 is an attempt to take a comprehensive look at the compensation the Governor, Lieutenant Governor, executive department heads, and legislators.

The bill creates a five-member commission appointed by the governor, with one of the members recommended by the presiding officer of each legislative house. The compensation commissioners serve without compensation and are staffed by the Department of Administration.

Under the bill, the commissioners would study state officers' compensation and submit a report at least every two years. The recommendations in the report will take effect unless specifically rejected by legislative action. Any increases in salary and benefits are subject to appropriation.

The unworkable provisions of the 1986 salary commission law, including the eternally delayed effective date, are repealed.

This is not an attempt to increase, reduce, or otherwise drive the direction of legislative and executive pay in Alaska. Significant trust is placed in this commission to come up with an equitable solution. But the problems with legislators establishing a compensation system that includes their own pay and benefits seem obvious – and unsolvable. It is the sponsor's view that the State Officers Compensation Commission is the best way to craft a viable long term solution.



Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SECTIONAL ANALYSIS

HB 260

An Act relating to the State Officers Compensation Commission

- Section 1:** Changes the section describing legislative salaries, from a fixed \$2,001 to an amount determined by the commission.
- Section 2:** Changes legislative moving and per diem from a mandatory to an optional payment. Legislative council policy for these items shall be adopted in accordance with commission recommendations.
- Section 3:** Changes the pay of the governor from a fixed amount to an amount determined by the commission.
- Section 4:** Changes the pay of the lieutenant governor from a fixed amount to an amount determined by the commission.
- Section 5:** Changes the pay of department heads from a limited range of options based on the salary schedule, to an amount determined by the commission.
- Section 6:** Establishes a State Officers Compensation Commission in AS 39.23.
- .500 Commission has five members, state residents, appointed by the governor without confirmation. One member appointed from a list of two or more candidates selected by Senate President, one member appointed from a list of two or more candidates selected by Speaker of the House. Members serve staggered four year terms, two term limit, chair selected by members. Commission established in the Department of Administration.
 - .510 Members may not be state employees or serve on any other board or commission. Members may not have served in an office for which the commission makes a compensation recommendation.
 - .520 Members serve without compensation but may receive travel and per diem.

- .530** Commissioner of Administration shall serve as ex-officio secretary of the commission, and provide staff and administrative services as necessary.
- .540** Commission shall review the salaries, benefits, and allowances of legislators, the governor, lieutenant governor, and commissioners and prepare a report of their findings at least every two years. They may request reports and other information from state departments. Commission prepares findings by November 15, give public notice, and solicit public comments. Commission provides a final report and recommendations by the 10th day of a legislative session. Unless disapproved by law within 60 days, the recommendations take effect at the beginning of the next session (for legislators), or at the beginning of the next fiscal year (for executive branch employees). There is no partial approval, either the entire set of recommendations is accepted, or none. A commissioner who disagrees with the majority may attach written objections to the report and recommendations. Recommendations that increase pay are not effective unless all increases are fully funded by appropriations.
- .545** Recommendations may not reduce the salary or benefits of a governor, lieutenant governor, or department head who took office before the effective date of the recommendations.
- .550** Recommendations are filed with the lieutenant governor. Once effective, the commission shall certify them.
- .560** Legislative policy, that the commission shall recommend an equitable compensation package for legislators.
- .600** Definition, "commission" means "State Officers Compensation Commission."

- Section 7:** Repeals AS 39.23.200-400, the 1986 compensation commission law that was never implemented due to a delayed effective date clause.
- Section 8:** Repeals uncodified portions of the 1986 compensation commission law related to procedure, timing, and effects of commission reports.
- Section 9:** Uncodified section concerning staggered terms of initial appointments and procedure for calling the commission's first meeting.
- Section 10:** Uncodified section making Sections 1 through 5 conditional on the receipt, acceptance, and funding of the recommendations described in Section 6.

Section 11: Repeals uncodified portions of the 1986 compensation commission law concerning the delayed effective date contingent on a constitutional amendment.

Section 12: Effective date of Sections 1 through 5 is the same as the effective date of the appropriation that would follow acceptance of recommendations.

Section 13: Immediate effective date for the rest of bill.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB260
 () Publish Date: _____

Identifier (file name): HB260-DOA-DOP-1-11-08 Dept. Affected: Administration
 Title: State Officer Compensation Commission RDU: Central Administrative Services
 Component: Personnel
 Sponsor: Representative Doogan
 Requester: (H)State Affairs Component Number: 56

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	7.0	0.0	7.0	7.0	7.0	7.0	7.0	7.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.5	0.0	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	7.5	0.0	7.5	7.5	7.5	7.5	7.5	7.5

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts		0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match		0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF		7.5	0.0	7.5	7.5	7.5	7.5	7.5
1005 GF/Program Receipts		0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health		0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts		0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL		7.5	0.0	7.5	7.5	7.5	7.5	7.5

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)
 This fiscal note assumes two meetings per year and includes associated travel and supply expenses.

Prepared by: Nicki Neal, Director
 Division: Division of Personnel
 Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-465-4429
 Date/Time 1/11/08 12:00 AM
 Date 1/11/2008



Legislator Compensation 2007

Updated March 2007

State	Salary	Per Diem
Alabama	\$10/day (C)	\$2,280/month plus \$50/day for three days during each week that the legislature actually meets during any session (U).
Alaska	\$24,012/year	\$163 or \$218 /day (depending on the time of year) tied to federal rate. Legislators who reside in the Capitol area receive 75% of the federal rate.
Arizona	\$24,000/year	\$35/day for the first 120 days of regular session and special session. \$10/day thereafter. Members residing outside Maricopa County receive an additional \$25/day for the first 120 days of regular session and special session. An additional \$10/day thereafter (V). Set by statute.
Arkansas	\$14,765/year	\$130/day (V) plus mileage tied to federal rate.
California	\$113,098/year	\$162/day for each day they are in session.
Colorado	\$30,000/year	\$45/day for members living in the Denver metro area. \$99/day for members living outside Denver (V).
Connecticut	\$28,000/year	No per diem is paid.
Delaware	\$42,000/year	No per diem is paid.
Florida	\$30,996/year	\$126/day (V) tied to federal rate. Based on the number of days in session. Travel vouchers are filed substantiate.
Georgia	\$17,342/year	\$173/day (U) set by the Legislative Services Committee.
Hawaii	\$35,900/year	\$120/day for members living outside Oahu. \$10/day for members living on Oahu (V). Set by the legislature.
Idaho	\$16,116/year	\$122/day for members establishing second residence in Boise. \$49/day if no second residence is established and up to \$25/day travel (V) set by Compensation Commission.
Illinois	\$57,619/year	\$125/per session day.
Indiana	\$11,600/year	\$137/day (U) tied to federal rate.
Iowa	\$25,000/year	\$118/day (U). \$88.50/day for Polk County legislators (U) Set by the legislature to coincide with federal rate. State mileage rates apply.
Kansas	\$84.80/day (C)	\$99/day (U) tied to federal rate.
Kentucky	\$180.54/day (C)	\$108.90/day (U) tied to federal rate (110% Federal per diem rate).
Louisiana	\$16,800/year	\$138/day (U) tied to federal rate (26 U.S.C. Section 162(h)(1)(B)(ii))
Maine	\$12,713/year	\$38/day housing, or mileage and tolls in lieu of housing (at rate of \$0.36/mile up to \$38/day) plus \$32/day for meals. Per diem limits are set by statute.
Maryland	\$43,500/year	Lodging \$116/day. Meals \$4 day maximum.
Massachusetts	\$58,237.5/year	From \$10/day-\$100/day, depending on distance from State House (V) set by the legislature.
Michigan	\$79,650/year	\$12,000 yearly expense allowance for session and interim (V) set by compensation commission.
Minnesota	\$31,140.90/year	Senators receive \$96/day and Representatives receive \$77/legislative day (U) set by the legislature.
Mississippi	\$10,000/year	\$91/day (U) tied to federal rate.
Missouri	\$31,351/year	\$79.20/day (U) tied to federal rate. Verification of per diem is by roll call.
Montana	\$82.67/day (L)	\$98.75/day (U)
Nebraska	\$12,000/year	\$99/day outside 50-mile radius from Capitol. \$39/day if member resides within 50 miles of Capitol (V) tied to federal rate.
Nevada	\$137.90/day	Federal rate for Capitol area (U). Legislators who live more than 50 miles from the capitol, if require lodging, will be paid HUD single-room rate for Carson City area for each month of session.

2007 Legislator Compensation

New Hampshire	\$200/two-year term	No per diem is paid.
New Jersey	\$49,000/year	No per diem is paid.
New Mexico	None	\$142/day (V) tied to federal rate and the constitution.
New York	\$79,500/year	Varies (V) tied to federal rate.
North Carolina	\$13,951/year	\$104/day (U) set by statute. \$559.00/month expense allowance.
North Dakota	\$125/day (session) (C)	Lodging reimbursement up to \$900/month (V).
Ohio	\$58,933.56/year	No per diem is paid.
Oklahoma	\$38,400/year	\$122/day (U) tied to federal rate.
Oregon	\$18,408/yr	\$99/day (U) tied to federal rate.
Pennsylvania	\$73,613/year	\$129/day (V) tied to federal rate. Legislators can receive actual expenses or per diem.
Rhode Island	\$13,089.44/year	No per diem is paid.
South Carolina	\$10,400/year	\$119/day for meals and housing for each session day and committee meeting tied to federal rate.
South Dakota	\$12,000/two year term	\$110/legislative day (U) set by the legislature.
Tennessee	\$18,123/year	\$153/legislative day (U) tied to federal rate.
Texas	\$7,200/year	\$139/day (U) set by Ethics Commission.
Utah	\$130/day (C)	\$90/day (U) lodging for each calendar day. Tied to federal rate. \$54/day meals (U).
Vermont	\$600.78/week (session)	Federal per diem rate for Montpelier is \$88/day for lodging and \$51/day for meals for non-commuters. Commuters receive \$51/day for meals plus mileage.
Virginia	\$18,000/year (Senate) \$17,640/year (House)	House \$135/day (U) tied to federal rate. Senate \$140/day (U) tied to federal rate.
Washington	\$36,311/year	\$90/day
West Virginia	\$15,000/year	\$115/day during session (U) set by compensation commission.
Wisconsin	\$47,413/year	\$88/day maximum (U) set by compensation commission (90% of federal rate).
Wyoming	\$150/day (L)	\$85/day(V) Includes travel days for those outside of Cheyenne.

L = Legislative day

C = Calendar day

(V) Vouchered (U) Unvouchered

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Denver Office: Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | Map

Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

Washington Citizens' Commission On Salaries for Elected Officials

[Home](#) [About Us](#) [Commissioners](#) [Salary Information](#) [Reports and Studies](#) [Meetings](#) [Contact Us](#)



*Compensation History
in Washington State*

The Commission adopted the 2007-08 Salary Schedule. It is listed in [Salary Information](#) or you can click [here](#).

Associated Press reporter Dave Ammons interviews Carol Sayer, Director, Ron Hopkins, Chair, and Alan Doman, Vice-Chair. Visit the [TVW](#) website or click [here](#) to watch the interview.

Please click here to see a [quick overview of the Commission](#).



Welcome to the Washington Citizens' Commission on Salaries for Elected Officials

Statute requires that we base the salaries of the elected officials in the Executive, Legislative, and Judicial branches of state government on realistic standards and pay them according to the duties of their offices. We set the salaries of:

- The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands, and the Insurance Commissioner
- Members of the Legislature
- Justices of the Supreme Court and judges of the Court of Appeals and Superior and District courts

Mission and Mandate from the Public

To attract citizens of the highest quality to public service by basing the salaries of the state's elected officials on realistic standards and paying them according to the duties of their office.



We evaluate the position - Voters evaluate the performance.

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Quick Links

[Contact Us](#)

Please join our [ListServ](#) to be added to our e-mail list.

The January 9-10 and May 15, 2007, meetings were televised by [TVW](#), please check your local listings. Click [here](#) to view the meeting minutes.

Map of the [Capitol Campus](#)

Your [Legislature](#)

Survey Question

Did you find the information you were looking for on our website?

- Yes
- No (Please e-mail wright@salaries.wa.gov and tell us what you were looking for.)
- I was just browsing.



Washington Citizens' Commission On Salaries for Elected Officials

Home About Us Commissioners Salary Information Reports and Studies Meetings Contact Us

Salary Setting Process

Salary Setting Authority

Legal Authority

Please click here to see a [quick overview of the Commission](#).



About Us

The Commission was created by House Joint Resolution 49, an amendment to the state Constitution, that authorized creation of an independent, citizen commission to set the salaries of the state's elected officials. That constitutional amendment was passed by the voters on November 4, 1986.

Prior to the passage of the constitutional amendment, the 1986 Legislature passed a bill (ESHB 1331) to establish the Commission contingent upon passage of the constitutional amendment. That bill also defined how the salary setting work is to be accomplished. The purpose for creating the Commission was to establish proper salaries for the state's elected officials and to remove political considerations from the process.

The first rotation of commissioners were appointed in February 1987 and began the work of setting the elected officials' salaries the same month. The Commission is responsible for setting the salaries of the the elected officials in the Executive, Judicial, and Legislative Branches of state government including:

- Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands, and the Insurance Commissioner.
- Justices of the Supreme Court and judges of the Court of Appeals, Superior Courts, and District Courts.
- Members of the Legislature

In total, the Commission sets the salaries of 479 elected state officials; the majority are positions in the Judiciary.

Please click on the subjects below for additional information about us.

Salary Setting Process – How the salary setting process works.

Salary Setting Authority – The Commission's salary setting authority.

Legal Authority – A list of the constitutional and statutory authority references that authorize the Commission's work.

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How the Salary Setting Process Works

The Commission conducts its salary setting business every two years from January through May of the odd-numbered year. All Commission meetings are conducted in accordance with the Open Public Meetings Act and are open to the public.

In the fall, prior to each salary setting session, the Commission meets to adopt its upcoming public meeting schedule. At that time, it also addresses organizational matters for the upcoming salary setting session.

Statute sets out the following process:

- The first step is to adopt a "proposed" two-year salary schedule. The "proposal" is then placed "on the table" for public input and comment. The proposed salary schedule is adopted at a public meeting in January.
- Public hearings are then held to provide citizens an opportunity to present testimony and comment on the proposal. These hearings are held in cities around the state to provide maximum citizen access to the decision-making process. State law requires the Commission to hold no fewer than four public hearings. Individuals that are not able to attend a meeting or hearing are encouraged to send their comments via phone, fax, mail, or email. **The Commission is very interested in hearing from you.** Click [here](#) for information on how to send your comments to the Commission.
- At the last public hearing held in May, a final two-year salary schedule must be adopted. It may or may not be the same as the proposal adopted in January.
- That salary schedule has to be filed with the Secretary of State no later than the first Monday in June.
- The salary schedule automatically becomes law 90 days after filing with the Secretary of State unless a voter referendum petition is filed. Click on [Salary Schedule](#) to view the current salary schedule for the elected officials.

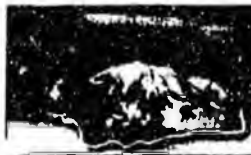
Neither the Governor, the Legislature, nor the Commission itself has the authority to change or amend the salary schedule after it has been legally adopted, filed with the Secretary of State within the prescribed period of time, and the 90 day referendum period has elapsed.

The 2007 Commission will begin its salary setting work in January 2007 and adopt a salary schedule for the state's elected officials that will take effect on September 1, 2007 and September 1, 2008.

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The Commission's Salary Setting Authority

There have been misconceptions and misunderstandings about the Commission's authority with respect to the people's mandate to set the salaries of the state's elected officials. The law directs the Commission to base salaries on realistic standards in order to pay the elected officials according to the duties of their office and to attract citizens of the highest quality to public service.

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In setting the salaries of the elected officials, the Commission may:

- Make salary adjustments to individual positions or to a group of positions such as the judges. These adjustments often are for equity or alignment purposes. For example, the 2003 Commission adjusted the salary of the Secretary of State and the Insurance Commissioner to reflect additional duties and to bring them into alignment with the positions of Treasurer and Auditor. The 2005 Commission granted an additional 1% increase in 2005 and 2006 to the position of legislator to bring them closer into alignment with positions in the state's Exempt Management Service. The 2005 Commission also granted an additional 1% increase in 2005 and 2006 to positions in the Judiciary to begin to bring them into alignment with the Federal bench.
- Grant an across the board adjustment such as a general wage adjustment (GWA) or make a flat dollar adjustment to individual positions, a group or groups of positions, or to all positions. The 2005 Commission granted a 2% GWA for all positions in the Executive, Judicial, and Legislative branches for 2005 and 2006. The 2001 Commission granted a \$5,000 increase in base salary to all members of the Judicial branch to send a message that the work of judges is important and to help reduce the number of good judges that were leaving the bench to work in private mediation and arbitration firms.
- Make no change -- retain current salary levels. The 2003 Commission adopted a small increase for 2003 but made no increase for 2004.

The Constitution expressly prohibits decreasing the salaries of the state's elected officials during their current term of office.

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Constitutional and Statutory Legal Authority

Article 28 of the Constitution

Salaries for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts shall be fixed by an independent commission created and directed by law to that purpose.

RCW 43.03.300

...declares it to be the policy of this state to base salaries of elected state officials on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service.

RCW 43.03.305

There is created a commission to be known as the Washington citizens commission on salaries for elected officials, to consist of 16 members...

RCW 43.03.310

...commission... shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

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Commissioners

The Commission consists of 16 unpaid, citizen members selected by two methods:

Nine members are randomly selected by the Secretary of State from the rolls of registered voters, one from each Congressional District.

Seven members are selected jointly by the President of the Senate and the Speaker of the House of Representatives; one each from private institutions of higher education, business, professional personnel management, the law, and organized labor. Two members are recommended to the President of the Senate and to the Speaker, one by the chair of the Washington State Personnel Resources Board and the other by the presidents of the state's four-year institutions of higher education.

The Secretary of State and the Speaker of the House and President of the Senate send the names of the 16 individuals to the Governor for formal appointment to a four-year term that begins on July 1 and ends on June 30.

Please click on the subjects below for additional commissioner information.

[Appointment Terms](#) --The current commissioners, their terms, and the area from which they have been selected.

[Appointment Criteria](#)

[Current Members](#)

[Commissioner and Staff Biographies](#) -- Get to know the Commissioners and Commission staff.

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Back: Teri Wright (staff), Don Boggs, Scott Baxter, Dirk Muyskens, Jim Clark, Brian Sadden, Katherine Wade-Easley
Front: William Denton Hornbeck, Alan Doman (Vice-Chair), John McCallum, Linda Lopez, David Irwin, Carol Sayer (staff), Janet Hays, Dale Carlisle

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Our Mandate

Compensation History in Washington State

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2007-08 Salary Schedule

Salary Information

We evaluate the position - Voters evaluate the performance.

2007-08 Salary Schedule

Position	Salary Effective 9/1/2007	Salary Effective 9/1/2008
Executive Branch		
Governor	163,618	166,891
Lieutenant Governor	92,106	93,948
Secretary of State	114,657	116,950
Treasurer	114,657	116,950
Auditor	114,657	116,950
Attorney General	148,744	151,718
Insurance Commissioner	114,657	116,950
Supt. of Public Instruction	119,234	121,618
Commissioner of Public Lands	119,234	121,618
Judicial Branch		
Supreme Court Justices	155,557	164,221
Court of Appeals Judges	148,080	156,328
Superior Court Judges	140,979	148,832
District Court Judges	134,233	141,710
Legislative Branch		
Legislator	41,280	42,106
Speaker of the House	49,280	50,106
Senate Majority Leader	49,280	50,106
House Minority Leader	45,280	46,106
Senate Minority Leader	45,280	46,106

The salary schedule was adopted at a public meeting on May 15, 2007.

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[Department of Personnel](#) - for information about state employees.

Components of the Salary Schedule

All Positions

- A 3.2% general wage adjustment (GWA) effective September 1, 2007 and 2.0% effective September 1, 2008 for all positions. [This is the same increase state employees will receive.]

Executive Branch

- Adjust the salary of the Lieutenant Governor to \$85,000 effective September 1, 2007. This is a catch-up increase to correct a long-time salary inequity.
- 5.0% catch-up adjustment to the positions of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and Insurance Commissioner effective September 1, 2007. This adjustment brings the salaries of these positions into better alignment with those of the appointed state agency heads.
- 7.0% catch-up adjustment to the positions of Superintendent of Public Instruction and Commissioner of Public Lands effective September 1, 2007. This adjustment brings these salaries into better alignment with those of the appointed state agency heads.

Judicial Branch

- 3.5% catch-up adjustment to the salary of all judges effective September 1, 2007 and 3.5% effective September 1, 2008 to continue to bring these positions into alignment with the federal bench.

Legislative Branch

- Adjust the base salary of the position of legislator to \$40,000 effective September 1, 2007. This is an equity increase. [Legislator pay is calculated at 70% of a full-time job.]
- Retain the existing leadership stipend of \$8,000 for the positions of Speaker of the House and Senate Majority Leader and \$4,000 for the positions of House and Senate Minority Leaders.
- The Commission may contract with a consultant to perform a Willis Point Factor Evaluation on legislative leadership positions to analyze and define the duties of those positions in the House and Senate and make recommendations for a legislative leadership stipend structure, including a relative stipend pay schedule. The study, if done, would include all positions categorized as leadership including but not limited to: presiding officers, majority and minority leaders, caucus chairs, floor leaders, whips, and standing committee chairs. [The study would be completed prior to the 2009 salary setting session.]

Definitions:

General Wage Adjustment (GWA) -- Across-the-board salary adjustment; generally granted as a percentage of increase. Cost-of-living or other economic indicators may be factors in determining a GWA.

Equity Adjustment -- Made to align a position with an appropriate similar position or positions or to recognize increased job responsibilities.

Catch-Up Increase -- To close a gap between the position under consideration and a similar or benchmark position or positions.

Keep-Up Increase -- To maintain parity with a similar or benchmark position or positions.

We welcome your comments on the proposal. [Click here](#) for contact information.

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