

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SSTA 12765

HB

259

SENATE COMMITTEE REPORT

DATE: 2/27/08

FURTHER:

DATE TURNED
IN TO OFFICE: 03/04/08

State Affairs Committee considered HOUSE BILL NO. 259(efd add)

HB 259 ESTABLISHING ALASKA HISTORY WEEK

"An Act establishing the first week of every March as Alaska History Week; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ ()
- adopt previous SCS or CS _____ ()
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____



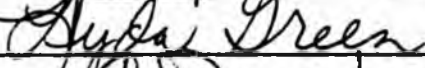
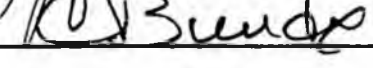

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	x			
	Street	x			
	Green	✓			
	Bundo	✓			
CHAIR: 	McGuire	✓			



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: 2
 Bill Version: HB 259
 (H) Publish Date: 2/25/08

Identifier (file name): HB 259: HB259DEED-TLS-02-19-08
 Title An Act establishing the first week of March as Alaska History Week.

Dept. Affected: Education & Early Development
Teaching & Learning Support
 Component School & Student Achievement

Sponsor Representative Fairclough
 Requester _____
 Component Number 2796

Expenditures/Revenues (Thousands of Dollars)

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

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

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 Interagency Receipts								
TOTAL		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)

The Act establishes the first week of March of each year as Alaska History Week. The Department of Education and Early Development does not anticipate any costs to it from this Act.

Prepared by: Richard Luther
 Division: Commissioner's Office
 Approved by: Barbara Thompson, Interim Commissioner

Phone 465-2803
 Date/Time 2/19/08 10:45 AM
 Date 2/19/2008



Anchorage School District

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

SCHOOL BOARD

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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

HB

260

SENATE COMMITTEE REPORT

DATE: 2/11/08

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 02/26/08

State Affairs Committee considered CS FOR HOUSE BILL NO. 260(STA)

HB 260 STATE OFFICERS COMPENSATION COMMISSION

"An Act relating to a State Officers Compensation Commission and establishing how legislators, the governor, the lieutenant governor, and executive department heads shall be compensated; providing for an effective date by repealing the effective dates of certain sections of ch. 124, SLA 1986; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____


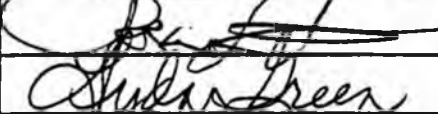
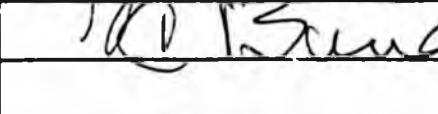
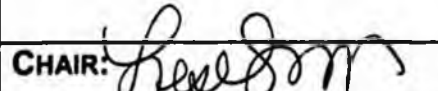
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	2/11/08	✓			

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	x			
	Green	✓		x	
	Bundo				✓
CHAIR: 	McGuire	✓			



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.

HB 260 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, at a cost of \$7,500.00 per year for travel & per diem.

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 in the four years prior to their appointment.
 - .520 Members serve without compensation but may receive travel and per diem.

.530 The Commissioner of Administration shall serve as ex-officio secretary of the commission, and provide staff and administrative services as necessary.

.540 The 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. The Commission prepares findings by November 15, gives public notice, and solicits public comments. The 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 legislative 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 Affirms 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 (amendments to salary statutes) 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 (amendments to salary statutes) is the same as the effective date of the appropriation that would follow acceptance of the Commission's recommendations.
- Section 13:** Immediate effective date for the rest of bill.



Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

Changes in HB 260

House State Affairs Committee

The House State Affairs committee considered HB 260, version 25-LS0659\M. The committee amended language stipulating members of the Commission may never have served in any of the offices or positions for which the Commission makes a compensation recommendation to state that members of the Commission may not have served in any of those offices or positions within the 4 years prior to their appointment to the Commission. (Page 2, Lines 18-19)

House Finance Committee

The House Finance committee considered CS for HB 260(STA), version 25-LS0659\K. The committee made no changes to the legislation.

House Rules Committee / House Floor

The House Rules Committee and the full body of the House of Representatives considered CS for HB 260(STA), version 25-LS0659\K. No changes were made to the legislation.



COMPENSATION COMMISSIONS

By Johanna Donlin

Legislators' pay is one of the more politically charged issues in today's state legislatures. Just the mention of a possible pay raise causes an instant rise in constituent mail and phone calls, not to mention the interest of the media. And a vote for an increase can have serious repercussions when the next election rolls around. Given these factors, legislators clearly recognize the difficulty in raising their own pay.

Twenty-one states use compensation commissions to provide an objective evaluation of legislators' salary levels.

In order to remove the issue from the political arena, 21 states currently use a compensation commission to provide an objective evaluation of legislators' salary levels. Members of the commissions are generally appointed by legislative leaders or the governor and represent a cross section of the citizenry. Sometimes, former legislators are included, but current elected officials and state employees generally are not. The commissions are given the charge to evaluate legislators' compensation, and make recommendations to the legislature based on a variety of objective criteria.

As they begin their evaluation process, the commissions collect a wide variety of information that usually includes the state's history on legislators' pay, how the current salaries compare with the executive branch officials, and whether or not salaries have kept pace with the consumer price index. Through public hearings, citizens have the opportunity to voice their opinions. Commissions make other comparisons between citizen and full-time legislatures, legislative session lengths, and salary and per diem levels in other states as reported in an annual survey by NCSL. They may also evaluate other aspects of compensation, such as travel and staff allowances, and supplemental stipends given to leaders or committee chairs. Each state's statutes or rules dictate the scope of the commission's jurisdiction.

One of the most important aspects of the commissions is their level of authority.

One of the most important aspects of the commissions is their level of authority. In California, Oklahoma and Washington, the commission has complete control over legislators' salaries. Their decisions cannot be overruled by the legislature. In Delaware and Utah, the recommendations take effect unless the Legislature votes against them. In many states, the commissions play a purely advisory role. The recommendations are presented to the legislature and the legislators are put in the position of voting on their own pay. Arizona is the only state that places the commission's recommendation on the ballot for a vote of the people.

States with Compensation Commissions

- Alabama
- Alaska *
- Arizona
- California
- Connecticut
- Delaware
- Hawaii
- Idaho
- Illinois
- Iowa
- Kentucky
- Maine
- Maryland
- Michigan
- Minnesota
- New Jersey
- North Dakota
- Oklahoma
- Utah
- Washington
- West Virginia

Source: NCSL, 1999

** Never implemented; required a constitutional amendment that never passed.*

Generally, compensation commissions assess legislators' salaries and offer recommendations to their respective legislatures. The challenge comes when the recommendations are thrown back into the political arena and the members must once again address the question of raising their own pay. The legislators must find a salary level that will attract a diverse group of candidates and still be acceptable to the public. If the salary is too low, many smaller states fear that public office will only be an option for the affluent who can afford to take time off from their permanent jobs. If the salary is too high, the public will react negatively and voice their opinions through the ballot box. Depending on the current political climate, a pay raise may not be passed, despite a commission's strong recommendation to do so.

Compensation commissions assess legislators' salaries and submit recommendations.

In some states, the commissions are dormant. Colorado passed its recent pay raise through the legislative process, despite the presence of a commission in its statutes. Kentucky and Massachusetts both have commissions, but they have not met in several years. In fact, Massachusetts voters passed a measure in 1998 that gives legislators an automatic increase or decrease according to the median household income for the preceding two-year period.

Still, other states continue to explore the compensation commission option or refine their current commission's structure. Maine established their commission in 1998 and New Jersey passed legislation in 1999 to create its commission.

In 1999, Utah legislators changed the authority level of the compensation commission. Before 1999, the commission's recommendations were only advisory and the commission met every year. Now, the commission's recommendations will take effect unless the Utah Legislature votes against them and the commission will meet every two years. As in most states, any change in Utah legislators' salaries cannot go into effect until after the next election.

Selected Reference

Legislative Management Program. *1999 Legislators' Compensation and Benefits Survey*.
Denver: National Conference of State Legislatures, 1999.

Contact for More Information

Johanna Donlin
NCSL—Denver
(303) 830-2200 ext. 130
jo.donlin@ncsl.org



Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

States with compensation commissions

This table contains a list of the other 20 states which possess compensation commissions. It also states whether the compensation commission is established in the state's statutes or constitution, and offers a brief explanation of how the commission works.

State	Statute or Constitution?	How does it work?
Alaska	Statute	Never implemented. Required passage of a constitutional amendment that was never ratified.
Arizona	Constitution	Commission recommendations are put on the ballot for a vote of the people.
California	Constitution	Decision of commission binding; has the effect of law.
Connecticut	Statute	The General Assembly takes independent action pursuant to recommendations of a Compensation Commission.
Delaware	Statute	Are implemented automatically if not rejected by resolution.
Hawaii	Constitution	Commission recommendations take effect unless rejected by concurrent resolution or the governor. Any change in salary that becomes effective does not apply to the legislature to which the recommendation was submitted.
Idaho	Statute	Information not available.
Illinois	Statute	Tied to employment cost index, wages and salaries for state and local government workers.
Kentucky	Statute	The Kentucky committee has not met since 1995. The most recent pay raise was initiated and passed by the General Assembly.

State	Statute or Constitution?	How does it work?
Maine	Constitution	Presented to the Legislature in the form of legislation, the legislature must enact and the Governor must sign into law.
Maryland	Constitution	Commission meets before each four-year term of office and presents recommendations to the General Assembly for action. Recommendations may be reduced or rejected.
Michigan	Constitution	If resolution is offered, it is put to legislative vote; if legislature does not vote recommendations down, the new salaries take effect 1/1 of the new year.
Minnesota	Statute	By May 1 in odd numbered years the Council submits salary recommendations to the presiding officers.
Missouri	Constitution	Recommendations are adjusted by legislature or governor if necessary.
New Jersey	Constitution	Information not available.
North Dakota	Statute	Information not available.
Oklahoma	Statute	Information not available.
Oregon	Statute	Nonbinding recommendation to the legislature.
Utah	Statute	Information not available.
Washington	Constitution	Salary commission sets salaries of legislature and other state officials based on market study and input from citizens.
West Virginia	Statute	Submits by resolution and must be concurred by at least four members of the commission. The Legislature must enact the resolution into law and may reduce, but shall not increase, any item established in such resolution.

Source: National Conference of State Legislatures

Distributed by Rep. Mike Doogan 465-4998



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 to 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 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 \$41/day maximum.
Massachusetts	\$58,237.15/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.
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 Montpeller 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



Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

Alaska Legislators' Sources of Income

Salary

Currently, Alaska legislators' salaries are set at \$2,001 per month, or \$24,012 per year (AS 24.10.100). This salary was established by the 19th legislature in 1996. The Speaker of the House and the President of the Senate earn an additional \$500 a year in salary. Legislators' salaries are subject to withholdings and income tax.

Session Per Diem

Legislators earn *session per diem* for expenses incurred in Juneau during regular and special legislative sessions. It is tied to a per diem rate calculated for the city of Juneau by the federal government. Currently, that figure is \$163 per day during winter months, and \$218 a day during summer months. Legislators representing Juneau receive three quarters of the session per diem amount, or \$122.25 per day in winter months and \$163.50 in summer months. For non-Juneau legislators, session per diem is not subject to withholdings or income tax. Juneau legislators' session per diem is subject to withholdings and income tax.

Long Term Per Diem

Legislators earn *long term per diem* as compensation for individual days of service during the interim period. The rate is \$150 per day for all legislators. It is subject to federal withholdings and income tax. A legislator must submit a claim for each day of long term per diem. Consequently, not all legislators receive the same amount of long term per diem on an annual basis.

Annual Allowance Payment

Each year, legislators receive an allowance option payment. The allowance payment can be taken as income subject to taxes and withholdings, issued as a taxable check, or deposited in an accountable office plan used for legislative office expenditures. Members of the House receive \$8,000. Members of the Senate receive \$10,000.

(Continued on next page)

2006 Alaska Legislators' Compensation

This table summarizes effective pay for all 60 Alaska legislators in 2006. The National Conference of State Legislatures (NCSL) calculates effective pay by

	Salary	Long Term Per Diem	Effective Pay
Minimum	\$24,012	\$0	\$24,012
Average	\$24,029	\$9,608	\$33,637
Maximum	\$24,512	\$22,200	\$46,212

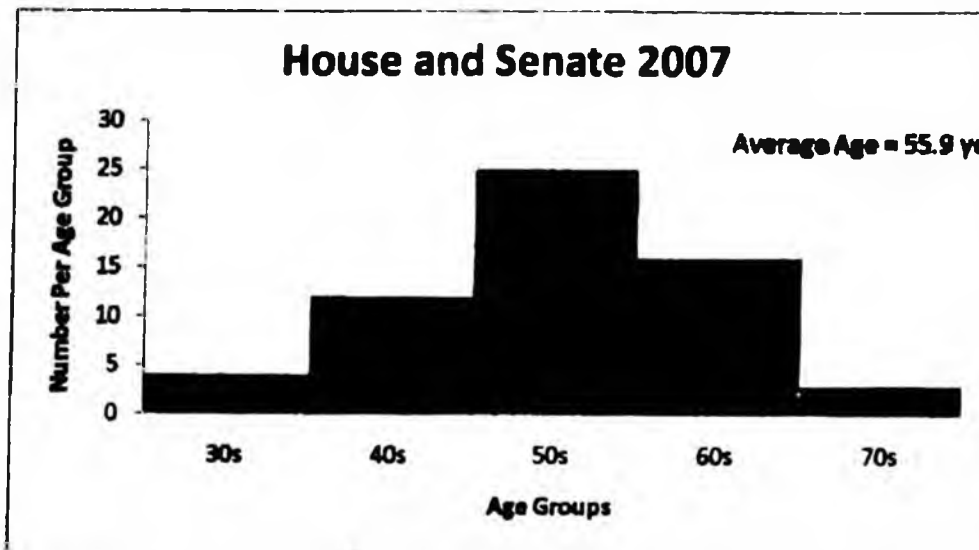
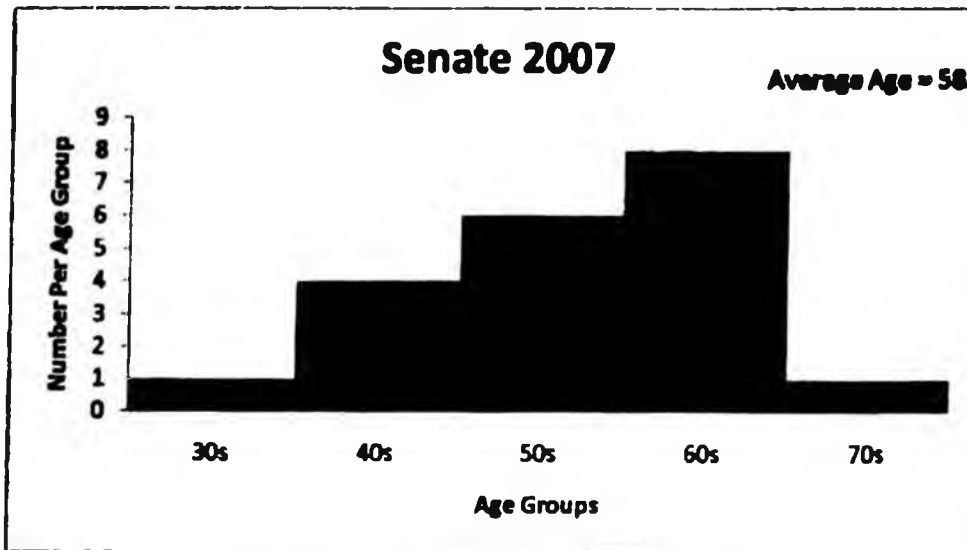
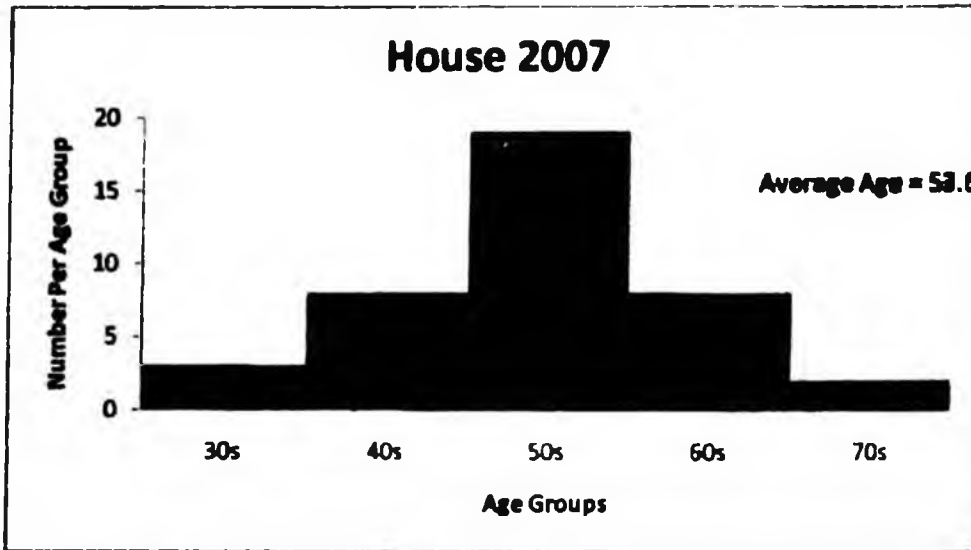
adding legislators nominal salary and the amount of long term per diem they claim during the interim. They do not count session per diem or the annual allowance payment when calculating pay because not all legislators choose to use their session per diem or allowance option in the same way. The minimum values tell us the lowest salary, amount of long term per diem, and lowest effective pay earned by legislators. The maximum values tell us the highest salary, long term per diem, and effective pay earned by legislators. The average values tell us the average salary, long term per diem, and effective pay earned by legislators.

Sources: 2006 Alaska Legislature Salary & Business Expense Report; Alaska Statutes; Legislative Affairs Agency

**Age Comparison: Alaska State Legislators
vs. Statewide Population Ages 30+**

Age Group	Alaskans 30+	%	Legislators	%
30-39	92,975	25.4%	4	6.7%
40-49	108,638	29.6%	12	20.0%
50-59	93,470	25.5%	25	41.7%
60-69	42,632	11.6%	16	26.7%
70+	28,902	7.9%	3	5.0%
	366,617	100.0%	60	100.0%

Compiled and distributed by Rep. Mike Doogan
(907) 465-4998
5/15/2007





Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

Compensation Commission History in Alaska

The following timeline describes the history of major changes to legislative pay, and the last active commission on compensation, the Alaska Salary commission:

- 1975** Legislature passes SB 404, "Relating to the compensation and retirement of judicial officers, legislators, and public officer and employees." This bill established legislative pay at \$14,720, and established the "Elected Public Officers Retirement System."
- Aug. 1976** SB 404 is struck down by referendum, with over 80% of voters opposing the plan. Legislative pay returns to \$9,000.
- 1976** Legislature passes SB 499, "Relating to compensation, benefits, and classifications of public officers and employees; creating the Alaska Salary Commission."
- 1977** Alaska Salary Commission releases first preliminary report. Report is submitted by commissioners Kathleen Diebels, Chairman, Kim Elton, Connel Murray, and Robert Heath.
- 1977** Legislature passes HCR 45, "Approving certain recommendations of the Salary Commission." Legislative pay set at \$11,750 plus office expense and per diem. Legislature specifically rejected recommendations for biannual pay increases, mandatory PERS membership, and reimbursement of round trip travel to the capital.
- 1979** Alaska Salary Commission releases second report.
- 1980** Legislature passes SB 182, "Relating to the compensation of public officers...and repealing the Alaska Salary Commission." Adopts some of the 1979 recommendations, set legislative pay at \$15,500, and dissolved the commission. Commission's demise attributed to complexity and breadth of its mandate (addressing pay of division directors, retirement system, etc.)
- 1986** Legislature passes HB 454, creating a new commission contingent on passing a constitutional amendment – which never occurred.
- 1996** Legislature passes SB 1003, setting legislative salary at \$24,012.

Perspectives on Legislative Compensation

NCSL Fall Forum
Phoenix, November 2007
Karl Kurtz

Estimating Compensation

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

Red, White & Blue Legislatures



Full-time, well paid, large staff

White

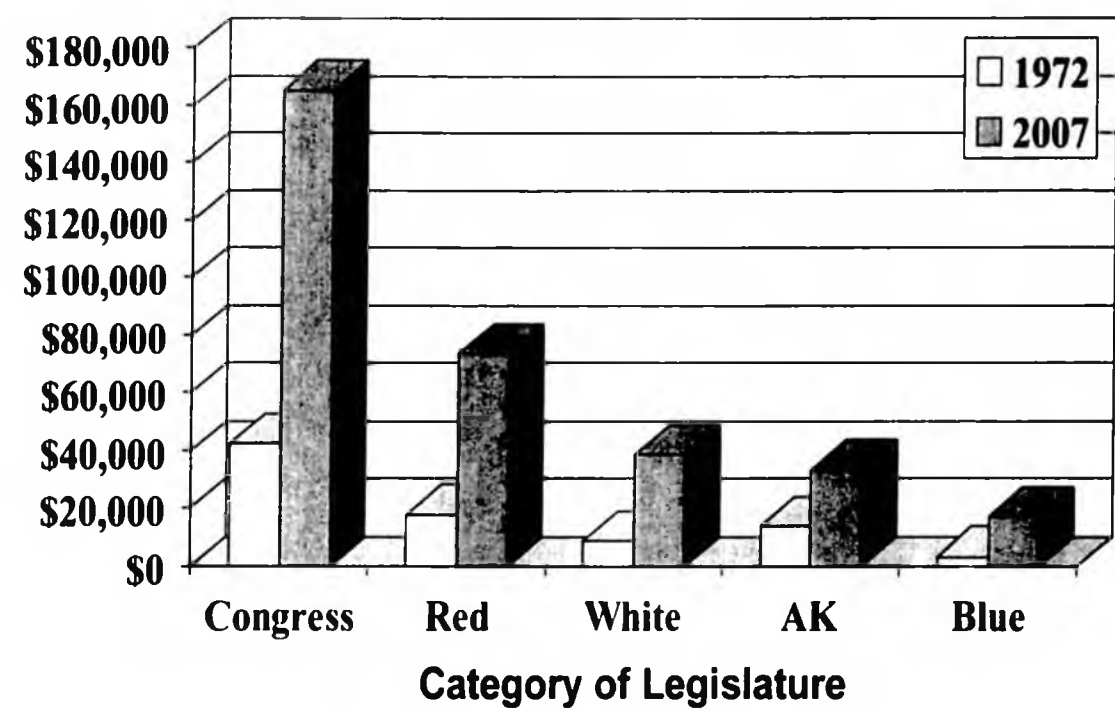
Hybrid

Blue

Part-time, low pay, small staff

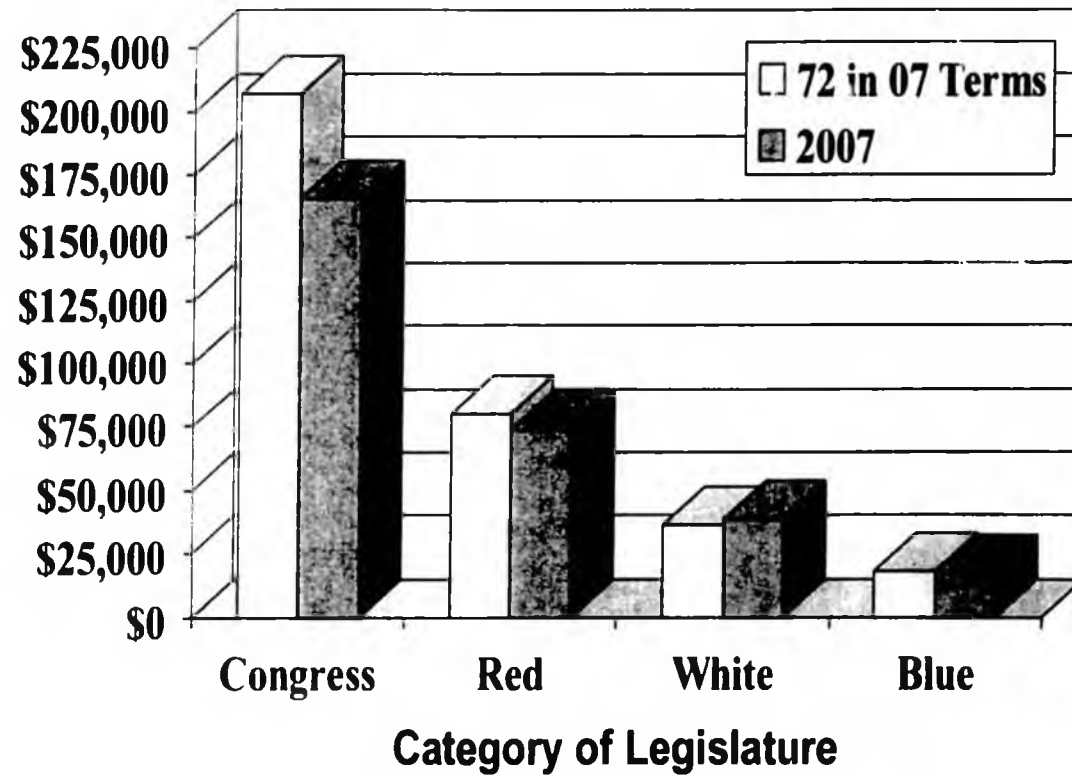


Compensation of Legislators

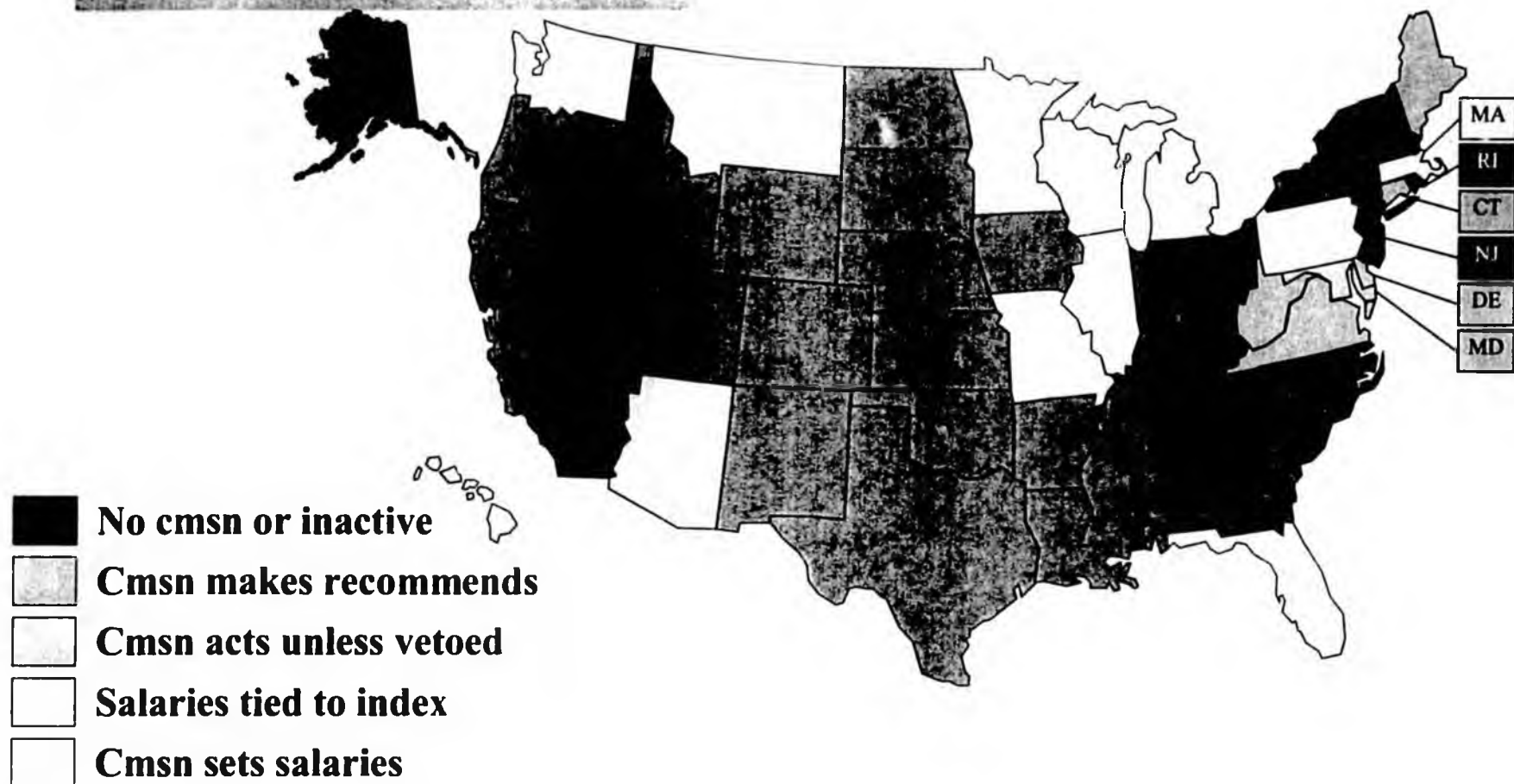


Real Compensation

Compensation in Constant Dollars



Compensation Methods



Compensation Methods

- Commission makes recommendations only:
CT, ME, MN, VA, WV
- Commission action implemented unless
rejected by leg/gov/voters: AZ, DE, HI, MD,
MI, MO
- Commission sets salaries: WA
- Salaries tied to state workers/economic
index: FL, IL, MA, MT, PA, WI
- Inactive commissions: AK, KY, TX

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
Sponsor: Representative Doogan Component: Personnel
Requester: (H)State Affairs Component Number: 56

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services	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
Contractual	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
Equipment	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
Grants & Claims	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
TOTAL OPERATING	7.5	0.0	7.5	7.5	7.5	7.5	7.5

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

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

FUND SOURCE	(Thousands of Dollars)						
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 Phone 907-465-4429
Division: Division of Personnel Date/Time: 1/11/08 12:00 AM
Approved by: Kevin Brooks, Deputy Commissioner Date: 1/11/2008
Department of Administration

HB

284

Representative Mike Hawker

Alaska State Legislature



House Bill 284 Sponsor Statement

Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Wentler
Sunrise
Hope

Short Title: PFD Allowable Absence: Fellowships

HB 284 corrects an inequity in our statutes regarding allowable absences for Permanent Fund Dividends. Current law provides for an allowable absence for students who are "receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state." For some reason, the above statutory language has been interpreted by regulation to exclude students who are participating in an international educational exchange under a U.S. Fulbright Scholarship.

The Fulbright Scholar Program, which was signed into law by President Truman in 1946, is sponsored by the United States Department of State, Bureau of Educational and Cultural Affairs. Every year, the program sends 800 scholars and professionals, chosen for their academic merit and leadership potential, to more than 150 countries, where they lecture or conduct research in a wide variety of fields.

Those chosen for the Fulbright program represent Alaska and the United States in foreign countries all over the world. Grants are typically for three months to one year. I encourage you to support this bill and correct this inequality in our current law.

To the Members of the Alaska Legislature,

As a former Fulbright Scholar to Italy (Politecnico di Milano, Milan, Italy, 10/2004 - 07/2005), I fully support House Bill 284 which would modify the language of the current Permanent Fund Dividend statutes to include the Fulbright Scholarship as an acceptable educational absence. The Fulbright Scholarship is a federally awarded scholarship from the US Department of State in partnership with countries around the world to foster understanding and learning. It is an extremely valuable academic experience for those fortunate enough to earn its honours, and is unparalleled in its breadth of influence both culturally and academically. By its nature it has allowed students from around the world to study within the US, and possibly more importantly, for United States citizens to perform academic research in the arts and sciences around the world. It acts to promote learning and understanding, and Alaskans who have worked hard enough to act as a Fulbright "cultural attaché" and scholar representing Alaska and the United States should not be penalized by the state for their absence, but rather have it recognized for what it is.

I personally am not a proponent of the Permanent Fund Dividend, nor retroactive amendments. However, in this case I believe that the clear intent of the original statute shows support for scholars such as Fulbrighters, and as the initial wording failed to specifically highlight its support, such scholars should be awarded where literal interpretation of the regulations failed to do justice. Furthermore, as many legislators are concerned about the return of students who travel outside the state for their education, I would like to offer that this is one incentive by which the state could encourage the return of such people. In my own case, I know that although I have not received a dividend since the 2005 award, I have continued to show my intent to return to Alaska through investment in a house in Anchorage and maintaining the majority of my personal belongings there, staying active in Alaska politics, and continuing to pay the additional fees for out-of-state tuition in my current graduate work at the University of California San Diego, so that I may continue to be who I am – an Alaskan.

Thank you for your consideration of House Bill 284, and I thank you for your support.

Sincerely,

Robb M. Kulin
Ph.D. Candidate
Materials Science & Engineering
University of California, San Diego

My name is Demian Schane, and I live at 836 Calhoun Avenue in Juneau, Alaska. Thank you for the opportunity to submit testimony. I make this statement as an individual and on my own behalf.

I applaud the efforts of Representative Hawker and urge all legislators to support HB 284. I would like to echo Representative Hawker's sentiment that HB 284 does not add a new excusable allowance to the existing list. Rather, it restores the Legislature's original intent to support residents who leave the State for educational purposes and who plan to return to the State and enter the work force upon completion of their education. That is precisely what I and several other Alaskans have done, and it makes sense to encourage those activities.

It is my understanding that, based on an interpretation by the PFD Division, the current PFD statute precludes Alaskans who receive U.S. sponsored fellowships to study outside of the U.S. from retaining their residency for purposes of PFD eligibility. Every year, a handful of Alaskans are offered such fellowship opportunities. In my case, I spent 10 months in Iceland on a U.S. Fulbright grant studying the European Union's mechanisms for regulating fish escapes from farm fishing operations. I designed the project specifically because Iceland and Alaska are in a similar situation – they both support and depend on commercial fisheries for their economies and are concerned about the growth and expansion of aquaculture operations. The EU has substantial experience in studying the effects of aquaculture, and I figured it would be a great opportunity to learn more in that area and import home that learning.

The Fulbright Program is funded through the U.S. Department of State and it promotes a cultural and educational exchange program in numerous foreign countries. The grantees can enroll in a foreign university or conduct research independently under the auspices of a university or professional organization. U.S. sponsored fellowships such as the U.S. Fulbright Program are professionally and personally rewarding. I hope that the Legislature recognizes and supports its fellow Alaskans' efforts to pursue such opportunities by allowing them to do so without losing their residential status and eligibility for a PFD disbursement.

Finally, since HB 284 seeks to restore the Legislature's original support, I believe it makes sense to make it retroactive. I understand that the result of doing so would have extremely small, if not zero, consequences on the Department of Revenue since the PFD Division withholds a certain amount of money to cover situations similar to this one.

Thank you for your time and consideration.



INSTITUTE OF
INTERNATIONAL
EDUCATION

Fulbright Program for U.S. Students - Sponsored by U.S. Department of State

Date Printed: Wednesday January 16, 2008

ABOUT - FULBRIGHT

Page location: <http://us.fulbrightonline.org/about.html>

"Fostering leadership, learning and empathy between cultures was and remains the purpose of the international scholarship program." - Senator J. William Fulbright

THE FULBRIGHT PROGRAM:

- Is sponsored by the U.S. Department of State.
- Is the largest U.S. international exchange program offering opportunities for students, scholars, and professionals to undertake international graduate study, advanced research, university teaching, and teaching in elementary and secondary schools worldwide.
- Was established in 1946 by the U.S. Congress to "enable the government of the United States to increase mutual understanding between the people of the United States and the people of other countries."
- Awarded approximately six thousand grants in 2006, at a cost of more than \$235 million, to U.S. students, teachers, professionals, and scholars to study, teach, lecture, and conduct research in more than 150 countries, and to their foreign counterparts to engage in similar activities in the United States.
- Receives its primary source of funding through an annual appropriation from Congress to the Department of State. Participating governments and host institutions in foreign countries, and in the United States, also contribute financially through cost-sharing and indirect support, e.g., through salary supplements, tuition waivers, and university housing.



J. William Fulbright

In This Section

Program History

The origins and development of the Fulbright Program, outlining its mission and vision.

U.S. Department of State

The role of the U.S. Department of State in the Fulbright Program.

Program Design

The U.S. Student Program

ABOUT - PROGRAM HISTORY

Page location: http://us.fulbrightonline.org/about_programhistory.html

"The Fulbright Program aims to bring a little more knowledge, a little more reason, and a little more compassion into world affairs, and thereby to increase the chance that nations will learn at last to live in peace and friendship." - J. William Fulbright

In 1945, **Senator J. William Fulbright** introduced a bill in the United States Congress that called for the use of proceeds from the sale of surplus war property to fund the "promotion of international good will through the exchange of students in the fields of education, culture, and science."

On August 1, 1946, President **Harry S. Truman** signed the bill into law, and Congress created the Fulbright Program.

The J. William Fulbright Foreign Scholarship Board (FSB) was created by Congress to supervise the Fulbright Program. This 12-member Board, appointed by the President of the United States, works in cooperation with the Bureau of Educational and Cultural Affairs of the U.S. Department of State, binational Fulbright Commissions and Foundations, and Public Affairs Sections of U.S. Embassies abroad, to administer the Program. The FSB sets policies and procedures for administration of the Fulbright Program, has final authority for selection of all grantees, and supervises the conduct of the program both in the United States and abroad. [Click here for a complete list of current FSB members.](#)

The primary source of funding for the Fulbright Program is an annual appropriation from Congress to the Department of State. Participating governments and host institutions in foreign countries, and in the United States, also contribute financially through cost-sharing and indirect support, e.g., through salary supplements, tuition waivers, and university housing.

The Fulbright U.S. Student Program is now the largest U.S. exchange program offering opportunities for students and young professionals to undertake international graduate study, advanced research, university teaching, and teaching in elementary and secondary schools worldwide. The U.S. Student Program currently awards approximately 1,300 grants annually in all fields of study, and operates in more than 140 countries worldwide.

Since the establishment of the Program, more than 45,000 students from the United States and 148,000 students from other countries have benefited from the Fulbright experience.

The Fulbright Program has provided more than 250,000 participants, chosen for their leadership potential, with the opportunity to observe each others' political, economic and cultural institutions, exchange ideas, and embark on joint ventures of importance to the general welfare of the world's inhabitants.

U.S. Fulbright Student alumni populate an entire range of professions and include heads of state, cabinet ministers, ambassadors, Members of Congress, judges, heads of corporations, university presidents, journalist, artists, professors, and teachers. Actor **John Lithgow**, composer **Philip Glass**, opera singer **Renee Fleming** and economist **Joseph Stiglitz** are among notable former grantees.

- From its inception, the Fulbright Program has fostered bilateral relationships in which other countries and governments work with the U.S to set joint priorities and shape the Program to meet shared needs. The world has been transformed in ensuing decades, but the fundamental principle of international partnership remains at the core of the Fulbright mission.



President Harry S. Truman signs the Fulbright Act into law, 1946.



President John F. Kennedy signs the Fulbright-Hays Act into law, 1961.

ABOUT - U.S. DEPARTMENT OF STATE

Page location: http://us.fulbrightonline.org/about_us.html

The United States Department of State's Bureau of Educational and Cultural Affairs (ECA) sponsors the Fulbright Program under policy guidelines established by the J. William Fulbright Foreign Scholarship Board (FSB) and in cooperation with binational Fulbright Commissions/Foundations and Public Affairs Sections of U.S. Embassies abroad.

As the administrative and executive arm of the Fulbright Program, the Bureau has fiscal responsibility for the preparation of an annual budget request to Congress and makes decisions on funding allocations to participating countries. Under policies established by the J. William Fulbright Foreign Scholarship Board, **ECA** also holds primary responsibility for the administration of the Program, together with the assistance of cooperating non-profit organizations. The Bureau's contribution to the Fulbright Program in 2006 amounted to \$184.6 million.

Within a U.S. Embassy abroad (the **Post**), exchange-program activities are the responsibility of a **Public Affairs Officer (PAO)** or a **Cultural Affairs Officer (CAO)**. At least one of these officers is a member of the local **Binational Commission** and maintains liaison with the Commission on policy and program matters on behalf of the Bureau. In countries without a Commission, the PAO or CAO administers the educational exchange program.

[HTTP://US.FULBRIGHTONLINE.ORG/THINKING_ELIGIBILITY.HTML](http://us.fulbrightonline.org/thinking_eligibility.html)

Page location: http://us.fulbrightonline.org/about_programdesign.html

THE U.S. STUDENT PROGRAM:

- Awards grants to U.S. citizens in all fields of study
- Operates in more than 140 countries worldwide
- Awards more than 1,400 grants to U.S. students to study overseas
- Offers one academic year of study, research, or teaching assistantship experience
- Projects may include university course work, independent library or field research, or professional training in the arts.
- Preference will be given to candidates who have not had extensive recent experience abroad (excluding recent undergraduate study abroad), especially in the country of applications

THE U.S. STUDENT PROGRAM IS DESIGNED FOR:

- Recent BA/BS graduates,
- Master's, and doctoral candidates
- Young professionals, including writers, journalists, and those in law, business, and other professional fields
- Artists and musicians

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 284
 (H) Publish Date: 1/24/08

Identifier (file name): HB284-DOR-PFD-1-21-08

Dept. Affected: Revenue

Title: PFD Allowable Absence: Fellowships

RDU: Permanent Fund Dividend Division

Component: Permanent Fund Dividend Division

Sponsor: Reps. Hawker, Kertula

Requester: House State Affairs

Component Number: 981

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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
1050 PFD Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.0	0.00	0	0	0	0	0
Part-time		0					
Temporary		0					

ANALYSIS: (Attach a separate page if necessary)

PFD already has an education type absence category, and would incorporate this proposed absence reason into the current educational category, within its forms and databases. The financial effect to the operating expenses of the PFD program are anticipated to be minimal.

Prepared by: Amy Skow, Division Manager
 Division: Permanent Fund Dividend Division
 Approved by: Jerry Burnett
Department of Revenue

Phone: 907 465-4784
 Date/Time: 1/18/08 4:35 PM
 Date: 1/21/2008

HB

286

ALASKA STATE LEGISLATURE

Co-Chair:

Joint Armed Services Committee

Vice-Chair:

Legislative Council

Member:

Judiciary Committee

Oil and Gas Committee

Military and Veterans Affairs Committee

Community and Regional Affairs Committee



Session:

Alaska State Capitol

Juneau, AK 99801-1182

Phone: (907) 465-3783

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Toll Free: (877) 460-3783

Interim:

10928 Eagle River Road

Eagle River, Alaska 99577

Phone: (907) 622-3783

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REPRESENTATIVE NANCY DAHLSTROM

ELMENDORF AFB • FORT RICHARDSON • BIRCHWOOD • FIRE LAKE • GOVERNMENT HILL • MULDOON

Representative_Nancy_Dahlstrom@legi.state.ak.us

House Bill 286 Sponsor Statement

House Bill 286 "An act relating to impersonating a public servant" makes it a class C felony for those who impersonate a public servant in the first degree. A person commits the crime of impersonating a public servant in the first degree if the person violates AS 11.56.830 by pretending to be a peace officer. Currently in the state of Alaska it is a class B misdemeanor to impersonate any public servant.

Class C felony sentencing guidelines, under AS 12.55.125(e), cover the following presumptive ranges:

First offense: 0-2 years

Second offense: 2-4 years

Third offense: 3-5 years

Class B Misdemeanors are usually handled with little or no jail time unless the person has a significant criminal history. HB 286 targets those who intend to cause harm to an individual or group while appearing as someone whose job it is to protect others and uphold the law. Taking on a persona of a peace officer is a severe breach of trust and should be punished accordingly.

There is a growing concern for safety in our communities. House Bill 286 adds teeth to existing law, and provides another tool to law enforcement agencies. In addition, the bill serves as a strong deterrent for those who deliberately make choices that put our families, neighbors and community at risk.

The sponsor respectfully requests the committee's favorable consideration of House Bill 286. Thank you.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 286
 (H) Publish Date: 2/4/08

Identifier (file name): HB286-DOA-PDA-1-28-08 Dept. Affected: Administration
 Title: "An Act relating to impersonating a public servant..." RDU: Legal and Advocacy Services
 Component: Public Defender Agency
 Sponsor: Representative DAHLSTROM, Lynn, Gatto
 Requester: _____ Component Number: 1631

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	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 ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	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	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	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	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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)

This bill amends the crime of impersonating a public servant, elevating the crime to a class C felony under certain circumstances. It is not expected to have a fiscal impact on the Agency.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
 Date/Time 1/28/08 10:40 AM
 Date 1/28/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 286
 (H) Publish Date: 2/4/08

Identifier (file name): HB286-DOA-OPA-1-28-08 Dept. Affected: Administration
 Title: "An Act relating to impersonating a public servant." RDU: Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor: Reps. Dahlstrom, Lynn, Gatto
 Requester: _____ Component Number: 43

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	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	0.0	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	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	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	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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)

This bill will create a new felony offense for impersonating a public servant in the first degree for impersonation of a peace officer. The agency does not anticipate many new cases resulting from this bill, and therefore, OPA submits a zero fiscal note.

Prepared by: Rachel Levitt, Deputy Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-269-3504
 Date/Time 1/28/08 2:00 p.m.
 Date 1/28/2008

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

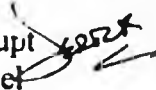
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 11, 2008

SUBJECT: Crime of Impersonating a Public Servant
(HB 286; Work Order No. 25-LS1169\A)

TO: Representative Nancy Dahlstrom

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked me to explain how the existing crime of impersonating a public servant works and how HB 286 affects that. Specifically, you want me to address concerns that others have expressed that this bill makes it a crime to dress up in a Halloween costume as a police officer.

The existing crime of impersonating a public servant¹ makes it a crime for a person to pretend "to be a public servant and [to do] any act in that capacity." The term public servant² includes a peace officer. Therefore, under existing law just wearing a Halloween costume of a public servant does not subject a person to criminal liability. The person would have to wear the costume³ and then engage in some act or activity in the capacity

¹ AS 11.56.830.

² "Public servant" is defined in AS 11.81.900(b)(54) as:

(54) "public servant" means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph "person" includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) - (C) of this paragraph, but who does not occupy the position;

³ Or impersonate a public servant in some other manner.

of that public servant. When AS 11.56.830 was adopted as part of the criminal code revision in 1978 the following commentary was attached:

The Code provision, a class B misdemeanor, prohibits the impersonation of any public servant. The defendant must pretend to be a public servant and must do an act in that capacity.

The existing requirement that the impersonator require another to aid or assist him is not retained in the Code. Thus, the Code insures coverage in situations where no specific aid is requested, but the defendant has acted improperly. For example, a person who falsely pretends to be a housing inspector and obtains entrance to an apartment has violated the statute. The requirement that an act be performed in the capacity of public servant insures that otherwise innocent impersonations, such as wearing a judge's robe to a costume ball, are not covered by this statute.

Subsection (b)(1) rejects any possible defense based upon nonexistence of the office the impersonator pretended to hold while subsection (b)(2) recognizes that a public servant can commit the offense by impersonating another public servant. The exclusion provided in subsection (c) is necessary to insure that peace officers engaged in undercover work in which it is necessary to impersonate a public servant will not be subject to criminal penalties for the impersonation.

Senate Journal Supplement No. 47, at 90 (June 12, 1978).

HB 286 recognizes the greater potential for harm when a person violates the existing crime of impersonating a public servant by impersonating a peace officer. To accomplish this HB 286 makes the existing crime of impersonating a public servant the second degree offense⁴ and creates a new first degree offense⁵ that is committed when the person violates AS 11.56.830 and the public servant impersonated is a peace officer. Thus, if a person impersonates a peace officer and does any act in that capacity the person commits impersonating a public servant in the first degree.

The concern that others have expressed, that HB 286 makes it a crime to wear a Halloween costume, is incorrect. A person must impersonate a peace officer **and** do an act in that capacity. So a person who impersonates a peace officer and pulls over a woman on a highway commits the crimes. So too does a person who calls another and, after identifying themselves as a peace officer, orders another to appear at the police station at a particular time regarding an investigation or else they will be arrested.

GPL:ljw
08-081.ljw

⁴ Section 2 of the bill.

⁵ Section 1 of the bill.

Barry J. Schimmack
24888 Teal Loop, Chugiak, AK 99567
688-5525 barryjay@mtaonline.net

October 22, 2007

Rep. Nancy Dahlstrom
10928 Eagle River Rd.
Eagle River, AK 99577

RE: Impersonating an Officer

Dear Representative Dahlstrom,

It was a pleasure for my son Brett and I to meet you at the recent Eagle River Rotary meeting, and it was great to hear your insights into the events happening in our state government.

You may remember we talked briefly about my concerns on our state and municipal laws concerning Impersonating a Police Officer. You asked me to finish my document and get it to your office as soon as I could.

I'd like you to take a moment and meet my friend's daughter, Lacy. In Ft. Collins, CO, she was pulled over by a man impersonating a police officer, only a few houses away from her own home. The man used flashing red and blue lights to pull Miller over:



Lacy Jo Miller

My name is Lacy Jo Miller. I was born in Billings, Mont., on Aug. 10, 1982. I came to Fort Collins when I was 6 years old. I was a Brownie. I loved school, playing Barbies, tea parties, coloring, dress-up, my best friend Katy, horses, sleepovers, art class and singing.

When I was in junior high school I ran track, played softball and learned to play the piano and the flute. I loved watching my little brother Kenyan and making things for him. I was quiet and shy for the most part, but once you got to know me, I was funny and would say what was on my mind.

In high school, I was in student council and on the yearbook committee. I loved my friends, hanging out during lunch, doing things I thought my mom didn't know about, driving my car, listening to Dave Matthews Band, dancing, dreaming about being a designer or teacher, talking on the phone, instant messaging my friends, watching "Friends," being a couch potato, sleeping, going to movies, Thanksgivings with my Aunt Stacy and lots more. I loved seeing my Dad and brother Jesse and every year spending time with my grandparents in Texas. I loved my family, I loved Jesus, and I loved life.

I was tragically taken from this planet in January 2003. Regretfully, I leave behind my mother, Wendy (Patterson) Cohen; my father, David Miller, my little brothers: Jessie Miller and Kenyan Kreisher, my best friends: Angela, Andrea, Amanda, Kendra and many, many, more girlfriends.

Thank you for loving me, laughing with me, teaching me what I needed to know and for looking and praying so hard to find me so my parents wouldn't have to worry any more.

In Alaska, our Municipal Code and State Law on impersonating a police officer is only a Class B Misdemeanor. (see attached) According to one sergeant at A.P.D., "I'd say most Class B Misdemeanors are handled without jail unless the person has a significant criminal history. Community work, service, fines, etc. are more common."

As you know, there have been a number of "police impersonation" cases in the Anchorage area within the past 2 years, including at least 2 high profile cases. Thankfully, none have resulted in a fatality.

Shortly after Lacy's death, her mother Wendy approached the representatives in Colorado and within months they signed into law a House Bill named **Lacy's Law**:

"Named for slain Fort Collins college student Lacy Miller - makes impersonating a police officer a class 6 felony, which carries a mandatory minimum sentence of 15 months in prison. It also made possession or use of police emergency lights a class 1 misdemeanor, punishable by a fine of up to \$5,000."

This is the 5th year anniversary of Lacy's death, and I can't think of a better way to honor her memory than for our Alaska lawmakers to address these types of crimes to deter this type of crime in Alaska. Let's not lose another Alaskan to somebody impersonating a public servant!

There is more information about House Bill 1003 on Lacy's website at:

<http://www.2hearts4lacy.org/page/page/3127081.htm>

Thank you,

Barry Schimmack