

LEG. FINANCE - BILLS 1985 - 1986 2181

SB 100 cont. - SB 103 2181

ATTACHMENT 3

Employees whose Total Compensation Exceeded the Governor's During 1984

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>PCN</u>	<u>TOTAL EARNINGS</u>	<u>LOCATION</u>	<u>RANGE/STEP</u>	<u>CLASS TITLE</u>	<u>COMMENT</u>
Davis	Ronald J.	245708	83,472.33			Civil Engineer I	Terminal leave payoff
Moy	Victor S.	060259	119,626.62	Juneau	17/D	Internal Aud II	Arbitration award (prior year pay reinstated)
Veuthey	Pierre L.	065315	89,700.39	Anchorage	Exempt	Staff Psychiatrist	
Eakins	Gilbert R.	102007	82,123.84	Fairbanks	24/K	Geologist VI	
Hickey	Daniel W.	031058	81,686.40	Juneau	27/K	Chf Pros & Crim Aff	Leave cash-in
South	Herman H.	065287	84,704.00	Anchorage	Exempt	Staff Psychiatrist	
Overstreet	William D.	081238	84,999.96	Tokyo	26/D	Office Director	
Bodine	Jack T.	260403	95,588.16			Right-of-Way Agnt VI	Terminal leave payoff
Nygren	Lyle E.	123025	103,509.76	Kodiak	78/K	Sergeant, P.S.	
Reilly	Douglas K.	065282	87,704.00	Anchorage	Exempt	Staff Psychiatrist	
Marshall MD	Robert W.	065002	89,192.00	Anchorage	Exempt	Asst Supt, API	
Livingstone	Bruce L.	062223	82,504.00	Anchorage	Exempt	Staff Psychiatrist	
Mix	Larry A.	121638	94,931.12			Spec Asst to the Comm. II	Terminal leave payoff
Lochman	Robert A.	123107	106,255.92	Kodiak	22/K	Capt., Marine Enf., P.S.	
Dattan	Christop H.	065286	83,418.94	Anchorage	Exempt	Staff Psychiatrist	
Bundy	Robert C.	031008	91,771.70			Attorney V	Terminal leave payoff
Detemple	Joseph F.	121001	86,039.76	Bethel	22/K	Capt., P.S.	
Thatcher	John F.		82,335.34	Marine Trans.		Master	
Borchick	Freda M.	063075	87,843.52			Admin Off III	Terminal leave payoff
Grimes	James V.	121357	82,504.41	Anchorage	78/J	Sergeant, P.S.	
Hamill	James E.	065283	86,904.00	Anchorage	Exempt	Staff Psychiatrist	



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

To: Senate Finance Committee Members

From: Senator Paul Fischer

Date: April 2, 1986

Subject: Backup material for CSSB 100 (SA).

Attached is the backup material for CSSB 100 (SA). Included for your consideration is the following.

- (1) A summary of the effects of CSSB 100 (SA).
- (2) A copy of CSSB 100 (SA).
- (3) A new fiscal note from the Department of Administration reflecting the savings which the state will realize as a result of this bill.
- (4) A sectional analysis of the bill.
- (5) An article from the Juneau Empire listing the fifty highest paid state employees, with Governor Sheffield being the fiftieth.
- (6) Documents from the Department of Administration showing the employees whose salaries exceeded the Governors.
- (7) A listing of the highest paid employees within the University of Alaska system.
- (8) Pay scale information from the Alaska Railroad.



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

To: Senate Finance Committee Members

From: Senator Paul Fischer

Date: April 2, 1986

Subject: Summary of the effects of CSSB 100 (SA).

If CSSB 100 (SA) becomes law it will have these effects.

- (1) Makes no salary changes in present collective bargaining agreements or other contracts presently in effect.
- (2) Limits other public official's pay to the salary in effect for the Governor, which is now \$81,646.
- (3) Mandates that new, renewed or extended agreements and contracts must conform with the salary cap.
- (4) The ceiling effects any entity receiving at least 50% of its yearly budget from the state treasury.
- (5) This salary limit includes local municipalities, school boards and state grant money recipients, as well as, the University of Alaska, Alaska Railroad, and the AHFC, if they meet the 50% funding criterion.
- (6) The salary limit would take effect immediately.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4/1/86

REQUEST
Bill/Resolution No.: CSSB 100(SA)
Title: Prohibiting salaries for certain employees from exceeding the governor's salary
Sponsor: P. Fischer, Coghill, et al.
Requestor: P. Fischer
Date of Request: March 27, 1986

FISCAL DETAIL
Agency Affected: A11
BRU: A11
Components: A11

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	(23.9)	(143.4)	(143.4)	(143.4)	(143.4)	(143.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(23.9)	(143.4)	(143.4)	(143.4)	(143.4)	(143.4)
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(23.9)	(143.4)	(143.4)	(143.4)	(143.4)	(143.4)
FEDERAL FUNDS						
OTHER						
TOTAL	(23.9)	(143.4)	(143.4)	(143.4)	(143.4)	(143.4)

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See continuation.

Prepared By: *Michael P. McMurley* Phone: 465-2200
 Division: Commissioner's Office Date: _____
 Approved by Commissioner: *Eleanor Andrews* Date: 3/31/86
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For CSSB 100(SA)

CSSB 100(SA) would limit basic salaries of employees to not more than the salary of the Governor. The Fiscal Note assumes that the effective date will be May 1, 1986. It reflects 29 employees in the Executive Branch who are currently paid more than the Governor, i.e., more than \$81,648 per year. No assumptions are made for future years, so the amount is shown as a constant savings.

The full year savings are currently distributed as follows:

Department of Administration:	\$ 1.5
" " Law	68.8
" " Revenue	3.1
" " Education	2.9
" " Health and Social Services	13.0
" " Commerce and Economic Develp.	1.2
" " Natural Resources	8.6
" " Public Safety	.9
" " Transportation and Public Facilities	43.5
	<u>\$143.4</u>

We note that there are no employees of the Legislature who would be affected by this bill. The effect on the Court System would not be realized until there are vacancies on the bench due to prohibitions on reducing judges' salaries during their tenure, unless the reduction is applied generally to all employees.

We do not have information available to estimate the impact on other entities affected by the bill:

- University of Alaska
- Alaska Railroad
- Other quasi-public corporations that process
their own payroll
- Grantees



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Sectional Analysis for CSSB 100

Section 1-4 makes it clear that the salary limit applies, respectively, to justices of the supreme court, judges of the court of appeals, judges of the superior courts and district court judges.

Section 5 adds a new section to the Fiscal Procedures Act (AS 37.05) to provide that a state agency may not grant money to an organization or entity unless the organization or entity agrees that none of its employees will be paid a salary greater than the governor's. Subsection (b) defines the organizations and entities to which the limit applies. Subsection (c) gives the department administering the grant responsibility for insuring that the organization or entity is notified of the salary limit requirement and that it agrees to comply with the limit before it receives a grant. Subsection (d) incorporates the expansive definition of "state" contained in AS 39.20.095, enacted in section 6 of the bill, into this section.

Section 6 adds a new section which prohibits the state from paying its employees a salary greater than the governor's salary. The section applies to employees regardless of whether salaries are set in the collective bargaining process. Subsection (b) defines "basic salary" and contains an expansive definition of "state".

Section 7 clarifies the effect of the salary limit on statutes that regulate pay step differentials, pay increments for longevity in state service, and swing and graveyard shift differentials.

Section 8 requires the Alaska Railroad Corporation to abide by the salary limit imposed by section 2 if the corporation receives at least 50 percent of its yearly budget from the state.

Section 9 contains language required by state and federal constitutional prohibitions against impairing the obligations of existing contracts.

Section 10 affirms the independence of the University of Alaska, except as to the salary limit created by the bill.

Section 11 is an immediate effective date.

Top 50 state employee salaries listed

The following is a list of the 50 highest paid state employees' base salaries for 1985. Where readily obtainable, job titles are included. The list comes from the Department of Administration.

1. Charles Merriner, prosecuting attorney, Dillingham, \$102,936; 2. Heinrich Springer, Department of Transportation maintenance and operations director, Nome, \$99,189; 3. Jay Rabinowitz, Supreme Court justice, Fairbanks, \$97,728; 4. Harry Davis, prosecuting attorney, Fairbanks, \$95,736; 5. John Bosshard III, superior court judge, Valdez, \$90,828;

6. Christopher Cooke, superior court judge, Bethel, \$90,828; 7. Michael Jeffery, superior court judge, Barrow, \$90,828; 8. Paul Jones, superior court judge, Kotzebue, \$90,828; 9. Charles Tunley, superior court judge, Nome, \$90,828; 10. Thomas Wardell, prosecuting attorney, Kenai, \$89,580.

11. Hubert Glenzer, deputy commissioner Department of Transportation, Fairbanks, \$88,998; 12. Robert Fraser, chief of communicable disease control, Department of Health and Social Services, Anchorage, \$88,428; 13. James Blair, superior court judge, Fairbanks, \$88,128; 14. Mary Greene, superior court judge, Fairbanks, \$88,128; 15. Jay Hodges, superior court judge, Fairbanks, \$88,128;

16. Gerald VanHoomissen, superior court judge,

Fairbanks, \$88,128; 17. Bruce Livingstone, Department of Health and Social Services, Anchorage, \$88,952; 18. James Doogan, Department of Law, Fairbanks, \$85,920; 19. Ted Bond, Department of Natural Resources, Fairbanks, \$85,728; 20. Edmond Burke, supreme court justice, Anchorage, \$85,728.

21. Allen Compton, supreme court justice, Anchorage, \$85,728; 22. John Horn, director of maintenance and operations Interior district, Department of Transportation and Public Facilities, Fairbanks, \$85,728; 23. Warren Matthews, supreme court justice, Anchorage, \$85,728; 24. Daniel Moore, Jr., supreme court justice, Anchorage, \$85,728; 25. Jack Morrow, director of maintenance and operations for Department of Transportation and Public Facilities, Valdez, \$85,728;

26. Marlin Smith, Department of Law, Barrow, \$85,728; 27. John Vecak, prosecuting attorney, Nome, \$85,728; 28. Stephen Sisk, Department of Transportation, Fairbanks, \$85,452; 29. Robert Venusti, Department of Transportation, Fairbanks, \$85,452; 30. Roy Madsen, superior court judge, Kodiak, \$85,416.

31. Garnett Pessel, Department of Natural Resources, Fairbanks, \$85,308; 32. David Rose, director Alaska Permanent Fund Board, Juneau, \$84,732; 33. Robert Marshall, M.D., director Alaska Psychiatric Institute, Anchorage, \$83,988; 34. Arthur Snowden, director Alaska

court system, Anchorage, \$83,724; 35. Richard Engen, director Division of State Libraries and Museums, Juneau, \$83,172;

36. Melvin Hoversten, director Division of Telecommunications, Department of Administration, Anchorage, \$83,172; 37. Richard Karne, assistant attorney general, Anchorage, \$83,172; 38. Arthur Peterson, assistant attorney general, Juneau, \$83,172; 39. Kerry Romesburg, director Alaska Postsecondary Education Commission, Juneau, \$82,992; 40. Sharon Emley, assistant prosecuting attorney, Nome, \$82,812.

41. Robert Heath, director Alaska Power Authority, Anchorage, \$82,812; 42. John Sims, director Office of Minerals Development, Department of Commerce and Economic Development, Fairbanks, \$82,812; 43. Charles Cranston, superior court judge, Kenai, \$82,716; 44. James A. Hanson, superior court judge, Kenai, \$82,716; 45. Ronald Davena, Nome, \$82,548;

46. Joseph DeTemple, Bethel, \$82,548; 47. Gilbert Eakins, regional coordinator for the Division of Geological and Geophysical Surveys, Department of Natural Resources, College, \$82,548; 48. James Lane, Department of Transportation, Nome, \$82,548; 49. David A. Spence, M.D., medical officer, Division of Public Health, Juneau, \$82,548; 50. William Sheffield, governor, Juneau, \$81,048.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

February 21, 1985

Honorable Mitchell F. Abood, Jr.
Chairman
Senate State Affairs Committee
Pouch V (MS 3100)
Juneau, AK 99811

Dear Mr. Chairman:

Senate Bill 100 was heard before your Committee on February 6. During my testimony, Committee members asked me to provide additional specific information on salaries of certain employees. I have now gathered the information and am pleased to transmit it to you.

Senator Vic Fischer requested a list of the Executive Branch employees whose "basic salary" (as defined in SB 100) exceeded the salary of the Governor. Attachment 1 lists the eleven (11) employees who fall into this category.

Senator Bill Ray requested a similar list of the Judges and Justices whose "basic salary" exceeded the salary of the Governor. Edna Caldwell, the State Payroll Supervisor, had informed Senator Paul Fischer that 14 Judges and Justices fell into this category. However, there are only ten (10) whose salary exceeds the Governor. There are also four (4) Justices whose salary equals the Governor's. These are Justices who receive no geographic cost-of-living adjustment. See AS 22.05.140(a) and (c). Attachment 2 lists the nine (9) Judges and a Justice whose basic salary exceeds the Governor's.

Senator Vic Fischer requested a listing of all employees whose total compensation exceeded the Governor's. Attachment 3 is such a listing of all employees paid through the Division of Finance, Department of Administration for calendar year 1984. It does not include the University of Alaska, the Alaska Railroad Corporation, nor any other quasi-public corporation that processes its own payroll. I have also excluded those employees in Attachments 1 and 2 to avoid duplication. I have indicated in the Comment column the reason for several employees' salaries to exceed the Governor's on a one-time basis. The salaries of the other employees may be expected to repeatedly exceed the Governor's due to overtime, stand-by, shifts differential, sea duty and other forms of premium pay.

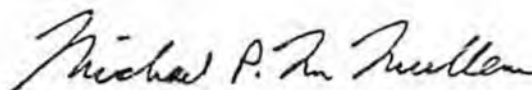
Honorable Mitchell F. Abood, Jr.

-2-

February 21, 1985

I would be happy to answer any questions you may have about this data. I will make every effort to attend your Committee meeting when SB 100 is next scheduled for hearing to answer any questions from other members of the Committee.

Sincerely,



Michael P. McMullen
Deputy Director

MPM/cfm
1/401/0219-04
Enclosures

cc: Honorable Paul Fischer
Alaska State Senator
Pouch V (MS 3100)
Juneau, AK 99811

ATTACHMENT 1

Executive Branch Employees Whose Base Salary Exceeds the Governor's

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>PCN</u>	<u>PAY RATE¹</u>	<u>SCHEDULE</u>	<u>RANGE</u>	<u>STEP</u>	<u>CLASS TITLE</u>	<u>LOCATION</u>
Davis	Harry L.	031007	7,074.00	E	25	K	Attorney V	Fairbanks
Merriner	Charles M.	031191	8,169.00	F	25	L	Attorney V	Dillingham
Wood	Larry D.	030006	6,818.00	E	25	J	Attorney V	Fairbanks
Wardell	Thomas M.	031044	6,852.00	D	25	L	Attorney V	Kenai
Gould	James V.	031005	7,870.00	H	25	F	Attorney V	Nome
Doogan	James P.	031057	6,818.00	E	25	J	Attorney V	Fairbanks
Romesburg	Kerry D.		6,834.00	A	28	K	*	Juneau
Fraser	Robert	061001	7,339.00	A	29	L	Dir Public Health	Juneau
Conrad	Harold T.	065285	6,900.00	9	29	F	Medical Supt., API	Anchorage
Springer	Heinrich K.	258701	7,870.00	H	26	E	Division Director	Nome
Glenzer	Hubert	255634	7,055.00	E	28	E	Deputy Commissioner	Fairbanks

*Executive Director, Alaska Commission on Post-secondary Education

6,900
 12
 13,800
 6,900
 20,700

¹The Governor's monthly pay rate is \$6,804.00.

ATTACHMENT 2

Judges and Justices Whose Base Salary Exceeds the Governor's

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>LOCATION</u>	<u>MONTHLY SALARY</u>
Blair	James	Fairbanks	6,994.00
Bosshard	John	Valdez	7,209.00
Cooke	Christopher	Bethel	7,209.00
Hodges	Jay	Fairbanks	6,994.00
Jeffrey	Michael I.	Barrow	7,209.00
Jones	Paul B.	Kotzebue	7,209.00
Rabinowitz	Jay A. (Justice)	Fairbanks	7,757.00
Taylor	Warren W.	Fairbanks	6,994.00
Tunley	Charles R.	Nome	7,209.00
VanHoomissen	Gerald	Fairbanks	6,994.00

ATTACHMENT 3

Employees Whose Total Compensation Exceeded the Governor's During 1984

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>PCN</u>	<u>TOTAL EARNINGS</u>	<u>LOCATION</u>	<u>RANGE/STEP</u>	<u>CLASS TITLE</u>	<u>COMMENT</u>
Davis	Ronald J.	245708	83,472.33			Civil Engineer I	Terminal leave payoff
Moy	Victor S.	060259	119,626.62	Juneau	17/D	Internal Aud II	Arbitration award (prior year pay reinstated)
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Eakins	Gilbert R.	102007	82,123.84	Fairbanks	24/K	Geologist VI	
Hickey	Daniel W.	031058	81,686.40	Juneau	27/K	Chf Pros & Crim Aff	Leave cash-in
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Bodine	Jack T.	260403	95,588.16			Right-of-Way Agnt VI	Terminal leave payoff
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Reilly	Douglas K.	065282	87,704.00	Anchorage	Exempt	Staff Psychiatrist	
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Mix	Larry A.	121638	94,931.12			Spec Asst to the Comm. II	Terminal leave payoff
Lochman	Robert A.	123107	106,255.92	Kodiak	22/K	Capt., Marine Enf., P.S.	
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Bundy	Robert C.	031008	91,771.70			Attorney V	Terminal leave payoff
Detemple	Joseph F.	121001	86,039.76	Bethel	22/K	Capt., P.S.	
Thatcher	John F.		82,335.34	Marine Trans.		Master	
Borchick	Freda M.	063075	87,843.52			Admin Off III	Terminal leave payoff
Grimes	James V.	121357	82,504.41	Anchorage	78/J	Sergeant, P.S.	
Hamill	James E.	065283	86,904.00	Anchorage	Exempt	Staff Psychiatrist	

PCN NUMBER	NAME	TITLE	LOCATION	BASE SALARY	AREA DIFF.	HOUSING	TOTAL
10000	O'Dowd	President	Fbks	90,938	1.10	*	100,032
40000	O'Rourke	Chancellor	Fbks	88,067	1.10	*	96,865
29678	Akasoru	Professor (Res)	Fbks	88,020	1.10	--	96,822
10300	Carter	Exec. Vice Pr.	Fbks	87,185	1.10	--	95,904
65615	Okeson	Chancellor	Anch	86,448	1.00	7,199	93,647
80500	Paradise	Chancellor	Jun	85,488	1.00	7,199	92,647
60000	Outcalt	Chancellor	Anch	85,488	1.00	7,199	92,647
29675	Roederer	Director	Fbks	82,953	1.10	--	91,248
40019	Phillips	Vice Chancellor	Fbks	82,745	1.10	--	91,020
10200	Mather	Vice Chancellor	Fbks	82,613	1.10	--	90,874
33000	Bligh	Director	Fbks	82,160	1.10	--	90,376
32200	Drew	Director	Fbks	81,743	1.10	--	89,917
30000	Alexander	Director	Fbks	81,286	1.10	--	89,414
29687	Weller	Assoc. Director	Fbks	80,912	1.10	--	89,032
29686	Swift	Professor (Res)	Fbks	80,911	1.10	--	89,002
53053	Ray	Professor	Fbks	80,534	1.10	--	88,587
30005	Goering	Professor (Res)	Fbks	80,118	1.10	--	88,130
79200	Floyd	Campus Pres.	Kod	76,216	1.15	--	87,648
22161	Wilson	Professor (Res)	Fbks	78,999	1.10	--	86,999
29617	Rees	Professor (Res)	Fbks	78,244	1.10	--	86,068
51530	Neiland	Professor	Fbks	78,208	1.10	--	86,028
65228	Krauss	Professor	Fbks	77,043	1.10	--	84,747
33012	Dean	Professor	Fbks	76,714	1.10	--	84,385
22000	Matthews	Director	Fbks	76,713	1.10	--	84,384
50662	Merritt	Professor	Fbks	76,676	1.10	--	84,544
29681	Benson	Professor	Fbks	76,675	1.10	--	84,542
32842	Weeden	Professor	Fbks	75,918	1.10	--	83,510
72561	Lyon	Chancellor	Anch	76,003	1.00	7,199	83,202
29689	Wescott	Professor (Res)	Fbks	75,579	1.10	--	83,137
50500	Haneman	Dean	Fbks	75,503	1.10	--	83,053
50660	Roberts	Professor	Fbks	74,805	1.10	--	82,285
35589	Sharma	Professor	Fbks	74,381	1.10	--	81,827

* University owned homes are provided for the UAF Chancellor and the System President. These individuals are required to live in these residences per their contract.

February 1, 1985

PRESS RELEASEALASKA RAILROAD PAY PLANS

GSE: The General Schedule Equivalent (GSE) pay plan parallels pay rates and practices of the Federal General Schedule. Approximately 1.4 million federal white-collar employees are paid under the General Schedule nationally. In Alaska, federal employees currently receive a tax-free cost-of-living allowance to compensate for the higher cost of living in Alaska. Alaska Railroad employees in the GSE pay plan continue to receive a cost-of-living allowance which is no longer tax free.

<u>Position</u>	<u>Number of Positions</u>	<u>Pay Ranges (Rounded)</u>
President and Chief Executive Officer	1	\$125,000
Vice President, Controller	1	\$93,000
Vice President, Operations	1	\$91,700
Department Manager	1	\$87,000
	3	\$80,000 - \$85,000
	0	\$75,000 - \$80,000
	1	\$70,000 - \$75,000
Mid Level Manager	1	\$78,000
	6	\$70,000 - \$75,000
	8	\$65,000 - \$70,000
	1	\$60,000 - \$65,000
First Level Managers and Professional Staff	13	\$60,000 - \$66,000
	9	\$55,000 - \$60,000
	11	\$50,000 - \$55,000
	9	\$45,000 - \$50,000
	6	\$40,000 - \$45,000
	2	\$35,000 - \$40,000
	3	\$28,000 - \$35,000

8.

T&E

The pay practices of train and engine employees were negotiated under the collective bargaining process and reflect current industry pay practices. The rates of pay earned vary dependent upon which position is worked and how often an employee works. Pay is determined based upon basic daily rate, mileage, and penalties, with positions worked being allotted by seniority.

<u>Position</u>	<u>Baggageman</u>	<u>Brakeman</u>	<u>Conductor</u>	<u>Fireman</u>	<u>Engineer</u>	<u>Pay Ranges (Rounded)</u>
<u>Number of Positions</u>	0	0	2	1	2	\$85,000 - \$90,000
	1	0	3	0	1	\$80,000 - \$85,000
	2	0	3	2	2	\$75,000 - \$80,000
	1	0	2	0	1	\$70,000 - \$75,000
	7	0	2	3	2	\$65,000 - \$70,000
	3	2	3	3	4	\$60,000 - \$65,000
	6	3	7	4	5	\$55,000 - \$60,000
	2	2	3	7	0	\$50,000 - \$55,000
	2	2	1	2	2	\$45,000 - \$50,000
	0	1	1	0	4	\$40,000 - \$45,000
	0	3	1	0	4	\$35,000 - \$40,000
	0	0	0	0	1	\$30,000 - \$35,000
	0	0	1	0	0	\$25,000 - \$30,000
	0	0	1	0	0	\$20,000 - \$25,000

10

Train and Enginemen yearly totals as of December 31, 1984.

WC: The White Collar (WC) pay plan covers employees in the American Federation of Government Employees (AFGE) Local 183 bargaining unit which consists of administrative, clerical and technical employees. The rates of pay were negotiated through the collective bargaining process and are part of the overall labor agreement. This labor agreement is protected under the terms of the Alaska Railroad Transfer Act (PL 97-468). The WC-A wage schedule applies only to permanent employees who were employed on the ARR prior to July 21, 1978, and have worked on a continuous basis to date. No new employee may enter into the WC-A wage schedule. Any WC employees hired after July 22, 1978, have been paid in accordance with the WC-B pay plan which now covers the majority of WC employees.

<u>Position</u>	<u>Number of Positions</u>	<u>Pay Ranges (Rounded)</u>
Administrative Assistant, Secretary, Clerk Typist, etc.	4	\$40,000 - \$45,000*
	10	\$35,000 - \$40,000*
	4	\$30,000 - \$35,000*
	8	\$25,000 - \$30,000
	11	\$20,000 - \$25,000
	3	\$15,000 - \$20,000
Customer Service Representative, Transportation Control Technician, Freight Rate Specialist, Technicians	1	\$45,000 - \$52,000*
	6	\$40,000 - \$45,000*
	1	\$35,000 - \$40,000*
	2	\$30,000 - \$35,000
	1	\$25,000 - \$30,000
Accounting Technician, General Clerk, Computer Clerk, Personnel Clerk	8	\$40,000 - \$45,000*
	3	\$35,000 - \$40,000*
	1	\$30,000 - \$35,000*
	2	\$25,000 - \$30,000
	4	\$20,000 - \$25,000*
Procurement Assistant, Procurement Clerk, Sales Store Clerk	1	\$40,000 - \$42,000*
	1	\$30,000 - \$35,000
	1	\$25,000 - \$30,000
	6	\$20,000 - \$25,000
	2	\$15,000 - \$25,000

*Denotes special rates under WC-A wage schedule. No new employee may enter this pay plan.

WG/WS The Wage Grade (WG/WS) pay plan covers employees in several ARR bargaining units as a result of collective bargaining procedures. Blue collar supervisors are also covered. This plan is the same as that used for federal wage employees and is developed under the auspices of the Office of Personnel Management through an annual comprehensive review of comparable positions in both public and private sectors in Alaska. Thousands of wage grade Alaska federal workers are paid at these identical rates.

<u>Position</u>	<u>Number of Positions</u>	<u>Pay Ranges (Rounded)</u>
Electronic Mechanic, Signal Maintainer,	2	\$45,000 - \$46,000
Bridgeman, Pipefitter, Boiler Plant	19	\$40,000 - \$45,000
Operator, Carpenter, Cabinetmaker,	10	\$35,000 - \$40,000
Track Welder, Welder, Electrician		
Maintenance Mechanic/Worker, Equipment	19	\$40,000 - \$45,000
Operator	10	\$35,000 - \$40,000
Locomotive Electrician, Locomotive Mechanic,	6	\$45,000 - \$51,000
Steel Fabricator/Boilermaker, Carman,	55	\$40,000 - \$45,000
Heavy Equipment Mechanic	14	\$35,000 - \$40,000
	5	\$30,000 - \$35,000
Locomotive/Mobile Equipment Servicer,	1	\$40,000 - \$42,000
Freight Handler/Forklift Operator,	9	\$35,000 - \$40,000
Warehouse/Yard Worker, Motor Vehicle	8	\$30,000 - \$35,000
Operator/Truck Driver, Cook		
Track Repairer, Laborer, Janitor	58	\$30,000 - \$37,000
	10	\$25,000 - \$30,000
Foreman, Section Foreman, Extra Gang Foreman,	14	\$55,000 - \$60,000
Leaders, Assistant Chief Dispatcher,	26	\$50,000 - \$55,000
Yardmaster, Slipmaster	20	\$45,000 - \$50,000
	20	\$40,000 - \$45,000

AT

The AT pay plan covers employees in the American Train Dispatchers' Association, consists of two parts and is negotiated under the collective bargaining process. Wage schedule AT-A applies to one remaining permanent employee who was on the ARR rolls prior to May 1, 1979. The AT-B wage schedule covers all employees hired since that date.

<u>Position</u>	<u>Number of Positions</u>	<u>Pay Ranges (Rounded)</u>
Train Order Clerk	1	\$30,000 - \$35,000*
	3	\$25,000 - \$30,000
	2	\$20,000 - \$25,000
Station/Passenger Agent	1	\$35,000 - \$43,000*
	1	\$30,000 - \$32,000
	2	\$25,000 - \$30,000

*Denotes special rate AT-A wage schedule. No new employee may enter this pay plan.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

Jus - COPY
Sen Fairs

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

March 6, 1985

SUBJECT: Comparison between SB 100 and CSSB 100 (SA)
(Prohibiting salaries for certain
employees from exceeding the governor's
salary)

TO:

FROM: Teresa B. Cramer
Legislative Counsel

You have asked for a comparison between SB 100 and CSSB 100 (SA) drafted 2/28/85.

Sections 1 - 4 of CSSB 100 are added to make clear that the salary limit applies, respectively, to justices of the supreme court, judges of the court of appeals, judges of the superior courts and district court judges.

Section 5 of the CS is identical to section 1 of SB 100.

Section 6 of the CS is identical to section 2 of SB 100 except for the definition of "basic salary." The CS changes the treatment of overtime compensation and hazardous duty pay to include them in basic salary. The CS also includes in the definition forms of pay that are not addressed in the SB 100:

sea duty pay, shift differentials,
acting-in-a-higher-status pay, stand-by pay, other
adjustments in the nature of premium pay, and honoraria
for members of boards, commissions and authorities.

Section 7 of the CS is added to clarify the effect of the salary limit on statutes that regulate pay step differentials, pay increments for longevity in state service, and swing and graveyard shift differentials.

Senator Paul Fischer
March 6, 1985
Page 2

Sections 8 and 9 of the CS are identical to sections 3 and 4 of SB 100.

Section 10 of the CS is identical to section 5 of SB 100 except that it includes reference to the amendments made by section 7.

Section 11 of the CS is identical to section 6 of SB 100.

If I may be of further assistance, please advise.

TBC:ojb
J12/061

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 2, 1985

SUBJECT: Sectional Analysis of SB 100
(Prohibiting salaries for certain employees
from exceeding the governor's salary)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *Terry Cramer*
Legislative Counsel

You have asked for a sectional analysis of SB 100.

Section 1 adds a new section to the Fiscal Procedures Act (AS 37.05) to provide that a state agency may not grant money to an organization or entity unless the organization or entity agrees that none of its employees will be paid a salary greater than the governor's. Subsection (b) defines the organizations and entities to which the limit applies. Subsection (c) gives the department administering the grant responsibility for insuring that the organization or entity is notified of the salary limit requirement and that it agrees to comply with the limit before it receives a grant. Subsection (d) incorporates the expansive definition of "state" contained in AS 39.20.095, enacted in section 2 of the bill, into this section.

Section 2 adds a new section which prohibits the state from paying its employees a salary greater than the governor's salary. The section applies to employees regardless of whether their salaries are set in the collective bargaining process. Subsection (b) defines "basic salary" and contains an expansive definition of "state."

Section 3 requires the Alaska Railroad corporation to abide by the salary limit imposed by section 2 if the corporation receives at least 50 percent of its yearly budget from the state.

Section 4 contains language required by state and federal constitutional prohibitions against impairing the obligations of existing contracts.

Senator Paul Fischer
Page 2
February 2, 1985

Section 5 affirms the independence of the University of Alaska, except as to the salary limit created by the bill.

Section 6 is an immediate effective date.

If I may be of further assistance, please advise.

TBC:mkr
027:M1



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Mitch Abood, Chairman
State Affairs Committee

FROM: Cherie Shelley *CS*
Executive Director

SUBJECT: SB 100 - Limiting Salaries of Public Employees

DATE: February 6, 1985

The Alaska Public Employees Association opposes this bill as a shortsighted effort to gain political points at the expense of the efficient operation of state government. While we recognize the political advantages attached to such legislation, careful review of the issue reveals that this measure is severely flawed.

There is a fundamental difference between a popularly elected governor and a career civil servant. Governors traditionally have considerable personal wealth and seek the office as the culmination of their political careers. While in office, the governor receives subsidized housing, a considerable expense account, and is free from the mundane concerns of the average citizen. If the generous perquisites attached to the office were considered, the real value of the governor's salary would be considerably greater than Step F, Range 30 of the salary schedule in AS 39.27.011(a).

This bill ignores the education, experience and responsibility which many classified positions require. The state will be unable to attract qualified people to fill highly technical and demanding positions. Due to the specific requirements of some positions, the number of qualified applicants is especially low. To impose an artificial ceiling on salary will further limit the state's ability to recruit and retain the best individuals. The end result will be a mediocrity which the state can ill afford.

The concept of this legislation is diametrically opposite that of the collective bargaining process which the legislature has created. The Public Employment Relations Act (AS 23.40) declares that the state can ensure the orderly operation of government by negotiating with and entering into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment. This legislation would limit the ability

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

of the parties to conduct comprehensive negotiations and destroys the principles of the merit system. State government would not be well served by enactment of this legislation.

The inclusion of "geographical differentials" in the definition of "basic salary" totally ignores the economic reality of life in Alaska. People receive geographical differentials because the cost of living in particular areas has been determined to be higher than the cost of living in Anchorage or Juneau. The Department of Administration is currently conducting a statewide geographical differential study to verify the accuracy of the system. It makes little sense to establish the appropriateness of a cost-of-living differential and then deny the same to public employees because of an arbitrary act of the legislature.

The Cooperative Extension Service of the U.S. Department of Agriculture at the University of Alaska in Fairbanks reported in a recent survey that the cost of a standard market basket of goods in Nome was priced at 180% of the price of similar items in Anchorage. The geographical differentials exist to compensate for this disparity. Until such time as the governor is required to live in Nome, or any other bush community, the inclusion of the geographical differential as a component in any salary comparison is inappropriate.

Sfc 3/14/86

Introduced: 1/25/85
Referred: State Affairs
and Finance

BY P.FISCHER, COGHILL,
BENNETT, ABOOD, FERGUSON,
RODEY AND DEVRIES

1 IN THE SENATE

2 SENATE BILL NO. 100

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting salaries for certain employees
7 from exceeding the governor's salary; and providing
8 for an effective date."

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

10 * Section 1. AS 37.05 is amended by adding a new section to read:

11 Sec. 37.05.330. LIMITATIONS ON CERTAIN GRANTS. (a) A state
12 agency may not grant state money to an organization or entity to which
13 this section applies unless the organization or entity agrees to
14 comply with the salary limit established in AS 39.20.095 during the
15 life of the grant. If an organization or entity violates an agreement
16 to comply with AS 39.20.095, it shall return any state money it has
17 received for that year and shall be ineligible to receive further
18 funding under the grant.

19 (b) This section applies to grants to a person, organization, or
20 entity that received at least 50 percent of its annual budget from the
21 state treasury during the previous fiscal year or that projects that
22 it will receive at least 50 percent of its budget from the state
23 treasury during the current fiscal year.

24 (c) When an amount is appropriated or allocated as a grant under
25 AS 37.05.316, 37.05.317, or 37.05.318, the department responsible for
26 administering the grant shall notify the person or entity named as
27 recipient of the requirements of this section. The department shall
28 request the person, organization, or entity to file its agreement to
29 comply with AS 39.20.095 if the person, organization, or entity meets

1 the requirements of (b) of this section. If the department is re-
2 questing proposals from other qualified persons, organizations, or
3 entities under AS 37.05.316 or 37.05.317, the department shall also
4 notify them of the requirements of this section. The department shall
5 request them to file an agreement to comply with AS 39.20.095 if they
6 meet the requirements of (b) of this section.

7 (d) In this section "state" has the meaning given in AS 39.20.-
8 095.

9 * Sec. 2. AS 39.20 is amended by adding a new section to read:

10 Sec. 39.20.095. SALARY LIMIT FOR CERTAIN PUBLIC EMPLOYEES. (a)
11 Notwithstanding the provisions of the Public Employment Relations Act
12 (AS 23.40) and AS 14.20.550 - 14.20.610, the state may not pay an
13 officer or employee a basic salary that is greater than the salary of
14 the governor set out in AS 39.20.010.

15 (b) For purposes of this section,

16 (1) "basic salary" is a person's salary including cost-of-
17 living adjustments, geographical differentials, length-of-service
18 increases, and adjustments in the nature of incentive, performance,
19 and year-end bonuses, but not including overtime compensation, hazard-
20 ous duty pay, travel per diem, or travel allowances;

21 (2) "state" includes the executive, legislative, and judi-
22 cial branches of state government; the University of Alaska; school
23 boards; political subdivisions of the state, including municipalities;
24 and state instrumentalities, boards, commissions, and authorities if
25 the instrumentality, board, commission, or authority receives at least
26 50 percent of its yearly budget from the state treasury.

27 * Sec. 3. AS 42.40.110 is amended by adding a new subsection to read:

28 (c) If the corporation receives at least 50 percent of its
29 yearly budget by direct appropriation or grant from the state

1 treasury, the board may not fix a basic salary for the chief executive
2 officer or approve basic salaries for other executive officers that
3 exceed the basic salary of the governor set out in AS 39.20.010. For
4 purposes of this subsection, "basic salary" has the meaning given in
5 AS 39.20.095.

6 * Sec. 4. Nothing in this Act terminates or modifies a collective
7 bargaining agreement or other contract if the agreement or contract is in
8 effect on the effective date of this Act. However, the state may not renew
9 or extend a contract after the effective date of this Act unless the con-
10 tract complies with this Act.

11 * Sec. 5. Nothing in this Act infringes on the independence of the
12 University of Alaska except the provisions of secs. 1 and 2 that impose a
13 salary limit on employees of certain state grant recipients and on certain
14 public employees.

15 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

COMMITTEE REPORT
SENATE

FURTHER:

2/22/85

Date _____

Mr. President

The Committee on FINANCE considered SB 103
providing authority for the Department of Public Safety to regulate
safety of motor carrier and air carrier operation; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

1/29/85

Date FEBRUARY 20, 1985

Mr. President

The Committee on TRANSPORTATION considered SB 103

providing authority for the Department of Public Safety to regulate safety of motor carrier and air carrier operation; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass

do pass with attached amendment(s)

replace with or adopt CS for SB 103 (TRANSPORTATION)

new title

same title and recommends DO PASS

and attached a "LETTER OF INTENT" NEW FISCAL NOTE

reports it back without recommendation

recommends referral to _____ Committee

MEMBERS SIGNING
~~DO-PASS~~

[Signature]
Paul A. Griffin

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

[Signature]
Chairman
DO PASS
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: TRANSPORTATION
FINANCE

1/25/85

Date _____

Mr. President

The Committee on STATE AFFAIRS considered SB 103
providing authority for the Department of Public Safety to regulate
safety of motor carrier and air carrier operations, efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommendations _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Offered: 2/22/85
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 103 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."

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

10 * Section 1. AS 42.30.200 is amended to read:

11 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who
12 carries passengers or freight for hire intrastate or a person who
13 carries freight in a motor vehicle for commercial purposes shall
14 procure and maintain security in the following minimum amounts:

15 (1) \$200,000 for property damage in a single occurrence;

16 (2) \$500,000 for bodily injury or death in a single occur-
17 rence if a person operates a motor vehicle; and

18 (3) \$300,000 per seat for bodily injury or death in a
19 single occurrence if a person operates an aircraft [AN AMOUNT DE-
20 TERMINED BY THE DEPARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE
21 REASONABLE PROTECTION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED
22 BY THE PERSON].

23 (b) Evidence of security required under (a) of this section
24 shall be filed with the department and must be

25 (1) a policy or certificate of insurance issued by an
26 insurer acceptable to the department; or

27 (2) a bond of a surety company licensed to write surety
28 bonds in the state; or

29 (3) evidence accepted by the department, showing ability to
S

1 self-insure; or

2 (4) other security approved by the department.

3 (c) The department may authorize department personnel [ENFORCE-
4 MENT OFFICERS] to enforce this section and may adopt procedural regu-
5 lations necessary to implement this section.

6 * Sec. 2. AS 42.30.200 is amended by adding new subsections to read:

7 (d) A policy of insurance, surety bond, or other form of secur-
8 ity may not be cancelled on less than 30 days' written notice to the
9 department. For insurance policies submitted as proof of financial
10 responsibility under AS 42.30.225(a)(1) this requirement must be
11 clearly stated in the policy or endorsement. The 30-day notice period
12 is measured from the date on which the department receives notice.

13 (e) A person who violates (a) of this section is guilty of a
14 class B misdemeanor and is punishable by a fine of not less than \$500
15 or more than \$1,000.

16 (f) This section applies only to a person who carries passengers
17 or freight for hire in a motor vehicle weighing 10,000 pounds or more,
18 or a propeller or jet-powered aircraft.

19 * Sec. 3. AS 42.30 is amended by adding new sections to read:

20 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

21 (a) A person may not use an aircraft in air commerce without obtain-
22 ing a certificate of compliance from the department. The department
23 shall issue a certificate of compliance upon application and presenta-
24 tion of

25 (1) proof of financial responsibility required under
26 AS 42.30.200;

27 (2) proof of compliance with Federal Aviation Administra-
28 tion requirements, and, where applicable, federal certification for
29 scheduled airline service.

1 (b) A person who receives a certificate of compliance under (a)
2 of this section shall renew the certificate annually. The annual fee
3 for a certificate of compliance shall be \$50.

4 (c) Each aircraft owned or leased by a person subject to the
5 provisions of this section must have a certificate of compliance
6 issued by the department before the aircraft is used in air commerce.
7 The certificate is valid for a period of 12 months following the date
8 of certification. The certificate must be displayed on the aircraft
9 so that it is visible to boarding passengers.

10 (d) A federally-certificated interstate air carrier that pro-
11 vides intrastate service between points in the state on an interstate
12 or foreign route, and who uses, for that intrastate service, aircraft
13 based primarily outside the state, must also obtain a certificate of
14 compliance for each aircraft used in intrastate service.

15 (e) Use of an aircraft in air commerce before obtaining a cer-
16 tificate of compliance required under (a) of this section may be cause
17 for suspension or revocation of the certificate.

18 (f) An air carrier, who before the effective date of this Act,
19 obtained a certificate to operate from the Alaska Transportation
20 Commission, is not required to obtain a certificate of compliance
21 under (a) of this section until the date on which the insurance policy
22 on each aircraft must be renewed.

23 (g) The department may authorize department personnel to enforce
24 this section and may adopt procedural regulations necessary to imple-
25 ment this section.

26 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

27 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) A motor
28 vehicle may not be operated on the public highways of this state
29 without a certificate of inspection. A certificate of vehicle

1 registration may not be issued to a motor vehicle under AS 28.10.041-
2 (a)(4) without a current certificate of inspection if the motor
3 vehicle is required to obtain a certificate of inspection under this
4 section. An owner of a motor vehicle shall renew a certificate of
5 inspection at least twice a year at an official inspection station
6 under AS 42.30.320. An owner of a motor vehicle shall display a
7 sticker of inspection visible from outside the vehicle in a location
8 determined by the department.

9 (b) The commissioner of commerce and economic development may
10 adopt procedural regulations appropriate to achieve reciprocity with
11 other western states and necessary to implement this section.

12 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
13 requirements of AS 42.30.300 if it is owned by the government of the
14 United States of America.

15 Sec. 42.30.320. OFFICIAL INSPECTION STATIONS. (a) A person may
16 not operate an inspection station without a permit from the depart-
17 ment. The department shall approve an application for permit to
18 operate an inspection station if

19 (1) the department determines the inspection station has
20 proper equipment and competent personnel; and

21 (2) a certified vehicle inspector under AS 42.30.330 is
22 employed at the inspection station.

23 (b) After the department approves an application for permit to
24 operate an official inspection station under (a) of this section, it
25 shall provide the applicant with a permit, certificates of inspection,
26 and inspection stickers.

27 (c) Upon receipt of a permit from the department under (c) of
28 this section, the operator of an official inspection station shall
29 post the permit in a conspicuous place at the location designated by

1 the department.

2 (d) The department may inspect a motor vehicle or enter the
3 premises of the operator of an official inspection station at any time
4 to inspect the work of the certified vehicle inspectors under AS 42.-
5 30.330 or to determine if the operator continues to meet the require-
6 ments of this section.

7 (e) The department shall suspend or revoke a permit of an opera-
8 tor of an official inspection station if the operator fails to meet
9 the requirements of this section.

10 (f) Upon notice of suspension or revocation of a permit under
11 (e) of this section, the operator of an official inspection station
12 shall immediately terminate all inspection activities, and on demand
13 by the department, return the permit and all certificates of inspec-
14 tion. The department shall issue a receipt for all unused certifi-
15 cates of inspection.

16 (g) If a permit is suspended or revoked under (e) of this sec-
17 tion, the department shall give an operator of an official inspection
18 station a hearing, upon written request filed with the department
19 within 10 days after suspension or revocation.

20 (h) A permit to operate an official inspection station may not
21 be assigned, transferred, or used at a location other than the lo-
22 cation designated by the department.

23 Sec. 42.30.330. CERTIFICATION OF VEHICLE INSPECTORS. (a) A
24 person may not conduct a motor vehicle inspection at an official
25 inspection station under AS 42.30.320 unless certified as a vehicle
26 inspector by the department.

27 (b) The department may suspend the certification issued to a
28 vehicle inspector under (a) of this section if the vehicle inspector
29 improperly conducted inspections or failed to comply with a provision

1 of this section or regulations adopted under it.

2 (c) If a certificate is denied or suspended under (b) of this
3 section the department shall give a vehicle inspector a hearing upon
4 written request filed with the commissioner within 10 days after
5 denial or suspension.

6 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
7 person operating an official inspection station shall issue a certifi-
8 cate of inspection to the owner of a motor vehicle after determining
9 the motor vehicle is in a safe and mechanically sound condition.

10 (b) A person operating an official inspection station shall keep
11 a record of each inspection performed at the station and the depart-
12 ment may audit the records of an official inspection station at any
13 time.

14 Sec. 42.30.350. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.

15 (a) A person may not represent a place as an official inspection
16 station unless the station is operating under a valid permit issued by
17 the department under AS 42.30.320.

18 (b) A person may not issue a certificate of inspection unless
19 holding a valid permit under AS 42.30.320.

20 Sec. 42.30.360. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
21 person may not make, issue, or knowingly use an imitation or counter-
22 feit of an official certificate of inspection.

23 (b) A person may not knowingly display or issue a certificate
24 of inspection on a motor vehicle unless the motor vehicle has met the
25 requirements of AS 42.30.340.

26 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who violates
27 a provision of AS 42.30.300 - 42.30.360 is guilty of a class B misde-
28 meanor.

29 Sec. 42.30.380. DEFINITIONS. In AS 42.30.200 - 42.30.380,

1 (1) "air carrier" means a person undertaking to engage in
2 air commerce, whether directly or indirectly, or by lease, contract,
3 or any other arrangement, and whether over regular or irregular
4 routes;

5 (2) "air commerce" means carriage by aircraft of persons or
6 freight, for compensation or hire, in intrastate commerce, including
7 the carriage by aircraft of persons or freight that move partly by
8 aircraft and partly by other forms of transportation;

9 (3) "aircraft" means a device used or designed for flight
10 in the air;

11 (4) "commercial purposes" means something for which the
12 person receives direct monetary compensation;

13 (5) "department" means the Department of Commerce and
14 Economic Development;

15 (6) "freight" means all commodities, articles, and cargo,
16 of whatever nature or value, excluding garbage and trash;

17 (7) "motor vehicle" means

18 (A) a truck of more than 10,000 pounds unladen gross
19 vehicle weight used upon a public highway of this state; and

20 (B) a trailer registered in this state of more than
21 5,000 pounds unladen gross vehicle weight and used upon a public
22 highway of this state.

23 * Sec. 4. Notwithstanding AS 42.30.200(a)(3) enacted by sec. 1 of this
24 Act, until July 1, 1985, a person to whom AS 42.30.200 applies need only
25 maintain security in the amount of \$100,000 a seat for bodily injury or
26 death in a single occurrence if a person operates an aircraft.

27 * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

28 (27) implement the financial responsibility requirements for
29 motor vehicles and air carriers under AS 42.30.200 - 43.30.225.

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* Sec. 6. This Act takes effect immediately in accordance with AS 01.-
10.070(c).

Introduced: 1/25/85
Referred: State Affairs, Transportation
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 103

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing authority for the Department of
7 Public Safety to regulate safety of motor carrier and
8 air carrier operations; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 42.30 is amended by adding new sections to article 5 to
12 read:

13 Sec. 42.30.195. COMPLIANCE ENJOINED. A person may not operate
14 as a motor carrier on a public highway of this state, or engage in air
15 commerce to or from any point in this state, except in accordance with
16 AS 42.30.195 -- 42.30.270.

17 Sec. 42.30.197. EXEMPT MOTOR VEHICLES. (a) AS 42.30.195 --
18 42.30.220 and AS 42.30.230 -- 42.30.270 apply to all motor vehicles of
19 a motor carrier unless specifically exempted by this section. Unless
20 specifically provided otherwise, AS 42.30.195 -- 42.30.220 and AS 42.-
21 30.230 -- 42.30.270 do not apply to

22 (1) a motor vehicle operated exclusively in the transporta-
23 tion of United States mail or in the transportation of newspapers or
24 periodicals alone or in conjunction with an express service delivering
25 packages not to exceed 100 pounds to any one receiver;

26 (2) a motor vehicle owned and operated by the United
27 States, the state, or a borough, city, or unified municipality in the
28 state, or by an agency of any of them, except when the vehicle is used
29 to transport property of the general public for compensation in

1 competition with other carriers subject to this chapter, and to the
2 extent that regulation of vehicles operated by the United States is
3 permitted by the laws of the United States;

4 (3) a motor vehicle that is a "farm vehicle," as defined by
5 the department by regulation; that does not exceed an unladen total
6 gross weight of 16,000 pounds; that is owned by a person whose primary
7 source of livelihood is derived from the operation of a ranch, farm,
8 or dairy; and that is used exclusively to transport that person's own
9 ranch, farm, or dairy products to and from the market or to transport
10 supplies, commodities, or equipment to be used on the person's ranch,
11 farm, or dairy;

12 (4) a motor vehicle weighing 5,000 pounds or less, unladen
13 gross weight;

14 (5) a motor vehicle operated exclusively for the transpor-
15 tation of persons, which has a seating capacity of less than 16 pas-
16 sengers; and

17 (6) a motor vehicle operated exclusively for the transpor-
18 tation of students and teachers to or from school, which is subject to
19 regulation under AS 14.09.

20 (b) A vehicle weighing 5,000 pounds to 12,000 pounds, unladen
21 gross weight, is exempt from the requirements of AS 42.30.230.

22 * Sec. 2. AS 42.30.200 is amended to read:

23 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person operat-
24 ing as a motor carrier, except with regard to a vehicle exempt under
25 AS 42.30.197, or a person engaging in air commerce, [WHO CARRIES
26 PASSENGERS OR FREIGHT FOR HIRE INTRASTATE] shall procure and maintain
27 security in an amount determined by the Department of Public Safety as
28 necessary for the reasonable protection of the public against damages
29 or injury caused by the person.

1 (b) Evidence of security required under (a) of this section must
2 [SHALL] be filed with the department and must be

3 (1) a policy or certificate of insurance issued by an insur-
4 er acceptable to the department; or

5 (2) a bond of a surety company licensed to write surety
6 bonds in the state; or

7 (3) evidence accepted by the department, showing ability to
8 self-insure; or

9 (4) other security approved by the department.

10 (c) A policy of insurance, surety bond, or other form of securi-
11 ty is not cancellable on less than 30 days' written notice to the
12 department. This requirement must be clearly stated in the policy or
13 endorsement. The 30-day notice period is measured from the date upon
14 which the department receives notice.

15 (d) The department may authorize enforcement officers to enforce
16 this section.

17 (e) The department shall adopt regulations relating to financial
18 responsibility and enforcement of the financial responsibility re-
19 quirements set out in this section.

20 * Sec. 3. AS 42.30 is amended by adding new sections to read:

21 Sec. 42.30.205. BOND TO PROTECT SHIPPERS AND CONSIGNEES. The
22 department may, under regulations it adopts, require a motor or air
23 carrier to file a surety bond, or deposit security or a bond, in an
24 amount fixed by the department. The bond or security must be condi-
25 tioned upon the carrier paying to shippers and consignees money be-
26 longing to shippers and consignees, respectively, and coming into the
27 possession of the carrier in connection with its transportation ser-
28 vice. A carrier required by law to compensate a shipper or consignee
29 for loss, damage, or default for which a connecting carrier is legally

1 responsible is subrogated to the rights of the shipper or consignee
2 under the bond or deposit of security to the extent of the sum paid.

3 Sec. 42.30.210. IDENTIFICATION OF MOTOR VEHICLES. Each motor
4 carrier that is required to register under AS 42.30.315 shall place
5 sufficient identification, as determined by the department, on each
6 motor vehicle operated by that carrier that is not exempt under
7 AS 42.30.197. The required identification must be sufficient to allow
8 immediate determination of the carrier's name, address, and registra-
9 tion number. The department shall adopt regulations necessary to
10 implement this section.

11 Sec. 42.30.215. REGISTRATION OF INTRASTATE MOTOR CARRIERS. (a)
12 A person may not operate as an intrastate motor carrier, except with
13 regard to a vehicle exempt under AS 42.30.197, without obtaining
14 registration as a motor carrier from the department. Registration is
15 conditioned upon compliance with all other applicable provisions of
16 AS 42.30.195 -- 42.30.270, payment of applicable fees, and the filing
17 of an application accompanied by the following:

18 (1) proof of financial responsibility required under
19 AS 42.30.200;

20 (2) proof of bonding if required by regulations adopted
21 under AS 42.30.205;

22 (3) proof of a satisfactory safety inspection within the
23 preceding six months, by the department or its authorized representa-
24 tive, under AS 42.30.230 for all motor vehicles operated by the carri-
25 er, or, if the safety inspection for a vehicle within the preceding
26 six months was unsatisfactory, proof of repair or correction of the
27 vehicle's deficiency.

28 (b) An application for registration must be made in writing on a
29 form prescribed by the department, and must state the ownership,

1 control, affiliation with any other carrier, equipment to be used, and
2 other information the department requires.

3 (c) Registration under (a) of this section must be renewed
4 annually by paying the applicable renewal fee and filing a renewal
5 application, accompanied by the documentation of financial responsi-
6 bility, bonding, and safety compliance specified in (a)(1) -- (3) of
7 this section.

8 (d) A motor carrier, otherwise required to register under (a) of
9 this section, who is engaged in the transportation of property or
10 passengers by motor vehicle in intrastate commerce and who, before
11 February 28, 1985, obtained a permit to operate from the Alaska Trans-
12 portation Commission, is not required to file another application for
13 registration as prescribed in (a) of this section. Such a carrier is
14 required to file an application for renewal as prescribed in (c) of
15 this section no later than February 28, 1986; however, the renewal
16 application may not be granted until the applicant has complied with
17 all other applicable provisions of AS 42.30.195 -- 42.30.270.

18 Sec. 42.30.220. REGISTRATION OF MOTOR CARRIER'S INTERSTATE OPER-
19 ATING AUTHORITY. (a) A motor carrier may not operate as a motor
20 carrier in interstate or foreign commerce in the state without regis-
21 tering the operation with the department. Registration must be gran-
22 ted upon the filing of an application, the payment of applicable fees,
23 and upon compliance with the bonding requirement of AS 42.30.205, if
24 applicable, and with safety regulations adopted under AS 42.30.230(a).
25 An application for registration must be accompanied by either

26 (1) a copy of the operating authority pertaining to service
27 from, to, or within this state issued by the Interstate Commerce Com-
28 mission under 49 U.S.C. sec. 10921 (Interstate Commerce Act); or

29 (2) an affidavit of the motor carrier's exempt status,

1 including a description of the operations to be conducted, if the
2 operation does not require authority from the Interstate Commerce
3 Commission under 49 U.S.C. sec. 10921 (Interstate Commerce Act).

4 (b) Registration under (a) of this section, must be renewed
5 annually by filing a renewal application and paying the renewal fee.
6 Renewal is conditioned upon continued compliance with the bonding
7 requirement of AS 42.30.205, if applicable, and safety regulations
8 adopted under AS 42.30.230(a).

9 (c) A motor carrier operating as a motor carrier in interstate
10 or foreign commerce in the state, who, before February 28, 1985, reg-
11 istered its authority from the Interstate Commerce Commission with the
12 Alaska Transportation Commission, is not required to file another
13 initial application as prescribed in (a) of this section. Such a
14 carrier is required to file an application for renewal as prescribed
15 in (b) of this section; however, the renewal application may not be
16 granted until the applicant has complied with the bonding requirement
17 of AS 42.30.205, if applicable, and safety regulations adopted under
18 AS 42.30.230(a).

19 Sec. 42.30.225. REGISTRATION OF AIR CARRIERS. (a) A person may
20 not engage in air commerce without obtaining registration as an air
21 carrier from the department. Registration is conditioned upon compli-
22 ance with all other applicable provisions of AS 42.30.195 -- 42.30.-
23 270, payment of the applicable fees, and filing of an application
24 accompanied by the following:

25 (1) proof of financial responsibility required under
26 AS 42.30.200;

27 (2) proof of bonding if required by regulations adopted
28 under AS 42.30.205;

29 (3) evidence, satisfactory to the department, showing that

1 the applicant can and will comply with the provisions of the laws of
2 the United States and the state, and the regulations and orders re-
3 garding safety of operation.

4 (b) Applications for registration must be made in writing on a
5 form prescribed by the department, and must state the ownership, con-
6 trol, affiliation with any other carrier, equipment to be used, and
7 other information the department requires.

8 (c) Registration under (a) of this section must be renewed
9 annually by paying the applicable renewal fee and filing a renewal
10 application, accompanied by the documentation of financial responsi-
11 bility, bonding, and safety compliance specified in (a)(1) -- (3) of
12 this section.

13 (d) Except as provided in (e) of this section, each aircraft
14 owned or leased by a person subject to the provisions of this section
15 must be registered with the department before the aircraft is used in
16 air commerce. A certificate of registration must be issued by the
17 department for each aircraft. These certificates are valid for a
18 period of 12 months following the date of registration, and must be
19 renewed at the expiration of each 12-month period. The department
20 shall establish fees for registration of aircraft.

21 (e) Federally certificated interstate carriers that provide
22 intrastate service between points in the state on their interstate or
23 foreign routes and who use, for that intrastate service, aircraft
24 based primarily outside the state, shall register with the department
25 the aircraft used in intrastate service in the state. Registration
26 fees must be paid on the basis of the maximum number of aircraft used
27 in the intrastate service during any 24-hour period during the year,
28 as provided in regulations adopted by the department.

29 (f) Failure, by a person holding carrier registration under (a)

1 of this section, to register an aircraft before its use in air com-
2 merce may be cause for suspension or revocation of carrier registra-
3 tion in accordance with AS 42.30.240.

4 (g) An air carrier, operating as an air carrier, who, before
5 February 28, 1985, obtained a certificate to operate from the Alaska
6 Transportation Commission, is not required to file another application
7 for registration as prescribed in (a) of this section. Such a carrier
8 is required to file an application for renewal as prescribed in (c) of
9 this section no later than February 28, 1986; however, the renewal
10 application may not be granted until the applicant has complied with
11 all other applicable provisions of AS 42.30.195 -- 42.30.270.

12 Sec. 42.30.230. MOTOR VEHICLE SAFETY. (a) The department shall
13 adopt regulations governing the safety of operation of motor vehicles
14 that are subject to AS 42.30.195 -- 42.30.270, and providing for
15 enforcement of those safety requirements.

16 (b) An intrastate motor carrier shall have all of its motor
17 vehicles that are not exempted under AS 42.30.197 inspected for com-
18 pliance with safety regulations by the department or an authorized
19 representative of the department at least once every six months.

20 Sec. 42.30.235. ADOPTION OF REGULATIONS. The department may
21 adopt regulations to carry out the purposes of AS 42.30.195 -- 42.30.-
22 270 which apply to motor carriers, and to persons engaged in air
23 commerce, including but not limited to regulations for safety of
24 operations, financial responsibility, bonding, registration, fees,
25 identification of motor vehicles, and enforcement. The department
26 shall adopt these regulations under the Administrative Procedure Act
27 (AS 44.62).

28 Sec. 42.30.240. SUSPENSION OR REVOCATION OF CARRIER REGISTRA-
29 TION. (a) The department may suspend the registration of a motor

1 carrier or air carrier, without prior notice or hearing, upon failure
2 of the carrier to comply with AS 42.30.200, 42.30.205, or 42.30.225(e)
3 or (f). The suspension without a hearing is effective for 10 days.
4 The department shall provide the carrier whose registration is sus-
5 pended a hearing within 10 days. If the carrier so requests, the
6 hearing must be in the judicial district in which the carrier's prin-
7 cipal place of business in the state is located. If a hearing has
8 been provided by the department, the suspension may be extended for up
9 to 10 additional days in order that the hearing officer may decide the
10 matter.

11 (b) Upon complaint, or upon its own initiative, the department,
12 after notice and opportunity for hearing, and for good cause shown,
13 may revoke the registration of a motor carrier or air carrier. Good
14 cause for suspension or revocation of carrier registration includes
15 the following reasons:

16 (1) failure to submit evidence of financial responsibility
17 required by AS 42.30.200;

18 (2) failure to submit evidence of bonding if required by
19 regulations adopted under AS 42.30.205;

20 (3) failure to register aircraft used in air commerce as
21 required by AS 42.30.225(e) and (f);

22 (4) intentional misrepresentation of a material fact in
23 obtaining registration;

24 (5) intentional failure to comply with a provision of
25 AS 42.30.195 -- 42.30.270 or a regulation adopted under AS 42.30.235;

26 (6) failure to pay applicable fees.

27 (c) A carrier whose registration has been suspended for failure
28 to show financial responsibility or bonding may, at any time before
29 revocation, have the carrier registration reinstated upon proof of

1 compliance with AS 42.30.200 and 42.30.205. An air carrier whose
2 carrier registration has been suspended for failure to register air-
3 craft may, at any time before revocation, have the registration rein-
4 stated by complying with AS 42.30.225(e) and (f). In order to become
5 a registered carrier after registration has been revoked for any
6 reason, the carrier must pay applicable carrier registration fees and
7 submit a new application accompanied by the documentation required by
8 applicable provisions of AS 42.30.215, 42.30.220, and 42.30.225.

9 (d) A carrier whose registration has been revoked may appeal the
10 department hearing officer's decision to the superior court.

11 Sec. 42.30.245. ENFORCEMENT AUTHORITY; JUDICIAL ENFORCEMENT;
12 SEIZURE AND FORFEITURE. (a) Enforcement officers authorized by the
13 department and persons authorized and designated by the department to
14 perform inspections under AS 42.30.230 have the authority set out in
15 this section to enforce regulations of the department and to enforce
16 the statutes that the department administers. The department may
17 authorize these designated representatives to

18 (1) require the operator of a motor vehicle or aircraft
19 that might be subject to the authority of the department under AS 42.-
20 30.195 -- 42.30.270 to present documents of vehicle registration or
21 ownership, or other documents required by regulation to be in the
22 possession of the operator;

23 (2) stop a motor vehicle that might be subject to the au-
24 thority of the department under AS 42.30.195 -- 42.30.270 and request
25 the right to inspect cargo in the vehicle to determine whether the
26 operation of the vehicle violates a regulation of the department or a
27 statute which the department administers; if the operator of that
28 vehicle refuses to permit inspection of the vehicle or its cargo, the
29 authorized department representative may, by placing a seal on or

1 around the cargo, prohibit the discharge of the cargo except at a
2 point of destination and in the presence of an authorized representa-
3 tive of the department;

4 (3) detain or remove from service a motor vehicle that
5 might be subject to the authority of the department under AS 42.30.-
6 195 -- 42.30.270 when it reasonably appears to an authorized represen-
7 tative of the department that the continued operation of the vehicle
8 would jeopardize the public safety; if an authorized department rep-
9 resentative discovers a safety violation that in the representative's
10 opinion will not cause an accident or breakdown, the representative
11 may order the vehicle to proceed to a designated repair area where the
12 violation must be corrected before the vehicle departs the area;

13 (4) issue a citation for a violation of a regulation or
14 statute administered by the department; and

15 (5) apply to a court for an appropriate order or fine.

16 (b) The department may apply to the superior court for the
17 enforcement of a statute or regulation, or decision of the department
18 to suspend or revoke the registration of a motor carrier or air carri-
19 er under AS 42.30.240. The court may enforce obedience by any pro-
20 cess, including the restraint of the person and the person's officers,
21 agents, employees and representatives, from further violation.

22 (c) A motor vehicle or aircraft, used by a motor carrier or air
23 carrier without obtaining valid registration under the applicable pro-
24 visions of AS 42.30.215, 42.30.220, and 42.30.225, or used after
25 registration has been revoked under AS 42.30.240(b), may be seized by
26 the department. Upon conviction of the offender or by other judgment
27 of the court, a motor vehicle or aircraft used in violation of these
28 registration requirements is forfeited to the state and must be dis-
29 posed of as directed by the court. If sold, the proceeds of the must

1 be transmitted to the proper state officer for deposit in the general
2 fund of the state treasury. Motor vehicles or aircraft seized, unless
3 forfeited by order of the court, must be returned after the final
4 court decision and payment of any criminal fines and civil penalties.

5 Sec. 42.30.250. VIOLATION A MISDEMEANOR. A person who knowingly
6 fails or refuses to comply with a provision of AS 42.30.195 -- 42.
7 30.270, a regulation or decision of the department, or a final or
8 or decree of a court, or who knowingly procures, aids, or abets such a
9 violation, is guilty of a misdemeanor, and, upon conviction, must be
10 sentenced to pay the costs of prosecution and a fine of not more than
11 \$500 for each offense.

12 Sec. 42.30.255. CIVIL PENALTIES FOR OPERATING WITHOUT REGISTRA-
13 TION. A motor carrier or air carrier, whose registration is suspended
14 under AS 42.30.240(a), and who operates a motor vehicle or aircraft
15 without the insurance or bond required by AS 42.30.200 and 42.30.205,
16 or a motor carrier or air carrier that operates a motor vehicle or
17 aircraft without obtaining valid carrier registration under AS 42.-
18 30.215, 42.30.220 or 42.30.225 or operates while carrier registration
19 is revoked under AS 42.30.240(b), is subject to a civil penalty of not
20 more than \$1,000 or an amount equal to revenue the carrier earned as a
21 result of the illegal operation, whichever is greater. This civil
22 penalty is in addition to any other civil or criminal penalties and
23 remedies provided by law, and may only be levied by a court of compe-
24 tent jurisdiction.

25 Sec. 42.30.260. EACH VIOLATION A SEPARATE OFFENSE. Each viola-
26 tion, by a motor carrier, air carrier, or other person, of the pro-
27 visions of AS 42.30.195 -- 42.30.270, or of a decision or regulation
28 of the department, is a separate offense. In case of a continuing
29 violation, each day's continuance is a separate offense.

1 Sec. 42.30.265. PENALTIES CUMULATIVE; RECOVERY. (a) All penal-
2 ties incurred under AS 42.30.195 -- 42.30.270 are cumulative; an
3 action for the recovery of one penalty is not a bar to and does not
4 affect the recovery of any other penalty, and is not a bar to a crim-
5 inal prosecution and imposition of a fine against a motor carrier, air
6 carrier, or an officer, director, agent, or employee of a motor carri-
7 er or air carrier, or any other person.

8 (b) Neither a criminal prosecution nor an action to recover a
9 penalty is a bar to an enforcement proceeding to require compliance,
10 nor to any other remedy provided by AS 42.30.195 -- 42.30.270.

11 (c) An action to recover a penalty or impose a fine under
12 AS 42.30.195 -- 42.30.270 must be brought by the attorney general in a
13 court of competent jurisdiction. All fines imposed and all penalties
14 recovered under this chapter must be paid to the court and deposited
15 by it in the general fund of the state.

16 Sec. 42.30.270. DEFINITIONS. For the purposes of AS 42.30.-
17 195 -- 42.30.270,

18 (1) "air carrier" means a person undertaking to engage in
19 air commerce, whether directly or indirectly, or by lease, contract,
20 or any other arrangement, and whether over regular or irregular
21 routes;

22 (2) "air commerce" means carriage by aircraft of persons or
23 property, for compensation or hire, in intrastate commerce, including
24 the carriage by aircraft of persons or property which move partly by
25 aircraft and partly by other forms of transportation;

26 (3) "aircraft" means a device used or designed for flight
27 in the air;

28 (4) "department" means the Department of Public Safety;

29 (5) "motor carrier" includes

1 (A) a person who undertakes to transport property or
2 persons for the general public by motor vehicle, for compensa-
3 tion, including motor vehicle operations of other carriers by
4 rail or water and of express or forwarding companies;

5 (B) a person who leases, rents, or provides a motor
6 vehicle for the use of another in transporting property or per-
7 sons, and who provides, procures, or arranges for, directly or
8 indirectly, a driver or operator for the motor vehicle; or who
9 provides the necessary authority for the use of the vehicle on a
10 public highway, except when the motor vehicle is leased to anoth-
11 er carrier;

12 (C) a person engaged in the business of providing,
13 contracting for, or undertaking to provide, transportation of
14 property, for compensation, over the public highways as a broker
15 or forwarder;

16 (D) a person who transports by motor vehicle, with or
17 without compensation, property that is owned or is being bought
18 or sold by that person, or property of which that person is the
19 seller, purchaser, lessee, or bailee, and the transportation is
20 incidental to and in furtherance of some other primary business
21 conducted by the person in good faith;

22 (E) except when the motor vehicle is leased to another
23 carrier, a person who rents, leases, or otherwise provides a
24 motor vehicle for the use of others in transporting passengers or
25 property, but who does not provide, procure, or arrange for,
26 directly or indirectly, an operator for the vehicle;

27 (F) a person who, under special and individual con-
28 tracts or agreements, transports property by motor vehicle, for
29 compensation;

1 (6) "motor vehicle" means a truck, tractor, wrecker, tow
2 car, bus, van, hearse, ambulance, or other self-propelled or motor-
3 driven vehicle used upon any public highway of this state for the
4 purpose of transporting property or persons, which is not exempted
5 under AS 42.30.197;

6 (7) "property" means all commodities, articles, and cargo,
7 of whatever nature or value, excluding garbage, refuse, trash, or
8 other waste material;

9 (8) "public highway" means every street, road, or highway
10 in this state;

11 (9) "seating capacity" includes a space capable of accommo-
12 dating an average-sized adult, if the overall seat configuration and
13 design, and vehicle design, are such that the position is likely to be
14 used as a seating position while the vehicle is in motion, but does
15 not include auxiliary seating accommodations such as temporary or
16 folding jump seats;

17 (10) "vehicle" includes every device capable of being moved
18 upon a public highway and in, upon, or by which a person or property
19 is or may be transported or drawn upon a public highway; the term does
20 not include a device moved by human or animal power or used exclusive-
21 ly upon stationary rails or tracks.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

Alaska State Legislature

SENATOR
JOHN B. "JACK" COGHILL
Chairman

Senator Jan Fulk—Vice Chairman
Senator Mitch Abood
Senator Paul Fisetler
Senator Joe Josephson



POUCH Y
JUNEAU, ALASKA 99811
(907) 465-4921

Senate Committee on Transportation

LETTER OF INTENT

To Accompany CSSB 103 (Trans)

It is the intent of the Legislature that a study be undertaken by legislative staff to determine 1.) the effects of deregulation on air transportation service to the bush, and what measures, if any, the Legislature ought to address to ensure a minimally acceptable level of service to those areas of the state; 2.) the effects of early phase-out of the 406 Essential Air Service subsidies by the federal government on air service to rural Alaska; 3.) what federal safety regulations are applicable to Alaska intrastate air commerce, and which, if any, ought to be incorporated into the State's certification of compliance program; and 4.) the efficiency and effectiveness with which the Department of Commerce and Economic Development has established a motor vehicle safety inspection program. The results of this study shall be reported to the Second Session of the Fourteenth Alaska Legislature not later than the tenth day after it convenes.

SENATE COMMITTEE ON TRANSPORTATION

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

Senator John B. Coghill, Chairman

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: 05 SB 103(TSP)
 Title: An Act to regulate safety of motor carriers
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: Public Safety
 BRU, Program or Subprogram(s) Affected: Division of Measurement Standards

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	128.5	338.5				
200 TRAVEL	10.0	30.0				
300 CONTRACTUAL	65.0	40.8				
400 SUPPLIES	2.5	3.6				
500 EQUIPMENT	15.0	0.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	211.0	420.8				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	211.0	420.8				
FEDERAL FUNDS						
OTHER						
TOTAL	211.0	420.8				

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	7	7				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached.

Prepared By: Joseph L. Swanson, Director
 Division: Measurement Standards
 Approved by Commissioner: [Signature]
 Agency: Commerce and Economic Development

Phone: 345-7750
 Date: 2/17/85
 Date: 2/19/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

SB 103
ANALYSIS

ASSUMPTIONS

This analysis was prepared with the understanding that the intent of the bill was to establish regulations and procedures to:

1. Administer the financial responsibility provisions of AS 42.30.200 - 42.30.225.
2. Administer the motor vehicle safety inspection program to be performed by private industry.

PROGRAM SUMMARY

1. Positions

New Positions: 1 Administrative Officer I
 2 Administrative Assistants I
 3 Clerk Typists III

Existing Positions: Convert 5 existing seasonal weigh station operators to permanent full-time employees.

2. Other expenditures

Travel: Funds were included to provide for travel for remote locations to verify adherence to the provisions of AS 42.30 and to participate in the annual Commercial Vehicle Safety Alliance (CVSA) conference.

Contractual Services: The listed funds are required to cover the costs for communications, printing forms, certificates of compliance, certificates of inspection, permits to operate, inspection certifications, and regulations and procedures; maintenance of agency equipment, vehicle costs, and equipment rental.

Commodities: Specified costs are for operating supplies.

Equipment: Costs are for the acquisition of computer terminals and replacement of existing equipment.

3. The funding projections were based upon the assumption that the following equipment be transferred from the Alaska Transportation Commission:

- Wang word/data processing system with associated work stations and printer.
- telex/telecopier equipment
- typewriters
- file cabinets
- book cases
- vehicles
- desks and chairs
- copy machine

It is essential that this equipment be transferred in order for the program to function effectively for the above stated costs.

FY '85

1.	POSITION TITLE ADMINISTRATIVE OFFICER I				RANGE/STEP 17A	DEPT. UNIT S	PAGE/LINE	COV.	APPROV.	DISAP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 3	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEG.			
3.	CONTINUATION LEVEL		ADDITION	XX	JUSTIFICATION						
4.	TYPE OF EMPLOYMENT			ALLOTT	<p>This position will be responsible for supervising the administrative center of the division which will include the new statewide financial responsibility and safety programs and incorporate the existing permit program for cross-utilization of personnel.</p> <p>The responsibilities will include drafting recommended procedures, monitoring program activities, analyzing results, developing corrective procedures, and reporting results to the agency head.</p> <p>The position will be required to assist in the development of the regulations drafted to administer the programs and will supervise their implementation. The implementation will entail establishing and maintaining cooperative working relationship with the regulated industries, other governmental agencies, and our department. The position will also be responsible for developing and maintaining the information necessary to evaluate the results of the programs.</p>						
5.	PERSONAL SERVICES		1	2							3
5.	Salary		8,439								
6.	Benefits		985								
7.	Supplemental Benefits		517								
8.	Fixed Benefits		1,052								
9.	TOTAL PERSONAL SERVICES		01								11.0
10.	Travel		02								10.0
11.	Contractual		03								55.0
12.	Commodities		04								2.5
13.	Equipment		05								15.0
14.	Other										
15.	TOTAL COST										93.5
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts	1002								
18.		C.F. Hatch	1003								
19.		General Funds	1004		93.5						
20.		I-A Receipts	1005								
21.		Program Receipts	1028								
22.		Other									

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1.	POSITION TITLE ADMINISTRATIVE ASSISTANT I				RANGE/STEP 12A	DEPT. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PFT	STAFF MONTHS 6	RP NUMBER	PER NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				<p>These two positions will function as the working supervisors of the financial responsibility and motor vehicle safety programs. As such, they will ensure adherence to established procedures and will be responsible for monitoring the results produced and collect data and prepare reports for management's use. They will be required to be aware of industry needs and recommend improved procedures to achieve the stated goals and objectives in an efficient and cost effective manner. As the working supervisors, they will be the initial contact person for the regulated industries when problems arise. A great deal of judgment and tact will have to be exercised to achieve the desired results with minimum disruption of the effected agencies.</p>						
5.	PERSONAL SERVICES		1	2							3
5.	Salary		11,838								
6.	Benefits		1,740								
7.	Supplemental Benefits		726								
8.	Fixed Benefits		1,476								
9.	TOTAL PERSONAL SERVICES		01								15.8
10.	Travel		02								-0-
11.	Contractual		03								-0-
12.	Commodities		04								-0-
13.	Equipment		05								-0-
14.	Other										
15.	TOTAL COST										15.8
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.		G.F. Match 1003									
19.		General Funds 1004			15.8						
20.		I-A Receipts 1005									
21.		Program Receipts 1028									
		Other									
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1.	POSITION TITLE CLERK TYPIST III				RANGE/STEP	BARC UNIT 8A	G PAGE/LINE	EDV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 7	LEC.		
3.	COMMITMENT LEVEL				JUSTIFICATION					
4.	ADDITION				<p>These four positions will be responsible for reviewing and processing the various documents required to administer the financial responsibility and motor vehicle safety programs. The duties will include responding to requests for program requirements information, applications, updating agency records to reflect current status of regulated agencies, and processing program information reports. These personnel will be assisting industry, wherever necessary in complying with the provisions of appropriate statutes and regulations.</p>					
5.	AA									
6.	Title of Employment									
7.	PERSONAL SERVICES									
8.	Salary	18,636								
9.	Benefits	3,321								
10.	Supplemental Benefits	1,142								
11.	Fixed Benefits	2,324								
12.	TOTAL PERSONAL SERVICES	01		25.4						
13.	Travel	02		-0-						
14.	Contractual	03		-0-						
15.	Commodities	04		-0-						
16.	Equipment	05		-0-						
17.	Other									
18.	TOTAL COST			25.4						
19.	RECEIPT CODE				FUNDING SOURCE					
20.					Federal Receipts 1002					
21.					G.F. Match 1003					
22.					General Funds 1004					
23.					I-A Receipts 1005					
24.					Program Receipts 1028					
25.					Other					
26.										
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REQUEST FOR
NEW POSITION

1.	POSITION TITLE WEIGH STATION OPERATOR I	RANGE/STEP 12	BUDG. UNIT 5	PAGE/LINE	COY.	APPROV.	DISAPP.												
2.	TYPE OF POSITION PFT	STAFF MONTHS	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION	ELECTION DISTRICT												
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION															
4.	Type of EXPENDITURE			Amount	<p>This proposal entails changing the status of five existing positions from permanent part-time (seasonal) to permanent full-time.</p> <p>These seasonal positions are presently authorized for an average of four months each to operate the fixed weigh stations during the spring and summer peak truck traffic periods.</p> <p>We recommend changing the status of the positions to PFT in FY '85, but not funding the positions until FY '86. This will allow an appropriate amount of time to establish the safety program and initiate the procedures that will generate the workload for these positions.</p> <p>The inspectors will be located as follows:</p> <table style="margin-left: 40px;"> <tr> <th>PCN</th> <th>LOCATION</th> </tr> <tr> <td>085074</td> <td>Fairbanks</td> </tr> <tr> <td>085078</td> <td>Fairbanks</td> </tr> <tr> <td>085079</td> <td>Sterling</td> </tr> <tr> <td>085080</td> <td>Anchorage</td> </tr> <tr> <td>08-5088</td> <td>Anchorage</td> </tr> </table> <p>The inspectors will continue to operate the fixed weigh stations during peak traffic periods and will be used to monitor the motor vehicle safety program through field verification of inspection stations and inspection personnel.</p>			PCN	LOCATION	085074	Fairbanks	085078	Fairbanks	085079	Sterling	085080	Anchorage	08-5088	Anchorage
PCN	LOCATION																		
085074	Fairbanks																		
085078	Fairbanks																		
085079	Sterling																		
085080	Anchorage																		
08-5088	Anchorage																		
5.	PERSONAL SERVICES																		
6.	Salary	1	2	3															
7.	Benefits																		
8.	Supplemental Benefits																		
9.	Fixed Benefits																		
10.	TOTAL PERSONAL SERVICES	01		-0-															
11.	Travel	02		-0-															
12.	Contractual	03		-0-															
13.	Commodities	04		-0-															
14.	Equipment	05		-0-															
15.	Other																		
16.	TOTAL COST			-0-															
16.	RECEIPT CODE	FUNDING SOURCE																	
17.		Federal Receipts	1002																
18.		C.F. Match	1003																
19.		General Funds	1004	0-															
20.		I-A Receipts	1005																
21.		Program Receipts	1020																
22.		Other																	

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1.	POSITION TITLE ADMINISTRATIVE OFFICER I	RANGE/STEP 7A	DEPT. UNIT S	PAGE/LINE	CON.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF TERMS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT
3.	CONTINUATION LEVEL AA				ADDITION		
4.	TYPE OF EXPENDITURE				AMOUNT		
	1		2		3		
PERSONAL SERVICES							
5.	Salary			35,076			
6.	Benefits			4,374			
7.	Supplemental Benefits			2,150			
8.	Fixed Benefits			3,980			
9.	TOTAL PERSONAL SERVICES	01			45.6		
10.	Travel	02			30.0		
11.	Contractual	03			40.8		
12.	Commodities	04			3.5		
13.	Equipment	05			8.0		
14.	Other						
15.	TOTAL COST				127.8		
RECEIPT CODE FUNDING SOURCE							
16.		Federal Receipts 1002					
17.		C.F. Match 1003					
18.		General Funds 1004			127.8		
19.		I-A Receipts 1005					
20.		Program Receipts 1028					
21.		Other					

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JUSTIFICATION

This position will be responsible for supervising the administrative center of the division which will include the new statewide financial responsibility and safety programs and incorporate the existing permit program for cross-utilization of personnel.

The responsibilities will include drafting recommended procedures, monitoring program activities, analyzing results, developing corrective procedures, and reporting results to the agency head.

The position will be required to assist in the development of the regulations drafted to administer the programs and will supervise their implementation. The implementation will entail establishing and maintaining cooperative working relationship with the regulated industries, other governmental agencies, and our department. The position will also be responsible for developing and maintaining the information necessary to evaluate the results of the programs.

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1.	POSITION TITLE ADMINISTRATIVE ASSISTANT I				RANGE/STEP 12A	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PER NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL AA ADDITION				JUSTIFICATION These two positions will function as the working supervisors of the financial responsibility and motor vehicle safety programs. As such, they will ensure adherence to established procedures and will be responsible for monitoring the results produced and collect data and prepare reports for management's use. They will be required to be aware of industry needs and recommend improved procedures to achieve the stated goals and objectives in an efficient and cost effective manner. As the working supervisors, they will be the initial contact person for the regulated industries when problems arise. A great deal of judgment and tact will have to be exercised to achieve the desired results with minimum disruption of the effected agencies.					
4.	TYPE OF EXPENDITURE			AMOUNT						
				1 2 3						
	PERSONAL SERVICES									
5.	Salary		49,728							
6.	Benefits		7,035							
7.	Supplemental Benefits		3,048							
8.	Fired Benefits		6,201							
9.	TOTAL PERSONAL SERVICES		66.0							
10.	Travel	02	-0-							
11.	Contractual	03	-0-							
12.	Commodities	04	-0-							
13.	Equipment	05	-0-							
14.	Other									
15.	TOTAL COST		66.0							
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		C.F. Hatch 1003								
19.		General Funds 1004		66.0						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
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1.	POSITION TITLE CLERK TYPIST III	RANGE/STEP	BARG. UNIT 8A	PAGE/LINE 6	COV.	APPROV.	DISAPP.			
2.	TYPE OF POSITION PFT	STAFF MONTHS 48	RP NUMBER	PCN NUMBER	BUD PRIORITY	LOCATION EBA	ELECTION DISTRICT 7			
3.	CONTINUATION LEVEL KX	ADDITION			JUSTIFICATION					
4.	Type of Expenditure		Amount		These four positions will be responsible for reviewing and processing the various documents required to administer the financial responsibility and motor vehicle safety programs. The duties will include responding to requests for program requirements information, applications, updating agency records to reflect current status of regulated agencies, and processing program information reports. These personnel will be assisting industry, wherever necessary in complying with the provisions of appropriate statutes and regulations.					
PERSONAL SERVICES		1	2	3						
5.	Salary		78,288							
6.	Benefits		13,402							
7.	Supplemental Benefits		4,799							
8.	Fixed Benefits		9,763							
9.	TOTAL PERSONAL SERVICES	01		106,34						
10.	Travel	02		-0-						
11.	Contractual	03		-0-						
12.	Commodities	04		-0-						
13.	Equipment	05		-0-						
14.	Other			-0-						
15.	TOTAL COST			106.3						
RECEIPT CODE		FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004							
19.		I-A Receipts	1005	106.3						
20.		Program Receipts	1028							
21.		Other								
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1.	POSITION TITLE WEIGH STATION OPERATOR I			BRIDGE/STEP 12	BASIC UNIT 6	PAGE/LINE	COV.	APPROV.	DISAP												
2.	TYPE OF POSITION PFT	STAFF MONTHS 40	RP NUMBER	PCN NUMBER	BRD PRIORITY	LOCATION	ELECTION DISTRICT	LEG.													
3.	CONTINUATION LEVEL KX	ADDITION			JUSTIFICATION																
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This proposal entails changing the status of five existing positions from permanent part-time (seasonal) to permanent full-time.</p> <p>These seasonal positions are presently authorized for an average of four months each to operate the fixed weigh stations during the spring and summer peak truck traffic periods.</p> <p>We recommend changing the status of the positions to PFT in FY '85, but not funding the positions until FY '86. This will allow an appropriate amount of time to establish the safety program and initiate the procedures that will generate the workload for these positions.</p> <p>The inspectors will be located as follows:</p> <table border="1"> <thead> <tr> <th>PCN</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td>085074</td> <td>Fairbanks</td> </tr> <tr> <td>085078</td> <td>Fairbanks</td> </tr> <tr> <td>085079</td> <td>Sterling</td> </tr> <tr> <td>085080</td> <td>Anchorage</td> </tr> <tr> <td>08-5088</td> <td>Anchorage</td> </tr> </tbody> </table> <p>The inspectors will continue to operate the fixed weigh stations during peak traffic periods and will be used to monitor the motor vehicle safety program through field verification of inspection stations and inspection personnel.</p>					PCN	LOCATION	085074	Fairbanks	085078	Fairbanks	085079	Sterling	085080	Anchorage	08-5088	Anchorage
PCN	LOCATION																				
085074	Fairbanks																				
085078	Fairbanks																				
085079	Sterling																				
085080	Anchorage																				
08-5088	Anchorage																				
5.	PERSONAL SERVICES																				
5.	Salary	90,699																			
6.	Benefits	11,547																			
7.	Supplemental Benefits	5,560																			
8.	Fixed Benefits	11,722																			
9.	TOTAL PERSONAL SERVICES	01		119.5																	
10.	Travel	02		-0-																	
11.	Contractual	03		-0-																	
12.	Commodities	04		-0-																	
13.	Equipment	05		-0-																	
14.	Other																				
15.	TOTAL COST			119.5																	
16.	RECEIPT CODE	FUNDING SOURCE																			
17.		Federal Receipts	1002																		
18.		C.F. Match	1003																		
19.		General Funds	1004	119.5																	
20.		I-A Receipts	1005																		
21.		Program Receipts	1028																		
		Other																			

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SL103

January 25, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill authorizing the Department of Public Safety (DPS) to regulate the safety of motor carrier and air carrier operations. This bill amends AS 42.30.200, enacted by the Alaska Transportation Commission (ATC) initiative in the last general election, and creates several new sections in AS 42.30.

The intent of this legislation is to allow DPS to maintain an adequate level of safety requirements for commercial air and motor vehicle operations after the ATC's authority to do so is abolished. This is consistent with the portion of the initiative's statement of purpose that acknowledges that "other government agencies can insure safety standards while allowing persons to contract freely for services." The initiative has already authorized DPS to establish financial responsibility requirements and to enforce them. AS 42.30.200. This bill goes further by adding other sections to AS 42.30 to require registration of air and certain motor carriers and compliance with motor vehicle safety regulations or federal aircraft safety rules for those carriers.

The bill forbids certain motor carriers and air carriers to operate in Alaska without complying with its provisions. Proposed AS 42.30.195. The definitions for motor and air carriers, motor vehicles, aircraft, etc. are found in proposed AS 42.30.270, and were adapted from the definitions in the Motor Freight Carrier Act (AS 42.10.420) and the Air Commerce Act of 1960 (AS 02.05.250). The definitions differ from their predecessors in two ways: the four categories of motor carriers formerly recognized have been deleted and the term "motor carrier" now includes buses. Proposed AS 42.30.197 incorporates the provisions of AS 42.10.020 exempting certain vehicles from

coverage, and adds exemptions for school buses and for buses with a seating capacity of fewer than 16 persons.

The financial responsibility statute enacted by the initiative is clarified by a few amendments. AS 42.30.200. To conform the statute's terminology to other sections of the bill, the phrase "a person who carries passengers or freight for hire intrastate" is changed to "a person operating as a motor carrier or a person engaged in air commerce." A provision from AS 02.05.136 has been added, requiring 30 days' notice to DPS before insurance or surety bonds may be cancelled. The requirement that regulations be adopted under AS 42.30.200 was also added.

Proposed AS 42.30.205 gives the department the discretionary power to adopt regulations requiring carriers to obtain bonding. This provision is modeled after AS 42.10.100 and is intended to protect the public that uses the carrier's services. In keeping with the practice set up by AS 42.10.113, motor carriers are required to place their identification on their motor vehicles. Proposed AS 42.30.210.

The bill creates a new system of carrier registration. Unlike the ATC's system of issuing permits or certificates based on public convenience and necessity, this registration plan does not economically regulate entry into air or motor commerce. An intrastate motor carrier that is required to register will be registered if three simple conditions are met: the carrier shows proof of financial responsibility (which AS 42.30.200 already requires) and bonding (if required by regulation), and provides proof of compliance with safety regulations. Proposed AS 42.30.215. This latter element will be met by having all vehicles inspected by the department, or an authorized representative, once every six months, as provided in proposed AS 42.30.230(b). The inspections would be performed free of charge by a nonuniformed DPS employee. An interstate motor carrier will register its Interstate Commerce Commission (ICC) authority under proposed AS 42.30.220 just as it did under AS 42.10.135. Interstate carriers will be required to comply with Alaska's safety regulations and obtain bonding, if directed by regulation, but they will not be subject to this bill's insurance or inspection rules because those matters are governed by federal authority. An air carrier registers by providing proof of insurance, bonding, and compliance with federal safety laws. Proposed AS 42.30.225. As was set out in AS 02.05.090, air carriers must also register each aircraft used and pay an annual aircraft registration fee.

Proposed AS 42.30.225(e) and (f).

Proposed AS 42.30.235 gives DPS the ability to adopt regulations, under the Administrative Procedure Act, to carry out the bill's provisions. Other than the definitions portion, the remainder of the bill deals with enforcement and penalties for operating in violation of the provisions of this bill. If any carrier operates without the necessary insurance or bonding, or if an air carrier fails to register its aircraft, the carrier's registration can be summarily suspended, with an administrative hearing provided within 10 days. Proposed AS 42.30.240(a). This is similar to the ATC's stop-order authority in AS 42.07.181. There are three other bases for revocation, although they are not grounds for pre-hearing suspension: intentional misrepresentation of a material fact in obtaining registration; intentional failure to comply with the provisions of this bill or regulations adopted under them; and failure to pay applicable fees. Proposed AS 42.30.240(b). Carriers with a suspended registration may cure the defect any time before the hearing, or after a hearing and before registration is revoked. Proposed AS 42.30.240(c). However, if registration is revoked for any reason, the carrier must pay fees and reapply to become registered again. Revocations are appealable to the superior court. Proposed AS 42.30.240(d).

In addition to the ability to administratively handle violations by lifting a carrier's registration, DPS may also pursue enforcement actions in court. Under proposed AS 42.30.245(a)(4), designated representatives of the department may issue citations for violation of the commercial motor vehicle safety regulations. The department may pursue an action in superior court to enforce its statutes and regulations (proposed AS 42.30.245(b)) and seek a misdemeanor conviction or payment of civil penalties where applicable. Proposed AS 42.30.250 and 42.30.255. A knowing act or omission in violation of any of this bill's provisions is a misdemeanor punishable by a fine of not more than \$500, and payment of the costs of prosecution. Proposed AS 42.30.250 (modeled after AS 42.10.393 and AS 02.05.230). Carriers who operate without the necessary insurance or bonding while their registration is suspended, or who operate without obtaining registration or while registration is revoked, are subject to a civil penalty equal to the amount of revenue earned as a result of their operation, or up to \$1,000, whichever is greater. Proposed AS 42.30.255 (comparable to AS 42.10.394 and AS 02.05.231). Aircraft or motor vehicles used in commerce before registration is obtained, or after regis-

tration is revoked, may be seized by DPS. The court may order the aircraft or vehicle forfeited to the state, or may release it to the offending carrier upon payment of civil or criminal penalties. Proposed AS 42.30.245(c).

The initiative's action in abolishing the ATC and in effecting the economic deregulation of the transportation industry in Alaska creates a new era for both Alaska's residents and its industry. I believe that it is important that the legislative and executive branches of government cooperate to the fullest extent to establish a program that achieves the intent of the initiative and provides an adequate level of safety to protect the general public. I am willing to explore with the legislature other approaches to accomplishing this objective.

I urge prompt consideration of this measure before February 28, 1985 so that the roads and skies will remain safe for business and the public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB103
 Title: "...Public Safety to reg. safety of commercial vehicles..."
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
Public Protection
 BRU, Program or Subprogram(s) Affected: _____
Division of Motor Vehicles - Commercial Vehicle Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		250.0	250.0	250.0	250.0	250.0
200 TRAVEL		3.0	3.2	3.4	3.6	3.8
300 CONTRACTUAL		66.0	53.6	56.3	59.1	62.1
400 SUPPLIES		7.0	7.4	7.8	8.2	8.6
500 EQUIPMENT		30.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		356.0	314.2	317.5	320.9	324.5

NON-FUNDED						
-------------------	--	--	--	--	--	--

REVENUE						
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FINDING: (Thousands of Dollars)

GENERAL FUND		356.0	314.2	317.5	320.9	324.5
FEDERAL FUNDS						
OTHER						
TOTAL		356.0	314.2	317.5	320.9	324.5

POSITIONS:

FULL-TIME		6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349

Date: 1/22/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 1/22/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

COST ANALYSIS

The following costs are for administration of permitting, certification, bonding and insurance. These costs are in addition to the positions and funding included in the Governor's budget which are for vehicle safety inspections.

Personal Services \$250.0

1	Administrative Support Center Supervisor	Range 14
4	Administrative Support Technicians	Range 12
1	Accounting Technician II	Range 14

It is anticipated that the positions, located in Anchorage, will be transferred from the ATC component, along with needed office equipment (desks, chairs, etc.). Minimal overtime and negotiated one-time compensatory payments are included.

Travel 3.0

Contractual Services 66.0

Telephone, postage, etc.	\$25.0
Printing of applications, forms, advertisements, etc.	8.0
Space Lease	15.0
Maintenance on data/word processing equipment	1.3
Copier costs	3.0
Professional fees (Dept. of Law)	12.0
Risk Management	1.7

Supplies and Materials 7.0

Office and library supplies

Equipment 30.0

Data/word processors

TOTAL \$356.0

For FY 87, space lease costs are transferred to the Department of Administration. A five percent annual inflation adjustment is applied beginning in FY 87.

1.	POSITION TITLE Administrative Support Technician IV				RANGE/STEP 12/D	BARG. UNIT G	PAGE/LINE	COY.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER 08-7019	BRIU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		37.3					
10.	Travel		02							
11.	Contractual		03		3.8					
12.	Commodities		04		1.0					
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				42.1					
	RECEIPT CODE		FUNDING SOURCE							
16.			Federal Receipts 1002							
17.			G.F. Match 1003							
18.			General Funds 1004		42.1					
19.			I-A Receipts 1005							
20.			Program Receipts 1028							
21.			Other							
FOR B214 USE ONLY										
KEY NUMBER _____										

This position is one of four Administrative Support Technicians to be transferred from the disbanding Alaska Transportation Commission as part of an administrative unit. The six position unit will administer permitting, certification, bonding, and insurance of commercial vehicles, including both motor and air carriers.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRIU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

Page _____ of _____
Revised Date _____

FY 86

1.	POSITION TITLE Administrative Support Technician IV				RANGE/STEP 12/F	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER 08-7013	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01							
10.	Travel		02		39.5					
11.	Contractual		03		3.8					
12.	Commodities		04		1.0					
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				44.3					
RECEIPT CODE FUNDING SOURCE										
16.			Federal Receipts 1002							
17.			G.F. Match 1003							
18.			General Funds 1004		44.3					
19.			I-A Receipts 1005							
20.			Program Receipts 1028							
21.			0							
FOR BSM USE ONLY										
KEY NUMBER _____										

This position is one of four Administrative Support Technicians to be transferred from the disbanding Alaska Transportation Commission as part of an administrative unit. The six position unit will administer permitting, certification, bonding, and insurance of commercial vehicles, including both motor and air carriers.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

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Revised Date _____

FY 86

1.	POSITION TITLE Administrative Support Technician IV				RANGE/STEP 12/F	DARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER 08-7015	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position is one of four Administrative Support Technicians to be transferred from the disbanding Alaska Transportation Commission as part of an administrative unit. The six position unit will administer permitting, certification, bonding, and insurance of commercial vehicles, including both motor and air carriers.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	39.5						
10.	Travel			02						
11.	Contractual			03						
12.	Commodities			04						
13.	Equipment			05						
14.	Other									
15.	TOTAL COST			44.3						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Hatch 1003								
18.		General Funds 1004		44.3						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BSM USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

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FY 86

1.	POSITION TITLE Administrative Support Technician IV				RANGE/STEP 12/K	DEPT. UNIT G	PAGE/LINE	COY.	APPROV.	DISAPY		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER 08-7012	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position is one of four Administrative Support Technicians to be transferred from the disbanding Alaska Transportation Commission as part of an administrative unit. The six position unit will administer permitting, certification, bonding, and insurance of commercial vehicles, including both motor and air carriers.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary											
6.	Benefits											
7.	Supplemental Benefits											
8.	Fixed Benefits											
9.	TOTAL PERSONAL SERVICES		01								42.5	
10.	Travel		02									
11.	Contractual		03								3.8	
12.	Commodities		04								1.0	
13.	Equipment		05									
14.	Other											
15.	TOTAL COST										47.3	
16.	RECEIPT CODE	FUNDING SOURCE										
17.		Federal Receipts 1002										
18.		G.F. Hatch 1003										
19.		General Funds 1004		47.3								
20.		I-A Receipts 1005										
21.		Program Receipts 1028										
		Other										
FOR BSM USE ONLY												
KEY NUMBER _____												

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

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FY 86

1.	POSITION TITLE Accounting Technician II				RANGE/STEP 14/E	BARG. UNIT G	PAGE/LINE	GOV.	APPROV.	DISAPT.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER 08-7031	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary									
6.	Benefits									
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		43.9					
10.	Travel		02							
11.	Contractual		03		3.8					
12.	Commodities		04		1.0					
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				48.7					
RECEIPT CODE FUNDING SOURCE										
16.			Federal Receipts 1002							
17.			C.F. Match 1003							
18.			General Funds 1004		48.7					
19.			I-A Receipts 1005							
20.			Program Receipts 1020							
21.			Other							
FOR BSM USE ONLY										
KEY NUMBER _____										

This position will provide the accounting support needed for the Commercial Vehicle Safety Unit transferred from the disbanding Alaska Transportation Commission. The position is one of a unit of six which will administer the permitting, certification, bonding and insurance of commercial vehicles, including both air and motor carriers.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Life & Property Protection
BRU Division of Motor Vehicles
COMPONENT Commercial Vehicle Safety

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FY 86

1.	POSITION TITLE Administrative Support Center Supervisor			RANGE/STEP 14/J	BARG. UNIT S	PAGE/LINE	COY.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCH NUMBER 08-7011	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary								
6.	Benefits								
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES			01	47.3				
10.	Travel			02	3.0				
11.	Contractual			03	3.8				
12.	Commodities			04	1.0				
13.	Equipment			05					
14.	Other								
15.	TOTAL COST			55.1					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		55.1					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR BSM USE ONLY KEY NUMBER _____									

This position is unit supervisor in a group of six positions to be transferred to the Department of Public Safety as a result of the disbanding of the Alaska Transportation Commission.

The unit consists of this position, four Administrative Support Technicians and one Accounting Technician II. The unit will be responsible for the administration of permitting, certification, bonding and insurance of commercial vehicles, including both motor and air carriers.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 PROGRAM Life & Property Protection
 BRU Division of Motor Vehicles
 COMPONENT Commercial Vehicle Safety

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 Revised Date

FY 86



ALASKA STATE LEGISLATURE

14TH Legislature FIRST Session

SENATE BILL NO. 103

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act providing authority for the Department of Public Safety to regulate safety of motor carrier and air carrier operations; and providing for an effective date."

Introduced in the Senate 1/25/35, 19.35

HISTORY IN THE SENATE

19	85	Read first time and referred to Committee on State Affairs, TPSP and Finance ^{SA WAIVED TO TRANS.}										
1	25	Reported back with recommendation that <i>replaced w/ new title, Lt. Content F.Y. note 3 do pass, 1 no red to Finance</i>										
1	29											
2	22											
		Read second time and										
		Read third time and										
		<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		Reconsideration										
		<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		Reported correctly engrossed										
		Signed by President										
		Sent to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on										
		Reported back with recommendation that										
		Read second time and										
		Read third time and										
		<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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Excused	Excused											
		Reconsideration										
		<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		Reported correctly engrossed										
		Signed by Speaker										
		Returned to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

Chapter No.