

LEG. FINANCE - BILLS 1985 - 1986 2325

HB 81 cont. - HB 87 2325

TITLE OF INCREMENT/DECREMENT: Inspection/Maintenance Program Enforcement	AGENCY CONTACT/PHONE NUMBER: John Lucking 269-5551	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;">CODE</th> <th style="width:70%;">EXPENDITURE BY OBJECT</th> <th style="width:10%;">AGENCY REQ.</th> <th style="width:15%;">GOV'S REQ.</th> </tr> </thead> <tbody> <tr><td>100</td><td>Personal Services</td><td>141.7</td><td></td></tr> <tr><td>200</td><td>Travel</td><td></td><td></td></tr> <tr><td>300</td><td>Contractual Services</td><td>8.8</td><td></td></tr> <tr><td>400</td><td>Supplies</td><td></td><td></td></tr> <tr><td>500</td><td>Equipment</td><td></td><td></td></tr> <tr><td>600</td><td>Lands, Buildings, Etc.</td><td></td><td></td></tr> <tr><td>700</td><td>Grants, Claims, Etc.</td><td></td><td></td></tr> <tr><td>800</td><td>Miscellaneous</td><td></td><td></td></tr> <tr><td colspan="2" style="text-align: center;">TOTAL</td><td>150.5</td><td></td></tr> <tr><td colspan="4" style="text-align: center;">I-A Transfer (NON-ADD)</td></tr> <tr><td>1002</td><td>Federal Receipts</td><td></td><td></td></tr> <tr><td>1003</td><td>General Fund Match</td><td></td><td></td></tr> <tr><td>1004</td><td>General Fund</td><td>150.5</td><td></td></tr> <tr><td>1005</td><td>I-A Receipts</td><td></td><td></td></tr> <tr><td>1028</td><td>Program Receipts</td><td></td><td></td></tr> <tr><td></td><td>Other</td><td></td><td></td></tr> <tr><td colspan="2" rowspan="4" style="vertical-align: middle;">POSITION INFORMATION</td><td>PFT</td><td>5.0</td></tr> <tr><td>PPT</td><td></td></tr> <tr><td>Non Permanent</td><td></td></tr> <tr><td>Staff Months</td><td>60.0</td></tr> </tbody> </table>	CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.	100	Personal Services	141.7		200	Travel			300	Contractual Services	8.8		400	Supplies			500	Equipment			600	Lands, Buildings, Etc.			700	Grants, Claims, Etc.			800	Miscellaneous			TOTAL		150.5		I-A Transfer (NON-ADD)				1002	Federal Receipts			1003	General Fund Match			1004	General Fund	150.5		1005	I-A Receipts			1028	Program Receipts				Other			POSITION INFORMATION		PFT	5.0	PPT		Non Permanent		Staff Months	60.0
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DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES: <p>The Federal Environmental Protection Agency has required Anchorage and Fairbanks to establish an annual vehicle emission control inspection program that will be enforced through the vehicle registration program. Before any vehicle owner can register a vehicle each year, they must provide proof that they have complied with the requirements of the inspection program. Failure to meet federal standards for emission control would result in loss of federal highway funds.</p> <p>Experiences of other states that have implemented similar programs show that approximately 40% of the people who use the mail program will not have the inspection certificate and these will have to be returned. The registration transactions at the counter will require one minute per customer to explain the program. This type of load will decrease existing service unless additional positions are authorized.</p> <p>The program will impact the division's workload in two areas -- the mail renewal program and the motor vehicle counter. Experiences of other states with similar programs indicate that approximately 40% of the people who use the mail program will not have the inspection certificate and will have to be returned. The volume on this type of work would be 65,000 pieces annually. Two positions will be assigned to the mail-out section to absorb this load.</p> <p>At the counter the other states estimate it takes an average of one minutes per customer to explain the requirements of the new law. Since the normal motor vehicle counter transaction takes five minutes, this will decrease our processing ability by 20%. To offset this decrease, the number of motor vehicle counter positions will be increased by one position in Fairbanks and two positions in Anchorage. This will equate to an increase of 20% for counter personnel in both locations.</p>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; padding: 5px;"> <input type="checkbox"/> Enhance Existing Service Compared to FY 85 <input checked="" type="checkbox"/> New Service Compared to FY 85 <input type="checkbox"/> Continuation of FY 85 Service Level </td> <td style="width:40%; padding: 5px; vertical-align: top;"> <input type="checkbox"/> Formula Program </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> IMPACT FROM CAPITAL PROJECT (NAME) <hr/> Chapter _____ SLA _____ Page/Line _____ </td> </tr> </table>	<input type="checkbox"/> Enhance Existing Service Compared to FY 85 <input checked="" type="checkbox"/> New Service Compared to FY 85 <input type="checkbox"/> Continuation of FY 85 Service Level	<input type="checkbox"/> Formula Program	IMPACT FROM CAPITAL PROJECT (NAME) <hr/> Chapter _____ SLA _____ Page/Line _____																																																																											
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C5 INCREMENT/DECREMENT REQUEST Agency Priority <u>5</u> of <u>37</u>	AGENCY <u>Department of Public Safety</u> PROGRAM <u>Life and Property Protection</u> BRU <u>Division of Motor Vehicles</u> COMPONENT <u>Field Services</u> PROJECT _____
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FY 86

000356

Title of Increment/Decrement: Inspection/Maintenance Program Enforcement
Agency Contact: John Lucking, 269-5551

This increment will cover the additional costs associated with this program and are as follows:

100	2 MVR I (Anchorage Mail Section)	55.4
	2 MVR I (Anchorage Counter)	55.4
	1 MVR i (Fairbanks Counter)	30.9
		<u>141.7</u>
300	Mail Return Costs	8.8
	TOTAL	150.5

Legislation is being introduced in 1985 to allow the Division to collect \$1.00 per vehicle in these two areas to reimburse the General Fund for these expenditures.

AGENCY Department of Public Safety

PROGRAM Life and Property Protection

BRU Division of Motor Vehicles

COMPONENT Field Services

FY 86

C5

ADDITIONAL
EXPLANATION
FORM

PAGE 2 OF 2

REVISED DATE

000357

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that gives the Department of Public Safety explicit authority to refuse to register a motor vehicle if the vehicle does not meet the standards of a state-operated emission control program or a state-approved local emission inspection program. The bill would also impose a \$1 administrative fee, in addition to the annual registration fee, to compensate the state for the cost of this enforcement program.

To implement the state's Air Quality Control Plan, the Municipality of Anchorage and the Fairbanks North Star Borough have recently adopted local vehicle inspection and maintenance (I/M) programs. The most effective way to ensure compliance with local inspection programs is through the state motor vehicle registration process. Before a person can obtain or renew a vehicle registration, the person must show evidence of compliance with the I/M program. This method has been chosen in preference to a "sticker" enforcement program, in which the owners or operators of all cars inspected and found to be in compliance would be required to display a sticker on their cars. National statistics have shown that the sticker enforcement method is 30 percent less effective than the registration method.

The \$1 fee is imposed to compensate the state for the costs of the additional administrative burden placed upon the Department of Public Safety. Proceeds from the fee will be placed in the state's general fund.

The quality and cleanliness of the air in Alaska's two largest cities are obviously of utmost importance to the health and well-being of the residents. Strict enforcement of motor vehicle emission standards is a crucial part of our

overall efforts to control air pollution. Since this bill will allow more effective enforcement of these standards, I urge prompt passage of the bill.

Sincerely,

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

Bill Sheffield
Governor

DEPARTMENT OF PUBLIC SAFETY

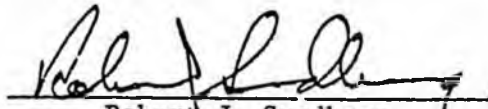
POSITION PAPER - HB 81

Support

January 29, 1985

HB 81, An Act relating to motor vehicle emission inspection;
and providing for an effective date.

This bill provides specific statutory authority to enforce .
emission inspection programs throughout the State. Emission
control inspection programs are scheduled to begin on July 1,
1985, in both Anchorage and Fairbanks.


Robert J. Sundberg
Commissioner

Lorenson



OFFICIAL BUSINESS

Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

POUCHV
JUNEAU, AK 99811
465-3759

TO: Members of the House HESS Committee
FROM: Deborah Niedermeyer, Committee Aide
DATE: 20 February, 1985
RE: HB 81, Motor Vehicle Emissions

History

The cities of Anchorage and Fairbanks must institute motor vehicle inspection and maintenance programs by July 1, 1985 or face federal sanctions from the Environmental Protection Agency. The sanctions could include loss of all federal money to the two cities, but EPA's first threat has been to cut off all federal highway money. This would amount to a loss of \$50 million each year.

Last summer, the two cities passed ordinances requiring motor vehicle inspection and maintenance programs. Vehicle owners will have their cars inspected, and repaired if necessary, at local garages. The Department of Motor Vehicles will enforce the ordinances by refusing to register vehicles which have not passed inspection.

The Fairbanks North Star Borough was able to arrange for a special "seasonal registration" for those whose vehicles do not pass inspection but who do not plan to drive during the winter months. These cars will be given a brightly colored six-month registration sticker.

HB 81

The Attorney General has found that the Department of Motor Vehicles already has the authority to refuse to register a car which has not passed inspection. HB 81 would make that authority specific. The bill also allows DMV to charge \$1.00 for registrations which require checking on the inspection. That is, registrations showing Anchorage and Fairbanks zip codes.

Fiscal Note

The fiscal note provided by the Department of Public Safety was written on October 15 of last year, in response to an early draft of HB 81. That early draft created an unconstitutional dedicated fund which is reflected on page two of Public Safety's analysis. The bill

as it was introduced has no constitutional problem. Fees from the registration program go directly into the General Fund.

Fines for unregistered vehicles are \$10. An owner is generally cited and fined four times before other action is taken. Because people may be reluctant to have the inspection and may therefore decide not to register their vehicles, it is possible that the vehicle emissions program will actually make money for the state.

Rec'd 5/10

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB-81(FIN)
Title: "An Act relating to motor
vehicle emission inspection"
Sponsor: Rules/Governor
Requestor: Senate Rules
Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Life and Property Protection
BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		28.5	29.9			
300 CONTRACTUAL						
400 SUPPLIES		4.5	4.6			
500 EQUIPMENT						
500 LAND & STRUCTURES		15.5				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERAT		48.5	34.5	-0-	-0-	-0-
CAPITAL						
REVENUE		200.0	216.0	233.3	252.0	272.2

FUNDING: (Thousands of Dollars)

GENERAL FUND		48.5	34.5			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME		2.0	2.0			
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED PAGE

Prepared By: Charles R. Hosack Phone: 269-5551
Division: Motor Vehicles Date: 5-9-85
Approved by Commissioner: Robert J. Sundberg Date: 5/9/85
Agency: Public Safety

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

7/1/84

Revenue:

The Emission Control Inspection Program will begin on July 1, 1985, in both Anchorage and Fairbanks. The Division of Motor Vehicles has been tasked with enforcement of the program. The Department of Law has decided the current statutes do give us the authority to enforce the program if we adopt regulations, but the regulatory process does not allow the division to recover any funds expended in the enforcement of the program and are more subject to challenge. This proposed statute would allow the division to collect a prescribed fee in addition to the registration fee for those vehicles required to be inspected. These fees would be used to reimburse the General Fund for the expenditures incurred to enforce this program.

This type of approach places the cost of the program only on those affected by the program and is similar in the approach used by the local governments to recover their costs. The goal at both the state and local levels is to make the program self-supporting from user fees. Between Anchorage and Fairbanks, approximately 180,000 to 200,000 vehicles will be inspected the first year. Together with the \$80,000 start-up grant, the \$1.00 fee imposed on these vehicles will allow the state to recover its costs.

Expenditures:

The FY-86 Operating Budget Request includes an increment for \$150.5 GF (5 PFT positions) for Inspection-Maintenance Program Enforcement. This fiscal note includes costs for the committee substitute that were not included in the increment.

It is estimated that there are approximately 12,000-15,000 vehicles that use diesel or an alternate fuel and will require the exemption. These are customers that would not normally have to come to a motor vehicle office. Impact of this increase has not been included in previous fiscal estimates. The impact will be the greatest during the summer months when the offices are already crowded. To absorb this impact two seasonal positions will be needed and these positions will be used for two years until the majority of the records are updated.

Costs:

100	2 Seasonal MVR Is (Range 8 - Anchorage and Fairbanks)	28.5
300	Forms DP Charges (2 terminals)	.5 4.0
500	2 terminals, printers Office Furniture	14.0 <u>1.5</u>
		48.5

1.	POSITION TITLE Motor Vehicle Rep. I			RANGE/STEP 8A	BARC. UNIT GGU	PAGE/LINE.	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	11,010							
6.	Benefits	1,988							
7.	Supplemental Benefits	675							
8.	Fixed Benefits	1,366							
9.	TOTAL PERSONAL SERVICES	01		15,039					
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04							
13.	Equipment	05							
14.	Other								
15.	TOTAL COST			15,039					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		15,039					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY KEY NUMBER _____									

Work at counter to issue vehicle titles and registrations. To assist in absorbing impact created by DMV being required to determine type of fuel a vehicle is powered by to decide which ones are exempt from vehicle emission control inspection program in Fairbanks..

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Field Services

Page of
Revised Date

FY 86

1.	POSITION TITLE Motor Vehicle Rep. I				RANGE/STEP 8A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1		2		3					
	PERSONAL SERVICES									
5.	Salary			9,786						
6.	Benefits			1,767						
7.	Supplemental Benefits			600						
8.	Fixed Benefits			1,366						
9.	TOTAL PERSONAL SERVICES		01	13,519						
10.	Travel			02						
11.	Contractual			03						
12.	Commodities			04						
13.	Equipment			05						
14.	Other									
15.	TOTAL COST			13,519						
JUSTIFICATION										
Work at counter to issue vehicle titles and registrations. To assist in absorbing impact created by DMV being required to determine type of fuel a vehicle is powered by to decide which ones are exempt from vehicle emission control inspection program in Anchorage.										
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FOR B&N USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Field Services

Page _____ of _____
Revised Date _____

FY 86

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

FILE COPY

TO: The Honorable Robert Sundberg
Commissioner
Department of Public Safety #

DATE: April 30, 1984

Air & Solid Waste Mgmt.

F 14 C 4

TELEPHONE NO: 465-2600

FROM: Richard A. Neve' *R. Neve'*
Commissioner

SUBJECT: Inspection and Maintenance
Program

During the last year, the Department of Environmental Conservation has been working closely with the Municipality of Anchorage, Fairbanks North Star Borough, and the Division of Motor Vehicles (DMV) on the development of vehicle inspection and maintenance (I/M) programs. Both Anchorage and Fairbanks need such programs because vehicle exhaust emissions have caused ambient carbon monoxide concentrations to substantially exceed the levels necessary to prevent increased heart attack risk and other health problems. Studies indicate that through the identification and correction of improperly maintained vehicles, an I/M program can reduce carbon monoxide levels by as much as 25%.

In addition to the health protection issue, failure to implement an I/M program will result in the loss of approximately 50 million dollars each year in federal funding, most of which is related to highway projects in Anchorage. Acting under the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) has notified the state that this federal funding will be cut off unless I/M programs recently approved by the assemblies of Anchorage and Fairbanks are implemented next year.

An effective enforcement mechanism is a necessary element of an I/M program. Based on the experience of many other states, proof of compliance with an I/M requirement as a prerequisite to vehicle registration renewal is the only enforcement mechanism which is effective. The legal authority for DMV to require proof of I/M program compliance prior to registration renewal has been investigated and agreed to by Assistant Attorneys General representing our departments.

Several options for how the DMV registration renewal process could be changed to incorporate I/M have been investigated by our staffs during the last year. However, most of the options considered were only practical under an I/M program concept wherein inspections would be performed at a few large, contractor operated testing facilities. Such facilities would have had the ability to assist DMV in the registration renewal process.

For maximum public convenience, both Anchorage and Fairbanks have chosen to implement "private garage" I/M programs wherein automotive dealerships and repair facilities are trained and licensed to perform inspections and necessary repairs. Under such programs, the driving distance to inspection facilities is minimized and inspections and repairs can be performed at the same facility. Under the I/M program designs selected, only one of the options previously discussed with DMV is viable. Our staffs have been referring to this option as "Option A."

April 30, 1984

DMV Director, James Vaden, has been extremely cooperative and helpful in the evaluation of all the registration process changes we have considered. However, he has told my staff that he cannot support any changes to the registration process that may increase the DMV workload and be a detriment to DMV's ability to better serve the public. One of Colonel Vaden's concerns is that many motorists will fail to read the notice indicating the need for an inspection certificate. Consequently, this will result in more return trips to DMV, fewer mail-in registrations, longer lines, and greater manpower requirements. As a result there could be still more counter traffic at DMV offices.

DMV has estimated that in order to deal with the increase in work load associated with Option A, a total of six new employees would be required, and new equipment and mailing related costs would also be incurred. Total costs during the first year of the program have been estimated at \$224,300. We think the recurring costs would be much less. Since the major cost factor is associated with the assumed failure of vehicle owners to understand the I/M program requirements, a reduced impact on DMV would be expected after the first year of the program. This would be especially true if an effective city program were established to inform motorists about the I/M program details.

If we understand Colonel Vaden's position correctly, he feels that a decision to implement registration process changes by DMV must be made by you. Colonel Vaden feels that his principal responsibility is to streamline and expedite the activities of DMV. Even if he obtains additional funding, it is his opinion the addition of I/M certificate processing will be to the detriment of accomplishing his principal responsibility.

We have no quarrel with Colonel Vaden's position and understand why he has taken it. However, from a broader perspective, it is critical that the administration not be held responsible for the loss of the substantial federal funding that is tied to the EPA requirements for I/M programs in Anchorage and Fairbanks. In my view, it is absolutely necessary for DMV to implement the registration changes discussed above.

Both Anchorage and Fairbanks want the State to quickly agree to provide the necessary support for DMV's role in the I/M program. Please let me know your views on this issue at your earliest convenience.

RAN/TC/af

cc: Charles Hosack, Division of Motor Vehicles
James Vaden, Division of Motor Vehicles
Lennie Boston, Office of the Governor



**Fairbanks
North
Star
Borough**

Mayor: B.B. Allen

MEMORANDUM

TO: R.B. Allen, Borough Mayor

FROM: Heather Stockard, Environmental Services Director **HTS**

SUBJ: HOUSE BILL NO. 81

DATE: January 30, 1985

House Bill No. 81 gives the Department of Public Safety explicit authority to refuse to register a motor vehicle if the vehicle does not meet the requirements of a state-approved local emission inspection program. This bill would also impose a one dollar administration fee, in addition to the annual registration fee, for those vehicles subject to the I/M program. This fee was included as part of the agreement between the municipalities and DMV as the easiest way to compensate the State for the cost of enforcing the I/M program. I feel that the Fairbanks North Star Borough should strongly support the passage of HB 81. The important points to make are:

- CLEAN AIR IS AN IMPORTANT ASPECT OF THE QUALITY OF LIFE IN THE FAIRBANKS NORTH STAR BOROUGH;
- STRICT ENFORCEMENT OF MOTOR VEHICLE EMISSION STANDARDS IS A CRUCIAL PART OF OUR OVERALL EFFORTS TO CONTROL AIR POLLUTION;
- THE MOST EFFECTIVE WAY TO ENSURE COMPLIANCE WITH LOCAL INSPECTION PROGRAMS IS THROUGH THE STATE MOTOR VEHICLE REGISTRATION PROCESS. PROOF OF ADEQUATE ENFORCEMENT IS NECESSARY FOR THE INSPECTION PROGRAMS TO BE APPROVED BY THE ENVIRONMENTAL PROTECTION AGENCY;
- THE PROVISIONS OF THIS BILL ARE THE RESULT OF AN AGREEMENT BETWEEN THE FAIRBANKS NORTH STAR BOROUGH, THE MUNICIPALITY OF ANCHORAGE, AND THE DEPARTMENTS OF PUBLIC SAFETY AND ENVIRONMENTAL CONSERVATION;
- THE FAIRBANKS NORTH STAR BOROUGH AND THE MUNICIPALITY OF ANCHORAGE ARE BEARING THE LARGEST SHARE OF THE BURDEN OF ADMINISTERING THE VEHICLE I/M PROGRAMS REQUIRED AS PART OF THE STATE'S AIR QUALITY CONTROL PLAN;
- THE FAIRBANKS NORTH STAR BOROUGH STRONGLY SUPPORTS THE PROMPT PASSAGE OF HOUSE BILL 81 IN ORDER TO PROVIDE ADEQUATE ENFORCEMENT OF THE LOCAL EMISSION INSPECTION PROGRAMS SCHEDULED TO BE IMPLEMENTED JULY 1, 1985.

HTS/MNB

(2) affect the relations between employers and employees with respect to or arising out of a condition of air contamination or air pollution; or

(3) supersede or limit the applicability of a law or ordinance relating to sanitation, industrial health or safety. (§ 3 ch 120 SLA 1971)

Editor's notes. — AS 46.03.240, was repealed by § 19, ch. 220, SLA 1976. referred to in the introductory language.

Sec. 46.03.210. Local air pollution control programs. (a) A municipality with a population in excess of 1,000 may, within five years from August 5, 1969, establish and administer within its jurisdiction an air pollution control program. Organized boroughs may establish an air pollution control program on an areawide basis, and the exercise of powers with respect to the program is not subject to the restrictions on acquiring additional areawide powers specified in AS 29.33.250 — 29.33.290. Local programs shall

(1) provide by ordinance for requirements compatible with those imposed by the provisions of AS 46.03.140 and 46.03.170 and applicable regulations;

(2) provide for the enforcement of the requirements imposed through appropriate administrative and judicial processes;

(3) provide for a local administrative organization, staff, and other resources necessary to effectively carry out the purposes of the program; and

(4) be approved by the department as being satisfactory to meet the requirements of AS 46.03.140 — 46.03.170 and the applicable regulations.

(b) Municipalities other than those with a population in excess of 1,000 may establish and administer local air pollution programs if the proposed programs meet the requirements of (a)(1) — (4) of this section.

(c) A municipality may administer all or a part of its air pollution control program in cooperation with one or more municipalities.

(d) If the department finds that the location, character, or extent of particular concentrations of population, air contaminant sources, the geographic, topographic or meteorological considerations or a combination of these factors make impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the department may determine the boundaries within which a program is necessary and direct that a program spanning those boundaries is the only acceptable alternative to direct state administration. (§ 3 ch 120 SLA 1971; am § 48 ch 71 SLA 1972; am § 52 ch 53 SLA 1973)

Revisor's notes. — Subsection (a) of 46.03.220 for result of inaction under this subsection is apparently obsolete. See AS subsection.

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Immediately
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(e) A variance or renewal is not a right of the applicant but is in the discretion of the department.

(f) No variance or renewal granted under this section may be construed to prevent or limit the application of the emergency orders of the commissioner issued under AS 46.03.820. (§ 3 ch 120 SLA 1971)

Sec. 46.03.180. Confidentiality of records. Records and information, other than emission data, in the possession of the department which relate to production or sales figures or to processes or production techniques of the owner or operator of an air contaminant source are considered confidential records of the department after application by the party and certification that their public disclosure would tend to adversely affect his competitive position. (§ 3 ch 120 SLA 1971; am § 6 ch 220 SLA 1976)

Sec. 46.03.190. Motor vehicle pollution. (a) As the state of knowledge and technology relating to the control of emissions from motor vehicles may permit or make appropriate, and in furtherance of the purposes of this chapter, the department may provide by regulation for the control of these emissions. The regulations may prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of this equipment.

(b) Except as permitted by law, no person may fail to maintain in operation any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle if it is required by regulations of the department to be maintained in or on the vehicle. A failure to maintain this equipment in operation subjects the owner or operator to suspension or cancellation of the registration of the vehicle, and it is not again eligible for registration until this equipment is restored to operation.

(c) The department shall consult with the Department of Public Safety and furnish it with technical information, including testing techniques, standards and instructions for emission control features and equipment.

(d) When the department has issued regulations requiring the maintenance of features or equipment in or on motor vehicles for the purpose of controlling emission from the vehicles, no motor vehicle may be issued a certificate of inspection and approval if required, unless the required features or equipment have been inspected in accordance with the standards, testing techniques and instructions furnished by the department and have been found to meet those standards. (§ 3 ch 120 SLA 1971)

Sec. 46.03.200. Limitations. AS 46.03.140 — 46.03.240 do not

(1) grant to the department jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works or shops;

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SCSHB-81(SA)
 Title: "An Act relating to motor vehicle emission inspection"
 Sponsor: Governor
 Requestor: Senate Finance
 Date of Request: 4-17-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		28.5	29.9			
200 TRAVEL						
300 CONTRACTUAL		4.5	4.6			
400 SUPPLIES						
500 EQUIPMENT		15.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		48.5	34.5	-0-	-0-	-0-

CAPITAL						
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REVENUE		200.0	216.0	233.3	252.0	272.2
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		48.5	34.5			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME		2.0	2.0			
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED PAGE

Prepared By: Charles R. Hosack Phone: 269-5551
 Division: Motor Vehicles Date: 4-16-85

Approved by Commissioner *[Signature]* Date: 4/19/85
 Agency: Public Safety

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

Revenue:

The Emission Control Inspection Program will begin on July 1, 1985, in both Anchorage and Fairbanks. The Division of Motor Vehicles has been tasked with enforcement of the program. The Department of Law has decided the current statutes do give us the authority to enforce the program if we adopt regulations, but the regulatory process does not allow the division to recover any funds expended in the enforcement of the program and are more subject to challenge. This proposed statute would allow the division to collect a prescribed fee in addition to the registration fee for those vehicles required to be inspected. These fees would be used to reimburse the General Fund for the expenditures incurred to enforce this program.

This type of approach places the cost of the program only on those affected by the program and is similar in the approach used by the local governments to recover their costs. The goal at both the state and local levels is to make the program self-supporting from user fees. Between Anchorage and Fairbanks, approximately 180,000 to 200,000 vehicles will be inspected the first year. Together with the \$80,000 start-up grant, the \$1.00 fee imposed on these vehicles will allow the state to recover its costs.

Expenditures:

The FY-86 Operating Budget Request includes an increment for \$150.5 GF (5 PFT positions) for Inspection-Maintenance Program Enforcement. This fiscal note includes costs for the committee substitute that were not included in the increment.

It is estimated that there are approximately 12,000-15,000 vehicles that use diesel or an alternate fuel and will require the exemption. These are customers that would not normally have to come to a motor vehicle office. Impact of this increase has not been included in previous fiscal estimates. The impact will be the greatest during the summer months when the offices are already crowded. To absorb this impact two seasonal positions will be needed and these positions will be used for two years until the majority of the records are updated.

Costs:

100	2 Seasonal MVR Is (Range 8 - Anchorage and Fairbanks)	28.5
300	Forms	.5
	DP Charges (2 terminals)	4.0
500	2 terminals, printers	14.0
	Office Furniture	<u>1.5</u>
		48.5

1.	POSITION TITLE Motor Vehicle Rep. I				RANGE/STEP 8A	BARG. UNIT GGU	PAGE/LINE .	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	11,010								
6.	Benefits	1,988								
7.	Supplemental Benefits	675								
8.	Fixed Benefits	1,366								
9.	TOTAL PERSONAL SERVICES	01	15,039							
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST			15,039						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		15,039						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER _____										

Work at counter to issue vehicle titles and registrations. To assist in absorbing impace created by DMV being required to determine type of fuel a vehicle is powered by to decide which ones are exempt from vehicle emission control inspection program in Fairbanks..

**REQUEST FOR
NEW POSITION**

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Field Services

Page of
Revised Date

FY 86

1.	POSITION TITLE Motor Vehicle Rep. I				RANGE/STEP 8A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION Seasonal	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>Work at counter to issue vehicle titles and registrations. To assist in absorbing impact created by DMV being required to determine type of fuel a vehicle is powered by to decide which ones are exempt from vehicle emission control inspection program in Anchorage.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	9,786								
6.	Benefits	1,767								
7.	Supplemental Benefits	600								
8.	Fixed Benefits	1,366								
9.	TOTAL PERSONAL SERVICES	01	13,519							
10.	Travel	02								
11.	Contractual	03								
12.	Commodities	04								
13.	Equipment	05								
14.	Other									
15.	TOTAL COST		13,519							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		13,519						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

01-1156 (7/82) - 13

AGENCY Public Safety
PROGRAM Life and Property Protection
BRU Division of Motor Vehicles
COMPONENT Field Services

Page _____ of _____
Revised Date _____

FY 86

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - SCSHB 81(SA)

Support with Amendment

April 16, 1985

SCSHB 81(SA), An Act relating to motor vehicle emission inspection and providing for an effective date.

This bill provides specific statutory authority to enforce emission inspection programs scheduled to begin on July 1, 1985, in both Anchorage and Fairbanks.

The proposed emission inspections in both Anchorage and Fairbanks will exempt diesel and some alternate fuel vehicles from the inspection requirement. The division does not currently have fuel source recorded on the vehicle record and there is no economically feasible way to determine this information due to the numerous variations on the vehicle identification number. Since the division did not wish to become involved in determining various exemptions for each location, it was originally planned to have the local government determine the fuel source and issue a permanent waiver to applicable vehicles. This waiver would only be required during the first year that a vehicle was required to be inspected since the waiver would be noted on the vehicle record. Vehicles with the permanent waiver would not require an inspection or waiver certificate in succeeding years.

The division can require and record the fuel type when a new or used vehicle is first registered in the state; however, for those vehicles that are currently registered, the burden of determining an exemption from the program will fall on this division under this bill. To identify these vehicles, the division will require the vehicle owner to certify that the vehicle uses diesel or alternate fuel. Forms for this certification will be printed and will be available at all motor vehicle offices in Anchorage and Fairbanks.

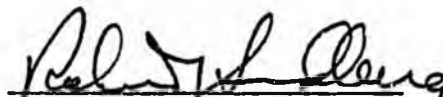
It is estimated that there are approximately 12,000 - 15,000 vehicles that use diesel or an alternate fuel and will require the exemption. These are customers that would not normally have to come to a motor vehicle office. Impact of this increase has not been included in previous fiscal estimates. The impact will be the greatest during the summer months when the offices are already crowded. To absorb this impact, two seasonal positions will be needed, and these positions will be used for two years until the majority of the records are updated.

The local agencies in Anchorage and Fairbanks were prepared to address the issue of diesel and alternate powered vehicles by having a one time verification of fuel source and issuing a waiver. They are funded for this, and they have people capable of determining the local requirements. With the committee substitute, the burden of determining local waivers has been shifted from the local agencies to this division.

This is a substantial change to a cooperative program that had previously been agreed to by both state and local agencies.

To correct this problem, it is proposed that the following wording be deleted from AS 28.10.041(a)(9):

(unless the vehicle uses a fuel source that does not primarily emit carbon monoxide.)


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Clp
sig # 05

Page 1 of 2

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 81 No.1
Title: An Act relating to an
emission control program
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: _____
Life and Property Protection
BRU, Program or Subprogram(s) Affected: _____
Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 85	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		200.0	216.0	233.3	252.0	272.2

Revised
by
WJ
1/10

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Covers Revenue Only

The emission control inspection program will begin on July 1, 1985, in both Anchorage and Fairbanks. The division of motor vehicles has been tasked with enforcement of the program. The Department of Law has decided the current statutes do give us the authority to enforce the program if we adopt regulations, but the regulatory process does not allow the division to recover any funds expended in the enforcement of the program. This proposed statute would

(cont')
Prepared By: Charles R. Hosack
Division: Motor Vehicles

Phone: 269-5561
Date: 1-15-85

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 1-16-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

MOTOR VEHICLES

ANALYSIS (continued)

allow the division to collect a prescribed fee in addition to the registration fee for those vehicles required to be inspected. These fees would be used to reimburse the General Fund for the expenditures incurred to enforce this program.

This type of approach places the cost of the program only on those affected by the program, and is similar in the approach used by the local governments to recover their costs. The goal at both the state and local levels is to make the program self-supporting from user fees. Between Anchorage and Fairbanks, approximately 180,000 to 200,000 vehicles will be inspected the first year. Together with the \$80,000 start-up grant, the \$1.00 fee imposed on these vehicles will allow the State to recover its costs.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Sup #4

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 81 No.2
Title: An Act Relating to Motor Vehicle Emission Inspection
Sponsor: _____
Requestor: by request of Governor
Date of Request: January 10, 1985

FISCAL DETAIL

Agency Affected: Dept. of Env. Conservation
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected: _____
Division of Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	None					
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Leonard D. Verrelli Phone: 465-2666
Division: Environmental Quality Date: Jan. 15, 1985

Approved by Commissioner: Richard A. Nene Date: 1-16-85
Agency: ADEC

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

7/1/84

Original sponsor: Rules/Governor

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IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR HOUSE BILL NO. 81 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to motor vehicle emission inspection; and providing for an effective date."

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

* Section 1. AS 28.10.041(a) is amended to read:

(a) The department may refuse to register a vehicle if

(1) the application contains a false or fraudulent statement;

(2) the applicant fails to furnish information required by the department;

(3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;

(4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in this state;

(5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;

(6) the registration of the vehicle has been suspended or revoked for any reason under the laws of this state;

(7) the required fees, taxes, motor freight carrier fees or bus transportation fees have not been paid;

(8) the vehicle or applicant fails to comply with this chapter or regulations authorized by this section;

1
2 (9) the vehicle is subject to a state-approved local
3 emission inspection program adopted by municipal ordinance under
4 AS 46.03.210, and the vehicle does not meet the standards of that
5 program, unless the vehicle uses a fuel source that does not primarily
6 emit carbon monoxide.

7 * Sec. 2. AS 28.10 is amended by adding a new section to read:

8 Sec. 28.10.423. EMISSION CONTROL INSPECTION PROGRAM FEES. In
9 addition to the annual registration fee specified in AS 28.10.421, a
10 \$1 fee is imposed upon every vehicle required to be inspected under an
11 emission control program established under AS 46.03.210. This fee
12 shall be collected at the same time and in the same manner as the
13 registration fee.

14 * Sec. 3. AS 46.03.210(a) is amended to read:

15 (a) A municipality with a population in excess of 1,000 may,
16 within five years from August 5, 1969, establish and administer within
17 its jurisdiction an air pollution control program. Organized boroughs
18 may establish an air pollution control program on an areawide basis,
19 and the exercise of powers with respect to the program is not subject
20 to the restrictions on acquiring additional areawide powers specified
21 in AS 29.33.250 - 29.33.290. Local programs shall

22 (1) provide by ordinance for requirements compatible with
23 those imposed by the provisions of AS 46.03.140 and 46.03.170 and
24 applicable regulations;

25 (2) provide for the enforcement of the requirements imposed
26 through appropriate administrative and judicial processes;

27 (3) provide for a local administrative organization, staff,
28 and other resources necessary to effectively carry out the purposes of
29 the program; [AND]

 (4) be approved by the department as being satisfactory to

1 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable
2 regulations; and

3 (5) provide for the exemption of a locally registered motor
4 vehicle from the requirements of a local emission control program
5 established under this section if the vehicle is not used within the
6 jurisdiction.

7 * Sec. 4. This Act takes effect July 1, 1985.
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SECTIONAL ANALYSIS FOR HOUSE BILL 81

An Act relating to motor vehicle emission inspection

Section 1

Under current law, the Department of Motor Vehicles may refuse to register a vehicle if the vehicle is mechanically unsafe, if it is stolen, etc. This section adds a new prohibition in which the vehicle must meet a state-approved local emission inspection program adopted by municipal ordinance. The State Affairs Committee added language which exempted those vehicles that do not primarily emit carbon monoxide. This change prompted a revised fiscal note from the Department of Public Safety which added \$48,500 to the costs.

Section 2

Adds new language which adds \$1.00 to current annual vehicle registration fees for those vehicles required to be inspected under this program.

Section 3

Effective date of July 1, 1985.

Nelson
withdrawn
5/8/81

A M E N D M E N T

IN THE SENATE

TO: SCSHB 81(Fin)

Page 3, between lines 6 and 7:

Insert:

*Sec. 4. AS 17.210(b) is amended to read:

(b) Municipalities other than those with a population in excess of 1,000 may establish and administer local air pollution programs if the proposed programs meet the requirements of (a)(1) -- (5) [(4)] of this section.

Renumber remaining bill section accordingly.

Testimony:

Lisa Nelson, AG

Offered: 4/10/85
Referred: Health, Education & Social Services
and Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 SENATE CS FOR HOUSE BILL . 81 (State Affairs)
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 motor vehicle emission inspec-
7 tion; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 28.10.041(a) is amended to read:
10 (a) The department may refuse to register a vehicle if
11 (1) the application contains a false or fraudulent state-
12 ment;
13 (2) the applicant fails to furnish information required by
14 the department;
15 (3) the applicant is not entitled to the issuance of a
16 certificate of title or registration under this chapter,
17 (4) the vehicle is determined to be mechanically unsafe to
18 be driven or moved on a highway, vehicular way or area, or other
19 public property in this state;
20 (5) the department has reasonable grounds to believe that
21 the vehicle was stolen or fraudulently acquired or that the granting
22 of registration would be a fraud against the rightful owner or other
23 person having a valid lien upon the vehicle;
24 (6) the registration of the vehicle has been suspended or
25 revoked for any reason under the laws of this state;
26 (7) the required fees, taxes, motor freight carrier fees or
27 bus transportation fees have not been paid;
28 (8) the vehicle or applicant fails to comply with this
29 chapter or regulations authorized by this section;

1 (9) the vehicle is subject to a state-approved local
2 emission inspection program adopted by municipal ordinance under
3 AS 46.03.210, and the vehicle does not meet the standards of that
4 program, unless the vehicle uses a fuel source that does not primarily
5 emit carbon monoxide.

6 * Sec. 2. AS 28.10 is amended by adding a new section to read:

7 Sec. 28.10.423. EMISSION CONTROL INSPECTION PROGRAM FEES. In
8 addition to the annual registration fee specified in AS 28.10.421, a
9 \$1 fee is imposed upon every vehicle required to be inspected under an
10 emission control program established under AS 46.03.210. This fee
11 shall be collected at the same time and in the same manner as the
12 registration fee.

13 * Sec. 3. This Act takes effect July 1, 1985.

Introduced: 1/18/85
Referred: State Affairs, Health,
Education & Social Services and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

HOUSE BILL NO. 81

2

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 motor vehicle emission inspec-
7 tion; and providing for an effective date."

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

9 * Section 1. AS 28.10.041(a) is amended to read:

10 (a) The department may refuse to register a vehicle if

11 (1) the application contains a false or fraudulent state-
12 ment;

13 (2) the applicant fails to furnish information required by
14 the department;

15 (3) the applicant is not entitled to the issuance of a
16 certificate of title or registration under this chapter;

17 (4) the vehicle is determined to be mechanically unsafe to
18 be driven or moved on a highway, vehicular way or area, or other
19 public property in this state;

20 (5) the department has reasonable grounds to believe that
21 the vehicle was stolen or fraudulently acquired or that the granting
22 of registration would be a fraud against the rightful owner or other
23 person having a valid lien upon the vehicle;

24 (6) the registration of the vehicle has been suspended or
25 revoked for any reason under the laws of this state;

26 (7) the required fees, taxes, motor freight carrier fees or
27 bus transportation fees have not been paid;

28 (8) the vehicle or applicant fails to comply with this
29 chapter or regulations authorized by this section;

1 (9) the vehicle is subject to an emission inspection pro-
2 gram under AS 46.03.190 or a state-approved local emission inspection
3 program under AS 46.03.210, and the vehicle does not meet the stan-
4 dards of that program.

5 * Sec. 2. AS 28.10 is amended by adding a new section to read:

6 Sec. 28.10.423. EMISSION CONTROL INSPECTION PROGRAM FEES. In
7 addition to the annual registration fee specified in AS 28.10.421, a
8 \$1 fee is imposed upon every vehicle required to be inspected under an
9 emission control program established under AS 46.03.190 or AS 46.-
10 03.210. This fee must be collected at the same time and in the same
11 manner as the registration fee.

12 * Sec. 3. This Act takes effect July 1, 1985.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

14B 81

de

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that gives the Department of Public Safety explicit authority to refuse to register a motor vehicle if the vehicle does not meet the standards of a state-operated emission control program or a state-approved local emission inspection program. The bill would also impose a \$1 administrative fee, in addition to the annual registration fee, to compensate the state for the cost of this enforcement program.

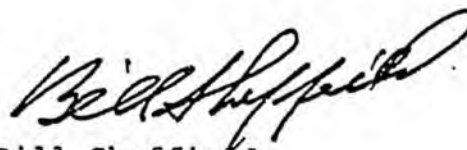
To implement the state's Air Quality Control Plan, the Municipality of Anchorage and the Fairbanks North Star Borough have recently adopted local vehicle inspection and maintenance (I/M) programs. The most effective way to ensure compliance with local inspection programs is through the state motor vehicle registration process. Before a person can obtain or renew a vehicle registration, the person must show evidence of compliance with the I/M program. This method has been chosen in preference to a "sticker" enforcement program, in which the owners or operators of all cars inspected and found to be in compliance would be required to display a sticker on their cars. National statistics have shown that the sticker enforcement method is 30 percent less effective than the registration method.

The \$1 fee is imposed to compensate the state for the costs of the additional administrative burden placed upon the Department of Public Safety. Proceeds from the fee will be placed in the state's general fund.

The quality and cleanliness of the air in Alaska's two largest cities are obviously of utmost importance to the health and well-being of the residents. Strict enforcement of motor vehicle emission standards is a crucial part of our

overall efforts to control air pollution. Since this bill will allow more effective enforcement of these standards, I urge prompt passage of the bill.

Sincerely,

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

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER:

HESS
FINANCE

3/12/85

Date April 9, 1985

Mr. President

The Committee on STATE AFFAIRS considered HB 81
motor vehicle emission inspection; 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 SCS for HB 81 (SA)

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

Ed De Vries

V. Fisher

Bill Ray No Rec
Tim Kelly No Rec

[Signature]
Chairman
[Signature]
Chairman Recommendation

Offered: 2/20/85
Referred: Finance

Original sponsors: Taylor, Gruenberg
and Jenkins

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 83 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to employee benefits under the
8 Public Employees' Retirement System and the Teachers'
9 Retirement System; and providing for an effective
10 date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 14.25.043 is repealed and reenacted to read:
13 Sec. 14.25.043. REEMPLOYMENT OF RETIRED MEMBERS. (a) If a
14 retired member subsequently becomes an active member, benefit payments
15 may not be made during the period of reemployment. The retirement
16 benefit shall be suspended for the entire school year if the member is
17 reemployed as an active member for a period equivalent to a year of
18 service. During the period of reemployment, deductions from the
19 member's salary shall be made in accordance with AS 14.25.050. Upon
20 subsequent retirement, the retired member's original benefit payments
21 shall resume and the member shall receive an additional pension cal-
22 culated under (b) of this section.
23 (b) An additional pension for periods of reemployment after
24 retirement is equal to the formula benefit for the member's total
25 credited service, including the period of reemployment, less the
26 formula benefit for credited service before the period of reemploy-
27 ment, including any post-retirement pension adjustments that may have
28 been granted under AS 14.25.143, plus, in the case of a member who
29 retires and is reemployed before the normal retirement age, an actu-
arially determined increase to reflect the effect of the cessation of

1 benefits during the period of reemployment.

2 (c) An actuarial adjustment to an additional pension under (b) of
3 this section shall be made in the case of an early retirement.

4 (d) In this section, "formula benefit" means a retirement bene-
5 fit computed under AS 14.25.110(d) without adjustment for early re-
6 tirement.

7 * Sec. 2. AS 14.25.167(e) is amended to read:

8 (e) If either the member or contingent beneficiary dies before
9 the member is appointed to retirement, the election becomes inopera-
10 tive. Once the member is appointed to retirement, the election is
11 irrevocable, even if the retired member is reemployed. Any additional
12 retirement benefit to which the reemployed member may become entitled
13 will be paid in accordance with AS 14.25.043 [THE INITIAL ELECTION
14 MADE UNDER THIS SECTION, UNLESS THE CONTINGENT BENEFICIARY IS DE-
15 CEASED. IF THE CONTINGENT BENEFICIARY IS DECEASED, THE BENEFITS
16 EARNED DURING THE PERIOD OF REEMPLOYMENT ARE SUBJECT TO AS 14.25.110,]
17 or this section [IF ANOTHER CONTINGENT BENEFICIARY WAS DESIGNATED
18 DURING THE PERIOD OF REEMPLOYMENT]. All other benefits earned during
19 previous periods of employment are subject to the election at the time
20 the member was appointed to retirement. If death occurs during the
21 period of reemployment and the proximate cause of death is not a
22 bodily injury sustained or hazard undergone while in the performance
23 and within the scope of the member's duties of employment, those
24 benefits earned while reemployed are subject to AS 14.25.155(c). [ALL
25 OTHER BENEFITS EARNED DURING PREVIOUS PERIODS OF EMPLOYMENT ARE SUB-
26 JECT TO THE ELECTION AT THE TIME THE MEMBER WAS APPOINTED TO RETIRE-
27 MENT.] If death occurs during the period of reemployment and the
28 proximate cause of death is a bodily injury sustained or hazard under-
29 gone while in the performance and within the scope of the member's

1 duties of employment and the injury or hazard is not the proximate
2 result of wilful negligence on the part of the member, all benefits
3 earned during all periods of employment are subject to AS 14.25.157.

4 * Sec. 3. AS 39.35.150 is repealed and reenacted to read:

5 Sec. 39.35.150. REEMPLOYMENT OF RETIRED EMPLOYEES. (a) If a
6 retired employee subsequently becomes an active member, benefit pay-
7 ments may not be made during the period of reemployment. During the
8 period of reemployment, deductions from the employee's salary shall be
9 made in accordance with AS 39.35.160. Upon subsequent retirement, the
10 employee's original benefit payments shall resume and the employee
11 shall receive an additional pension calculated under (b) of this
12 section.

13 (b) An additional pension for periods of reemployment after
14 retirement is equal to the formula benefit for the employee's total
15 credited service, including the period of reemployment, less the
16 formula benefit for credited service before the period of reemploy-
17 ment, including any post-retirement pension adjustments that may have
18 been granted under AS 39.35.475, plus, in the case of an employee who
19 retires and is reemployed before the normal retirement age or an
20 employee who selects a level income option under AS 39.35.460 and is
21 reemployed before age 65, an actuarially determined increase to re-
22 flect the effect of the cessation of benefits during the period of
23 reemployment.

24 (c) An actuarial adjustment to an additional pension under (b) of
25 this section shall be made in the case of an early retirement.

26 (d) In this section, "formula benefit" means a retirement bene-
27 fit computed under AS 39.35.370(c) without adjustment for early re-
28 tirement.

29 * Sec. 4. AS 39.35.450(e) is amended to read:

1 (e) If either the employee or contingent beneficiary dies before
2 the employee is appointed to retirement, the election becomes inopera-
3 tive. Once the employee is appointed to retirement, the election is
4 irrevocable. If a retired employee is reemployed and is subsequently
5 reappointed to retirement, those benefits earned during the period of
6 reemployment are subject to AS 39.35.150 [THE INITIAL ELECTION MADE
7 UNDER THIS SECTION, UNLESS THE CONTINGENT BENEFICIARY IS DECEASED. IF
8 THE CONTINGENT BENEFICIARY IS DECEASED, THE BENEFITS EARNED DURING THE
9 PERIOD OF REEMPLOYMENT ARE SUBJECT TO AS 39.35.370] or this section
10 [IF ANOTHER CONTINGENT BENEFICIARY WAS ELECTED DURING THE PERIOD OF
11 REEMPLOYMENT]. All other benefits earned during prior periods of
12 employment are subject to the election at the time the employee was
13 appointed to retirement. If death occurs from nonoccupational causes
14 during the period of reemployment, those benefits earned while reem-
15 ployed are subject to AS 39.35.420(b). [ALL OTHER BENEFITS EARNED
16 DURING PRIOR PERIODS OF EMPLOYMENT ARE SUBJECT TO THE ELECTION AT THE
17 TIME THE EMPLOYEE WAS APPOINTED TO RETIREMENT.] If death occurs from
18 occupational causes during the period of reemployment, all benefits
19 earned during all periods of employment are subject to AS 39.35.430(b)
20 and (c).

21 * Sec. 5. Sections 1 - 4 of this Act are retroactive to January 1,
22 1985.

23 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

HB 83

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No. OS HB 83 (HRS)
 Title: An Act Relating to the Public Employees and Teachers' Ret.
 Sponsor: Taylor
 Requestor: Hurley
 Date of Request: 1/30/86

FISCAL DETAIL

Agency Affected: All State Agencies
 Program Category Affected: PERS, TRS System
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Operating						
100 Personal Svcs		451.4	487.5	526.5	568.6	614.1
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		208.1	224.8	242.8	262.2	283.2
TOTAL OPERATING	-0-	659.5	712.3	769.3	830.8	897.3

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

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		616.2	665.5	718.7	776.2	838.3
FEDERAL FUNDS		20.8	22.5	24.3	26.2	28.3
OTHER		22.5	24.3	26.3	28.4	30.7
TOTAL	-0-	659.5	712.3	769.3	830.8	897.3

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director *JKH* Phone: 465-4470
 Division: Retirement & Benefits Date: 1/31/85

Approved by Commissioner: Lisa Rudd *LR* Date: 2/3/85
 Agency: Department of Administration

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

House Bill 83
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 31, 1985

IV Analysis:

Passage of this bill would allow retirees in the Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS) to be reemployed with a participating employer and use the highest salaries over their entire period of service under the PERS or the TRS respectively for calculating their additional benefit. We have estimated that approximately 2½% of all retirees would exercise this option and that it would result in an average increase of 20% in their benefit.

This is estimated to result in a .0764% increase in the PERS employer contribution rate and a .1% increase in the TRS employer contribution rate. The PERS state salaries for FY 86 are estimated to be \$544,046,592.00 and the TRS state salaries for FY 86 are estimated to be \$71,490,744.00. The FY 86 TRS State Match salaries are estimated to be \$416,297,654.00

This would result in an increase in Political Subdivision contributions of the following.

<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$499.9	\$539.9	\$583.0	\$629.7	\$680.1

The present value of the cost of this bill in PERS is \$2,750,000.00 resulting in a .22% decrease in the funding ratio. The present value of the cost of this bill in TRS is \$1,800,000.00 resulting in a .26% decrease in the funding ratio.

Offered: 2/20/85
Referred: Finance

Original sponsors: Taylor, Gruenberg
and Jenkins

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 83 (HESS)

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 employee benefits under the
7 Public Employees' Retirement System and the Teachers'
8 Retirement System; and providing for an effective
9 date."

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

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12

Sec. 14.25.043. REEMPLOYMENT OF RETIRED MEMBERS. (a) If a
13 retired member subsequently becomes an active member, benefit payments
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15 benefit shall be suspended for the entire school year if the member is
16 reemployed as an active member for a period equivalent to a year of
17 service. During the period of reemployment, deductions from the
18 member's salary shall be made in accordance with AS 14.25.050. Upon
19 subsequent retirement, the retired member's original benefit payments
20 shall resume and the member shall receive an additional pension cal-
21 culated under (b) of this section.

22

(b) An additional pension for periods of reemployment after
23 retirement is equal to the formula benefit for the member's total
24 credited service, including the period of reemployment, less the
25 formula benefit for credited service before the period of reemploy-
26 ment, including any post-retirement pension adjustments that may have
27 been granted under AS 14.25.143, plus, in the case of a member who
28 retires and is reemployed before the normal retirement age, an actu-
29 arially determined increase to reflect the effect of the cessation of

1 benefits during the period of reemployment.

2 (c) An actuarial adjustment to an additional pension under (b) of
3 this section shall be made in the case of an early retirement.

4 (d) In this section, "formula benefit" means a retirement bene-
5 fit computed under AS 14.25.110(d) without adjustment for early re-
6 tirement.

7 * Sec. 2. AS 14.25.167(e) is amended to read:

8 (e) If either the member or contingent beneficiary dies before
9 the member is appointed to retirement, the election becomes inopera-
10 tive. Once the member is appointed to retirement, the election is
11 irrevocable, even if the retired member is reemployed. Any additional
12 retirement benefit to which the reemployed member may become entitled
13 will be paid in accordance with AS 14.25.043 [THE INITIAL ELECTION
14 MADE UNDER THIS SECTION, UNLESS THE CONTINGENT BENEFICIARY IS DE-
15 CEASED. IF THE CONTINGENT BENEFICIARY IS DECEASED, THE BENEFITS
16 EARNED DURING THE PERIOD OF REEMPLOYMENT ARE SUBJECT TO AS 14.25.110,]
17 or this section [IF ANOTHER CONTINGENT BENEFICIARY WAS DESIGNATED
18 DURING THE PERIOD OF REEMPLOYMENT]. All other benefits earned during
19 previous periods of employment are subject to the election at the time
20 the member was appointed to retirement. If death occurs during the
21 period of reemployment and the proximate cause of death is not a
22 bodily injury sustained or hazard undergone while in the performance
23 and within the scope of the member's duties of employment, those
24 benefits earned while reemployed are subject to AS 14.25.155(c). [ALL
25 OTHER BENEFITS EARNED DURING PREVIOUS PERIODS OF EMPLOYMENT ARE SUB-
26 JECT TO THE ELECTION AT THE TIME THE MEMBER WAS APPOINTED TO RETIRE-
27 MENT.] If death occurs during the period of reemployment and the
28 proximate cause of death is a bodily injury sustained or hazard under-
29 gone while in the performance and within the scope of the member's

1 duties of employment and the injury or hazard is not the proximate
2 result of wilful negligence on the part of the member, all benefits
3 earned during all periods of employment are subject to AS 14.25.157.

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5 Sec. 39.35.150. REEMPLOYMENT OF RETIRED EMPLOYEES. (a) If a
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7 ments may not be made during the period of reemployment. During the
8 period of reemployment, deductions from the employee's salary shall be
9 made in accordance with AS 39.35.160. Upon subsequent retirement, the
10 employee's original benefit payments shall resume and the employee
11 shall receive an additional pension calculated under (b) of this
12 section.

13 (b) An additional pension for periods of reemployment after
14 retirement is equal to the formula benefit for the employee's total
15 credited service, including the period of reemployment, less the
16 formula benefit for credited service before the period of reemploy-
17 ment, including any post-retirement pension adjustments that may have
18 been granted under AS 39.35.475, plus, in the case of an employee who
19 retires and is reemployed before the normal retirement age or an
20 employee who selects a level income option under AS 39.35.460 and is
21 reemployed before age 65, an actuarially determined increase to re-
22 flect the effect of the cessation of benefits during the period of
23 reemployment.

24 (c) An actuarial adjustment to an additional pension under (b) of
25 this section shall be made in the case of an early retirement.

26 (d) In this section, "formula benefit" means a retirement bene-
27 fit computed under AS 39.35.370(c) without adjustment for early re-
28 tirement.

29 * Sec. 4. AS 39.35.450(e) is amended to read:

1 (e) If either the employee or contingent beneficiary dies before
2 the employee is appointed to retirement, the election becomes inopera-
3 tive. Once the employee is appointed to retirement, the election is
4 irrevocable. If a retired employee is reemployed and is subsequently
5 reappointed to retirement, those benefits earned during the period of
6 reemployment are subject to AS 39.35.150 [THE INITIAL ELECTION MADE
7 UNDER THIS SECTION, UNLESS THE CONTINGENT BENEFICIARY IS DECEASED. IF
8 THE CONTINGENT BENEFICIARY IS DECEASED, THE BENEFITS EARNED DURING THE
9 PERIOD OF REEMPLOYMENT ARE SUBJECT TO AS 39.35.370] or this section
10 [IF ANOTHER CONTINGENT BENEFICIARY WAS ELECTED DURING THE PERIOD OF
11 REEMPLOYMENT]. All other benefits earned during prior periods of
12 employment are subject to the election at the time the employee was
13 appointed to retirement. If death occurs from nonoccupational causes
14 during the period of reemployment, those benefits earned while reem-
15 ployed are subject to AS 39.35.420(b). [ALL OTHER BENEFITS EARNED
16 DURING PRIOR PERIODS OF EMPLOYMENT ARE SUBJECT TO THE ELECTION AT THE
17 TIME THE EMPLOYEE WAS APPOINTED TO RETIREMENT.] If death occurs from
18 occupational causes during the period of reemployment, all benefits
19 earned during all periods of employment are subject to AS 39.35.430(b)
20 and (c).

21 * Sec. 5. Sections 1 - 4 of this Act are retroactive to January 1,
22 1985.

23 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

Sectional Analysis of HB 83

Section 1 would repeal and reenact AS 14.25.043 to allow a reemployed TRS retiree to take advantage of higher salaries earned during the period of reemployment. The original retirement option selected would be irrevocable, but, in computing the total benefit payable upon reappointment to retirement, the employee's highest earnings would apply to the total period of credited service, not just to the period of reemployment. This would work to further the purpose of the system (AS 14.25.012) by encouraging qualified retirees to return to covered employment. In addition, this section would ensure that retirees who had selected early retirement would not be disadvantaged by becoming reemployed. As is done now, benefit payments would cease and mandatory contributions would resume during the period of reemployment.

Section 2 would amend AS 14.25.167(e) to coincide with the new language in section 1 of this bill. Although options selected at retirement remain irrevocable, employees in all cases would have the freedom to select a different retirement option for the period of reemployment.

Section 3 would repeal and reenact AS 39.35.150 to allow a reemployed PERS retiree to take advantage of higher salaries earned

during the period of reemployment. The original retirement option selected would be irrevocable, but, in computing the total benefit payable upon reappointment to retirement, the employee's highest earnings would apply to the total period of credited service, not just to the period of reemployment. This would work to further the purpose of the system (AS 39.35.010) by encouraging qualified retirees to return to covered employment. In addition, this section would ensure that retirees who had selected early retirement or a level income option would not be disadvantaged by becoming reemployed. As is done now, benefit payments would cease and mandatory contributions would resume during the period of reemployment.

Section 4 would amend AS 39.35.450(e) to coincide with the new language in section 3 of this bill. Although opinions selected at retirement remain irrevocable, employees in all cases would have the freedom to select a different retirement option for the period of reemployment.

Section 5 would make the bill effective July 1, 1985.

MEMORANDUM

State of Alaska

TO Hon. W.R. Hudson, Commissioner
Department of Administration

DATE: October 24, 1980

ATTN: Paul Arnoldt, Director
Div. of Retirement & Benefit

FILE NO: J-66-642-80

FROM: WILSON L. CONDON
ATTORNEY GENERAL

TELEPHONE NO: 465-3665

SUBJECT: Statutory interpretation of AS 39.35.-150 as amended by chapter 128, SLA 1977

By: Laura L. Davis
Assistant Attorney General

You have asked for an opinion regarding the application of AS 39.35.150 as amended by chapter 128, SLA 1977 to the retirement benefit payable to Walter Kubley, a retiree who was re-employed before the amendment. It is our opinion that this amendment changed the clear meaning of AS 39.35.150, and that your calculation of the benefits payable upon retirement to Mr. Kubley and other persons who were retired and became re-employed prior to July 1, 1977, should be based upon the provisions of AS 39.35.150 prior to this amendment.

Statutes:

Prior to 1977, AS 39.35.150 read as follows (emphasis added):

(a) If a retired employee is re-employed on a regular full-time basis by an employer, no pension payments may be made during the period of re-employment. During the period of re-employment, deductions from salary may be made at the option of the retired employee for contributions to the retirement fund as provided in § 160 of this chapter. Upon the subsequent retirement of the retired employee, he is entitled to receive a pension based on his credited service and compensation before the date of his previous retirement. If a previously retired employee makes contributions to the fund during his re-employment, his additional credited service and compensation during the period of re-employment shall be included to determine his final retirement benefit.

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DIVISION OF RETIREMENT

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(b) In the case of re-employment of an employee who retires under § 370(c) or 380 of this chapter, the pension payable upon the employee's subsequent retirement shall be reduced by the actuarial equivalent of early retirement benefits previously received by the employee.

AS 39.35.150 as amended by chapter 128, SLA 1977, reads as follows:

If a retired employee subsequently becomes an active member, no benefit payments will be made during the period of re-employment. During the period of re-employment, deductions from the employee's salary will be made in accordance with § 160 of this chapter. Upon subsequent retirement, the retired employee is entitled to receive an additional pension based on the credited service and the average monthly compensation earned during the period of re-employment in accordance with § 370 of this chapter.

Facts:

In your request for an opinion on this matter, and in my subsequent conversations with your staff, you have provided the following facts as the basis for this opinion:

- (1) The benefit payable upon retirement to a retiree who is re-employed has always been calculated by the division as provided in AS 39.35.150 as amended in 1977. That is, you have started with the pension benefit paid at the first retirement, and added a second benefit based solely upon the second period of service.
- (2) The 1977 amendment to AS 39.35.150 was intended to clarify the longstanding administrative interpretation of that section.
- (3) You have had no written statement of policy expressing the administrative interpretation of AS 39.35.150.
- (4) Before 1977, AS 39.35.150(b) provided for the adjustment of the pension of a re-employed retiree to

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account for the actuarial equivalent of benefits received before re-employment. The division implemented this provision by the method described in AS 39.35.150 as amended.

(5) The benefit payable upon retirement to a person who was re-employed from a deferred vested status is calculated as a simple pension based upon his or her total years of credited service, with the average monthly compensation based upon the highest paid three consecutive years, as provided in AS 39.35.370.

(6) Walter Kubley terminated his state employment in 1977 with 12 years of credited service. He was a deferred vested member until 1976, when he was appointed to a level income retirement. Since March of 1977, he has been re-employed by the state.

Analysis:

The cardinal rule of statutory interpretation is that the statute is to be read as a whole. 2A Sutherland, STATUTES AND STATUTORY CONSTRUCTION § 46.05 (4th ed. Sands 1973). Applying this rule to the interpretation of AS 39.35.150 prior to the 1977 amendment, it is difficult to understand how the department arrived at its interpretation.

The stated purpose of the Public Employees' Retirement System of Alaska is to "encourage qualified personnel to enter and remain in the service of the State by establishing a system for the payment of retirement disability and death benefits" AS 39.35.010. We presume that the legislature intended the system to operate equitably in the distribution of benefits to members. Future pension benefits are an incentive to both retired and deferred vested members to re-enter employment with the state.

Under section 150 as interpreted by the department, re-employed retirees are treated differently than other members for no apparent reason. An individual who worked for 20 years, terminated, and later became re-employed for a period of some years, may receive a substantially lower final pension benefit if he or she were retired during any

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part of the intervening years than if he or she had remained a deferred vested member for that time. This result is required by the clear language of section 150 as amended. However, the language of that section prior to its amendment, may be reasonably interpreted to provide for a similar final pension for either individual, with a reduction to the former related directly to the benefits actually received during the earlier retirement.

A corollary of statutory interpretation is that effect should be given to each portion of the statute. 2A Sutherland, STATUTES AND STATUTORY CONSTRUCTION, § 46.06 (4th ed. Sands 1973). Under the administrative interpretation of AS 39.35.150, no real effect was given to the requirement of paragraph (b) that the pension be reduced by the actuarial equivalent of benefits received under an earlier pension. The administrative practice has been to suspend the earlier pension during re-employment, and re-instate it on retirement in the same amount along with a separate benefit based solely upon the re-employment service. This reduces the final pension benefit of one who was earlier retired. However, the reduction is unrelated to the amount of benefits received in the earlier retirement.

For example, consider a hypothetical employee who works from 1964 to 1974 at a salary of \$1,000 per month, and then terminates. In 1976, he or she is re-employed at a salary of \$1,500 per month and retires in 1980. All pension calculations below are based upon the formula set out in AS 39.35.370:

(a) If the employee retired in 1974, and received a pension until his or her re-employment, the final pension payable according to the administrative interpretation of AS 39.35.150 (before amendment) would be:

$$\begin{array}{rcl} 10 \text{ yrs} \times 2\% \times \$1,000/\text{mo} & = & \$200 \\ + 4 \text{ yrs} \times 2\% \times \$1,500/\text{mo} & = & \underline{120} \\ & & \$320/\text{mo} \end{array}$$

(b) Under the same circumstances, we would interpret AS 39.35.150 (before amendment) as requiring a pension of:

$$14 \text{ yrs} \times 2\% \times \$1,500/\text{mo} = \$420$$

This would be reduced by the actuarial equivalent of the benefits already received.

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DIVISION OF RETIREMENT

(c) If the employee had gone into a deferred vested status and not received a pension or refund from 1974 to 1976, the pension payable on retirement in 1980, would be:

$$14 \text{ yrs} \times 2\% \times \$1,500/\text{mo} = \$420$$

Under our interpretation of AS 39.35.150 in paragraph (b) of the example, the final pension for a previously retired member would be the same as that of a deferred vested member, except for a reduction based actuarially on the benefits earlier received. A person who had been retired for 10 years would have a greater reduction of his or her final pension than would a person who had been retired for a shorter period. The problem with the division's interpretation of AS 39.35.150 in paragraph (a) of the example is that it would not differentiate between a person who had been retired for 10 years, and one who had been a deferred vested member for nine years and retired for one, despite the fact that these two persons received very different amounts of pension benefits before returning to employment.

Ordinarily legislative history is used as a tool for statutory construction only when a reading of a statute as a whole does not resolve an ambiguity. Legislative history of the bill containing this amendment to section 150 (HB 267, incorporated into HB 343) shows that the bill was presented as a housekeeping bill by the Division of Retirement and Benefits. In testimony before the Senate HESS Committee, Bob Gates, then Director of the Division of Retirement and Benefits stated that the only substantive change in the amendment to section 150 was that making the retirement contributions mandatory for re-employed retirees. Previously, a re-employed retiree had the option whether to contribute. He also stated that it was the feeling of the division that the fact that a person had been retired before should be of "no consequence" (to his participation in the retirement system). (May 11, 1977 meeting of Senate HESS Committee hearing on HB 343, on tape at the Legislative Reference Library). He made no reference to the change in method of calculating a re-employed retiree's final pension.

It is true that the amendment merely conformed the statute to the administrative policy. However, it does

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DIVISION OF RETIREMENT

appear that under section 150 as amended, the fact that a person had been previously retired may have a significant consequence on the amount of his final pension. See example on page 4 of this memorandum. The administrative interpretation of a statute will be given consideration by the courts where the meaning of the statute is in doubt. However, we believe that the meaning of section 150 is not in doubt when the statute is read as a whole. The administrative interpretation of section 150 before 1977 does not have the force of law.

It is our conclusion that the 1977 amendment to AS 39.35.150 changed the meaning of that provision. A question arises as to the applicability of AS 39.35.150 as amended. The Alaska Constitution provides in article XII, section 7 as follows:

Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

This provision has not yet been construed by the Alaska Supreme Court. The Attorney General has construed this provision twice previously in memoranda. On August 31, 1977, we advised you that an amendment to AS 14.25.130, changing from 60 to 55 the age before which a teacher suffering a permanent disability would be eligible for disability retirement, should be applied only to teachers who became members of the Teachers' Retirement System after the effective date of that legislation. In that memorandum (our file J-66-041-78), we pointed out the possibility that the right to a disability pension up to a certain age might not be a benefit which has "accrued" in the meaning of the constitutional provision to a teacher who is not disabled. However, we suggested that the statutory change in question appears to violate another constitutional provision, that "no law impairing the obligation of contracts . . . shall be passed." Alaska Const., Art. I, § 15. It was therefore unnecessary to decide the question of whether the statute unconstitutionally impaired an accrued benefit.

In a much earlier opinion. April 19, 1963, we reviewed the constitutionality of a statute increasing the interest payable on the refund of contributions received by a

RECEIVED

OCT 27 1980

DIVISION OF RETIREMENT

October 24, 1980

teacher who later becomes re-employed. In that memorandum, we construe "accrued" narrowly, as meaning benefits purchased by means of salary deductions or payment of arrearages. According to this interpretation, an employee's accrued benefits would be limited to the amount of his or her individual contributions account. In neither of these memoranda did we consider the question of when the right to a pension accrues.

We feel that the meaning of accrued benefits probably goes beyond a right to receive a refund of the amount in an employees retirement contribution account. It includes the right to receive a pension based upon the formula set forth in AS 39.35.370. This right vests after five years of employment, and is an important attribute of job security. AS 39.35.680(10). However, the possibility of a future pension following termination and re-employment is not a meaningful attribute of job security, nor does it vest by statute until the person is re-employed.

In our opinion, the right to receive a pension for years of re-employment accrues when a retired or deferred vested member becomes re-employed. At that time, the right to a pension based on the re-employed years vests. It may not thereafter be constitutionally impaired. Therefore, we advise you to apply AS 39.35.150 as amended in calculating the pension benefits for retired members who became re-employed after the effective date of the amending legislation, July 1, 1977. For retired or deferred vested members who became re-employed before that, we advise you to calculate a single pension based upon the total years of credited service, using the average monthly compensation for the entire period as defined in AS 39.35.680, reduced by the actuarial equivalent of benefits received under an earlier pension, as provided by AS 39.35.150 before the 1977 amendment.

LLD/pjg

*Bob
Lynn Richardson*

RECEIVED

OCT 27 1980

DIVISION OF RETIREMENT

March 29, 1984

Honorable Don Bennett
Co-Chairman
Senate Finance Committee
Pouch V
Juneau, AK 99811

Dear Mr. Co-Chairman:

The Public Employees' Retirement Board, at its spring meeting in Juneau on March 28, 1984, unanimously passed a motion in support of CSSB 415 (SA).

The Board believes that this bill will not only further the purpose of the Public Employees' Retirement System (PERS) but will also remove an existing inequity. The bill would remove some of the disincentive for qualified retirees to return to PERS employment by allowing them to apply their highest earnings to the total period of credited service, not just to the reemployment period. It would preserve the irrevocability of retirement options, thereby keeping the cost of joint and survivor options at an affordable level for members, and allow members freedom to select a different retirement option for the period of reemployment. In addition, the bill would remove an existing inequity in the law which disadvantages early retirees who return to employment during the early retirement period and those who have chosen a level income option who return to employment before age 65.

We respectfully request your support of CSSB 415 (SA) which we believe is beneficial for the members and fiscally responsible for the system.

Thank you.

Sincerely,

C. R. "Steve" Hafling
C.R. "Steve" Hafling, Chairman
Public Employees' Retirement Board

Board Members:

Ben Humphries
Marlene Johnson
Mary Notar
J.P. "Pat" Wellington

cc: PERS Board Members
Rob Johnson
Eleanor Andrews
Ken Humphreys

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 22, 1985

SUBJECT: Employee benefits under PERS and TRS
(CSHB 83(HESS))

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for a sectional analysis of CSHB 83(HESS).

Section 1 repeals and reenacts AS 14.25.043 to allow a re-employed TRS retiree to take advantage of higher salaries earned during the period of reemployment. The bill retains the requirement that the original retirement option selected is irrevocable. However, in computing the total benefit payable on reappointment to retirement, the employee's highest earnings apply to the total period of credited service not merely the period of reemployment. In many instances an employee's highest earnings occur during the period of re-employment. As is the case now, benefit payments cease and mandatory contributions resume during the period of re-employment.

Section 2 amends AS 14.25.167(e) to incorporate the changes made to AS 14.25.043 by section 1 of the bill. Although the options selected at the time of initial retirement remain irrevocable for the initial period of employment, members may select a different retirement option for the benefits based on the period of reemployment.

Section 3 makes the same amendments to the Public Employee's Retirement System that section 1 makes to the Teachers' Retirement System.

Section 4 makes the same amendments to PERS that section 2 makes to TRS.

Representative Al Adams
April 22, 1985
Page 2

Section 5 makes the amendments to TRS and PERS retroactive to January 1, 1985.

Section 6 is an immediate effective date.

If I may be of further assistance, please let me know.

TC:ojb
J14/016

Position Paper

HB 83

The Department of Administration supports this legislation but recommends that cost containment measures be included which will substantially offset the current fiscal impact of this bill. Passage of this bill would improve equity in the system by substantially reducing the current disincentives associated with a retiree returning to work for a covered employer. It provides for an equitable actuarial readjustment of benefits in certain cases involving reemployed early retirees or those who chose a level income option; it would restore part of the reduction for the early retirement or level income to reflect the return to work. This bill would also allow retirees in the Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS) to be reemployed with a participating employer and use the highest salaries over their entire period of service under the PERS or the TRS respectively in calculating their benefit upon subsequent retirement.

Passage of this bill would be consistent with the statutory purpose of both retirement systems which is to attract and retain qualified employees. Retired employees who are still ready, willing and able to work are a valuable resource to employers and this bill would remove an impediment to their rehire. By prohibiting military "double dipping" for employees first hired after enactment of this bill, the total cost could be cut by approximately 89%.

J.K. Humphreys
J.K. Humphreys, Director, Division of Retirement & Benefits

2/15/85
Date

A. Rudd for
Lisa Rudd, Commissioner, Department of Administration

2-15-85
Date

100
103



Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Representative Katie Hurley, Chairperson
House State Affairs Committee

FROM: Cherie Shelley, Executive Director
Alaska Public Employees Association

SUBJECT: HB 83 PERS/TRS Benefits After Reemployment

DATE: February 5, 1985

The Alaska Public Employees Association supports House Bill 83. This legislation will eliminate the penalty imposed upon employees who return to public service after retirement.

This legislation will allow the state and local governments to utilize the experience and abilities of long-term employees without penalizing these employees for an earlier decision to retire.

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

COMMITTEE REPORT

3/1

HOUSE

(7)

FURTHER:

FINANCE

1/23/85

Date:

1-31-85

(HESS waived 1/23)

The Committee on STATE AFFAIRS has had HB 87

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

under consideration and recommends:

[X] do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with CS for [] same title

[] replace with CS for [] new title

and recommends

[X] AND attaches a "Letter of Intent" [] New Fiscal Note [] Zero Fiscal Note Attached

[] reports it back without recommendation

[] referred to the Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signatures: Katie Hurley, M. N. N. O., Mark ... C. COLLINS, P. A. ... James L. Jenkins, Betty ...

Blank lines for other recommendations.

Katie Hurley CHAIRMAN

Gov
WO-13452

Introduced: 1/18/85 *wained 1/23 State Affairs*
Referred: Health, Education & Social
Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

HOUSE BILL NO. 87

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

6 For an Act entitled: "An Act extending the termination date of the Council
7 on Domestic Violence and Sexual Assault; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 44.66.010(a)(11) is amended to read:

11 (11) Council on Domestic Violence and Sexual Assault
12 (AS 18.66.010) -- June 30, 1989 [1985];

13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

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Alaska State Legislature
House of Representatives

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

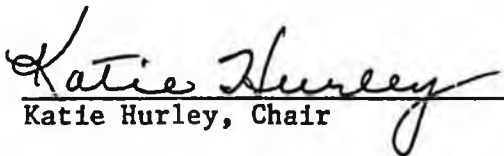
Representative Ben Grussendorf, Speaker
House of Representatives
Pouch V.
Juneau, Alaska 99811

January 31, 1985 (907) 465-4963

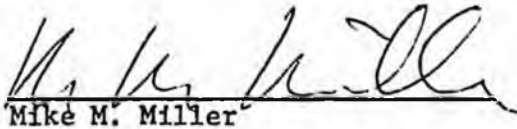
Dear Mr. Speaker:

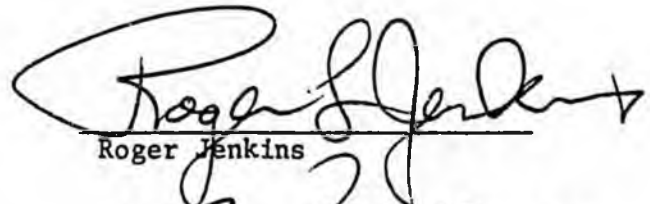
The House State Affairs Committee had under consideration for "Sunset Review" the Council on Domestic Violence & Sexual Assault pursuant to your referral under AS 44.66.050. The Committee has determined that there is a public need for the Council and recommends "do pass" to HB 87 "An act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

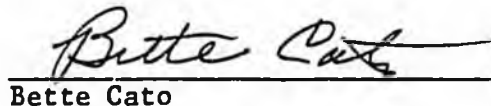
In accordance with statutory requirement a public hearing was held on the review of the Board and the Committee examined the performance audit of the activities of the Board prepared by the Legislative Budget & Audit Division.

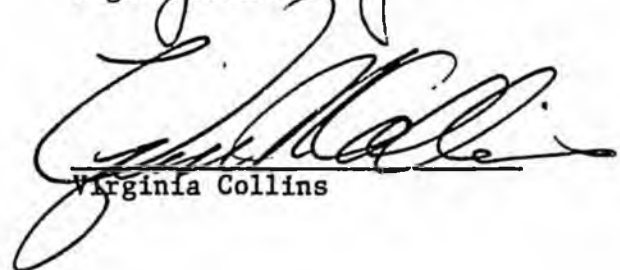

Katie Hurley, Chair

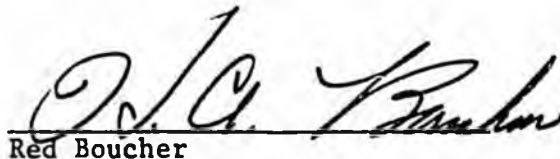

Mike Navarre, Vice-Chair


Mike M. Miller


Roger Jenkins


Bette Cato


Virginia Collins


Red Boucher

BILL SHEFFIELD
GOVERNOR

cl



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

14B87

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will extend the existence of the Council on Domestic Violence and Sexual Assault to June 30, 1989. Under the current AS 44.66.010(a)(11), the council is scheduled to "sunset" June 30, 1985. This extension is necessary to continue the help to adult and child victims of domestic violence and sexual assault provided by council-funded crisis intervention and prevention programs.

The council provides coordination, funding, and planning for programs serving victims of domestic violence and sexual assault. The council's composition and duties are set out in detail in AS 18.66.010 -- 18.66.900. In addition, the council has recently been assigned additional responsibilities by the "Child Sexual Abuse Agreement for Alaska," in response to the apparently increasing need for protecting children from sexual molestation. This agreement, between the Departments of Law, Public Safety, Corrections, and Health and Social Services, is a product of the criminal justice work group.

Domestic violence and sexual assault continue to be major problems in Alaska. In 1982, Alaska had the highest rate of rape and the second highest rate of homicide in the nation. In comparing relationships of homicide victims to perpetrators, Alaska continually has a higher rate among family members than nationally. The number of suspected child sexual abuse cases reported to the division of family and youth services, plus adjudicated cases of child sexual assault, has more than tripled from FY 80 to FY 83.

The council funded 23 domestic violence and sexual assault programs in FY 85. These programs provide shelter, crisis

intervention, counseling, and support to victims and their families. An example of increased demand on domestic violence/sexual assault programs is seen in the increased number of shelter and safe home nights that are used. In FY 83, council programs provided 26,243 shelter and safe home nights compared to 36,457 provided in FY 84.

I urge your favorable action on this needed measure.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

*Copy
Hawaii
Ret. original*

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: HB 87
Title: Extending Termination Date
of Council on Domestic Violence
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL
Agency Affected: Public Safety
Program Category Affected: Council on Domestic
Violence and Sexual Assault
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465-4338
Division: Administrative Services Date: 12-4-84

Approved by Commissioner: [Signature] Date: 12/6/84
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

7/1/84

ALASKA STATE LEGISLATURE

14th... Legislature FIRST.. Session

HOUSE ...BILL..... NO. ...87...

By ..RULES..COMMITTEE..BY..REQUEST
OF THE GOVERNOR

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

Extending Council/Violence/Sex Assault

Introduced in the House ...1/18..., 19..85

HISTORY IN THE HOUSE

19 85
Jan 23
Jan. 16

Read first time and referred to Committee on *Warrant 1/23 State Affairs*
HESS) AND FINNCE

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 1/18/85
Referred: Health, Education &
Social Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

HOUSE BILL NO. 87

2

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the Council
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