

ALASKA LEGISLATURE

1976

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

187

HB

217

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

5/12/99

DATE: 5/6/99

FURTHER:

DATE TURNED

IN TO OFFICE: 5/12/99

Finance Committee considered

HOUSE BILL NO. 217

"An Act relating to obligations and payments to the state under fishery cooperative contracts; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Rev/operations	4/30/99	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

Bill Version: HB 217
(H) Publish Date: 5/4/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)		Dept. Affected	Revenue
Title	<u>Fishery Cooperative Contracts</u>	BRU	Revenue Operations
		Component	Income and Excise Audit
Sponsor	<u>(H) FIN</u>		
Requester	<u>(H) FIN</u>	Component Serial No.	<u>113</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES** (increase)	256.2-512.5	256.2-512.5	256.2-512.5	256.2-512.5	256.2-512.5	256.2-512.5
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FUND SOURCE (Thousands of Dollars)

1002 FeJeral Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS:

** The estimated revenue increase is due to provisions of the American Fisheries Act. The bill provides for how these payments will be remitted to the State. Because there is no precise data on the amount of BSAI pollock that is landed outside of the State, we have provided a range instead of a point estimate. Please see attached for further analysis.

Prepared by Brett Fried, Economist
 Division Income and Excise Audit
 Approved by Wilson L. Condon
 Commissioner
 Agency Department of Revenue

Phone 465.3682
 Date/Time April 30, 1999
 Date April 30, 1999

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**SECTIONAL ANALYSIS BY THE DEPARTMENT OF REVENUE OF HB 217 –
FISHERY COOPERTIVE CONTRACTS**

SECTION ANALYSIS

Section 1 amends AS 43.77 by adding AS 43.77.015 to categorize payments made to the state under federal fishery cooperative contracts. Pursuant to recently enacted federal law, the American Fisheries Act, cooperatives are required to execute contracts with its members who must agree to make payments to Alaska for pollock harvested in the Alaska pollock fishery that is not landed in Alaska. The payments are to be equal to the amount that would have been due had the product been landed in Alaska and subject to the Landing Tax. The bill provides that these payments are to be deposited by the department in the separate account maintained in the general fund for landing taxes, and treated as tax revenue collected for revenue sharing purposes. This allows for the payments to be shared with municipalities in the routine manner upon appropriation.

The amount of the obligation imposed by contract is treated as if it were a tax for purposes of AS 43.77.020. This imposes the obligation upon the cooperative members to file necessary state "as if" Landing Tax returns and to remit the proper payment. However, the payments are not taxes for other intents, such as for assessment, interest, penalty, and collection purposes.

Section 2 provides that the bill has an immediate effective date.

OPERATION EXPENSES

The Department of Revenue does not anticipate increases in cost due to the provisions of this bill.

REVENUES

The American Fisheries Act changed the structure of the Bering Sea and Aleutian Islands (BSAI) pollock fishery. Catcher processors fishing in the BSAI have signed a fishery cooperative contract that was authorized by the American Fisheries Act. Consequently, they must also make payments to the State for any BSAI pollock harvested in the pollock fishery but not landed in the State. Prior to passage of the American Fisheries Act this pollock was not subject to Alaska fish taxes.

In order to estimate the amount of pounds of pollock harvested in the BSAI but not landed in the State, we compared historical Department of Revenue BSAI pollock data to National Pacific Management Council data. DOR pounds of pollock were 16% to 18% less than those identified by the National Pacific Marine Council. Although these differences could be due to different factors (including how unprocessed pounds are calculated), we used this historical information to estimate two scenarios: (1) pollock landed outside the State accounts for 10% of total pollock landed and (2) pollock landed outside the State

Fishery Cooperative Contracts

HB 217

April 30, 1999

Page 3 of 4

accounts for 20% of pollock landed. Using these two scenarios the amount of new revenue coming into the State as a result of the American Fisheries Act would be from \$256,000 to \$512,000. There is, however, no method for adjusting these historically based numbers to reflect the new reality of the cooperative fishery. The pace of fishing has been altered by the fact that the catcher processors no longer compete with each other to maximize their share of the pollock. This could result in changes to the amount of pollock landed in Alaska. Additionally if motherships sign a fishery cooperative contract then payments should increase.

Alaska Department of Revenue
Income and Excise Audit Division

Fishery Cooperative Contracts
HB 217
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<u>Assumptions</u>	<u>1999</u>
Total Allowable Catch in the BSAI for pollock in metric tons	992,000
Metric Tons to Pounds conversion factor	2,205
Total Allowable Catch in the BSAI for 1999 in pounds	2,187,360,000
Q Allocation (10% of TAC)	218,736,000
Total Non-CDQ allowable catch	1,968,624,000
Bering Sea Catcher-Proc. Percent Discards Pollock 1998	2.5%
Percentage of CDQ to Catcher Processors	85.0%
Percentage to Motherships	10.0%
Percentage to Catcher Processors	40.0%
Percentage to Inshore Processors	50.0%
Price Pollock per pound	0.09
Tax rate	3.0%
Scenario 1: Last Load Percentage	10.0%
Scenario 2: Last Load Percentage	20.0%

BSAI POLLOCK "LAST LOAD" - ANNUAL REVENUE FY 2000-FY2005				
Pounds of Pollock	Value (@ \$.09/lb.)	Tax Revenue (@ 3% tax rate)	Last Load Scenario 1	Last Load Scenario 2
949,040,820	\$85,413,674	\$2,562,410	\$256,241	\$512,482

Sources: North Pacific Fishery Management Council, National Marine Fisheries Service and Department of Revenue Fishery Resource Landing Tax and Fisheries Business Tax Returns.

Alaska State Legislature
Representative Carl E. Moses



Member
House Finance Committee

MEMORANDUM

SESSION
Stat. Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-4451
800-878-4151
Fax: (907) 465-3445

INTERIM
P.O. Box 730
Unalaska, Alaska 99685
Phone: (907) 581-2275
Fax: (907) 581-4949

DATE: May 5, 1999

TO: Sn. John Torgerson, Co-Chairman
Senate Finance Committee

Sn. Sean Parnell, Co-Chairman
Senate Finance Committee

FROM: Rep. Carl E. Moses, Member *CEM*
House Finance Committee

SUBJ: Request For Hearing - HB 217

I would greatly appreciate your scheduling a hearing for HB 217, relating to obligations and payments to the state under fishery cooperative contracts, and providing for an effective date. This bill preserves revenue for the state on fish products removed from state waters without being landed in Alaska. It is not a tax, nor an increase in taxes.

The bill addresses a vacancy in statute which should clearly specify authority for the state to receive payments in lieu of commercial fishery landing taxes for product shipped directly out of state. It would authorize the Department of Revenue to collect such payments.

Attached are copies of the bill, sponsor statement, fiscal note, bill history and the relevant statutes. You will see where every member but one from the House Finance Committee gave HB 217 a "do pass," and where it received a 34-0 vote on the House floor. This bill needs to pass this session so as to be in place in anticipation of next year's pollock fishery.

If you have questions of this office, please contact Tim Benintendi at 6591. Thank you.

SPONSOR STATEMENT / SECTIONAL ANALYSIS

HB 217 - Obligations & Payments To The State Under Fishery Cooperative Contracts

House Bill 217 grants specific statutory authority to the Department of Revenue to collect payments-in-lieu-of-taxes which are required under the American Fisheries Act of 1998. The AFA provided for payments in lieu of commercial fishery landing taxes, as part of fishing cooperative contracts for the at-sea pollock fishery. These payments are made on product which is not landed for processing in Alaska.

To avoid the loss of landing tax revenue, the following section was included in the AFA of 1998:

"Any contract filed under subsection (a) shall include a contract clause under which parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery which is not landed in the State of Alaska, in the amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law."

Because of the AFA, nine factory trawlers were removed from the fishery in order to lessen competition and slow the pace of the fishery. The remaining vessels were allowed to form these cooperatives with individual fishery quotas, in order to fish on a more flexible schedule, and with more attention to safety and by-catch restrictions. As a consequence, some boat owners find it advantageous to return to places like Seattle for refueling, resupplying, and making crew changes. In these circumstances, they would leave the fishing grounds loaded with pollock, and land it in Seattle, thus reducing the landings in Alaska, and the landing tax normally paid.

House Bili 217 does not change the landing tax policy, but merely allows the State of Alaska to collect revenues due it by the AFA. It would assure that payments-in-lieu-of-taxes are processed as intended under current state law. The bill is supported by the Departments of Revenue and Community & Regional Affairs, and carries a zero fiscal note.

Section 1 (a): Adds a new section to AS 43.77 which provides the authority for the state to deposit the collected payments in lieu of landing taxes into a new account for that purpose.

(b): Provides that the payment-in-lieu-of-taxes obligation in the cooperative fishing contract should be treated as a fishery landing tax obligation for collection as tax revenue.

Section 2: Immediate effective date.



Sec. 43.77.020. Filing return and payment of tax.

(a) A person subject to the tax under this chapter shall file a return stating the value of fishery resources landed in the state that are subject to the tax, the point of landing of the fishery resource, and other information the department requires by regulation.

(b) The return shall be made on the basis of the calendar year to the department at Juneau before April 1 after the close of the calendar year, and the tax shall be paid with the return.

(c) The department may, under regulations it adopts, grant a reasonable extension of time for the filing. A grant of an extension of time for filing does not extend the time for payment of the tax.

Sec. 43.77.050. Separate accounting.

(a) [Repealed, Sec. 28 ch 81 SLA 1996].

(b) The tax collected under this chapter shall be paid into a separate account in the general fund. The annual balance in the account may be appropriated by the legislature for revenue sharing under AS 43.77.060. The amount of all tax credits approved by the commissioner under AS 43.77.040(b) shall be deducted from amounts paid to municipalities under AS 43.77.060 (a) - (c).

Sec. 43.77.060. Revenue sharing.

(a) Subject to appropriation by the legislature and except as provided in (b) of this section, the commissioner shall pay to each

(1) unified municipality and to each city located in the unorganized borough, 50 percent of the amount of tax revenue collected from taxes levied under this chapter on the fishery resource landed in the municipality and accounted for under AS 43.77.050 (b);

(2) city located within a borough, 25 percent of the amount of the tax revenue collected from taxes levied under this chapter on fishery resources landed in the city and accounted for under AS 43.77.050 (b); and

(3) borough

(A) 50 percent of the amount of the tax revenue collected from taxes levied under this chapter on fishery resources landed in the area of the borough outside cities and accounted for under AS 43.77.050 (b); and

(B) 25 percent of the amount of the tax revenue collected from taxes levied under this chapter on fishery resources landed in cities located within the borough and accounted for under AS 43.77.050 (b).

(b) Notwithstanding the provisions of (a)(2) and (a)(3) of this section, and subject to appropriation by the legislature, the commissioner shall pay to each

(1) city that is located in a borough incorporated after the effective date of this Act, the following percentages of the tax revenue collected from taxes levied under this chapter on fishery resources landed in the city and accounted for under AS 43.77.050 (b):

(A) 45 percent of the tax revenue collected during the calendar year in which the borough is incorporated;

(B) 40 percent of the tax revenue collected during the first calendar year after the calendar year in which the borough is incorporated;

(C) 35 percent of the tax revenue collected during the second calendar year after the calendar year in which the borough is incorporated; and

(D) 30 percent of the tax revenue collected during the third calendar year after the calendar year in which the borough is incorporated; and

(2) borough that is incorporated after the effective date of this Act, the following percentages of the tax revenue collected from taxes levied under this chapter on fishery resources landed in the cities located within the borough and accounted for under AS 43.77.050 (b):

(A) five percent of the tax revenue collected during the calendar year in which the borough is incorporated;

(B) 10 percent of the tax revenue collected during the first calendar year after the calendar year in which the borough is incorporated;

(C) 15 percent of the tax revenue collected during the second calendar year after the calendar year in which the borough is incorporated; and

(D) 20 percent of the tax revenue collected during the third calendar year after the calendar year in which the borough is incorporated.

(c) Notwithstanding the provisions of (b) of this section, a city may adopt an ordinance to transfer a portion of the funds received under (b)(1) of this section to the borough in which the city is located.

(d) To the extent that appropriations are available for the purpose, and notwithstanding the requirement of AS 37.07.080 (e) that approval of the office of management and budget is required, an amount equal to 50 percent of the tax revenue that is collected under this chapter and is not subject to division with a municipality under (a) - (c) of this section shall be transmitted each fiscal year, without the approval of the office of management and budget, by the department to the Department of Community and Regional Affairs for disbursement to eligible municipalities under AS 29.60.450.

(e) For purposes of this section, tax revenue collected under AS 43.77.010 from a person entitled to a credit under AS 43.77.035 or 43.77.045 shall be calculated as if the person's tax had been collected without applying the credits.

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: April 29, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/4/99

The FINANCE Committee considered:

HB 217

HOUSE BILL NO. 217

FISHERY COOPERATIVE CONTRACTS

"An Act relating to obligations and payments to the state under fishery cooperative contracts; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) DOR _____ [] fiscal note(s) _____

[] zero fiscal note(s) _____ [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Therriault</i> Therriault	X			
<i>Edo Mulder</i> Mulder	X			
<i>Jim Kohring</i> Kohring			X	
<i>John & Jerry J. Davies</i> Davies	X			
<i>Ben Grussendorf</i> Grussendorf	X			
<i>Paul E. Moses</i> Moses	X			
<i>W. R. Williams</i> Williams	X			
<i>J. Foster</i> Foster	X			

CHAIR'S SIGNATURE *Gene Therriault* *Edo Mulder*
m. l. d. -

SENATE FINANCE COMMITTEE

SIGN-IN

HB 217-FISHERY COOPERATIVE CONTRACTS

NAME: TIM BENINTENDI Sub./Bill No: _____

Co./Dept./Title: FROM REP. MOSES OFFICE Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Brett Fried Sub./Bill No: _____

Co./Dept./Title: Revenue Economist Phone: 465-3682

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

HB

218

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date Referred to Committee: February 23, 2000

Date of Committee Action: 3/3/00

The FINANCE Committee considered:

HB 218

HOUSE BILL NO. 218

MUSEUM ACQUISITION OF UNCLAIMED PROPERTY

"An Act relating to property loaned to or held by museums."

recommends it be replaced
with the following committee substitute

CS HB 218 (FIN)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____

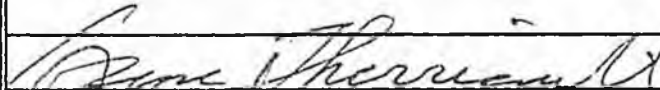
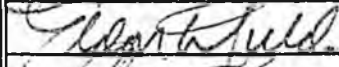

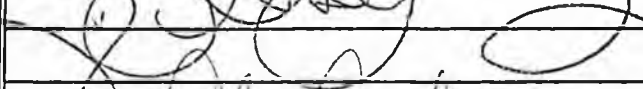

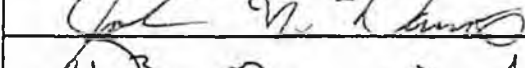
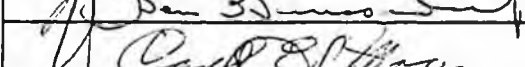

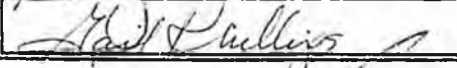
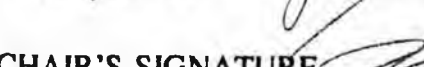
(Dept/Date)

fiscal note(s) _____

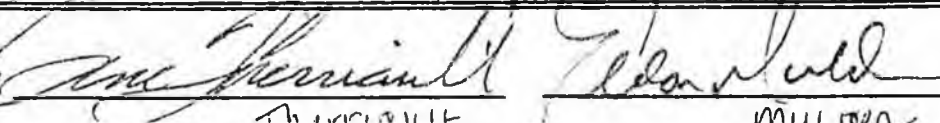
fiscal note(s) _____

zero fiscal note(s) DEED

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therrault	X			
	Mulder			X	
	Bundes	-			
	Foster	X			
	Auserman	X			
	J. Davis	X			
	Grosswendt	X			
	Mosis	X			
	G. Davis	X			
	Phillips	X			

CO CHAIR'S SIGNATURE



FISCAL NOTE

**STATE OF ALASKA
2000 LEGISLATIVE SESSION**

BILL NO. HB 218

Revision Date/Time (Note if correction) _____ Dept. Affected Education & Early Dev.
 Title Museum Acquisition of Unclaimed Property BRU Alaska Library and Museums
 Component Museum Operations
 Sponsor Rep. Halcro
 Requester House Finance Component No. 210

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Any costs to the Alaska State Museum would be minimal and would be considered routine costs of doing business.

Prepared by: Karen Crane Phone 465-2911
 Division Libraries & Museums Date/Time 2/28/00 12:00 AM
 Approved by Commissioner Richard S. Cross Date 2/28/2000
 Agency Education & Early Development

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1-LS0786H
Bannister
3/3/00

3/3/00

adopted as amended (2)

CS FOR HOUSE BILL NO. 218(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HALCRO

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to property loaned to or held by museums."

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

3 * **Section 1.** AS 14.57.050(a) is amended to read:

4 (a) On recommendation of the committee, the department shall adopt
5 regulations governing the museum's in-house acquisitions committee, and the
6 management and disposition of artifacts, natural history specimens, art objects,
7 collections or other items, materials, or properties that are owned by, in the custody
8 of, or are proposed for acquisition by, the state museum. The regulations must be
9 consistent with AS 14.57.200 - 14.57.290.

10 * **Sec. 2.** AS 14.57 is amended by adding new sections to read:

11 **Article 3. Property Held by Museums.**

12 **Sec. 14.57.200. Acquisition of title to loaned property.** (a) A museum may
13 acquire the title to documented property loaned to the museum if

14 (1) at least seven years have passed after the expiration date of the loan
15 without written or other contact between the lender and the museum; or

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(2) the loan does not have an expiration date and at least seven years have passed without written or other contact between the lender and the museum since the loan was made.

(b) To acquire title to property under this section, the museum shall first send a notice by certified mail to the lender's latest address if the museum has an address for the lender. The notice must include

- (1) a statement that the loan is terminated;
- (2) a brief and general description of the property;
- (3) the date or approximate date, if known, when the owner loaned the property to the museum;
- (4) the name, address, and telephone number of the museum representative to contact for more information or to make a claim;
- (5) the lender's name and latest address; and
- (6) a statement that the museum will acquire title to the property if a

valid claim to the property is not made within 90 days from the date when the notice is mailed under this subsection, ~~unless the deadline is extended because a valid claim is not received within the 30 days and the museum is obligated to publish notice under (c) of this section.~~

(c) If a valid claim is not received within 30 days from the date the notice was mailed under (b) of this section or if the museum does not have an address for the lender, the museum shall publish a notice at least once a week for four consecutive weeks in a newspaper of general circulation in the judicial district where the museum is located and, if the museum has an address for the lender, in

- (1) the judicial district in which the lender's latest address is located if the address is in this state; or
- (2) the county, borough, or other geographical organizational entity of the jurisdiction in which the lender's latest address is located if the address is in a jurisdiction other than this state.

(d) The notice published under (c) of this section must contain the information required for the notice in (b)(1) - (5) of this section and a statement that the museum will acquire title to the loaned property if a valid claim to the property is not made

make consistent
←

31 days after the publication in subsection C is completed. 1-LS0786H

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within 60 days from the date of the first publication of the notice under (c) of this section.

(e) The museum acquires the title to the property, subject to reclamation of the property under AS 14.57.220, as of the 61st day after the date of the first publication of the notice under (c) of this section, if the requirements of (a) - (d) of this section are satisfied and if a valid claim to the loaned property is not received by the museum within 60 days after the date of the first publication of the notice under (c) of this section.

(f) In this section, "address" means a description of the location of the lender, as shown on a museum's records, that is sufficient for delivery by mail.

Sec. 14.57.210. Acquisition of title to undocumented property. (a) A museum may acquire title to undocumented property held by a museum for seven years or longer if the seven years are verified by the written records of the museum and if, during the seven years, a person has not filed a claim with the museum for the property or had written or other contact with the museum.

(b) To acquire title under (a) of this section, the museum shall publish a notice at least once a week for four consecutive weeks in a newspaper of general circulation in the judicial district where the museum is located. The notice must include

- (1) a brief and general description of the property;
- (2) the date or approximate date, if known, of the acquisition of the property by the museum;
- (3) the name, address, and telephone number of the museum representative to contact for more information or to make a claim; and
- (4) a statement that the museum will acquire title to the property if a valid claim to the property is not made within 60 days from the notice date.

(c) The museum acquires the title to the undocumented property, subject to reclamation of the property under AS 14.57.220, as of the 61st day after the notice date if the requirements of (a) and (b) of this section are satisfied and if a valid claim to the property is not received by the museum within 60 days after the notice date.

(d) In this section, "notice date" means the first date the notice is published under (b) of this section.

1 **Sec. 14.57.220. Reclamation of property.** After title to documented property
2 or undocumented property is acquired by a museum under AS 14.57.200 - 14.57.290,
3 the lender or owner of the property has two years to bring an action in court against
4 the museum to claim the property. If an action is not brought by the end of this two-
5 year period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in
6 good faith, a person does not have a claim to the property against the museum, the
7 museum's employees, or the museum's agents.

8 **Sec. 14.57.230. Museum obligations regarding loaned property.** (a) A
9 museum shall keep written records regarding loaned property for at least two years
10 from the date of acquiring title to the property under AS 14.57.200 or 14.57.210.

11 (b) A museum shall keep written records on all property it acquires by loan.
12 The records must contain the owner's name, address, and the telephone number, the
13 duration of the loan, and the beginning date of the loan period.

14 (c) A museum is responsible for notifying a lender of the museum's change
15 of location or elimination.

16 (d) At the time the museum enters into the loan, the museum shall inform the
17 lender of the requirements of AS 14.57.200 - 14.57.290.

18 **Sec. 14.57.240. Obligation of lenders.** A lender shall notify the museum of
19 a change of address or a change in the ownership of the loaned property in order to
20 ensure the retention of rights to the loaned property.

21 **Sec. 14.57.250. Relationship to other laws.** If AS 14.57.200 - 14.57.290
22 conflict with another provision of state law, AS 14.57.200 - 14.57.290 govern to the
23 extent of the conflict.

24 **Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context
25 indicates otherwise,

26 (1) "documented property" means property in the possession of a
27 museum for which the museum has a reasonable means of determining the owner;

28 (2) "lender" means a person whose name appears on the records of a
29 museum as the person legally entitled to the property held by the museum;

30 (3) "loan" or "loaned" means a deposit with or deposited with a
31 museum if title to the property is not transferred to the museum or if the agreement

1 for the deposit does not include a provision that the museum acquires title at some
2 time after the deposit is made or an option for the museum to acquire title at some
3 time after the deposit is made;

4 (4) "museum" means an organized and permanent nonprofit or public
5 institution, including a historical society, historical park, historical site, and historical
6 monument, that is primarily educational, scientific, historical, artistic, or cultural in
7 purpose and that owns, borrows, cares for, studies, archives, or exhibits property;

8 (5) "property" means tangible animate or inanimate objects under a
9 museum's care that have intrinsic educational, scientific, historical, artistic, aesthetic,
10 or cultural value;

11 (6) "undocumented property" means property in the possession of a
12 museum for which the museum does not have a reasonable means of determining the
13 owner.

14 * Sec. 3. AS 34.45 is amended by adding a new section to read:

15 Sec. 34.45.085. Definition. In AS 34.45.010 and 34.45.020, "property" does
16 not include property covered by AS 14.57.200 - 14.57.290.

17 * Sec. 4. AS 34.45.760(14) is amended to read:

18 (14) "property" means personal property, but does not include
19 property covered by AS 14.57.200 - 14.57.290;

CS FOR HOUSE BILL NO. 218(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HALCRO

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to property loaned to or held by museums."**

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

3 *** Section 1.** AS 14.57.050(a) is amended to read:

4 (a) On recommendation of the committee, the department shall adopt
5 regulations governing the museum's in-house acquisitions committee, and the
6 management and disposition of artifacts, natural history specimens, art objects,
7 collections or other items, materials, or properties that are owned by, in the custody
8 of, or are proposed for acquisition by, the state museum. The regulations must be
9 consistent with AS 14.57.200 - 14.57.290.

10 *** Sec. 2.** AS 14.57 is amended by adding new sections to read:

11 **Article 3. Property Held by Museums.**

12 **Sec. 14.57.200. Acquisition of title to loaned property.** (a) A museum may
13 acquire the title to documented property loaned to the museum if

14 (1) at least seven years have passed after the expiration date of the loan
15 without written or other contact between the lender and the museum; or

1 (2) the loan does not have an expiration date and at least seven years
2 have passed without written or other contact between the lender and the museum since
3 the loan was made.

4 (b) To acquire title to property under this section, the museum shall first send
5 a notice by certified mail to the lender's latest address if the museum has an address
6 for the lender. The notice must include

- 7 (1) a statement that the loan is terminated;
8 (2) a brief and general description of the property;
9 (3) the date or approximate date, if known, when the owner loaned the
10 property to the museum;
11 (4) the name, address, and telephone number of the museum
12 representative to contact for more information or to make a claim;
13 (5) the lender's name and latest address; and
14 (6) a statement that outlines the schedule and requirements for the
15 museum to acquire title under this section.

16 (c) If a valid claim is not received by the museum within 30 days from the
17 date the notice was mailed under (b) of this section or if the museum does not have
18 an address for the lender, the museum shall publish a notice at least once a week for
19 four consecutive weeks in a newspaper of general circulation in the judicial district
20 where the museum is located and, if the museum has an address for the lender, in

21 (1) the judicial district in which the lender's latest address is located
22 if the address is in this state; or

23 (2) the county, borough, or other geographical organizational entity of
24 the jurisdiction in which the lender's latest address is located if the address is in a
25 jurisdiction other than this state.

26 (d) The notice published under (c) of this section must contain

- 27 (1) the information required for the notice in (b)(1) - (5) of this section;
28 (2) the date of the last publication of the notice under (c) of this
29 section; and
30 (3) a statement that the museum will acquire title to the loaned property
31 if a valid claim to the property is not received by the museum within 45 days from the

1 date of the last publication of the notice under (c) of this section.

2 (e) The museum acquires the title to the property, subject to reclamation of the
3 property under AS 14.57.220, as of the 46th day after the date of the last publication
4 of the notice under (c) of this section, if the requirements of (a) - (d) of this section
5 are satisfied and if a valid claim to the loaned property is not received by the museum
6 within 45 days after the date of the last publication of the notice under (c) of this
7 section.

8 (f) In this section, "address" means a description of the location of the lender,
9 as shown on a museum's records, that is sufficient for delivery by mail.

10 **Sec. 14.57.210. Acquisition of title to undocumented property.** (a) A
11 museum may acquire title to undocumented property held by a museum for seven
12 years or longer if the seven years are verified by the written records of the museum
13 and if, during the seven years, a person has not filed a claim with the museum for the
14 property or had written or other contact with the museum.

15 (b) To acquire title under (a) of this section, the museum shall publish a notice
16 at least once a week for four consecutive weeks in a newspaper of general circulation
17 in the judicial district where the museum is located. The notice must include

18 (1) a brief and general description of the property;

19 (2) the date or approximate date, if known, of the acquisition of the
20 property by the museum;

21 (3) the name, address, and telephone number of the museum
22 representative to contact for more information or to make a claim;

23 (4) the date of the last publication of the notice under this subsection;
24 and

25 (5) a statement that the museum will acquire title to the property if a
26 valid claim to the property is not received by the museum within 45 days from the
27 date of the last publication of the notice under this subsection.

28 (c) The museum acquires the title to the undocumented property, subject to
29 reclamation of the property under AS 14.57.220, as of the 46th day after the date of
30 the last publication of the notice under (b) of this section if the requirements of (a) and
31 (b) of this section are satisfied and if a valid claim to the property is not received by

1 the museum within 45 days after the date of the last publication of the notice under
2 (b) of this section.

3 **Sec. 14.57.220. Reclamation of property.** After title to documented property
4 or undocumented property is acquired by a museum under AS 14.57.200 - 14.57.290,
5 the lender or owner of the property has two years to bring an action in court against
6 the museum to claim the property. If an action is not brought by the end of this two-
7 year period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in
8 good faith, a person does not have a claim to the property against the museum, the
9 museum's employees, or the museum's agents.

10 **Sec. 14.57.230. Museum obligations regarding loaned property.** (a) A
11 museum shall keep written records regarding loaned property for at least two years
12 from the date of acquiring title to the property under AS 14.57.200 or 14.57.210.

13 (b) A museum shall keep written records on all property it acquires by loan.
14 The records must contain the owner's name, address, and the telephone number, the
15 duration of the loan, and the beginning date of the loan period.

16 (c) A museum is responsible for notifying a lender of the museum's change
17 of location or elimination.

18 (d) At the time the museum enters into the loan, the museum shall inform the
19 lender of the requirements of AS 14.57.200 - 14.57.290.

20 **Sec. 14.57.240. Obligation of lenders.** A lender shall notify the museum of
21 a change of address or a change in the ownership of the loaned property in order to
22 ensure the retention of rights to the loaned property.

23 **Sec. 14.57.250. Relationship to other laws.** If AS 14.57.200 - 14.57.290
24 conflict with another provision of state law, AS 14.57.200 - 14.57.290 govern to the
25 extent of the conflict.

26 **Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context
27 indicates otherwise,

28 (1) "documented property" means property in the possession of a
29 museum for which the museum has a reasonable means of determining the owner;

30 (2) "lender" means a person whose name appears on the records of a
31 museum as the person legally entitled to the property held by the museum;

1 (3) "loan" or "loaned" means a deposit with or deposited with a
2 museum if title to the property is not transferred to the museum or if the agreement
3 for the deposit does not include a provision that the museum acquires title at some
4 time after the deposit is made or an option for the museum to acquire title at some
5 time after the deposit is made;

6 (4) "museum" means an organized and permanent nonprofit or public
7 institution, including a historical society, historical park, historical site, and historical
8 monument, that is primarily educational, scientific, historical, artistic, or cultural in
9 purpose and that owns, borrows, cares for, studies, archives, or exhibits property;

10 (5) "property" means tangible animate or inanimate objects under a
11 museum's care that have intrinsic educational, scientific, historical, artistic, aesthetic,
12 or cultural value;

13 (6) "undocumented property" means property in the possession of a
14 museum for which the museum does not have a reasonable means of determining the
15 owner.

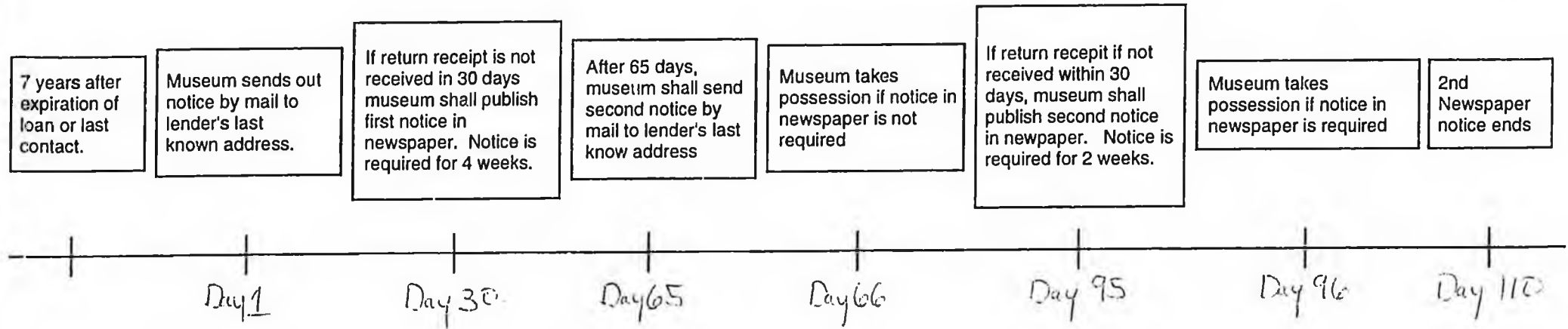
16 * Sec. 3. AS 34.45 is amended by adding a new section to read:

17 **Sec. 34.45.085. Definition.** In AS 34.45.010 and 34.45.020, "property" does
18 not include property covered by AS 14.57.200 - 14.57.290.

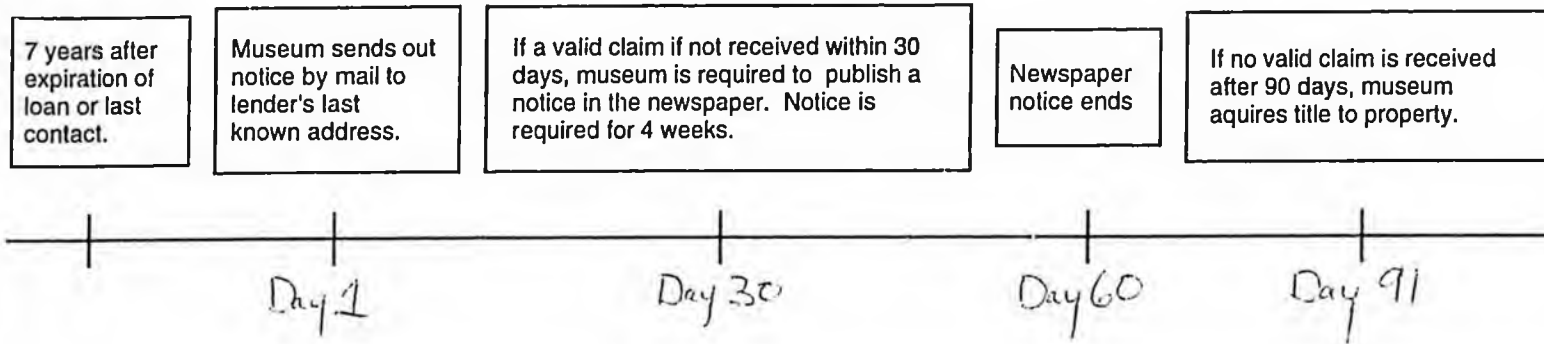
19 * Sec. 4. AS 34.45.760(14) is amended to read:

20 (14) "property" means personal property, but does not include
21 property covered by AS 14.57.200 - 14.57.290;

HB 218 Timeline for Acquisition



CS HB 218(FIN) "H", 3/3/00



1-LS0786D
Bannister
2/28/00

*Adopted
2/28/00*

CS FOR HOUSE BILL NO. 218()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HALCRO

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to property loaned to or held by museums."**

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

3 *** Section 1.** AS 14.57.050(a) is amended to read:

4 (a) On recommendation of the committee, the department shall adopt
5 regulations governing the museum's in-house acquisitions committee, and the
6 management and disposition of artifacts, natural history specimens, art objects,
7 collections or other items, materials, or properties that are owned by, in the custody
8 of, or are proposed for acquisition by, the state museum. The regulations must be
9 consistent with AS 14.57.200 - 14.57.290.

10 *** Sec. 2.** AS 14.57 is amended by adding new sections to read:

11 **Article 3. Property Held by Museums.**

12 **Sec. 14.57.200. Acquisition of title to loaned property.** (a) A museum may
13 acquire the title to documented property loaned to the museum if

14 (1) at least seven years have passed after the expiration date of the loan
15 without written or other contact between the lender and the museum; or

1 (2) the loan does not have an expiration date and at least seven years
2 have passed without written or other contact between the lender and the museum since
3 the loan was made.

4 (b) To acquire title to property under this section, the museum shall first send
5 a notice by certified mail, return receipt requested, to the lender's last known address.
6 The notice must include

- 7 (1) a statement that the loan is terminated;
8 (2) a brief and general description of the property;
9 (3) the date or approximate date, if known, when the owner loaned the
10 property to the museum;
11 (4) the name, address, and telephone number of the museum
12 representative to contact for more information or to make a claim;
13 (5) the lender's name and last known address, if known; and
14 (6) a statement that the museum intends to claim title to the property
15 if a valid claim to the property is not made within 65 days from the notice date.

16 (c) If proof of delivery of the notice is not received within 30 days from the
17 date the notice was mailed, the museum shall publish a notice at least once a week for
18 four consecutive weeks in a newspaper of general circulation in the judicial district
19 where the museum is located and in

20 (1) the judicial district in which the lender's last known address is
21 located if the address is in this state; or

22 (2) the county, borough, or other geographical organizational entity of
23 the jurisdiction in which the lender's last known address is located if the address is in
24 a jurisdiction other than this state.

25 (d) The notice published under (c) of this section must contain the information
26 required for the notice in (b)(1) - (5) of this section and a statement that the museum
27 intends to claim title to the loaned property if a valid claim to the property is not made
28 within 65 days from the date of the first publication of the notice.

29 (e) If the requirements of (b) - (d) are met without the museum receiving a
30 valid claim within 65 days after the notice date, the museum shall mail a notice by
31 certified mail, return receipt requested, to the lender's last known address. The notice

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must provide

(1) a brief and general description of the property;

(2) the date or approximate date, if known, when the owner loaned the property to the museum;

(3) a statement that the museum claims title to the property as of the 66th day after the notice date.

(f) If proof of delivery of the notice under (e) of this section is not received by the museum within 30 days from the date the notice under (e) was mailed, the museum shall publish a notice at least once a week for two consecutive weeks in a newspaper of general circulation in each of the judicial districts described in (c) of this section. The notice must provide

(1) a brief and general description of the property;

(2) the date or approximate date, if known, when the owner loaned the property to the museum;

(3) a statement that the museum claims title to the property as of the 66th day after the notice date.

(g) The museum receives the title to the property, subject to reclamation of the property under AS 14.57.220, as of the 66th day after the notice date, if the requirements of (a) - (f) of this section are satisfied, and if a valid claim to the loaned property is not received by the museum within 65 days after the notice date.

(h) In this section, "notice date" means the date when the notice is mailed under (b) of this section or, if publication is required under (c) of this section, when the notice is first published under (c) of this section.

Sec. 14.57.210. Acquisition of title to undocumented property. (a) A museum may acquire title to undocumented property held by a museum for seven years or longer if the seven years are verified by the written records of the museum and if, during the seven years, a person has not filed a claim with the museum for the property or had written or other contact with the museum.

(b) To acquire title under (a) of this section, the museum shall first publish a notice at least once a week for four consecutive weeks in a newspaper of general circulation in the judicial district where the museum is located. The notice must

1 include

2 (1) a brief and general description of the property;

3 (2) the date or approximate date, if known, of the acquisition of the
4 property by the museum;

5 (3) the name, address, and telephone number of the museum
6 representative to contact for more information or to make a claim; and

7 (4) a statement that the museum intends to claim title to the property
8 if a valid claim to the property is not made within 65 days from the notice date.

9 (c) If a valid claim is not made within 65 days after the first publication of the
10 notice under (b) of this section, the museum shall publish a second notice at least once
11 a week for two consecutive weeks in a newspaper of general circulation in the judicial
12 district where the museum is located. The notice must contain the information
13 required for the notice in (b)(1) - (3) of this section and a statement that the museum
14 claims title to the loaned property as of the 66th day after the notice date.

15 (d) The museum receives the title to the undocumented property, subject to
16 reclamation of the property under AS 14.57.220, as of the 66th day after the notice
17 date if the requirements of (a) - (c) of this section are satisfied and if a valid claim to
18 the property is not received by the museum within 65 days after the first date the
19 notice is published under (b) of this section.

20 (e) In this section, "notice date" means the first date the notice is published
21 under (b) of this section.

22 **Sec. 14.57.220. Reclamation of property.** After title to documented property
23 or undocumented property is transferred to a museum under AS 14.57.200 - 14.57.290,
24 the lender or owner of the property has two years to bring an action in court against
25 the museum to claim the property. If an action is not brought by the end of this two-
26 year period and if the museum has taken its action under AS 14.57.200 - 14.57.290 in
27 good faith, a person does not have a claim to the property against the museum, the
28 museum's employees, or the museum's agents.

29 **Sec. 14.57.230. Museum obligations regarding loaned property.** (a) A
30 museum shall keep written records regarding loaned property for at least two years
31 from the date of taking title to the property under AS 14.57.210 or 14.57.220.

1 (b) A museum shall keep written records on all property it acquires by loan.
2 The records must contain the owner's name, address, and the telephone number, the
3 duration of the loan, and the beginning date of the loan period.

4 (c) A museum is responsible for notifying a lender of the museum's change
5 of location or elimination.

6 (d) At the time the museum enters into the loan, the museum shall inform the
7 lender of the requirements of AS 14.57.200 - 14.57.290.

8 **Sec. 14.57.240. Obligation of lenders.** A lender shall notify the museum of
9 a change of address or a change in the ownership of the loaned property in order to
10 ensure the retention of rights to the loaned property.

11 **Sec. 14.57.250. Relationship to other laws.** If AS 14.57.200 - 14.57.290
12 conflict with another provision of state law, AS 14.57.200 - 14.57.290 govern to the
13 extent of the conflict.

14 **Sec. 14.57.290. Definitions.** In AS 14.57.200 - 14.57.290, unless the context
15 indicates otherwise,

16 (1) "documented property" means property in the possession of a
17 museum for which the museum has a reasonable means of determining the owner;

18 (2) "lender" means a person whose name appears on the records of a
19 museum as the person legally entitled to the property held by the museum;

20 (3) "lender's last known address" means a description of the location
21 of the lender, as shown on a museum's records, that is sufficient for delivery by mail;

22 (4) "loan" or "loaned" means deposited with a museum but not
23 accompanied by a transfer of title to the museum;

24 (5) "museum" means an organized and permanent nonprofit or public
25 institution, including a historical society, historical park, historical site, and historical
26 monument, that is primarily educational, scientific, historical, artistic, or cultural in
27 purpose and that owns, borrows, cares for, studies, archives, or exhibits property;

28 (6) "property" means tangible animate or inanimate objects under a
29 museum's care that have intrinsic educational, scientific, historical, artistic, aesthetic,
30 or cultural value;

31 (7) "undocumented property" means property in the possession of a

1 museum for which the museum does not have a reasonable means of determining the
2 owner.

3 * Sec. 3. AS 34.45 is amended by adding a new section to read:

4 Sec. 34.45.085. **Definition.** In AS 34.45.010 and 34.45.020, "property" does
5 not include property covered by AS 14.57.200 - 14.57.290.

6 * Sec. 4. AS 34.45.760(14) is amended to read:

7 (14) "property" means personal property, but does not include
8 property covered by AS 14.57.200 - 14.57.290;

ALASKA STATE LEGISLATURE

CO-CHAIR
COMMUNITY AND REGIONAL AFFAIRS

VICE-CHAIR
LABOR AND COMMERCE
TRANSPORTATION

SPECIAL COMMITTEE
ECONOMIC DEVELOPMENT AND TOURISM



REPRESENTATIVE ANDREW HALCRO

District 12

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House Bill No. 218

Sponsor Statement

"An Act relating to property loaned to or held by Museums"

Alaska's many museums are a vital asset to the preservation of our state's rich cultural heritage. Unfortunately, many of these institutions face difficulty when dealing with artifacts on loan when contact is lost with the item's owner. Often, these items require exhaustive care and maintenance. Museums cannot reasonably be expected to make decisions regarding the conservation or disposition of loaned property at their own risk and expense.

This legislation will offer a valuable vehicle for Alaska's museums to deal with property received on loan. Over time, lenders may die without heirs or move without maintaining contact with a museum. This leaves museums in the undesirable position of not being able to perform necessary conservation on the item while being unable to ascertain an identifiable manner of acquisition.

HB 218 establishes a process for museums to follow in order to clarify title on unclaimed objects. Before claiming title to an object on loan, the museum must have lost contact with the owner for at least seven years. The museum must then make a reasonable attempt to find the original owner or their heirs. Contact must be attempted through multiple certified mailings to the last known address, and if not successful, through newspaper announcements. After waiting a specified period of 65 days beyond these notices, the museum may proceed to obtain title to the property. The original owner then still has two years after that date to reclaim their property. Museum operators will be required to advise any new lenders of this new law.

This important revision will alleviate many difficulties encountered by Alaska's museums while providing a fair and equitable recourse for the property owner. It is estimated that title to several hundred objects in museums around the state can be resolved with the passage of HB 218.

STATE OF ALASKA

Department of Education & Early Development

Office of the Commissioner

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-2800
(907) 465-4156 Fax

November 15, 1999

The Honorable Andrew Halcro
Alaska State Legislature
716 West 4th Street, Suite 620
Anchorage, Alaska 99501

Dear Representative Halcro:

Thank you for your letter of October 28 with the copy of House Bill 218. Both Karen Crane, Director of Libraries, Archives and Museums, and Bruce Kato, Chief Curator forwarded their comments to me.

The bill addresses a problem many museums have encountered. Museum loan practices and record keeping were quite different 50 years ago. The problem for old loans for museums is that many were made with an indefinite or expired term by a lender who has since died or moved, or in any case has failed to maintain contact with the borrowing institution. I know that the State Museum has made extensive searches for the owners of a number of pieces. It is also not uncommon to find in a museum collection, objects without an identifiable record of the manner of acquisition. Without title to an object, museums have only a limited right to use and treat it, all the while bearing cost the associated cost of caring for it.

The Alaska State Museum has a number of objects that fall within the category of unclaimed loans or undocumented objects. We estimate that there are several hundred objects in museums around the State that can be addressed with the passage of HB218. It is my understanding that as of 1997, 28 states have passed similar legislation. Museum staff view this bill as a positive step in resolving a problem for museums statewide.

Karen Crane or Bruce Kato would be happy to testify in favor of your bill during this session. Thank you for supporting Alaska museums by promoting legislation that would clarify museum statutes.

Sincerely,



Richard S. Cross
Commissioner



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Cynthia Jones,
Sheldon Museum,
Halnes

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of the Smithsonian
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Representative Andrew Halcro
716 W 4th
Suite 620
Anchorage, AK 99501-2133
December 28, 1999

Dear Representative Halcro,

Museums Alaska is pleased to support the proposed legislation, House Bill No. 218 "An Act relating to property loaned to or held by museums."

As we discussed earlier this year, this kind of provision will assist museums in the care, preservation and conservation of their collections by setting up procedures for establishing clear title to objects in their collections.

Many museums incur unreimbursable expenses in caring for and storing unclaimed loaned property. The condition of tangible property changes over time. Loaned property often requires conservation work that may be expensive or potentially detrimental to the property. Organic materials and specimens may serve as breeding grounds for insects, fungi, or diseases that threaten other, perhaps more valuable property.

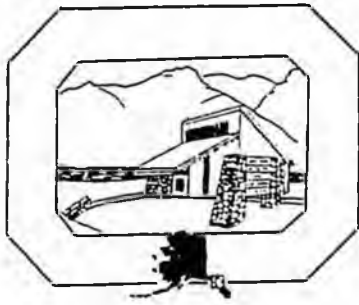
Museums cannot reasonably be expected to make decisions regarding conservation or disposition of loaned property at their own risk and expense. Over time, however, lenders die or move, and museums and lenders may lose contact. If a lender has failed to maintain contact with a museum, it is often impossible to locate the lender so that the lender can make decisions regarding conservation or disposition of loaned property.

We appreciate the clarity of description contained in the bill regarding transactions between museums and lenders and the time intervals and contact, publication requirements. You may be interested to see the recent on-line discussion among museums in the State that covered on this topic. (Enclosure follows)

We will continue to observe with interest the progress of the proposed legislation, and once again thank you for your efforts and attention to remedying this situation on behalf of the State's more than 70 cultural institutions. Please contact us if we can answer any of your concerns. We appreciate your genuine commitment to our cultural heritage in this legislative session.

Sincerely

Donna Matthews
Donna Matthews
Executive Director, Museums Alaska



Sheldon Museum and Cultural Center, Inc.

Box 269, Haines, Alaska 99827-0269

January 27, 2000

Representative Andrew Halcro
Alaska State Legislature
State Capitol, Suite 418
Juneau, AK 99801-1182

Dear Representative Halcro,

Thank you for sending a copy of HB 218 for my review as a museum professional. I appreciate very much your concern for unclaimed loans in museums. Probably every museum has objects that fall into this category and with no legal recourse the objects can remain forever in limbo.

The contents of your bill sound good and reasonable. I strongly support your bill. The Sheldon Museum and Cultural Center in Haines has several items that will be positively affected by this legislation. I am quite willing to testify during the bill hearings. Please contact me if I may assist you in any other way.

Again, thank you very much for your concern and action with this common museum problem.

Sincerely,

Cynthia L. Jones
Director/Curator

A Chilkat Valley Historical Society and Haines Borough Facility



**HB 218
Timeline for Acquisition**

7 years after expiration of loan or last contact.

Museum sends out notice by mail to lender's last known address.

Day 1

If return receipt is not received in 30 days museum shall publish first notice in newspaper. Notice is required for 4 weeks.

Day 30

After 65 days, museum shall send second notice by mail to lender's last known address

Day 65 — Day 66
Museum takes possession if Newspaper notice is not required

If return receipt is not received within 30 days, museum shall publish second notice in newspaper. Notice is required for 2 weeks.

Day 95 — Day 110
2nd Newspaper notice fails
Museum take possession if Newspaper notice is required.

Alternative

3 months or 6 months before loan term expires, museum send a notice to lender.

If there is no contact, museum notifies lender that term is expired and museum intends to take possession in 60 days. Notice is sent return receipt.

If return receipt is not received in 30 days, museum shall publish notice in newspaper. Notice is required for 4 weeks.

If no contact is made from the lender museum shall take possession.

HB

227

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/16/99

FURTHER: *5/17/99*

DATE TURNED
IN TO OFFICE: 17 May 1999

Finance Committee considered CS FOR HOUSE BILL NO. 227(RES) am

"An Act making up to 160 acres of land available for selection by the Matanuska-Susitna Borough."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS HB 227 (RES) *am*
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Wall E. Hill</i>	✓				
<i>Linda Green</i>	✓				
<i>Marie Conley</i>	✓				
<i>Gonzalo Lopez</i>	✓				
<i>Alan D. Lemmon</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DNR	7/15/99		11.1

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

SPONSOR STATEMENT HOUSE BILL 227

Hatcher Pass Public Use Area

The need for the Matanuska-Susitna Borough and the Community of Palmer to establish viable industries is great. For the past two decades, many Alaskans residing in Anchorage and other communities have chosen to make the Mat-Su their home. The rustic charm of the Matanuska Valley with its history in agriculture and mining coupled with its unsurpassed natural beauty has attracted many people.

The increase in the populace has created a burden on homeowners as the demand for services such as schools has increased the Mat-Su Borough has had to increase property taxes on homes to accommodate those demands. At this point taxes have reached the point where homeowners may no longer support much of an increase to maintain government services. This is especially true in the Palmer area where little or no industry has been established.

HB 227 will allow the Department of Natural Resources and the Mat-Su Borough to enter into negotiations allowing the Borough to select up to 160 acres of land out of the Hatcher Pass Public Use Area. This bill does not automatically grant the land to the Borough. Any lands selected by the Borough will still have to go through the public hearing process before the State may transfer those lands.

If the Mat-Su Borough is successful in obtaining these lands and the proposed development of a major ski resort moves forward it will establish a much needed industry in an area of the state that is environmentally friendly and economically productive. It will be a big step forward toward establishing a much needed economic base in an area that has struggled for years to bring financial stability to the community.

HB 227 is much needed legislation at this time. It is environmentally friendly, it will help establish a new economic base in a community that needs it, and it will provide a first class destination for winter tourism. I urge my colleagues to support this legislation.

HB 227

An Act permitting DNR, to put before the public, consideration of transfer of 160 acres of State Land to the Mat-Su Borough.

Bill History

- HB 227 was introduced to allow DNR to keep the commitment they made when the Hatcher Pass Public Use Area was created. (see minutes of 1986 Senate Resources Meeting)
- That commitment was to allow Municipal selection of lands within the Public Use Area.
- HB 227 originally proposed 936 acres for possible selection. House Resources reduced that amount to 160 acres for access purposes only.
- Those include two 100 foot corridors to the ski lift area and the ski village area.
- The Department of Natural Resources indicated no additional hearing costs, but later revised their estimate to include an \$11,000.00 charge for public hearings on the potential conveyance of the access corridors.
- The Mat-Su Borough committed to pay for the hearing costs and with that assurance, and a program receipt based fiscal note, the Finance Committee agreed to waive the from Finance Committee.

IT IS EXTREMELY IMPORTANT TO NOTE

HB 227 requires the Borough to meet all the stringent conditions now in statute and regulation with regard to the Hatcher Pass Public Use Area. It is also important to note that HB 227 re-affirms that this consideration for conveyance is subject to all existing public hearing and notice provisions presently in state law.

REPRESENTATIVE
GENE THERRIault
Co-Chair
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Fax: (907) 465-3884

INTERIM ADDRESS
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Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

Alaska State Legislature
House Finance Committee



State Capitol, Juneau, Alaska 99801-1182

REPRESENTATIVE
ELDON MULDER
Co-Chair
(907) 465-2647
Fax: (907) 465-3518

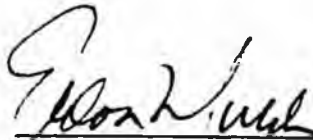
INTERIM ADDRESS
716 W. 4th Ave., Suite 310
Anchorage, Alaska 99501
(907) 269-0265
Fax: (907) 269-0264

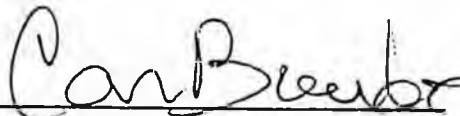
House Finance Committee Waiver Request

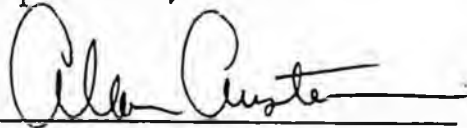
Bill Number: HB 227

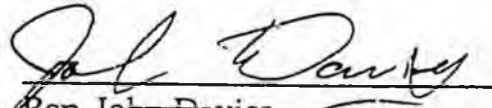
Short Title: CAPITAL IMPROVEMENT PROJECT AUTHORITY

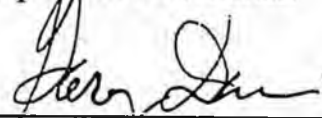
I have no objection to the waiver of this bill from a House Finance Committee hearing.



Rep. Eldon Mulder

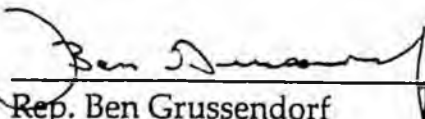

Rep. Con Bunde

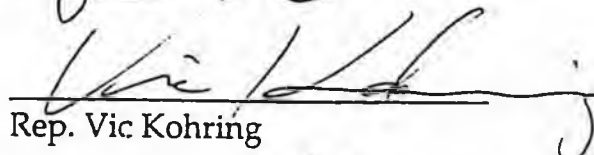

Rep. Alan Austerman



Rep. John Davies

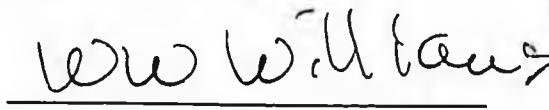

Rep. Gary Davis


Rep. Richard Foster


Rep. Ben Grussendorf


Rep. Vic Kohring

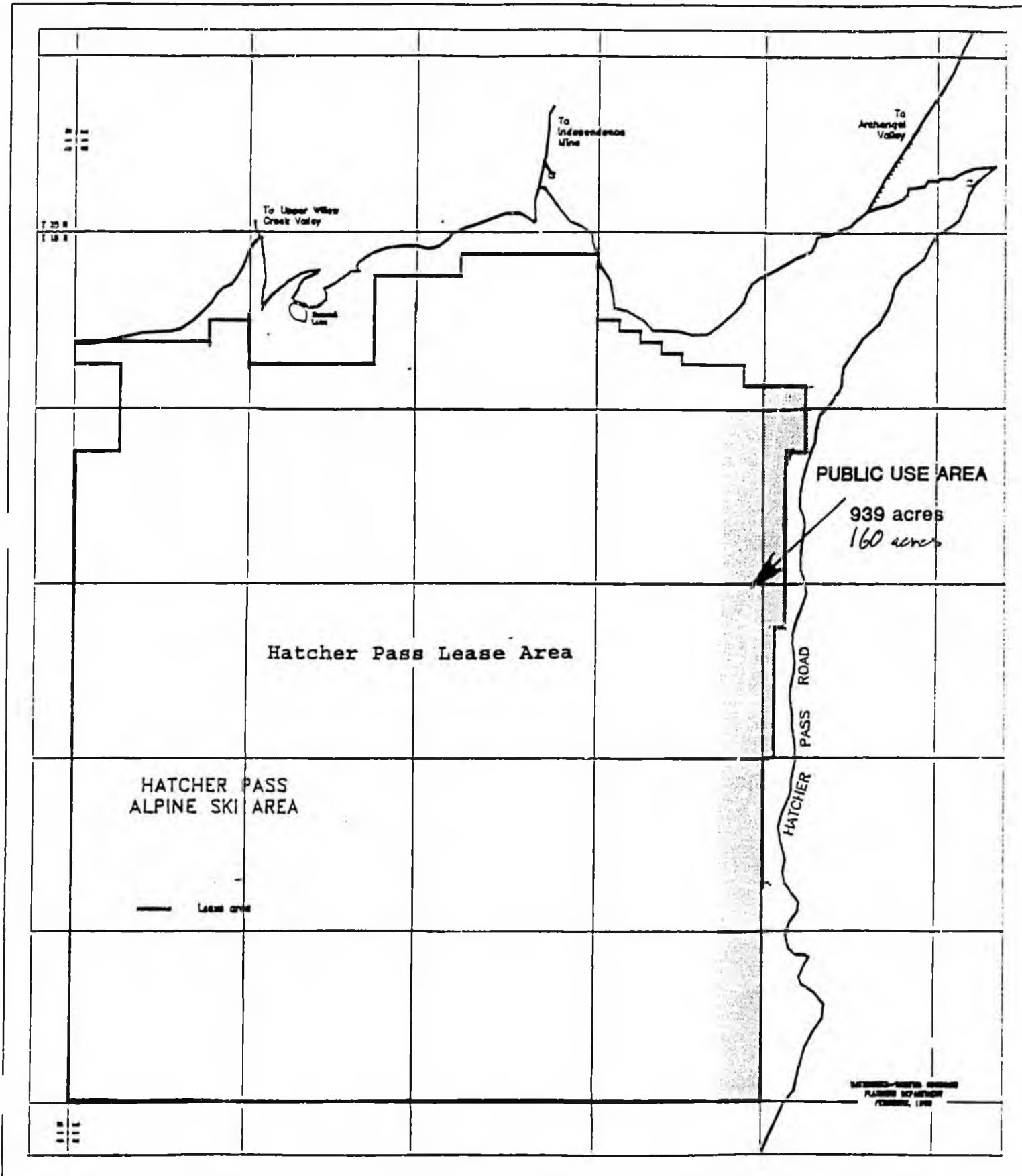

Rep. Carl Moses


Rep. Williams

Fiscal Notes: DNR (11.1 - Stat. Des. Prog. Rec.)

Recommendations from previous committee(s): SCHED RES 5/15/99

Portion of Hatcher Pass Public Use Area within Lease



They all feel that the proposed bill represents the "highest and best use for this property."

Senator Paul Fischer noted a discrepancy between the resolution from the Matanuska-Susitna Borough which supports the bill and recommends multiple use including mining, timber and agriculture, and bill language which excludes mining. Mr. Farquhar explained that the bill would close the land to future mineral entry.

Valid claims in the area are protected. Individuals would continue to be able to operate mining claims which legally exist at the present time. Senator Kerttula further noted that the resolution, when adopted, was based on the initial proposal to set aside 200,000 acres.

Senator Halford asked if the Matanuska-Susitna Borough could select the subject land under its municipal entitlement. Mr. Farquhar advised, "I don't see why they couldn't, . . . I think it would be available for municipal selection."



Co-chairman Faiks suggested that the bill be HELD in committee for a day.

Committee: SFIN
Date: 86/04/30
Time: 0845



SENATE FINANCE COMMITTEE

April 30, 1986

8:45 a.m.

SFC-86, #48, Side 1 (350-end)
SFC-86, #48, Side 2 (000-end)
SFC-86, #49, Side 1 (000-391)

CALL TO ORDER

Co-chairman Jan Faiks convened the meeting at approximately 8:45 a.m.

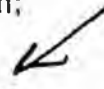
PRESENT

In addition to Co-chairman Faiks, Senators Eliason, Ferguson, Halford, and Kerttula were present. Co-chairman Sackett and Senator Paul Fischer arrived at the meeting approximately five minutes after it began.

ALSO IN ATTENDANCE: Susan Burke, representing Gross & Burke;

Scott Burgess, Executive Director, Alaska Municipal League; John George, Director, Division of Insurance, Dept. of Commerce & Economic Development; Jeffrey W. Bush, Assistant Attorney General, Dept. of Law; Former Attorney General, Normal Gorsuch;

Dick Block, President, Alaska National Insurance Company; Ned Farquhar, Special Assistant/Legislative Liaison, Dept. of Natural Resources; Mike Vediner, Natural Resource Manager II, Division of Land and Water Management, Dept. of Natural Resources; Art Snowden, Administrative Director, Alaska Court System; Kurt Dzinich, Senior Advisor, Senate Advisory Council; aides to committee members and other members of the legislature; and representatives from the press.



SUMMARY INFORMATION

SB 334 - Act relating to the Hatcher Pass Public Use



Area

Testimony heard from Senator Kerttula and Mr. Farquhar, Dept. of Natural Resources. Bill was held in committee for subsequent discussion.

SENATE FINANCE COMMITTEE

SIGN - IN

HB 227-HATCHER PASS PUBLIC USE AREA

NAME: Rep. Scott Owen Sub./Bill No: _____

Co./Dept./Title: Rep Phone: 3678

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

HB

230

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 4, 2000

FURTHER REFERRALS:

Date of Committee Action: 2/15/00

The FINANCE Committee considered:

HB 230

HOUSE BILL NO. 230

PERS BENEFITS FOR POLICE/FIRE DISPATCHERS

"An Act granting certain dispatchers in police or fire departments or for the state troopers status as peace officers under the public employees' retirement system; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 230 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) DBA _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Tom Therrault</i>	Therrault	X			
<i>Leon Mulder</i>	Mulder	X			
<i>John Ausherman</i>	Ausherman	X			
<i>G. Davis</i>	G. DAVIS	X			
<i>G. Phillips</i>	G. Phillips	X			
<i>F. Davis</i>	F. Davis	X			
<i>J. Foster</i>	Foster	X			

CO CHAIR'S SIGNATURE *Tom Therrault* *Leon Mulder*

FISCAL NOTE

2

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 230(FIN)

Revision Date/Time _____	Dept. Affected _____	Administration _____
Title <u>An act permitting certain dispatchers... to</u>	BRU	Centralized Administrative Services
<u>convert their credited service....</u>	Component	Retirement and Benefits
Sponsor <u>(H)JUD</u>		
Requester <u>(H)FIN</u>	Component No.	<u>64</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Public Employees' Retirement System (PERS) allows peace officers to retire with 20 years of service and non-peace officers to retire with 30 years of service, regardless of age. The Finance Committee substitute to HB 230 would allow an individual with 20 years of PERS police or fire dispatcher service to convert that service to service as a peace officer, thereby allowing the individual to retire. The individual would be required to pay the full actuarial cost of this conversion, either in a lump sum or through a lifetime retirement benefit reduction. Since the full actuarial cost is paid by the employee, this legislation has no fiscal impact to the State of Alaska or other PERS employers.

Prepared by: <u>Guy Bell</u>	Phone <u>465-4471</u>
Division <u>Retirement and Benefits</u>	Date/Time <u>2/16/00 11:00 AM</u>
Approved by Commissioner <u>Robert Poe Jr.</u>	Date <u>2/16/00</u>
Agency <u>Department of Administration</u>	

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1-LS0958\H
Cramer
2/15/00

adopted 2/15/00

CS FOR HOUSE BILL NO. 230(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act permitting certain dispatchers in police or fire departments or for the
2 state troopers to convert their credited service under the public employees'
3 retirement system to credited service as peace officers; and providing for an
4 effective date."

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

6 * **Section 1.** AS 39.35.370 is amended by adding a new subsection to read:

7 (g) When an employee who was employed as a dispatcher in a state trooper
8 office or in a police or fire department in the public employees' retirement system
9 applies for appointment to retirement, the employee may convert the credited service
10 for that position to credited service as a peace officer by claiming the service as peace
11 officer service. When the member claims this credited service as peace officer service,
12 an indebtedness of the member to the system shall be established. The indebtedness
13 is equal to the full actuarial cost of the conversion of the credited service to treatment
14 as peace officer service. Any outstanding indebtedness that exists at the time the

1 member is appointed to retirement will require an actuarial adjustment to the benefits
2 payable based upon the conversion of the credited service.

3 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

CS for House Bill 230 (State Affairs)

Under the proposed committee substitute for House Bill 230, the definition of "peace officer" or "fire fighter" is expanded to include dispatchers in a police or fire department or in a state trooper office. Current PERS members in these positions could convert their "Others" service to peace officer service by paying the full actuarial cost of this conversion. From the date of passage forward, these employees would pay the higher peace officer contribution rate (an increase from 6.75% of salary to 7.5% of salary).

Since the bill requires each affected member to pay the full actuarial cost there would be no measurable change in the System funded status or average employer contribution rate.

Approximately 274 PERS members would be affected by this bill. This would increase the Police/Fire membership by 10%. Also introduced this session are 2 other bills that would add other groups to the Police/Fire category. If all 3 groups were added, it is estimated that this occupational category will increase in membership by more than 20 percent.

Only two PERS employers have separate rates for Police/Fire versus Other employees: the State of Alaska and the Municipality of Anchorage. For FY 01 their rates are as follows:

	<u>Police/Fire</u>	<u>Other</u>
State of Alaska	7.69%	8.09%
Municipality of Anchorage	8.75%	6.52%

All other employers have combined employer rates for Police/Fire and Other employees. By shifting police dispatchers to the Police/Fire category, the State and the Municipality of Anchorage will see the above rate adjustments in FY 01 for the affected employees.

Historically, the Police/Fire employer contribution rate has been higher than the rate for all other employees. For any given employee the contribution necessary to fund Police/Fire benefits exceeds the contribution needed for Others benefits. This is due in particular to the ability of Police/Fire members to take normal retirement after 20 years in PERS versus the Other's requirement of 30 years.

Due to a set of extraordinary factors, the State of Alaska's Police/Fire rate has been lower than the Other's rate since FY-99. It is projected to remain lower for the next few years. However, our actuaries believe that eventually the employer rate will adjust and be higher, as it has been historically.

The lower Police/Fire rate is primarily a function of two factors: 1) the funded status of the system, and 2) current system demographics.

- Current accrued assets of the System exceed accrued liabilities. Since Police/Fire provisions are more generous than Others provisions, the Police/Fire accrued liability represents a larger percent of payroll than for Others. This means that a larger percentage of the system's assets accrue to the Police/Fire category, producing a lower past service rate.
- Under the current actuarial assumptions and with the current demographics, the consolidated rate for the Police/Fire membership is less than the consolidated rate for the "Others" membership. The consolidated rate is a function of the average age, average service, tier mix and many other items specific to each group.

As recently as June 30, 1995, the System was in an unfunded position. We expect the System to revert to this prior scenario at some point in the future, resulting in higher rates associated with the Police/Fire membership relative to the Others membership.

We must conclude that there is no way to accurately predict the future liabilities for this group and hence, the long-term fiscal impact of this legislation.

Sponsor Statement HB 230

HB 230 will require all dispatchers under the PERS retirement system, who elect to change from a thirty year retirement to a twenty year retirement, to pay the employees and the employers contribution of the costs to that twenty year retirement conversion.

Approximately 263 employees of PERS employers would be affected by this legislation. Of that number, approximately 65 are state employees. The cost to each employee for the employee contribution would be approximately \$450 per year of service under the PERS system. The cost for each employee for the employer contribution would be approximately an additional \$450 per year of service under the PERS system. That would mean a total cost of approximately \$900 per year for year of service under the PERS system for each employee that elects to change retirement terms. Under this legislation, there would be no cost to the employer and all costs would be paid by the employee when he or she voluntarily elects to make this change in their own retirement system.

SUMMARY

House Bill 230 was introduced by Judiciary Committee on May 7, 1999 to include the classification of "dispatcher" in Alaska Statute AS39.35.680(28). The case for including dispatchers into the 20 year retirement provision is three part:

- Job related stress is not on par with clerical positions; our retirement considerations should not be either.
- 20 year retirement will motivate dispatchers to work toward a pension, allowing agencies to retain experienced dispatchers.
- There will likely be zero cost to the State of Alaska since employees will make up the PERS contributions for both the employee and the employer.

Two statewide phone surveys were conducted this past year in a joint effort by Anchorage area dispatchers from Anchorage Police, Anchorage Fire, Alaska State Troopers and Anchorage Airport Police. Some of the significant findings were;

- 253 full time dispatchers are in 30 year PERS
- 14 full time dispatchers are in 20 year PERS
- 92% of the surveyed dispatchers said they would remain employed in their respective Dispatch Centers for 20 years but not for 30 years.

The Anchorage Police Department has experienced ongoing workplace turbulence as demonstrated by the high turnover rate within the Communications Center. As of December, 1999 eight employees had retired from the Communications Center--three on medical and the other five on aged-based retirement. Of the five age-based retirees, only two maintained employment beyond 20 years in the Communications Center.

- 36% of all personnel assigned to the Communications Center either quit or transfer to less stressful positions within PERS
- 40% of all new hires in the Communications Center at APD do not successfully complete the training phase of employment
- Only 4% of those who leave the Communications Center do so with a PERS pension

The Alaska State Legislature appears responsive to the needs of the PERS membership; as evidenced by the retirement change granted to the Adult Correctional Officers in 1990. PERS was designed to provide a sound retirement plan to all its members, yet the current 30 year system fails to encourage employment longevity in the Communications Center. The criteria for retirement eligibility would appear to have undermined the PERS original intent. A revision to Alaska Statute AS39.35.680(28) to include all Communications Center personnel in 20 year PERS would further the likelihood of reversing the high turnover in the stress laden and highly complex work environment.

There are similar efforts being made in other states.

- Texas has a 20 year retirement for dispatchers, however, the individual public safety agency can opt out of that requirement.
- Utah for 25 year dispatcher retirement, however, agency participation is optional.
- California is attempting to gain access to a 20 year retirement, however, there are 3 distinct retirement systems operating on a statewide basis—unduly complicating the retirement issue.
- Arizona is currently drafting state certification for public safety dispatchers and plan to go forward with a 20 year retirement effort in the near future.

PROBLEM STATEMENT

Would a change from the existing 30 year PERS (Public Employees Retirement System) retirement plan to a 20 year PERS retirement option increase the likelihood of employment longevity in the Anchorage Police Department Communications Center?

RESEARCH OBJECTIVE

- To measure the employee turnover rates in the Communications Center from position inception to date. While employee turnover rates are easily measured, they merely represent a symptom of a more ominous problem. There are several avenues of potentially disruptive or detrimental factors to explore to get a more holistic view of the factors contributing to high turnover that is endemic to the Communications Center.

SETTING

Present day Anchorage started out as a tent city along the banks of Ship Creek in what is now the industrial section of the city. At the time Alaska was a territory of the United States and the town of Anchorage was referred to as "Ship Creek Landing." The United States Marshals were tasked with the law enforcement responsibilities as sanctioned by the federal government (APOA Handbook, 1995).

The City of Anchorage became incorporated in 1920 and hired its first law enforcement officer in 1921. APD's jurisdictional responsibilities at that time were primarily along the Ship Creek "tent city" area. As the population of Anchorage grew so did the jurisdictional boundaries of the Anchorage Police Department. By the time Alaska achieved statehood in 1959, APD retained several full-time employees. Since that time the service area has increased substantially—both in terms of geographic area and population density.

When APD acquired its first set of police radios the groundwork was laid for modern police dispatching. The duties of operating the two-way radio from the police station fell primarily to those officers who were senior on the daily patrol shift. A lone

officer would answer all the incoming telephone calls, make citizen contacts with "walk-ins" at the front counter, and maintain a log of shift activities (A. Olson, 1995). When the senior officer on shift declined assignment to the Communications Center (referred to as Dispatch) a less senior officer assumed the responsibility.

By 1970, then police chief John Flanigan recognized the need to staff the Communications Center with full time civilian employees. The first sergeant promotions at the Anchorage Police Department for duties other than Patrol and Investigations were those assigned to the Communications Center (A. Olson, 1995). The Communications Center sergeant supervised the newly hired civilian Communications Center employees. Eventually one sergeant was tasked with overseeing three sworn personnel of corporal rank assigned to supervise each of the three shifts of civilian employees (K. Olson, 1995).

The transition from a Communications Center staffed exclusively by patrol officers to one operated exclusively by dispatchers was a gradual one. The first radio dispatcher was hired in 1970 yet the last full-time sworn personnel (of corporal rank) did not transfer out of the Communications Center until 1983 (K. Olson, 1995). At that time, three dispatchers were promoted to the position of shift supervisor in the Communications Center to replace each of the three outgoing corporals. The Communications Center sergeant position still exists today.

The Anchorage Police Department employs over 500 full-time employees in a service area of 190 square miles with a 1998 population of 270,000. The Anchorage Police Department currently serves most residents of the Municipality of Anchorage—with one notable exception. The communities south of Potter Marsh (Indian, Bird Creek, Girdwood, and Portage) fall within the jurisdictional boundaries of the Alaska State Troopers.

Currently, the Anchorage Police Department Communications Center is staffed by 54 full-time employees. The Communications sergeant is the only sworn employee assigned to the Communications Center. The employees have union representation

and are subject to the provisions of the bargaining agreement between the Municipality of Anchorage and the APDEA (Anchorage Police Department Employees Association). Of the 53 non sworn Communications Center employees, 5 are shift supervisors, 40 are radio dispatchers, 3 are call-takers, and the remaining 5 are trainees. For purposes of this report, all references to the Communications Center employees will refer to the 53 non sworn personnel.

Shift vacancies generated from vacation leave or illness are filled by off-duty personnel. If no off-duty personnel are available, employees are offered 4 hour blocks of overtime in conjunction with their 8 hour shift. If shift vacancies still exist, personnel are ordered to work overtime by reverse union seniority (Collective Bargaining Agreement). Shift scheduling is done quarterly in accordance with APDEA contract by a shift supervisor in cooperation with the command staff (Collective Bargaining Agreement, 1990). Shift and days off are assigned by seniority.

Communications Center personnel and Uniform Field Services (patrol) personnel are the only two work units within the APDEA bargaining unit that receive one hour of paid breaks per work shift (Collective Bargaining Agreement, 1990). Scheduling of the two paid 15 minute breaks and one paid 30 minute break is coordinated with the shift supervisor (APD Communications Procedure Manual, 1995).

The duties in the Communications Center fall into a pyramid shaped hierarchical distribution. At the top of the pyramid are the supervisors, followed by the dispatchers, below which are the call-takers, and finally on the entry level are the trainees. In descending order, each job classification can perform the job functions of all the classifications subsequent to it. The duties of FTI (Field Training Instructor) can be performed by journeyman personnel of any classification and, consequently, are listed separately.

- Communications Clerk III (shift supervisor)

- (1) Maintain a thorough knowledge of the Communications Center operations and department policies and procedures.
- (2) Monitor and inspect the quality and quantity of performance of subordinates, with particular emphasis on developing skills and abilities.
- (3) Ensure employees adhere to policies and procedures and demonstrate reasonable and professional behavior.
- (4) Improve, assist and train employees in response to needs.
- (5) Oversee normal and effective operation of the shift, by:
 - (a) Scheduling to include completion of overtime sign-up worksheets.
 - (b) Approving or denying leave requests.
 - (c) Updating and submitting the time sheets.
 - (d) Preparing performance evaluations on employees assigned to the shift.
- (6) Call-out specialized units as requested by a Patrol Supervisor in accordance with written procedure.
- (7) Immediately notify the Medical Examiner when a death has been confirmed by the Officer at a scene.
- (8) Refer media inquiries to on duty Crime Prevention Specialist. If there are none on duty, answer questions from the media in accordance with the Victims Rights Act of 1991.
- (9) Ensure that appropriate in-house computer bulletin entries/updates are maintained. This includes entry of all felony and serious misdemeanor locates that are broadcast during the shift. This also includes "approach with caution" warnings for known armed or violent offenders.

(10) Perform duties as outlined for Police Clerk (call-taker) and
Communications Clerk II (radio dispatcher).

(11) Other duties as assigned.

- Communications Clerk II (radio dispatcher)

- (1) Use of two-way radio and in-house computers to actively monitor and keep current the status of assigned officers.
- (2) Being aware of citizens' requests for police response.
- (3) Dispatch calls to available and appropriate Officer(s) as soon as possible providing explicit yet concise response information.
- (4) Provide or arrange for requested support assistance for other law enforcement agencies.
- (5) Accurately enter data on report forms.
- (6) Make necessary notifications to appropriate chain of command for any serious or life threatening activity.
- (7) Enter and retrieve information from all computer systems in the Communications Center.
- (8) Provide training as assigned by the shift supervisor.
- (9) Perform duties of the Police Clerk (call-taker).
- (10) Other duties as assigned.

- Police Clerk (call-taker)

- (1) Answer telephone calls made to the police department on non-emergency (business) and emergency (911) lines.
- (2) Determine the nature of the call and take one of the following actions:

- (a) Obtain information for police response and enter that information into the in-house computer.
 - (b) Route the call to the appropriate agency.
 - (c) Refer or transfer the call to whom it is intended.
 - (d) Take necessary messages.
 - (e) Answer the caller's questions or otherwise resolve the call.
- (3) Take reports over the telephone for runaways, missing persons and stolen vehicles.
 - (4) Issue APD case numbers to the Magistrate for Domestic Violence Writs.
 - (5) Run warrant and vehicle registration inquiries in APSIN computer (Alaska Public Safety Information Network)
 - (6) Other duties as assigned.

- Field Training Instructor (FTI)

- (1) Trainers will complete daily performance evaluations using the standardized guidelines.
- (2) Training that addresses remedial needs will be documented.
- (3) Job performance that does not respond to remedial training efforts will be documented.
- (4) Monitor *all aspects* of the trainee's performance regardless of the trainee's competency on any particular job function until the trainee has completed the entire training program.
- (5) Familiarize the trainee with the contents of the Communications Center Procedural Manual.
- (6) Periodically test the trainee's job knowledge through the use of quizzes and checklists.

- (7) Coordinate training needs with other trainers.
- (8) Recommend the trainee be released from training when appropriate.

TRAINING COSTS

In 1995, the training costs associated with hiring replacement workers were conservatively measured. The pre-hire selection requires an average of 40 personnel hours to process each applicant (Hume, 1995). Pre-hire background investigations are currently handled by a senior patrol officer. The 40 personnel hours per applicant were calculated at the senior officer pay rate.

Current policy allots six months of training period per trainee, although that period can be extended at the discretion of the Training Coordinator and the Communications Center Sergeant. Few Communications Center trainees successfully complete their training period in less than six months. Although it is not uncommon for new hires to remain in training status for several months (with many exceeding one year of training) the six month training time span served as the basis for cost calculations.

Several journeyman level employees participate in classroom instruction during new-hire academy. The instructor must be replaced in the Communications Center while on temporary training assignment. Historically, the staffing shortage rarely allow for assigned personnel to be absent without having to replace that position with an off-duty employee at the overtime rate of pay.

A trainer currently receives a 5.5% pay incentive in addition to his/her hourly rate of pay for each hour spent training a new-hire. Even though they are drawing a salary, trainees do not factor in to the staffing levels and do not fill a position in the Communications Center. Any personnel shortages require overtime payments to journeyman level employees *regardless* of how many trainees are present for duty.

For purposes of calculating pre-hire costs, no allowance was made for the costs incurred by the Municipality of Anchorage in their role in the screening process. Likewise,

the prospective applicants that failed to pass scrutiny at the APD screening level were not factored into the costs. The only costs applied to the pre-hire screening were those incurred by APD for background checks on successful Communications Center candidates that were processed to start employment at APD.

For purposes of calculating the costs associated with classroom training the assigned C step of pay for the Training Coordinator (currently a Communications Clerk III) was set at 160 hours. The Training Coordinator conducts most of the in-class instruction during the academy. The salary expense for the Training Coordinator was added to the costs per new hire as follows:

From 1990-1995 the average size per group of new hires had been six employees. One/sixth of the Training Coordinator salary for 160 hours to include 5.5% pay incentive differential was added to the expense of each new hire. When measuring the in-room training costs, all FTI pay for Police Clerk and Communications Clerk II classifications were calculated at the C step. The 5.5% pay incentive was calculated at that rate. Since the new hire employees were required to work on all three shifts during their in-room training phase, a 3% shift differential cost was added to the new hire expense. The day shift trainers do not receive shift differential, the swing shift trainers receive 3%, and the mid shift trainers receive 6%. The average trainer shift differential cost was added to the trainee expense.

The FTIs must complete written performance evaluations and disseminate procedural information to the trainees on a daily basis. For costing purposes, one hour of FTI pay was factored into the cost of training in addition to the aforementioned pay incentive differential. No cost provisions were made for benefit packages such as vacation and sick accrual or health insurance.

Since the Anchorage Police Department no longer hires Police Clerks (call-takers) to work in the Communications Center, there exists no "fall back" position for failed dispatch trainees. Historically, the training expenditures that would have produced a journeyman level employee (albeit a non-dispatcher) will now be lost.

Those 1995 calculations for cail-taker trainee costs will no longer apply so, consequently, have been discounted from the cost equation.

DISPATCHER TRAINEE	
\$15,523.20	Salary: $\$16.17 \times 40 \text{ hr.} \times 24 \text{ wk.} = \$15,523.20.$ (Comm. Clerk I pay).
\$ 160.07	Classroom: see above formula.
\$ 1,020.80	Pre-hire Screening: see above formula.
\$ 2,207.00	In-room Admin.: $\$22.07 \times 1 \text{ hr} \times 100 \text{ day} = \$2207.00.$ (CCII x 5.5% x 3% x 1 hr).
\$ 1,211.00	FTI pay: $\$20.34 \times 5.5\% \times 3\% \times 7 \text{ hrs} \times 100 \text{ day} = \$1,211.00.$ See above formula.
\$ 20,122.07	TOTAL PER HIRING EPISODE (1995)

When calculating a 40% historical trainee failure rate at the Anchorage Police Department Communications Center, these conservative figures take on significant proportions.

PROJECT SIGNIFICANCE

The Communications Center of the Anchorage Police Department has experienced work place turbulence as evidenced by the high turnover rate. All employees hired into the PERS system after June 30, 1986 must work to the age of 55 for an early (reduced) pension and to the age of 60 for a full pension.

As of December, 1999 eight employees had retired from the Anchorage Police Department Communications Center, however not one of those employees received pensions based on the current requirement for 30 years PERS service. Three of the Communications Center retirees received medical disability and four of the remaining five retired on the "over 55 years of age" option. One retiree elected to take a reduced pension for an early retirement of "over 50 years of age." Of the five non-medical retirees, only two maintained employment beyond 20 years in the Communications Center.

No provisions can be made to measure the "inner turbulence" of turnover within the Communications Center. The work performance of novice employees may not be as speedy as journeyman level employees. It can be argued that the quality produced by a

novice in any profession, let alone an emergency communications center, is not on par with that of an experienced and seasoned worker.

The Anchorage Police Department, as a direct result of high turnover, has a relatively inexperienced work force. As of December, 1999 there were 4 employees who had passed their 20 year anniversary employed in the Communications Center. Three employees worked beyond their 15 year anniversary and another ten passed 10 years in the Communications Center. The remaining 36 workers (68%) had under 10 years longevity as dispatchers. A substantial number of Communications Center workers (47%) as of December, 1999 had less than 5 years experience--many of those having less than one year.

To receive a PERS pension the majority of the current Communications Center employees will be required to work for 30 years, take an early retirement at age 55, or receive a full pension at age 60. It should be emphasized that no one in the history of the APD Communications Center had reached the age of 60 while still actively employed (the closest was a retiree at age 59 with less than 20 years of service).

If the historical pattern of high turnover is any indication, relatively few employees should reasonably expect to work until retirement age in the Communications Center. The pay and benefits for the call-taker position (Police Clerk) are comparable with other less turbulent APD job assignments covered by the same PERS retirement (Collective Bargaining Agreement, 1990). Some employees exposed to high stress on a daily basis see little incentive to remain in the Communications Center for the requisite 30 years.

In order to present a thorough historical representation of Anchorage Police Department (APD) Communications Center employment turbulence, data were gathered on hiring and firing episodes since the inception of the position in 1970 to present day. All data represent the training disposition (failed or passed) and whether the employee terminated or retired.

Those employees assigned to the Communications Center during the end of the 1980s and the beginning of the 1990s witnessed many changes at APD. The administration merged the classification of two clerical positions into one (Fletcher, 1995). The management intent was to have a squad of "generic" clerks that could go to work in any position within the department as staffing demands dictated. The Police Clerk I and Police Clerk II became the same Police Clerk classification and many of their specialized duties were pooled together (Fletcher, 1995).

Many of the newly reclassified Police Clerks were assigned to the Communications Center after leaving behind such duties as typist or file clerk. These employees were provided minimal training and assigned the duties of answering the 911 emergency telephones and business (non emergency) telephones in the Communications Center (Fletcher, 1995).

By the spring of 1998, the APD administration determined that the "generic" police clerk was not viable in the highly specialized environment of the Communications Center. The position is being phased out through attrition. As of December, 1999 only three full time police clerks remain in the staffing.

There exists a myriad of people who benefit from low turnover rates or, conversely, suffer the consequences of wasted employment resources. Listed in ascending order are those affected, either directly or indirectly, by employment turnover in the Anchorage Police Department Communications Center.

- Taxpayers: Tax dollars that go toward the hiring and training of government employees are an expense of doing business. If the money spent does not yield effective results, more money has to come out of the taxpayers' coffers through Public Safety budgeting to continue the process until enough employees reach journeyman level. Since the Communications Center must be staffed at all times, there exists no option of "doing without" in order to save money and resources.

- General Public: Trainees acquire much of their job knowledge through means of on the job training (OJT) and are, therefore, exposed to the public long before they

are considered job proficient. Lower employee turnover would, in effect, substantially decrease citizen exposure to trainees.

- MOA and APD Administration: APD invests an average of 40 personnel-hours of pre-hire screening for each radio dispatcher applicant (Hume, 1995). The application process is costly—not only in dollars but also in personnel allocation. Lower turnover rates mitigate the number of hiring episodes needed to staff the Communications Center and the resulting associated costs.

- Fellow APD Employees: Employees that deal with serious situations or life threatening emergencies on a daily basis realize the need to handle each individual situation to the best of their ability. There exists little room for error. Even though an employee might expertly handle 99 out of 100 requests for assistance s/he may still face sanctions—both punitive and disciplinary—for the one call not properly handled.

Recognizing teamwork in the Communications Center as the cornerstone of effective job performance, many journeyman-level employees experience increased job stress while working with novice employees. That in itself is sufficient reason to seek a remedy to alleviate the high rate of job turnover.

- Trainers: If ever a situation requires the careful and deliberate allocation of limited resources, this is it. The trainers in the Communications Center face daunting challenges on a daily basis. They assume responsibility not only for their own actions but for the actions of their trainees as well. They must instruct trainees during time-critical situations and be ready to take over if the circumstances dictate. The trainers must constantly strive to balance the needs of the citizen with the instructional value afforded the trainees during "hands on" exposure. Add to this the constant threat of vicarious liability and the trainer position quickly loses its appeal.

The employees that take on the training responsibility generally do so not only out of a sense of job commitment but also because they realize better trained new-hires translate into more supportive workers in the future. The incentive to train is

greatly diminished; however, when trainers are required to direct their efforts toward trainees who eventually resign or transfer to less stressful positions.

Considering the ongoing trend toward a high trainee failure rate, new employees do not replace outgoing journeyman level employees at a constant "one for one" rate. Overall Communications Center trainee failure rates to date average 40%. Replacement training costs should be factored to reflect the employment trends. The turbulence factor accounts for lost expertise when seasoned employees terminate employment, resulting in increased performance demands on the novice employees.

All police employees can be subject to criminal and/or civil lawsuits and Communications Center employees are no exception. Employees are expected to perform in a manner based on a reasonable standard of care within the scope of their employment for the Municipality of Anchorage. As all telephone lines in the Communications Center are recorded, an employee can be held accountable for any statements made or action taken (APD Communications Procedure Manual, 1995). In order to lessen the risk of liability, both to the MOA and the individual, employees adhere to written procedure whenever possible.

Communications Center employees must have a working knowledge of Municipal Rules and Regulations, Department Procedure manual and Dispatch Procedure manual. Dispatchers are responsible for adhering to strict guidelines for computer entries and queries as outlined in Alaska Public Safety Information Network (APSIN) manual and the National Crime Information Computer (NCIC) manual. Any violation of the operating procedures expose the Communications Center employee not only to disciplinary action but also to criminal prosecution.

The Collective Bargaining Agreement (Union Contract) provides specifics on the pay and benefits as well as disciplinary proceedings and general working conditions.

PERS REQUIREMENTS

The Public Employees' Retirement System (PERS) benefits and pensions are disseminated as per legislative requirements. The recipient classification is determined by the Alaska State Legislature and dictated by Alaska Statute.

For employees in PERS, the contribution rate is contingent upon the retirement classification. Those members in Peace Officers Retirement System for the 20 year plan must contribute 7.5% of their annual salary into the pension plan while actively employed (AK PERS Information Handbook, 1993). The 30 year PERS members contribute at 6.75% rate. Both plans base the retirement income level on a designated percentage of the three highest consecutive years of work based on total years of service.

For purposes of future cost calculation, PERS assumes 100% of the members who terminate employment prior to the age of 35 (both vested and not vested) will cash out the contributions made into the system (Church, 1995). Likewise, PERS calculates that 100% of the vested employees over age 35 will leave the contributions in the system in order to draw a pension and receive medical coverage at age 50, 55, or 60 depending on the option selected and date of hire. All PERS contributors, regardless of age, must cash out the contributions if they are not vested in the system. All contributors become vested after 5 years of service (AK PERS Information Handbook, 1993).

If a group is able to successfully petition the legislature to win a majority vote for a change from a 30 year to a 20 year retirement option, the contributors can retire at the 20 year anniversary. PERS allows employees to "catch up" in the payments from the 6.75% to the 7.5% contribution rate for each year of service prior to admittance into the 20 year plan. The "catch up" option is limited strictly to those employees who gain admittance into the 20 year plan for that specific job classification (Church, 1995). For example, a five year veteran of the Communications Center (30 year PERS) recently

transferred to patrol (20 year PERS). He must work a full 20 years in patrol to receive his PERS pension.

The Public Employees' Retirement System (PERS) provides an exclusive 20 year retirement to peace officers and fire fighters as defined by Alaska Statute. AS39.35.680 (28) reads: "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer.

The most recent conversion to a 20 year retirement option in PERS were the adult correctional officers (ACO) and probation officers (PO). Prior to 1990, those (State of Alaska) employees were required to work a full 30 years in the PERS system or meet the age requirements as dictated by hire date into PERS. Employees hired prior to July 1, 1986 had to work until age 50 for early (reduced) retirement or age 55 for full retirement (AK PERS Information Handbook, 1993). The employees hired into PERS after June 30, 1986 had to work until age 55 for early (reduced) retirement or age 60 for full retirement. Although there was no perceptible change in job duties from 1989 to 1990, the adult correctional officers and probation officers were able to shave 10 years off their minimum requirement for retirement eligibility simply by winning majority legislative approval for such a change. The probation officers and adult correctional officers are required to be certified by APSC (Alaska Police Standards Council) as are all sworn law enforcement personnel in the Alaska.

CONCLUSIONS AND RECOMMENDATIONS

Based on the results of historical personnel data for the Anchorage Police Department Communications Center, it is a logical conclusion that a 20 year PERS retirement option for Communications Center personnel would have a positive influence on longevity rates. 92% of dispatchers responding to a statewide survey conducted in September, 1999 indicated they would stay employed in their respective

Communications Centers for 20 years however would not stay for the requisite 30 years.

As the duties in the Communications Center become more complex with the introduction of new technology, it will become increasingly crucial to retain qualified employees. High turnover in the workplace has a detrimental effect on training efforts, skill levels, and morale. Any reasonable efforts to mitigate the employment turnover should be actively pursued through the legislative process by management and employees alike. A 20 year retirement option for the workers of the Communications Center offers a practical solution to the journeyman level turnover rates endemic to the Communications Center.

The employees of the APD Communications Center are coordinating their efforts with other police and fire agencies statewide to pursue a legislative change in PERS. Since the process is a lengthy one requiring a high degree of commitment, the workload and resources will be coordinated in order to avoid duplication of efforts.

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DEFINITION OF TERMS

AFD - Anchorage Fire Department.

Alaska State Pension Investment Board - The group of eight trustees responsible for managing and investing the PERS fund.

APOA - Alaska Peace Officers Association. A fraternal organization that provides training to the law enforcement community.

APSC - Alaska Police Standards Council. Administrative authority that certifies law enforcement trainers and law enforcement officers in the State of Alaska.

APSIN - Alaska Public Safety Information Network. The State of Alaska maintained computer system, this computer contains all criminal justice and motor vehicle information on a statewide level. The Alaska State Troopers (AST) utilize APSIN to issue case numbers and track case activity. All local and statewide warrants are entered into APSIN.

AST - Alaska State Troopers.

Call-taker - The call-taker is tasked with answering the 911 emergency telephones and business telephones and processing requests from citizens for police assistance in the APD Communications Center. This position is classified as a Police Clerk.

Communications Clerk I - Entry and training level position in the APD Communications Center in which employees learn to perform the duties of a Communications Clerk II (dispatcher).

Communications Clerk II - Radio dispatcher position in the Communications Center, this person is responsible for operating a two way radio and deploying police officers to citizens' requests for assistance. The Communications Clerk II also performs the duties of call-taker.

Communications Clerk III - Supervisory position in the Communications Center, this person oversees daily operations and supervises the duties of the Communications Clerk I (trainee), Communications Clerk II (dispatcher), and Police Clerk (call-taker).

DSN - Department Seniority Number. A individual number assigned in sequential order to departmental personnel to denote departmental seniority at APD. The DSN is also used as the badge number for all sworn APD personnel.

Dispatcher - See Communications Clerk II.

DMV - Department of Motor Vehicles (State).

DVW (or DV Writ) - Domestic Violence Writ. A restraining order obtained by a victim of domestic violence, these writs are issued by the Magistrate of the third judicial district and assigned case numbers by the APD Communications Center employees.

FTI - Field Training Instructor. A journeyman level Communications Center employee, the FTI trains new-hire Communications Center employees.

FTO - Field Training Officer. A sworn officer with the Anchorage Police Department, the FTO trains new-hire patrol officers.

NCIC/NLETS - National Crime Information Center/National Law Enforcement Telecommunications System. Restricted to law enforcement purposes, these computer networks provide national and international criminal justice information retrieval capability.

Non Sworn - Clerical and support personnel at the Anchorage Police Department that do not carry firearms in the scope of their duties or process prisoners. The Communications Center employees and Records employees are non sworn.

OJT (On the job training) - As applied to APD Communications Center, the training policy for new-hire personnel where they work one on one with a FTI. The OJT phase usually follows one to two months of classroom instruction.

PERS - Public Employees Retirement System. A State of Alaska managed retirement fund which covers most employees of state and local governmental agencies.

Police Clerk - see Call-taker.

Police Officer - see Sworn.

PSAP - Public Safety Answering Point. The agency tasked with answering 911 in the community. Anchorage Police Department is the PSAP for the Municipality of Anchorage. Anchorage Fire Department and the Alaska State Troopers are secondary PSAPs in the Anchorage area in that those agencies receive 911 calls only when transferred from the Anchorage Police Department.

Public Employees Retirement System - see PERS.

Radio Dispatcher - see Communications Clerk II.

Sworn - Law enforcement personnel certified by the State of Alaska as peace officers. Sworn personnel must qualify to carry firearms and are empowered to enforce city, state, and federal law.