

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2895

However, the fact that the bill would increase the amount of the fines that may be assessed under Rule 43.6 does not necessarily lead to the result that a two-thirds vote will be required. There are two other possibilities for categorizing establishment of the fines under Rule 43.6: either the bail or fine amounts set out in the rule are substantive law that the legislature may enact by a simple majority, or the rule relates to the administration of the courts that may not be modified by the legislature.

Rule 43.6 was adopted by the Supreme Court under AS 45.75.133.<sup>2</sup> The rule does not relate to the administration of the courts but merely lists the bail forfeiture amounts found by the Supreme Court to be appropriate for the various offenses. Accordingly, the bail forfeiture amounts (that also set the maximum fines) are a matter of substantive law and may be changed by the legislature with a simple majority vote.

I recommend that you discuss this memorandum with the chairs of the house finance committee so that a committee substitute can be prepared. We recommend leaving sec. 4 and the court rule notation in the title, but deleting sec. 6 and adding a section noting that a two-thirds vote is not required. See sec. 18, ch. 108, SLA 2004 for an example of this.

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<sup>2</sup> **Sec. 45.75.133. Bail forfeiture.** (a) The supreme court shall specify by rule or order those violations that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. The maximum bail forfeiture amount for an offense may not exceed the maximum fine specified by law for that offense. If the person who has been cited can dispose of the violation without court appearance, the issuing peace officer or employee shall write on the citation the amount of bail forfeiture applicable to the violation.

(b) A person cited for a violation for which a bail forfeiture amount has been established under (a) of this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the employee

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

(c) When the cited person has forfeited bail under (b) of this section, the court shall enter a judgment of conviction. Forfeiture of bail is a complete satisfaction for the violation. The clerk of the court accepting the bail forfeiture shall provide the offender with a receipt stating that fact if requested.

(d) A cited person who fails to pay the bail forfeiture amount established under (a) of this section or to appear in court as required, is guilty of a class B misdemeanor.

(e) Notwithstanding other provisions of law, if a person cited for a violation for which a bail forfeiture amount has been established under (a) of this section appears in court and is found guilty, the court may not impose a penalty that exceeds the bail forfeiture amount for that offense established under (a) of this section.

Representative Lesil McGuire

April 29, 2005

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Also, we recommend amending AS 45.75.133(a) to add the phrase "except as provided in AS 45.75.380."

If I may be of further assistance, please advise.

DMB:med  
05-319.med

Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G66469	17AAC 25.013(a)(2)	11/1/04	11360	\$568.00	\$10.00	\$578.00	\$0.24	\$2,726.40	\$10.00	\$2,736.40
G67923	17AAC 25.013.(c)	11/2/04	3140	\$157.00	\$10.00	\$167.00	\$0.08	\$251.20	\$10.00	\$261.20
G67862	17AAC 25.013.(c)	11/2/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G66435	17AAC 25.013.(a) (2)	9/21/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G66565	17AAC 25.013.(a)(1)	10/20/04	4800	\$240.00	\$10.00	\$250.00	\$0.12	\$576.00	\$10.00	\$586.00
G67905	17AAC 25.013.(c)	11/2/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G64641	17AAC 25.013.(a) (2)	5/4/04	5740	\$287.00	\$10.00	\$297.00	\$0.12	\$688.80	\$10.00	\$698.80
G66432	17AAC 25.013.(a) (3)	9/13/04	2700	\$135.00	\$10.00	\$145.00	\$0.08	\$216.00	\$10.00	\$226.00
G65260	17AAC 25.013.(a) (2)	8/2/04	1460	\$73.00	\$10.00	\$83.00	\$150.00	\$150.00	\$10.00	\$160.00
G69148	17AAC 25.013.(a) (2)	8/2/04	2340	\$117.00	\$10.00	\$127.00	\$0.08	\$187.20	\$10.00	\$197.20
G67816	17AAC 25.013(a)(2)	12/14/04	4380	\$219.00	\$10.00	\$229.00	\$0.12	\$525.60	\$10.00	\$535.60
G65761	17AAC 25.013.(a) (2)	7/22/04	6280	\$314.00	\$10.00	\$324.00	\$0.16	\$1,004.80	\$10.00	\$1,014.80
G69112	17AAC 25.013. (a)(3)	4/27/04	5460	\$273.00	\$10.00	\$283.00	\$0.12	\$655.20	\$10.00	\$665.20
G69122	17AAC 25.013.(a) (2)	5/12/04	8300	\$415.00	\$10.00	\$425.00	\$0.20	\$1,660.00	\$10.00	\$1,670.00
G69145	17AAC 25.013.(a) (2)	7/27/04	7140	\$357.00	\$10.00	\$367.00	\$0.16	\$1,142.40	\$10.00	\$1,152.40
G67802	17AAC 25.013.(a) (2)	8/27/04	3180	\$159.00	\$10.00	\$169.00	\$0.08	\$254.40	\$10.00	\$264.40
G67881	17AAC 25.013.(c)	9/13/04	23460	\$1,198.00	\$10.00	\$1,208.00	\$0.24	\$5,630.40	\$10.00	\$5,640.40
G67912	17AAC 25.013(a)(3)	11/9/04	5600	\$280.00	\$10.00	\$290.00	\$0.12	\$672.00	\$10.00	\$682.00
G67906	17AAC 25.013.(c)	11/3/04	4520	\$266.00	\$10.00	\$276.00	\$0.12	\$542.40	\$10.00	\$552.40
G67812	17AAC 25.013(a)(2)	11/15/04	7820	\$393.00	\$10.00	\$403.00	\$0.16	\$1,251.20	\$10.00	\$1,261.20
G67915	17AAC 25.013.(c)	11/10/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G68452	17AAC 25.013(a)(2)	11/27/04	2360	\$118.00	\$10.00	\$128.00	\$0.08	\$188.80	\$10.00	\$198.80
G67869	17AAC 25.013.(c)	11/24/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G65784	17AAC 25.013(a)(2)	12/8/04	2520	\$126.00	\$10.00	\$136.00	\$0.08	\$201.60	\$10.00	\$211.60
G67872	17AAC 25.013.(c)	12/2/04	2080	\$104.00	\$10.00	\$114.00	\$0.08	\$166.40	\$10.00	\$176.40
G67508	17AAC 25.013.(a) (2)	5/3/04	7040	\$352.00	\$10.00	\$362.00	\$0.16	\$1,126.40	\$10.00	\$1,136.40
G67854	17AAC 25.013.(c)	10/20/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66590	17AAC 25.013(a)(2)	11/24/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G69110	17AAC 25.013.(a) (2)	4/26/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G68540	17AAC 25.013.(c)	9/23/04	6840	\$342.00	\$10.00	\$352.00	\$0.16	\$1,094.40	\$10.00	\$1,104.40
G67880	17AAC 25.013.(c)	9/10/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G66104	17AAC 25.013.(a) (1)	8/5/04	4100	\$205.00	\$10.00	\$215.00	\$0.12	\$492.00	\$10.00	\$502.00
G66437	17AAC 25.013.(a) (2)	9/22/04	2760	\$138.00	\$10.00	\$148.00	\$0.08	\$220.80	\$10.00	\$230.80
G69183	17AAC 25.013.(a) (3)	9/14/04	6200	\$310.00	\$10.00	\$320.00	\$0.16	\$992.00	\$10.00	\$1,002.00
G66364	17AAC 25.013(a)(2)	1/22/04	4180	\$209.00	\$10.00	\$219.00	\$0.12	\$501.60	\$10.00	\$511.60
G70183	17AAC 25.013(a)(2)	12/21/04	2000	\$100.00	\$10.00	\$110.00	\$150.00	\$150.00	\$10.00	\$160.00

# Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G70178	17AAC 25.013(a)(3)	12/2/04	1660	\$83.00	\$10.00	\$93.00	\$150.00	\$150.00	\$10.00	\$160.00
G67884	17AAC 25.013.(c)	9/20/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G68405	17AAC 25.013.(a) (2)	5/24/04	8220	\$411.00	\$10.00	\$421.00	\$0.20	\$1,644.00	\$10.00	\$1,654.00
G68548	17AAC 25.013.(c)	10/14/04	1860	\$93.00	\$10.00	\$103.00	\$150.00	\$150.00	\$10.00	\$160.00
G67560	17AAC.25.013(a)(2)	1/18/04	2140	\$107.00	\$10.00	\$117.00	\$0.08	\$171.20	\$10.00	\$181.20
G678	17AAC 25.013.(a) (3)		9880	\$494.00	\$10.00	\$504.00	\$0.20	\$1,976.00	\$10.00	\$1,986.00
G66436	17AAC 25.013.(a) (2)	9/21/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66430	17AAC 25.013.(a) (2)	9/2/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G66429	17AAC 25.013.(a) (2)	9/2/04	9580	\$479.00	\$10.00	\$489.00	\$0.20	\$1,916.00	\$10.00	\$1,926.00
G65785	17AAC 25.013(a)(2)	12/8/04	7180	\$359.00	\$10.00	\$369.00	\$0.16	\$1,148.80	\$10.00	\$1,158.80
G67857	17AAC 25.013.(c)	10/22/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G67858	17AAC 25.013.(c)	10/22/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G66530	17AAC 25.013(a)(2)	11/10/04	3000	\$150.00	\$10.00	\$160.00	\$0.08	\$240.00	\$10.00	\$250.00
G66796	17AAC 25.013(a)(1)	12/11/04	2340	\$117.00	\$10.00	\$127.00	\$0.08	\$187.20	\$10.00	\$197.20
G66574	17AAC 25.013(a)(3)	11/27/04	4000	\$204.00	\$10.00	\$214.00	\$0.12	\$489.60	\$10.00	\$499.60
G66258	17AAC 25.013. (a)(2)	4/19/04	3100	\$155.00	\$10.00	\$165.00	\$0.08	\$248.00	\$10.00	\$258.00
G66190	17AAC 25.013.(a) (3)	5/21/04	2350	\$117.00	\$10.00	\$127.00	\$0.08	\$188.00	\$10.00	\$198.00
G66786	17AAC 25.013.(a) (2)	9/15/04	4860	\$243.00	\$10.00	\$253.00	\$0.12	\$583.20	\$10.00	\$593.20
G66494	17AAC 25.013.(a) (2)	7/22/04	2600	\$130.00	\$10.00	\$140.00	\$0.08	\$208.00	\$10.00	\$218.00
G66563	17AAC 25.013.(a) (1)	9/24/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G67568	17AAC 25.013.(c)	11/2/04	6560	\$328.00	\$10.00	\$338.00	\$0.16	\$1,049.60	\$10.00	\$1,059.60
G69117	17AAC 25.013.(a) (2)	4/30/04	6520	\$326.00	\$10.00	\$336.00	\$0.16	\$1,043.20	\$10.00	\$1,053.20
G65544	17AAC.25.013(a)(2)	1/20/04	4100	\$205.00	\$10.00	\$215.00	\$0.12	\$492.00	\$10.00	\$502.00
G65643	17AAC.25.013(a)(2)	1/13/04	2960	\$148.00	\$10.00	\$158.00	\$0.08	\$236.80	\$10.00	\$246.80
G67563	17AAC.25.013(a)(2)	2/24/04	5400	\$270.00	\$10.00	\$280.00	\$0.12	\$648.00	\$10.00	\$658.00
G66251	17AAC.25.013(a)(2)	2/25/04	1480	\$74.00	\$10.00	\$84.00	\$150.00	\$150.00	\$10.00	\$160.00
G65865	17AAC 25.013. (a)(2)	3/17/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G65868	17AAC 25.013. (a)(2)	3/23/04	6850	\$342.50	\$10.00	\$352.50	\$0.16	\$1,096.00	\$10.00	\$1,106.00
G65869	17AAC 25.013. (a)(2)	3/23/04	7060	\$353.00	\$10.00	\$363.00	\$0.16	\$1,129.60	\$10.00	\$1,139.60
G65870	17AAC 25.013. (a)(2)	3/25/04	3140	\$157.00	\$10.00	\$167.00	\$0.08	\$251.20	\$10.00	\$261.20
G65598	17AAC 25.013. (a)(2)	4/22/04	3340	\$167.00	\$10.00	\$177.00	\$0.08	\$267.20	\$10.00	\$277.20
G66790	17AAC 25.013.(a) (2)	9/28/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G66433	17AAC 25.013.(a) (2)	9/15/04	4400	\$220.00	\$10.00	\$230.00	\$0.12	\$528.00	\$10.00	\$538.00
G66785	17AAC 25.013.(a) (2)	9/15/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66789	17AAC 25.013.(a) (2)	9/21/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G67801	17AAC 25.013.(a) (2)	8/27/04	3600	\$180.00	\$10.00	\$190.00	\$0.08	\$288.00	\$10.00	\$298.00

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G66467	17AAC 25.013(a)(2)	10/4/04	36400	\$1,820.00	\$10.00	\$1,830.00	\$0.24	\$8,736.00	\$10.00	\$8,746.00
G67805	17AAC 25.013(a)(2)	10/12/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G66443	17AAC 25.013(a)(2)	10/22/04	3100	\$155.00	\$10.00	\$165.00	\$0.08	\$248.00	\$10.00	\$258.00
G66584	17AAC 25.013(a)(2)	11/2/04	2040	\$102.00	\$10.00	\$112.00	\$0.08	\$163.20	\$10.00	\$173.20
G67813	17AAC 25.013(a)(2)	11/19/04	4320	\$216.00	\$10.00	\$226.00	\$0.12	\$518.40	\$10.00	\$528.40
G70114	17AAC 25.013(a)(3)	12/16/04	3120	\$156.00	\$10.00	\$166.00	\$0.08	\$249.60	\$10.00	\$259.60
G70185	17AAC 25.013(a)(2)	12/22/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66575	17AAC 25.013(a)(1)	12/14/04	3380	\$169.00	\$10.00	\$179.00	\$0.08	\$270.40	\$10.00	\$280.40
G65757	17AAC 25.013.(a) (3)	6/14/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G65768	17AAC 25.013.(a) (3)	8/24/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G65767	17AAC 25.013.(a) (3)	8/19/04	1240	\$62.00	\$10.00	\$72.00	\$150.00	\$150.00	\$10.00	\$160.00
G65236	17AAC 25.013.(a) (2)	9/25/04	7380	\$369.00	\$10.00	\$379.00	\$0.16	\$1,180.80	\$10.00	\$1,190.80
G65284	17AAC 25.013(a)(2)	10/26/04	3540	\$177.00	\$10.00	\$187.00	\$0.08	\$283.20	\$10.00	\$293.20
G67586	17AAC 25.013.(a)(2)	4/22/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G64633	17AAC 25.013.(a) (2)	4/27/04	4960	\$248.00	\$10.00	\$258.00	\$0.12	\$595.20	\$10.00	\$605.20
G64680	17AAC.25.013(a)(2)	2/12/04	9680	\$484.00	\$10.00	\$494.00	\$0.20	\$1,936.00	\$10.00	\$1,946.00
G64680	17AAC 25.013.(a) (2)	2/12/04	8680	\$484.00	\$10.00	\$494.00	\$0.20	\$1,736.00	\$10.00	\$1,746.00
G64642	17AAC 25.013.(a) (2)	5/4/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G64643	17AAC 25.013.(a) (3)	5/4/04	3660	\$183.00	\$10.00	\$193.00	\$0.08	\$292.80	\$10.00	\$302.80
G64399	17AAC 25.013.(a)(2)	3/30/04	2600	\$130.00	\$10.00	\$140.00	\$0.08	\$208.00	\$10.00	\$218.00
G64651	17AAC 25.013(a)(2)	11/30/04	2880	\$144.00	\$10.00	\$154.00	\$0.08	\$230.40	\$10.00	\$240.40
G65300	17AAC 25.013(a)(2)	11/29/04	8440	\$422.00	\$10.00	\$432.00	\$0.20	\$1,688.00	\$10.00	\$1,698.00
G66189	17AAC 25.013.(a) (2)	5/20/04	1900	\$95.00	\$10.00	\$105.00	\$150.00	\$150.00	\$10.00	\$160.00
G66439	17AAC 25.013(a)(2)	10/8/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66567	17AAC 25.013.(a)(1)	10/27/04	3260	\$163.00	\$10.00	\$173.00	\$0.08	\$260.80	\$10.00	\$270.80
G66569	17AAC 25.013(a)(2)	11/2/04	3220	\$161.00	\$10.00	\$171.00	\$0.08	\$257.60	\$10.00	\$267.60
G65235	17AAC 25.013.(a) (2)	9/23/04	4760	\$238.00	\$10.00	\$248.00	\$0.12	\$571.20	\$10.00	\$581.20
G66373	AS 45.75.380 (a) (11)	4/19/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66776	17AAC 25.013.(a) (2)	6/22/04	1520	\$76.00	\$10.00	\$86.00	\$150.00	\$150.00	\$10.00	\$160.00
G66839	17AAC 25.013.(a) (2)	8/3/04	6960	\$348.00	\$10.00	\$358.00	\$0.16	\$1,113.60	\$10.00	\$1,123.60
G66527	17AAC 25.013.(a)(1)	10/4/04	2620	\$131.00	\$10.00	\$141.00	\$0.08	\$209.60	\$10.00	\$219.60
G66791	17AAC 25.013.(c)	10/11/04	5000	\$250.00	\$10.00	\$260.00	\$0.12	\$600.00	\$10.00	\$610.00
G65242	17AAC 25.013(a)(3)	11/21/04	9600	\$480.00	\$10.00	\$490.00	\$0.20	\$1,920.00	\$10.00	\$1,930.00
G68541	17AAC 25.013.(a) (3)	9/23/04	4260	\$213.00	\$10.00	\$223.00	\$0.12	\$511.20	\$10.00	\$521.20
G64398	17AAC 25.013.(a)(2)	3/18/04	3580	\$179.00	\$10.00	\$189.00	\$0.08	\$286.40	\$10.00	\$296.40
G64397	17AAC 25.013.(a)(2)	3/18/04	4900	\$245.00	\$10.00	\$255.00	\$0.12	\$588.00	\$10.00	\$598.00

Overweight Uniform Traffic Citations (UTC) CY2004

Citation : Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65230 17AAC 25.013.(a) (3)	7/21/04	6360	\$318.00	\$10.00	\$328.00	\$0.16	\$1,017.60	\$10.00	\$1,027.60
G66737 17AAC 25.013.(a) (2)	8/2/04	3000	\$150.00	\$10.00	\$160.00	\$0.08	\$240.00	\$10.00	\$250.00
G66213 17AAC 25.013.(a) (2)	7/17/04	5820	\$291.00	\$10.00	\$301.00	\$0.12	\$698.40	\$10.00	\$708.40
G66221 17AAC 25.013.(a) (3)	7/23/04	2850	\$142.00	\$10.00	\$152.00	\$0.08	\$228.00	\$10.00	\$238.00
G68576 17AAC 25.013(a)(3)	11/15/04	1240	\$62.00	\$10.00	\$72.00	\$150.00	\$150.00	\$10.00	\$160.00
G66778 17AAC 25.013.(a) (3)	7/22/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66374 17AAC 25.013. (a)(2)	4/27/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66783 17AAC 25.013.(a) (2)	9/5/04	1480	\$74.00	\$10.00	\$84.00	\$150.00	\$150.00	\$10.00	\$160.00
G67809 17AAC 25.013(b)	11/8/04	6460	\$323.00	\$10.00	\$333.00	\$0.16	\$1,033.60	\$10.00	\$1,043.60
G65848 17AAC 25.013. (a)(2)	4/1/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G66207 17AAC 25.013. (a)(2)	4/28/04	6500	\$325.00	\$10.00	\$335.00	\$0.16	\$1,040.00	\$10.00	\$1,050.00
G66206 17AAC 25.013. (a)(2)	4/28/04	5800	\$294.00	\$10.00	\$304.00	\$0.12	\$696.00	\$10.00	\$706.00
G66208 17AAC 25.013. (a)(2)	4/28/04	2320	\$116.00	\$10.00	\$126.00	\$0.08	\$185.60	\$10.00	\$195.60
G66204 17AAC 25.013. (a)(2)	4/19/04	6300	\$315.00	\$10.00	\$325.00	\$0.16	\$1,008.00	\$10.00	\$1,018.00
G66205 17AAC 25.013. (a)(2)	4/27/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66203 17AAC 25.013. (a)(2)	4/14/04	5880	\$294.00	\$10.00	\$304.00	\$0.12	\$705.60	\$10.00	\$715.60
G66202 17AAC 25.013. (a)(2)	4/13/04	3460	\$173.00	\$10.00	\$183.00	\$0.08	\$276.80	\$10.00	\$286.80
G69173 17AAC 25.013.(a) (2)	8/30/04	4300	\$215.00	\$10.00	\$225.00	\$0.12	\$516.00	\$10.00	\$526.00
G66581 17AAC 25.013(a)(2)	10/5/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G66582 17AAC 25.013(a)(2)	10/8/04	2440	\$122.00	\$10.00	\$132.00	\$0.08	\$195.20	\$10.00	\$205.20
G66583 17AAC 25.013(a)(2)	10/25/04	5080	\$254.00	\$10.00	\$264.00	\$0.12	\$609.60	\$10.00	\$619.60
G66587 17AAC 25.013(a)(3)	11/3/04	8420	\$421.00	\$10.00	\$431.00	\$0.20	\$1,684.00	\$10.00	\$1,694.00
G66586 17AAC 25.013(a)(2)	11/3/04	4040	\$202.00	\$10.00	\$212.00	\$0.12	\$484.80	\$10.00	\$494.80
G66448 17AAC 25.013(a)(2)	11/10/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G67811 17AAC 25.013(a)(2)	11/12/04	4460	\$223.00	\$10.00	\$233.00	\$0.12	\$535.20	\$10.00	\$545.20
G67815 17AAC 25.013(a)(2)	11/26/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G70107 17AAC 25.013.(c)	11/29/04	5180	\$259.00	\$10.00	\$269.00	\$0.12	\$621.60	\$10.00	\$631.60
G66592 17AAC 25.013(a)(2)	11/30/04	2400	\$120.00	\$10.00	\$130.00	\$0.08	\$192.00	\$10.00	\$202.00
G66593 17AAC 25.013(a)(3)	11/30/04	1040	\$52.00	\$10.00	\$62.00	\$150.00	\$150.00	\$10.00	\$160.00
G70108 17AAC 25.013.(c)	12/7/04	6760	\$338.00	\$10.00	\$348.00	\$0.16	\$1,081.60	\$10.00	\$1,091.60
G66595 17AAC 25.013(a)(2)	12/8/04	2120	\$106.00	\$10.00	\$116.00	\$0.08	\$169.60	\$10.00	\$179.60
G70180 17AAC 25.013(a)(2)	12/8/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G66597 17AAC 25.013(a)(2)	12/10/04	3020	\$151.00	\$10.00	\$161.00	\$0.08	\$241.60	\$10.00	\$251.60
G64832 17AAC.25.013(a)(2)	2/18/04	1540	\$77.00	\$10.00	\$87.00	\$150.00	\$150.00	\$10.00	\$160.00
G66211 17AAC 25.013.(a) (2)	5/24/04	6340	\$317.00	\$10.00	\$327.00	\$0.16	\$1,014.40	\$10.00	\$1,024.40
G66210 17AAC 25.013.(a) (2)	5/24/04	3720	\$186.00	\$10.00	\$196.00	\$0.08	\$297.60	\$10.00	\$307.60

Overweight Uniform Traffic Citations (UTC) CY2004

Citation : Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G64981 17AAC 25.013. (a)(2)	4/10/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G64980 17AAC 25.013. (a)(2)	4/10/04	2620	\$131.00	\$10.00	\$141.00	\$0.08	\$209.60	\$10.00	\$219.60
G67587 17AAC 25.013. (a)(1)	4/29/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66543 17AAC.25.013(a)(2)	1/15/04	2980	\$149.00	\$10.00	\$159.00	\$0.08	\$238.40	\$10.00	\$248.40
G65650 17AAC 25.013.(a) (2)	7/15/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G67125 17AAC 25.013.(a) (2)	5/2/04	3780	\$189.00	\$10.00	\$199.00	\$0.08	\$302.40	\$10.00	\$312.40
G67918 17AAC 25.013.(c)	11/15/04	4220	\$211.00	\$10.00	\$221.00	\$0.12	\$506.40	\$10.00	\$516.40
G65268 17AAC 25.013.(a) (2)	8/17/04	2520	\$126.00	\$10.00	\$136.00	\$0.08	\$201.60	\$10.00	\$211.60
G65269 17AAC 25.013.(a) (2)	8/17/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G69154 17AAC 25.013.(a) (2)	7/13/04	4680	\$234.00	\$10.00	\$244.00	\$0.12	\$561.60	\$10.00	\$571.60
G66553 17AAC 25.013.(a) (3)	7/22/04	4480	\$224.00	\$10.00	\$234.00	\$0.12	\$537.60	\$10.00	\$547.60
G67889 17AAC 25.013.(c)	9/24/04	4800	\$240.00	\$10.00	\$250.00	\$0.12	\$576.00	\$10.00	\$586.00
G67855 17AAC 25.013.(c)	10/20/04	4600	\$230.00	\$10.00	\$240.00	\$0.12	\$552.00	\$10.00	\$562.00
G65866 17AAC 25.013. (a)(2)	3/19/04	3320	\$166.00	\$10.00	\$176.00	\$0.08	\$265.60	\$10.00	\$275.60
G65872 17AAC 25.013. (a)(2)	3/30/04	1520	\$76.00	\$10.00	\$86.00	\$150.00	\$150.00	\$10.00	\$160.00
G67459 17AAC 25.013.(a) (3)	8/2/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.20	\$10.00	\$253.20
G65296 17AAC 25.013(a)(2)	11/9/04	4140	\$207.00	\$10.00	\$217.00	\$0.12	\$496.80	\$10.00	\$506.80
G65295 17AAC 25.013(a)(2)	11/9/04	3960	\$198.00	\$10.00	\$208.00	\$0.08	\$316.80	\$10.00	\$326.80
G66492 17AAC 25.013.(a) (2)	7/21/04	9600	\$480.00	\$10.00	\$490.00	\$0.20	\$1,920.00	\$10.00	\$1,930.00
G65285 17AAC 25.013(a)(2)	10/26/04	10400	\$520.00	\$10.00	\$530.00	\$0.24	\$2,496.00	\$10.00	\$2,506.00
G67864 17AAC 25.013(a)(3)	11/3/04	3620	\$181.00	\$10.00	\$191.00	\$0.08	\$289.60	\$10.00	\$299.60
G69124 17AAC 25.013.(a) (2)	5/13/04	14940	\$747.00	\$10.00	\$757.00	\$0.24	\$3,585.60	\$10.00	\$3,595.60
G67877 17AAC 25.013.(c)	9/7/04	3640	\$182.00	\$10.00	\$192.00	\$0.08	\$291.20	\$10.00	\$301.20
G65234 17AAC 25.013.(a) (3)	9/16/04	5220	\$286.00	\$10.00	\$296.00	\$0.12	\$626.40	\$10.00	\$636.40
G67573 17AAC 25.013.(c)	12/15/04	3280	\$189.00	\$10.00	\$199.00	\$0.08	\$262.40	\$10.00	\$272.40
G67510 17AAC 25.013.(a) (3)	8/12/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G67895 17AAC 25.013.(c)	10/5/04	3680	\$184.00	\$10.00	\$194.00	\$0.08	\$294.40	\$10.00	\$304.40
G67588 17AAC 25.013.(a) (2)	6/8/04	3500	\$175.00	\$10.00	\$185.00	\$0.08	\$280.00	\$10.00	\$290.00
G66191 17AAC 25.013.(a) (2)	5/21/04	3300	\$165.00	\$10.00	\$175.00	\$0.08	\$264.00	\$10.00	\$274.00
G66201 17AAC 25.013. (a)(2)	4/12/04	2200	\$110.00	\$10.00	\$120.00	\$0.08	\$176.00	\$10.00	\$186.00
G65287 17AAC 25.013.(a) (3)	10/28/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G69115 17AAC 25.013. ( c )	4/8/04	4400	\$220.00	\$10.00	\$230.00	\$0.12	\$528.00	\$10.00	\$538.00
G69128 17AAC 25.013.(a) (2)	5/10/04	4120	\$206.00	\$10.00	\$216.00	\$0.12	\$494.40	\$10.00	\$504.40
G69149 17AAC 25.013.(a) (2)	8/2/04	4880	\$244.00	\$10.00	\$254.00	\$0.12	\$585.60	\$10.00	\$595.60
G67806 17AAC 25.013.(a)(2)	10/21/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G67719 17AAC 25.013. (a)(2)	3/18/04	2300	\$115.00	\$10.00	\$125.00	\$0.08	\$184.00	\$10.00	\$194.00

# Overweight Uniform Traffic Citations (UTC) CY2004

Citation : Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G67569 17AAC 25.013.(c)	12/4/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G67452 17AAC 25.013.(a) (2)	5/10/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G64638 17AAC 25.013.(a) (2)	4/29/04	1580	\$79.00	\$10.00	\$89.00	\$150.00	\$150.00	\$10.00	\$160.00
G64639 17AAC 25.013.(a) (2)	4/29/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G64640 17AAC 25.013.(a) (2)	4/29/04	2160	\$108.00	\$10.00	\$118.00	\$0.08	\$172.80	\$10.00	\$182.80
G66559 17AAC 25.013.(a) (2)	8/28/04	4160	\$208.00	\$10.00	\$218.00	\$0.12	\$499.20	\$10.00	\$509.20
G65766 17AAC 25.013 (b)	8/17/04	3080	\$154.00	\$10.00	\$164.00	\$0.08	\$246.40	\$10.00	\$256.40
G65783 17AAC 25.013(a)(2)	12/6/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G67826 17AAC 25.013(a)(2)	10/4/04	8400	\$424.00	\$10.00	\$434.00	\$0.20	\$1,680.00	\$10.00	\$1,690.00
G67561 17AAC.25.013(a)(2)	1/18/04	2260	\$113.00	\$10.00	\$123.00	\$0.08	\$180.80	\$10.00	\$190.80
G65649 17AAC 25.013.(a) (2)	7/9/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G66834 17AAC 25.013.(a) (2)	7/6/04	3500	\$175.00	\$10.00	\$185.00	\$0.08	\$280.00	\$10.00	\$290.00
G66367 17AAC.25.013(a)(2)	2/23/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G66252 17AAC.25.013(a)(2)	2/27/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G66366 17AAC.25.013(a)(2)	2/5/04	2060	\$103.00	\$10.00	\$113.00	\$0.08	\$164.80	\$10.00	\$174.80
G65871 17AAC 25.013. (a)(2)	3/25/04	2300	\$115.00	\$10.00	\$125.00	\$0.08	\$184.00	\$10.00	\$194.00
G67868 17AAC 25.013(a)(3)	11/12/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G65781 17AAC 25.013(a)(3)	11/22/04	1680	\$84.00	\$10.00	\$94.00	\$150.00	\$150.00	\$10.00	\$160.00
G65290 17AAC 25.013(a)(3)	11/1/04	7460	\$373.00	\$10.00	\$383.00	\$0.16	\$1,193.60	\$10.00	\$1,203.60
G65292 17AAC 25.013(a)(3)	11/1/04	5780	\$289.00	\$10.00	\$299.00	\$0.12	\$693.60	\$10.00	\$703.60
G67562 17AAC.25.013(a)(2)	1/14/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G67124 17AAC 25.013. (a)(2)	4/23/04	4600	\$230.00	\$10.00	\$240.00	\$0.12	\$552.00	\$10.00	\$562.00
G67564 17AAC 25.013. (a)(2)	4/24/04	1700	\$85.00	\$10.00	\$95.00	\$150.00	\$150.00	\$10.00	\$160.00
G67509 17AAC 25.013.(a) (2)	5/7/04	4480	\$224.00	\$10.00	\$234.00	\$0.12	\$537.60	\$10.00	\$547.60
G67589 17AAC 25.013.(a) (2)	7/15/04	12480	\$624.00	\$10.00	\$634.00	\$0.24	\$2,995.20	\$10.00	\$3,005.20
G67507 17AAC 25.013. (a)(2)	4/5/04	2400	\$120.00	\$10.00	\$130.00	\$0.08	\$192.00	\$10.00	\$202.00
G68514 17AAC 25.013. (a)(2)	4/13/04	1460	\$73.00	\$10.00	\$83.00	\$150.00	\$150.00	\$10.00	\$160.00
G65847 17AAC 25.013. (a)(3)	3/18/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G69134 17AAC 25.013.(a) (2)	5/25/04	1780	\$89.00	\$10.00	\$99.00	\$150.00	\$150.00	\$10.00	\$160.00
G69114 17AAC 25.013.(a) (2)	4/28/04	4160	\$208.00	\$10.00	\$218.00	\$0.12	\$499.20	\$10.00	\$509.20
G68545 17AAC 25.013.(c)	9/30/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.00	\$10.00	\$253.00
G67852 17AAC 25.013.(a) (3)	10/19/04	3940	\$197.00	\$10.00	\$207.00	\$0.08	\$315.20	\$10.00	\$325.20
G69156 17AAC 25.013.(a) (2)	7/14/04	6960	\$348.00	\$10.00	\$358.00	\$0.16	\$1,113.60	\$10.00	\$1,123.60
G66560 17AAC 25.013.(a) (2)	9/21/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66568 17AAC 25.013(a)(2)	10/29/04	2940	\$147.00	\$10.00	\$157.00	\$0.08	\$235.20	\$10.00	\$245.20
G67853 17AAC 25.013.(c)	10/19/04	3840	\$192.00	\$10.00	\$202.00	\$0.08	\$307.20	\$10.00	\$317.20

# Overweight Uniform Traffic Citations (UTC) CY2004

Citation : Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65786 17AAC 25.013(a)(2)	12/9/04	2160	\$108.00	\$10.00	\$118.00	\$0.08	\$172.80	\$10.00	\$182.80
G65769 17AAC 25.013.(c)	8/27/04	4520	\$226.00	\$10.00	\$236.00	\$0.12	\$542.40	\$10.00	\$552.40
G68401 17AAC 25.013. (a)(2)	3/22/04	6020	\$301.00	\$10.00	\$311.00	\$0.16	\$963.20	\$10.00	\$973.20
G65760 17AAC 25.013.(a) (2)	7/20/04	3300	\$165.00	\$10.00	\$175.00	\$0.08	\$264.00	\$10.00	\$274.00
G68544 17AAC 25.013.(c)	9/30/04	3060	\$153.00	\$10.00	\$163.00	\$0.08	\$244.80	\$10.00	\$254.80
G67882 17AAC 25.013.(c)	9/14/04	4340	\$217.00	\$10.00	\$227.00	\$0.12	\$520.80	\$10.00	\$530.80
G66787 17AAC 25.013.(a) (2)	9/18/04	4860	\$243.00	\$10.00	\$253.00	\$0.12	\$583.20	\$10.00	\$593.20
G66788 17AAC 25.013.(a) (2)	9/18/04	3980	\$199.00	\$10.00	\$209.00	\$0.08	\$318.40	\$10.00	\$328.40
G65241 17AAC 25.013(a)(2)	11/14/04	5240	\$262.00	\$10.00	\$272.00	\$0.12	\$628.80	\$10.00	\$638.80
G65775 17AAC 25.013(a)(2)	10/7/04	2320	\$112.00	\$10.00	\$122.00	\$0.08	\$185.60	\$10.00	\$195.60
G66585 17AAC 25.013(a)(2)	11/3/04	2260	\$113.00	\$10.00	\$123.00	\$0.08	\$180.80	\$10.00	\$190.80
G66572 17AAC 25.013(a)(1)	11/9/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G66591 17AAC 25.013(a)(2)	11/29/04	3720	\$186.00	\$10.00	\$196.00	\$0.08	\$297.60	\$10.00	\$307.60
G66705 17AAC 25.013(a)(3)	11/22/04	3360	\$168.00	\$10.00	\$178.00	\$0.08	\$268.80	\$10.00	\$278.80
G70184 17AAC 25.013(a)(1)	12/22/04	3680	\$184.00	\$10.00	\$194.00	\$0.08	\$294.40	\$10.00	\$304.40
G66797 17AAC 25.013(a)(3)	12/14/04	4180	\$209.00	\$10.00	\$219.00	\$0.12	\$501.60	\$10.00	\$511.60
G67916 17AAC 25.013.(c)	11/12/04	4380	\$219.00	\$10.00	\$229.00	\$0.12	\$525.60	\$10.00	\$535.60
G65782 17AAC 25.013(a)(2)	12/6/04	2200	\$110.00	\$10.00	\$120.00	\$0.08	\$176.00	\$10.00	\$186.00
G67078 17AAC 25.013.(a) (3)	10/12/04	3340	\$167.00	\$10.00	\$177.00	\$0.08	\$267.20	\$10.00	\$277.20
G69171 17AAC 25.013.(a) (2)	8/24/04	3320	\$166.00	\$10.00	\$176.00	\$0.08	\$265.60	\$10.00	\$275.60
G65776 17AAC 25.013(a)(2)	10/7/04	5120	\$256.00	\$10.00	\$266.00	\$0.12	\$614.40	\$10.00	\$624.40
G67804 17AAC 25.013.(a) (2)	9/16/04	2960	\$148.00	\$10.00	\$158.00	\$0.08	\$236.80	\$10.00	\$246.80
G67873 17AAC 25.013.(c)	12/3/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.20	\$10.00	\$253.20
G65759 17AAC 25.013.(a) (3)	7/20/04	5920	\$296.00	\$10.00	\$306.00	\$0.12	\$710.40	\$10.00	\$720.40
G65764 17AAC 25.013.(a) (2)	7/30/04	3740	\$187.00	\$10.00	\$197.00	\$0.08	\$299.20	\$10.00	\$309.20
G65771 17AAC 25.013.(a) (3)	9/27/04	5020	\$251.00	\$10.00	\$261.00	\$0.12	\$602.40	\$10.00	\$612.40
G67572 17AAC 25.013.(c)	12/11/04	2640	\$132.00	\$10.00	\$142.00	\$0.08	\$211.20	\$10.00	\$221.20
G67899 17AAC 25.013.(c)	10/13/04	9080	\$454.00	\$10.00	\$464.00	\$0.20	\$1,816.00	\$10.00	\$1,826.00
G65299 17AAC 25.013(a)(2)	11/29/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66794 17AAC 25.013(a)(2)	11/9/04	2320	\$116.00	\$10.00	\$126.00	\$0.08	\$185.60	\$10.00	\$195.60
G67911 17AAC 25.013.(c)	11/8/04	7160	\$358.00	\$10.00	\$368.00	\$0.16	\$1,145.60	\$10.00	\$1,155.60
G70176 17AAC 25.013(a)(2)	11/29/04	4440	\$222.00	\$10.00	\$232.00	\$0.12	\$532.80	\$10.00	\$542.80
G67451 17AAC 25.013.(a) (2)	5/7/04	3120	\$156.00	\$10.00	\$166.00	\$0.08	\$249.60	\$10.00	\$259.60
G69163 17AAC 25.013.(a) (2)	7/26/04	5640	\$282.00	\$10.00	\$292.00	\$0.12	\$676.80	\$10.00	\$686.80
G68546 17AAC 25.013.(c)	10/8/04	8480	\$427.00	\$10.00	\$437.00	\$0.20	\$1,696.00	\$10.00	\$1,706.00
G68549 17AAC 25.013.(a) (3)	10/14/04	3840	\$192.00	\$10.00	\$202.00	\$0.08	\$307.20	\$10.00	\$317.20

Overweight Uniform Traffic Citations (UTC) CY2004

Citation : Over Weight Offence	Date	lbs Owl	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65763 17AAC 25.013.(a) (2)	7/27/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G65849 17AAC 25.013. (a)(2)	4/7/04	5580	\$279.00	\$10.00	\$289.00	\$0.12	\$669.60	\$10.00	\$679.60
G67851 17AAC 25.013.(c)	10/15/04	1900	\$95.00	\$10.00	\$105.00	\$150.00	\$150.00	\$10.00	\$160.00
G64634 17AAC 25.013.(a) (2)	4/27/04	3060	\$153.00	\$10.00	\$163.00	\$0.00	\$244.80	\$10.00	\$254.80
G64635 17AAC 25.013.(a) (2)	4/27/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G67592 17AAC 25.013(a)(2)	11/10/04	2880	\$144.00	\$10.00	\$154.00	\$0.08	\$230.40	\$10.00	\$240.40
G70106 17AAC 25.013(a)(3)	11/29/04	4920	\$246.00	\$10.00	\$256.00	\$0.12	\$590.40	\$10.00	\$600.40
G70115 17AAC 25.013(a)(3)	12/21/04	1380	\$69.00	\$10.00	\$79.00	\$150.00	\$150.00	\$10.00	\$160.00
G70182 17AAC 25.013(a)(3)	12/17/04	7160	\$358.00	\$10.00	\$368.00	\$0.16	\$1,145.60	\$10.00	\$1,155.60
			\$55,179.50	\$2,610.00	\$57,789.50		\$144,005.60	\$2,610.00	\$146,615.60

New Fine Schedule CY 2004	\$146,615.60
CY 2004 Actual	\$57,789.50
Estimate of new revenue from new fine schedule.	\$88,826.10

AS 45.75.380(b)

Revision of Truck Overload Fine  
Schedule

House Transportation Committee



## Why Control the Weight of Trucks

- **Pavement Damage**  
Pavements are designed for trucks
- **Bridge Damage**  
Bridges are designed for trucks
- **Safety**  
Truck brakes are designed for a maximum payload



## Parks Highway Rehabilitation Projects Typically Cost \$500k/mile

- **Includes**
  - Asphalt Concrete
  - Reclaiming Base
  - Traffic Control
  - Design Costs
  - Construction Admin
- **Does not include**
  - Safety Features
  - Drainage Improvements
  - Slope Repairs
  - Highway Light Cost
  - Etc.



## The Parks Highway North of Wasilla is Designed for 1.1 Million Trucks Over 15 Years

Each Overweight Truck Reduces the Life of the Project



## Example

A 5-axle truck that is 4,000 lbs. overweight is equal to 4.4 average 5-axle trucks on the Parks or 1.2 legally loaded trucks



A legally loaded 5-axle truck cost /the State about \$0.70/mile or \$210 trip to travel from Wasilla to Fairbanks



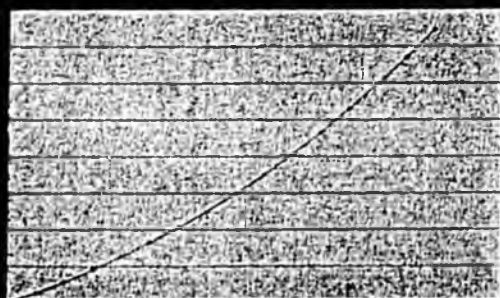
Estimated User Delay Costs as a result of a 5-axle truck overloaded by 4000 is \$0.90/mile or \$270 from Wasilla to Fairbanks

Assumes user salary of \$10/hour



A truck stands to make about \$1.00/mile if he carries an extra 4,000 lbs or \$300 if he travels from Wasilla to Fairbanks

Assumes a charge of \$0.50 ton-mile



### Any Fine Schedule Should

- Pay for Damage
- Pay for Public Costs such as Delay
- Remove any Profit Motive
- Be Large Enough to be a Deterrent

Last Year 262 Fines Were Levied Resulting in About \$58,000.

The new bill would generate about \$147,000 in fines.

Our Goal Is To Reduce Overloads

*Michael T. Kenny, Principal Executive Officer***GENERAL TEAMSTERS**520 E. 34th Avenue  
Anchorage, Alaska 99503**LOCAL 959**  
State of Alaska751 Old Richardson Hwy., Suite 127  
Fairbanks, Alaska 99701

April 25, 2005

Representative Lesil McGuire  
Chairperson, House Judiciary Committee  
Alaska State Legislature  
Juneau, Alaska

Re: HB 266, Vehicle Weights

Dear Chairperson McGuire:

On behalf of all citizens of Alaska, and specifically those members whom Teamsters Local 959 represents in the trucking industry, I am proud to support HB 266 regarding offenses and penalties for violation of vehicle weight limitations.

As you may be aware, overweight penalties in Alaska have not increased for some 20 or more years. While some would say the penalty charged for running overweight in this day and age is "just another cost of doing business", I believe it is truly a matter to be taken seriously.

For the most part, our Teamster drivers work for employers who follow the rules and abide by state-imposed weight requirements. For those employers that do not, a slight penalty fee is paid and drivers are ticketed. But the consequences the public faces when an overweight truck flips over while going down the highway, causing a major traffic accident, are very critical. Many wonder how many more lives need to be lost in this manner?

We further have the issue of our roadways being damaged by vehicles with overweight loads. These overweight loads cause the tearing up the pavement, as well as the subsurface, because they are only designed to specific standards. If that design standard is exceeded, damage occurs. Each year we ask for funding to correct damages to our highways and roadways because of overweight abuse. This abuse needs to stop.

The passage of HB 266 will certainly help curtail much of the indifference shown in this area today. Its passage will increase penalties for overweight violations, no longer allowing penalties paid to be "just another cost of doing business". This bill also creates a pattern or practice of violation, so those who show no sign of abiding by the law will realize stiffer

[www.akteamsters.com](http://www.akteamsters.com)

• Anchorage (907) 565-8122 • Fairbanks (907) 452-2959 • Juneau (907) 586-3225 • Kenai (907) 283-4498 • Kodiak (907) 486-8818  
• Fax (907) 565-8205 • Fax (907) 452-5051 • Fax (907) 586-1227 • Fax (907) 283-8030 • Fax (907) 486-8818

Representative Lesil McGuire  
Chairperson, House Judiciary Committee  
Re: HB266  
April 25, 2005  
Page 2.

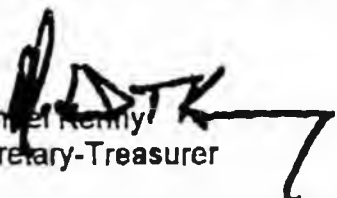
penalties. It further prohibits the use of overweight citations as a basis for "adverse action" by an insurance carrier.

We believe this bill will clearly go a long way in protecting the motoring public by reducing wear and tear on the highways. The bill will also establish increased penalties to encourage companies to operate their trucks within proper weight limits.

We ask you and the members of the House Judiciary Committee to support moving this bill out of committee.

Fraternally,

GENERAL TEAMSTERS LOCAL 950

  
Michael Kenny  
Secretary-Treasurer

c: Vice Chair, Representative Tom Anderson  
Representative John Coghill  
Representative Nancy Dahlstrom  
Representative Pete Kott  
Representative Les Gara  
Representative Max Gruenberg

Via facsimile - (907)465-6592

WASHTO States								
Overweight Penalty Survey - Amount of Fine at the following weights.								
WASHTO State	Criminal (CR) Civil (CI)	2,000#	4,000#	6,000#	8,000#	10,000#	20,000#	30,000#
AK Proposed	CR	\$150	\$320	\$720	\$1,280	\$2,000	\$4,800	\$7,200
AK	CR traffic	\$100	\$200	\$300	\$400	\$500	\$1,000	\$1,500
AZ	CI	\$300	\$980	\$1,500	\$1,700	\$1,900	\$2,900	\$3,900
CA	CR	\$40	\$125	\$240	\$640	\$2,000	\$4,000	\$6,000
CO	CR Traffic	\$22.50	\$37.50	\$141.50	\$451.60	\$911.70	\$2,639.70	\$4,411.70
HI								
ID	CR Misdemeanor	\$ 15 + court cost	\$ 25 + court cost	\$293.2 + court cost	\$561.4 + court cost	\$829.6 + court cost	\$2500 + court cost	\$5500 + court cost
MT	CR	\$210	\$260	\$310	\$385	\$410	\$1,135	\$2,135
NE*	See below							
NV	CR Misdem/ by court	\$15	\$50	\$110	\$200	\$320	\$1,120	\$1,920
NM	CR	\$25	\$80	\$125	\$275	\$425	\$1,000	\$1,000
ND	CI	\$40	\$140	\$305	\$495	\$655	\$3,000	\$6,000
OK	CR	\$258.90	\$358.90	\$458.90	\$558.90	\$628.90	\$628.90	\$628.90
OR	CR/misdem/traffic	\$79	\$257	\$876	\$1,296	\$1,596	\$4,896	\$7,296
SD	CR + CI	\$250	\$450	\$1,050	\$1,800	\$2,550	\$10,050	\$17,550
TX	CR Misdemeanor	\$100	\$150	\$340	\$420	\$500	\$750	\$1000 Max
UT	CR/classB/Misd (1)	\$50	\$170	\$350	\$450	\$650	\$1,850	calculation
	CR/classB/Misd (2)	\$50	\$200	\$350	\$450	\$550	\$1,050	
WA	CR	\$223	\$283	\$523	\$763	\$1,003	\$2,803	\$5,803
WY	CR	\$55	\$80	\$105	\$130	\$180	\$530	\$1,780
NE	% over legal weight	0-5%	5-10%	10-15%	15-20%	20-25%	25%+	
	Gross weight	\$25	\$100	\$200	\$350	\$600	\$1,000	
NE	% over legal weight	0-5%	5-10%	10-15%	15-20%	20-25%	25-30%	40-45%
	Axle weight	\$25	\$75	\$150	\$350	\$500	\$750	\$1,550
								50%+
								\$2,500
18 states total								
15 Criminal								
3 Civil								
1 not reported								

Example of Proposed Overweight Penalty  
DOT&PF, MSCVE  
February 14, 2005

Overweight Ranges	Penalty per Pound	Amount of overweight	Total Penalty
1,001 to 2,000 lbs.	\$150 flat	2,000	\$ 150
2,001 to 4,000 lbs.	0.08 / lb	4,000	\$ 320
4,001 to 6,000 lbs.	0.12 / lb	6,000	\$ 720
6,001 to 8,000 lbs.	0.16 / lb	8,000	\$ 1,280
8,001 to 10,000 lbs.	0.20 / lb	10,000	\$ 2,000
over 10,000 lbs.	0.24 / lb	30,000	\$ 7,200

Michael J. Kelly, Principal Executive Officer

**GENERAL TEAMSTERS**520 E. 34th Avenue  
Anchorage, Alaska 99503**LOCAL 959**  
State of Alaska781 Old Richardson Hwy., Suite 127  
Fairbanks, Alaska 99701

April 11, 2005

Representative Jim Elkins  
 Representative Carl Gatto  
 Co-Chairpersons, Transportation Committee  
 Alaska State Legislature  
 Juneau, Alaska

Re: HB 266, Vehicle Weights

Dear Co-Chairpersons Elkins & Gatto:

On behalf of all citizens of Alaska, and specifically those members whom Teamsters Local 959 represents in the trucking industry, I am proud to support HB 266 regarding offenses and penalties for violation of vehicle weight limitations.

As you may be aware, overweight penalties in Alaska have not increased for some 20 or more years. While some would say the penalty charged for running overweight in this day and age is "just another cost of doing business", I believe it is truly a matter to be taken seriously.

For the most part, our Teamster drivers work for employers who follow the rules and abide by state-imposed weight requirements. For those employers that do not, a slight penalty fee is paid and drivers are ticketed. But the consequences the public faces when an overweight truck flips over while going down the highway, causing a major traffic accident, are very critical. Many wonder how many more lives need to be lost in this manner?

We further have the issue of our roadways being damaged by vehicles with overweight loads. These overweight loads cause the tearing up the pavement, as well as the subsurface, because they are only designed to specific standards. If that design standard is exceeded, damage occurs. Each year we ask for funding to correct damages to our highways and roadways because of overweight abuse. This abuse needs to stop.

The passage of HB 266 will certainly help curtail much of the indifference shown in this area today. Its passage will increase penalties for overweight violations, no longer allowing penalties paid to be "just another cost of doing business". This bill also creates a pattern or practice of violation, so those who show no sign of abiding by the law will realize stiffer

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 • Fax (907) 566-8265 • Fax (907) 452-5051 • Fax (907) 586-1227 • Fax (907) 203-8030 • Fax (907) 486-8818

Representatives Elkins and Gatto  
Co-Chairpersons, Transportation Committee  
Re: HB266  
April 11, 2005  
Page 2.

penalties. It further prohibits the use of overweight citations as a basis for "adverse action" by an insurance carrier.

We believe this bill will clearly go a long way in protecting the motoring public by reducing wear and tear on the highways. The bill will also establish increased penalties to encourage companies to operate their trucks within proper weight limits.

We ask you and the Transportation Committee members to support moving this bill out of committee.

Fraternally,

GENERAL TEAMSTERS LOCAL 959



Michael Kenny  
Secretary-Treasurer



Kenneth Privratsky • Horizon Lines, LLC • 1717 Tidewater Road • Anchorage, AK 99501

April 11, 2005

Representative Jim Elkins, Chair  
House Transportation Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Elkins :

I am writing you to express Horizon Lines' support for increasing scrutiny of overweight loads on our highways. The safety of Alaska's highways is something that everyone who uses them must be able to expect. As a commercial highway user, Horizon Lines understands its obligation to the public, our drivers and our customers to put only safe loads on our highways. This mirrors our company philosophy, and we are committed to doing this. The provisions outlined in the Intermodal Safe Container Act paragraph 5903(a) help ensure that accurate documentation is always provided when shippers tender loads to carriers. Using violations of this law as a criterion to identify possible willful offenders for further examination makes good sense.

Our drivers and our agents' drivers have told us that overweight violations have been used as a criterion when insurers underwrite their personal automobile policies. This practice is unfair as drivers normally have virtually no control over the loaded weight of the container or trailer they are being asked to pull.

Regards,

A handwritten signature in cursive script, appearing to read 'Ken Privratsky'.

Ken Privratsky  
Vice President & General Manager, Alaska

# INTERMODAL SAFE CONTAINER ACT (AS AMENDED)

- (D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.
- (2) *Reimbursement.* If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.

## §5904. STATE ENFORCEMENT

- (a) *General.* A State may enact a law to permit the State or a political subdivision of the State
- (1) to impose a fine or penalty, for a violation of a State highway weight law or regulation by a tractor-trailer combination carrying a loaded container or trailer for which a certification is required by section 5902(b) of this title, against the person tendering the loaded container or trailer to the first carrier if the violation results from the person's having provided erroneous information in the certification in violation of section 5903(a) of this title; and
  - (2) to impound the container or trailer until the fine or penalty has been paid by the owner or beneficial owner of the contents of the container or trailer or the person tendering the loaded container or trailer to the first carrier.
- (b) *Limitation.* This chapter does not require a person tendering a loaded container or trailer to a first carrier to ensure that the first carrier or any other carrier involved in the intermodal transportation will comply with any State highway weight law or regulation, other than as required by this chapter.

## §5905. LIENS

- (a) *General.* If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from
- (1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;
  - (2) the failure of the party required to provide the certification to the first carrier to provide it;
  - (3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

**HB**

**266**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 06 2006  
 SENATE FINANCE COMMITTEE

DATE: 5/1/06

FURTHER:

DATE TURNED  
 IN TO OFFICE: 6 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 266(FIN)

## HB 266 VEHICLE WEIGHTS AND INSURANCE

"An Act relating to penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; 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 \_\_\_\_\_ Committee

**CS Senate Bill:**

- Same Title
- New Title

**SCS House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Ind.	Zero	FN#
DCCED	1/23/06		✓	#4
DOTPF	1/20/06		✓	#5
LAW	1/25/06		✓	#6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

# FISCAL NOTE

REPORTED OUT  
MAY 06 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: CSHB 266(FIN)  
(H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Commerce  
Title Vehicle Weights and Insurance RDU Insurance (116)  
Component Insurance  
Sponsor House Transportation  
Requester House Finance Component No. 354

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation prohibits the use of a violation of vehicle weight limitation for certain personal automobile insurance actions. It has no fiscal impact of the operations of the Division of Insurance.

Prepared by: Linda S. Hall, Director  
Division: Insurance  
Approved by: William C. Noll, Commissioner  
Agency: Commerce, Community and Economic Development

Phone 907-269-7900  
Date/Time 1/23/06 5 05 PM  
Date 1/23/2006

# FISCAL NOTE

REPORTED OUT  
**MAY 06 2006**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 5  
 Bill Version: CSHB 266(FIN)  
 (H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Vehicle Weights and Insurance RDU Administration & Support  
 Component Commissioner's Office  
 Sponsor House Transportation  
 Requester House Finance Component No. 530

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES

CHANGE IN REVENUES ( )

**FUND SOURCE** (Thousands of Dollars)

1002 Federal 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--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: John Manly Phone 465-8994  
 Division: Legislative Liaison, DOT&PF Date/Time 1/20/06 11:30 AM  
 Approved by: Miko Barton Date 1/20/2006  
 Agency: Commissioner, DOT&PF

# FISCAL NOTE

REPORTED OUT  
MAY 06 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 6  
 Bill Version: CSHB 266(FIN)  
 (H) Publish Date: 1/27/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title "An Act relating to offenses and penalties for RDU CIVIL  
violation of vehicle weight limitation for certain personal..." Component Collections and Support  
 Sponsor House Transportation Committee  
 Requester House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( GF )</b>	*****	*****	*****	*****	*****	*****
----------------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 This bill amends AS 21.36 preventing an automobile insurer from taking adverse action against an insured driver because of a violation relating to an overweight vehicle. The bill repeals and reenacts AS 45.75.380 (b) (Weights and Measures Act - General Provisions) by specifying a new fine schedule for violations of certain weight, load or size restrictions. The bill also specifies that a motor carrier who is found to exhibit a pattern or practice of violations under AS 45.75.380 (a)(10) or (11) is subject to a \$10,000 dollar fine in addition to other applicable fines. The current law imposes a per incident fine of \$500, as well as a \$.05 fine for each pound over the weight limit. The Department of Law's Collections section already bears responsibility for collecting any fines imposed under the current structure to the extent they are forwarded for collection by the Court System. There may be an indeterminate change to the amount collected through passage of this legislation. There should not be an impact to workload.

Prepared by: Kathryn Daughhotee, Director Phone 465-3673  
 Division Administrative Services Division Date/Time 1/25/06 8:33 AM  
 Approved by: Kathryn Daughhotee for David Márquez, Attorney General Date 1/25/2006  
 Agency Department of Law

## COMMITTEE COPY

# ALASKA STATE LEGISLATURE

## INTERIM

50 Front St.  
Suite #203  
Ketchikan, Alaska 99901  
Phone: (907) 247-4672  
Fax: (907) 225-7157



## SESSION

Suite 416  
State Capitol Building  
Juneau, Alaska 99801  
Phone: (907) 465-3424  
Fax: (907) 465-3793

## REPRESENTATIVE JIM ELKINS

---

### Sponsor Statement

Thank you Mr. Chairman, today before you is House Bill 266, "An Act relating to penalties for violation of vehicle weight limitations;" modifies existing law related to the penalty structure for overweight vehicle violations.

This legislation proposes the first increase in penalties since the existing provisions were established in the 1970s. Existing provisions do not adequately inhibit commercial shipping companies and others from violating overweight vehicle limitations. The proposed modification establishes a graduated penalty for the amount of weight in excess of the limitations set by statute, regulation and permit.

Another provision of the bill prohibits the use of overweight vehicle violations for use by insurers to adversely impact decisions related to providing private automobile insurance coverage for drivers.

This legislation will protect drivers who do not know they are in violation and protect our roads from overweight vehicles in Alaska. The Department of Transportation, Teamsters, and Horizon Shipping Lines all support HB 266, and we urge you to do the same.

# ALASKA STATE LEGISLATURE

## INTERIM

50 Front St.  
Suite #203  
Ketchikan, Alaska 99901  
Phone: (907) 247-4672  
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## SESSION

Suite 416  
State Capitol Building  
Juneau, Alaska 99801  
Phone: (907) 465-3424  
Fax: (907) 465-3793

## REPRESENTATIVE JIM ELKINS

---

### House Bill 266 Sectional Analysis

**Section 1** Adds AS 21.36.307; prohibiting an insurer from taking adverse action relating to the personal automobile insurance of a driver who commits one or more violations relating to overweight vehicles under AS 45.75.380(a)(10) or (11). Defines "adverse action."

**Section 2** Repeals and reenacts AS 45.75.380 (b). Establishes the maximum fines for overweight vehicles according to the weight-range in which the overweight amount falls.

**Section 3** Adds a new section to uncodified law to recognize that sec.2 of the Act amends Rule 43.6, Alaska Rules of Administration, by increasing the maximum fines for overweight vehicles.

**Section 4** Adds a new section to uncodified law to state that a two-thirds vote is not required for sec. 2.

**Section 5** Adds a new section to uncodified law to state the applicability of sec. 1 and 2 of the Act. Section 1 applies to an adverse action by an insurer on or after the effective date of the Act based on an overweight vehicle violation occurring before, on, or after the effective date of the Act. Section 2 applies to offenses committed on or after the effective date.

**Section 6** Provides for an immediate effective date.

# SENATE COMMITTEE REPORT

DATE: 4/25/06

FURTHER: Judiciary  
Finance

DATE TURNED  
IN TO OFFICE: 4/27/06

Transportation Committee considered CS FOR HOUSE BILL NO. 266(FIN)

## HB 266 VEHICLE WEIGHTS AND INSURANCE

"An Act relating to penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; 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 \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

AF APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Cowdery	<input checked="" type="checkbox"/>			
French			X	
Kookesh			X	
CHAIR:  Huggins	<input checked="" type="checkbox"/>			



**HB**

**271**

**HFIN**

**FILE**

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB271CS-DOLWD-LMI-03-06-06  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
Title: Limit Overtime for Registered Nurses RDU: Administrative Services  
Sponsor: Representative Wilson Component: Labor Market Information  
Requester: House Finance Component Number: 336

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: None  
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

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

Prepared by: Guy Bell, Assistant Commissioner Phone: 465-2700  
Division: Office of the Commissioner Date/Time: 3/6/06 9:54 AM  
Approved by: Greg O'Claray, Commissioner Date: 3/6/2006  
Agency: Department of Labor and Workforce Development

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB271CS-DOLWD-WH-03-06-06  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
Title: Limit Overtime for Registered Nurses

Department: Labor and Workforce Development  
RDU: Labor Standards and Safety  
Component: Wage and Hour

Sponsor: Representative Wilson  
Requester: House Finance

Component Number: 345

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	67.4	67.4	67.4	67.4	67.4	67.4
Travel	3.0	3.0	3.0	3.0	3.0	3.0
Contractual	8.9	8.9	8.9	8.9	8.9	8.9
Supplies	3.8	0.5	0.5	0.5	0.5	0.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>83.1</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	83.1	79.8	79.8	79.8	79.8	79.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>83.1</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>	<b>79.8</b>

Estimate of any current year (FY2006) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

There are currently approximately 5,000 registered nurses working in Alaska and this is projected to be a rapidly growing occupation. The Alaska Department of Labor and Workforce Development will be required to investigate complaints, collect evidence, interview witnesses, subpoena records and make determinations. This will require a full-time Wage & Hour Investigator I position funded with General Funds. Costs include \$67.4 for salary and benefits and \$15.7 in various associated position costs including \$3.5 of one-time position costs for basic office equipment.

Prepared by: Grey Mitchell, Director  
Division: Labor Standards and Safety  
Approved by: Greg O'Clary, Commissioner  
Agency: Department of Labor and Workforce Development

Phone: 465-4855  
Date/Time: 3/6/06 9:54 AM  
Date: 3/6/2006



# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 271(HES)  
(H) Publish Date: 3/3/06

Revision Date/Time (Note if correction):

Dept. Affected: Commerce

Title Limit Overtime for  
Registered Nurses

RDU Corps, Bus & Prof Licensinq (117)  
Component Corps, Bus & Prof Licensinq

Sponsor Wilson  
Requester Health, Education & Social Services

Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 271 establishes limitations on overtime for registered nurses in health care facilities. New funds are not required to implement the provision of this bill.

Prepared by: Jennifer Strickler, Chief  
Division: Corporations, Business & Professional Licensinq  
Approved by: William C. Noll, Commissioner  
Agency: Commerce, Community and Economic Development

Phone: 907.465.2144  
Date/Time: 1/24/06 9:14 AM  
Date: 1/24/2006

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4  
 Bill Version: CSHB 271(HES)  
 ( H ) Publish Date: 3/3/06  
 Dept. Affected: Health & Social Services  
 RDU Alaskan Pioneer Homes  
 Component Pioneers Homes

Revision: Date/Time (Note if correction):

Title LIMITATIONS ON OVERTIME FOR REGISTERED NURSES

Sponsor WILSON

Requester HOUSE (HES)

Component No. 2671

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**CAPITAL EXPENDITURES**

**CHANGE IN REVENUES (0)**

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CS HB 271 (HES) establishes limitations on overtime for Registered Nurses (RNs) in health care facilities and requires reporting of any overtime, with the overtime designated as voluntary or mandatory by the RN. The intent of HB 271 is to eliminate mandatory overtime for RNs unless the overtime is due to a grave and unforeseen event. Under the bill, use of mandatory overtime in excess of the bill's limitations will result in a report to the Department of Labor.

"Overtime" (OT) means the hours worked in excess of a predetermined and regularly scheduled shift that is agreed on by a nurse and a health care facility. Mandatory OT to address an unforeseen emergencies is not subject to the limitations or penalties under the bill.

Prepared by: Virginia Smiley, Director Phone 465-5736  
 Division Alaska Pioneer Homes Date/Time 02/21/2006  
 Approved by: Karleen Jackson, Commissioner Date 02/27/2006  
 Agency Department of Health and Social Services

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 5  
 Bill Version: CSHB 271(HES)  
 ( H ) Publish Date: 3/3/06  
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title LIMITATIONS ON OVERTIME FOR REGISTERED NURSES

RDU Behavioral Health  
 Component Alaska Psychiatric Institute

Sponsor WILSON

Requester HOUSE (HES)

Component No. 311

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (0)</b>						
-------------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CS HB 271 establishes limitations on overtime for Registered Nurses (RNs) in health care facilities. The intent of CS HB 271 is to eliminate mandatory overtime for RNs unless the overtime is due to a grave and unforeseen event.

The division has determined that passage of this bill will have zero fiscal impact.

Prepared by: Cristy Miller, Director  
 Division: Behavioral Health  
 Approved by: Karleen Jackson, Commissioner  
 Agency: Department of Health and Social Services

Phone: 269-3410  
 Date/Time: 02/22/2006  
 Date: 02/27/2006



# *Alaska State Legislature*

*Representative Peggy Wilson  
House District 2  
Putting Alaska's Families First*

## **SPONSOR STATEMENT**

### **CSHB 271**

**"An Act relating to limitations on overtime for registered nurses and licensed practical nurses in health care facilities and providing for an effective date."**

---

This bill will prohibit an employer from assigning mandatory overtime and from threatening or retaliating against a Registered Nurse or a Licensed Practical Nurse who refuses overtime. It will also give the nurse the latitude to make the judgment call about whether or not they are safe to practice (work overtime). The bill assigns the administration of implementation and enforcement to the Commissioner of Department of Labor.

Mandatory overtime hours are those hours above an agreed upon, predetermined, regularly scheduled shift, which the employer makes compulsory (as opposed to voluntary). The threat of reprisals includes but is not limited to discharge, discipline, demotion or assignment to unattractive tasks or work shifts or in some cases licensure removal, retaliatory reporting, and charges of "patient abandonment".

Mandatory overtime creates a safety issue, which contributes to poor quality patient care, loss of concentration and fatigue, which increases the likelihood of errors. According to a study by the National Institute for Occupational Safety and Health (NIOSH), when staff plans to work additional shifts on a volunteer basis, they are more likely to be prepared and get plenty of rest immediately prior to working the extended shift. However, when an employer mandates overtime, this occurs with little or no prior notice. The result is high levels of fatigue and stress, thus increased errors. This bill is about safety not overtime.

For nurses, these errors or mistakes may cause life-threatening situations for both the patient and the nurse. These situations run the gamut from back injuries for the nurse to patient medication errors, which could lead to death. The evidence is very strong that prolonged work hours and fatigue affect worker performance.

CSHB 271 24/LS0838/P 3/2/06

In order to better track response to the nursing shortage, CSHB 271 requires institutions to submit a semi-annual report that outlines by month overtime hours, on-call hours and contract nursing hours. This will give the public insight into how the growing nursing shortage is being handled.

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 271(HES)

BY REPRESENTATIVE WEYHRAUCH

1 Page 1, line 4, through page 2, line 7:

2 Delete all material.

3

4 Page 2, line 8:

5 Delete "Sec. 2"

6 Insert "Section 1"

7

8 Renumber the following bill sections accordingly.

9

10 Page 4, line 10:

11 Delete "sec. 2"

12 Insert "sec. 1"

13

14 Page 4, line 12:

15 Delete "sec. 2"

16 Insert "sec. 1"

17 Delete "sec. 3"

18 Insert "sec. 2"

19

20 Page 4, line 14:

21 Delete "sec. 4"

22 Insert "sec. 3"

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

Testimony of Kathleen A. Gettys, RN, BSN, BA  
HB 271  
House Finance Committee  
April 7<sup>th</sup>, 2006

Good Morning Mr. Chairman and members of the House Finance Committee. My name is Kathleen Gettys and I am a registered nurse on the Progressive Care Unit at Providence Alaska Medical Center. I serve as President of the Providence Registered Nurses Bargaining Unit.

Today overtime, whether voluntary or mandatory is the most common method facilities use to cover staffing insufficiencies. Eleven states have passed regulations to address the issue of mandatory overtime. However, some states that have passed mandatory overtime legislation have seen a marked increase in "mandatory call" for non-traditional call units such as medical-surgical floors. Nurses working in specialized units such as surgical services, endoscopy, cardiac catheterization units and dialysis are often required to take call in addition to working their regularly scheduled shifts.

Strictly limiting mandatory overtime for nurses is a critical step in improving the quality of health care and reducing the number of medical errors. The Institute of Medicine (IOM) has estimated as many as 98,000 hospitalized Americans die each year as a result of errors in their care. The IOM illustrated that mandatory overtime is a serious contributing factor to medical errors. In the IOM's "Save a 100,000 Lives Campaign," it stated that all overtime by nurses should be eliminated. A study conducted by Health Affairs in July of 2004 revealed when RN's worked greater than twelve hours it resulted in both errors and near errors. The likelihood of making an error was three times higher when RN's worked shifts lasting 12.5 hours or more.

Unlike many other industries where public safety is a concern, healthcare is exempt from federal regulations which limit the use of overtime as a staffing tool. There currently exists government standards that limit the hours that pilots, flight attendants, truck drivers, air traffic controllers and railroad engineers can safely work before consumer safety is endangered. However, no similar limitations exist for our nation's nurses who are caring for patients. If we do not want a pilot flying a plane for more than twelve hours, why would you want a nurse to care for you when long working hours have clearly illustrated the likelihood of a medical error occurring? Like a pilot monitoring instruments, nurses constitute an around the clock surveillance system and are responsible for detection and prompt intervention when a patients condition deteriorates.

As members of the House Finance Committee, I know all of you, as well as nurses, can appreciate our fiduciary responsibilities to ensure safe and affordable healthcare for Alaskans. The most immediate financial impact of the stress and fatigue of extended shifts is manifested in absenteeism and turnover among the nursing staff. Mandatory overtime may appear in the short term to be a cost savings, but long term financial impacts in the form of turnover resulting in training dollars lost, low productivity, longer

Testimony of Kathleen A. Gettys, RN, BSN, BA  
HB 271  
Page two

patient stays and higher rates of treatment of errors perpetuate costly solutions. The cost of serious care errors, such as hospital acquired infections add an approximately \$22,000 to \$28,000 in costs per patient when you add up additional care, tests, pharmaceuticals and extended hospital stays.

Any practice or policy such as imposing mandatory overtime increases the medical liability front. We are all aware of juries that have awarded in the upwards of hundreds of thousands of dollars in medical malpractice cases. We can thus hypothesize that improved working conditions could have a cost savings in liability losses and the reduced need to treat medical errors.

I ask the members of the House Finance Committee, would your constituents support a practice such as mandatory overtime that would jeopardize their opportunity to receive safe, quality and affordable healthcare?

Alaskan nurses have proven over and over that we will remain at your bedside and do not need to be "mandated" to deliver our ministries of healing. At the same time, do not allow employers to exploit us as nurturers and caregivers. Allow Alaskan nurses to exercise their professional judgment whether or not they are safe to practice and protect the public's right to safe, quality care.

I urge Alaska State legislators to support HB 271 and place public safety first concerning the use of mandatory overtime for RN's.

ASHNHA 2004 and 2005 NURSE OVERTIME SURVEY RESULTS - VERSION 'D' (February 13, 2006)

Facility	Critical Access Hospital?	Nurses in Union?	Shortage Better or Worse?	Length of Shift (Hrs)	Nurse Vacancy Rates		Mandatory OT Usage- Total Hrs		On-call Policy		Temp Nursing Hours Needed to Fill Vacancy		# of OT grievances filed
					2004	2005	2004	2005	Require	# times /month	2004	2005	
Alaska Regional Hospital	No	Yes	Worse	8,10,12	4 to 6%	4 to 6%	NONE	NONE	Certain Units	varies	37000 hrs	56000 hrs	NONE
Alaska Native Medical Center	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Alaska Pioneer Homes (All Six Facilities)	No	Yes	Worse	7.5	unknown	unknown	unknown	unknown	No	NONE	NONE	NONE	unknown
Alaska Psychiatric Institute	No	Yes	Worse	8,10,12	20%	30%	unknown	46 hrs.	No	NONE	NONE	NONE	unknown
Bartlett Regional Hospital	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Bassett Army Community Hospital	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Central Peninsula General Hospital	No	Yes	Worse	12	14%	11%	NONE	NONE	Certain Units	7-8 X	3744 hrs	5616 hrs	NONE
Cordova Community Medical Center	Yes	No	No Chg.	12	10%	20%	NONE	NONE	Certain Units	varies	1872 hrs	3744 hrs	NONE
Denali Center Nursing Home	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Fairbanks Memorial Hospital	No	No	No Chg.	8, 10, 12	7%	7%	NONE	NONE	Certain Units	varies	5144 hrs	12175 hrs	NONE
Heritage Place Nursing Home	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Kanakanak General Hospital	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Ketchikan General Hospital	No	Yes	Better	12	12%	8%	NONE	NONE	Certain Units	10 X	10000 hrs	10000 hrs	NONE
Manilaq Health Center	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Mary Conrad Center Nursing Home	No	No	Worse	8, 10, 12	15%	5.55%	NONE	NONE	No Certain Units	NONE	NONE	NONE	NONE
Mat-Su Regional Medical Center	No	No	No Chg.	8 & 12	10%	12%	unknown	unknown	Certain Units	7 X	1400 hrs	1000 hrs	NONE
Mt. Edgecumbe SEARHC Hospital	No	No	Worse	8, 10, 12	15%	15%	NONE	NONE	Certain Units	8 X	4200 hrs	4200 hrs	NONE
North Star Behavioral Health System	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Norton Sound Regional Hospital	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Petersburg Medical Center	Yes	No	Worse	8 & 10	5%	5%	unknown	NONE	Yes Certain Units	4 X	NONE	NONE	NONE
Providence Alaska Medical Center	No	Yes	Worse	8, 10, 12	4.36%	4.76%	NONE	NONE	Certain Units	NA	NONE	NONE	NONE
Providence Extended Care Center	No	No	Worse	8, 10, 12	20.83%	20.75%	NONE	NONE	No Certain Units	NONE	NONE	NONE	NONE
Providence Kodiak Island Medical Center	Yes	Yes	No Chg.	12	10%	10%	NONE	NONE	Certain Units	NA	unknown	4000 hrs	NONE
Providence Seward Medical & Care Center	Yes	No	No Chg.	8 & 12	unknown	5%	NONE	NONE	Yes	3 X	NONE	NONE	NONE
Providence Valdez Medical Center	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Sitka Community Hospital	Yes	No	No Chg.	12	20%	20%	NONE	NONE	Certain Units	varies	5847 hrs	4738 hrs	NONE
South Peninsula Hospital	No	Yes	No Chg.	8,10,12	6%	3%	NONE	NONE	Certain Units	15 X	144 hrs	1056 hrs	NONE
USAF 3rd Medical Group-Elmendorf	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Wildflower Court Nursing Home	No	No	No Chg.	8 & 12	0%	0%	NONE	NONE	No	NONE	1040 hrs	80 hrs	NONE
Wrangell Medical Center	Yes	No	No Chg.	8 & 12	0%	0%	unknown	NONE	Yes Certain Units	55 hrs	NONE	NONE	NONE
Yukon-Kuskokwim Delta Regional Hospital	No	No	Better	8 & 10	40%	28%	NONE	NONE	Certain Units	NONE	34000 hrs	26208 hrs	NONE
TOTAL Temporary Nursing Hours Purchased by Non-exempt Facilities											104391 hrs	128817 hrs	\$24.17

ASHNHA Position on Committee Substitute for HB 271(HES) Version 'P'

Prepared by: Rod Betit, President/CEO

April 6, 2006

The *Alaska State Hospital and Nursing Home Association* represents 23 acute care hospitals, 2 behavioral health facilities, 6 assisted living facilities (Alaska Pioneer Homes), and 5 nursing facilities. Nine of our 23 acute care hospitals also include nursing home beds. We believe ASHNHA's rich composition of private, federal, state, and tribal health care facilities provides a balanced viewpoint on important health care policy matters. ASHNHA's membership evaluates health care legislation weekly and authorizes the position expressed in this testimony.

In the interest of Committee time, ASHNHA is presenting testimony on behalf of its membership. Individual members are more than willing to testify to express their agreement with this position if the Committee desires however.

The overwhelming response by ASHNHA membership to CSHB 271(HES) is that this legislation is not needed. ASHNHA's members rarely use mandatory overtime as a tool to address nursing shortages.

Use of mandatory overtime by ASHNHA's members is documented in the attached recent survey of ASHNHA members to which most members responded.

As you can see in the attached survey results, only 1 facility reported use of mandatory overtime in 2004 or 2005, and that facility used only a minimal # of hours.

Where nursing shortages exist, you can see from the chart that management is using temporary nursing services to fill these gaps rather than mandatory overtime.

ASHNHA's members recognize there is a nursing shortage problem in Alaska, however they are meeting this challenge at the local level as facility management and representatives of nursing work through these issues in a collaborative manner.

ASHNHA urges you not to move this bill forward from this Committee.

This Testimony is on Behalf of the Following Alaska Health Care Facilities

Alaska Regional Hospital, Alaska Native Medical Center, Alaska Pioneer Home System, Bartlett Regional Hospital, Bassett Army Community Hospital, Central Peninsula General Hospital, Cordova Community Medical Center, Denali Center Nursing Home, Fairbanks Memorial Hospital, Heritage Place Nursing Home, Kakanak General Hospital, Ketchikan General Hospital, Manliq Health Center, Mary Conrad Center, Mat-Su Regional Hospital, Mt. Edgecumbe Hospital SEARHC, Norton Sound Regional Hospital, Petersburg Medical Center, Providence Alaska Medical Center, Providence Extended Care Center, Providence Kodiak Island Medical Center, Providence Seward Medical & Care Center, Providence Valdez Medical Center, Sitka Community Hospital, South Peninsula Hospital, USAF 3<sup>rd</sup> Medical Group- Elmendorf, Wrangell Medical Center, Yukon Kuskokwim Delta Regional Hospital, Alaska Psychiatric Institute, North Star Behavioral Health System, Wildflower Court Nursing Home.



# LEGAL SERVICES

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

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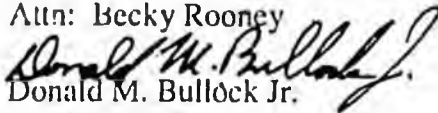
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 15, 2006

**SUBJECT:** Sectional Summary for CSHB 271(HES)  
(Work Order No. 24-LS0838\A)

**TO:** Representative Peggy Wilson  
Attn: Becky Rooney

**FROM:**   
Donald M. Bulluck Jr.  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** States legislative findings and intent relating to limiting overtime for registered nurses and licensed practical nurses for the benefit of persons receiving care from registered nurses and licensed practical nurses; states that health care facilities should provide adequate and safe nurse staffing without the need for mandatory overtime.

**Section 2.** Adds a new chapter, AS 18.09, to AS 18 that includes the following sections:

**Sec. 18.09.110.** Provides that a nurse in a health care facility may not be required or coerced to accept an assignment of overtime, with certain exceptions, if, in the judgment of the nurse, the overtime would jeopardize patient or employee safety; lists four situations in which a nurse may be required to work overtime. Provides for a minimum of eight consecutive hours of off-duty time after working 12 or more consecutive hours. Requires a health care facility to provide an anonymous process for nurses and staff to make complaints related to staffing levels and patient safety. Adds definitions for the section.

**Sec. 18.09.020.** Prohibits retaliation, including filing a report with the Board of Nursing, against a nurse for exercising rights under AS 18.09.

**Sec. 18.09.030.** Requires the commissioner of commerce and workforce development to administer AS 18.09 and to adopt regulations to implement and enforce the chapter.

**Sec. 18.09.040.** Requires a health care facility to file a semiannual report with the section in the Department of Labor and Workforce Development responsible for research and analysis and provides due dates for the reports. Lists information that must

Representative Peggy Wilson  
March 15, 2006  
Page 2

be included in each report. Provides that the reports are to be available for public inspection.

**Sec. 18.09.900.** Defines "health care facility," "nurse" (to mean a licensed registered nurse and licensed practical nurses), "on-call," and "overtime."

**Section 3.** Requires the first report under AS 18.09.040, for the period July 1, 2006 through December 31, 2006, to be filed before February 1, 2007.

**Section 4.** Makes AS 18.09.040 in sec. 2 of the bill and sec. 3 effective July 1, 2006.

**Section 5.** Except as provided in sec. 4, makes the Act take effect January 1, 2007. The effective date clause will require a 2/3 majority vote in each house.

If I may be of further assistance, please advise.

DMB:ljw  
06-131.ljw

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 271(HES)

BY REPRESENTATIVE WEYHRAUCH

1 Page 1, line 4, through page 2, line 7:

2 Delete all material.

3

4 Page 2, line 8:

5 Delete "Sec. 2"

6 Insert "Section 1"

7

8 Renumber the following bill sections accordingly.

9

10 Page 4, line 10:

11 Delete "sec. 2"

12 Insert "sec. 1"

13

14 Page 4, line 12:

15 Delete "sec. 2"

16 Insert "sec. 1"

17 Delete "sec. 3"

18 Insert "sec. 2"

19

20 Page 4, line 14:

21 Delete "sec. 4"

22 Insert "sec. 3"

# LEGA'. SERVICES

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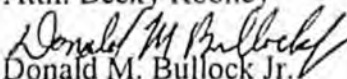
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 30, 2005

**SUBJECT:** Sectional Analysis for HB 271 (Work Order No. 24-LS0838\F)

**TO:** Representative Peggy Wilson  
Attn: Becky Rooney

**FROM:**   
Donald M. Bullock Jr.  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** States legislative findings and intent relating to limiting overtime for registered nurses for the benefit of persons receiving care from registered nurses; states that health care facilities should provide adequate and safe nurse staffing without the need for mandatory overtime.

**Section 2.** Adds a new chapter, AS 18.09 to AS 18 that includes the following sections:

**Sec. 18.09.110.** Provides that a nurse in a health care facility may not be required or coerced to accept an assignment of overtime, with certain exceptions, if, in the judgment of the nurse, the overtime would jeopardize patient or employee safety; lists five situations in which a nurse may be required to work overtime; provides for a minimum of eight consecutive hours of off-duty time after working 12 or more consecutive hours; requires a health care facility to provide an anonymous process for nurses and staff to make complaints related to staffing levels and patient safety; adds definitions for the section.

**Sec. 18.09.020.** Prohibits retaliation, including filing a report with the Board of Nursing, against a nurse for exercising rights under AS 18.09.

**Sec. 18.09.030.** Provides for enforcement of the chapter by the commissioner of labor and workforce development; sets the time period for filing a complaint alleging a violation of the chapter; provides increasing penalties for a violation of the chapter by a health care facility that range from a reprimand for a first violation to a penalty between \$2,500 and \$5,000 for a third violation within a 12-month period; requires the health care facility to pay a nurse three times the nurse's hourly rate for each hour worked in violation of the chapter.

Representative Peggy Wilson  
April 30, 2005  
Page 2

Sec. 18.09.900. Defines "health care facility," "nurse" (to mean a licensed registered nurse), and overtime.

Section 3. Makes the Act effective January 1, 2006, and will require a 2/3 vote in both houses.

If I may be of further assistance, please advise.

DMB:med  
05-324.med

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### OFFICE OF THE COMMISSIONER

OCT 05 2005  
FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110200  
JUNEAU, ALASKA 99811-0200  
PHONE: (907) 465-2200  
FAX: (907) 465-2135

September 30, 2005

Sand  
Bibley

The Honorable Peggy Wilson  
Alaska House of Representatives  
PO Box 109  
Wrangell, AK 99929

Dear Representative Wilson:

You have asked me to advise your committee regarding the collective bargaining implications of proposed legislation concerning mandatory overtime for nurses and other health care employees. First, Registered Nurses must be distinguished from other unlicensed or lesser-licensed employees. Registered Nurses are classified as professionals for purposes of the federal Fair Labor Standards Act (FLSA), to which the State, other public employers, and private sector employers are subject. Under the FLSA, Registered Nurses and other professionals are exempt from overtime so long as they are paid a salary. In those instances where Registered Nurses are compensated for overtime, it is a creature of a labor agreement or employer policy. The State pays overtime to some levels of the Registered Nurse classification by agreement with the general government and supervisory bargaining units. Lower levels of health care employees, e.g., Certified Nurses Aides and Psychiatric Nursing Assistants, are overtime eligible under the FLSA.

The Alaska Public Employment Relations Act (AS 23.40.070 – 260, PERA) requires public employers to bargain over "wages, hours, and terms and conditions of employment" (AS 23.40.250(1)). Clearly, overtime eligibility criteria and thresholds are matters concerning hours of work and thus are mandatory subjects of bargaining. A mandatory subject is a matter about which the parties must bargain if either party makes a proposal and over which either party may persist to impasse. Nurses and other health care employees are Class One employees within the meaning of AS 23.40.200 *et seq.* and may not strike. If the parties reach impasse on a subject such as overtime, the dispute is submitted to arbitration under AS 23.40.200 (a)(1). The arbitrator's award is subject to legislative approval under AS 23.40.215 and 250(4). If approved by the Legislature, the State is bound by the arbitrator's decision.

It is not uncommon for state employee unions to propose contractual restrictions on or prohibitions of mandatory overtime. Similarly, it is not uncommon for the State of Alaska to fight to retain the ability to assign an employee to lawful work. It remains our department's position that recruitment and retention of nurses should be addressed in a more comprehensive



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The Honorable Peggy Wilson

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September 30, 2005

and longer term solution as detailed in our recent testimony before the House Health, Education, and Social Services Committee.

If you have any questions regarding this correspondence, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tibbles". The signature is written in a cursive, somewhat stylized font.

Michael Tibbles  
Deputy Commissioner

cc: The Honorable Paul Seaton  
Alaska House of Representatives



# **State of Alaska Workforce Profile**

**Fiscal Year End 2004**

**Profile Issue: Retirement Rate Analysis**

**Prepared by  
Department of Administration  
Division of Personnel  
Statewide Planning and Research**

## Health Care

The Health Care Category consists of professional job classes that provide healthcare to citizens of the state. This category includes 616 employees in 60 job classes. There are three Groups:

- Direct Care: care for patients, other than nurses, including doctors and therapists
- Health Support: managers of programs that provide healthcare
- Nurses: a nursing degree is required and the job class title includes the term Nurse

The Nurses Group is the highest retirement rate in this category and is discussed below.

### A Closer Look at Nurses

The Nurses Group includes six job class series; Nurses, Nurse (Psychiatric), Public Health Nurses, Nurse Consultants, Nursing Director and Assistant Nursing Director, and Chief and Assistant Chief of Public Health Nursing.

Nurses					
Job Class	Total # of Employees	Eligible to Retire In 5 Yr	% Eligible to Retire In 5 Yr	Eligible to Retire In 1 Yr	% Eligible to Retire In 1 Yr
ASST CHIEF PUB HEALTH NURSING	1				
CHIEF, PUBLIC HEALTH NURSING	1	1	100.0%	1	100.0%
NURSE CONSULTANT I	11	6	54.5%	3	27.3%
NURSE CONSULTANT II	13	6	46.2%	1	7.7%
PUBLIC HEALTH NURSE I	3				
PUBLIC HEALTH NURSE II	38	9	23.7%	2	5.3%
PUBLIC HEALTH NURSE III	42	19	45.2%	10	23.8%
PUBLIC HEALTH NURSE IV	7	3	42.9%	2	28.6%
PUBLIC HEALTH NURSE V	4	3	75.0%	2	50.0%
EXEC ADMIN BOARD OF NURSING	1	1	100.0%	1	100.0%
ASST NURSING DIRECTOR	1				
NURSING DIRECTOR	1	1	100.0%	1	100.0%
QA&UR NURSE	1				
NURSE II (PSYCH)	37	14	37.8%	4	10.8%
NURSE III (PSYCH)	12	6	50.0%	5	41.7%
NURSE IV (PSYCH)	7	2	28.6%	1	14.3%
LICENSED PRAC NURSE	49	13	26.5%	3	6.1%
NURSE I	8				
NURSE II	58	17	29.3%	4	6.9%
NURSE III	26	12	46.2%	5	19.2%
NURSE IV	3	1	33.3%		

The Nurse series has a low retirement rate for one year, 1%, but that increases to 32% at five years. The Nurse (Psych) series has a retirement rate of 18% within one year and 39% within five years. Public Health Nurses have a 17% retirement rate at one year and 36% at five years. Normally the entry level to a series is used as a feeder pool to fill the higher level positions. In this case, all three series are competing for the 11 employees in these job classes for internal hires or from a very shallow pool of applicants from outside of state service. Current vacancies are not included in these numbers.

Recruitments for the Nurse (Psych) series were evaluated. Thirty six recruitments were posted between January 2002 and July 2004 with the intent of filling 104 positions. A total of 10 recruitments ended in no hire, many of which attempted to use the multiple fill strategy. Recruitment methods should be analyzed as part of an overall strategic workforce plan.

The Nurse Consultant series has a retirement rate of 50% at five years. These job classes require licensure as a Registered Nurse and in some cases a specific certification. Based on these requirements, it is expected that filling these positions will be at least as difficult as filling Nurse positions.

### **Wrap Up**

Direct care nursing positions are at great risk of losing a significant portion of the current workforce. Hiring employees from other departments or promoting from lower levels may be temporary fixes; however, recruitment history and acknowledged shortages nationwide will require management to find and use as many recruitment and retention methods available to them as possible. A discussion of many of these tools is included in the Summary section of this report.

## Health Care

Health Care					
Groups	Total # of Employees	Eligible to Retire in 5 Yr	% Eligible to Retire in 5 Yr	Eligible to Retire in 1Yr	% Eligible to Retire in 1 Yr
All Professionals	618	200	32.4%	81	13.1%
Direct Care	97	29	29.9%	10	10.3%
Health Support	197	57	28.9%	26	13.2%
Nurses	324	114	35.2%	45	13.9%

Direct Care					
Job Class	Total # of Employees	Eligible to Retire in 5 Yr	% Eligible to Retire in 5 Yr	Eligible to Retire in 1 Yr	% Eligible to Retire in 1 Yr
CLINICAL PHARMACIST	1				
PHARMACIST	5	2	40.0%	2	40.0%
DENTAL HYGIENIST	1				
PHYSICAL THERAPIST	2				
OCC THERAPIST I	1				
OCC THERAPIST II	1				
RECREATIONAL THERAPIST II	7	2	28.6%	1	14.3%
RECREATION THERAPIST I	3	1	33.3%		
RADIOLOG HLTH SPEC II	1	1	100.0%	1	100.0%
MNTL HLTH CLINICIAN IV	3	1	33.3%		
MNTL HLTH CLINICIAN III	24	12	50.0%	4	16.7%
MNTL HLTH CLINICIAN II	16	6	37.5%	1	6.3%
PSYCHOLOGICAL COUNSLR II	7				
HEALTH PRACTITIONER I	19	4	21.1%	1	5.3%
RECREATION ASSISTANT	6				

Health Support					
Job Class	Total # of Employees	Eligible to Retire in 5 Yr	% Eligible to Retire in 5 Yr	Eligible to Retire in 1 Yr	% Eligible to Retire in 1 Yr
PUBLIC HEALTH SPEC II	23	4	17.4%	2	8.7%
PUBLIC HEALTH SPEC I	8	2	25.0%		
HEALTH PROGRAM MGR IV	2				
HEALTH PROGRAM MGR III	18	6	33.3%	4	22.2%
HEALTH PROGRAM MGR II	27	11	40.7%	3	11.1%
HLTH FACIL CERT LIC ADM	1	1	100.0%	1	100.0%
ASSISTED LIVING CARE COORD	4	1	25.0%		
HLTH FACIL SURV II	1				
HLTH FACII. SURV I	10	1	10.0%		
MEDICAL RECORD ADMIN	2	1	50.0%		
CHF, EMERG MEDICAL SERV	1	1	100.0%	1	100.0%
EXEC DIR AK MEN HTHL BD	1	1	100.0%		
REGNL ALCOHOL PROG COORD	1	1	100.0%		
COMMUNITY CARE LIC SPEC II	11	2	18.2%	1	9.1%
COMMUNITY CARE LIC SPEC I	34	4	11.8%	2	5.9%
MEDICAL ASSIST ADMIN IV	9	3	33.3%	1	11.1%
MEDICAL ASSIST ADMIN III	8	2	25.0%	2	25.0%
MEDICAL ASSIST ADMIN II	14	5	35.7%	1	7.1%
MEDICAL ASSIST ADMIN I	11	3	27.3%		
PIONEERS' HOME ADMIN II	1				
PIONEERS' HOME ADMIN I	5	3	60.0%	1	20.0%
ASST ADM ANCH PIONEER HOME	1				
EXEC DIR GAB/ADA	2	2	100.0%	1	50.0%

### Health Care (continued)

Nurses					
Job Class	Total # of Employees	Eligible to Retire In 5 Yr	% Eligible to Retire In 5 Yr	Eligible to Retire In 1 Yr	% Eligible to Retire In 1 Yr
ASST CHIEF PUB HEALTH NURSING	1				
CHIEF, PUBLIC HEALTH NURSING	1	1	100.0%	1	100.0%
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ASST NURSE DIRECTOR	1				
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NURSE III	26	12	46.2%	5	19.2%
NURSE IV	3	1	33.3%		

## Alaska Employment Projections in Healthcare

Occupation	Employment		Percent Change	Comments
	Year 2002	Projected 2012		
Licensed Practical & Licensed Vocational Nurses	521	609	16.9	Employment of LPNs is expected to grow about as fast as the average for all occupations through 2012 in response to the long-term care needs of an increasing elderly population and the general growth of healthcare. Replacement needs will be a major source of job openings, as many workers leave the occupation permanently.
Registered Nurses (registered nurse, hospital nurse, office nurse, nursing care facility nurse, home healthcare nurse, public healthcare nurse, occupational health nurse, head nurse, nurse supervisor, clinical nurse, nurse anesthetists, and nurse mid-wives)	5,004	6,670	33	Job opportunities for RNs are expected to be very good. Employment of registered nurses is expected to grow faster than the average for all occupations through 2012, and because the occupation is very large, many new jobs will result. In fact, more new jobs are expected to be created for RNs than for any other occupation. Thousands of job openings also will result from the need to replace experienced nurses who leave the occupation, especially as the median age of the registered nurse population continues to rise.
Nursing Aides, Orderlies & Attendants	1704	2148	26	Excellent job opportunities are expected for this occupation, as rapid employment growth and high replacement needs produce a large number of job openings. Employment of personal and home care aides is projected to grow much faster than the average for all occupations through the year 2012. The number of elderly people, an age group characterized by mounting health problems and requiring some assistance, is projected to rise substantially. In addition to the elderly, however, patients in other age groups will increasingly rely on home care, a trend that reflects several developments, including efforts to contain costs by moving patients out of hospitals and nursing care facilities as quickly as possible, the realization that treatment can be more effective in familiar rather than clinical surroundings, and the development and improvement of medical technologies for in-home treatment.
Dental Hygienist	438	619	41.3	Employment of dental hygienists is expected to grow much faster than the average for all occupations through 2012, in response to increasing demand for dental care and the greater utilization of hygienists to perform services previously performed by dentists. Job prospects are expected to remain excellent. In fact, dental hygienists is expected to be one of the fastest growing occupations through the year 2012. Population growth and greater retention of natural teeth will stimulate demand for dental hygienists. Older dentists, who have been less likely to employ dental hygienists, are leaving the occupation and will be replaced by recent graduates, who are more likely to employ one or even two hygienists. In addition, as dentists' workloads increase, they are expected to hire more hygienists to perform preventive dental care, such as cleaning, so that they may devote their own time to more profitable procedures.
Dental Assistant	703	989	39.4	Job prospects for dental assistants should be excellent. Employment is expected to grow much faster than the average for all occupations through the year 2012. In fact, dental assistants is expected to be one of the fastest growing occupations through the year 2012. In addition to job openings due to employment growth, numerous job openings will arise out of the need to replace assistants who transfer to other occupations, retire, or leave the labor force for other reasons. Many opportunities are for entry-level positions offering on-the-job training.

Source: Alaska Occ. Forecast 2012, SOA, Occupational Outlook Handbook, BLS  
 X Reports: Ad Hoc/Ad Hoc Reports 2005/Healthcare Projects Alaska DOP-050824.xls  
 Prepared by: JRusso/AAarud, HRS, DOP

## Alaska Employment Projections in Healthcare

Occupation	Employment		Percent Change	Comments
	Year 2002	Projected 2012		
Medical Records and Health Information Technician	357	549	53.8	Job prospects should be very good. Employment of medical records and health information technicians is expected to grow much faster than the average for all occupations through 2012, due to rapid growth in the number of medical tests, treatments, and procedures that will be increasingly scrutinized by third-party payers, regulators, courts, and consumers. Although employment growth in hospitals will not keep pace with growth in other healthcare industries, many new jobs will nevertheless be created. The fastest employment growth and a majority of the new jobs are expected in offices of physicians, due to increasing demand for detailed records, especially in large group practices. Rapid growth also is expected in nursing care facilities, home healthcare services, and outpatient care centers. Additional job openings will result from the need to replace technicians who retire or leave the occupation permanently.
Physical Therapist Assistant	51	72	41.2	Employment of physical therapist assistants and aides is expected to grow much faster than the average through the year 2012. The impact of proposed Federal legislation imposing limits on reimbursement for therapy services may adversely affect the short-term job outlook for physical therapist assistants and aides. However, over the long run, demand for physical therapist assistants and aides will continue to rise, in accordance with growth in the number of individuals with disabilities or limited function. The growing elderly population is particularly vulnerable to chronic and debilitating conditions that require therapeutic services. These patients often need additional assistance in their treatment, making the roles of assistants and aides vital. The large baby-boom generation is entering the prime age for heart attacks and strokes, further increasing the demand for cardiac and physical rehabilitation. In addition, future medical developments should permit an increased percentage of trauma victims to survive, creating added demand for therapy services.
Pharmacy Technicians	359	571	59.1	Good job opportunities are expected for full-time and part-time work, especially for technicians with formal training or previous experience. Job openings for pharmacy technicians will result from the expansion of retail pharmacies and other employment settings, and from the need to replace workers who transfer to other occupations or leave the labor force. Employment of pharmacy technicians is expected to grow faster than the average for all occupations through 2012 due to the increased pharmaceutical needs of a larger and older population, and to the greater use of medication. The increased number of middle-aged and elderly people—who, on average, use more prescription drugs than do younger people—will spur demand for technicians in all practice settings. With advances in science, more medications are becoming available to treat more conditions.

## Alaska Employment Projections in Healthcare

Occupation	Employment			Comments
	Year 2002	Projected 2012	Percent Change	
Physician Assistant	185	251	35.7	Employment of PAs is expected to grow much faster than the average for all occupations through the year 2012, due to anticipated expansion of the health services industry and an emphasis on cost containment, resulting in increasing utilization of PAs by physicians and healthcare institutions. Physicians and institutions are expected to employ more PAs to provide primary care and to assist with medical and surgical procedures because PAs are cost-effective and productive members of the healthcare team. Physician assistants can relieve physicians of routine duties and procedures. Telemedicine—using technology to facilitate interactive consultations between physicians and physician assistants—also will expand the use of physician assistants. Job opportunities for PAs should be good, particularly in rural and inner city clinics, because those settings have difficulty attracting physicians.
Speech-Language Pathologists and Audiologist	190	199	4.7	Employment of speech-language pathologists and audiologists is expected to grow faster than the average for all occupations through the year 2012. Members of the baby boom generation are now entering middle age, when the possibility of neurological disorders and associated speech, language, swallowing, and hearing impairments increases. Medical advances are also improving the survival rate of premature infants and trauma and stroke victims, who then need assessment and possible treatment. Many States now require that all newborns be screened for hearing loss and receive appropriate early intervention services. Many States now require that all newborns be screened for hearing loss and receive appropriate early intervention services.

# STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Frank H. Murkowski, GOVERNOR

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March 25, 2005

Representative Peggy Wilson  
Alaska House of Representatives  
Capitol Building Room 108  
Juneau, Alaska 99801

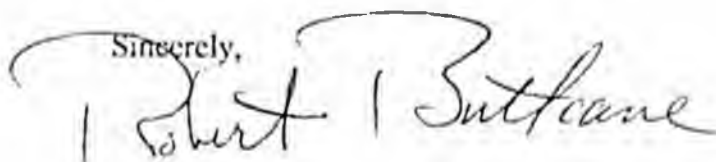
Representative Wilson:

On March 25, 2005 your staff requested a list of critical access hospitals in Alaska. I am providing that information to you below for your reference.

<p><b><u>Cordova Community Medical Center</u></b> P.O. Box 160 Cordova, Alaska 99574 Phone: 907-424-8000</p>	<p><b><u>Providence Seward Medical Ctr./Wesley Care Ctr.</u></b> P.O. Box 365 Seward, Alaska 99664 Phone: 907-224-5205</p>
<p><b><u>Kanakanak Hospital</u></b> P.O. Box 130 Dillingham, Alaska 99576 Phone: 907-842-5201</p>	<p><b><u>Sitka Community Hospital</u></b> 209 Moller Avenue Sitka, Alaska 99835 Phone: 907-747-3241</p>
<p><b><u>Manillaq Health Center</u></b> P.O. Box 43 Kotzebue, Alaska 99752 Phone: 907-442-3321</p>	<p><b><u>Valdez Regional Health Authority</u></b> P.O. Box 550 Valdez, Alaska 99686 Phone: 907-835-2249</p>
<p><b><u>Petersburg Medical Center</u></b> P.O. Box 589 Petersburg, Alaska 99833 Phone: 907-772-4291</p>	<p><b><u>Wrangell Medical Center</u></b> P.O. Box 1081 Wrangell, Alaska 99929 Phone: 907-874-7000</p>
<p><b><u>Providence Kodiak Island Medical Center</u></b> 1915 E. Rezanof Drive Kodiak, Alaska 99615 Phone: 907-486-3281</p>	<p><b><u>Norton Sound Health Corporation</u></b> P.O. Box 966 Nome, Alaska 99762 Phone: 907-443-3311 - Website</p>

Please let us know if you have any questions or need additional information.

Sincerely,



Robert Butteane  
Project Coordinator

cc: Sherry Hill; Janet Clarke

## **State of Alaska Median Wage as of January 2005**

Nurse I	20.51/hr (A Step)
Nurse II	26.20/hr (F Step)

### **Pay Systems:**

#### **Ketchikan General**

One step increase for every year or 1,248 compensated hours, whichever comes later.  
Maximum 2 steps per year.  
20 steps total.

#### **Central Peninsula General Hospital:**

One step increase for every 1,872 hours worked.  
30 steps total.

#### **Providence Alaska Medical Center:**

Unavailable

#### **State of Alaska:**

One step increase per year for the first 7 steps.  
Longevity increases based on length of service after first 7 steps.  
11 steps total.

#### **Bartlett Regional Hospital:**

One step every 2,080 hours worked.  
12 steps total.

## Overtime Paid in FY 2005 to Nurses by Facility

Organizational Unit	Number of Positions	# of EEs who worked OT	FY 05 Total Amt	FY 05 Total Hrs	Ave Hrs/ Position
Ak Psychiatric Institute	73	55	\$ 205,057.41	9,585.25	131.30
Amya	1	1	\$ 224.59	15.00	15.00
Amya - Challenge	2	2	\$ 7,854.42	211.50	105.75
Anchorage Pioneers Home	39	33	\$ 32,536.63	2,053.25	52.65
Children's Svc - Family Services Juneau	1	1	\$ 275.76	6.00	6.00
Fairbanks Health Center	20	1	\$ 135.90	4.00	0.20
Fairbanks Pioneers Home	19	11	\$ 42,927.66	2,055.50	108.18
Juneau Pioneers Home	17	11	\$ 5,053.57	383.25	22.54
Juv Just - Bethel Youth Facility	1	1	\$ 990.18	16.75	16.75
Juv Just - Fairbanks Youth Facility	2	1	\$ 379.90	9.00	4.50
Juv Just - Johnson Youth Center	2	2	\$ 1,022.35	36.75	18.38
Juv Just - Mat Su Youth Facility	1	1	\$ 2,726.80	73.75	73.75
Juv Just - McLaughlin Youth Center	3	3	\$ 6,460.18	259.75	86.58
Ketchikan Pioneers Home	12	6	\$ 12,926.85	913.75	76.15
Military Youth Corps	2	1	\$ 147.02	4.50	2.25
Mt Edgecumbe High School	2	1	\$ 660.76	19.50	9.75
Palmer Pioneers Home	18	13	\$ 11,621.94	588.00	32.67
Sitka Pioneers Home	23	15	\$ 25,690.29	1,257.00	54.65
Inmate Health Care-Anchorage	54	34	\$ 318,669.21	14,751.25	273.17
Inmate Health Care-Bethel	4	2	\$ 35,004.85	763.50	190.88
Inmate Health Care-Eagle River	14	8	\$ 55,119.93	2,532.50	180.89
Inmate Health Care-Fairbanks	10	7	\$ 15,408.09	786.75	78.68
Inmate Health Care-Juneau	4	3	\$ 9,524.18	326.75	81.69
Inmate Health Care-Kenai	10	5	\$ 28,070.81	920.50	92.05
Inmate Health Care-Ketchikan	4	1	\$ 4,920.22	122.00	30.50
Inmate Health Care-MacKenzie Pt	2	1	\$ 146.94	4.00	2.00
Inmate Health Care-Nome	3	3	\$ 18,079.59	317.00	105.67
Inmate Health Care-Palmer	11	6	\$ 37,474.35	1,301.00	118.27
Inmate Health Care-Seward	10	10	\$ 31,202.01	1,439.50	143.95
<b>Grand Total</b>	<b>238</b>	<b>239</b>	<b>\$ 910,314.39</b>	<b>40,757.25</b>	<b>171.25</b>

Overtime Codes are 251 (overtime), 252 (double), 254 (holiday), 260 (swing OT), 261 (grave OT)  
 x: Prepped by Nurse OT/Nurse (only) Overtime by Org Unit  
 Prepped by C. Proecs, Human Resource Specialist, Division of Personnel

Nursing Employee Movement between Departments and Out of the Executive Branch in 2004

Job Class Title	Education			Health & Social Services			Commerce, Comm & ED			Military & VA			Corrections			Job Class Totals			
	EE Movement	Position Count	Percent	EE Movement	Position Count	Percent	EE Movement	Position Count	Percent	EE Movement	Position Count	Percent	EE Movement	Position Count	Percent	EE Movement	Position Count	Percent	
Assistant Chief, Public Health Nursing					1	0%											1	0%	
Assistant Nursing Director					1	0%											1	0%	
Chief, Public Health Nursing					1	0%											1	0%	
Licensed Practical Nurse				4	21	19%							3	27	11%		7	48	15%
Nurse Consultant I				2	11	18%		1	0%							2	12	17%	
Nurse Consultant II				5	16	31%										5	16	31%	
Nurse I				5	10	50%				1	0%		3	4	75%		8	15	53%
Nurse II		1	0%	8	36	22%				1	0%		4	35	11%		12	73	16%
Nurse II (Psychiatric)				10	37	27%							2	7	29%		12	44	27%
Nurse III				3	20	15%				1	0%		3	9	33%		6	30	20%
Nurse III (Psychiatric)					11	0%								1	0%		12	0%	
Nurse IV					2	0%											2	0%	
Nurse IV (Psychiatric)				1	6	17%								1	0%		1	7	14%
Nursing Director					1	0%											1	0%	
Public Health Nurse I					5	0%												5	0%
Public Health Nurse II				4	41	10%											4	41	10%
Public Health Nurse III				5	46	11%											5	46	11%
Public Health Nurse IV					8	0%												8	0%
Public Health Nurse V					5	0%												5	0%
Quality Assurance And Utilization Review Nurse														1	0%			1	0%
Departmental Totals	0	1	0%	47	79	17%	0	1	0%	0	3	0%	15	85	18%	62	369	17%	

MEMORANDUM

May 3, 2005

TO: HESS Committee Members  
FROM: Rep. Peggy Wilson  
SUBJECT: Critical Care Hospital Definition

Critical access hospitals (CAH) are recognized by CMS for cost-based reimbursement purposes. To obtain eligibility as a CAH, the facility must be a Medicare hospital, a hospital that stopped operating on or after November 29, 1989, or a health clinic or health center that was a hospital before it was downsized.

The geographic location of the facility plays a role in its designation as a CAH as well.

The facility must be located in a rural area of a State that has established a Medicare rural flexibility program, or within a Metropolitan Statistical Area (MSA) of such a State.

The CAH must be located more than a 35-mile drive from another hospital or CAH (15 miles in mountainous terrain, or areas with only secondary roads) unless it was designated by the state to be a 'necessary provider' before January 1, 2006.

The facility must offer round-the-clock emergency care services, provide not more than 25 beds (acute and/or swing with SNF level care if the CAH has a swing bed agreement) and maintain an average length of stay of no more than 96 hours.

ASHNHA Position on Draft Committee Substitute for CSHB 271 Version 'P'

Prepared by: Rod Betit, President/CEO

February 28, 2006

The Alaska State Hospital and Nursing Home Association (ASHNHA) wishes to express its appreciation for the sponsor's efforts to reach consensus on CSHB 271 Version 'P'. The meetings held in the intervening weeks have been very helpful and constructive. While the measure now contains a very useful reporting requirement that ASHNHA members support, there remains one major provision of this legislation which ASHNHA members cannot support.

First, I would like to draw your attention to a survey ASHNHA conducted of its membership regarding the use of "mandatory overtime" as defined locally between management and nursing. As the attached survey conducted by ASHNHA shows, facilities are not using mandatory overtime to fill the nursing gaps that exist around the State (see attached Survey results). Further, to ASHNHA's knowledge there has been no evidence presented to the contrary by other parties. Therefore, ASHNHA's membership cannot support measures that reduce management's ability to fairly and openly negotiate employment practices with their nursing staff.

Specifically, ASHNHA's concern is around Sec. 18.09.010 of the bill which provides that a nurse will be the sole determiner of whether overtime is appropriate. In effect the bill removes management from this decision process. This is simply not reasonable personnel policy to adopt by state law. Currently, overtime parameters are negotiated between management and representatives of nursing staff in each community. Different standards exist in different communities, acceptable to both management and nursing representatives, based on a host of factors. This language would interfere with the local ability to arrive at these employer/employee relationships.

On the other hand, ASHNHA supports the intent of Sec. 18.09.040 of the bill. We believe this is the heart of this legislation. This section would require periodic reporting of nurse overtime utilization, as well as use of temporary nursing services by each facility. We agree with the sponsor that there is a valid public health concern to monitor in the years ahead. By collecting this level of information from health facilities the Legislature will be able to determine whether steps being taken to address the nursing shortage are having any impact, and if not, what other measures should be implemented to address the problem.

Again ASHNHA's membership appreciates the sponsor's willingness to work on the provisions of this bill. Unfortunately, although a number of important amendments have been made, there still remains a major provision of this bill which ASHNHA members cannot support. Thank you for this opportunity to testify today.

**ASHNHA Represents the Following Alaska Health Care Providers**

Alaska Regional Hospital, Alaska Native Medical Center, Alaska Pioneer Home System, Bartlett Regional Hospital, Bassett Army Community Hospital, Central Peninsula General Hospital, Cordova Community Medical Center, Denali Center Nursing Home, Fairbanks Memorial Hospital, Heritage Place Nursing Home, Kanakanak General Hospital, Ketchikan General Hospital, Manillaq Health Center, Mary Conrad Center, Mat-Su Regional Hospital, Mt. Edgecumbe Hospital SEARHC, Norton Sound Regional Hospital, Petersburg Medical Center, Providence Alaska Medical Center, Providence Extended Care Center, Providence Kodiak Island Medical Center, Providence Seward Medical & Care Center, Providence Valdez Medical Center, Sitka Community Hospital, South Peninsula Hospital, USAF 3<sup>rd</sup> Medical Group- Elmendorf, Wrangell Medical Center, Yukon Kuskokwim Delta Regional Hospital, Alaska Psychiatric Institute, North Star Behavioral Health System, Wildflower Court Nursing Home.



ASHNHA 2004 and 2005 NURSE OVERTIME SURVEY RESULTS - VERSION 'D' (February 13, 2006)

Facility	Union?	Nurses in Union?	Shortage Better or Worse?	Length of Shift (Hrs)	Nurse Vacancy Rates		Mandatory OT Usage- Total Hrs		On-call Policy		Temp Nursing Hrs Needed to Fill Vacancy		# of OT grievances filed
					2004	2005	2004	2005	Require Certain Units	# times /month	2004	2005	
Alaska Regional Hospital	No	Yes	Worse	8,10,12	4 to 6%	4 to 6%	NONE	NONE	Certain Units	varies	37000 hrs	56000 hrs	NONE
Alaska Native Medical Center	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Alaska Pioneer Homes (All Six Facilities)	No	Yes	Worse	7.5	unknown	unknown	unknown	unknown	No	NONE	NONE	NONE	unknown
Alaska Psychiatric Institute	No	Yes	Worse	8,10,12	20%	30%	unknown	46 hrs.	No	NONE	NONE	NONE	unknown
Bartlett Regional Hospital	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Bassett Army Community Hospital	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Central Peninsula General Hospital	No	Yes	Worse	12	14%	11%	NONE	NONE	Certain Units	7-8 X	3744 hrs	5616 hrs	NONE
Cordova Community Medical Center	Yes	No	No Chg.	12	10%	20%	NONE	NONE	Certain Units	varies	1872 hrs	3744 hrs	NONE
Denali Center Nursing Home	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Fairbanks Memorial Hospital	No	No	No Chg.	8, 10, 12	7%	7%	NONE	NONE	Certain Units	varies	5144 hrs	12175 hrs	NONE
Heritage Place Nursing Home	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Kanakanak General Hospital	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Ketchikan General Hospital	No	Yes	Better	12	12%	8%	NONE	NONE	Certain Units	10 X	10000 hrs	10000 hrs	NONE
Manillaq Health Center	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Mary Conrad Center Nursing Home	No	No	Worse	8, 10, 12	15%	5.55%	NONE	NONE	No Certain Units	NONE	NONE	NONE	NONE
Mat-Su Regional Medical Center	No	No	No Chg.	8 & 12	10%	12%	unknown	unknown	Certain Units	7 X	1400 hrs	1000 hrs	NONE
Mt. Edgecumbe SEARHC Hospital	No	No	Worse	8, 10, 12	15%	15%	NONE	NONE	Certain Units	8 X	4200 hrs	4200 hrs	NONE
North Star Behavioral Health System	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Norton Sound Regional Hospital	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Petersburg Medical Center	Yes	No	Worse	8 & 10	5%	5%	unknown	NONE	Yes Certain Units	4 X	NONE	NONE	NONE
Providence Alaska Medical Center	No	Yes	Worse	8, 10, 12	4.36%	4.76%	NONE	NONE	Certain Units	NA	NONE	NONE	NONE
Providence Extended Care Center	No	No	Worse	8, 10, 12	20.83%	20.75%	NONE	NONE	No Certain Units	NONE	NONE	NONE	NONE
Providence Kodiak Island Medical Center	Yes	Yes	No Chg.	12	10%	10%	NONE	NONE	Certain Units	NA	unknown	4000 hrs	NONE
Providence Seward Medical & Care Center	Yes	No	No Chg.	8 & 12	unknown	5%	NONE	NONE	Yes	3 X	NONE	NONE	NONE
Providence Valdez Medical Center	Yes	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Sitka Community Hospital	Yes	No	No Chg.	12	20%	20%	NONE	NONE	Certain Units	varies	5847 hrs	4738 hrs	NONE
South Peninsula Hospital	No	Yes	No Chg.	8,10,12	6%	3%	NONE	NONE	Certain Units	15 X	144 hrs	1056 hrs	NONE
USAF 3rd Medical Group-Elmendorf	No	REPORT NOT RECEIVED IN TIME TO INCLUDE IN THIS ANALYSIS											
Wildflower Court Nursing Home	No	No	No Chg.	8 & 12	0%	0%	NONE	NONE	No	NONE	1040 hrs	80 hrs	NONE
Wrangell Medical Center	Yes	No	No Chg.	8 & 12	0%	0%	unknown	NONE	Yes Certain Units	55 hrs	NONE	NONE	NONE
Yukon Kuskokwim Delta Regional Hospital	No	No	Better	8 & 10	40%	28%	NONE	NONE	Certain Units	NONE	34000 hrs	29200 hrs	NONE
TOTAL Temporary Nursing Hours Purchased by Non-exempt Facilities											104391 hrs	128817 hrs	\$24.17

Madam Chair and members of the committee,

My name is Cathy Feaster. I am a nurse practitioner and nursing supervisor in the Community Health Services Division of the Municipality of Anchorage Department of Health and Human Services. I'm here to testify on behalf of House Bill 271.

This bill recently came to our attention at the department, and although we support the spirit and intent of this bill, we have some concerns regarding possible unintended consequences.

It appears the bill will have no negative consequences in regards to the majority of our nurse driven programs and services. However, we have one program, the Sexual Assault Response Team clinic known as SART which by its nature creates special circumstances.

*Team members* SART is a team comprised of a police detective, a forensic nurse, and a STAR advocate ~~all of whom~~ are on call 24 hours a day, 7 days a week. Upon receiving a call the team joins as a unit to interview, medically examine and support the sexual assault client. The SART clinic has many challenges. We would hate to see legislation jeopardize this critical service.

We would like this bill to move forward in this committee and offer to work with the sponsor in looking closely at the implications and language to ensure there are no unintended consequences that might negatively impact the viability and important mission of the Sexual Assault Response Team.

Thank you Madam Chair and members of the committee.

**Cathy Feaster, MSN, ANP**

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April 27, 2005

Representative Peggy Wilson  
State Capitol  
Room 108  
Juneau, AK 99801

Dear Representative Wilson,

Let me take this opportunity to thank you on behalf of the Alaska Nurses Association and its labor program for your sponsorship of House Bill 271, "an act relating to limitations on overtime for registered nurses in health care facilities..."

I have been an RN for 26 years and have tried to work within the health care system to improve patient care. We really need to provide a safe environment for patients as well as to address the needs of the professional trying to deliver this quality care. Unfortunately, our voices as nurses often seem to go unheard. To have you, a registered nurse, in the Alaska House of Representatives, a person who both understands these issues and is able to vocalize them on our behalf, is quite a step and we are quite pleased.

As you know, hospitals and health care facilities in this country are using mandatory overtime to staff hospitals everyday. Here in Alaska, the problem is currently most acute at the Alaska Psychiatric Institute but that does not mean that with the growing nursing shortage, the problem could not become much larger affecting patient care in all of our major hospitals if it is not addressed now.

It is appropriate for the state to notify hospital administrations today that whatever staffing problems loom on the horizon, involuntary, mandatory overtime will not be tolerated as a long term solution. There is no better way than imposing mandatory overtime to drive the nurses we still have out of the profession for good.

The Alaska Nurses Association and the Providence Registered Nurses Bargaining Unit are proud to stand up for their nursing colleagues at the Alaska Psychiatric Institute and elsewhere who are being forced to work multiple additional shifts in a given week. This practice is unsafe for patients and unsafe for nurses. Ultimately, it is unsafe for our community.

Again, we want to thank you for your support and indicate our strong support for House Bill 271.

Sincerely,

Donna Phillips, RN, BSN  
Member, Alaska Nurses Association Board of Directors  
Chair, ANA Labor Council  
Treasurer and Membership Chair,  
Providence Registered Nurses Bargaining Unit

Carol Goss Widman  
8461 Brookridge Drive  
Anchorage, Alaska 99504  
907-333-8797

Rep. Peggy Wilson  
State Capitol  
Room 108  
Juneau, Alaska 99801

April 28, 2005

To Whom It May Concern:

I am writing this letter in support of House Bill 271 "an act relating to limitations on overtime for registered nurses in health care facilities; and providing for an effective date". I am a registered nurse who works for the state of Alaska and is subject to mandatory overtime. I have been mandated to work 16 hour shifts so many times I have lost count. During these times I have had to give medications to 20-30 patients. I personally would not like to have a nurse give me medications who has worked 16 hours. Numerous transcription errors, medication errors, and judgment errors are caused by this unfortunate practice used to staff hospitals. If a nurse refuses to work mandatory overtime they are subject to disciplinary action.

Many states have passed bills outlawing this practice due to it being unsafe and very dangerous to patients. Nurses who work night shift 11pm - 7 am are forced to work till 3 pm -- then they are required to return to work again that night. This practice is very dangerous to patients and staff. I feel this bill is very important for the welfare of patients and citizens of the state of Alaska. Mandatory overtime is a practice that needs to be stopped.

Sincerely,

*Carol Goss Widman RN*  
Carol Goss Widman, RN

MICHELLE MURPHY, RN

3425 Patterson Street  
Anchorage, Alaska 99504  
(907) 240-2980  
mlmrn@acsalaska.net

April 28, 2005

Rep. Peggy Wilson  
State Capitol  
Room 108  
Juneau, AK 99801

Dear Representative Wilson,

I am writing this letter to express my enthusiastic and sincere support for HB 271. This bill is very important because it would ensure the safety of Alaskans by banning the use of mandatory overtime as a means for hospitals and other healthcare institutions to provide nursing staff during the nursing shortage.

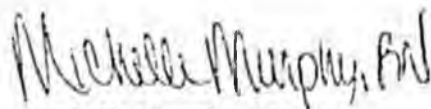
As both a full-time working RN and the Health and Safety officer for the Providence Registered Nurses union, banning mandatory overtime is a critical step for ensuring the health and safety of both the patients and the nurses caring for them. Numerous studies and statistics have shown how this practice has very adverse affects on both nurses and patients and therefore it should be banned.

Why should Alaska make this a law? Because if hospitals and other health care institutions could be trusted not to practice the unsafe use of mandatory overtime to staff their nursing shortage they would have already been doing it.

I have included an article written by Sara Markle - Elder from the United American Nurses that outlines the negative impacts on both the patients and the nurses.

*Please enact this bill in Alaska and make us a leader in participating in the regulation of the dangerous use of mandatory overtime for nurses.*

Sincerely,



Michelle Murphy, RN

"The work of bedside nursing has become increasingly demanding, from physical tasks such as securing and transporting patients in wheel chairs, to caring for sicker and more obese patients, and even enduring abusive behavior from patients, family members, and staff, including physicians. Marked reductions in hospital length of stays have also made it more difficult for nurses to get to know patient needs. These and other factors have decreased the average nurse retirement age to the mid-50's. Many initiatives to address the nursing shortage are focusing on making it safer and less stressful for nurses to stay at the bedside as they age."

An excerpt from *Charting Nursing's Future*, a publication of the Robert Wood Johnson Foundation, November 2005.

# State Public Health Employee Worker Shortage Report: A Civil Service Recruitment and Retention Crisis



**CSE** The Council  
of State Governments  
*Preparing states for tomorrow, today ...*

**ASTHO**  
ASSOCIATION OF STATE AND  
TERRITORIAL HEALTH OFFICIALS

**naspe**



ASTHO extends a sincere thanks to the 37 state health agencies that completed the National Survey on State Public Health Employee Worker Shortage for their time and contribution.

In addition, ASTHO extends special thanks to Kathy Vincent, LCSW and Rose Conner, RN, MEd for their vision, support, guidance and passion for workforce development.

The following individuals provided invaluable insights for this report: Kathy Deuel; Kristine Gebbie, DrPH, RN; Mary Soto; Gina Swehla; Sharon Moffatt, RN, MSN; Lisa Waddell, MD, MPH; Jane Kadohiro, DrPH; Sam Wilkins; Leslie Scott; Prue Albright, MSN; Scott Becker; Eva Perlman, MPH; Irakli Khodell; and Kathy Talkington.

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The Association of State and Territorial Health Officials is the national non-profit organization representing the state and territorial public health agencies of the United States, the U.S. territories, and the District of Columbia. ASTHO's members, the chief health officials in these jurisdictions, are dedicated to formulating and influencing sound public health policy, and assuring excellence in state-based public health practice.

For additional information contact:  
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## Executive Summary

The most difficult challenge state and local public health agencies face in developing the capacity to respond to terrorist events, emerging infectious diseases, and other public health threats and emergencies is assuring a qualified workforce is available to carry out these functions. If current workforce demographic trends are left unchecked, they will have an adverse affect on the capacity of state health agencies to carry out their mission; including responsibilities that have continued to expand since the events of September 11, 2001, and the ensuing anthrax attacks.

In October 2002 the Council of State Governments (CSG) and the National Association of State Personnel Executives (NASPE) conducted a workforce survey of all state agencies. The resulting report, "State Employee Worker Shortages: The Impending Crisis," noted that state governments could lose more than 30 percent of their workforce to retirement, private-sector employers, and alternative careers by 2006, and that health agencies would be the hardest hit.

The findings from the CSG/NASPE workforce survey appeared to confirm the anecdotal evidence and other information that was emerging about the pending crisis in the state public health workforce. The combination of that evidence and the CSG/NASPE findings were so compelling that ASTHO concluded a broader inquiry and analysis of state public health workforce trends were warranted. Consequently, in November and December of 2003, ASTHO surveyed its members, the senior health officials of the 57 states and territories (and the District of Columbia), on a wide spectrum of workforce trends and indicators. ASTHO received responses from 37 states. This report contains the results of the survey.

The following are key findings from the ASTHO/CSG survey.

- A rapidly aging workforce whose average age is 46.6 years
- Public health retirement rates as high as 45 percent over the next five years
- Current vacancy rates of up to 20 percent in some states
- Public health employment turnover rates of 14 percent in some parts of the country

These findings illustrate a growing public health employee shortage in a majority of the states that has been further exacerbated by severe state budget cuts during 2002 and 2003—the deepest cuts in 60 years<sup>(1)</sup>—which have had profound effects on the ability of public health agencies to fill vacant positions.

More than 50 percent of the states cite the lack of qualified personnel or individuals willing to relocate as major barriers to preparedness.<sup>(2)</sup> Approximately 42 percent of the current epidemiologists in state health agencies lack formal academic training in epidemiology.<sup>(3)</sup> Only public health nurses—an occupational group that averages more than 30 years of service<sup>(4)</sup>—are more affected by workforce shortages than epidemiologists.

State health agencies are supporting and, in some cases, implementing a variety of strategies to head off the workforce crisis. States reported that increased access to advanced education, competitive pay and benefits, and flexible work schedules and telecommuting opportunities are the three most important incentives in attracting and retaining an adequate public health workforce.

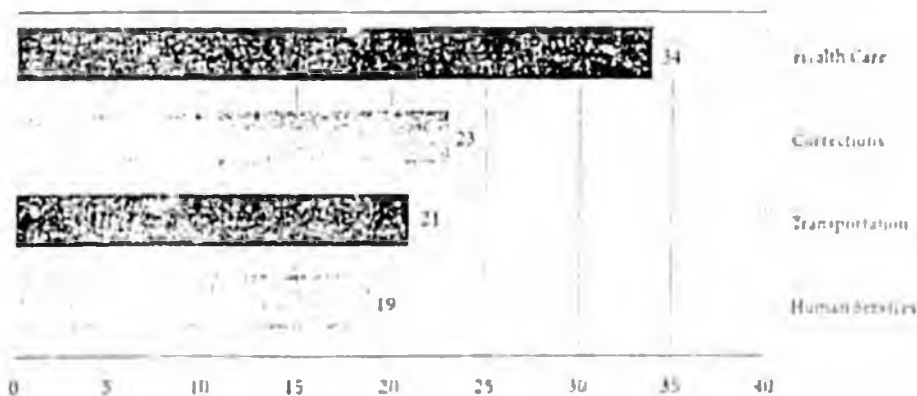
# Introduction

The Council of State Governments (CSG) and the National Association of State Personnel Executives (NASPE) conducted a survey in October 2002 that predicted state public health departments would be the state agencies most likely to experience the government workforce shortage. The survey data captured in the report, "State Employee Worker Shortages: The Impending Crisis", indicated that 85 percent of the state agencies responding named the health field as the most affected by personnel shortages.<sup>(5)</sup>

The Association of State and Territorial Health Officials (ASTHO), in conjunction with CSG and NASPE, conducted the National Survey on State Public Health Employee Worker Shortage in December 2003. This report reflects the survey findings provided by the State Health Officials and serves as a companion to the NASPE/CSG report. The new survey findings provide a better understanding of current public health workforce challenges and state health agencies' strategies for addressing the workforce crisis.

The last major review of the national public health workforce was conducted in 2000 by the Bureau of Health Professions in the Department of Health and Human Services Health Resources and Services Administration.<sup>(6)</sup> The Bureau's report, "Public Health Work Force Enumeration 2000," illustrated the differences in responsibilities among state public health agencies, the variation in ways agencies enumerate their employees, the large variety of professional disciplines employed, and the complexity of making cross-agency comparisons. This report stated that the ratio of state public health workers to population had dropped from 219 per 100,000 in 1980 to 153 per 100,000 in 2000. This landmark report did not examine the issues of recruitment and retention.

In the five years since the enumeration study state public health has entered a new era with new responsibilities. Public health has been subject to significant new pressures and challenges. The events of 9/11 and the anthrax attacks brought the role and responsibility of the public health workforce in emergency response efforts to the fore in public understanding and to the attention of colleagues in emergency management and other first response agencies. This was followed by severe state budget cuts during 2002 and 2003—the deepest in 60 years. Public health agencies did not escape the cuts.



## Figure 1

### Agencies Affected by Worker Shortage

Chart represents the number of states that listed each agency as one "most likely to be most affected by a worker shortage."

Source: CS/NASPE Survey.

# Public Health Workforce Shortages

## Trends Impacting the Public Health Workforce

Four trends emerged from the survey of ASTHO members which confirm the findings in the earlier report, "State Employee Worker Shortages: The Impending Crisis":

- 1 A rapidly aging public health workforce and shrinking labor pool
- 2 A high percentage of the public health workforce is eligible for retirement eligibility.
- 3 Chronic shortages in professional areas such as public health nursing, epidemiology, laboratory science and environmental health.
- 4 High turnover rates in states.

### One: A Rapidly Aging Workforce

The average age of state public health employees is 46.6, according to the ASTHO/CSG survey. Since the largest portion of the U.S. working population is starting to move into retirement age, this trend toward an aging workforce creates new challenges for filling vacant positions in public health. By comparison, the "State Employee Worker Shortages: The Impending Crisis" report revealed the average age of all state agency employees to be 44 years, the center of the baby boom generation's age range and the age of the U.S. workforce.<sup>(7)</sup> According to the Social Security Administration, the average age of the American workforce is 40, or 15 percent younger than the state public health workforce.<sup>(8)</sup>

