

ALASKA LEGISLATURE COMMITTEE FILES 1983 - 1984 8672

2644 SLC SB 262 - SB 281

2644

APR 22 1983

JERMAIN, DUNNAGAN & OWENS  
ATTORNEYS AT LAW

WILLIAM K. JERMAIN  
CHARLES A. DUNNAGAN  
BRADLEY D. OWENS  
RANDALL G. SIMPSON  
HOWARD S. TRICKEY  
JAN HART DEYOUNG  
GARY C. SLEEPER

800 W. BIRCHWOOD LANE, SUITE 201  
ANCHORAGE, ALASKA 99503

TELEPHONE  
AREA CODE 907  
276-6532

April 20, 1983

Rep. Mike Szymanski  
Pouch V  
Juneau, Alaska 99811

Re: Fire Fighters Heart & Lung Legislation

Dear Rep. Szymanski:

Thank you for your letter of April 12, 1983, in which you forwarded a letter from Richard Block of Alaska National Insurance Co. In his letter Mr. Block criticized certain aspects of the original bill we asked you to consider. I believe that his criticisms have been answered in the second draft of the bill enclosed in our letter of March 14, 1983. I have enclosed a copy of that second draft for your reference.

Mr. Block pointed out an ambiguity in the original bill. He felt it was not clear whether the bill created a conclusive or rebuttable presumption of work relatedness for heart and lung diseases. The second bill clearly creates a rebuttable presumption. The employer, therefore, can bring forward evidence of non-occupational causation to defeat the presumption of job relatedness.

Second, Mr. Block believed that allowing this presumption to apply to fire fighters after retirement would result in the payment of workers' compensation benefits to every retired peace officer and fire fighter. Again, the second draft answers this problem. Disability or death resulting from heart and lung disease must commence within a certain time period after retirement for the presumption of compensability to apply. That time period will differ for each fire fighter and is tied to the length of service, three calendar months for each full year of employment to a maximum of 60 months (or five years).

Third, Mr. Block questions the need for such legislation in Alaska. He states that fire fighters and peace officers who do suffer work-related occupational diseases

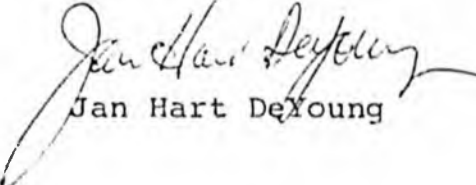
Rep. Mike Szymanski  
April 20, 1983  
Page 2

have adequate means through the existing laws to obtain workers' compensation benefits. Mr. Block is correct that such occupational diseases are already covered by the existing law. He ignores, however, the way those laws are applied. It has been the experience of the fire fighters that employers and insurance carriers routinely controvert claims made for heart and lung related disabilities. It is only after lengthy proceedings before the board and the courts that such disabled fire fighters have been able to receive compensation benefits for these disabilities. In cases of economic hardship, a fire fighter may be forced to settle his or her claim for less than the benefits provided under the law. The materials we provided to you earlier demonstrate a higher incidence of heart and lung disabilities in fire fighters than in workers of other occupations. Fire fighting is not only a high stress occupation, but it involves repeated exposure to smoke and toxic fumes. Legislation which acknowledges this higher incidence of heart and lung diseases would result in a swifter recovery of the benefits the law currently provides. Such legislation is needed in Alaska, and the fire fighters urge your support of this legislation.

Your time and interest in this legislation are appreciated.

Very truly yours,

JERMAIN, DUNNAGAN & OWENS

  
Jan Hart DeYoung

JDY/kk  
Enclosure

cc: John Kiewik, President  
International Assn. of  
Fire Fighters Local 1264

# ANCHORAGE FIRE FIGHTERS UNION



LOCAL 1264  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS  
AFL-CIO



xxxxxxx

801 W. Fireweed      xxxxxxxxxxxxxxxxxxxxxxxx  
Suite 201  
Anchorage, AK 99503

March 14, 1983

Rep. Mike Szymanski  
Pouch V  
Juneau, Alaska 99811

Attention: Mark Higgins

Re: Fire Fighters Heart & Lung Legislation

Dear Mark:

I appreciate your speaking with me about the Fire Fighter's concerns for heart and lung workers' compensation benefits. The materials I referred to during our conversation are enclosed. They include numerous examples of other states' legislation on this subject and several articles outlining the special threat of heart and lung disease to fire fighters posed by their working conditions. These materials demonstrate that fire fighters face the hazards of smoke asphyxiation, sudden unusual stresses and strains, repeated exposure to excitement and sudden atmospheric changes in their occupation, all of which directly contribute to a high incidence of lung and heart disease. The fire fighters very much appreciated Representative Szymanski's stated interest in this legislation and took seriously the suggestion that the legislation was too broad to be politically feasible. The fire fighters are interested in working with you to develop a successful bill on this subject.

The draft bill which you were sent earlier was very broad. The bill could be more narrowly focused and still meet the concerns of the fire fighters for heart and lung protection. The immediate problem is that of the fire fighter who suffers a heart attack while employed on the job and then must pursue a workers' compensation claim for several years before benefits can be recovered for this occupational disease. Legislation is needed which creates some kind of presumption that heart and lung disease in fire fighters is work related in the absence of evidence to the contrary. This need can be met with more narrowly drafted legislation.

AIR MAIL TO ALASKA IS FASTER

ENCLOSURE

Bill No. \_\_\_\_\_

In the Legislature of the State of Alaska

Thirteenth Legislature - First Session

For an act entitled "An Act amending the Workers' Compensation Act to establish certain hazards of fire fighters and peace officers as work-related."

Be it enacted by the Legislature of the State of Alaska:

Section 1. Purpose

Fire fighters, peace officers, and emergency medical service personnel are engaged in a type of work creating occupational hazards of smoke asphyxiation, sudden unusual stresses and strains, repeated exposure to excitement and sudden atmospheric changes and exposure to toxic fumes and contaminants contributing to hypertension and heart and lung diseases and injuries. In recognition of the risks inherent in these occupations and the purpose of workers' compensation laws to provide simple, swift and inexpensive compensation for work-related disability, the Workers' Compensation Act is amended as provided herein.

Section 2. AS 23.30 is amended by adding a new section to read as follows:

In the case of fire fighters, peace officers, and emergency medical service personnel employed by a fully paid fire department or police department of a city, village, municipality or the state, any death or disability resulting from hypertension and heart and lung diseases and injuries shall be presumed covered under AS 23.30.050, 23.30.095, 23.30.145 and 23.30.180-.215 in the absence of affirmative evidence of non-occupational causation, provided any one of the following conditions apply:

(1) if such death or disability occurs during the performance of any duty that is within the scope of employment;

(2) if such disability or death manifests itself while said person is so employed, provided that the worker has had three or more years continuous service as a fire fighter, peace officer or emergency medical service provider;

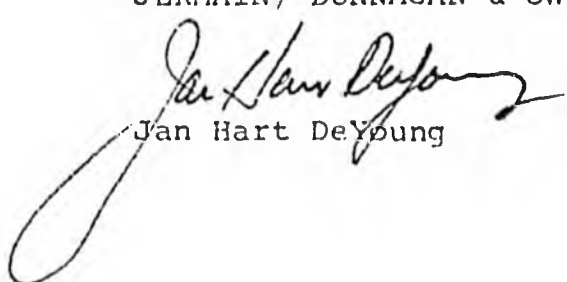
(3) if disability or death occurs during a period of three calendar months for each full year employment, but not to exceed 60 months, commencing with the last date actually worked in the specified capacity.

For example, the bill could be limited to heart and lung disease, and not include back injuries and hernias. California's statute does cover all of these occupational hazards, but Local 1264's primary concern is heart and lung protection. It may also be necessary to put limits on which fire fighters qualify for the presumption. Several of the states require a fire fighter to have served as a fire fighter for a minimum period before qualifying for the presumption. An outside time limit may also be advisable. California's statute provides that the disability is presumed work related if manifested while the fire fighter is on active duty and for a period of time after leaving fire fighting duties. The length of time depends on the number of years served as a fire fighter. I have enclosed a second draft which incorporates these changes.

I appreciate your time and interest in this matter. John Kiewik, President of Local 1264 of the International Association of Fire Fighters, or I will be in touch with you in two weeks to discuss this legislation. Meanwhile, the fire fighters are also contacting Sen. Joe Josephson and Rep. Ramona Barnes to elicit their support in this matter.

Very truly yours,

JERMAIN, DUNNAGAN & OWENS



Jan Hart DeYoung

JDY/kk  
Enclosures

cc: John Kiewik

In the Legislature of the State of Alaska  
Twelfth Legislature - Section Session

For an act entitled "An Act amending the Workers' Compensation Act to establish certain hazards of firefighters and peace officers as work-related and to establish that disability benefits commence on the first day time is lost as a result of work-related disability."

Be it enacted by the Legislature of the State of  
Alaska:

Section 1. AS 23.30 is amended by adding a new section to read as follows:

Firefighters and peace officers and emergency medical service personnel are engaged in a type of work creating occupational hazards of smoke asphyxiation, sudden unusual stresses and strains, repeated exposure to excitement and sudden atmospheric changes contributing to cardiovascular, pulmonary, and respiratory diseases, hypertension, back strain and disease, and hernias.

In the case of a fully paid fire department or police department of a city, village, or municipality employed and compensated upon a full time basis, work-related injury shall be conclusively construed to include any respiratory and pulmonary and cardiovascular diseases or illnesses, hypertension, back

strain and hernias which develop or manifest themselves either (1) during a period while the member of the department is in active service of the department; or (2) after retirement and which result from the performance of duties as a firefighter or peace officer or emergency medical service personnel.

Such diseases or illnesses are deemed to arise out of and in the course of employment in the absence of evidence to the contrary.

Section 2. AS 23.30.150 is amended as follows:

(a) No compensation may be allowed for the first three (3) days of disability, except the benefits provided for in Section 95 of this chapter; if, however, the injury results in disability of more than twenty-eight (28) days, compensation shall be allowed from the date of disability.

(b) In the case of firefighters and peace officers and emergency medical service personnel, the waiting period set forth in subdivision (a) of this section shall not apply and compensation shall commence on the first day of disability.



Mike Dineen of The Times

works on the capuchin. To his rear, Monkey Wharf manager Roskde observes and, at right, animal health technician Miller assists. Peek-A-Boo, in Miller's arms, is still after her ordeal.

## Saturday start

### IDITAROD '84

the first checkpoint in Eagle River and the re-start site at Settlers Bay on Knik Arm in Wasilla.

Parking is available at both sites, Brobst said, especially at Settlers Bay, where a larger parking area has been plowed this year.

However, race officials note, there will be few places between Anchorage and Eagle River where spectators will be able to stop and watch the mushers.

The first leg of the race goes

od officials have made difficult for excess can have tried to make asy as possible for hu-

il be the second time world's premier long-dis-og race has started in

## Newspaper Articles

See Iditarod, page A-14

# Police stress draws more disability claims

by David Postman  
Times Writer

A growing number of stress-related retirement claims by Anchorage police officers is worrying city officials that some officers are abusing the system, overplaying their emotional problems to attain a lifetime of leisure at taxpayers' expense.

But whether or not the claims are overstated, fraudulent or bona fide statements of sick men needing relief is proving hard to determine. Documents on file with the municipality and interviews with several parties involved reveal the difficulty.

The core of the problem centers on two factors — first, whether the officer has a serious, debilitating emotional disorder and second, if that problem has been caused by working as a policeman or woman.

The number of claims leaped to six in 1983. Prior to that, there had been only one such application in the preceding 14 years.

Of the 1983 applications for benefits, two of the officers were granted full disability pensions. On the basis of the officers' applications (no hearings were held), the board found they had suffered through a sufficiently high number of stressful and traumatic incidents.

The board rejected one officer's claim that he was suffering from post-traumatic stress disorder and denied the man retirement benefits. The attorney representing the claimant has asked the board to reconsider the case. The other three cases are still pending.

The rise of emotional and mental disability cases on the Anchorage police force is not only a local phenomenon.

Police departments across the nation are seeing increasing numbers of officers seeking early retirement because, they say, psychological problems caused by their jobs have left them unfit to work.

And case studies show there are plenty of police-work-related tasks that can leave emotional scars.

An officer who has shot someone or traded gunfire with a suspect may suffer problems months or years after the inci-

dent. One Anchorage policeman, who asked not to be identified, told of the "year-after syndrome."

He said many officers don't react to a shooting or other violent incident until exactly one year later. Then the episode will burst back into the policeman's mind in the form of a vivid nightmare or flashback.

See Police, page A-14

## Meese vows 'even-hand' in justice

by Susanne M. Schafer  
Associated Press

Washington — Edwin Meese III told a Senate committee today that he would pursue "even-handed justice" if confirmed as attorney general, but several Democrats questioned the genuineness of his commitment.

Meese, the White House counsellor and President Reagan's conservative conscience, appeared before the Senate Judiciary Committee at the first of his confirmation hearings.

If confirmed by the Senate, Meese would succeed Attorney General William French Smith, who has resigned to return to private law practice.

Meese told the committee that he understood the heavy responsibilities placed upon the attorney general by the Constitution.

"There must be in the Department of Justice and our government a commitment to even-handed justice and equal protection of the law for all citizens regardless of race, color, sex, creed, background or economic circumstances," he said.

"There must be also a similar commitment to the vigorous enforcement of the law and to the careful observance of the fundamental principles of justice and due process," he said.

He added: "I pledge myself to" See Democrats, page A-14

# Police and stress

Continued from page A-1

Many police departments across the country have established psychological counseling programs for officers who have experienced a traumatic event. But one problem inherent to such programs is what one psychologist labels the "John Wayne syndrome."

W. Clinton Terry, an assistant professor of sociology and criminal justice at the University of Florida, wrote in a police journal that "stress and emotional upset are handled by being tough, not complaining, and not showing feelings."

While the trauma may be buried, it arises later in the form of ulcers, alcoholism, suicide, divorce and coronary problems, Terry wrote, noting that police officers suffered those problems in higher numbers than those in all other jobs.

In the last few years, half of the officers who retired on permanent disability from the two largest police forces in California — Los Angeles and San Jose, Calif. — did so for emotional reasons, according to Michael Roberts, a psychologist who is a na-

tionally known specialist in the counseling of police officers.

Col. Tom Anderson, former director of the Alaska State Troopers, heard Roberts speak about police stress at an International Association of Chiefs of Police conference in 1975.

Anderson says the session "turned on a light bulb" for him. He knew troopers had a stressful job, but he never realized the department could help a troubled officer or perhaps head off a serious problem.

When the troopers began a field officers training program, Anderson had Roberts come up from San Jose to do psychological evaluations on new recruits.

Roberts and his firm, Law Enforcement Psychological Services Inc., now are on contract with the city police to do similar work.

Anderson, now head of security for the Sullivan Sports Arena, said many of the claims for retirement benefits in stress-related cases may be bogus.

"A lot of people are milking the system," Anderson said. But he said that may be the price one has to pay for the "poor individual who really needs help" to get off the force.

Anderson says it was different when he started in police work more than 20 years ago. Back then, he says, no one ever talked about the stress of being a police officer.

But Anderson says police officers today are high paid and they are reluctant to give up the "good life."

Also, it "practically takes an act of Congress" to fire an officer, due to the efforts of strong police unions, Anderson said.

Anchorage Police Chief Brian Porter refused to comment on stress among his officers. Porter also ordered other department personnel not to discuss the matter with reporters.

However, one police official may have summed up the feelings of many still at their jobs. He said he feels the retirement board should tighten its regulations and reject the sob stories of malingerers.

Otherwise, he said, "some of these guys will be lying on a beach somewhere for the rest of their lives" living off disability benefits they don't deserve.



Associated Press

## THE NUMBERS

From left are Rep. Jim Duncan, D-Juneau, Rep. Ben Grussendorf, D-Sitka, and Rep. John Lindauer, R-Anchorage.

# tack Meese's Reagan ties

shown distressing those who are liv- ward Metzenbaum, id he questioned ability to perform as a partial attorney gen- is close ties to Rea-

K. Simpson, R-W. o., porter, said the nom- get "the sandbags him to ward off at the hearing process. was also praised by ublicans, including n Thurmond, R-S.C., axalt of Nevada. They e was a highly prin- and qualified for the

even witnesses are estify about Meese's nt. They include nu- l rights activists, who

have said they would attempt to help fight the nomination.

Thurmond said he would not let the hearings become "a far-ranging partisan debate" about administration policies and would hold them to determining the qualifications of Meese to be

attorney general.

Thurmond said he intended to complete the hearings Friday and schedule a vote by next week, but Democrats argued that they needed more time to state their objections.

# Hunting partner

Continued from page A-1

the Knik River area. Both had been shot by the same person, someone who had access to an airplane.

They took the information from the June rape report, did an extensive investigation of Hansen's background and obtained a warrant to search his home for

evidence that would link him to the June rape and the two murdered women.

The troopers looked for Henning that day, but he wasn't around. His wife was, though. She drove by Hansen's home as the troopers were searching it and told them her husband had lied about being with Hansen the night of the June rape.

reach outside and touch someone.

## ABSTRACT

This 15-month study involved the investigation of 101 fire fighters in-the-line of duty deaths. The breakdown of cause of death was: 45 heart attacks, 13 building collapse, 12 burns, 9 smoke inhalations, 6 apparatus accidents, 5 electrocutions, and 1 equipment failure. There tended to be a higher incidence of fatalities occurring in the Mid-Atlantic, East, and New England areas. The mean age of fire fighter's fatality was 43.5 and the mean years of service was 15.8. Sixty percent of the fatalities occurred to men holding the rank of fire fighter. The vast majority of fire fighters who died in the line of duty worked either a split shift (10/14) or a 24-hour shift. There were 14 volunteer fire fighter fatalities.

Summaries of every case are provided in one of three sections: Fire Fighters Killed While Fighting Fires, Fire Fighters Killed in Non-Fire Situations, and Fire Fighters Killed by Heart Attack.

Fire Fighters Killed While Fighting Fires: Protective equipment, improper use, non-use and/or insufficient equipment were a contributing factor in several of the smoke inhalation and burn cases. In 9 of the 41 cases in this section there was a relationship between the fatality and the individual's fire fighting experience. There was found to be a relationship between officer leadership on the fireground in a number of the fatalities. A shortage of manpower on the ground contributed to six fatalities. Other contributing factors discussed in this section are: communications, late notification, civilian responsibilities, fire prevention, pre-fire planning, and arson.

Fire Fighters Killed in Non-Fire Fighting Situations: Equipment, type of protective clothing, apparatus and tools were a contributing factor in the vast majority of the fifteen cases of this section. In several cases the victim fire fighters did not have the experience or proper training in which to conduct the duties required of him.

Fire Fighters Killed By Heart Attack: The mean age of the fire fighter heart attack victim was 51.3 and the mean years of service was 22. In general, the victims were slightly overweight and 60% of them smoked cigarettes regularly. There were three specific aspects of fire fighting that contributed to the development of heart disease: exposure to smoke/toxic fume inhalation, stress, and over-exertion. In over one-third of the cases, fire fighters experienced symptoms of heart trouble before the actual attack. In 7 of the 45 cases fire fighters had suffered heart attacks previous to the fatal one. There were several procedural problems after the heart attack occurred. Most serious of these were late ambulance responses, lack of proper equipment, and trained personnel (EMTs) on the fireground to perform emergency medical treatment.

\*The 1975 IAFF Death and Injury Survey data was not yet complete at the time of printing this report. Therefore the relation between the number of deaths investigated for this study and the total number of deaths in this period is presently unknown.

Human Behavior, Social, and Medical Problem

firefighters. Synthetic construction materials and modern skyscraper construction are particularly dangerous to the firefighter, necessitating the use of masks as a routine procedure. Lung injuries and disease continue, however, despite the use of protective equipment. Recent statistics indicate that the rate of loss in pulmonary function for firefighters is more than twice the expected rate. Experts conclude that the government must intensify its efforts towards firefighter safety by advocating the standard use of masks, and by encouraging training programs on the dangers of toxic substances and combustion products of synthetic materials.

c. EMERGENCY MEDICAL SERVICES AND FACILITIES

1289  
**BURNED OUT OR BURNED UP?**  
 Adams, R.  
*Firehouse* 6(9):75-80, 144, September 1981.

The attrition rate for emergency medical technicians (EMTs) is growing for a variety of work-related reasons. Emergency medical service (EMS) is one of the most stressful professions for full-time or part-time work. A particular problem involves burnout, the loss of motivation and desire to continue on the job, which stems from job tensions and dissatisfaction/frustration with the politics and bureaucracy inside and outside of the system. From the worker's perspective, a major concern is the open hostility toward the service shown by many fire service personnel, and very few fire departments have upward mobility for emergency medical workers. An adversary attitude often develops, fueled by the need to cope with shrinking budgets and growing costs. Upgraded certification requirements are perceived by many EMS personnel as major obstacles to their continued participation. The problem stems from a lack of flexibility in many state training systems. Results of one attrition study show that job satisfaction and a positive self-image are the two key ingredients to high morale and low turnover in career and volunteer EMS, and that system abuse is heavily involved in the relationships which develop the perception of professionalism. There is also a need to educate the public about proper use of the EMS and about its capabilities and limitations, as well as to allow EMS personnel to have real input to the medical community and to insure that they are taken seriously by hospital staff.

form of lead, bromine, manganese, and hydrocarbons. It is estimated that gasoline traces will be found in 60 percent of all arson fires. The same laboratory test procedures can also point to another accelerant if gasoline was not used. Techniques include gas chromatography and energy dispersive X-rays. Samples from many different areas of the building showing signs of a gasoline fire, will increase the likelihood of finding by the laboratory. The fire investigator's knowledge of the building is essential, and a good rapport must be established between the investigator and the analyst.

1287  
**THE ISOLATION OF ACCELERANTS BY HEAD SPACE SAMPLING AND BY STEAM DISTILLATION**  
 Kubler, D.G.; Greene, D.; Stackhouse, C., et al.  
*Arson Analysis Newsletter* 5(5):64-79, September 1981.

Methodological aspects of the isolation of accelerants from fire debris by head space sampling and by steam distillation are discussed. The validity of the view that the higher boiling hydrocarbons are insufficiently volatile to be adequately isolated by either method is also addressed and findings are reported from calculating the vapor pressures of C-10, C-13, and C-15 through C-20 hydrocarbons at 100°C. They demonstrate that these materials will be sufficiently volatile with steam to be isolated by steam distillation and to be detected by gas chromatography, provided that the steam distillate is extracted so that the microgram quantities or less of the hydrocarbons are removed from the water. Although the head space sampling technique is used for arson debris, the confidence of results is often questionable due to strange and nonreproducible gas liquid chromatographic patterns. Problems in the use of steam distillation relate to the low solubility of hydrocarbons in water, and a procedure is described whereby the water condensate is extracted from the steam distillation with pentane. The pentane extract is then evaporated to about 3 ml and chromatographed, which makes the determination of accelerants by steam distillation very reliable.

b. COMBUSTION TOXICOLOGY

1288  
**FIREMAN, SAVE THYSELF**  
 Cohn, S.  
*American Lung Association Bulletin* 67(7):4-7, September 1981.

Recent reports indicate that the occupational hazards to a firefighter's lungs may not end with the extinction of a fire, and that there is a lack of awareness in government of the dangers that firefighters face. There are no health and safety codes for firefighters, and modern technology has complicated the hazards which confront

## FIRE TECHNOLOGY ABSTRACTS

### Human Behavior, Social, and Medical Problems

#### d. INJURIES AND FATALITIES

1290

##### A COMPUTER PROGRAM TO TRACK FIRE FIGHTER HEALTH AND PHYSICAL FITNESS

Jones, K.L.

*International Fire Chief* 57(9):16-19, September 1981.

Fairfax County, Virginia's fire and rescue services are utilizing a simple computer program to insure that firefighters are physically able to handle their jobs. The program, specifically designed as a preventive measure, has resulted in an improvement in the physical conditioning of personnel. Use of the automated data processing system by the medical/physical coordinator has also resulted in rapid retrieval of the medical information necessary to formulate improvements in the analysis phase of processing that information. The program allows the medical/physical coordinator to run profiles on an individual's vital medical data as it relates to the firefighter's heart/lung condition. Details of the program design and implementation are provided.

1291

##### EXPLOSION HAZARDS IN FIREFIGHTING

Croft, M.

*Fire* 74(916):260, October 1981.

Findings from 127 British incidents in which fires were accompanied by explosions are summarized. If an explosive smoke/air mixture is formed (as in an incident at Chatham, England in which rubber latex mattresses produced a flammable smoke), an explosion can occur if an ignition source is present. Such smoke explosions can produce pressures of 5 to 10 kN/m<sup>2</sup> or higher, and flashover can occur in as little as 2 seconds. Temperatures may be deceptively low at the discovery stage. Low rates of smoldering may be increased on exposure to additional air leading to the formation of a source of ignition. Most fire/explosion incidents have occurred in factories and warehouses; more firefighter injuries happen in supermarkets, shops, factories, and warehouses than in churches or office buildings. Most of those killed had entered the premises believing the fire had been quenched or that it had extinguished itself due to insufficient oxygen supply.

1292

##### USFA STUDIES FIRE FIGHTER INJURY AND ILLNESS

King, K.

*International Fire Chief* 47(9):20-22, September 1981.

The United States Fire Administration has awarded a contract to compile more in-depth data on firefighter injuries and illnesses in light of observations that they

have the highest occupational fatality rate of all industries and have an injury/illness frequency rate that is twice as high as the national average. The purpose of the study is to 1) identify current major safety and health problems and the related causal factors associated with firefighter injuries and illnesses; 2) provide detailed information on the circumstances and sequences of events leading to these injuries/illnesses and the factors contributing to the high firefighter injury/illness rate; and 3) identify and compile information on recommended corrective actions. The study has two phases, the first of which will use existing data from a national sample of 53 fire departments. Phase 2 will probably include a new and possibly larger sample of fire departments to report a standardized set of detailed data elements on each injury/illness as it occurs. Phase 1 methodology and planned analyses are described.

1293

##### FIRE LOSS INFORMATION

National Fire Protection Association

In: *National Fire Protection Handbook, 15th Edition*. National Fire Protection Association, Quincy, Massachusetts, September 1981, pages 2-16.

Fire death and injury rates for selected countries of Western Europe, North America, Asia, The Pacific, and Africa are compared. The data were obtained from a 1980 survey of fire protection associations conducted by the National Fire Protection Association, except for Japan, Canada, Australia, and Singapore, which provided data from reports. The United States has the highest number of reported deaths per 100,000 persons (3.80); France has the lowest (.56). However, the reported number of deaths per 1,000 structural fires in the United States is one of the lowest (2.94), which suggests differences in reporting—many more "little" fires may be reported in the U.S., while in Europe, only the more severe may be included in the statistics. Incomplete property loss figures are also apparent. In terms of direct property losses, the U.S. had the most fires per 1,000 persons (12.89); the lowest dollar loss per fire (1.60); and a dollar loss per capita in the middle range (20.58). A major problem of such comparisons is the lack of estimates on uninsured losses that need to be incorporated into total loss figures.

#### e. PHYSIOLOGY

1294

##### SMOKE INHALATION

Coleman, D.L.

*Western Journal of Medicine* 135(4):300-309, October 1981.

A case study is presented on the clinical manifestations of smoke inhalation injury. The history and pathogenesis of such injury, the systemic illness resulting from inhalation of toxic gases, and the local effects of the inhalation

## FIRE TECHNOLOGY ABSTRACTS

### Human Behavior, Social, and Medical Problems

lines and that it is critical for him to realize the finite limitations that are imposed. Suggestions are given for approaching the accident site, for handling vehicles that are or are not in contact with a line or other energized source, and for utilizing methods of self-protection when entering a possible energized area, treating patients in direct contact with an energized line, and removing a patient from a downed line. It is imperative in such urgent situations not to hastily make commitments to a potentially fatal course of action and to await the arrival of trained power company personnel if at all possible.

### d. INJURIES AND FATALITIES

559

#### FATAL FIRE INVESTIGATION: HOMICIDE Mercilliot, F.

*Fire and Arson Investigator* 31(4):3-13, April-June 1981.

Fire-related homicides—intended or unintended deaths which may or may not be due to the fire itself—are described. Of interest to the fire investigator are information relating to time of death; circumstances of discovery; and forensic information available to the Medical Examiner, including body temperature, discoloration, and rigor mortis. Investigation implications are presented for death by asphyxia (strangling usually involves a windpipe fracture); hanging (rarely a means of homicide); traumatic deaths, gassing; electrocution; firearm injuries; stab wounds; crib death; and child abuse. Investigations should be conducted according to the investigator's available resources, skills and experience, and case load.

560

#### A CLOSER LOOK AT CAUSE AND EFFECT IN FIRE FATALITIES—THE ROLE OF TOXIC FUMES Punderson, J.O.

*Fire and Materials* 5(1):41-46, March 1981.

Much has been learned about fire from laboratory studies on fire gases, but the idea of using a laboratory toxicity test to rank or rate materials with respect to fire safety has not proved to be a fruitful concept. "Toxicity" standards or specifications are not an effective defense against the threat of toxic fumes in fire for reasons which are fundamental to the nature of fire itself. As a matter of public policy on materials standards, by far the best way of reducing the threat of toxic fumes and all other fire threats is by control and regulation of those materials' properties or performance aspects which permit the elimination or moderation of fire. Some of the concepts discussed in this paper run counter to commonly held assumptions, and they are put forth for the purpose of stimulating open public discussion on alternative approaches to improved decision-making in fire safety. (Auth. Abs.)

561

#### WHAT WE'RE LEARNING ABOUT FIREFIGHTER SAFETY AND HEALTH

Keena, B.

*Emergency Management* 1(3):6-9, Spring 1981.

Research by the National Fire Data Center indicates that firefighting is one of the nation's most hazardous occupations; that more than 160 firefighters are killed in the line of duty in the United States each year; and that occupational injuries and illnesses, such as heart disease, emphysema, and other respiratory diseases force an average of 650 firefighters to retire each year. Specific hazards include physiological stress, exposure to extreme temperatures, the physical strenuousness of the work, smoke and toxic gas inhalation, explosions and falling objects, electrical and chemical accidents, and criminal violence. Even for Emergency Medical Technicians and paramedics, the hazards are great, and efforts have recently been directed to improving firefighter safety and health by Federal, state, and local programs. These preventive measures have attempted to develop air masks using advanced NASA technology, to conduct lung and environmental studies, to facilitate use of the mobile hospital, and to develop the Firefighter's Integrated Response Equipment system using NASA technology. These new achievements in lightweight equipment and clothing, establishment of standard mandatory procedures, and improved physical fitness programs may contribute to firefighter safety and health in the future.

### e. PHYSIOLOGY

562

#### NUTRITION AND FITNESS COUPLED FOR GOOD HEALTH

Vaughan, L.A.; Schamadan, J.L.; Faulkner, P.  
*Fire Command* 48(4):14, April 1981.

The physical fitness and nutrition program of the Phoenix Fire Department, serving over 800 firefighters and support personnel, is described. The program is supervised by a team made up of departmental safety officer, physician, and nutritionist, with the safety officer acting as liaison and scheduling training sessions. After completing physical fitness evaluations of the firefighters, the physician identifies departmental concerns and refers individuals for dietary counseling. The nutrition program serves to enhance firefighter awareness and knowledge of nutrition. Eventually, there will be differences in the quality of fire station meals and total dietary intake. The nutritional program is implemented through group presentations and a monthly newsletter column; counseling concentrates on high blood pressure, obesity, and elevated blood lipids. Firefighters' wives will be included in the educational program. The initial department reaction has been one of behavioral change, interest, and enthusiasm.



Research Department

Wash Post

From the Desk of:

WALT LAMBERT

3/4/75

**Police Heart Attack  
Compensation Allowed**

HARTFORD, Conn., March 4 (UPI)—The state supreme court has upheld a law allowing monetary awards to the families of policemen and firemen who die from heart attacks, whether at home or on the job.

The law provides unemployment compensation benefits if the law officers, and firemen passed physical examinations when they first began the job.

The high court noted that firemen and policemen were found to have an unusually high rate of heart disease and hypertension, and they deserved the benefits.

## FIRE EXPOSURE

The most critical thermal exposure faced by fire fighters occurs during actual fire suppression and fire rescue activities. Research by the National Bureau of Standards (NBS) and the United States Fire Administration (USFA) examined the fire environment both in simulated laboratory fires and by placing thermocouples and heat sensitive tape on fire fighters while they were engaged in interior structural fire fighting. In general, four conditions are faced by structural fire fighters.

**Class I** conditions occur when a small fire is burning in a room. Environmental temperatures up to 140°F (40°C) and thermal radiation up to 0.05 watts/cm<sup>2</sup> are encountered for up to 30 minutes.

**Class II** conditions occur in a room that has been totally involved after the fire has been "knocked down." In this case, environmental temperatures from 105-203°F (41-95°C) and thermal radiation from 0.050-0.100 watts/cm<sup>2</sup> are encountered for up to 15 minutes.

**Class III** conditions exist in a room that is totally involved. Environmental temperatures from 204-482°F (96-250°C) and thermal radiation from 0.175-4.2 watts/cm<sup>2</sup> are encountered for up to 5 minutes.

**Class IV** conditions occur during a flash-over or backdraft, where environmental temperatures from 483-1500°F (251-815°C) and thermal radiation from 0.175-4.2 watts/cm<sup>2</sup> are encountered for about 10 seconds.

Fire fighters face particularly severe exposures during fuel and chemical fires. Research by the U.S. Air Force found that environmental temperatures of 2000°F (1093°C) and thermal radiation of 5.0 watts/cm<sup>2</sup> can be approached.

During grass, brush and woodland fire fighting operations, environmental temperatures similar to Class I interior structural fire conditions are generally encountered. However, thermal radiation levels can equal those encountered during Class III interior structural fire conditions.

States with Heart and Lung Laws

The following states have some type of heart and lung law which affords protection to fire fighters.

Alabama	Nevada
Delaware	New Hampshire
Florida	New Jersey
Georgia	New York
Hawaii	North Carolina
Idaho	Ohio
Illinois	Pennsylvania
Iowa	Rhode Island
Kentucky	South Carolina
Louisiana	South Dakota
Maine	Tennessee
Maryland	Texas
Massachusetts	Utah
Michigan	Vermont
Minnesota	Virginia
Missouri	Wisconsin
Montana	Wyoming
Nebraska	Conn.
	Oregon

Similar Laws in Other States

March 28, 1984

Senator Richard I Eliason, Chairman  
Senate Labor & Commerce Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

RE: Second Sponsor Substitute for Senate Bill 262

Dear Senator Eliason:

On behalf of the Labor/Management Ad Hoc Committee on Workers' Compensation in Alaska, we are writing this letter to state the ad hoc committee's opposition to the Second Sponsor Substitute for Senate Bill No. 262.

As you are probably aware, the Labor/Management Ad Hoc Committee on Workers' Compensation in Alaska was formed rather spontaneously approximately two years ago. Its purpose has been to review and analyze the Alaska workers' compensation system in a forum outside the political arena. Our committee members have different backgrounds, the perspective of the committee has always been to view legislation, not as a benefit necessarily to labor or management, but as to how it affects the entire system. It is against this background that the following comments to SB 262 are made.

SB 262 proposes to alter the statutory presumption contained in AS 23.30.120(a) by adding a new subsection relating solely to police officers and fire fighters. It is the ad hoc committee's understanding that two of the major reasons for the introduction of this legislation are: 1) Statistically, cardio-pulmonary disease is greater amongst fire fighters than among the general population, and 2) approximately 38 of the remaining 49 states have similar provisions in their workers' compensation laws.

The ad hoc committee's objections can be summarized as follows:

1. There has not been any showing that the existing provisions of the Alaska workers' compensation laws do not provide compensation for fire fighters suffering cardio-pulmonary diseases arising out of the course and scope of employment.
2. The proposed legislation affects only a narrow group of workers; this approach may establish a dangerous precedent for other "special" legislation.
3. Reliance upon provisions from other states' laws without understanding or comparing the other provisions of those same state laws to Alaska's workers' compensation law does not justify new legislation.

Letter in Opposition

4. The interpretation of SB 262 may create unintended benefits to claimants, more procedural hurdles for a claimant, and it may limit benefits to members of the class of employees which may have been intended to be benefited.

The Alaska Workers' Compensation Act contains language of presumptive coverage that is more liberally construed on behalf of the employee than any other state. The existing presumption contained in 23.30.120(a) is a rebuttable one. If the employer can show substantial evidence to the contrary that the injury is not work connected then no compensation is payable. In short, the existing statutory presumption operates in a manner similar to the provisions contained in SB 262; however, AS 23.30.120(a) applies to all employees on an equal basis.

Many of the statistics and reports cited by the fire fighters state that fire fighters are employed in an occupation wherein they are exposed to many dangers which contribute to a greater likelihood of a fire fighter having cardio-pulmonary disease. References have also been made to fire fighters who have suffered cardio-pulmonary disease and who have not received workers compensation. From the discussions with John Kiewik of the Anchorage Fire Department, it is the ad hoc committee's understanding that these instances where fire fighters have suffered cardio-pulmonary disease and have not received compensation are limited to those circumstances where the cardio-pulmonary disease or onset of the problem did not occur suddenly nor while the employee was actively engaged in work. Of these relatively few claimants who have not received workers compensation, the ad hoc committee was unable to ascertain whether these persons had been to a hearing before the Alaska Workers' Compensation Board.

Without learning the results of any of these cases before the Alaska Workers' Compensation Board, it is impossible to ascertain whether the present system is working. SB 262 will not assure the payment of workers compensation benefits at any earlier time than the existing presumption contained in AS 23.30.120(a). It is suggested, that before any amendments are made, there be some finding indicating that the present system is not working for a majority of the cases before the Workers' Compensation Board. At the present time, the information does not support making that amendment.

One of the more offensive aspects of this SB 262 to the "workers' compensation system" is the precedent of "special" legislation. SB 262 proposes to create a special class of employees based upon statistical information and reports indicating that these special employees have a greater than average propensity to incur to a particular injury or disease; should bear the cost of compensating not only those special employees who suffer this disease as a result of their employment, but of compensating those special employees who would suffer this same disease regardless of their employment.

The legislature, through the political persuasion of one group of constituents, is being asked to bend an entire system to fit the needs of that particular group. If the legislature yields to this special interest pressure, there may be other "special" legislation introduced. Examples, albeit somewhat overemphasized for effect, might include: Teachers commissioning a study which indicates that teachers have a higher than average incidence of stress related injuries and lobbying for a special presumption; or 2) business executives, labor leaders, judges and legislators commissioning a study which indicates that because of the work related "businessman's diet" there is a higher cholesterol level in their bloodstreams and, accordingly, a higher incidence of cardiovascular disease.

Additionally, it should be noted that no information was presented to the ad hoc committee indicating police officers should be included with fire fighters in SB 262.

The justification relied upon by many proponents of SB 262 that this bill or a similar provision is contained in some 38 other states' laws is severely flawed. First, as has already been indicated, the presumptive language already contained in AS 23.30.120(a) is given much broader interpretation by the courts and the board in the State of Alaska than in most of the other 38 states. In a similar vein, if comparisons are to be made with other states, then a statistic that the fire fighters, police officers and this committee should consider is that 47 of the remaining states contain provisions limiting compensation payments to injured workers to less than \$300 per week. Alaska provides compensation benefits to injured workers at a level that can exceed \$1,000 per week.

The final area of concern is with the technical and procedural effects of SB 262 on the existing system. Some of the following comments will also relate to the interpretation or meaning of the present language of Senate Bill 262.

1. What is a "fire fighter?" Does a fire fighter include persons employed by the Fire Department that are not engaged in fighting fires on a regular basis, i.e. dispatchers, fire captains, fire marshalls.
2. Must an employee be employed as a fire fighter for three years or more with the same employer? Can the three years continuous employment have occurred in another jurisdiction, i.e. California, and the employee still be eligible for the statutory presumption?
3. In order to come within the provisions of SB 262, must a fire fighter be employed as a fire fighter at the time of disability or death? If not, how long does this provision extend into the future.

Page Four


4. What does "continuously employed" mean?
5. Does the language in provision SB 262 exclude AS 23.30.120(a) from applying to a fire fighter suffering disability or death as a result of a heart or lung disease when that officer has not been employed for less than three years? In other words, does the operative language of proposed SB 262 preclude the application of the existing presumption to insured fire fighters not falling within the provisions of SB 262?

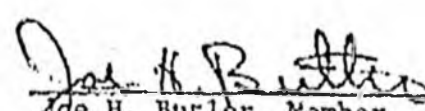
In summary, we urge this committee to exercise restraint with respect to the language contained in Senate Bill 262. It is the ad hoc committee's position that this special legislation is unnecessary at the present time. It should be ascertained whether the existing workers' compensation system works before any change is contemplated. Any changes that are contemplated should be thoroughly studied with respect to the effect the changes will have upon the existing system. And finally, no change should ever be made for the sole reason that a similar provision exists in 38 of the remaining 49 states without first examining the other provisions of those 38 states' laws.

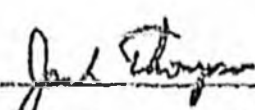
Thank you for your time and consideration in this matter.

Sincerely,

LABOR MANAGEMENT AD HOC COMMITTEE

  
William F. Reeven, Co-Chairman  
3201 Spenard Road  
Anchorage, Alaska 99503  
561-5354

  
Joe H. Butler, Member  
P.O. Box 204  
Anchorage, AK

  
Jack Thompson, Member  
2216 Post Road  
Anchorage, AK

S B

263

HEADINGS TITLE 18.  
HEALTH AND SAFETY.  
CHAPTER 60.  
SAFETY.  
ARTICLE 1.  
PREVENTION OF ACCIDENT AND HEALTH HAZARDS.

CITATION SEC. 18.60.091.

CATCH LINE

CITATIONS.

TEXT

(A) IF, UPON INSPECTION OR INVESTIGATION, THE DEPARTMENT BELIEVES THAT AN EMPLOYER HAS VIOLATED A PROVISION OF AS 18.60.010 - 18.60.105 THAT IS APPLICABLE TO THE EMPLOYER, THE DEPARTMENT SHALL WITH REASONABLE PROMPTNESS ISSUE A CITATION TO THE EMPLOYER. EACH CITATION SHALL BE IN WRITING AND SHALL DESCRIBE WITH PARTICULARITY THE NATURE OF THE VIOLATION, INCLUDING REFERENCE TO THE PROVISIONS OF THE CHAPTER OR ANY ORDER, RULE OR REGULATION ALLEGED TO HAVE BEEN VIOLATED, AND SHALL FIX A REASONABLE TIME FOR ABATEMENT OF THE VIOLATION. THE DEPARTMENT MAY PRESCRIBE PROCEDURES FOR THE ISSUANCE OF A NOTICE INSTEAD OF A CITATION WITH RESPECT TO MINOR VIOLATIONS WHICH HAVE NO DIRECT OR IMMEDIATE RELATIONSHIP TO SAFETY OR HEALTH.

(B) UPON RECEIPT BY THE EMPLOYER, EACH CITATION ISSUED UNDER THIS SECTION, OR A COPY OF THE CITATION, SHALL BE IMMEDIATELY AND PROMINENTLY POSTED, AT OR NEAR EACH PLACE THE VIOLATION REFERRED TO IN THE CITATION OCCURRED.

(C) NO CITATION MAY BE ISSUED FOR A PARTICULAR VIOLATION UNDER THIS SECTION AFTER THE EXPIRATION OF 180 DAYS FOLLOWING THE DISCOVERY OF THE VIOLATION BY THE DEPARTMENT OR CORRECTION OF A VIOLATION.

HISTORY (SEC. 7 CH 72 SLA 1973)

RO601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

HEADINGS TITLE 18.  
HEALTH AND SAFETY.  
CHAPTER 60.  
SAFETY.  
ARTICLE 1.  
PREVENTION OF ACCIDENT AND HEALTH HAZARDS.

CITATION SEC. 18.60.093.

CATCH LINE ENFORCEMENT PROCEDURES.

TEXT (A) IF, AFTER AN INSPECTION OR INVESTIGATION, THE DEPARTMENT ISSUES A CITATION, THE COMMISSIONER SHALL, AT A REASONABLE TIME AFTER THE TERMINATION OF THE INSPECTION OR INVESTIGATION, NOTIFY THE EMPLOYER BY CERTIFIED MAIL OF THE PENALTY PROPOSED TO BE ASSESSED AND THAT THE EMPLOYER HAS 15 WORKING DAYS WITHIN WHICH TO NOTIFY THE COMMISSIONER AND THE OSHA REVIEW BOARD THAT HE WISHES TO CONTEST THE CITATION OR PROPOSED ASSESSMENT OF PENALTY. IF, WITHIN 15 WORKING DAYS FROM THE RECEIPT OF THE NOTICE ISSUED BY THE COMMISSIONER, THE EMPLOYER FAILS TO NOTIFY THE OSHA REVIEW BOARD THAT HE INTENDS TO CONTEST THE CITATION, OR PROPOSED ASSESSMENT OF PENALTY, THE CITATION AND THE ASSESSMENT, AS PROPOSED, SHALL BE CONSIDERED FINAL AND NOT SUBJECT TO REVIEW BY ANY COURT.

(B) IF THE COMMISSIONER HAS REASON TO BELIEVE THAT AN EMPLOYER HAS FAILED TO CORRECT, WITHIN THE PERIOD ALLOWED, A VIOLATION FOR WHICH A CITATION HAS BEEN ISSUED, THE COMMISSIONER

§18.60.093 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

SHALL NOTIFY THE EMPLOYER BY CERTIFIED MAIL OF THE FAILURE, OF THE PENALTY PROPOSED TO BE ASSESSED BECAUSE OF THE FAILURE, AND THAT THE EMPLOYER HAS 15 WORKING DAYS WITHIN WHICH TO NOTIFY THE COMMISSIONER AND THE OSHA REVIEW BOARD THAT HE WISHES TO CONTEST THE COMMISSIONER'S NOTIFICATION OF THE PROPOSED ASSESSMENT OF PENALTY. IF, WITHIN 15 WORKING DAYS FROM THE RECEIPT OF THE NOTIFICATION ISSUED BY THE COMMISSIONER, THE EMPLOYER FAILS TO GIVE NOTICE THAT HE INTENDS TO CONTEST THE NOTIFICATION OR PROPOSED ASSESSMENT OF PENALTY, THE NOTIFICATION AND ASSESSMENT AS PROPOSED SHALL BE CONSIDERED A FINAL ORDER AND NOT SUBJECT TO REVIEW BY ANY COURT.

(C) IF AN EMPLOYER GIVES NOTICE THAT HE INTENDS TO CONTEST THE CITATION OR NOTIFICATION ISSUED UNDER (A) OR (B) OF THIS SECTION, THE OSHA REVIEW BOARD SHALL AFFORD AN OPPORTUNITY FOR A HEARING AND THEREAFTER ISSUE AN ORDER, BASED ON FINDINGS OF FACT, AFFIRMING, MODIFYING, OR VACATING THE ORIGINAL CITATION OR PROPOSED PENALTY, OR DIRECTING OTHER APPROPRIATE RELIEF, AND THE ORDER IS FINAL 30 DAYS AFTER ITS ISSUANCE.

(D) THE OSHA REVIEW BOARD SHALL NOTIFY THE AUTHORIZED REPRESENTATIVE OF THE AFFECTED EMPLOYEES THAT AN EMPLOYER IS CONTESTING A CITATION OR NOTIFICATION ISSUED UNDER (A) OR (B) OF THIS SECTION AND AFFORD THE REPRESENTATIVE AN OPPORTUNITY TO PARTICIPATE IN THE HEARING ON THE MATTER.

(E) AN EMPLOYER, AN AFFECTED EMPLOYEE OR A REPRESENTATIVE OF AFFECTED EMPLOYEES HAS 15 WORKING DAYS FROM THE RECEIPT OF A CITATION WITHIN WHICH TO NOTIFY THE COMMISSIONER AND THE OSHA REVIEW BOARD THAT THE PERIOD OF TIME FIXED IN THE CITATION FOR THE ABATEMENT OF A VIOLATION IS UNREASONABLE. THE OSHA REVIEW

§18.60.093 DOCUMENT= 1 OF 1 PAGE = 3 OF 3

BOARD SHALL AFFORD AN OPPORTUNITY FOR A HEARING AND THEREAFTER ISSUE AN ORDER, BASED ON FINDINGS OF FACT, AFFIRMING OR MODIFYING THE ORIGINAL PERIOD FOR ABATEMENT, AND THE ORDER IS FINAL 30 DAYS AFTER ITS ISSUANCE. IF THE CONTEST IS INITIATED BY THE EMPLOYER, THE OSHA REVIEW BOARD SHALL NOTIFY THE EMPLOYER IN THE SAME MANNER AS PROVIDED BY (D) OF THIS SECTION. IF THE CONTEST IS INITIATED BY THE EMPLOYEES, THE OSHA REVIEW BOARD SHALL NOTIFY THE EMPLOYER AND AFFORD THE EMPLOYER AN OPPORTUNITY TO PARTICIPATE IN THE HEARING ON THE MATTER.

SECTION 18.60.093

COMMENTS ON SB 263

(Notices for Occupational Safety and Health Violations)

THIS BILL PROVIDES FOR THE DEPARTMENT OF LABOR TO ISSUE A NOTICE OF VIOLATION INSTEAD OF A CITATION FOR NON-SERIOUS OCCUPATIONAL SAFETY AND HEALTH VIOLATIONS IF THE EMPLOYER AGREES TO CORRECT THE VIOLATIONS.

THE NOTICE OF VIOLATION PROCEDURE WOULD BE MUTUALLY ADVANTAGEOUS TO EMPLOYERS AND EMPLOYEES. MONETARY PENALTIES WOULD NOT BE IMPOSED ON EMPLOYERS FOR VIOLATIONS COVERED BY THE NOTICE AND EMPLOYEES WOULD BENEFIT BECAUSE HAZARDS WOULD BE CORRECTED SOONER. UNDER THE PRESENT PROCEDURE, THE EMPLOYER IS NOT OBLIGATED TO CORRECT ALLEGED VIOLATIONS UNTIL THE CITATION IS RECEIVED AND IT PRESENTLY TAKES FIVE TO TEN DAYS AFTER AN INSPECTION TO PROCESS A CITATION. THE NOTICE OF VIOLATION WOULD BE ISSUED BY THE COMPLIANCE OFFICER AT THE END OF AN INSPECTION.

THE PROPOSED PROCEDURE WOULD ALSO INCREASE THE PRODUCTIVITY OF COMPLIANCE STAFF AS THE RESEARCH AND PAPERWORK ASSOCIATED WITH THE ISSUANCE OF A CITATION WOULD NOT BE REQUIRED.

THE NOTICE OF VIOLATION PROCEDURE IS CURRENTLY BEING USED EFFECTIVELY BY THE STATE OF NEVADA AND STATE WASHINGTON.

THE MEASURE WOULD NOT HAVE A FISCAL IMPACT ON THE DEPARTMENT OF LABOR.

SB 263 TITLE & SPONSOR SUMMARY 16:22 6/04/84 PAGE 1 OF 3

SHORTEST TITLE:

AN ACT RELATING TO NOTICES FOR OCCUPATIONAL SAFETY AND HEALTH VIOLATIONS

PRIME SPONSOR: SENATE LABOR&COMM COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 6/22/83 CHAPTER 0026 SLA 83

SB 263 SENATE ACTION 16:22 6/04/84 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/18/83	01	0728	FIRST READING -- COMMITTEE REPORTS
05/04/83	02	0889	L&C -- DP03
05/04/83	03	0889	L&C F/NOTE EQUALS ZERO
05/13/83	04	0977	RLS -- OTHER04 TAKEN UP IMMEDIATELY
05/13/83	05	0978	SECOND READING
05/13/83	06	0978	ADVANCED TO 3RD READING BY UNAN CONSENT
05/13/83	07	0978	THIRD READING
05/13/83	08	0978	PASSED BY DIV 16-00-04
06/15/83	15	1330	TRANSMITTED TO GOVERNOR
06/22/83	16	1455	SIGNED BY GOVERNOR-CH0026, EFF 09/20/83

\*\*\* \*\* \*\* \*\*\* \*\* \*\*

SB 263 HOUSE ACTION 16:22 6/04/84 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/14/83	09	1347	FIRST READING -- COMMITTEE REPORTS
06/01/83	10	1628	L&C -- DP02, NR05
06/13/83	11	1692	SECOND READING
06/13/83	12	1692	ADVANCED TO 3RD READING BY UNAN CONSENT
06/13/83	13	1692	THIRD READING
06/13/83	14	1692	PASSED BY DIV 28-00-04

\*\*\* \*\* \*\* \*\*\* \*\* \*\*

# COMMITTEE REPORT

## SENATE

4/15/83

FURTHER:

Date: 5/3/83

Mr. President:

The Committee on Labor & Commerce has had SB 263

Relating to notices for occupational safety and health violations.

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  <sup>200</sup> New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN



## EXAMPLES OF NON-SERIOUS VIOLATIONS

1. Failure to adopt and post in a conspicuous location at each jobsite office, a code of safe practices and procedures which applies to the firm's operation and embraces applicable safety and health standards.
2. Failure to provide a first aid kit readily available to employees at the worksite, and/or in every vehicle used to transport employees.
3. Failure to provide in the absence of an infirmary, clinic, hospital, or physician which is reasonably accessible in terms of time and distance to the worksite, and is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid.
4. Failure to conspicuously post the telephone numbers of physicians, hospitals, or ambulances.
5. Failure to assure that in indoor storage areas, oil soaked rags, paint saturated clothing, waste, excelsior and combustible refuse are deposited in noncombustible covered receptacles.
6. Failure to prohibit smoking in indoor general storage areas, except in locations prominently designated as smoking areas; and/or to post "No Smoking" signs in prohibited areas.
7. Failure to keep all places of employment in a clean, orderly and sanitary condition.
8. Failure to assure that portable fire extinguishers are not obstructed or obscured from view; or where visual obstruction cannot be completely avoided, that the location and intended use of extinguishers are conspicuously indicated.
9. Failure to assure that any receptacle used for decayable solid or liquid waste or refuse is so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition.
10. Failure to provide individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling convenient to the lavatories.

Bill No. Senate Bill 263

Date 4/20/83

Title "An act relating to notices for occupational safety and health violations"

Contact: Judy Knight  
465-2700

This bill provides for the Department to issue a notice of violation instead of a citation for non-serious occupational safety and health violations if the employer agrees to correct the violations.

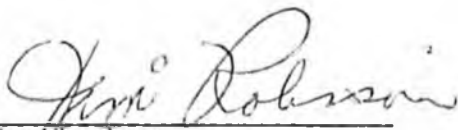
The notice of violation procedure would be mutually advantageous to employers and employees. Monetary penalties would not be imposed on employers for violations covered by the notice and employees would benefit because hazards would be corrected sooner. Under the present procedure, the employer is not obligated to correct alleged violations until the citation is received and it presently takes five to ten days after an inspection to process a citation. The notice of violation would be issued by the compliance officer at the end of an inspection.

The proposed procedure would also increase the productivity of compliance staff as the research and paperwork associated with the issuance of a citation would not be required.

The notice of violation procedure is currently being used effectively by the State of Nevada and State of Washington.

The Department of Labor supports this bill. It would not have a fiscal impact on the Department.

APPROVED

  
Commissioner  
Department of Labor

STATE OF ALASKA  
FISCAL NOTE

Revision Date: original, 1983

I. REQUEST

Bill/Resolution No.: Senate Bill 263  
 Title: "notices for ... health violations"  
 Sponsor: Labor and Commerce Committee  
 Requestor: Labor & Commerce Committee

II. FISCAL DETAIL

Agency Affected: Labor  
 Program Category Affected: Worker Protection  
 BRU, Program of Subprogram(s) Affected: Occupational Safety & Health Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: <sup>RB</sup> Robert J. Bacolas, Sr. *RB Bacolas* Phone: 465-4870  
 Division: Labor Standards and Safety Date: April 20, 1983  
 Approved by Commissioner: <sup>RB</sup> Jim Robinson *Jim Robinson* Date: April 20, 1983  
 Department: Labor

LEG:A:40

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)

3/8/83

INTRODUCTION OF BILLS, (Senate)(cont'd)

Matanuska  
Valley Moose  
Range

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 225, by Senator Kerttula. (see page 403, original version). Makes slight changes from original version. Seeks to perpetuate multiple use of the area, including grazing (added by this version), hunting, trapping, mineral entry, and other forms of public use of public land not incompatible with the moose range.

Adds language stating that regulations adopted for the Range shall not apply to private land within the described boundaries.

Adds new subsection stating the commissioner of natural resources may acquire in the name of the state, by negotiated purchase only, without an option of first purchase, title or interest in real property lying within the boundaries of the Range.

All other sections remain the same.

Religious  
Schools  
(regulation)

SENATE BILL NO. 261, by Senators Faiks, Moss and Pettyjohn. See House Bill No. 357, page 530, identical.

Introduced April 18 and referred to Health, Education and Social Services, Judiciary.

Workers' Comp  
(death or  
disability of  
police/fire-  
man or emerg.  
provider)

SENATE BILL NO. 262, by Senator Josephson. Amends the Alaska Workers' Compensation Act, section relating to presumptions (AS.23.30.120) by adding a new section stating: "(c) If the disability or death of a police officer, firefighter, or emergency medical service provider is caused by a heart or lung disease, including hypertension, there is a rebuttable presumption that the disability or death arose out of or in the course of employment if (1) the disability or death occurs during the actual performance of the duties of employment; (2) the person has been continuously employed as a police officer, firefighter, or emergency medical service provider for three years or more; or (3) the disability or death occurs within a period of time immediately following the termination of employment. (d) In this section 'time immediately following the termination of employment' means a period of time equal to three months for each full year of employment as a police officer, firefighter, or emergency medical service provider not to exceed 60 months."

Does not provide for an effective date (becomes law 90 days after the Governor's signature).

Introduced April 18 and referred to Labor & Commerce.

Prevention of  
Accident &  
Health Hazards  
(notices/  
enforcement)

SENATE BILL NO. 263, by the Labor & Commerce Committee. Relates to notices for violations of AS 18.60.010 - 18.60.105 (Prevention of Accident & Health Hazards). Amends AS 18.60.-091(a) (Citations) by addition of language that states: ". . . The department may prescribe procedures for the issuance of a notice instead of a citation with respect to minor violations which have no direct or immediate relationship to safety or health, or violations which are not serious and which the employer agrees to correct within a reasonable time. If an employer does not, within a reasonable time set out in the notice, correct a violation which

SB 263, (cont'd)

is not serious, the department shall issue a citation to the employer." (underlined language added by bill).

Also amends AS 18.60.093(a) (Enforcement Procedures), to read: "If, after an inspection or investigation, or after an employer's failure to correct a violation for which he has been issued a notice, the department issues a citation, the commissioner shall, at a reasonable time after the termination of the inspection or investigation, or expiration of the time period set out in the notice, notify the employer by certified mail of the penalty proposed to be assessed and that the employer has 15 working days within which to notify the commissioner and the OSHA Review Board that he wishes to contest the citation or proposed assessment of penalty. If, within 15 working days after [FROM THE] receipt of the penalty notice issued by the commissioner, the employer fails to notify the OSHA Review Board that he intends to contest the citation, or proposed assessment of penalty, the citation and the assessment, as proposed, are [SHALL BE] considered final and not subject to review by any court." (underlined language added, bracketed language deleted).

Does not provide for an effective date (becomes law 90 days after Governor's approval). Identical to HB 282, page 331.

Introduced April 18 and referred to Labor & Commerce.

Appropriation  
(special)  
(Anch. airport  
terminal)

SENATE BILL NO. 264, by the Transportation Committee. See House Bill No. 321, page 470, identical.

Introduced April 19 and referred to Transportation, Finance.

Cards, Dice &  
Number Wheels  
(permits for)

SENATE BILL NO. 265, by Senators V. Fischer, Josephson, Faiks, Sturgulewski, Pettyjohn, and P. Fischer. See House Bill No. 360, page 532, identical.

Introduced April 19 and referred to State Affairs, Finance.

Airport  
Revenue Bonds  
(increasing  
bond auth.)

SENATE BILL NO. 266, by the Transportation Committee. See House Bill no. 322, page 470, identical.

Introduced April 19 and referred to State Affairs, Finance.

Prison  
Facilities  
(location)

SENATE BILL NO. 267, by Rep. Moss. Would require the Commissioner of Health and Social Services to locate all newly constructed maximum security prison facilities that contain 100 or more beds within the vicinity of Anderson and Palmer/Sutton after July 1, 1983. Does not provide for an effective date (becomes law 90 days after Governor's approval).

Note: also see House Bill 217 (page 215), House Bill 275 (page 325), and Senate Bill 224, (page 403). All address the same subject.

Introduced April 19 and referred to Health, Education and Social

Bill Fact Sheet

Date Received 4/18/83

Bill Number SB263 Title OSHA

Fiscal Note - Date Requested 4/19/83 Date Received \_\_\_\_\_

- Of Whom Judy Knight

Dept. Position Paper - Date Requested 4/19 Date Received \_\_\_\_\_

- Of Whom Judy Knight

Resource People

Initial Hearing - Date SB263 - Cancelled 5/3  
People Contacted

Judy - 2/25

Resa King

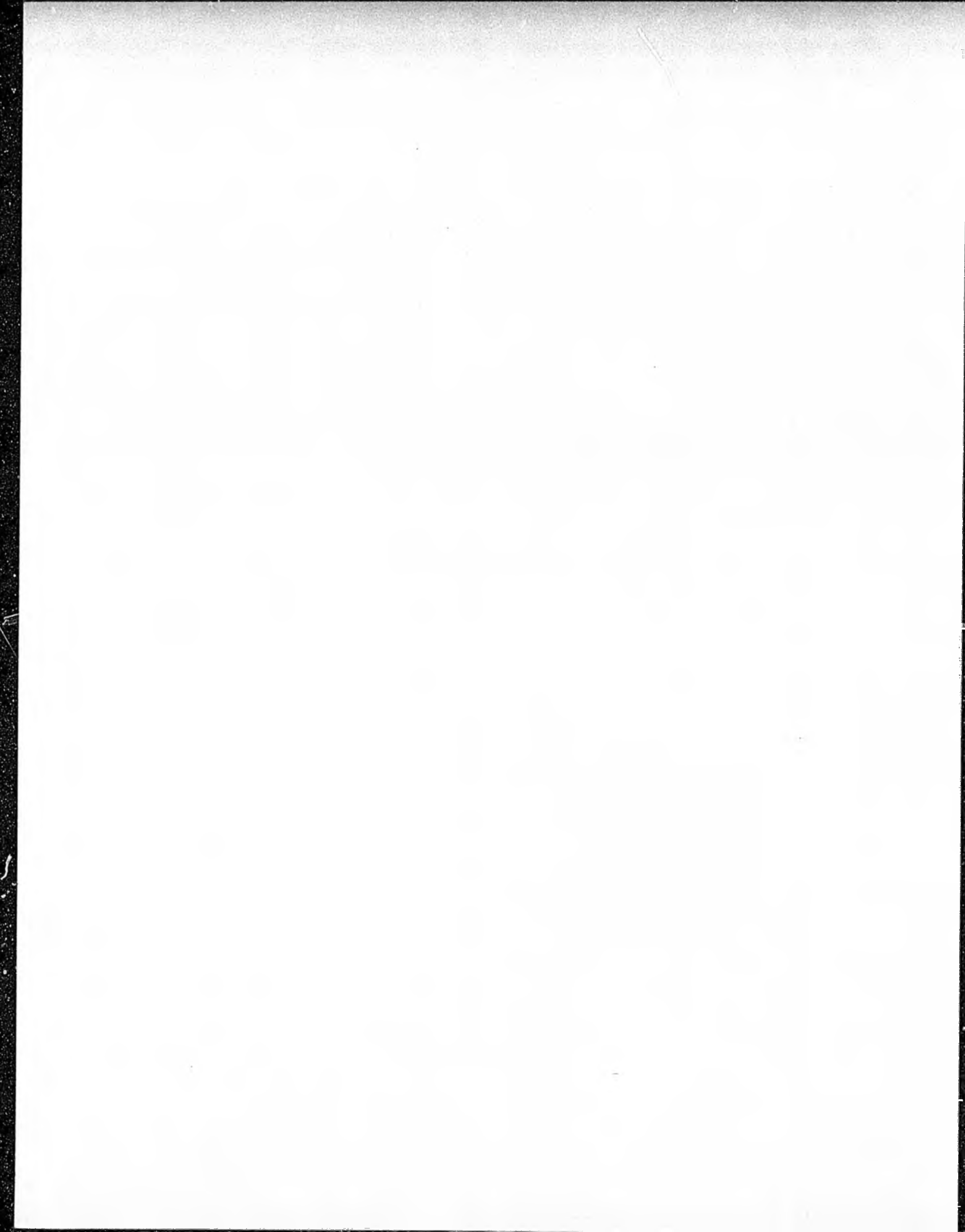
Follow-up Hearing - Date \_\_\_\_\_

Final Action passed out 5/3 Date \_\_\_\_\_

S B

276





SB 276

DEREGULATION OF INTEREST RATES

SENATE ADVISORY COUNCIL  
ALASKA STATE LEGISLATURE  
POUCH V  
JUNEAU, ALASKA 99811

SB 276 TITLE & SPONSOR SUMMARY

14:21 5/22/84 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE DEREGULATION OF INTEREST RATES;  
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: JOSEPHSON.

CO-SPONSORS:

CURRENT STATUS: 4/22/83 IN (S) LABOR & COM

SB 276 SENATE ACTION

14:21 5/22/84 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/22/83	01	0785	FIRST READING -- COMMITTEE REPORTS LABOR & COMMERCE RULES

\*\*\* \*\* \*\* \*\* \*\*



OFFICIAL BUSINESS

# ALASKA STATE LEGISLATURE - SENATE

## COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON  
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811  
(907) 465-3844

### MEMORANDUM

To: Senator Joe Josephson

From: Senator Dick Eliason, Chair  
Senate Labor and Commerce Committee

Re: Deregulation of interest rates

Date: January 19, 1984

Currently the Senate Labor and Commerce Committee is considering three distinct pieces of legislation dealing with the concept of deregulating interest rates on various types of consumer loans -- SB 27, CSHB 246(L & C) and SB 316.

As you are aware, the act of deregulating interest rates has many far reaching implications for the business community as well as the buying public. All facets of deregulation must be studied closely before any legislative action is taken.

Thank you for your offer of assistance in this area of concern. I would be happy to meet with you or your staff on this issue.

ALASKA STATE SENATE

JOE P. JOSEPHSON  
DISTRICT G - ANCHORAGE  
1526 F STREET  
ANCHORAGE ALASKA 99501  
(907) 277 4419

WHILE IN JUNEAU  
POUCH V  
JUNEAU ALASKA 99811  
(907) 465-4907  
(907) 465-4525



COMMITTEES  
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)  
JUDICIARY (VICE CHAIR)  
FINANCE  
MAJORITY CAUCUS (CHAIR)

January 17, 1984

The Honorable Richard Eliason  
Alaska State Senate  
Pouch V  
State Capitol Building  
Juneau, Alaska 99811

Dear Senator Eliason:

Last session I introduced Senate Bill 276 "An Act Relating to the Deregulation of Interest Rates". The bill proposed to deregulate interest rates on various types of consumer loans that are now regulated by statute. The bill remains in committee, although I understand you may have some proposals in mind for amendment and action, I remain interested in getting the measure to the floor of the Senate for debate, and hope that you will schedule it for committee action early this session.

If you have any questions on SB 276, please do not hesitate to call or stop by the office. My staff will also be available to assist you and I would be glad to meet personally with you at any time.

With best wishes, I am

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe P. Josephson", is written over the typed name.

Joe P. Josephson  
State Senator

JPJ:hk

TO: SEN LABOR & COMM  
SENS ELIASON, MULCAHY, PETTYJOHN, SACKETT, RODEY  
SENS BENNETT, FAHRENKAMP, MOSS  
REPS DAVIS, BETTISWORTH, KOPONEN, RINGSTAD, M.W. MILLER

FROM: BARBARA BECKER  
656 FAIRBANKS ST, A-8  
FAIRBANKS, AK, 99701  
479-0048-H 474-7950-W

RE: SB 276, DEREGULATION OF INTEREST RATES

MSG: I FEEL THIS BILL WOULD SEVERALLY IMPACT MINORITIES AND WOMEN,  
WHO TRADITIONALLY HAVE LITTLE OR NO CREDIT RATING.

-----EOM

MSG 04-00018174 PRTY 1 02/28/84 08:13:14 ORIG: LF01 IN= 0002 OUT= 0006  
FROM: LYNDIA/FBX  
TARGET: LJHK SUBJ: POM TO: JNO INFO

6

TO: SEN L & C (SENS ELIASON, MULCAHY, PETTYJOHN, SACKETT, RODEY)

FROM: JUDY HARVEY  
S.F. BOX 70389  
FDX, AK. 99701  
#488-2325

RE: SB276, DEREG. OF INTEREST RATES

MSG: I AM OPPOSED TO SB276. I FEEL IT WOULD DISCRIMINATE AGAINST WOMEN WHO DO NOT HAVE A HIGH CREDIT RATING IN THEIR OWN NAME.

-----EOM

*Interest Bill*

S B

277

DEFINITIONS.

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES,

(1) "ACTIVE MEMBER" MEANS AN EMPLOYEE WHO IS EMPLOYED BY AN EMPLOYER, IS RECEIVING COMPENSATION FOR SEASONAL, PERMANENT FULL-TIME, OR PERMANENT PART-TIME SERVICES, AND IS MAKING CONTRIBUTIONS TO THE SYSTEM;

(2) "ACTUARIAL ADJUSTMENT" MEANS EQUALITY IN VALUE OF THE AGGREGATE EXPECTED PAYMENTS UNDER TWO DIFFERENT FORMS OF PENSION PAYMENTS, CONSIDERING EXPECTED MORTALITY AND INTEREST EARNINGS ON THE BASIS OF TABLES ADOPTED FROM TIME TO TIME BY THE BOARD;

(3) "ADMINISTRATOR" MEANS THE PERSON APPOINTED BY THE COMMISSIONER OF ADMINISTRATION UNDER AS 39.35.050;

(4) "AVERAGE MONTHLY COMPENSATION" MEANS THE RESULT OBTAINED BY DIVIDING THE COMPENSATION EARNED BY AN EMPLOYEE DURING A CONSIDERED PERIOD BY THE NUMBER OF MONTHS, INCLUDING FRACTIONAL MONTHS, FOR WHICH COMPENSATION WAS EARNED; THE

339.35.680 DOCUMENT= 1 OF 1 PAGE = 2 OF 9  
CONSIDERED PERIOD CONSISTS OF THE THREE CONSECUTIVE CALENDAR YEARS DURING THE PERIOD OF CREDITED SERVICE WHICH YIELDS THE HIGHEST AVERAGE, OR IF THE EMPLOYEE DOES NOT HAVE THREE CONSECUTIVE CALENDAR YEARS, HIS PERIOD OF CREDITED SERVICE; AN EMPLOYEE MUST HAVE AT LEAST 115 DAYS OF CREDITED SERVICE IN THE LAST CALENDAR YEAR IN ORDER TO BE USED AS PART OF THE THREE CONSECUTIVE CALENDAR YEARS;

(5) "BENEFICIARY" MEANS A PERSON DESIGNATED BY AN EMPLOYEE TO RECEIVE BENEFITS THAT MAY BE DUE FROM THE SYSTEM UPON THE EMPLOYEE'S DEATH;

(6) "BOARD" MEANS THE PUBLIC EMPLOYEES' RETIREMENT BOARD;

(7) "CALENDAR YEAR" MEANS THE PERIOD BEGINNING ON JANUARY 1 AND ENDING ON DECEMBER 31;

(8) "COMPENSATION" MEANS THE TOTAL REMUNERATION EARNED BY AN EMPLOYEE FOR PERSONAL SERVICES RENDERED, INCLUDING COST-OF-LIVING DIFFERENTIALS, PAYMENTS FOR LEAVE THAT IS ACTUALLY USED BY THE EMPLOYEE, THE AMOUNT BY WHICH THE EMPLOYEE'S WAGES ARE REDUCED UNDER AS 39.30.150(C), AND ANY AMOUNT DEFERRED UNDER AN EMPLOYER-SPONSORED DEFERRED COMPENSATION PLAN, BUT DOES NOT INCLUDE RETIREMENT BENEFITS, WELFARE BENEFITS, PER DIEM, EXPENSE ALLOWANCES, WORKERS' COMPENSATION PAYMENTS OR PAYMENTS FOR LEAVE NOT USED BY THE EMPLOYEE WHETHER THOSE LEAVE PAYMENTS ARE SCHEDULED PAYMENTS, LUMP-SUM PAYMENTS, DONATIONS, OR CASH-INS;

(9) "CREDITED SERVICE" MEANS THE NUMBER OF YEARS, INCLUDING FRACTIONAL YEARS, RECOGNIZED FOR COMPUTING BENEFITS THAT MAY BE DUE FROM THE SYSTEM;

339.35.680 DOCUMENT= 1 OF 1 PAGE = 3 OF 9

(10) "DEFERRED VESTED MEMBER" MEANS AN INACTIVE MEMBER WHO MEETS THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A RETIREMENT BENEFIT;

(11) "DEPENDENT CHILD" MEANS AN UNMARRIED CHILD OF AN EMPLOYEE, INCLUDING ONE ADOPTED, WHO IS DEPENDENT UPON THE EMPLOYEE FOR SUPPORT AND WHO IS EITHER (A) UNDER 19 YEARS OLD OR (B) UNDER 23 YEARS OLD AND REGISTERED AT AND ATTENDING ON A FULL-TIME BASIS AN ACCREDITED EDUCATIONAL OR TECHNICAL INSTITUTION RECOGNIZED BY THE DEPARTMENT OF EDUCATION; AGE RESTRICTIONS SET OUT IN THIS PARAGRAPH DO NOT APPLY TO A CHILD WHO IS TOTALLY AND PERMANENTLY DISABLED;

(12) "DISABLED MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED, WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM AND IS RECEIVING A DISABILITY BENEFIT FROM THE SYSTEM;

(13) "EARLY RETIREMENT" MEANS RETIREMENT FOR A MEMBER WHO IS NOT ELIGIBLE FOR NORMAL RETIREMENT AND WHO IS AT LEAST 50 YEARS OLD AND IS ELIGIBLE TO RECEIVE BENEFITS UNDER AS 39.35.370(B) OR UNDER AS 39.35.385(B) OR (F);

(14) "ELECTED OFFICIAL" MEANS A PERSON WHOSE COMPENSATION RESULTS FROM PERSONAL SERVICES RENDERED TO AN EMPLOYER AS AN ELECTED REPRESENTATIVE;

(15) "EMPLOYEE CONTRIBUTION ACCOUNT" MEANS THE TOTAL MAINTAINED BY THE SYSTEM OF THE EMPLOYEE'S MANDATORY CONTRIBUTIONS, VOLUNTARY CONTRIBUTIONS, INDEBTEDNESS PRINCIPAL, AND INTEREST CONTRIBUTIONS, INTEREST CREDITED TO EACH OF THOSE ACCOUNTS, AND ADJUSTMENTS TO THE ACCOUNTS IN ACCORDANCE WITH AS 39.35.100

(16) "EMPLOYEE SAVINGS ACCOUNT" MEANS THE ACCOUNT

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 4 OF 9  
MAINTAINED BY THE SYSTEM TO RECORD THE VOLUNTARY CONTRIBUTIONS OF EACH EMPLOYEE, INCLUDING INTEREST AND ADJUSTMENTS TO THE ACCOUNT IN ACCORDANCE WITH AS 39.35.100;

(17) "EMPLOYER" MEANS THE STATE OF ALASKA OR A POLITICAL SUBDIVISION OR PUBLIC ORGANIZATION OF THE STATE WHICH PARTICIPATES IN THE SYSTEM;

(18) "FISCAL YEAR" MEANS THE PERIOD BEGINNING ON JULY 1 AND ENDING ON JUNE 30 OF THE FOLLOWING CALENDAR YEAR;

(19) "FORMER MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED AND WHO HAS RECEIVED A TOTAL REFUND OF THE BALANCE OF HIS EMPLOYEE CONTRIBUTION ACCOUNT, OR WHO HAS REQUESTED IN WRITING A REFUND OF THE BALANCE IN HIS EMPLOYEE CONTRIBUTION ACCOUNT, OR WHO IS ELIGIBLE FOR A REFUND UNDER AS 39.35.200(B);

(20) "INACTIVE MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED AND WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM OR AN EMPLOYEE ON LEAVE-WITHOUT-PAY STATUS OR LAYOFF STATUS;

(21) "MEMBER" OR "EMPLOYEE"

(A) MEANS A PERSON ELIGIBLE TO PARTICIPATE IN THE SYSTEM AND WHO IS COVERED BY THE SYSTEM;

(B) INCLUDES

- (I) ACTIVE MEMBER;
- (II) INACTIVE MEMBER;
- (III) VESTED MEMBER;
- (IV) DEFERRED VESTED MEMBER;
- (V) NON-VESTED MEMBER;
- (VI) DISABLED MEMBER;
- (VII) RETIRED MEMBER;

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 5 OF 9

(C) DOES NOT INCLUDE

- (I) FORMER MEMBERS;
- (II) PERSONS COMPENSATED ON A CONTRACTUAL OR FEE BASIS;
- (III) CASUAL OR EMERGENCY WORKERS OR NONPERMANENT EMPLOYEES AS DEFINED IN AS 39.25.200;
- (IV) PERSONS COVERED BY THE ALASKA TEACHERS' RETIREMENT SYSTEM;
- (V) EMPLOYEES OF THE DIVISION OF MARINE TRANSPORTATION ENGAGED IN OPERATING THE STATE FERRY SYSTEM WHO ARE COVERED BY A UNION OR GROUP RETIREMENT SYSTEM TO WHICH THE STATE MAKES CONTRIBUTIONS;
- (VI) JUSTICES OF THE SUPREME COURT OR JUDGES OF THE COURT OF APPEALS OR OF THE SUPERIOR OR DISTRICT COURTS OF ALASKA;
- (VII) THE ADMINISTRATIVE DIRECTOR OF COURTS APPOINTED UNDER ART. IV, SEC. 16 OF THE STATE CONSTITUTION UNLESS HE BECOMES A MEMBER UNDER AS 39.35.158; AND
- (VIII) MEMBERS OF THE ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM (FORMER AS 39.37);

(D) MAY INCLUDE EMPLOYEES OF THE DIVISION OF MARINE TRANSPORTATION EXCLUDED UNDER (C)(V) OF THIS PARAGRAPH PROVIDED THAT

(I) THE STATE OF ALASKA FORMALLY AGREES TO THEIR INCLUSION THROUGH THE PROCESS OF COLLECTIVE BARGAINING; AND

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 6 OF 9

(II) NO COLLECTIVE BARGAINING AGREEMENT HAS THE EFFECT OF OBLIGATING CONTRIBUTIONS MADE BY THE STATE UNDER AS 39.35.150 IN THE EVENT THE STATE RESUMES PARTICIPATION IN THE FEDERAL SOCIAL SECURITY SYSTEM;

(22) "MILITARY SERVICE" MEANS ACTIVE DUTY SERVICE IN THE ARMED FORCES OF THE UNITED STATES;

(23) "NONOCCUPATIONAL DISABILITY" MEANS A PHYSICAL OR MENTAL CONDITION WHICH, IN THE JUDGMENT OF THE ADMINISTRATOR, PRESUMABLY PERMANENTLY PREVENTS AN EMPLOYEE FROM SATISFACTORILY PERFORMING HIS USUAL DUTIES FOR HIS EMPLOYER OR THE DUTIES OF ANOTHER POSITION OR JOB WHICH HIS EMPLOYER MAKES AVAILABLE AND FOR WHICH THE EMPLOYEE IS QUALIFIED BY TRAINING OR EDUCATION, NOT INCLUDING A CONDITION RESULTING FROM A CAUSE WHICH THE BOARD, IN ITS REGULATIONS HAS EXCLUDED;

(24) "NON-VESTED MEMBER" MEANS AN ACTIVE OR INACTIVE MEMBER WHO DOES NOT MEET THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A RETIREMENT BENEFIT;

(25) "NORMAL RETIREMENT" MEANS RETIREMENT FOR A MEMBER WHO IS ELIGIBLE TO RECEIVE BENEFITS UNDER AS 39.35.370(A) OR UNDER 39.35.385(A) OR (F);

(26) "OCCUPATIONAL DISABILITY" MEANS A PHYSICAL OR MENTAL CONDITION WHICH, IN THE JUDGMENT OF THE ADMINISTRATOR, PRESUMABLY PERMANENTLY PREVENTS AN EMPLOYEE FROM SATISFACTORILY PERFORMING HIS USUAL DUTIES FOR HIS EMPLOYER; HOWEVER, THE PROXIMATE CAUSE OF THE CONDITION MUST BE A BODILY INJURY SUSTAINED, OR A HAZARD UNDERGONE, WHILE IN THE

AS39.35.680

DOCUMENT# 1 OF 1 PAGE = 7 OF 9  
PERFORMANCE AND WITHIN THE SCOPE OF THE EMPLOYEE'S DUTIES AND NOT THE PROXIMATE RESULT OF THE WILFUL NEGLIGENCE OF THE EMPLOYEE;

(27) "PEACE OFFICER" OR "FIREMAN" MEANS AN EMPLOYEE OCCUPYING A POSITION AS A PEACE OFFICER, CHIEF OF POLICE, CORRECTIONAL OFFICER, CORRECTIONAL SUPERINTENDENT, QUALIFIED EMPLOYEE OF THE DEPARTMENT OF FISH AND GAME, FIREMAN, OR FIRE CHIEF;

(28) "PENSION FUND" MEANS ALL ASSETS HELD IN THE NAME OF THE SYSTEM;

(29) "PERMANENT FULL-TIME" MEANS AN EMPLOYEE WHO IS OCCUPYING A PERMANENT POSITION WHICH REGULARLY REQUIRES WORKING 30 OR MORE HOURS A WEEK;

(30) "PERMANENT PART-TIME" MEANS AN EMPLOYEE WHO IS OCCUPYING A PERMANENT POSITION WHICH REGULARLY REQUIRES WORKING AT LEAST 15 HOURS BUT LESS THAN 30 HOURS A WEEK;

(31) "PRESCRIBED RATE OF INTEREST" MEANS THE RATE OF INTEREST USED FOR COMPUTING EMPLOYER CONTRIBUTIONS, FOR PREPARING ACTUARIAL TABLES USED BY THE SYSTEM AND FOR CREDITING INTEREST TO EMPLOYEE CONTRIBUTIONS AND SAVINGS ACCOUNTS, AND FOR CHARGING INTEREST ON EMPLOYEE INDEBTEDNESS ACCOUNTS;

(32) "QUALIFIED EMPLOYEE OF THE DEPARTMENT OF FISH AND GAME" MEANS A FULL-TIME EMPLOYEE OF THAT DEPARTMENT WHOSE DUTIES NECESSITATE A SIGNIFICANT AMOUNT OF FIELD WORK, TRAVEL, OR EXPOSURE TO HAZARDOUS WORKING CONDITIONS, AND WHO HOLDS A POSITION WHICH IS DESIGNATED AS COMPLYING WITH THE REQUIREMENTS OF THIS SECTION BY REGULATIONS ADOPTED BY THE

AS39.35.680

DOCUMENT# 1 OF 1 PAGE = 8 OF 9  
COMMISSIONER OF ADMINISTRATION AFTER CONSULTATION WITH THE COMMISSIONER OF FISH AND GAME, EXCEPT THAT OTHER PERSONNEL OF THAT DEPARTMENT ARE NOT EXCLUDED BY THIS PARAGRAPH FROM STATUS AS AN "EMPLOYEE" UNDER (21) OF THIS SECTION;

(33) "RETIRED MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED, WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM AND IS RECEIVING A BENEFIT OTHER THAN DISABILITY, FROM THE SYSTEM;

(34) "RETIREMENT" MEANS THAT PERIOD OF TIME FROM THE FIRST DAY OF THE MONTH FOLLOWING (A) THE DATE OF TERMINATION AND (B) APPLICATION FOR RETIREMENT, IN WHICH A PERSON IS APPOINTED TO RECEIVE A RETIREMENT BENEFIT, OTHER THAN OCCUPATIONAL OR NONOCCUPATIONAL DISABILITY BENEFIT;

(35) "SEAS WALK" REFERS TO AN EMPLOYEE WHO IS OCCUPYING A POSITION FOR LESS THAN 12 MONTHS EACH YEAR WHERE IT IS ANTICIPATED THAT THE SAME EMPLOYEE WILL RETURN TO THE POSITION WHEN NEEDED AND INCLUDES A TEMPORARY EMPLOYEE OF THE LEGISLATURE IF PART OF THE SERVICE FOR THE LEGISLATURE DURING EACH CALENDAR YEAR IS PERFORMED DURING A LEGISLATIVE SESSION.

(36) "SURVIVING SPOUSE" MEANS THE SPOUSE OF AN EMPLOYEE WHO HAS BEEN MARRIED TO THE EMPLOYEE FOR AT LEAST ONE YEAR AT THE TIME OF THE EMPLOYEE'S DEATH; THE ONE-YEAR MARRIAGE REQUIREMENT DOES NOT APPLY WHEN THE EMPLOYEE'S DEATH WAS AN OCCUPATIONAL OR ACCIDENTAL DEATH;

(37) "SYSTEM" MEANS THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF ALASKA;

(38) "VESTED MEMBER" IS AN ACTIVE MEMBER WHO MEETS THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 9 OF 9  
RETIREMENT BENEFIT;

(39) "PUBLIC ORGANIZATION" MEANS AN ORGANIZATION OR ENTITY

(A) CREATED BY THE CONSTITUTION OR LAWS OF THE STATE FOR THE PURPOSE OF ADMINISTERING STATE PROGRAMS;

(B) WHOSE OFFICERS AND EMPLOYEES ARE PAID BY A METHOD OTHER THAN BY THE STATE PAYROLL PREPARED BY THE DEPARTMENT OF ADMINISTRATION; AND

(C) WHOSE EMPLOYEES ARE NOT REQUIRED BY LAW TO PARTICIPATE IN THE SYSTEM.

HISTORY

(SEC. 3 CH 143 SLA 1960; AM SEC. 2 CH 93 SLA 1962; AM SEC. 3 CH 102 SLA 1963; AM SEC. 10 CH 155 SLA 1966; AM SEC. 14 CH 83 SLA 1967; AM SECS. 18 - 21 CH 109 SLA 1970; AM SEC. 16 CH 159 SLA 1972; AM SEC. 36 CH 1 SLA 1974; AM SEC. 110 CH 127 SLA 1974; AM SEC. 3 CH 200 SLA 1975; AM SECS. 9, 10, 15 CH 205 SLA 1975; AM SECS. 5, 6 CH 27 SLA 1976; AM SECS. 22, 23 CH 123 SLA 1976; AM SEC. 1 CH 141 SLA 1976; AM SEC. 7 CH 218 SLA 1976; AM SECS. 6, 7 CH 245 SLA 1976; AM SECS. 12, 13 CH 263 SLA 1976; AM SEC. 54 CH 128 SLA 1977; AM SEC. 3 CH 58 SLA 1979; AM SEC. 3 CH 67 SLA 1979; AM SEC. 14 CH 82 SLA 1979; AM SEC. 27 CH 12 SLA 1980; AM SECS. 47, 48 CH 13 SLA 1980; AM SECS. 36, 37 CH 146 SLA 1980; AM SECS. 68 - 73 CH 137 SLA 1982)

**CHAPTER 30.  
PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM**

## Section

## 10. Qualified fish and game employees

**2 AAC 30.010. QUALIFIED FISH AND GAME EMPLOYEES:** (a) Any person who is a permanent, full-time employee (including a seasonal employee) of the Department of Fish and Game, who fills a position which has been certified by the commissioner of fish and game and approved by the commissioner of administration as having duties which necessitate a significant amount of field work, travel, or exposure to hazardous working conditions, is a "qualified employee of the Department of Fish and Game" under AS 39.35.680(32) and will be afforded peace officer coverage in the Public Employees' Retirement System.

(b) Notwithstanding other provisions of this section, any person within the Department of Fish and Game who, before March 21, 1982, filled a position which was treated by the division of retirement and benefits as qualifying for peace officer coverage will continue to be afforded peace officer coverage after March 21, 1982 as long as the person fills that position or any other position within that department that qualifies under this section.

(c) AS 39.35.160 requires each peace officer in the system to contribute five percent of his or her compensation to the Public Employees' Retirement System. Therefore, any person who receives credit as a peace officer for service already rendered must contribute an amount equal to the difference between the contributions which have been made and the contributions that are required for peace officer coverage for the same period of service. Public Employees' Retirement System Board Regulation 81-2 sets the rate of interest to be charged on an indebtedness to the system. Therefore, interest at the rate prescribed by that regulation accrues on any unpaid contributions commencing 90 days after the date of notification of the amount of unpaid contributions.

(d) In this section

(1) "a significant amount" means at least

five percent of an individual's working time;

(2) "field work" means working outside of a permanent structure and does not include work within or in proximity to a permanent residential community;

(3) "travel" means going to and from a place of duty as a passenger or operator in a plane, bus, train, automobile, boat, or any other form of mechanized transportation; it does not include travel primarily for the purpose of going from one established city, town, village, or community to another;

(4) "exposure to hazardous working conditions" means actively engaged in fish and game conservation or protection work which involves a demonstrated high risk of serious bodily injury or death, and includes

(A) aerial surveys in small aircraft;

(B) working on vessels on the open sea;

(C) travel in small skiffs over open water or in remote locations; and

(D) conducting stream surveys or other work where contact with dangerous wild animals is likely. (Eff. 3/21/82, Reg. 81)

Authority: AS 37.05.020

AS 39.35.680(32)



Offered: 5/13/83  
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 277 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to benefits under the public em-  
7 ployees' retirement system; and providing for an  
8 effective date."

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

10 \* Section 1. AS 39.35 is amended by adding a new section to read:

11 Sec. 39.35.527. ELECTION TO TERMINATE COVERAGE AS A PEACE OFFI-  
12 CER OR FIREMAN. (a) Any active member may elect to irrevocably  
13 relinquish peace officer or fireman status with the system and to  
14 retain all credited service as if it had been acquired as a member  
15 other than a peace officer or fireman.

16 (b) In order to relinquish peace officer or fireman status with  
17 the system, a person must be an active member and must file a written  
18 request with the administrator by July 1, 1984, or within six months  
19 after employment as a peace officer or fireman, whichever occurs  
20 later. No person has more than one opportunity to exercise this  
21 option.

22 (c) As soon as possible after the relinquishment, the adminis-  
23 trator shall refund to a person who relinquishes peace officer or  
24 fireman status under this section a refund equal to the amount by  
25 which the balance of the person's accumulated mandatory contributions  
26 plus interest exceeds the balance which would exist if all service  
27 credit had been acquired as a member other than a peace officer or  
28 fireman.

29 (d) A written request to relinquish peace officer or fireman

1 status is irrevocable upon filing with the administrator.

2 \* Sec. 2. AS 39.35.680(27) is amended to read:

3 (27) "peace officer" or "fireman" means an employee occupy-  
4 ing a position as a peace officer, chief of police, correctional  
5 officer, correctional superintendent, [QUALIFIED EMPLOYEE OF THE DE-  
6 PARTMENT OF FISH AND GAME,] fireman, or fire chief;

7 \* Sec. 3. AS 39.35.680(32) is repealed.

8 \* Sec. 4. A person holding a position as a "qualified employee of the  
9 Department of Fish and Game" on June 30, 1983, continues to accrue service  
10 credit as a peace officer under AS 39.35 until

11 (1) that person's employment is terminated with the Department  
12 of Fish and Game; or

13 (2) that person elects to irrevocably relinquish peace officer  
14 status under AS 39.35.527.

15 \* Sec. 5. A person who has not elected to relinquish peace officer  
16 status under AS 39.35.527 retains all accrued credit as a peace officer for  
17 retirement purposes and accrues retirement credit if employed as a peace  
18 officer under AS 39.35.680(27) after June 30, 1983.

19 \* Sec. 6. This Act takes effect immediately in accordance with  
20 AS 01.10.070(c).

*needs to be changed to read "at the time of the effective date of this bill"*

*Added in Labor & Commerce - prevents employees hired in the summer to be "grandfathered" in the system*

May 19, 1983

Honorable Bob Mulcahy  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Mulcahy:

At the Senate Labor and Commerce meeting last Thursday, you asked that I provide statistics which would give some indication of the death rate for fish and game employees as compared to those in other departments. I believe Ken Humphreys provided occupational death statistics based on PERS records at Monday's Senate Finance Committee meeting which this letter will confirm.

The table below gives the number of occupational deaths and disabilities for state employees where benefits were paid under the Public Employees Retirement System (PERS). The period covered is from July 1, 1975 (the date peace officer coverage was first expanded) through April 30, 1983 and the information is broken out by department. The departments not listed had no occupational deaths or disabilities. Temporary employees not covered by PERS who were killed or injured on the job do not appear in this tally.

<u>DEPARTMENT</u>	<u>PERS OCCUPATIONAL DEATHS</u>	<u>PERS OCCUPATIONAL DISABILITIES</u>	<u>FY 83 AUTHORIZED PERMANENT POSITIONS</u>
Commerce	0	1	402
Fish & Game	2	0	1,806
Health & Social Services	1	0	2,284
Labor	0	2	742
Public Safety	2	6	970
Transportation	3	9	3,443
Total	<u>8</u>	<u>18</u>	<u>9,647</u>

I mentioned during my testimony that I felt hazardous duty could be addressed through hazard pay and insurance benefits. We have compiled a schedule to illustrate the benefits that would currently be payable to a PERS employee killed by accident in the line of duty. It is assumed that the employee took full advantage of such optional benefits as Supplemental Benefits (SBS) and optional life insurance. It is also assumed that the

May 19, 1983

deceased was age 30 with 10 years of PERS service, a \$35,000 annual salary and a 30 year old spouse. The benefits shown are lump sum unless otherwise indicated.

SBS life insurance	\$ 48,000
SBS accidental death	100,000
Basic life insurance	2,000
Basic accidental death	5,000
Optional life insurance	35,000
Workers Compensation	164,200 *
PERS	<u>191,000 **</u>
Total	\$575,200 ***

\* This figure represents the present value of the 10 year continuing benefit to the spouse.

\*\* This figure represents the present value of a benefit continuing for the expected life of the spouse. The initial death benefit is the same (40%) for an employee under peace officer coverage as one under standard PERS coverage. Some differences do exist however in converting to a retirement type benefit. In this particular case, the standard PERS benefit shown has a total present value about \$5,000 higher than a peace officer's benefit would be. In other situations where the employee is closer to retirement, this situation is reversed.

\*\*\* Depending on the circumstances, the employee might be eligible for an additional \$75,000 of death benefits under travel/accident coverage administered by the Division of Risk Management.

I believe this package provides an extraordinary level of protection for employees who take advantage of it.

I would like to again express the Sheffield Administration's support for CSSSSB 277. We do feel it could be improved if it also removed peace officer coverage for personnel in the Division of Corrections. This would at least limit that coverage to the group originally included.

Please let me know if you would like further information.

Sincerely yours,

Lisa Rudd  
Commissioner

LR/sd

cc: Members of Senate L&C Committee  
Eleanor Andrews  
Ken Humphreys

SB 277 TITLE & SPONSOR SUMMARY 16:22 6/04/84 PAGE 1 OF 3

ABREVED TITLE: CSSSSB 277(L&C)AM  
AN ACT RELATING TO BENEFITS UNDER THE PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE  
PRIME SPONSOR: KERTTULA.

CO-SPONSORS:  
CURRENT STATUS: 6/22/83 CHAPTER 0027 SLA 83

SB 277 SENATE ACTION 16:22 6/04/84 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/30/83	01	0855	FIRST READING -- COMMITTEE REPORTS
05/13/83	02	0976	L&C -- CS02, NR02
05/13/83	03	0976	L&C F/NOTE SEN SUPPL #28
05/17/83	04	1001	FIN -- L&C CS03, NR03
05/17/83	05	1001	FIN F/NOTE SEN SUPPL #29
05/17/83	06	1001	FIN LETTER OF INTENT
05/23/83	07	1083	RLS -- L&C CS(AM)04, OTHER04 TAKEN UP IMMEDIATELY
05/23/83	08	1084	SECOND READING
05/23/83	09	1084	L&C CS ADOPTED BY UNAN CONSENT
05/23/83	10	1084	AM01 ADOPTED BY UNAN CONSENT
05/23/83	11	1084	ADVANCED TO 3RD READING BY UNAN CONSENT
05/23/83	12	1085	THIRD READING
05/23/83	13	1085	SEN LETTER OF INTENT ADOPTED
05/23/83	14	1085	PASSED BY DIV 18-01-01
05/23/83	15	1085	EFFECTIVE DATE VOTE SAME AS PASSAGE
06/15/83	26	1330	TRANSMITTED TO GOVERNOR
06/22/83	27	1455	SIGNED BY GOVERNOR-CH0027. EFF 06/23/83

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

SB 277 HOUSE ACTION 16:22 6/04/84 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/24/83	16	1503	FIRST READING -- COMMITTEE REPORTS
06/01/83	17	1626	FIN -- DF04, DNPO2, NR03, OTHER01
06/11/83	18	1676	SECOND READING
06/11/83	19	1676	ADVANCED TO 3RD READING BY UNAN CONSENT
06/11/83	20	1676	THIRD READING
06/11/83	21	1676	PASSED BY DIV 25-11-04
06/11/83	22	1677	EFFECTIVE DATE PASSED BY DIV 36-00-04
06/11/83	23	1677	LETTER OF INTENT ADOPTED
06/11/83	24	1678	NOTICE OF RECONSIDERATION GIVEN
06/13/83	25	1700	RECONSIDERATION NOT TAKEN UP

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

# COMMITTEE REPORT

## SENATE

4/25/83

FURTHER: Finance

Date: 5/12/83

Mr. President:

The Committee on Labor & Commerce has had SS SA 277

*Relating to benefits under the public employees' retirement system; and eff. date.*

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SS SA 277(L+U)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 CHAIRMAN



# Summary of F+G Employees

- # of F+G employees 1827
- # of F+G employees with peace officers coverage 1500
- # of F+G employees with peace officers coverage between 7/1/76 - 3/21/82 750 ✓ 700
- # of requests for peace officer coverage after 3/21/82 (includes most of positions already covered) 1400 ✓
- # positions denied 1

## Comparison of Contribution Costs (FY84)

	All Other Category	Peace Officer
Employee	4.25%	5%
State	13.81%	19.98%

Saving Differential - \$55,300 - FY84  
(if F+G were not in peace officer's coverage)

## Comparison of Death Benefits

Prior to 7/1/76 (before F+G employees had peace officer coverage)

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

*Bill Sheffield, Governor*

(907) 465-4460

May 18, 1983

Honorable John Sackett  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Sackett:

Following last Thursday's meeting of the Senate Labor and Commerce Committee I learned that the Department of Fish and Game had provided information relating to the percentage of hazardous duty of their employees under the regulation (2 AAC 30.011). In response to your question at the hearing, we have used that information to construct the table below illustrating the number of fish and game positions that would qualify under the regulation at various percentage standards.

Percent of Time in Qualified Duties	Number of Fish & Game Employees Who Would Currently Qualify at a given Percent
5%	1392
10%	909
15%	653
20%	578
25%	491
30%	423
35%	399
40%	344
45%	332
50%	258
60%	240
70%	200
80%	150
90%	120
100%	0

Prior to promulgation of the regulation, about 750 positions in the Department of Fish and Game were qualified under the statute. It was then this department's position that the new regulation should not operate to disqualify any substantial number of those 750 positions already qualified (when vacated) and that the regulation should address the concerns raised

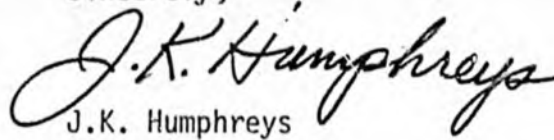
Senator Sackett  
May 18, 1983  
Page 2

by APEA and fish and game employees at the time the regulation was published. In the light of present information it appears that a standard nearer ten percent, qualifying say around 1000 employees, would have better accomplished those objectives.

The division continues to feel that the degree of hazard is not an appropriate standard for determining eligibility for peace officer retirement coverage because the operation of any standard based on hazardousness of duty will lead to further pressure to expand the class of covered employees. This administration's objectives in this regard are well expressed by CSSB 277.

Please let me know if you would like further information.

Sincerely,

  
J.K. Humphreys  
Director

JKH/sf

cc: Members of the Senate Labor and Commerce Committee  
Commissioner Lisa Rudd  
Eleanor Andrews

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

*Bill Sheffield, Governor*

(907) 465-4460

May 6, 1983

Honorable Richard I. Eliason  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Eliason:

This letter is in follow-up to our telephone conversation of April 28, 1983, to provide estimates of the amount of money the State would save if current vacant positions in the "peace officer" category were filled with employees covered in the "all other" retirement category instead.

As I mentioned on the phone, we received a report from the Division of Personnel which indicated that there were 774 current vacancies with "peace officer" coverage in the Department of Fish and Game and the Division of Corrections. We estimated the average salary of these vacant positions at \$1966 per month. In estimating what the actual cost savings would be, we have used three different figures for the number of vacant positions. The first figure, 774, is the high estimate and includes approximately 450 seasonal positions in the Department of Fish and Game with employees on seasonal layoff status who are eligible to be reactivated. The low estimate of 324 represents true vacancies and does not include any positions with an incumbent on seasonal layoff. The most likely estimate of 414 is the 324 true vacancies plus our best estimate (20%) of the seasonal layoff employees who will not return. The cost savings are estimated separately for FY 83 and FY 84 using the difference between the State "all other" employer contribution rate and the "peace officer/fireman" contribution rate.

Senator Eliason  
May 6, 1983  
Page 2

	<u>Number of Vacancies</u>	<u>FY 83 Monthly Cost Savings In Thousands Using a 9.65% Differential</u>	<u>FY 84 Monthly Cost Savings In Thousands Using a 6.8% Differential</u>
High Estimate	774	\$146.8	\$103.5
Most Likely Estimate	414	\$ 78.5	\$ 55.3
Low Estimate	324	\$ 61.5	\$ 43.3

Each case above contains 16 vacancies in the Division of Corrections. If these were excluded, it would reduce the estimated monthly savings by about \$3,000 in FY 83 and \$2,000 in FY 84.

If I can provide any further information, please contact me.

Sincerely,



J.K. Humphreys  
Director

JKH/sd  
cc: Larry Crawford  
Eleanor Andrews

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

Bill Sheffield, Governor

907 (455-4462)

March 21, 1983

Honorable Richard I. Eliason  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

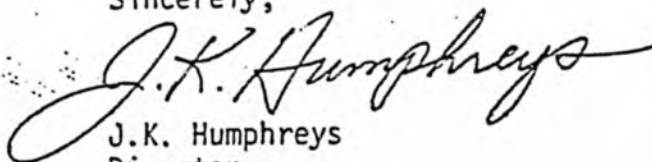
Dear Senator Eliason:

This is in response to your conversation of March 14, 1983 with John Logan, Deputy Director of the Division of Retirement and Benefits, in which you asked for specific information regarding peace officer coverage in the Public Employees' Retirement System (PERS) for Department of Fish and Game Employees.

1. How many positions are in the Department of Fish and Game? 1827.
2. How many positions in the Department of Fish and Game have peace officers coverage in PERS? Approximately 1500.
3. How many positions in the Department of Fish and Game had peace officer coverage prior to the promulgation of 2 AAC 30.010, Qualified Fish and Game Employees? Approximately 750.
4. Since March 21, 1982, the effective date of the regulation, how many requests for peace officer coverage under the regulation have been received from the Department of Fish and Game? The Department of Fish and Game have sent six memorandums requesting that peace officer coverage be granted to approximately 1400 positions. This figure includes most of the positions that already had peace officer coverage.
5. Since the effective date of the regulation, how many positions have been denied the coverage? One.

If you have additional questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "J.K. Humphreys". The signature is written in dark ink and is positioned above the typed name and title.

J.K. Humphreys  
Director

JKH/sd

cc: Eleanor Andrews

PEACE OFFICER AND FIREMAN

Benefits Payable Under Pre-July 1, 1976 Law

1. Benefits payable if member was hired prior to 7/1/76 and surviving spouse elects pre-7/1/76 coverage.
2. The Base Benefit is equal to monthly compensation of the deceased member at the time of death.
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the monthly base benefit, whichever is greater.
5. If surviving spouse remarries or dies, benefit is paid to eligible dependent children.
6. The benefit changes to normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years credited service or age 55.
7. The survivor's benefit is offset by any Workers' Compensation benefits which are payable to the survivors and attributable to the employer.

ALL OTHER CATEGORY

1. Benefits payable if member was hired prior to 7/1/76 and surviving spouse elects pre-7/1/76 coverage.
2. The Base Benefit is equal to a 75% Joint and Survivor Benefit, based on the credited service that the member would have accrued through age 60, (age 55 if hired on or after 7/1/75).
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the monthly base benefit, whichever is greater.
5. If surviving spouse remarries or dies, benefit is paid to eligible dependent children.
6. The benefit changes to normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years credited service or age 60 (55 if hired on or after 7/1/75).
7. The survivor's benefit is offset by any Workers' Compensation benefits which are payable to the survivors and attributable to the employer.

PEACE OFFICER, FIREMAN & ALL OTHER CATEGORY

Benefits Payable Under Post-July 1, 1976 Law

1. To be eligible, the surviving spouse must be named as the sole primary beneficiary.
2. Base Benefit is equal to 40% of monthly compensation at the time of death.
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the base benefit, whichever is greater.
5. The surviving spouse may remarry and still continue to receive benefits.
6. If the surviving spouse dies, the benefit is paid to eligible dependent children.
7. The survivor's benefit changes to a normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years or age 55.
8. The survivor's benefit is not offset by Workers' Compensation benefits.
9. If there is no surviving spouse, benefits as listed in numbers 2, 4 and 7 would be payable to the dependent children.
10. If there is no dependent children, or if the member named someone other than the surviving spouse or dependent children to receive benefits, then a lump sum death benefit is payable, which is:


Refund of Contributions & Interest  
Refund of Indebtedness Principle & Interest, if any  
Lump Sum benefit of \$1,000.00  
\$100 X total years of credited service



Alaska Public  
Employees Association **APEA**

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

TO: Senator Eliason, Chairman  
Labor and Commerce Committee

FROM: Cherie Shelley   
Executive Director

SUBJECT: SSSB 277

DATE: May 10, 1983

The Alaska Public Employees Association opposes the provision of SSSB 277 which would remove qualified employees of the Department of Fish and Game from eligibility in the peace officers retirement system. As a group, these employees have one of the highest on-the-job fatality counts of any group of employees currently covered by the system.

The Division of Retirement and Benefits has the authority to establish eligibility guidelines for Fish and Game employees. If the current guidelines are viewed as too liberal, the Division of Retirement can propose changes to conform to the legislative intent of the law.

The elimination of the peace officer retirement system option from all Fish and Game employees is not warranted. The duties associated with many of these positions involve a substantial degree of risk under hazardous conditions.

This provision of the retirement code was intended to acknowledge those occupations which involve hazardous conditions and life-threatening situations. The stressful nature and physical demands of these positions limit the length of service which can reasonably be expected from an employee.

Participation in the peace officers retirement system is a well deserved acknowledgement for a job well done.

CS/rb

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 30, 1983

SUBJECT: Retirement  
(SB 277)

TO: Senator Richard I. Eliason  
Chairman, Senate Labor and  
Commerce Committee

FROM: Billy G. Berrier *BGB*  
Director  
Division of Legal Services

You have asked whether in our opinion SB 277 poses constitutional questions. In my opinion it does not.

The effect of the bill is to narrow coverage of the special peace officer and fireman provisions of the Public Employees Retirement System (AS 39.25) for persons employed after the effective date of the Act and to allow persons who are eligible for those benefits to termination at their election.

These special provisions offer additional benefits and require higher contributions.

Section 7 of Article XII of the Constitution of the State of Alaska Provides:

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

This contractual right arises however only on employment (State ex rel Hammond v. Allen, 625 P.2d 844 (Alaska 1981); and Hammond v. Hoffbeck, 627 P.2d 1052 (Alaska 1981)).

Hammond v. Hoffbeck involved amendments to the peace officer and fireman provision of PERS which the peach officers alleged were unconstitutional. In that case the Court held:

April 30, 1983

We therefore hold that benefits under PERS are in the nature of deferred compensation and that the right to such benefits vests immediately upon an employee's enrollment in that system.

and went on to elaborate holding:

These principles require division of all public safety employees into three distinct groups: those who were employed before the effective date of the legislation in issue here and whose rights to benefits were diminished by the changes made; those who were employed before that date but who elect to be covered by the new legislation; and those who began their employment only after this legislation became effective. It is clear that the changes made in PERS did not unconstitutionally diminish any vested rights of the members of the third group; as appellants point out, repeal of the old provisions made it impossible for the rights of employees hired on or after July 1, 1976, to vest under those provisions. As to the third group, then, the changes made in PERS are not violative of Art. XII, sec. 7. We therefore reverse the superior court insofar as it held that the 1976 amendments were prospectively invalid. We also hold that, as to the second group -- which includes those public safety employees enrolled before July 1, 1976, who wish to be covered by the new legislation -- the 1976 amendments were valid. Our interpretation, then, renders the 1976 amendments considered here constitutional except as to public safety employees hired before July 1, 1976, who opt to receive benefits under the system in effect at the time they were hired.

SB 277 has provisions for continuing in the system of all employees who were eligible on the effective date of the Act. It therefore only affects people hired after the effective date of the Act (the third category in the Court's analysis) and those who elect to change coverage (the second category).

In my opinion under the case law no constitutional question arises since there is no effect on vested rights.

BGB:ljb  
17/011

# 20-year rule may be on way out

## Fish and Game employees may lose early state retirement plan

By DEBBIE REINWAND ROSE  
Empire Staff Reporter

It's an ideal retirement program. A qualified Department of Fish and Game employee works for 20 years, retires and receives a hefty state retirement check each month.

If this retirement plan sounds too good to be true, don't be surprised. It may be just that. If lawmakers and the Sheffield administration push through proposed changes to limit the program.

In a letter to Administration Commissioner Lisa Rudd, Sen. Don Bennett, R-Fairbanks, laid out the concerns of a Finance subcommittee regarding the cost of this program.

The legislative intent of the plan, commonly known as "20 years-and-out," was to cover peace officers who find themselves in "hazardous conditions" daily.

It was also intended that a "limited number" of Fish and Game employees, who face hazardous conditions, be included in the plan, Bennett said.

Currently, about 70 percent of the 800 full-time Fish and Game employees and another 800 seasonal employees are in the 20 years-and-out system because of regulations put together by the Department of Administration approximately a year ago.

To qualify for the peace officer benefits plan, which Bennett said now covers "virtually every non-clerical employee" in the

department, a person must perform a "significant amount of field work, travel or exposure to hazardous working conditions."

However, the regulations define a "significant amount" as 5 percent or more of the employees time — a definition some lawmakers have termed "a joke."

Hazardous working conditions are further defined as aerial surveys in small aircraft, working on vessels on the open sea, travel in small skiffs over open water and conducting stream surveys "or other work where contact with dangerous wild animals is likely."

"If the last three conditions of the regulation were applied to Alaskans who engage in subsistence activities, or who hold hunting and fishing licenses, virtually all would be eligible for coverage in the peace officers retirement system," Bennett said.

Bennett contends the program cost to

the state in the long term could be "astronomical."

Commissioner Rudd agrees with Bennett.

"The program has gotten far out of hand," she said. "We hope to seek legislation to limit membership in the retirement plan."

The Alaska Public Employees Association is in staunch opposition to tightening the regulations, said Executive Director Cherie Shelley. The program, which covers employees beginning at Range 9, does so "rightfully," she said.

"A Range 9 can die just like a Range 10 while working," Shelley said. "If all departments choose to have people flying over streams taking salmon counts, then those people should be covered. If they don't choose to do that, then they don't have to be covered."

Despite a downswing in state revenues,

Continued on Page 2

### 20 years...

Continued from Page 1

Shelley said APFA would lobby against changing the program and in fact will push

legislation to add more employees to the peace officer retirement plan.

"We have legislation pending to include probation officers and park rangers," she said.

The way the retirement figure is

reached, according to ADFG Director Administration Bev Reaume, is by averaging an employee's salary for the last three years of work, taking 2½ percent of that average, then multiplying that by the number of years employed.

Juneau Empire 3/22/83

# Retirement: Hazards key to changes

By DEBBIE REINWAND ROSE  
Empire Staff Reporter

Attempts by the administration and Legislature to streamline the Fish and Game Department employee retirement program will focus on how workers encountering hazards will be handled, state officials said today.

Officials would like to address the question of hazardous conditions "through hazard pay at the bargaining table," said Ken Humphries, director of the Division of Retirement and Benefits.

"Looking at the amount of time an employee spends in "hazardous conditions"

Continued on Page 2

## Retirement...

Continued from Page 1

is not really a valid criteria for evaluating death or disability provisions," Humphries said. "The death benefits are the same as the regular system."

Officials hope to meet with Fish and Game employees and members of the Alaska Public Employees Association this month to work out a compromise aimed at scaling down the Fish and Game retirement plan.

"The program we have looks good, and I'm sure most state employees would like to be in it," but unless checked, the "20-years and out" plan could end up as a

millstone around the state's neck, said Humphries.

Regulations put together one year ago opened up the 20-years and out plan, which was originally intended for peace officers who are placed in dangerous situations nearly every day.

Currently, nearly 1,400 Fish and Game full-time and season employees qualify for retirement after 20 years under the peace officer retirement plan. The normal retirement age for state employees is 55.

What state officials fear because of the broad eligibility requirements are employees who join the department out of college at age 21, work for 20 years, retire at age 41 and receive full benefits for a

number of years while pursuing another career.

"This Cadillac type of system could get out of control. We have to stop it from spreading," Humphries said. "The state has an ample retirement program for all employees. ... As long as the state's ability to pay these retirement benefits is there the system can stay healthy. If not, these such programs become a burden on the state, which is indirectly passed on to the taxpayers through budget cuts."

As it now stands, any Fish and Game employee who spends 5 percent or more of the time in "hazardous working conditions" can qualify for peace officer benefits.

Juneau Empire 3/23/83

# Alaska State Legislature

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Vic Fischer  
Senator Fahrenkamp



Pouch V  
State Capital  
Juneau, Alaska 99811  
Phone: (907) 465-3114

## SENATE ADVISORY COUNCIL

### M E M O R A N D U M

To: Pete Jeans THRU: David Rogers  
From: Katherine Brown  
Date: March 15, 1983  
Subj: Research request

Today I received, through David Rogers, a research request from Senator Eliason regarding peace officer coverage under PERS, of Dept. of Fish and Game employees who are exposed to hazardous working conditions.

2 AAC 30.010 defines "qualified employees" as those ". . . certified by the Commissioner of Fish and Game and approved by the Commissioner of Administration as having duties which necessitate a significant amount of field work, travel, or exposure to hazardous working conditions." (Emphasis added)

Subsection (d)(1) of this section defines "a significant amount" as involving ". . . at least five percent of an individual's working time." "Field work," "travel," and "exposure to hazardous working conditions," are defined in this section rather extensively.

Senator Eliason is concerned that the departments' interpretation of the enabling legislation is far too liberal, including more employees than was intended by the authors of the legislation. He has requested that we locate the original bill and research the legislative intent.

I will contact Billy Berrier to see if he can help me locate the original legislation and then research legislative intent by reviewing committee tapes on file at the state library.

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Vic Fischer  
Senator Fahrenkamp



Pouch V  
State Capital  
Juneau, Alaska 99811  
Phone: (907)465-3114

SENATE ADVISORY COUNCIL

M E M O R A N D U M

To: Pete Jeans, Director  
Senate Advisory Council

THRU: David Rogers

From: Katherine Brown

Date: March 21, 1983

Subj: Research request from Senator Eliason regarding  
peace officer coverage through PERS for DF&G  
employees.

Prior to 1976, only Fish and Game field biologists and technicians were afforded peace officer coverage under PERS.

The amendment which extended coverage to "qualified employees of the Department of Fish and Game" (as reflected in present statute) was the result of a Rules Committee Substitute to Senate Bill 222 which passed the House May 29, 1976, was approved by the Senate on May 31, and became law on July 1, 1976 without the Governor's signature.

There is no intent language regarding Fish and Game employees in the journal or committee records. However, in Finance Committee discussion of inclusion of other employees in the bill, it was decided to leave the language "unrestricted" because eligibility limitations would have also restricted all other employee classifications unless this was undertaken separately by section.

222 covered 1984...  
1984 covered...  
1985 covered...

Bill Fact Sheet

Date Received 4/30/83

Bill Number SB277 Title Retirement - same as HB 394

Fiscal Note - Date Requested \_\_\_\_\_ Date Received \_\_\_\_\_

- Of Whom \_\_\_\_\_

Dept. Position Paper - Date Requested \_\_\_\_\_ Date Received \_\_\_\_\_

- Of Whom \_\_\_\_\_

Resource People

Initial Hearing - Date 5/12 2:00  
People Contacted

Kerttula - 5/9

APEA - 6-2334 - 5/9

F+G - Paddy McGuire - 4100 - 5/9

Follow-up Hearing - Date \_\_\_\_\_

Final Action passed out 5/12/83 Date \_\_\_\_\_

2201

BR

S



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Community & Regional Affairs	Sponsor (Principal) Senate Finance Committee	Bill Number SB 281
Department Position  Oppose		
Division Director Karen Perdue, Leg. Liaison	Date	Commissioner's Signature <i>Karen Perdue for Comm. Lewis</i> Date 5/3/83

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill Dept. of Commerce, University of Alaska
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill
3. Program Effects of Bill  See attached	
4. Fiscal Impact: <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/> Fiscal Note Attached	
5. Amendments Proposed:	
6. Comments:  See attached	

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

May 3, 1983

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

225 CORDOVA STREET - BLDG B  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 264-2294

### POSITION PAPER

RE: SB 281

SPONSOR: Senate Finance Committee

#### PROGRAM EFFECTS:

This bill would transfer general powers for energy development and conservation functions from the Department of Commerce to the Department of Community and Regional Affairs. The energy audit/grant program would be repealed. Energy planning functions and conservation loans would remain in Commerce. The legislation would allow for the delegation of energy functions to other state agencies including the Alaska Power Authority and the University of Alaska.

#### COMMENTS:

The Department has reservations over the transfer of energy functions to DCRA. Should the transfer take place, the Department has several concerns:

- 1) That adequate funding and personnel be provided to comply with legislative statute and intent;
- 2) That programs, to the maximum extent possible, be administered through regional offices and/or through communities in keeping with the mission and philosophy of the Department;
- 3) That the legislation, intent and funds provide for the most orderly transition possible, so as to not endanger the effectiveness of state or federal programs.

The Department is now in the process of analyzing the effect of the legislative amendments, intent and legislation and contrasting it with the current operations in the Department of Commerce to obtain a clearer view of what will be accomplished during FY 84.

*Karen Perdue for Comm. Lewis*  
Mark Lewis, Commissioner

STATE OF ALASKA  
FISCAL NOTE

Revision Date , 1983

I. **REQUEST**  
Bill/Resolution No.: SB 281  
Title: Energy Development & Conserv.  
Sponsor: The Finance Committee  
Requestor: \_\_\_\_\_

II. **FISCAL DETAIL** Department of  
Agency Affected: Community & Reg Affai  
Program Category Affected: Development  
BRU, Program of Subprogram(s) Affected:  
Local Government Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		637.2	675.4	715.9	758.9	804.4
200 TRAVEL		22.7	24.1	25.5	27.0	28.6
300 CONTRACTUAL		2,819.9	2,989.1	3,168.4	3,358.5	3,560.0
400 COMMODITIES		12.7	13.5	14.3	15.2	16.1
500 EQUIPMENT		2.3	2.4	2.5	2.6	2.7
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		3,494.8	3,704.5	3,926.6	4,162.2	4,411.8
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		2,689.3	2,850.7	3,021.7	3,203.0	3,395.2
FEDERAL FUNDS		236.0	250.1	265.0	280.9	297.7
OTHER (Specify Source) CIP		569.5	603.7	639.9	678.3	718.9

POSITIONS:

FULL-TIME		17.0	17.0	17.0	17.0	17.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funding for this program was originally identified in the Department of Commerce and Economic Development, Division of Energy and Power Development.

IV. **ANALYSIS:** Attach a separate page for any Analysis

Prepared By: Nancy J Slagle Phone: 465-4708  
 Division: ADMIN SVCS Date: 5/13/83  
 Approved by Commissioner: Karen Pedersen for Frank Lewis Date: 5/13/83  
 Department: Dept of Community and Regional Affairs

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)

#### IV. Analysis

A. This fiscal note is prepared based on the assumption that the Department of Community and Regional Affairs will assume responsibility for the weatherization grant programs, energy information dissemination and continuation of capital projects currently being administered by the Division of Energy and Power Development. It is the Department's understanding that any portion of these functions may be contracted to other state departments and agencies, such as the Alaska Power Authority of the University of Alaska. Due to the fact that there may be federal funds available that the Department is not cognizant of, it may be necessary to request authority to receive additional funds and to create positions with relation to those funds during FY84.

Weatherization and Energy Conservation

Pers. Serv.	207.4
Travel	12.0
Contractual	2702.9
Commodities	1.5
Equipment	1.5
	<u>2925.3</u>

Explanation:

pers. serv.: salaries and benefits

1 Deputy Director	61.0
1 Energy Specialist II	45.8
1 Acctng Tech I	31.2
1 Grants Admin	44.2
1 Clerk Typist III	25.2

travel: allows for professional level staff to travel to regional hubs

contractual: estimated costs for rent, telephone, copier, etc. 25.0; funds for weatherization contracts 2677.9

commodities: misc. necessary office supplies

equipment: basic office equipment

CIP Direct Charge Positions

Pers. Serv.	258.0
Travel	10.7
Contractual	56.4
Commodities	4.7
Equipment	0.5
	<u>330.3</u>

CIP Overhead Positions

Pers. Serv.	171.8
Contractual	60.6
Commodities	6.5
Equipment	.3
	<u>239.2</u>

Explanation:

The CIP positions and associated costs are for existing, previously-funded capital projects, specifically the institutional building program, the federal weatherization program, and 14 demonstration projects. The federally-funded positions will continue as long as the federal funds last. The state-funded positions will terminate with the projects at the end of FY 84.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Community & Regional Affairs	Sponsor (Principal) Senate Finance Committee	Bill Number SB 281
Department Position  Oppose		
Division Director Karen Perdue, Leg. Liaison	Date	Commissioner's Signature <i>Karen Perdue for Comm. Lewis</i>
		Date 5/3/83

GOVERNOR'S OFFICE USE

Comments:

Position Noted      By \_\_\_\_\_      Date \_\_\_\_\_

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill Dept. of Commerce, University of Alaska
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill
3. Program Effects of Bill  See attached	
4. Fiscal Impact: <input checked="" type="checkbox"/> Nona <input checked="" type="checkbox"/> Fiscal Note Attached	
5. Amendments Proposed:	
6. Comments:  See attached	

# STATE OF ALASKA

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

May 3, 1983

### POSITION PAPER

RE: SB 281

SPONSOR: Senate Finance Committee

#### PROGRAM EFFECTS:

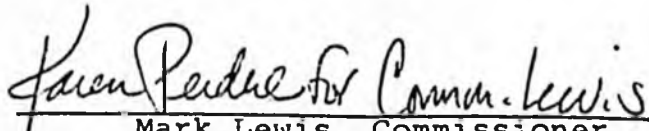
This bill would transfer general powers for energy development and conservation functions from the Department of Commerce to the Department of Community and Regional Affairs. The energy audit/grant program would be repealed. Energy planning functions and conservation loans would remain in Commerce. The legislation would allow for the delegation of energy functions to other state agencies including the Alaska Power Authority and the University of Alaska.

#### COMMENTS:

The Department has reservations over the transfer of energy functions to DCRA. Should the transfer take place, the Department has several concerns:

- 1) That adequate funding and personnel be provided to comply with legislative statute and intent;
- 2) That programs, to the maximum extent possible, be administered through regional offices and/or through communities in keeping with the mission and philosophy of the Department;
- 3) That the legislation, intent and funds provide for the most orderly transition possible, so as to not endanger the effectiveness of state or federal programs.

The Department is now in the process of analyzing the effect of the legislative amendments, intent and legislation and contrasting it with the current operations in the Department of Commerce to obtain a clearer view of what will be accomplished during FY 84.

  
Mark Lewis, Commissioner

BILL SHEFFIELD, GOVERNOR

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

225 CORDOVA STREET - BLDG B  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 264-2294

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 281  
Title: Energy Development & Conserv.  
Sponsor: The Finance Committee  
Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Department of  
Agency Affected: Community & Reg Affai  
Program Category Affected: Development  
BRU, Program of Subprogram(s) Affected:  
Local Government Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		637.2	675.4	715.9	758.9	804.4
200 TRAVEL		22.7	24.1	25.5	27.0	28.6
300 CONTRACTUAL		2,819.9	2,989.1	3,168.4	3,358.5	3,560.0
400 COMMODITIES		12.7	13.5	14.3	15.2	16.1
500 EQUIPMENT		2.3	2.4	2.5	2.6	2.7
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		3,494.8	3,704.5	3,926.6	4,162.2	4,411.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	2,689.3	2,850.7	3,021.7	3,203.0	3,395.2
FEDERAL FUNDS	236.0	250.1	265.0	280.9	297.7
OTHER (Specify Source) CIP	569.5	603.7	639.3	678.3	718.9

POSITIONS:

FULL-TIME	17.0	17.0	17.0	17.0	17.0
PART-TIME					
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funding for this program was originally identified in the Department of Commerce and Economic Development, Division of Energy and Power Development.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Nancy J. Sloger Phone: 465-4702  
Division: ADMIN SVCS Date: 5/3/83  
Approved by Commissioner: Karen Pedersen for Mark Lewis Date: 5/3/83  
Department: Dept of Community and Regional Affairs

Distribution:

Original to Legislative Finance  
Copy to Office of Management and Budget (for Legislature introduced bills)  
Copy to Department (for Governor introduced bills)  
Copy to Sponsor  
Copy to Requestor (if different from Sponsor)

#### IV. Analysis

A. This fiscal note is prepared based on the assumption that the Department of Community and Regional Affairs will assume responsibility for the weatherization grant programs, energy information dissemination and continuation of capital projects currently being administered by the Division of Energy and Power Development. It is the Department's understanding that any portion of these functions may be contracted to other state departments and agencies, such as the Alaska Power Authority or the University of Alaska. Due to the fact that there may be federal funds available that the Department is not cognizant of, it may be necessary to request authority to receive additional funds and to create positions with relation to those funds during FY84.

Weatherization and Energy Conservation

Pers. Serv.	207.4
Travel	12.0
Contractual	2702.9
Commodities	1.5
Equipment	1.5
	<u>2925.3</u>

Explanation:

pers. serv.: salaries and benefits

1 Deputy Director	61.0
1 Energy Specialist II	45.8
1 Acctng Tech I	31.2
1 Grants Admin	44.2
1 Clerk Typist III	25.2

travel: allows for professional level staff to travel to regional hubs

contractual: estimated costs for rent, telephone, copier, etc. 25.0; funds for weatherization contracts 2677.9

commodities: misc. necessary office supplies

equipment: basic office equipment

CIP Direct Charge Positions

Pers. Serv.	258.0
Travel	10.7
Contractual	56.4
Commodities	4.7
Equipment	0.5
	<u>330.3</u>

CIP Overhead Positions

Pers. Serv.	171.8
Contractual	60.6
Commodities	6.5
Equipment	.3
	<u>239.2</u>

Explanation:

The CIP positions and associated costs are for existing, previously-funded capital projects, specifically the institutional building program, the federal weatherization program, and 14 demonstration projects. The federally-funded positions will continue as long as the federal funds last. The state-funded positions will terminate with the projects at the end of FY 84.