

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

2951 HSA HB 176 - HB 193 2951

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB176 Date on Bill: 02/08/83
 Title: An act relating to employment preference rights for veterans
 Sponsor: Lacher, Lindauer, and Furnace by request
 Requestor: House State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		105.2	18.6	18.6
Total		105.2	18.6	18.6

b. Revenues:

Revenue

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:
1. Effective date of July 1, 1983.
 2. No inflation for FY 85, FY 86.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Frank Ruge Phone: x4430
 Division: Director of Administration Date: 3/7/83
 Approved by Commissioner: Lisa Rudd Date: 3/10/83
 Department: Administration

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
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2/8/83

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
(907) 376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4894

House of Representatives

TO: Representative Mitch Abood
Chair of the House State Affairs Committee

FROM: Representative Barbara Lacher *B*
Chair of the House Community and Regional Affairs Committee

DATE: April 4, 1983

RE: House Bill 176 "An Act relating to employment preference rights for Veterans."

The purpose of this legislation is to clarify the intent of Alaska Statutes pertaining to veterans preference for employment with State Agencies.

Present law provides that an additional 5 points be added to a Veterans Merit System Examination only the first time the Veteran obtains employment in the classified service. This wording has been interpreted to exclude the additional point award on second or subsequent jobs in the classified service, even if the points were not requested or awarded on the first employment examination.

The change in wording in House Bill 176 retains the provision that the additional points can only be added once, but does not specify that it must be the first time the Veteran obtains a position in the classified service.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION DIVISION OF PERSONNEL

~~XXXXXXXXXXXXXXXXXXXX~~
Bill Sheffield, Governor

3341 FAIRBANKS ST.
ANCHORAGE, ALASKA 99503
PHONE: (907) 279-6441

January 20, 1983

Mr. Wayne J. Pinguoch
Box 315
Wasilla, Alaska 99687

Dear Mr. Pinguoch:

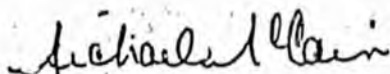
Your name has been on State of Alaska eligible lists with Veteran's Preference Points.

Recent legislative changes to the State Personnel Act have affected the criteria for awarding Veteran's Preference Points. Effective July 1, 1982, the law has been changed to allow points only for first time entry into the classified service. Once an individual is hired into a permanent/probationary position s/he loses all future rights to veteran's points.

Review of your current application indicates you have been previously employed by the State of Alaska. Therefore, in compliance with the law, I have removed your Veterans' Preference Points from all lists on which your name appears.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Michael McCain
Personnel Technician

MM:aj

cc: Certifications

January 25, 1983

Mr. Michael McCain
Personnel Technician
3741 Fairbanks St.
Anchorage, Alaska 99503

Dear Mr. McCain

I received your letter interpreting the law concerning my veteran's points. It is my belief that I still have the option of using those points because I have never received that benefit in any initial entry into the system. Checking my records will prove that.

You notified me of the fact that you have already deleted these points from all lists containing my name and I thank you for that notification at this time because it is important to me now that a new governor is endeavoring to rebuild the crumbling correctional system. I have applied for several positions because I feel that those new steps are in the right direction and that I could again receive satisfaction in being able to do a good job.

I am sending a copy of this correspondence to the Director of Corrections and to a legislator to seek a definition concerning the application of this law to my situation.

Had I utilized those points for entry into the classified service, you would be correct; however I do not believe that I have ever used those benefits given to me for serving my country.

Sincerely

Wayne Pinguoch
Wayne Pinguoch
Box 315
Wasilla, Alaska 99687

c.c. Roger Endell Director of Corrections
Barbara Lacher Legislator



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 1, 1983

Mr. Wayne J. Pinguoch
Box 315
Wasilla, Alaska 99687

Dear Wayne:

Unfortunately, the state personnel law was changed, as had been explained to you in the letter you received from Michael McCain of the Division of Personnel. The language of this new law reads: "...but the additional (veteran's preference) points may be used only the first time the veteran obtains a position in classified service..."

Since you have held a classified position previously, by law, you lose the right to ever use your veteran's preference again.

The situation you presently find yourself in is very unfair, and I will be having a bill drafted that change the language so that a veteran's preference may be used once, but not necessarily the first time a veteran obtains a classified position. This would ensure the veteran's right to use the preference points whenever those points would most benefit the veteran.

I'm sorry that there is nothing I can do to immediately help the situation, but I will do everything possible to correct this unfair law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Lacher".

Barbara Lacher
Representative
District 1

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 25.
State Personnel Act.
ARTICLE 3.
Personnel Rules.

CITATION Sec. 39.25.150.

CATCH LINE

SCOPE OF THE RULES.

TEXT The personnel rules shall provide for

(1) the preparation, maintenance, and revision by the director of personnel, subject to approval of the commissioner of administration and the personnel board, of a position classification plan for all positions in the classified and partially exempt services; the position classification plan shall include

(A) a grouping together of all positions into classes on the basis of duties and responsibilities;

(B) an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary specifications for each class of positions;

(2) the preparation, maintenance, revision and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan (A) shall be based upon the position classification plan; (B) shall provide for fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work; (C) may be amended, approved, or disapproved by the legislature in regular or special session; after the pay plan is in effect, a salary or wage payment may not be made to a state employee covered by the plan unless the payment is in accordance with this chapter and the rules adopted under this chapter or unless the payment is in accordance with a valid agreement entered into in accordance with AS 23.40;

(3) the use of employee selection methods, including open competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when

appropriate;

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicants' qualifications, performance record, seniority, and conduct shall be evaluated;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, except that a permanent employee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but if the employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 - 39.25.200;

(9) provisional appointment without competitive examination when appropriate eligible lists are not available;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights to a veteran not within the area of promotion, when the veteran possesses the necessary qualifications in the job classification applied for under this chapter; in an examination to determine the qualification of applicant for entrance into the classified service under merit system examination, five additional points shall be added to the

passing grade of a veteran and ten additional points shall be added to the passing grade of a disabled veteran, but the additional points may be used only the first time the veteran obtains a position in the classified service; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job; this paragraph may not be interpreted to amend the terms of a collective bargaining agreement; in this paragraph

(A) "veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

(21) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, which are necessary for its

enforcement.

HISTORY (Sec. 13 ch 144 SLA 1960; am sec. 1 ch 130 SLA 1961; am sec. 1 ch 147 SLA 1962; am sec. 1 ch 117 SLA 1966; am sec. 1 ch 33 SLA 1967; am sec. 3 ch 226 SLA 1970; am sec. 1 ch 39 SLA 1971; am sec. 3 ch 42 SLA 1971; am sec. 1 ch 21 SLA 1973; am sec. 1 ch 27 SLA 1976; am sec. 1 ch 4 SLA 1978; am sec. 2 ch 67 SLA 1979; am sec. 38 ch 94 SLA 1980; am secs. 1, 2 ch 89 SLA 1982; am sec. 14 ch 112 SLA 1982)

AS39.25.150 DOCUMENT= 1 OF 1 PAGE = 9 OF 9

H B

1894

HB 184

Act relating to issuing a certificate of title
vehicles exempt from registration."

This bill provides for the issuance of certificates of title for certain motor vehicles that are exempt from the state registration requirements. The present law limits the Department of Motor Vehicles' authority to issue a certificate of title to the owner of a vehicle exempt from registration upon application to:

AS 28.10.011 (6) - vehicles exempt under the
Soldier's and Sailor's Civil Relief Act
(50 U.S.C. App. 501 et seq.).

HB 184 adds the following subsections allowing a certificate of title to be issued:

(3) - special mobile equipment as defined
by regulation

(7) - driven or parked only on private property

(11) - driven or moved on a highway or vehicular
way not connected to the state highway system
established under AS 19.10.020

Article 1. Registration.

<p>Section 11. Vehicles subject to registration 181. Registration of unique and special</p>	<p>vehicles and vehicles used for special purposes</p>
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Sec. 28.10.011. Vehicles subject to registration. Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under AS 28.10.011 — 28.10.502 except when the vehicle is

- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under the Soldier's and Sailor's Civil Relief Act (50 U.S.C. App. 501 et seq.);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) a commercial interstate vehicle under AS 28.10.141;
- (10) transported under a special permit under AS 28.10.151;
- (11) driven or moved on a highway or vehicular way not connected to the state highway system established under AS 19.10.020. (§ 7 ch 178 SLA 1978; am § 1 ch 54 SLA 1979)

Effect of amendments. — The 1979 amendment inserted "driven, moved, or parked upon a highway or other public parking place" in the introductory language, substituted "U.S.C. App." for "U.S.C.A. Appr." in paragraph (6), deleted "or" from the end of paragraph (9), and added paragraph (11).

NOTES TO DECISIONS

For case construing former AS 28.10.040 and meaning of "cross the highway," see *Newell v. National Bank*, Sup. Ct. Op. No. 2518 (File No. 5437), — P.2d — (1982).

Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of AS 28.10.011 — 28.10.502, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is trans-

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB-184 Date on Bill: 2-11-83
 Title: An Act Relating to Issuing a Certificate of Title for Vehicles Exempt from Reg.
 Sponsor: Bussell
 Requestor: State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

	FY 83	FY 84	FY 85	FY 86
Revenue		.8	1.0	1.2

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Robert J. Rowan, Director, *BJR* Phone: 269-5551
 Division: Motor Vehicles Date: 2-18-83
 Approved by Commissioner: *Richard L. Berg* Date: 3-1-83
 Department: Department of Public Safety

5. Distribution:

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2/15/83

NOTICE: This opinion is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

THE SUPREME COURT OF THE STATE OF ALASKA

copy

LESLIE NEWELL,)
)
 Appellant,)
)
 v.)
)
 NATIONAL BANK OF ALASKA)
)
 Appellee.)
 _____)

H/B

File No. 5437

O P I N I O N

[No. 2518 - June 18, 1982]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage,
James K. Singleton, Judge.

Appearances: M. Ashley Dickerson, Anchorage, for Appellant. Thomas R. Tatka, Anchorage, for Appellee.

Before: Rabinowitz, Chief Justice, Connor, Burke and Matthews, Justices, and Dimond, Senior Justice.* (Compton, Justice, not participating.)

DIMOND, Senior Justice.
BURKE, Chief Justice, concurring.

Appellant Leslie Newell brought this action against Ray and Samantha Charlton, the National Bank of

*Dimond, Senior Justice, sitting by assignment made pursuant to article IV, section 11 of the Constitution of Alaska, and Alaska R. Admin. P. 23(a).

Alaska (NBA), and one other party in connection with the default by the Charltons on a promissory note which they had executed in favor of Newell when they purchased his mobile home or house trailer¹ in 1978. The suit against the Charltons sought judgment against them on the note, and asserted a lien against the mobile home which, Newell contended, served as security on the promissory note. NBA was later joined as a party in the suit when Newell learned that NBA also claimed a security interest in the mobile home.

The sole issue between Newell and NBA concerns which party has the superior security interest. NBA sought to perfect its interest by filing the requisite documents with the Motor Vehicle Division, according to the certificate of title provisions of the Motor Vehicle Code. Newell sought to perfect his interest by filing the promissory note with the Anchorage district recorder several months later.² Each party claims that its method of filing its respective security interest was the exclusive method of perfecting a security interest in the mobile home. Summary judgment was granted in favor of NBA, and Newell has appealed.

1. Newell, throughout his brief, refers to the mobile home as a trailer or house trailer.

2. Although the validity of Newell's security interest, a promissory note, was challenged by NBA in the superior court, this issue is not raised on appeal.

Perfection of security interests and priority of perfected interests in personal property and fixtures is generally governed by the provisions of the Uniform Commercial Code - Secured Transactions.³ Under the UCC, the filing of a financing statement to perfect a security interest in property covered by the code would properly be made at the office of the recorder in the recording district of the debtor's residence, or in the case of fixtures, in the office where a mortgage on the real estate concerned would be filed or recorded. AS 45.09.401 (former AS 45.05.768).

There are certain exceptions to the filing provisions of the UCC. AS 45.09.302 (former AS 45.05.734) provides in part:

(c) The filing provisions of AS 45.09.101-45.09.507 do not apply to a security interest in property subject to a statute

(2) of this state which provides for central filing of, or which requires indication on a certificate of title of, the security interests in the property, unless the property is inventory held for sale by a dealer, which has not been previously sold at retail and for which no certificate of title has been issued.

3. At the time of the transactions in question, UCC - Secured Transactions was set out in AS 45.05.690-.794. The article has since been renumbered and is now AS 45.09.-101-.507.

(d) A security interest in property covered by a statute described in (c) of this section can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate of a certificate of title by a public official.

The Alaska Motor Vehicle Act which was in effect prior to October 1978 former AS 28.10.010-.660, provided a comprehensive scheme for registration, certification of title and perfection of security interests in vehicles subject to the act.⁴ The act provided that the owner of a vehicle subject to registration must apply for a certificate of registration and title to the vehicle. Former AS 28.10.-040, .050, .060, .270.

Liens or encumbrances on a vehicle which was registered or subject to registration were not valid against a subsequent encumbrancer without notice unless the filing requirements of the chapter were complied with. Former AS 28.10.470. The filing provisions required that instruments

4. AS 28.10.010-.660 (short title: Alaska Motor Vehicle Act) was repealed and a new AS 28.10 was enacted by ch. 178, § 7, SLA 1978, which became effective in October 1978. In 1976, Newell purchased the mobile home, and a certificate of title was issued for it pursuant to the Alaska Motor Vehicle Act. The later sale of the mobile home to the Charltons, and the negotiation and filing of the two security agreements, took place between May and August 1978. Because these transactions took place before the effective date of the new legislation, the repealed provisions of AS 28.10 are applicable to this case. See AS 01.10.100(a).

creating or evidencing liens or encumbrances be filed with the Department of Public Safety. Former AS 28.10.480. A certificate of title was issued containing a statement of liens and encumbrances certified to the department as existing against the vehicle. Former AS 28.10.510. Filing was the exclusive method of giving constructive notice of liens or encumbrances on registered vehicles. Such liens or encumbrances were exempt from other provisions of law such as the UCC requiring or relating to the recording or filing of instruments creating or evidencing liens or encumbrances upon a registered vehicle. Former AS 28.10.530.

If the mobile home or house trailer was a vehicle subject to registration under the Alaska Motor Vehicle Act, filing with the department and notation of the security interest on the certificate of title was clearly the exclusive method of perfecting a security interest in the mobile home. Applicability of the registration requirements of the Alaska Motor Vehicle Act in this case turns on whether the mobile home or trailer was properly subject to registration when Newell purchased it. Once the vehicle was properly

registered, and a certificate of title issued, the act provided the method for transfer of title.⁵

5. See former AS 28.10.350(a), .360 and .370. AS 28.10.350(a) required the owner of a registered vehicle to endorse an assignment of warranty of title on the certificate of title for the vehicle, including a statement of all liens and encumbrances, and deliver the certificate of title and registration to the transferee. The transferee then presented the endorsed certificate of title, the certificate of registration, and an application for registration and title to the department. The department then reregistered the vehicle and issued the transferee a new certificate of title. AS 28.10.360-.370. Transfer of title to a registered vehicle was generally not deemed complete absent compliance with these statutes. Harbor Ins. Co. v. U.S. Fidelity & Guar. Co., 350 F.2d 723 (D. Alaska 1972); Christian v. State, 513 P.2d 664 (Alaska 1973).

Newell and Charlton complied with these provisions when Newell sold the mobile home to Charlton; a new certificate of title was issued in Charlton's name.

When Newell purchased the mobile home in 1976, he filed with the Motor Vehicle Division of the Department of Public Safety an "Application for Certificate of Title and Motor Vehicle Registration". The record shows that he was issued a "Certificate of Title to a Motor Vehicle" covering the mobile home, but no registration certificate appears in the record on appeal. Similarly, when the Charltons purchased the mobile home in April 1978, they executed an "Application for Title and Registration", showing NBA as the lienholder. A new certificate of title was issued in the names of the Charltons, but again the record does not show that a registration certificate was issued.

The absence of registration certificates in the record does not necessarily mean that they were not issued. But even if this were the case, it is of no consequence. The important point is that the records of the Division of Motor Vehicles showed NBA as having a security interest in the mobile home. As we have mentioned, the filing of notice of the existence of such security interest was the exclusive method of giving constructive notice of the existence of such an encumbrance on the mobile home. Former AS 28.10.-530.

Newell maintains that the trial court was incorrect in granting the bank's cross-motion for summary judgment because the mobile home was exempt from registration requirements under the statutes in effect prior to October 1978.⁶

Former AS 28.10.040, which was in effect at the time the various transactions in this case took place, described the vehicles subject to and exempt from registration under the Alaska Motor Vehicle Act. That section provided:

Every motor vehicle, trailer, and semi-trailer when driven or moved or parked upon a highway or in a public parking place is subject to the registration provisions of this chapter except

(1) a motor vehicle, trailer, or semi-trailer which is driven or moved upon a highway only to cross the highway from one property to another;

(2) an implement of husbandry which is only incidentally operated or moved upon a highway;

6. Newell mentions in his brief that he relied completely on the UCC in making his argument for summary judgment below. The sections of the UCC he refers to deal with Commercial Paper (AS 45.03.101-.805, former AS 45.05.-246-.402), and seller's rights upon buyer's failure to pay the price of goods as it becomes due. (AS 45.02.709, former AS 45.05.210).

These sections may have been applicable to a dispute between Newell and Charlton, but they do not apply to the dispute between Newell and NBA. Here, the validity of Newell's security interest is presumed. It is the method of perfecting interests, and the priority of competing interests, which are at issue.

(3) special mobile equipment;

(4) a vehicle for which permanent identification plates and an identification certificate have been issued under § 125 of this chapter, when the vehicle is being driven or moved upon a highway for the primary purpose of historical exhibition or for a similar purpose;

(5) a motor vehicle used in relation to fishing, mining, hunting or farming operations and which is used only occasionally upon a highway, and for which a license has been issued under § 127 of this chapter;

(6) snow vehicles, automobiles and motorcycles which are permitted to race under AS 05.35.

As applied to this case, the section required registration of a trailer⁷ if it were to be moved upon a highway, unless movement of the trailer was within one of the exemptions set out in the section. Newell acknowledges that the mobile home was moved once, from the lot where it was purchased to the trailer space where he and his wife occupied it. The act did not provide for a temporary license or temporary

7. Former AS 28.10.650(16) defined "trailer" as a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Appellant does not argue that the mobile home involved in this case was not a trailer as defined by this section. For the purposes of this case we therefore assume that to be true.

registration for transfer of a mobile home or trailer. Therefore, unless the movement of the mobile home or house trailer came within an exemption, it was a vehicle subject to registration when purchased by Newell.⁸

Subsection (1) of AS 28.10.040 exempted from registration requirements "a . . . trailer . . . driven or moved upon a highway only to cross the highway from one property to another." Newell contends that this subsection exempted a house trailer or mobile home without an engine which was moved upon a highway solely for delivery to a space in a trailer park. He apparently construes "cross the highway" to cover movement along the highway as long as it is only to move a vehicle such as a trailer from one property to another.

As to the proper interpretation of AS 28.10.-040(1), NBA maintains that the ordinary meaning of the

8. The only alternatives to registration were identification plates and certificates for historic vehicles (former AS 28.10.125), and licenses for owners of vehicles used in relation to fishing, mining, hunting or farming operations which were used only occasionally upon the highway (former AS 28.10.127). Historic vehicles and the vehicles named in AS 28.10.127 were exempt from registration under AS 28.10.040(4) and (5). There were no provisions in the act for the transportation of vehicles under a dealer's plate.

word "cross" should be applied,⁹ and that the section should be interpreted to cover only those vehicles which cross from one side of the road to the other. In support of this construction, NBA cites a California case which read a similar statute to mean "crossing the highway from one property to another on the opposite side of the roadway." Connolly v. State, 164 P.2d 60, 63 (Cal. App. 1945).

We believe this is a reasonable construction of the statute. The case and the annotation¹⁰ which Newell cites in support of his interpretation of the subsection do not suggest a different result. Both deal with exceptions for farm vehicles which are moved temporarily along highways in the course of farming operations. There is no discussion

9. See State, Dept. of Revenue v. Debenham Elec. Supply Co., 612 P.2d 1001, 1002 (Alaska 1980) (citation omitted): "Unless words have acquired a peculiar meaning, by virtue of statutory definition or judicial construction, they are to be construed in accordance with their common usage." The definition of "cross" when used as a verb is "to intersect . . . to extend from one edge or corner to the other: traverse . . . to go from one side to the opposing side (cross a street) . . . to transfer (as from one side to another) . . ." Webster's Third New Int'l Dictionary 540-41 (1963). Issues of the definition of the word "cross" have been annotated at 10A West, Words and Phrases 228-30 (1968): "Cross means to pass or extend from one side to the other of, as to cross a stream. People v. Hawkins, 124 P.2d 691, 692 [(Cal. App. 1942)]. To cross means to pass from side to side of. . . . Atchison, T. & S.F. Ry. Co. v. Kansas City, M. & O. Ry. Co., 70 P. 939, 940 [(Kan. 1902)]."

10. Allred v. J. C. Engleman, Inc., 61 S.W.2d 75 (Tex. 1933); Annot., 91 A.L.R. 422 (1934).

that the mobile home was moved once, from the dealer's lot to the mobile home park, but, denies that it was moved again. He contends that the court improperly granted summary judgment to the bank because of this dispute as to the number of times the mobile home was moved.

The trial court's decision was not based on the number of times the mobile home was moved. It was based on the conclusion that the exemption for vehicles which "cross the highway" applied only to vehicles which crossed from one side of the road to the other. Therefore, there was no genuine issue of fact concerning the number of times the mobile home was moved.

The trial court reasonably concluded that the mobile home was a vehicle subject to registration under the Alaska Motor Vehicle Act. Therefore, the filing and notation on certificate of title provisions of the act were the exclusive method of perfecting a security interest in the mobile home. NBA followed these procedures. Newell did not. The trial court was correct in granting summary judgment in favor of NBA.

The judgment is AFFIRMED.

in either the case or the annotation of an exemption similar to the one in subsection (1). Nor is there a need to make comparison of or distinction between crossing and moving along the highway.

The trial court concluded that former AS 28.10.-040(1) did not exempt the mobile home from registration. The court's order to this effect stated in part:

The issue presented for consideration is thus a purely legal one. Does the phrase "cross the highway from one property to another" apply to a mobile home purchased for use as a residence with the intent to maintain it in a mobile home park where the mobile home is transported on the highway from its place of acquisition to one mobile home park and thereafter to another? Defendant Bank suggests that the exemption is limited to movement of a trailer from one piece of property across the road to another and does not exempt vehicles that on rare occasions are moved along the highway from one locale to another.

The court concluded that NBA's interpretation of the exemption was correct, and awarded summary judgment in its favor.

Newell has interpreted the quoted language to mean that the trial court based its decision on the assumption that the mobile home had been moved twice.¹¹ He concedes

11. The trial court apparently concluded that the mobile home had been moved twice because the certificate of title issued to Newell listed his address as 4110 DeBarr Road, and the location of the mobile home at the time of sale to Charlton was shown as 7800 DeBarr Road. Newell claimed that the mobile home had been moved from the dealer's to 7800 DeBarr Road, and that 4110 DeBarr Road was only his mailing address.

MEMORANDUM

State of Alaska

TO: William R. Nix
Commissioner
Department of Public Safety.

DATE: July 13, 1982

FILE NO:

FROM: *Bob Rowan*
Robert J. Rowan, Director
Division of Motor Vehicles
Department of Public Safety

TELEPHONE NO: 269-5551

SUBJECT: Vehicle Title, Mobile Homes

This division has always, since I've been with it, issued title for mobile homes as the lending institutions found this an easy method of securing their lien interest and for recording ownership. It didn't significantly effect our workload so we had no problem with this method. We recognized that a problem existed after AS 28 was changed by the 1978 Legislature. We attempted to address this by submitting a suggested change to the law. This was in SB-319 Section 10, however this bill never got out of committee.

After I read the attached recent supreme court decision, I met with Assistant's Attorney General Joseph Balfe and Diane Olson to discuss the ramifications of this opinion. They were unanimous in suggesting that we stop titling mobile homes immediately.

Because this action will undoubtedly result in some adverse reaction from the lending institutions, I thought it best if you looked at the opinion and the proposed letter before I go any further.

Basically I would request your approval or disapproval of sending this letter at this time.

Attached is a draft of the proposed letter and a copy of the Alaska Supreme Court decision.

attachments (2)

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

P. O. BOX 960
ANCHORAGE, ALASKA 99510

DRAFT

July 13, 1982

To: All Lending Institutions

A recent Alaska Supreme Court opinion, Leslie Newell v National Bank of Alaska, No. 2518, June 18, 1982, has brought to our attention a discrepancy under the most recent revised motor vehicle code, Alaska Title 28, which prohibits us from issuing title or registration to certain vehicles not normally moved upon the highways.

Of particular interest to you may be the prohibition of titling vehicles "driven or parked on private property". This would include mobile homes and similar vehicles.

It is the division's opinion that all such vehicles described above may not be titled and any such title issued since October , 1978, to a vehicle driven or parked on private property which attempted to perfect a security interest is ineffective under the Alaska Motor Vehicle Code.

The division has attempted unsuccessfully to correct the noted discrepancy by legislative action and will continue to do so during the Thirteenth Session of the Alaska State Legislature. In the meantime, commencing immediately the division will no longer issue title to vehicles driven or parked on private property and would suggest that you review your records for any such titled vehicles so that you may perfect your security interest under the Uniform Commercial Code or a similar method.

If you have questions concerning this matter do not hesitate to contact my office at your convenience.

Robert J. Rowan, Director

before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

copy

THE SUPREME COURT OF THE STATE OF ALASKA

LESLIE NEWELL,)
)
 Appellant,)
)
 v.)
)
 NATIONAL BANK OF ALASKA)
)
 Appellee.)
 _____)

File No. 5437

O P I N I O N

[No. 2518 - June 18, 1982]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage,
James K. Singleton, Judge.

Appearances: M. Ashley Dickerson, Anchorage, for Appellant. Thomas R. Tatka, Anchorage, for Appellee.

Before: Rabinowitz, Chief Justice, Connor, Burke and Matthews, Justices, and Dimond, Senior Justice.* (Compton, Justice, not participating.)

DIMOND, Senior Justice.
BURKE, Chief Justice, concurring.

Appellant Leslie Newell brought this action against Ray and Samantha Charlton, the National Bank of

*Dimond, Senior Justice, sitting by assignment made pursuant to article IV, section 11 of the Constitution of Alaska, and Alaska R. Admin. P. 23(a).

Alaska (NBA), and ~~one~~¹ other party¹ in² connection with the default by the Charltons on a promissory note which they had executed in favor of Newell when they purchased his mobile home or house trailer¹ in 1978. The suit against the Charltons sought judgment against them on the note, and asserted a lien against the mobile home which, Newell contended, served as security on the promissory note. NBA was later joined as a party in the suit when Newell learned that NBA also claimed a security interest in the mobile home.

The sole issue between Newell and NBA concerns which party has the superior security interest. NBA sought to perfect its interest by filing the requisite documents with the Motor Vehicle Division, according to the certificate of title provisions of the Motor Vehicle Code. Newell sought to perfect his interest by filing the promissory note with the Anchorage district recorder several months later.² Each party claims that its method of filing its respective security interest was the exclusive method of perfecting a security interest in the mobile home. Summary judgment was granted in favor of NBA, and Newell has appealed.

1. Newell, throughout his brief, refers to the mobile home as a trailer or house trailer.

2. Although the validity of Newell's security interest, a promissory note, was challenged by NBA in the superior court, this issue is not raised on appeal.

Perfection⁵ of security interests and priority of perfected interests in personal property and fixtures is generally governed by the provisions of the Uniform Commercial Code - Secured Transactions.³ Under the UCC, the filing of a financing statement to perfect a security interest in property covered by the code would properly be made at the office of the recorder in the recording district of the debtor's residence, or in the case of fixtures, in the office where a mortgage on the real estate concerned would be filed or recorded. AS 45.09.401 (former AS 45.05.768).

There are certain exceptions to the filing provisions of the UCC. AS 45.09.302 (former AS 45.05.734) provides in part:

(c) The filing provisions of AS 45.09.101-45.09.507 do not apply to a security interest in property subject to a statute

(2) of this state which provides for central filing of, or which requires indication on a certificate of title of, the security interests in the property, unless the property is inventory held for sale by a dealer, which has not been previously sold at retail and for which no certificate of title has been issued.

3. At the time of the transactions in question, UCC - Secured Transactions was set out in AS 45.05.690-.794. The article has since been renumbered and is now AS 45.09.-101-.507.

(d) A security interest in property covered by a statute described in (c) of this section can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate of a certificate of title by a public official.

The Alaska Motor Vehicle Act which was in effect prior to October 1978 former AS 28.10.010-.660, provided a comprehensive scheme for registration, certification of title and perfection of security interests in vehicles subject to the act.⁴ The act provided that the owner of a vehicle subject to registration must apply for a certificate of registration and title to the vehicle. Former AS 28.10.-040, .050, .060, .270.

Liens or encumbrances on a vehicle which was registered or subject to registration were not valid against a subsequent encumbrancer without notice unless the filing requirements of the chapter were complied with. Former AS 28.10.470. The filing provisions required that instruments

4. AS 28.10.010-.660 (short title: Alaska Motor Vehicle Act) was repealed and a new AS 28.10 was enacted by ch. 178, § 7, SLA 1978, which became effective in October 1978. In 1976, Newell purchased the mobile home, and a certificate of title was issued for it pursuant to the Alaska Motor Vehicle Act. The later sale of the mobile home to the Charltons, and the negotiation and filing of the two security agreements, took place between May and August 1978. Because these transactions took place before the effective date of the new legislation, the repealed provisions of AS 28.10 are applicable to this case. See AS 01.10.100(a).

creating or evidencing liens or encumbrances be filed with the Department of Public Safety. Former AS 28.10.480. A certificate of title was issued containing a statement of liens and encumbrances certified to the department as existing against the vehicle. Former AS 28.10.510. Filing was the exclusive method of giving constructive notice of liens or encumbrances on registered vehicles. Such liens or encumbrances were exempt from other provisions of law such as the UCC requiring or relating to the recording or filing of instruments creating or evidencing liens or encumbrances upon a registered vehicle. Former AS 28.10.530.

If the mobile home or house trailer was a vehicle subject to registration under the Alaska Motor Vehicle Act, filing with the department and notation of the security interest on the certificate of title was clearly the exclusive method of perfecting a security interest in the mobile home. Applicability of the registration requirements of the Alaska Motor Vehicle Act in this case turns on whether the mobile home or trailer was properly subject to registration when Newell purchased it. Once the vehicle was properly

registered, and a^{5 2 7 9} certificate of^{1 4 2 5} title issued, the act provided the method for transfer of title.⁵

5. See former AS 28.10.350(a), .360 and .370. AS 28.10.350(a) required the owner of a registered vehicle to endorse an assignment of warranty of title on the certificate of title for the vehicle, including a statement of all liens and encumbrances, and deliver the certificate of title and registration to the transferee. The transferee then presented the endorsed certificate of title, the certificate of registration, and an application for registration and title to the department. The department then reregistered the vehicle and issued the transferee a new certificate of title. AS 28.10.360-.370. Transfer of title to a registered vehicle was generally not deemed complete absent compliance with these statutes. Harbor Ins. Co. v. U.S. Fidelity & Guar. Co., 350 F. Supp. 723 (D. Alaska 1972); Christian v. State, 513 P.2d 664 (Alaska 1973).

Newell and Charlton complied with these provisions when Newell sold the mobile home to Charlton; a new certificate of title was issued in Charlton's name.

When Newell purchased the mobile home in 1976, he filed with the Motor Vehicle Division of the Department of Public Safety an "Application for Certificate of Title and Motor Vehicle Registration". The record shows that he was issued a "Certificate of Title to a Motor Vehicle" covering the mobile home, but no registration certificate appears in the record on appeal. Similarly, when the Charltons purchased the mobile home in April 1978, they executed an "Application for Title and Registration", showing NBA as the lienholder. A new certificate of title was issued in the names of the Charltons, but again the record does not show that a registration certificate was issued.

The absence of registration certificates in the record does not necessarily mean that they were not issued. But even if this were the case, it is of no consequence. The important point is that the records of the Division of Motor Vehicles showed NBA as having a security interest in the mobile home. As we have mentioned, the filing of notice of the existence of such security interest was the exclusive method of giving constructive notice of the existence of such an encumbrance on the mobile home. Former AS 28.10.-530.

5 2 7 9 1 4 2 7
(3) special mobile equipment;

(4) a vehicle for which permanent identification plates and an identification certificate have been issued under § 125 of this chapter, when the vehicle is being driven or moved upon a highway for the primary purpose of historical exhibition or for a similar purpose;

(5) a motor vehicle used in relation to fishing, mining, hunting or farming operations and which is used only occasionally upon a highway, and for which a license has been issued under § 127 of this chapter;

(6) snow vehicles, automobiles and motorcycles which are permitted to race under AS 05.35.

As applied to this case, the section required registration of a trailer⁷ if it were to be moved upon a highway, unless movement of the trailer was within one of the exemptions set out in the section. Newell acknowledges that the mobile home was moved once, from the lot where it was purchased to the trailer space where he and his wife occupied it. The act did not provide for a temporary license or temporary

7. Former AS 28.10.650(16) defined "trailer" as a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Appellant does not argue that the mobile home involved in this case was not a trailer as defined by this section. For the purposes of this case we therefore assume that to be true.

Newell⁵ ²⁷⁹ maintains that the trial court was incorrect in granting the bank's cross-motion for summary judgment because the mobile home was exempt from registration requirements under the statutes in effect prior to October 1978.⁶

Former AS 28.10.040, which was in effect at the time the various transactions in this case took place, described the vehicles subject to and exempt from registration under the Alaska Motor Vehicle Act. That section provided:

Every motor vehicle, trailer, and semi-trailer when driven or moved or parked upon a highway or in a public parking place is subject to the registration provisions of this chapter except

(1) a motor vehicle, trailer, or semi-trailer which is driven or moved upon a highway only to cross the highway from one property to another;

(2) an implement of husbandry which is only incidentally operated or moved upon a highway;

6. Newell mentions in his brief that he relied completely on the UCC in making his argument for summary judgment below. The sections of the UCC he refers to deal with Commercial Paper (AS 45.03.101-.805, former AS 45.05.-246-.402), and seller's rights upon buyer's failure to pay the price of goods as it becomes due. (AS 45.02.709, former AS 45.05.210).

These sections may have been applicable to a dispute between Newell and Charlton, but they do not apply to the dispute between Newell and NBA. Here, the validity of Newell's security interest is presumed. It is the method of perfecting interests, and the priority of competing interests, which are at issue.

5 2 7 9 1 4 2 3
registration for transfer of a mobile home or trailer. Therefore, unless the movement of the mobile home or house trailer came within an exemption, it was a vehicle subject to registration when purchased by Newell.⁸

Subsection (1) of AS 28.10.040 exempted from registration requirements "a . . . trailer . . . driven or moved upon a highway only to cross the highway from one property to another." Newell contends that this subsection exempted a house trailer or mobile home without an engine which was moved upon a highway solely for delivery to a space in a trailer park. He apparently construes "cross the highway" to cover movement along the highway as long as it is only to move a vehicle such as a trailer from one property to another.

As to the proper interpretation of AS 28.10.-040(1), NBA maintains that the ordinary meaning of the

8. The only alternatives to registration were identification plates and certificates for historic vehicles (former AS 28.10.125), and licenses for owners of vehicles used in relation to fishing, mining, hunting or farming operations which were used only occasionally upon the highway (former AS 28.10.127). Historic vehicles and the vehicles named in AS 28.10.127 were exempt from registration under AS 28.10.040(4) and (5). There were no provisions in the act for the transportation of vehicles under a dealer's plate.

word "cross" should be applied,⁹ and that the section should be interpreted to cover only those vehicles which cross from one side of the road to the other. In support of this construction, NBA cites a California case which read a similar statute to mean "crossing the highway from one property to another on the opposite side of the roadway." Connolly v. State, 164 P.2d 60, 63 (Cal. App. 1945).

We believe this is a reasonable construction of the statute. The case and the annotation¹⁰ which Newell cites in support of his interpretation of the subsection do not suggest a different result. Both deal with exceptions for farm vehicles which are moved temporarily along highways in the course of farming operations. There is no discussion

9. See State, Dept. of Revenue v. Debenham Elec. Supply Co., 612 P.2d 1001, 1002 (Alaska 1980) (citation omitted): "Unless words have acquired a peculiar meaning, by virtue of statutory definition or judicial construction, they are to be construed in accordance with their common usage." The definition of "cross" when used as a verb is "to intersect . . . to extend from one edge or corner to the other: traverse . . . to go from one side to the opposing side (cross a street) . . . to transfer (as from one side to another) . . ." Webster's Third New Int'l Dictionary 540-41 (1963). Issues of the definition of the word "cross" have been annotated at 10A West, Words and Phrases 228-30 (1968): "Cross means to pass or extend from one side to the other of, as to cross a stream. People v. Hawkins, 124 P.2d 691, 692 [(Cal. App. 1942)]. To cross means to pass from side to side of. . . Atchison, T. & S.F. Ry. Co. v. Kansas City, M. & O. Ry. Co., 70 P. 939, 940 [(Kan. 1902)]."

10. Allred v. J. C. Engleman, Inc., 61 S.W.2d 75 (Tex. 1933); Annot., 91 A.L.R. 422 (1934).

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in either the case or the annotation of an exemption similar to the one in subsection (1). Nor is there a need to make comparison of or distinction between crossing and moving along the highway.

The trial court concluded that former AS 28.10.-040(1) did not exempt the mobile home from registration. The court's order to this effect stated in part:

The issue presented for consideration is thus a purely legal one. Does the phrase "cross the highway from one property to another" apply to a mobile home purchased for use as a residence with the intent to maintain it in a mobile home park where the mobile home is transported on the highway from its place of acquisition to one mobile home park and thereafter to another? Defendant Bank suggests that the exemption is limited to movement of a trailer from one piece of property across the road to another and does not exempt vehicles that on rare occasions are moved along the highway from one locale to another.

The court concluded that NBA's interpretation of the exemption was correct, and awarded summary judgment in its favor.

Newell has interpreted the quoted language to mean that the trial court based its decision on the assumption that the mobile home had been moved twice.¹¹ He concedes

11. The trial court apparently concluded that the mobile home had been moved twice because the certificate of title issued to Newell listed his address as 4110 DeBarr Road, and the location of the mobile home at the time of sale to Charlton was shown as 7800 DeBarr Road. Newell claimed that the mobile home had been moved from the dealer's to 7800 DeBarr Road, and that 4110 DeBarr Road was only his mailing address.

HB

185

AS 39.35.680

CHAPTER = 39.35
SECTION = 39.35.680
TITLE = 39

HEADINGS TITLE 39.
Public Officers and Employees.
CHAPTER 35.
Public Employees' Retirement System of Alaska.
ARTICLE 8.
General Provisions.

CITATION Sec. 39.35.680.

DEFINITIONS.

TEXT 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 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;

(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 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;

(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;

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

(ii) no collective bargaining agreement has the effect of obligating contributions made by the state under AS 39.30.150 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 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 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;

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 11 OF 13

(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) "seasonal" 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 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)

AS 39.35.370

CHAPTER = 39.35
SECTION = 39.35.370
TITLE = 39

HEADINGS TITLE 39.

Public Officers and Employees.

CHAPTER 35.

Public Employees' Retirement System of Alaska.

ARTICLE 6.

Benefits.

CITATION Sec. 39.35.370.

RETIREMENT BENEFITS.

TEXT

(a) A terminated employee is eligible for a normal retirement benefit (1) at age 55 with at least five years credited service, or (2) with at least 20 years of credited service as a peace officer or fireman, or (3) with at least 30 years of credited service for all other employees.

(b) A terminated employee is eligible for an early retirement benefit at age 50 with at least five years credited service.

(c) The monthly amount of a retirement benefit for a peace officer or fireman is two per cent of the average monthly compensation times the years of credited service up through 10 years, plus two and one-half per cent of the average monthly compensation times the years of service over 10 years. For all other employees it is two per cent of the average monthly compensation times the years of service. An actuarial adjustment must be made for an early retirement benefit.

(d) The monthly amount of a retirement benefit for a deferred vested member shall be determined in accordance with (c) of this section as it was in effect on the date of the employee's termination of employment.

(e) Benefits payable under this section accrue from the first day of the month after which all of the following requirements are met: (1) The member meets the eligibility requirements of this section; (2) he terminates his employment; and (3) he applies for retirement. The benefits are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which a benefit is payable under this section.

(f) A member who is vested in the system as a peace officer or fireman at the time he incurs a permanent disability of at least 33-1/3 per cent under workers' compensation and who (1) undergoes retraining because of the disability; and (2) is subsequently employed with the state or other employer in a position other than peace officer or fireman, is eligible for a normal retirement benefit as a peace officer or fireman under (a) and (c) of this section when he has completed 20 years of credited service.

HISTORY (Sec. 18 ch 143 SLA 1960; am sec. 2 ch 102 SLA 1963; am sec. 7 ch 155 SLA 1966; am sec. 5 ch 235 SLA 1968; am sec. 6 ch 109 SLA 1970; am secs. 6, 7 ch 159 SLA 1972; am sec. 15 ch 47 SLA 1974; am sec. 34 ch 128 SLA 1977; am sec. 33 ch 146 SLA 1980)

MEMORANDUM

To: John
From: Brent
Date: May 4, 1983

Re: HB 185 STATE RETIREMENT SYSTEM, INCLUDING PROBATION OFFICERS & PARK RANGERS

WHAT THE BILL DOES:

Amends the Public Employee's Retirement System to include Probation officers and park rangers in the definition of peace officers for retirement system purposes.

Provides Act only applies to employees who retire after July 1, 1983

Provides a probation officer or park ranger who retires after July 1, 1983 may receive peace officer benefits before July 1, 1983 if he chooses, within a year of that date, to receive the additional benefits and agrees to pay an amount equal to additional contributions that would have been made if he was considered a peace officer before July 1, 1983.

What all this means is that this bill puts probation officers and park rangers into a higher paying retirement program. How much higher? Well for all other employees besides "peace officers or firemen", the monthly amount is 2% of the avg. monthly compensation times the years of service. However, for firemen and peace officers, they receive two and one-half percent of the monthly compensation times the number of years of service over ten years. So the difference is 1/2% for the years of service ten years and after.

QUESTIONS:

Let's get some facts. What amounts of money are we talking about? How much more in retirement benefits will these "probation officers" and "park rangers" be receiving? What is the additional cost to the state? And how many people will this added increase in retirement benefits benefit? How many people are we talking about? How many "park rangers" and "probation officers" are there currently working for the state?

Why did the 2 1/2% ever come into existence? What makes firemen and peace officers differ so much that they can receive a higher retirement benefit than other state employees? Could be because they at times really put their life on the line, ie. high risk job situation. I can see where firemen and police officers getting into "high risk" situations, thus perhaps earning the higher retirement benefit. But, how do "probation officers" and "park rangers" fall into this "high risk" classification? And for that matter, how do "qualified employees of the Dept. of fish and Game?" (perhaps you might want to make an

FISCAL NOTES:
477,700 1984
515,900 1985
557,200 1986
601,900 1987
649,900 1988

amendment striking them out of the higher benefits and putting them
in with the rest of the state employees)

Representative Milo Fritz
District 5
P.O. Box 158
Anchor Point, Alaska 99556
(907) 235-8366



While In Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4833

House of Representatives

MILO FRITZ

MEMORANDUM

TO: Representative Mike M. Miller
Representative Jim Duncan
House States Affairs Committee Members

FROM: Representative Milo H. Fritz *MFR*

DATE: April 27, 1983

RE: House Bill 185, "An Act Amending the Public Employees Retirement System..."

I would like to request that the term "fireman" on line 13 and line 23 of page 1 be deleted and changed to "fire-fighter." This will update the language of the bill.

I would also request that two new groups be added to the definition of firefighter (fireman). The first would be "emergency medical technicians." The second would be "physician-trained mobile intensive care paramedics."

In many areas of our state, emergency medical technicians and paramedics are also firefighters or involved directly in firefighting operations. Their primary job also has the same type of dangers inherent in the other categories now covered. This addition would put them on equal ground with other public safety personnel.

There would also, of course, be the necessary changes in the title, Section 1, and Section 2 to facilitate these amendments. Your consideration would be appreciated.

dss

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 185
 Title: An Act Amending PERS
 Sponsor: M.M. Miller
 Requestor:

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Cent. Adm. Service
 BRU, Program of Subprogram(s) Affected: Retirement & Benefits (PERS)

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		477.7	515.9	557.2	601.8	649.9
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		477.7	515.9	557.2	601.8	649.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		431.8	466.4	503.7	544.0	587.5
FEDERAL FUNDS		22.0	23.7	25.6	27.7	29.9
* OTHER (Specify Source)		23.9	25.8	27.9	30.1	32.5

*4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys Phone: 465-4460
 Division: Retirement & Benefits Date: 3-21-83
 Approved by Commissioner: Lisa Rudd Commissioner LED Date: 3-21-83
 Department: Administration

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

State of Alaska

Fiscal Note

HB 185

IV Analysis: To fund this bill, the state PERS contribution rate must be increased by .11% in FY 84. The state PERS payroll is estimated to be \$434,286,000 in FY 84 and increasing by 8.0% each year thereafter.

If this bill becomes law, the funding ratio in PERS will decrease by .3%.

The total actuarial present value of cost of this bill is \$4.7 million.

POSITION PAPER
HOUSE BILL NO. 185

"An Act amending the public employees retirement system, to include probation officers and park rangers in the definition of peace officers for retirement system purposes; and providing for an effective date."

This Bill would make probation officers and park rangers eligible for enhanced "peace officer" retirement benefits after July 1, 1983. It would also enable current employees in those job classes to receive the enhanced benefits for past service by allowing them to make additional contributions to the retirement system.

The Department of Health and Social Services opposes this Bill. The Bill, if enacted, would result in significant additional costs to the State with no increase in services or benefits to the general public. The Department and the Administration maintain that the employees in question are adequately compensated and do not perform duties which result in a significant amount of exposure to hazardous working conditions.

The fact that the employees in question are adequately compensated is demonstrated by the low rate of employee turn-over in the probation officer job class and by the number of qualified applicants for probation officer positions. Eligibility for the standard State retirement program appears to be sufficient to allow for the recruitment and retention of qualified probation officers. There is no evidence to indicate that the effectiveness of services would be increased by making probation officers eligible for enhanced retirement benefits. Simply increasing the benefits or compensation to existing employees beyond the negotiated level will not result in a corresponding increase in their productivity or qualifications, or greater service to the public. Neither should it be expected to substantially increase the numbers or qualifications of those persons applying for probation officer positions.

An analysis of the duties of probation officers indicates that those duties differ qualitatively from those of law enforcement officers for whom the enhanced peace officer retirement benefits were designed. Peace officer activities are primarily of an enforcement nature and entail a high degree of risk. Such enforcement activities comprise only a minute proportion of probation officer duties and differ markedly from police enforcement activities.

Probation officer's enforcement activities are almost never of an emergency nature requiring immediate action by probation officers to protect life or personal safety. Similarly these activities rarely entail a significant risk of violence. Enforcement activities of probation officers consist largely of obtaining and serving warrants for the arrest of probationers and parolees and of making warrantless arrests of such persons for violations of conditions imposed by the court or Parole Board. These arrests are made, with rare exceptions,

POSITION PAPER
HOUSE BILL NO. 185

PAGE 2

while accompanied by police officers who effect the actual physical arrest.

Longstanding policy for both adult and juvenile probation officers required that an arrest be made by those officers only when no law enforcement officer was available and immediate arrest was necessary to protect the person being arrested, the community, or the probation officer, or to prevent the probationer or parolee from absconding. Normal policy was for a warrant for the arrest of the probationer or parolee to be obtained and a request made of police to effect the arrest.

Recent policy changes within the Division of Adult Corrections allow probation officers employed by that agency greater discretion to effect arrests themselves. However, policy continues to strongly encourage police assistance. Standard policy also requires that if arrest situations involve significant risk of violence probation officers are to ". . . , back away immediately . . ." and not proceed ". . . until proper assistance can be obtained." Obviously, "proper assistance" is police aid.

Arrests accomplished by probation officers, then, generally are of a pro forma nature in which police personnel effect the physical arrest of the violator. The great majority of the arrests of probationers or parolees are based on warrants issued by the court or Parole Board and are made by police officers. In the majority of even warrantless arrests of probationers or parolees, which must technically be accomplished by probation officers, police personnel accomplish the actual physical arrest and they are accompanied by probation officers as a matter of form and legal necessity. This is a prudent policy given the differences in training and experience between police and probation staff.

Similarly prudent policies govern other enforcement activities carried out by probation officers. These activities, such as the conduct of searches of the residences or persons of probationers and parolees, constitute a very limited portion of the probation officer activities. They are also generally conducted with the aid of police.

Although probation officers are authorized to carry weapons they do not do so on a regular basis and such use is strictly limited as a matter of policy and because there is little need or justification for such use.

The primary activities of probation officers, then, are not those which place them in hazardous situations or require physical strength or abilities greater those normally needed in other professions. The risk of harm or violence to probation officers from job-related incidents is very slight and would not reasonably be the cause of higher levels of mental stress than those which exist in any number of other professions.

POSITION PAPER
HOUSE BILL NO. 185

It is clear that the duties and activities of probation officers differ significantly from those of police officers for whom the enhanced "peace officer" retirement benefits were originally designed. This difference also extends to the other persons defined as peace officers which include correctional officers whose duty stations are adult penal facilities and whose duties involve the maintenance of security and day-to-day control and supervision of prisoners.

The Department recognizes the significant contribution made by probation officers to the criminal justice system and to the rehabilitation of probationers and parolees but believes that these contributions differ qualitatively and significantly from those of police and correctional officers and other "peace officers." The Department and Administration also maintain that probation officers are fairly compensated within the existing salary and retirement system structures. The addition of probation officers to the group of those eligible for enhanced "peace officer" retirement benefits would constitute a significantly greater expense to the State without an additional benefit to the public. This would be unconscionable at any time but particularly so in a time of declining State revenues when increasing benefits to a few would inevitably mean decreased services to many.

The Department opposes House Bill 185.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: 4/4/83

RECOMMENDED: Roger W. Endell
Roger W. Endell, Director
Division of Adult
Corrections

DATE: April 26, 1983

APPROVED BY: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

DATE: 4/29/83

SUMMARY

I. REQUEST

Bill/Resolution No.: HB No. 185
 Title: Peace Officers Retirement
 Sponsor: M.M. Miller
 Requestor: House State Affairs

II. FISCAL DETAIL

Agency Affected: H&SS
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement Probation & Community Programs, Adm. & Support, Youth Correction Services.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		453.2	480.4	509.2	539.7	572.1
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		453.2	480.4	509.2	539.7	572.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		453.2	480.4	509.2	539.7	572.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

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

The source of funding was not identified by the sponsors.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: F&YS, Adult Corrections Date: 4/1/83
 Approved by Commissioner: Robert Gordon Smith *Robert Gordon Smith* Date: 4/29/83
 Department: H & S S

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
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HOUSE BILL NO. 185
FISCAL NOTE
SUMMARY

PAGE 2

IV. ANALYSIS

A. Assumptions:

This cost estimate is based upon inclusion of all Probation Officer positions in the Governor's FY 84 budget being eligible for benefits under the peace officers' retirement system, at an additional contribution rate of 9.65% for the State. There are Probation Officer positions in both the Divisions of Family and Youth Services and Adult Corrections.

B. Program Summary:

No new positions would be necessary. However, there would be increased Personal Services costs estimated at \$149,605 for the Division of Family and Youth Services, and \$303,563 for the Division of Adult Corrections.

C. Computations:

Increased costs are based upon the base salaries for 43 positions in the Division of Family and Youth Services, and 90 in the Division of Adult Corrections (65 currently authorized and 25 new positions requested) as follows:

F&YS	Base salaries of \$1,550,316	x .0965 =	\$149,605
AC	Base salaries of \$3,145,728	x .0965 =	\$303,563
TOTAL	\$4,696,044		\$453,168

D. Economic Impact:

There would be no economic impact.

E. Impact on Local Governments:

There would be no impact on local governments.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST
 Bill/Resolution No.: HB No. 185
 Title: Peace Officers Retirement
 Sponsor: M.M. Miller
 Requestor: _____

II. FISCAL DETAIL
 Agency Affected: H&SS
 Program Category Affected: Adm. & Justice
 BRU, Program of Subprogram(s) Affected: Youth Correctional Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		149.6	158.6	168.1	178.2	188.9
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		149.6	158.6	168.1	178.2	188.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		149.6	158.6	168.1	178.2	188.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

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

The source of funding was not identified by the sponsors.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
 Division: Family & Youth Services Date: 4/1/83

Approved by Commissioner: Robert Gordon Smith, M.D. Date: 4/29/83
 Department: H&SS

Distribution:

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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

INTRODUCTION OF BILLS (House)

HB 182, (cont'd)

into a community." (Definition added to AS 47.37, "Uniform Alcoholism and Intoxication Treatment Act.") Wages for participants in residential drug abuse and alcoholism treatment programs would be the same as the wages paid to correctional industries workers under AS 33.32.050. Those wages are set by regulation, but are limited to no more than one half the current minimum wage. Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced February 9 and referred to Health, Education & Social Services, Labor & Commerce and Finance.

State Retirement Benefits
(seasonal employees)

HOUSE BILL NO. 183, by Reps. Duncan and M.M. Miller. Relates to retirement benefits for seasonal employees under the Public Employees' Retirement System. Adds language to AS 39.-35.385 (Public Employees' Retirement System. Benefits. Conditional Service Retirement Benefits) providing: "An employee is eligible for a normal retirement benefit at age 55 or an early retirement benefit at age 50 if the employee has at least 60 days of credited service as a seasonal employee during each of five calendar years." Provides Act takes effect July 1, 1983.

Introduced February 11 and referred to State Affairs, then to Finance.

Motor Vehicle Titles

HOUSE BILL NO. 184, by Rep. Bussell. Provides for the issuance of certificates of title for certain motor vehicles that are exempt from the state registration requirements. The bill provides the Department of Motor Vehicles may issue a certificate of title to the owner of a vehicle exempt from registration under AS 28.10.011(3),(6),(7) and (11), upon application by that owner (subsections are as follows: (3) special mobile equipment as defined by regulation; (6) exempt under the Soldier's and Sailor's Relief Act; (7) driven or parked only on private property; (11) driven or moved on a highway or vehicular way not connected to the state highway system). Does not provide for an effective date (becomes law 90 days after Governor's signature).

Introduced February 11 and referred to State Affairs.

State Retirement System
(probation officers & park rangers)

HOUSE BILL NO. 185, by Reps. M.M. Miller and Duncan. Amends the Public Employees' Retirement System (AS 39.35) to include probation officers and park rangers in the definition of peace officers for retirement system purposes. Provides Act applies only to employees who retire after July 1, 1983 (the bill's effective date). Provides a probation officer or park ranger who retires after July 1, 1983 is entitled to receive peace officer benefits before July 1, 1983 if he elects, within a year of that date, to receive the additional benefits and agrees to pay an amount equal to additional contributions that would have been made if he had been considered to be a peace officer before July 1, 1983. Provides Act takes effect July 1, 1983.

Introduced February 11 and referred to State Affairs, then to *Finance*.

H B

1923

HOUSE COMMITTEE ON STATE AFFAIRS
LETTER OF INTENT
FOR
CSHB 193 (STATE AFFAIRS)

Mr. Speaker:

The Committee on State Affairs has had House Bill 193 under consideration, and the Committee recommends that the bill be replaced by Committee Substitute for House Bill 193, and that the Committee Substitute (CSHB 193) do pass.

The State Affairs Committee intends to reflect, through CSHB 193, a commitment to the Legislative Information & Teleconference Network and recognizes the importance of linking the government of Alaska to her people.

Testimony before the committee has clearly established that Alaska's legislative telecommunications system is unique in providing for the vital interchange of thoughts and opinions throughout our vast and diverse land.

Respectfully submitted,

Rep. Mitch Abood
Chairman

9
Saint Paul
PRIBILOF ISLANDS
St. George

Umnak Island
Unalaska Island
Dutch Harbor
Unalaska
FOX ISLANDS
ALEUT CORP.

8
Sanak
King Cove
Belkorski
Squaw Harbor
Pavloff Harbor
Nelson Lagoon
Herenden Bay
Cold Bay
False Pass
Unimak Island
SHUMAGIN ISLANDS

KUSKOKWIM BAY
BRISTOL BAY
BRISTOL BAY NATIVE CORP.
BRISTOL BAY BOROUGH
ALEASKA
KODIAK ISLAND
KONIAG INC.

Manokotak
Aleknagik
Dillingham
Wushagak
Clark's Point
Ekwok
Levelock
Naknek
Kogiuk
Kogiuk
King
Simon
Egegik
Pilot Point
Ugashik
Port Heiden
Chignik Lagoon
Chignik Lake
Perryville
Vander Bay
Chignik
Chignik
Chignik

Manokotak
Aleknagik
Dillingham
Wushagak
Clark's Point
Ekwok
Levelock
Naknek
Kogiuk
Kogiuk
King
Simon
Egegik
Pilot Point
Ugashik
Port Heiden
Chignik Lagoon
Chignik Lake
Perryville
Vander Bay
Chignik
Chignik
Chignik

Manokotak
Aleknagik
Dillingham
Wushagak
Clark's Point
Ekwok
Levelock
Naknek
Kogiuk
Kogiuk
King
Simon
Egegik
Pilot Point
Ugashik
Port Heiden
Chignik Lagoon
Chignik Lake
Perryville
Vander Bay
Chignik
Chignik
Chignik

Manokotak
Aleknagik
Dillingham
Wushagak
Clark's Point
Ekwok
Levelock
Naknek
Kogiuk
Kogiuk
King
Simon
Egegik
Pilot Point
Ugashik
Port Heiden
Chignik Lagoon
Chignik Lake
Perryville
Vander Bay
Chignik
Chignik
Chignik

INTERIM OFFICE:
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
FOUCH V
JI NEAU, ALASKA 99811
(907) 465-4863

Alaska State Legislature



Representative Mitch Abood
CHAIRMAN

House Committee on State Affairs

AGENDA

DATE: 4/18/83

TIME: 1:00 P.M., ROOM 102

I. CALL THE MEETING TO ORDER

- A. NOTE THE COMMITTEE MEMBERS PRESENT AND WELCOME THOSE OBSERVING THE MEETING.
- B. REMIND THOSE WHO HAVE NOT SIGNED-IN TO DO WHO WISH TO TESTIFY. AND REMIND THOSE GIVING TESTIMONY TO SPEAK UP AND STATE THEIR NAME, ADDRESS AND PHONE NUMBER BEFORE TALKING.

II. ANNOUNCE LEGISLATION UNDER CONSIDERATION:

HB 193 - SPECIAL APPROPRIATION TO LAA TO ESTABLISH AND OPERATE TELECONFERENCE SITES.

HB 323 - AN ACT RELATING TO RESIDENCY AND RESIDENCY REQUIREMENTS.

HB 307 - AN ACT RELATING TO THE POWERS, DUTIES AND ORGANIZATION OF THE ALASKA PUBLIC BROADCASTING COMMISSION, RESTRICTING THE USE OF STATE MONEY FOR PUBLIC BROADCASTING; AND REQUIRING COMPETITIVE BIDDING AS A CONDITION FOR STATE GRANTS TO PUBLIC BROADCASTERS.

OTHER NOTES OR REMINDERS:

COBY

I. REQUEST

Bill/Resolution No. CS HOUSE BILL NO. 193

Title An Act making a special appropriation to the Legislative Affairs Agency to establish and operate teleconference sites Date 3/22/83

Requested by: Representative Mitch Abood - House State Affairs Committee

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency

Program Category Affected General Government

BRU, Program, Or Subprogram(s) Affected Public Services - Teleconference Sites

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		39.6				
200 TRAVEL		15.6				
300 CONTRACTUAL		64.1				
400 COMMODITIES		2.4				
500 EQUIPMENT		27.8				
600 LAND & STRUCTURES		9.6				
700 GRANTS, CLAIMS, ETC.						
TOTAL		159.1				

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		159.1				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

ONE-TIME COSTS:

- 200-Admin. travel to site for interview, arrangements, staff travel to major center for training
- 300-Telephone installation, freight for initial supplies, signs, rubber stamps, etc.
- 400 - Initial stock of office supplies
- 500-Teleconf equipment, file cabinet & equipment stand, typewriter, telecopier, answering machine, associated freight

RECURRING COSTS:

- 100 call moderator, including cost of living differential
- 200 staff travel to major center for orientation & training, admin travel to site for supp train
- 300-Telephone service, postage & mailing, off-net tolls & bridge svcs, required printed matter, funds for local advertising & newspaper subscriptions, equip repair & maintenance, freight
- 400 - Stationery and supplies
- 500-Routine recurring requirements for teleconf equipment, office furniture & equipment
- 600-Funds to reimburse donor of space for janitorial and/or utilities costs, if required.

IV. DATE March 22, 1983

PREPARED BY Wally Harrison, Director, Admin. Svcs.

AGENCY Legislative Affairs Agency

PHONE 586-3850

Original: Legislative Finance
cc: Budget and Management

Introduced: 2/11/83
Referred: State Affairs and
Finance

Funding Information

General Fund \$157,368
Other Funds -0-

~~159,087~~

~~159,087~~

1 IN THE HOUSE 159,087

BY HERRMANN

2

HOUSE BILL NO. 193

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Legis-
7 lative Affairs Agency to establish and operate tele-
8 conference sites; and providing for an effective
9 date."

10

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

11

* Section 1. The sum of ~~\$157,368~~^{159,087} is appropriated from the general fund
12 to the Legislative Affairs Agency to establish and operate teleconference
13 sites at Naknek, ~~Kilanna, Newtok Bay~~^{NEWHALEN TOKSOOK BAY}, and Togiak. †

14

* Sec. 2. The unexpended and unobligated portion of the appropriation
15 made by this Act lapses into the general fund June 30, 1984.

16

* Sec. 3. This Act takes effect July 1, 1983.



REPRESENTATIVE
ADELHEID HERRMANN
P.O. BOX 63
NARNEK, ALASKA 99633
(907) 246-4495

White in Juneau
POUCH V
JUNEAU, ALASKA 99611
(907) 465-4942, 465-4943

Alaska State Legislature



House of Representatives

CHAIRMAN
SPECIAL COMMITTEE
ON FISHERIES

MEMBER
TRANSPORTATION
COMMITTEE

DISTRICT 26

ADAK
AKUTAN
ALEKNAGIK
ATKA
BELKOFSKI
CLARK'S POINT
COLD BAY
DILLINGHAM
DUTCH HARBOR
EGEGIK
EKUK
EKWOK
FALSE PASS
IGIUGIG
ILIAMNA
KING COVE
KING SALMON
KOKHANOK
KOLIGANEK
LEVELOCK
MANOKOTAK
NAKNEK
NELSON LAGOON
NEWHALEN
NEW STUYAHOK
NIKOLSKI
NONDALTON
PEDRO BAY
PILOT POINT
PORT ALSWORTH
PORT HEIDEN
PORT MOLLER
PORTAGE CREEK
SAND POINT
SOUTH NAKNEK
SQUAW HARBOR
ST. GEORGE
ST. PAUL
TOGIAK
TWIN HILLS
UGASHIK
UNALASKA

COPY

MEMORANDUM:

TO: Representative Mitch Abood, Chairman
House State Affairs Committee

FROM: Representative Adelheid Herrmann

DATE: March 17, 1983

SUBJECT: Amendments to HB 193

This is to inform you that I intend to request tomorrow that a Committee Substitute be adopted for HB 193 incorporating the following changes:

Line 11, change \$157,368 to ^{159.1} ~~\$118,026~~

Line 13, delete "Iliamna," add "Newhalen"

Line 13, delete "New Stuyahok,"

I will explain the proposed amendments during my oral testimony on March 18, 1983. I wanted to notify you in advance of this request.

AH/hc

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

CB
Ward
H. J. J.
H. J.

Monthly Report

ANCHORAGE INFORMATION OFFICE
FEBRUARY 1983

TO: Charity Kadow, Director
Division of Public Services

FROM: Marcie Sharrock, Information Officer

The first two weeks of February were very busy with a slight drop off of activity near the end of the month. With longer daylight hours we are seeing more people stopping by the office and using the daily status reports and computer terminals. Requests are still stacking up for the Legislative Pocket Directory, but we have given out "thousands" of the one page phone lists, rosters, committee lists, etc. Hopefully, before the end of March all publications will be available and distributed before the traffic for bills and bill status starts to peak.

INFORMATION SERVICES

With the new data bases available in the computer this year, our requests for documents printed from the computer are beginning to multiply. We have given out or searched for numerous committee minutes as well as several copies of the journal entry bill histories. As more and more bills start moving through the process we will see this type of request increase as people become aware of the availability of the data.

Our office was heavily impacted this month by information and research requests from the other information offices. We handled a total of 21 requests for items such as Anchorage phone numbers, prior years' Session Laws, locating and sending miscellaneous reports and publications, as well as explaining different computer functions. The toughest question to answer, without all of the necessary information, related to the public use of photographs vs. invasion of privacy.

The bills getting the most requests for copies, status, or POMS deal with Susitna hydro, death penalty, homesteading, student loan program, permanent fund dividend program, decompression chamber, ERA and retirement. I think I would be safe in saying that we have had at least one request for every bill that has been introduced to date.

With the start of a new legislature, we have started manually recording all scheduled meetings, hearings and teleconferences on a card file for each bill, Governor's appointee, Sunset Audit report, etc. Although it is very time consuming to scan daily action, journal announcements, committee schedules and weekly schedules, it does give us one place to search when responding to an inquiry.

At the staff meeting at the end of the month, we came to the conclusion that we needed more table space for the public to spread out the bills books, journals and statutes, so have added a narrow table and 3 more chairs to accommodate at least 5 people at one time doing bill research. It is gratifying to see so many new people getting involved in the legislative process.

Anchorage Information Office Activity Tally - February 1983

POMS sent	599
to number of addressees	15,274
Call-ins	2,553
Teleconference calls	500
Div/Public Services calls	122
Walk-in traffic	420
Info mail-outs (requested)	90
Bill status/process/info inquiries	197
Legislator/staff phone/address inquiries	583
US Congress phone/address/referrals	25
Governor phone/address/referrals	75
State agencies phone/address/referrals	102
Federal agencies phone/address/referrals	5
Muni/Anchorage phone/address/referrals	14
Miscellaneous inquiries	76
Research (by staff or visitors):	
Current bills	79
Previous sessions	23
AS & ACC	12
Issues	5
Budget	4
Reference library	14
Distribution:	
Bills	1,934
SLA, AS & ACC	71
Directory of State Officials	21
Weekly status	117
LAA Publications	297
Reports and Audits	61
Applications/forms	27
Other (phone lists, rosters, etc.)	716
Telecopy 495:	
Pages sent	129
Pages received	158

Please note that each information office staff member attempts to record each transaction, but when inquiries are coming in three or four at a time, the log sheet tends to get buried under bills, journals, and statute books, and not seen until the desk is cleared at the end of the day. We would like to find a way to keep a list of offices, agencies and groups that we serve but most people identify themselves by name only. We are lucky to get at least the tick mark noted on the log in the right column for type of service given.

OUTREACH

Although we scheduled one office tour during the month for the Women's Club Free Committee, we have given the 5 to 20 minute office tour to a number of individuals stopping into the office just to see what types of information we provide. As we note that someone is regularly coming in to track a number of bills, we are giving them training on the computer and building a list of users for the BTMF program (bill tracking maintenance facility). At the moment I would estimate that we have about 20 people that come in to track bills more than once a week and another 20 to 30 people who come in every week or two to check status of bills and if progress occurs, they are doing in-depth research.

During February we provided the following groups with multiple copies of all publications and lists, as well as specific bills as noted:

Anchorage Community College Student Association - 1 set all publications and lists
FREE Committee - 10 sets all publications and lists and 10 copies of the
House Research Agency Report on Loans (HRA 82-A)
Methodist High School students traveling to Juneau - 35 sets all publications
Mobile Home Dealers meeting - 50 copies all lists - 5 copies all publications
Alaska Political Women's Caucus Workshop - 100 copies all publication, lists,
state and Anchorage district maps and 100 each of SB 63 and SJR 1

We do have several office tours scheduled for March.

SERVICES FOR LEGISLATORS

February was a record month for handling a variety of requests from Legislators. For Representative Cowdery we provided office space for a full day and one-half of meetings, attempted to locate a stenographer for the meetings and after the meeting spent time trying to locate a missing hat. We sent a record number of messages on the OMNI system to individual legislators or committees as well as handled telecopy requests, special pouches and errands around town.

Representatives Szymanski, Ringstad, Fuller, Davis, and Senators Pettyjohn and Sturgulewski visited, used phones, picked up copies of bills, weekly status books, or sent telecopy. For a week prior to the Anchorage Senate State Affairs Committee hearing on the Susitna bills we responded to numerous inquiries and pre-registered individuals who wished to testify. Per Representative Lacher's request, we contacted 6 local organizations with a message and also sent copies of legislation and all LAA publications to the editor of the Anchorage Community College student newspaper. Representative Jerry Ward's aide, Jerry Sanders, stopped by and was given an office tour. I also trained the House Minority Office staff to use the OMNICOM and BASIS system on the computer.

Although February seemed busy, we are preparing for the peak traffic to start by mid-March or early April when more pieces of legislation will be approaching floor votes.

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

To: Charity Kadow, Director, Public Services

From: Florence Carnahan, Barrow LIO

Re: February 1983

The month of February has continued to bring alot of business to the Barrow Lio. Dorcas, the Barrow reserve, has been in the office most Monday, Wednesday and Friday afternoons. Her help as been very welcome this year! We received several requests from the surrounding villages of Nuiqsut, Point Hope, Kaktovik and Anaktuvuk Pass for copies of bills. Outreach is still the primary activity in this office. I am constantly trying to streamline this activity so that we can reach the most people in the most effective manner. We had a visit from a highschool student, Alexander Solomon, who had been involved in the "Close-Up" program in Juneau. He attended a teleconference for his 11th grade Government and Law class and talked to me about what he learned in Juneau. He requested information on how to become a page.

Office activity for the month of February:

Telephone requests: 40+

Walk-in requests: 30+

Mailouts: 3

Telecopy: 6 pages received

P.O.M.s: 4

Teleconferences: 8 with 10 people to testify and 6 to observe

Distribution:

Bills: 227

Status Reports: 14

Journal pages: 9

Reports: 10

Statutes: 2 research requests

AAC: 1 research request

Legislative process: 2

Glossary: 2

Handbook of State Government: 2

Who's Where in Juneau: 100

Vertical file info: 2 requests

The following subjects were queried and requests were filled on them: Land lottery, state regulations on certified public accountants, payment of non-employees under Federal regulations (thanks to D.C.!), permanent fund, laws regarding the use and publication of photographs, uniform building codes, state loan programs, Governor's budget on museums and cultural facilities, how to become a page to the State Legislature, electrical contractor's licensing, funding for a senior citizen's home in Barrow, foreclosure of Barrow land's transferred from Nome Judicial District, disqualification of voting rights, listing of committees and

subcommittees of the Federal government, 3 requests for the address for obtaining birth certificates from California (!), social security number applications, capital projects, the confidentiality of personnel records.

One request was made for census information. This was from Juneau for the numbers of students in each school in the North Slope Borough School District during a period of years specified by the requestor, Jo van Patten.

State of Alaska THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES
Bethel Legislative Information Office
P.O. Box 886
Bethel, Alaska 99559

Monthly Report

March 3, 1983

To: Charity Kadow
Director

Fr: Wally Richardson

I'm sorry that February was so short, I was having fun this month. Here are the stats for the month and then I will give a detailed report at the end.

Phone calls	616
Walk-ins	320
Copies of bills	160
Scheduled teleconferences	15
Participants	22
POM's	5

Reports given out

Seperation of Powers (sent to all the villages)
Legislative Process (sent to all the villages)
Citizens Guide to the State Constitution
Day Care in Alaska - Status Report
Status of Bills and Resolutions
Who's Where in the Capitol

Misc requests & applications given out

Business License (26)
Land Brochure (9)
Commercial Fishing License & Boat License renewal forms (5)
Student Loan Program (36)
Notary applications (2)
Contractors License application (2)
Bingo permit applications (1)
Boards & Commissions information (3)
Alaska Delegation Addresses & phone numbers (7)
Alaska State Statutes usage (4)
Administrative Code usage (2)
Copies of Federal Bills (2)

Legislator Contact

Rep. Vaska (17)
Senator Sackett (15)
Rep. Clocksin (1) re: teleconference
Various Department addresses & phone numbers (58)

The majority of the phone calls were regarding the Permanent Fund. Senator Sackett was in Bethel and asked the public to call his office if they had not received their dividend check. People started to call for his Juneau office number. There were so many calls to his office, he requested the Department of Revenue to send a representative to Bethel to work out of my office and take the calls. Mr. Phil Wall was in Bethel two days and was quite busy. Thanks to Data Processing, my terminal was able to access the Permanent Fund data base. Mr. Wall was able to explain why these people had not received their dividends and take care of some very bad problems that had been a big factor in why some checks had not arrived. I must say that those two days were very busy (Friday & Saturday), but very productive.

Rep. Vaska was in Bethel for one day. He was scheduled to travel to some villages, but due to bad weather, was unable to travel. It was nice to have him in the office though.

Senator Sackett utilized the office for a day also. He met with constituents and visited with old friends.

I feel real good about our area Legislators using the office during the legislative session. It's great to touch base with them on the one to one basis.

I have been receiving quite a few requests from the villages. Copies of bills have been one of the biggest. With the younger generation getting on more City Councils, the interest is mounting. I feel all the informational booklets that I have sent out to the villages is very worth while to them.

Out-reach is on going. I call the radio station weekly with the schedule of teleconferences for the week. I tape all the PSA's that I receive for each teleconference. Posters are up-dated weekly with the schedule. With 15 scheduled teleconferences this month and 22 participants, something is working. I discontinued using the weekly newspaper, unless I'm asked specifically to put something in it. I don't like the way they present the schedule and they won't change their ways, so.....

The strangest request I had this month was from a Minister from one of our churches. This is the question he asked that prompted copies of the State Statutes on the subject, "I am a Minister and would like to know if I have to have a special license to marry people in our church." Valid question, don't you think?

Have a great month of March!!!

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

TO: Charity Kadow
From: Linda Harris, Delta LIO
Date: February 28, 1983

During the month of February, I began to realize the benefits of having an extra pair of hands around the office. With Liz working three days a week, we have been rewarded with new faces, many new names, and a larger rural outreach.

Although agriculture will probably always be the main area of interest, we are beginning to see various organizations in the community getting more involved with the legislative process, especially in the areas of funding that affect each one. I always find it interesting when explaining the legislative process, as most people are unaware of the complete cycle. The most familiar reaction is, "I thought once a bill was introduced, it was a law!"

Questions answered and information provided on: homestead bills; permanent fund; tax credit forms; agriculture bills; municipal revenue; student loans; energy loans; landlord-tenant act; unemployment; bankruptcy laws and Senior citizen legislation. My favorite request was for a copy of the state song and its history from a Junior High student.

Legislative stats for February:

call in.....	88
calls out.....	52
traffic.....	197
POM's.....	13
mail outs.....	24
hand outs.....	13
State & Fed. agency referrals.....	28
bill copies.....	974
legislative assist.....	14
telecoppy.....	8

Outreach

Liz continues to stuff envelopes as she progresses through the voter registration list with her outreach letters. These attempts to familiarize the out lying areas with the facilities has shown as increase in interest towards the legislative process.

Outreach stats for February:

mail outs.....629
teleconference schedules....136
personal contact..... 20

Teleconference information this month included organizations such as: Department of Agriculture; University of Alaska-Adult education programs; Alaska Farmers and Stockgrowers Association; Alaska Farm Magazine; Chamber of Commerce; Senior Citizens; City Council; Co-operative Extension Service; Delta Paper; Copper Vally Views: The Mukluk News; and numerous individuals

Teleconference stats for February:

Teleconferences scheduled.....9
participants to testify.....10
to observe only.....10

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

TO: Charity Kadow, Director

FROM: Dorothy M. Larson
Dillingham Legislative Office



DATE: March 08, 1983

The month of February was very busy at the Dillingham Legislative office. There were 17 teleconferences with 56 participants. There were about 375 to 400 visiting the office. One very large group of students 25 plus 2 teachers observed a teleconference on February 8th; we demonstrated the 7th grade Middle School Class and it was very enjoyable.

On February 17th a teleconference was held with Senator Mulcahy and Representative Herrmann with the Land Managers of villages in the Bristol Bay Region. The group spent the entire afternoon here and we were able to demonstrate the equipment and distribute alot of information. There was a video crew here and some 30-40 people in and out so it was quite compact.

We have been working with several teachers and student groups coordinating visits and distributing infomation for upcoming legislative trips.

There were about 40-45 POMS sent to legislators via the Omni and telecopy during February. There isn't the usual amount that we've gotten in the past. It is early yet and we expect that traffic to increase.

I was able to make two field trips with 2 groups from the University to Naknek and Togiak. While in those 2 locations I was able to leave information and touch base with some key people in both areas.

Senator Mulcahy asked BBNA to take names of people to forward to his office of people who have not received their permanent dividened fund checks. We took names, Social Security number's and forward several hundred names down in February.

Beth Robinson, Representative Herrmann's aid was in Dillingham from February 16-19 and spent part of Thursday and all day Friday in our office for appointments. She was able to see many of the village people in for the land conference.

Page 2
Monthly Report-February

Our telephone business has increased tremendously. The increased number of teleconferences this year had certainly added to the business of the office. I've noticed more of an increase of people in the area coming in out of curiosity to observe teleconferences. There has been an increase in bill requests and status from different people.

We have provided services to Senator Mulcahy and Representative Herrmann by relaying their press releases via the omni and telecopy.

Thanks again to faraway D.C. office for several pieces of information like the Defense Budget for a student at Dillingham High School.

There have been many calls from people requesting land brochures and information of late.

It has been a very busy session thus far and expect it to continue. There have been many people in to check on legislation passed last session, to research statutes, get updated forms, several state agencies who need to get forms and applications out frequently call us to be a distribution on referral place when they are out of town. We've distributed many Directories of State officials and looking for the receipts of the pocket Directory.

My office has taken on more pieces of art work and I'll continue to hang my own personal pieces of artwork regardless. We, too, are showing signs of overcrowding and an over abundance of paper products.

That's it for now hope you will have a good month of March.

DML/mp

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

FEBRUARY 1983

To: Charity Kadow, Director

Fr: Maxine Walton, Fairbanks

Maxine

With additional daylight hours in February, more legislation being introduced and increasing committee teleconference activity our people traffic, paper work and telephone calls have reached a fever pitch. Our traffic patterns have a definite trend with rush periods between 8:00 - 9:00AM and 12:00 - 2:30PM in the afternoon. This would appear to fall before work in the morning and different lunch hours in the afternoon.

The figures recorded reflect about 95% of our actual traffic.

FACTS AND FIGURES

Telephone call-ins	872
Walk-in visitors	565
Bills & Reports distributed	3867
Legislators' phone/addresses	312
Referral to State Agencies	115
Referral to Federal Agencies	26
Ak. Statute research/requests	24
Telecopy received/sent	80
Teleconference calls/activity	101
Total Teleconferences	33
Teleconference - testify	88
Teleconference - observe	55
POM's	193

OUTREACH

- 2/2 Prof. Drahne's Sociology class UAF. This included an office tour, demonstration of teleconference and computer systems available to the public and information services.
- 2/2 Division of Energy & Power Dev. held an evening meeting using our conference room.
- 2/8 Division of Housing Assistance held a conference call meeting in our office.
- 2/19 Presentation to the Business and Professional Women Saturday. Xeroxed copies of bills and gave out legislators' addresses and committee assignments to all.

- 2/24 Furnished moderator and 2-wire conference set to the Ester Community meeting held at the Ester Fire Station. This was of great concern to the community and a special request was placed for an impartial moderator. I was extremely pleased that they felt our office would meet these specifications. Rep. Davis and Rep. Koponen attended the meeting by conference call from Juneau. Lynda did an excellent job and was congratulated for keeping the meeting running smoothly. 77 people attended.
- 2/28 Interview at KUAC TV on their evening "TC" program. This month featured teleconferencing and how the public could participate. Next month will feature information services.

Our office has put special emphasis on building public participation and awareness of teleconferencing as a viable means of communication with the legislature. Teleconference schedules are mailed out twice monthly and sign-up cards are still trickling in.

To further keep the public informed of our scheduling, we have set up a 24 hour "Hot Line" using the Record-a-call and our special line used only for conference calls. This is updated every Monday and as additions or deletions are made in the schedule.

Since we received such enthusiastic response reading the t/c schedule on the tv news each week last session, we have again contacted KTVF TV and arranged for a spot on the 6:00PM news every Saturday during this session.

COMMUNITY SERVICES

The following list reflects a fair representation of various organizations in the community using our office:

Michael Baker Jr., Inc.	Boy Scouts of America
Alaska Miners' Assoc.	North Star Council on Aging
Community Research Center	Business & Professional Women
Dept. of Revenue	Alaska State Troopers
Div. of Corrections	W.I.C.C.A.
League of Women Voters	A.P.E.A.
Alaska Environmental Center	K101
Mental Health Clinic	Health Science Laboratory
Fur Farmers Assoc.	Fairbanks Memorial Hospital
Citizens Committee for Dist. 19	Alaska Sportsmans' Council
Citizens for Eq. Hunting/Fishing Rights	Republican Legislative Cmte.
F.N.S.B. Mayor's Office	Law Library
Dept. Fish & Game	Dept. of Forestry
Resource Center for Parents/children	Fbk. Chiropractic Clinic

It was our pleasure to assist the Senate Resources and Finance Committees' field hearing held in Fairbanks February 4, by pre-registering those wishing to testify and xeroxing extra copies of bills for that hearing.

RURAL COMMUNITY SERVICES

We received calls from Yukon Flats School District(2), our moderator in Ft Yukon(1), customer in Ft Yukon(1), Prudhoe Bay(2), Eagle R.(1), Manley Hot Springs(1), Railbelt School District(2) and one letter from Barrow which we sent by telecopy to Florence.

RESEARCH

Year Limited Entry enacted	Child Custody
Equal Employment Hiring	Coal Mining Reports
Pharmacy Regs. (Admin Code)	Real Estate default
TB tests for school children	Occupational Licensing
Arbour Day	Geothermal Rep./Approp.
A.H.F.C. statutes	Taxes on Oil/Gas
Equal opportunity in sports at school	Special Education
Law/ wear a helmet while operating motorcycle	
Statutes on Sexual Assault	U of A Land Pur. approp.
Koslosky amendment	Dalton Hwy permits
Alaska R.R. advisory studies/approp. (all)	Mobile home parks
H. Research reports on Ag. (all)	Susitna Hydro legis.
Laws governing landlords	Kivalina/Chukchi regs.
Community watch	& Port Cmsn. approp.
Ak. school activities program approp.	Fur farming, etc...

Most popular POM's for February were "IRBY" contract (Fbx/Anch intertie), permanent fund dividends, SB 154 (Koslosky amend) and student loans. Bills of the month were HB 130, SS HB 167, SB 43, SB 102 (Homestead bills).

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

-- FEBRUARY 1983

TO: Charity Kadow, Director
Division of Public Services

JMK
FROM: Joyce M. Roloff, Information Officer
Juneau Legislative Information Office

Due to my temporary leave-of-absence, a January Monthly Report was not prepared. I would like to take this opportunity to briefly mention who is working in our office for the Session. Sue Gullufsen is our permanent Information Assistant; Patricia Meili is our session Information Assistant, and Nicholas Kimlinger was hired as our session Mail Clerk. Becky Germain provided assistance during my absence and remained under our employ until the end of February. I returned to the office full-time on February 14.

Our office has been in full operation since Session began and we have been extremely pleased to find that our services are becoming more widely known in the Juneau area. We do continue to receive many long-distance communications from the Lower 48 re-establishing contacts from last year, and long-distance In-State calls are normally processed and then referred to their regional information office for subsequent inquiries.

COMPUTER-RELATED RESEARCH

Again, we are finding that the public has become more aware of our services. Tracking down legislation and providing status is the bulk of this activity. More sophisticated questions are coming through with regard to statute research and election district location. The new EDLS data base has come in handy in helping the public and staff identify House and Senate districts and which towns are located where.

PUBLICATIONS

The beginning of a new Legislature ushered in the need for revised/updated publications printed by the Agency and distributed by the Information office. After doing initial runs for the Legislators', Legislative Staff and LIN/LTN Orientations, we have returned to the print shop to fill orders to meet the public's demand.

Sue worked diligently to update the Directory of State Officials (February issue) and requests for that document is the greatest at the time. We are also busy with keeping our bins stocked with our standard publications: Legislator/staff locator lists, Legislative Process, Uniform Rules, House and Senate seating charts, etc. Demand has also been great for the previous Session's documents, such as House/Senate Bill History and Journal Indices, slip laws, Journal (and supplement) pages. Other publications that have been distributed run the gamut of subjects from Audits to Washington, D.C. (federal-related) matters. Due to volume, we do not track the distribution of any particular document.

PRESENTATIONS

In addition to providing packets to various groups for presentations, I spoke to the following groups detailing the legislative process and responded to general inquiries of state government.

February 14 -- Close-Up (2 groups averaging 25 students/teachers each)
February 28 -- Close-Up (same as above)

Scheduled for March are the following presentations:

March 9 -- U. S. Forest Service Orientation (15-20 participants)
 -- Basic Emergency Management Workshop (15-18 participants)
March 14 -- Close-Up (2 groups averaging 25 students/teachers each)
March 29 -- RuralCAP Village Participation Conference (40 participants)

GENERAL

Juneau staff continues to monitor all House and Senate action taken during session and to provide answers on committee action. Xeroxing statutes and other pertinent data have become routine. Much of our time is spent directing traffic, both legislative and executive, to the appropriate office. Our office is also charged with sending the weekly legislative updates (status, sponsor summary, etc.), as well as copies of all bills, resolutions and journals to our sister offices. Starting this year, Nick has the added responsibility of mailing all relevant data to the Teleconference Centers.

ACTIVITY TALLY

The following activity tally does not reflect our First Class mailing. Within our Division, we send first class mail daily to five of our Information Offices; and send mail, as need arises, to 24 Teleconference Centers. Nor does the tally reflect first class mail sent in response to an inquiry.

ACTIVITY TALLY

MONTHLY TOTAL

Public Opinion Messages (pom's)		1480*
Phone Calls In	average 42/day	840#
Phone Calls Out	average 45/day	900#
Staff Requests	average 36/day	720#
Public Requests	average 37/day	740#
Requests from Other Sites	average 21/day	420#
Express Mail (Information Offices)		65+
Courier Service (pouch) (Information Offices)		128+
Telecopy		531*

* This figure does not represent the number of legislators addressed which adds considerably to the amount of paperwork processed by Juneau Info. It represents single public opinion messages or in the case of telecopy, the sheets of paper telecopied. The pom total was achieved by adding figures provided from other Information Offices. The telecopy total represents both incoming and outgoing and is a quick-count.

This total was achieved by our staff keeping a poll for one day (February 28). That figure was multiplied by 20 working days for February.

+ This total is provided by our receipts and represents the total of sites sent pouches for the month. The actual amount of pouches packaged by our office was 139 which means 11 offices received more than 1 package for a particular day. The Express Mail total is an actual count confirmed by receipts also. The count on Pouch/Express Mail only reflects the mailing of one large envelope or box, and not the number of letters it contains.

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

KENAI PENINSULA LTD
Drawer 3280 Soldotna, AK.
262-9364 99669

Monthly Report

TO: Charity B. Kadow

March 3, 1983

FROM: Rhoda A. Eady

FEBRUARY 1983 REPORT

WALK-IN'S: 485
PHONE CALLS: 773
BILLS DISTRIBUTED: 477
NAMES, ADDRESSES ETC.: 644
LITERATURE: 1306
MAIL-OUTS: 315
TELECOPIES: 3 sets 7 pages
TELECONFERENCES: 16 (51 in attendance)
P.O.M.'S: 2159
D.C. NAMES, ADDRESSES: 91
D.C. OFFICE: 5

February seemed to have 128 days instead of a mere 28. Someone walked off with our telephone log. So there is no report on the amount of long distance and collect calls we accepted until we receive our statement. take my word, there were many !

February 9, - Alaska Housing Finance Corporation used our T/C room and Speaker Phone to have a meeting. There were 15 participants in Soldotna.

February 13, 14 - I went to Homer to join the Director and Jean Schroeder on KGTL Radio. Director Charity B. Kadow was the speaker for Homer Chamber of Commerce on the 14 th..

February 16 - Teresa Williams, Assistant to the Ombudsman met with people, I feel the response to her visit was very good.

February 19 - Rep. Milo Fritz met with constituents in person. between 3:00 p.m. and 5:00 p.m. A unscheduled visit from Rep. Hugh Malone was a favorable surprize to the people.

February 21 - Pat Irvine, Special Assistant to the Governor Bill Sheffield dropped by. We discussed monthly visits to this office by him for the governor.

State of Alaska
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

KENAI PENINSULA LIO
Drawer 3280 Soldotna, AK.
262-9364 99669

Monthly Report

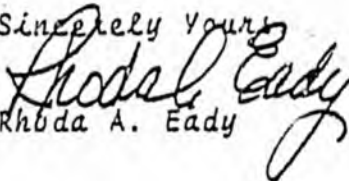
February 23 - I had a meeting with Rita Smagge of the Kenaitze Indian Tribe. We reviewed the possibility of using CETA or D.E. workers in this office.

February 26 - The Billiken Professional Women's Club invited me as the Guest Speaker for their February meeting. The meeting was held in North Kenai.

The teleconference attendance has picked up considerably this month. The most interest was in the following: University Budget, Permanent Fund Dividend. And Constituent teleconferences as always.

Maintaining the Permanent Fund Program and HJR-10, SJR-7 (Halibut Moratorium) were the popular topics for P.O.M.'S.

Til next month.

Sincerely yours

Rhoda A. Eady

dt/RE

State of Alaska THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Monthly Report

March 1, 1983

TO: Charity Kadow, Director
Division of Public Services

FROM: Bonnie Potter, Information Officer
Ketchikan Information Office

RE: February 1983 Monthly Report

I am finding it hard to express exactly how busy the Ketchikan Office was this past month. We have found the need to hire a reserve person. We are hoping to have her/he on board by the middle of March. It is our contention if the hours are available to use the reserve person three afternoons a week plus evening and weekends.

The work load has more than doubled since we have moved. With the additional work load we are finding that our regular work (filing, publicity of teleconferences etc.) is going by the way side.

Out of curoosity I researched last years stats and compared them with this months. Example for the month of February.

<u>1982</u>		<u>1983</u>	
PHONE CALLS:	In 163	PHONE CALLS: In 218	
	Out 65		85
WALK-IN TRAFFIC:	114	WALK-IN TRAFFIC:	218
TELECONFERENCES:		TELECONFERENCES:	
Number	16	Number	16
Attending	31	Attending	94
Testify	15	Testify	32
TELECOPIER USAGE:	29	TELECOPIER USAGE:	52
BILLS:	340	BILLS:	285
MISC. REQUEST:	82	MISC. REQUESTS	246
MAIL OUTS:	36	MAIL OUTS:	86
DISTRIBUTION:	Stats not available	DISTRIBUTION:	109

I know that this dows not reflect an exact picture, as this past month it was getting difficult to record all the transactions that took place in the office.

It is my hope that if our office continues to show a high input and output for the months that we are open, that sometime in the near future our office can operate on a year round basis.

As I noted in last months report it was our plan to hold an open house as soon as our new furniture arrived. Well the furniture has arrived but we have not found the time to proceed with the open house. It is a possibility that as soon as the reserve person is trained we can go ahead with the planning.

The local television station did a five minute orientation spot of the office on February 8th. It was so well done we purchased a tape and had a copy made to use before our various local groups. The Ketchikan Daily News did a front page article on the office which ran on February 23rd. It was to bad we didn't get the chance to proof the article before printing. A few of the facts were wrong and I was misquoted. On the whole it was a informative article on the office. We also made the front page of the newspaper three days in a row when a local reported covered the Fisheries and constituent teleconferences.

Question of the month: Person called saying, "Your an information office aren't you?" Yes, says June. "Well I hear sirens and I want to know where the ambulance is going?" Well, we are so efficient. Within 3 minutes we had the answer and was calling the person back.