

ALABAMA LEGISLATIVE COUNCIL FILED 1700 1700 00/2

4348

SSTA

SB 92 - SB 130

1227



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith  
Signature of Camera Operator

11/24/89  
Date

S B

g r

**COMMITTEE REPORT  
SENATE**

FURTHER: FINANCE

1/31/85

Date May 7, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 92  
benefits under the supplemental benefits system; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Signature]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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

*[Signature]*  
Chairman

Chairman recommendation

(907) 465-4470

April 5, 1985

Honorable Mitch Abood  
Chairman  
Senate State Affairs Committee  
Pouch V  
Juneau, AK 99811

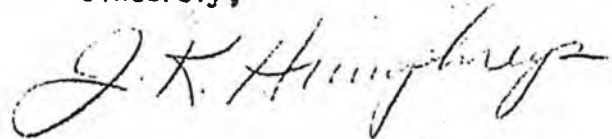
Dear Senator Abood:

During your committee hearing on March 26 concerning SB 92, you requested additional fiscal information.

The enclosed draft fiscal note and analysis and attachments show the data processing costs in greater detail as you requested. I have also assumed that the committee substitute will contain language to specifically include a dependent care benefit as a Supplemental Benefits System (SBS) option and have shown a separate cost for the necessary data processing modifications. In preparing this draft fiscal note, we were also able to reduce some of the data processing costs to reflect some work being performed under contract; the net effect is an increase of \$42.7. The fiscal note analysis discusses this in further detail.

Should you have any questions or require further information, I will be happy to respond.

Sincerely,



J.K. Humphreys  
Director

JKH/plg/5  
cc: Rebecca Burch  
Special Assistant  
to the Commissioner  
Department of Administration

# DRAFT

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_  
Page 1 of 2

REQUEST DRAFT  
Bill/Resolution No.: CSSB 92  
Title: An Act Relating to Benefits Under the Supplemental Benefits System  
Sponsor: Governor  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL  
Agency Affected: Administration  
Program Category Affected: Labor Services  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual		242.7	10.0	10.0	10.0	10.0
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING		242.7	10.0	10.0	10.0	10.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		242.7	10.0	10.0	10.0	10.0
TOTAL		242.7	10.0	10.0	10.0	10.0

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

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

# DRAFT

Prepared By: J.K. Humphreys, Director Phone: 465-4470  
Division: Retirement & Benefits Date: 4/4/85

Approved by Commissioner: Lisa Rudd Date: \_\_\_\_\_  
Agency: Department of Administration

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

Draft CS Senate Bill 92  
Fiscal Note Analysis  
Prepared by Division of Retirement & Benefits  
Department of Administration  
April 4, 1985

IV ANALYSIS:

This draft fiscal note assumes that the substitute for SB 92 contains a provision to specifically include dependent care as an additional, optional SBS benefit.

This bill would allow the Administrator of the state's Supplemental Benefits System (SBS) to amend the State of Alaska Supplemental Annuity Plan to provide for additional voluntary contributions. This amendment to the Plan would be submitted for approval to the Internal Revenue Service (IRS) to retain the Plan's qualified status. The additional contributions would allow SBS participants to defer up to 18% of their compensation as contributions.

The total estimated cost is categorized as follows:

- a. \$50,000 for consulting services and for booklet and form revision, connected with establishing and qualifying the new Plan in accordance with Federal Law and Internal Revenue Code and to assist in IRS qualification of the Plan. We have included \$10,000 in this category for an annual examination of employee contributions to various benefit programs by our benefit consultant to identify any employees who may have overdeferred on an annual basis. Other costs included here are the preparation and distribution of informational materials for employees.
- b. \$192,745 for data processing changes to systems in the divisions of Finance and Retirement & Benefits. These costs are further categorized on the attached detail sheets and are as follows:
  - 1) \$99,995 for data processing changes in the Division of Finance to accept additional voluntary contributions;
  - 2) \$22,750 for data processing changes in the Division of Retirement & Benefits to accept additional voluntary contributions; and
  - 3) \$70,000 for data processing changes in the Division of Retirement & Benefits to add dependent care as an additional benefit option.

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	----- page 1 of 2
Project Name: SBS Voluntary - Estimation Assumptions & Summary	
Prepared By: Judy Elliott	Date: 03/28/85

Estimation Assumptions:

1. SBS Voluntary forms will be created and collected by Retirement and Benefits once a year. They will be hand verified and passed to Payroll for processing.
2. SBS Voluntary will be elected as a monetary amount rather than a percentage of gross.
3. SBS Voluntary maximum amount will be calculated by Retirement and Benefits.
4. Payroll will send SBS Voluntary deduction amounts to Retirement and Benefits on the current SBS contribution tape with a new type code.
5. This change will be calculated at in-house prices for DP labor costs.
6. The SBS master will not have to be expanded as the SBS voluntary will be held in the annuity balance YTD and ITD fields.
7. Excess SBS Voluntary deductions will be identified by an outside consultant and returned to the member in the next tax year via the annuity payout process in the SBS.

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 4.3 man-months to build at a cost of \$22,750 using in-house DP staff. An estimation of contracting staff costs for this same project would be \$50,000 including some time for the contractors to familiarize themselves with the Retirement & Benefits SBS system. This will take approximately 2 calendar months of time to implement utilizing in-house maintenance staff. This change would be estimated to add 1,000 executable lines of code to the SBS System.

Project Name: SBS Voluntary - SBS System Changes

Prepared By: Judy Elliott

Date: 03/28/85

TASK	DESCRIPTION	EST HOURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	35	35	1,225
.2	System plan	20	35	700
.3	User requirements	20	35	700
.4	Hardware Requirements	0	35	0
.5	Software selection	0	35	0
.6	System narrative	20	35	700
.7	System flow	20	35	700
.8	Data Dictionary (definitions)	15	35	525
.9	Approvals, miscellaneous meetings, etc.	10	35	350
I.	Estimated Phase Totals	140	35	4,900
2.00	Detail design phase			
.1	Systems design	20	35	700
.2	Subsystems design	35	35	1,225
.3	Subsystem flows	15	35	525
.4	Input/output design	20	35	700
.5	Data Base design	15	35	525
.6	Program design and specification	30	35	1,050
.7	General design update	40	35	1,400
.8	Data Dictionary update	10	35	350
.9	Approvals, walk-thrus, meetings, etc.	15	35	525
II.	Estimated Phase Totals	200	35	7,000
3.00	Programming and Implementation phase			
.1	Programming	120	35	4,200
.2	Unit testing	45	35	1,575
.3	Integrated test plan	20	35	700
.4	System testing	40	35	1,400
.5	User manuals	25	35	875
.6	User training	10	35	350
.7	Project turnover	15	35	525
.8	General and detail design update	15	35	525
.9	Data Dictionary update	05	35	175
.10	Approvals, walk-thrus, meetings, etc.	15	35	525
III.	Estimated Phase Totals	310	35	10,850
	Estimated Project Total	650	35	22,750

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	----- page 1 of 2
-----	
Project Name: SBS Dependent Care Option - Assumptions & Summary	
-----	
Prepared By: Judy Elliott	Date: 03/28/85

Estimation Assumptions:

1. SBS Dependent Care will be an extra option on the SBS enrollment forms.
2. This change will be calculated at in-house prices for DP labor costs.
3. The SBS master will have to be expanded to hold the new option choice and YTD and ITD premium paid fields. This master file expansion will require the addition of half a disk pack.

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 1.1 man-years to build at a cost of \$70,000 using in-house DP staff. An estimation of contracting staff costs for this same project would be \$162,500 including some time for the contractors to familiarize themselves with the Retirement & Benefits SBS system. This will take approximately 4 calendar months of time to implement utilizing in-house staff. This change would be estimated to add 1,250 executable lines of code to the SBS System.

State Of Alaska	Bill: SB-92
SMALL PROJECT - Project Estimation	page 2 of 2
Project Name: SBS Dependent Care Option - SBS System Changes	
Prepared By: Judy Elliott	Date: 03/28/85

TASK	DESCRIPTION	EST OURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	80	35	2,800
.2	System plan	75	35	2,625
.3	User requirements	80	35	2,800
.4	Hardware Requirements	0	35	0
.5	Software selection	0	35	0
.6	System narrative	40	35	1,400
.7	System flow	75	35	2,625
.8	Data Dictionary (definitions)	75	35	2,625
.9	Approvals, miscellaneous meetings, etc.	25	35	875
I.	Estimated Phase Totals	450	35	15,750
2.00	Detail design phase			
.1	Systems design	80	35	2,800
.2	Subsystems design	80	35	2,800
.3	Subsystem flows	40	35	1,400
.4	Input/output design	40	35	1,400
.5	Data Base design	80	35	2,800
.6	Program design and specification	120	35	4,200
.7	General design update	75	35	2,625
.8	Data Dictionary update	80	35	2,800
.9	Approvals, walk-thrus, meetings, etc.	30	35	1,050
II.	Estimated Phase Totals	625	35	21,875
3.00	Programming and Implementation phase			
.1	Programming	420	35	14,700
.2	Unit testing	150	35	5,250
.3	Integrated test plan	45	35	1,575
.4	System testing	150	35	5,250
.5	User manuals	40	35	1,400
.6	User training	10	35	350
.7	Project turnover	40	35	1,400
.8	General and detail design update	20	35	700
.9	Data Dictionary update	25	35	875
.10	Approvals, walk-thrus, meetings, etc.	25	35	875
III.	Estimated Phase Totals	925	35	32,375
	Estimated Project Total	2000	35	70,000

State Of Alaska	Bill: SB-92
SMALL PROJECT - General Purpose Form	----- page 1 of 2
-----	
Project Name: SBS Voluntary - Payroll Estimation Assumptions & Summary	
-----	
Prepared By: Sally Hooton/Gene Chittenden	Date: 03/27/85

Estimation Assumptions:

1. SBS Voluntary forms will be created and collected by Retirement and Benefits once a year. They will be hand verified and passed to Payroll for processing.
2. SBS Voluntary will be elected as a monetary amount rather than a percentage of gross.
3. SBS Voluntary maximum amount will be calculated by Retirement and Benefits and passed to payroll for use in calculations.
4. The payroll master will need to be expanded to keep YTD SBS Voluntary amounts.
5. SBS Voluntary will be reported on the payroll stub.
6. Annual max-out figures will be used to coordinate editing between SBS mandatory, SBS Voluntary, and Deferred Compensation amounts.
7. SBS Voluntary will not be taken for any warrant, like Deferred Compensation, if the member exceeds the annual maximum based on YTD gross pay or if the member's monthly net pay is less than the SBS Voluntary amount.
8. SBS Voluntary may be taken even if Deferred Compensation is dropped on a particular warrant.
9. This change to payroll will be calculated at in-house prices for DP labor costs.
10. SBS Voluntary will be handled as a pre-tax deduction.
11. Excess SBS Voluntary deductions will be identified by an outside consultant and returned to the member in the next tax year via the annuity payout process in the SBS.
12. Payroll will send SBS Voluntary deduction amounts to Retirement and Benefits on the current SBS contribution tape with a new type code.

-----

Estimation Summary:

Based on the detailed estimate following, this option will take approximately 1.47 man-years to build at a cost of \$99,995 using in-house payroll staff. An estimation of contracting staff costs for this same project would be \$175,000 including some time for the contractors to familiarize themselves with the Payroll System. This will take approximately 6 calendar months to implement utilizing in-house maintenance staff. This change is estimated to add 5,000 executable lines of code to the Payroll System.

Project Name: SBS Voluntary - Payroll System Changes

Prepared By: Sally Hooton/Gene Chittenden | Date: 03/27/85

TASK	DESCRIPTION	EST HOURS	EST RATE	EST COST
1.00	General design phase			
.1	System definition	140	35	4,900
.2	System plan	100	35	3,500
.3	User requirements	160	35	5,600
.4	Hardware Requirements	10	35	350
.5	Software selection	10	35	350
.6	System narrative	80	35	2,800
.7	System flow	80	35	2,800
.8	Data Dictionary (definitions)	40	35	1,400
.9	Approvals, miscellaneous meetings, etc.	80	35	2,800
I.	Estimated Phase Totals	700	35	24,500
2.00	Detail design phase			
.1	Systems design	72	35	2,520
.2	Subsystems design	160	35	5,600
.3	Subsystem flows	100	35	3,500
.4	Input/output design	80	35	2,800
.5	Data Base design	100	35	3,500
.6	Program design and specification	160	35	5,600
.7	General design update	45	35	1,575
.8	Data Dictionary update	40	35	1,400
.9	Approvals, walk-thrus, meetings, etc.	100	35	3,500
II.	Estimated Phase Totals	857	35	29,995
3.00	Programming and Implementation phase			
.1	Programming	400	35	14,000
.2	Unit testing	160	35	5,600
.3	Integrated test plan	120	35	4,200
.4	System testing	140	35	4,900
.5	User manuals	100	35	3,500
.6	User training	40	35	1,400
.7	Project turnover	120	35	4,200
.8	General and detail design update	80	35	2,800
.9	Data Dictionary update	40	35	1,400
.10	Approvals, walk-thrus, meetings, etc.	100	35	3,500
III.	Estimated Phase Totals	1300	35	45,500
	Estimated Project Total	2857	35	99,995



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James Smith  
Signature of Camera Operator

11/24/89  
Date

S B

9 7

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY

1/25/85

Date February 2, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 97

forfeiture of weapons used to commit a crime.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 97
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Edna Revis

V. Fischer

Tom Kelly

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Michael...

Chairman

Sharon...

Chairman recommendation

Introduced: 1/25/85  
Referred: State Affairs  
and Judiciary

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 97

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to  
7 commit a crime."

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

9 \* Section 1. AS 12.55.015(a) is amended to read:

10 (a) Except as limited by AS 12.55.125 -- 12.55.175, the court,  
11 in imposing sentence on a defendant convicted of an offense, may  
12 singly or in combination

13 (1) impose a fine when authorized by law and as provided in  
14 AS 12.55.035;

15 (2) order the defendant to be placed on probation under  
16 conditions specified by the court which may include provision for  
17 active supervision;

18 (3) impose a definite term of periodic imprisonment;

19 (4) impose a definite term of continuous imprisonment;

20 (5) order the defendant to make restitution as provided in  
21 AS 12.55.045;

22 (6) order the defendant to carry out a continuous or peri-  
23 odic program of community work as provided in AS 12.55.055;

24 (7) suspend execution of all or a portion of the sentence  
25 imposed as provided in AS 12.55.080;

26 (8) suspend imposition of sentence as provided in AS 12.-  
27 55.085;

28 (9) order the forfeiture to the Department of Public Safety  
29 of any deadly weapon possessed or used by the defendant during the

1 commission of the offense; as used in this paragraph, deadly weapon  
2 means the same as in AS 11.81.900.

3 \* Sec. 2. AS <sup>12.36</sup>~~33.30~~ is amended by adding new sections to read:

## Chapter 36, Disposition of Recovered [OR] Seized, or Forfeited Property

4 Sec. <sup>12.36.050</sup>~~33.30.295~~ REMISSION OF FORFEITED PROPERTY. (a) A claim-  
5 ant seeking remission of or remittance of the value of the claimant's  
6 interest in a weapon ordered forfeited under AS 12.55.015(a)(9) must  
7 prove to the court by a preponderance of evidence that the claimant

8 (1) has a valid interest in the weapon, acquired in good  
9 faith;

10 (2) did not knowingly participate in the commission of the  
11 crime in which the weapon was used; and

12 (3) did not know or have reasonable cause to believe that  
13 the weapon has been or would be used to commit a crime.

14 (b) Upon a showing that a claimant is entitled to relief under  
15 (a) of this section, the order of the court must provide that

16 (1) if the claimant is entitled to the weapon, it must be  
17 delivered to the claimant within 60 days after the final disposition  
of the case.

18 (2) if the claimant is entitled to remittance of some value  
19 less than the total value of the weapon, the claimant is entitled, at  
20 the claimant's choice, to receive either the value of the claimant's  
21 interest or, upon payment by the claimant of the difference in value,  
22 the weapon.

23 Sec. <sup>12.36.060</sup>~~33.30.295~~ DISPOSAL OF FORFEITED DEADLY WEAPONS. A deadly  
24 weapon forfeited under AS 12.55.015(a)(9), unless remitted under  
25 AS <sup>12.36.050</sup>~~33.30.295~~, must be disposed of at the discretion of the commis-  
26 sioner of public safety. The commissioner of public safety may destroy  
27 the weapon or use the weapon for law enforcement, ballistics testing,  
28 or training purposes.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 97

Support

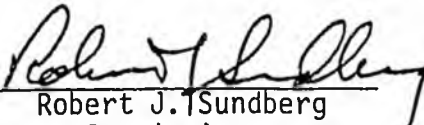
February 4, 1985

SB 97 - "An Act relating to forfeiture of weapons used to commit a crime

This legislation adds a new paragraph to the general sentencing provisions statute which would authorize a court to order the forfeiture, as part of a defendant's sentence upon conviction, of a deadly weapon which was possessed or used by a defendant during the commission of crime.

It is common to encounter persons who are convicted of violent crimes repeating similar offenses. By being able to hinder such individuals from obtaining the "tools" to commit such crimes, an added degree of safety for the public can thus be provided.

Law enforcement agencies often spend a considerable effort returning knives, clubs, axes, etc. from evidence storage back to individuals who have committed violent crimes. Certainly this effort can be better expended if the weapons can be disposed of at the discretion of the State. Some of the weapons will be used by the Alaska State Troopers Scientific Crime Detection Laboratory for ballistics purposes.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: SB 97  
 Title: "...forfeiture of weapons  
 used to comit a crime..."  
 Sponsor: Rules Committee  
 Requestor: Senate State Affairs  
 Date of Request: 2-6-85

**FISCAL DETAIL**

Agency Affected: Public Safety  
 Program Category Affected: Administration of Justice  
 BRU Program or Subprogram(s) Affected: Alaska State Troopers

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
----------------	----------	----------	----------	----------	----------	----------

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

See attached analysis.

Prepared By: Francis C. Allan <sup>f.c.a.</sup> Phone: 269-5691  
 Division: Alaska State Troopers Date: 2/4/85  
 Approved by Commissioner: [Signature] Date: 2-6-85  
 Agency: Department of Public Safety

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

7/1/84

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: 5897  
Title: "An Act relating to forfeiture of weapons used to commit a crime."  
Sponsor: Senate Rules/Governor  
Requestor: Governor's Ofc./OMB  
Date of Request: 12/18/84

FISCAL DETAIL

Agency Affected: Department of Law  
Program Category Affected: Administration of Justice  
BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill amends AS 12.55.015(a) to give the court the discretionary power to order the forfeiture of a weapon as part of a defendant's sentence following conviction. Although prosecutors will have the added responsibility of advocating forfeiture, when appropriate, this advocacy duty can be accomplished without additional expense.

Prepared By: Richard I. Peggles, Director Phone: 465-3672  
Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Norman C. Gorsuch Date: 12/19/84  
Agency: Department of Law

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

  
STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 24, 1985

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will authorize a court to order the forfeiture to the Department of Public Safety (DPS) of a deadly weapon possessed or used by a defendant during the commission of a crime. As used in the bill, "deadly weapon" means any firearm (including a pistol, revolver, rifle, or shotgun) or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive.

Although current law authorizes the forfeiture of weapons used to commit fish and game offenses (AS 16.05.195) or offenses involving controlled substances (AS 17.30.110), there is no statutory provision that expressly allows a court to order, as part of a defendant's sentence, the forfeiture of a weapon used to commit crimes such as assault, robbery, or murder. AS 11.61.200 prohibits a felon, during the five years immediately following his "unconditional discharge" (i.e., release from custody or parole or probation) for a felony, from knowingly possessing "a firearm capable of being concealed on his person," and AS 12.55.080 gives a court broad powers to determine and impose reasonable probation conditions (such as no possession of firearms during the period of probation); however, neither of these statutes specifically authorizes a court to order the forfeiture of a weapon used to commit a crime.

To address this surprising omission in existing law, sec. 1 of this bill adds a new paragraph to the general sentencing provisions in AS 12.55.015(a) to authorize a court to order the forfeiture of a weapon as part of a defendant's sentence following conviction. Forfeiture would not be required in every case, but could be imposed at the court's discretion.

In sec. 2, the bill allows the remission of forfeited weapons to innocent third parties who prove an ownership interest in the weapon. Also, under sec. 2 of the bill, forfeited weapons must either be destroyed or used by DPS for training, ballistics, or other law enforcement purpose.

Passage of this bill will authorize our courts to remove from the hands of a convicted criminal a weapon used to commit a crime. This will at least prevent the convicted person from using that weapon to commit another crime in the future. I urge your prompt and favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Bill Sheffield". The signature is written in dark ink and is positioned above the typed name and title.

Bill Sheffield  
Governor



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

11/24/89  
Date

S B

100

Position Paper  
SB 100

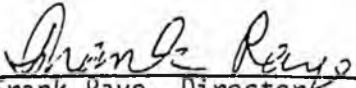
Senate Bill 100 would limit salaries to not more than the salary of the Governor. The limit would apply to all employees of the State; all political subdivisions; other instrumentalities, boards, commissions, and authorities that receive at least 50 percent of their annual budget from the State treasury; grant recipients that receive 50 percent of their annual budget from the State treasury; and the Alaska Railroad Corporation if it receives at least 50 percent of its budget by direct appropriation or grant from the State treasury. Current collective bargaining agreements are not affected, but any new agreement or extension must comply with the provisions of this bill.

There is a technical drafting problem with SB 100. The "notwithstanding" provisions on page 2, lines 10-14, cite collective bargaining statutes. It fails to also cite the geographic differential and longevity provisions (AS 39.27.020 and AS 39.27.022) that place some executive branch salaries above the Governor's salary. It also fails to cite provisions that place the salaries of some judges above the Governor's salary. See AS 22.05.140(c) and AS 22.10.190(c). We believe these citations should be added to avoid any confusion of the bill's applicability to a given situation.

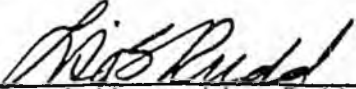
This bill would reverse long standing public policy in this State. Geographic differentials have been a matter of law since at least 1966. Longevity increments have been a matter of law since 1972. This bill would limit each of these when they operate to provide a salary greater than the Governor's salary.

The Governor's salary is set on a different basis than those subject to the State's classification and pay plans created under AS 39.250.150(a) and (b). Setting of the Governor's salary is essentially a political decision for political office. In addition to the salary, the Governor receives housing through the budget for the Executive Mansion. The salary of jobs subject to the classification plan are based on a "fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work" (AS 39.25.150(b)). Geographic differentials and longevity increments have been enacted as legitimate amendments to the basic pay plan to recognize legitimate public purposes in the career service. This bill would override these provisions.

The Division of Personnel urges that serious consideration be given to the questions of geographic differentials and longevity increments before these public policies are reversed by this bill.

  
\_\_\_\_\_  
Frank Raye, Director  
Division of Personnel

2/1/85  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Commissioner Lisa Rudd  
Department of Administration

2/6/85  
\_\_\_\_\_  
Date

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### DIVISION OF PERSONNEL

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0201)  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4430

February 21, 1985

Honorable Mitchell F. Abood, Jr.  
Chairman  
Senate State Affairs Committee  
Pouch V (MS 3100)  
Juneau, AK 99811

Dear Mr. Chairman:

Senate Bill 100 was heard before your Committee on February 6. During my testimony, Committee members asked me to provide additional specific information on salaries of certain employees. I have now gathered the information and am pleased to transmit it to you.

Senator Vic Fischer requested a list of the Executive Branch employees whose "basic salary" (as defined in SB 100) exceeded the salary of the Governor. Attachment 1 lists the eleven (11) employees who fall into this category.

Senator Bill Ray requested a similar list of the Judges and Justices whose "basic salary" exceeded the salary of the Governor. Edna Caldwell, the State Payroll Supervisor, had informed Senator Paul Fischer that 14 Judges and Justices fell into this category. However, there are only ten (10) whose salary exceeds the Governor. There are also four (4) Justices whose salary equals the Governor's. These are Justices who receive no geographic cost-of-living adjustment. See AS 22.05.140(a) and (c). Attachment 2 lists the nine (9) Judges and a Justice whose basic salary exceeds the Governor's.

Senator Vic Fischer requested a listing of all employees whose total compensation exceeded the Governor's. Attachment 3 is such a listing of all employees paid through the Division of Finance, Department of Administration for calendar year 1984. It does not include the University of Alaska, the Alaska Railroad Corporation, nor any other quasi-public corporation that processes its own payroll. I have also excluded those employees in Attachments 1 and 2 to avoid duplication. I have indicated in the Comment column the reason for several employees' salaries to exceed the Governor's on a one-time basis. The salaries of the other employees may be expected to repeatedly exceed the Governor's due to overtime, stand-by, shifts differential, sea duty and other forms of premium pay.

RECEIVED  
FEB 25 1985

RECEIVED  
FEB 25 1985

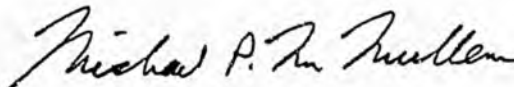
Honorable Mitchell F. Abood, Jr.

-2-

February 21, 1985

I would be happy to answer any questions you may have about this data. I will make every effort to attend your Committee meeting when SB 100 is next scheduled for hearing to answer any questions from other members of the Committee.

Sincerely,



Michael P. McMullen  
Deputy Director

MPM/cfm

1/4D1/0219-04

Enclosures

cc: Honorable Paul Fischer  
Alaska State Senator  
Pouch V (MS 3100)  
Juneau, AK 99811

ATTACHMENT 1

Executive Branch Employees Whose Base Salary Exceeds the Governor's

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>PCN</u>	<u>PAY RATE</u> <sup>1</sup>	<u>SCHEDULE</u>	<u>RANGE</u>	<u>STEP</u>	<u>CLASS TITLE</u>	<u>LOCATION</u>
Davis	Harry L.	031003	7,074.00	E	25	K	Attorney V	Fairbanks
Merriner	Charles M.	031191	8,169.00	F	25	L	Attorney V	Dillingham
Wood	Larry D.	030006	6,818.00	E	25	J	Attorney V	Fairbanks
Wardell	Thomas M.	031044	6,852.00	D	25	L	Attorney V	Kenai
Gould	James V.	031005	7,870.00	H	25	F	Attorney V	Nome
Doogan	James P.	031057	6,818.00	E	25	J	Attorney V	Fairbanks
Romesburg	Kerry D.		6,834.00	A	28	K	*	Juneau
Fraser	Robert	061001	7,339.00	A	29	L	Dir Public Health	Juneau
Conrad	Harold T.	065285	6,900.00	9	29	F	Medical Supt., API	Anchorage
Springer	Heinrich K.	258701	7,870.00	H	26	E	Division Director	Nome
Glenzer	Hubert	255634	7,055.00	E	28	E	Deputy Commissioner	Fairbanks

\*Executive Director, Alaska Commission on Post-secondary Education

<sup>1</sup>The Governor's monthly pay rate is \$6,804.00.

## ATTACHMENT 2

Judges and Justices Whose Base Salary Exceeds the Governor's

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>LOCATION</u>	<u>MONTHLY SALARY</u>
Blair	James	Fairbanks	6,994.00
Bosshard	John	Valdez	7,209.00
Cooke	Christopher	Bethel	7,209.00
Hodges	Jay	Fairbanks	6,994.00
Jeffrey	Michael I.	Barrow	7,209.00
Jones	Paul B.	Kotzebue	7,209.00
Rabinowitz	Jay A. (Justice)	Fairbanks	7,757.00
Taylor	Warren W.	Fairbanks	6,994.00
Tunley	Charles R.	Nome	7,209.00
VanHoomissen	Gerald	Fairbanks	6,994.00

## ATTACHMENT 3

Employees Whose Total Compensation Exceeded the Governor's During 1984

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>PCN</u>	<u>TOTAL EARNINGS</u>	<u>LOCATION</u>	<u>RANGE/STEP</u>	<u>CLASS TITLE</u>	<u>COMMENT</u>
Davis	Ronald J.	245708	83,472.33			Civil Engineer I	Terminal leave payoff
Moy	Victor S.	060259	119,626.62	Juneau	17/D	Internal Aud II	Arbitration award (prior year pay reinstated)
Veuthey	Pierre L.	065315	89,780.39	Anchorage	Exempt	Staff Psychiatrist	
Eakins	Gilbert R.	102007	82,123.84	Fairbanks	24/K	Geologist VI	
Hickey	Daniel W.	031058	81,686.40	Juneau	27/K	Chf Pros & Crim Aff	Leave cash-in
South	Herman H.	065287	84,704.00	Anchorage	Exempt	Staff Psychiatrist	
Overstreet	William D.	081238	84,999.96	Tokyo	26/D	Office Director	
Bodine	Jack T.	260403	95,588.16			Right-of-Way Agnt VI	Terminal leave payoff
Nygren	Lyle E.	123025	103,509.76	Kodiak	78/K	Sergeant, P.S.	
Reilly	Douglas K.	065282	87,704.00	Anchorage	Exempt	Staff Psychiatrist	
Marshall MD	Robert W.	065002	89,192.00	Anchorage	Exempt	Asst Supt, API	
Livingstone	Bruce L.	062223	82,504.00	Anchorage	Exempt	Staff Psychiatrist	
Mix	Larry A.	121638	94,931.12			Spec Asst to the Comm. II	Terminal leave payoff
Lochman	Robert A.	123107	106,255.92	Kodiak	22/K	Capt., Marine Enf., P.S.	
Dattan	Christop H.	065286	83,418.94	Anchorage	Exempt	Staff Psychiatrist	
Bundy	Robert C.	031008	91,771.70			Attorney V	Terminal leave payoff
Detemple	Joseph F.	121001	86,039.76	Bethel	22/K	Capt., P.S.	
Thatcher	John F.		82,335.34	Marine Trans.		Master	
Borchick	Freda M.	063075	87,843.52			Admin Off III	Terminal leave payoff
Grimes	James V.	121357	82,504.41	Anchorage	78/J	Sergeant, P.S.	
Hamill	James E.	065283	86,904.00	Anchorage	Exempt	Staff Psychiatrist	

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 2, 1985

SUBJECT: Sectional Analysis of SB 100  
(Prohibiting salaries for certain employees  
from exceeding the governor's salary)

TO: Senator Paul Fischer

FROM: Teresa B. Cramer *Jerry Cramer*  
Legislative Counsel

You have asked for a sectional analysis of SB 100.

Section 1 adds a new section to the Fiscal Procedures Act (AS 37.05) to provide that a state agency may not grant money to an organization or entity unless the organization or entity agrees that none of its employees will be paid a salary greater than the governor's. Subsection (b) defines the organizations and entities to which the limit applies. Subsection (c) gives the department administering the grant responsibility for insuring that the organization or entity is notified of the salary limit requirement and that it agrees to comply with the limit before it receives a grant. Subsection (d) incorporates the expansive definition of "state" contained in AS 39.20.095, enacted in section 2 of the bill, into this section.

Section 2 adds a new section which prohibits the state from paying its employees a salary greater than the governor's salary. The section applies to employees regardless of whether their salaries are set in the collective bargaining process. Subsection (b) defines "basic salary" and contains an expansive definition of "state."

Section 3 requires the Alaska Railroad corporation to abide by the salary limit imposed by section 2 if the corporation receives at least 50 percent of its yearly budget from the state.

Section 4 contains language required by state and federal constitutional prohibitions against impairing the obligations of existing contracts.

Senator Paul Fischer  
Page 2  
February 2, 1985

Section 5 affirms the independence of the University of Alaska, except as to the salary limit created by the bill.

Section 6 is an immediate effective date.

If I may be of further assistance, please advise.

TBC:mkr  
027:M1

SB 100

Submitted by  
Sen. P. Fischer

C-1

# Legislators introduce bills to cut state pay

By BRUCE SCANDLING  
The Associated Press

JUNEAU — Fifteen University of Alaska administrators earn fatter paychecks than Gov. Bill Sheffield and would face salary cuts under two bills introduced by state lawmakers.

University President Donald O'Dowd tops the list, bringing home \$90,938 a year in base pay. Sheffield earns \$81,648 annually.

Proposals to limit state salaries to no more than the governor is paid have been introduced in both the state House and Senate. But trying to figure how many more state workers would be affected by the limit is posing a challenge to legislative staffers working on the measures.

A payroll supervisor said at least 21 state workers — not including university, Alaska Housing Authority and Alaska Railroad employees — earn more than the governor when various pay differentials are counted.

"And I'd say a majority of them are the judges," said Edna Caldwell.

Part of the problem in determining who would be affected revolves around differences in the two bills.

Rep. Mike Szymanski, D-Anchorage, drafted legislation that simply says no worker should earn a base salary greater than the governor.

Many state workers, however, especially those in rural areas, have geographic differentials and other pay-boosting factors added to their base salaries.

Szymanski's bill would not count those differentials as base pay, meaning fewer employees would out-earn the governor.

When the salary adjustments are not counted, a review of all classified and exempt state employees — not counting the university — showed no worker earning more than Sheffield, said Mark Higgins, a Szymanski aide.

But a Senate version of the measure would create a large list. The bill drafted by Sen.

See Page C-3. SALARY

## Salary cuts for state employees proposed

Continued from Page C-1

Paul Fischer, R-Soldotna, and co-sponsored by six other senators, counts differentials when determining base salary.

Fischer said the practice of paying state workers more according to where they live is a major factor in skyrocketing state salaries.

"It's been somewhat abused over the years," Fischer said. "We have to get away from this thing where the community says it cost two, three or four times more to live in a certain place."

Caldwell said geographic differentials can increase an Alaska worker's salary by up to 33 percent. That's the extra amount an employee is paid for living in such areas as Barrow, Kobuk or the Yukon-

an automatic 10 percent geographic boost in salary.

The bill is co-sponsored by Senate President Don Bennett, R-Fairbanks, and Sens. Jack Coghill, R-Nenana; Mitch Abood, R-Anchorage; Frank Ferguson, D-Kotzebue; Pat Rodey, D-Anchorage; and Edna DeVries, R-Palmer.

Salary figures provided by the university don't include geographic differentials, longevity or other cost factors.

Budget Director Brian Rogers said more than 15 employees would top the governor's salary if those factors were counted. Figuring just base pay, these are the top wage earners in the university system:

- O'Dowd, \$90,938;
- Patrick O'Rourke, Fairbanks campus chancellor, \$88,060;

- Carolyn Floyd, Kodiak Community College president, \$87,648;
- Sherman Carter, executive vice president, \$87,185;
- Al Okeson, CREE chancellor, \$86,448;
- David Outcalt, Anchorage campus chancellor, \$85,487;
- Michael Paradise, Juneau campus chancellor, \$85,487;
- Herb Lyon, Anchorage Community College chancellor, \$83,202;
- Juan Roderer, Geophysical Institute director, \$82,953;
- William Phillips, Fairbanks vice chancellor, \$82,745;
- Keith Mather, Fairbanks vice chancellor, \$82,613;
- Bonita Neiland, Fairbanks professor, \$82,568;
- John Bligh, director, Institute of Arctic Biology, \$82,154;
- James Drew, dean, School of Agriculture and



Alaska Public  
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Mitch Abood, Chairman  
State Affairs Committee

FROM: Cherie Shelley *CS*  
Executive Director

SUBJECT: SB 100 - Limiting Salaries of Public Employees

DATE: February 6, 1985

The Alaska Public Employees Association opposes this bill as a shortsighted effort to gain political points at the expense of the efficient operation of state government. While we recognize the political advantages attached to such legislation, careful review of the issue reveals that this measure is severely flawed.

There is a fundamental difference between a popularly elected governor and a career civil servant. Governors traditionally have considerable personal wealth and seek the office as the culmination of their political careers. While in office, the governor receives subsidized housing, a considerable expense account, and is free from the mundane concerns of the average citizen. If the generous perquisites attached to the office were considered, the real value of the governor's salary would be considerably greater than Step F, Range 30 of the salary schedule in AS 39.27.011(a).

This bill ignores the education, experience and responsibility which many classified positions require. The state will be unable to attract qualified people to fill highly technical and demanding positions. Due to the specific requirements of some positions, the number of qualified applicants is especially low. To impose an artificial ceiling on salary will further limit the state's ability to recruit and retain the best individuals. The end result will be a mediocrity which the state can ill afford.

The concept of this legislation is diametrically opposite that of the collective bargaining process which the legislature has created. The Public Employment Relations Act (AS 23.40) declares that the state can ensure the orderly operation of government by negotiating with and entering into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment. This legislation would limit the ability

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

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

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

of the parties to conduct comprehensive negotiations and destroys the principles of the merit system. State government would not be well served by enactment of this legislation.

The inclusion of "geographical differentials" in the definition of "basic salary" totally ignores the economic reality of life in Alaska. People receive geographical differentials because the cost of living in particular areas has been determined to be higher than the cost of living in Anchorage or Juneau. The Department of Administration is currently conducting a statewide geographical differential study to verify the accuracy of the system. It makes little sense to establish the appropriateness of a cost-of-living differential and then deny the same to public employees because of an arbitrary act of the legislature.

The Cooperative Extension Service of the U.S. Department of Agriculture at the University of Alaska in Fairbanks reported in a recent survey that the cost of a standard market basket of goods in Nome was priced at 180% of the price of similar items in Anchorage. The geographical differentials exist to compensate for this disparity. Until such time as the governor is required to live in Nome, or any other bush community, the inclusion of the geographical differential as a component in any salary comparison is inappropriate.



Alaska Public  
Employees Association **APEA**

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

MEMORANDUM

TO: Senator Mitch Abood, Chairman  
State Affairs Committee

FROM: Cherie Shelley *CS*  
Executive Director

SUBJECT: SB 100 - Limiting Salaries of Public Employees

DATE: February 6, 1985

The Alaska Public Employees Association opposes this bill as a shortsighted effort to gain political points at the expense of the efficient operation of state government. While we recognize the political advantages attached to such legislation, careful review of the issue reveals that this measure is severely flawed.

There is a fundamental difference between a popularly elected governor and a career civil servant. Governors traditionally have considerable personal wealth and seek the office as the culmination of their political careers. While in office, the governor receives subsidized housing, a considerable expense account, and is free from the mundane concerns of the average citizen. If the generous perquisites attached to the office were considered, the real value of the governor's salary would be considerably greater than Step F, Range 30 of the salary schedule in AS 39.27.011(a).

This bill ignores the education, experience and responsibility which many classified positions require. The state will be unable to attract qualified people to fill highly technical and demanding positions. Due to the specific requirements of some positions, the number of qualified applicants is especially low. To impose an artificial ceiling on salary will further limit the state's ability to recruit and retain the best individuals. The end result will be a mediocrity which the state can ill afford.

The concept of this legislation is diametrically opposite that of the collective bargaining process which the legislature has created. The Public Employment Relations Act (AS 23.40) declares that the state can ensure the orderly operation of government by negotiating with and entering into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment. This legislation would limit the ability

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

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

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

of the parties to conduct comprehensive negotiations and destroys the principles of the merit system. State government would not be well served by enactment of this legislation.

The inclusion of "geographical differentials" in the definition of "basic salary" totally ignores the economic reality of life in Alaska. People receive geographical differentials because the cost of living in particular areas has been determined to be higher than the cost of living in Anchorage or Juneau. The Department of Administration is currently conducting a statewide geographical differential study to verify the accuracy of the system. It makes little sense to establish the appropriateness of a cost-of-living differential and then deny the same to public employees because of an arbitrary act of the legislature.

The Cooperative Extension Service of the U.S. Department of Agriculture at the University of Alaska in Fairbanks reported in a recent survey that the cost of a standard market basket of goods in Nome was priced at 180% of the price of similar items in Anchorage. The geographical differentials exist to compensate for this disparity. Until such time as the governor is required to live in Nome, or any other bush community, the inclusion of the geographical differential as a component in any salary comparison is inappropriate.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

11/24/89  
Date

S B

I I H

**COMMITTEE REPORT**  
**SENATE**

FURTHER:      TRANSPORTATION  
                    FINANCE

1/30/85

Date March 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 114  
relating to registration of heavy vehicles; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"                       NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Ed De Vries  
Tom Kelly  
Bice Ray  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No. SB110  
 Title: An Act relating to the registration of heavy vehicles  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		8.8	9.3	9.9	10.5	11.1
200 TRAVEL						
300 CONTRACTUAL		7.4	5.5	5.8	6.1	6.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		16.2	14.8	15.7	16.6	17.6

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

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		16.2	14.8	15.7	16.6	17.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME Seasonal		1	1	1	1	1
TEMPORARY						

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

Will require proof of IRS filing or payment of the Federal Heavy Truck Use Tax prior to registration for all motor vehicles with a gross vehicle weight (GVW) of 33,000 lbs or over. Alaska vehicle classifications are based on unladen weight rather than GVW, so it is not possible to determine exactly how many vehicles are affected, but an estimate based on unladen weight would be 2,500 to 3,500 vehicles.

Prepared By: Charles R. Hosack

Phone: 269-5561

Division: Motor Vehicles

Date: 10-15-84

Approved by Commissioner: [Signature]  
 Agency: Public Safety

Date: 12/16/84

**Distribution (by Agency preparing fiscal note):**

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

7/1/84

HEAVY VEHICLE USE TAX

ANALYSIS (Continued)

Notification to vehicle owners and collection of the proper forms would require a special mailing, and individual handling. Most of these vehicles are commercial vehicles registered during December, so one position working four months, October through January, would be able to accomplish most of the work and the rest would be absorbed by existing positions.

Cost detail for the program is as follows:

100	Motor Vehicle Representative I, Range 8, 4 months		8.8
300	Mailing Cost	1.4	
	Forms	1.0	
	Data Processing Programming	2.0	
	Data Processing Maintenance	3.0	
		<u>7.4</u>	<u>7.4</u>
			<u>16.2</u>

An inflation factor of 6% has been applied to costs beyond FY86.

<b>TITLE OF INCREMENT/DECREMENT:</b> FN - Heavy Vehicle Registration	<b>AGENCY CONTACT/PHONE NUMBER:</b> John H. Lucking/269-5551	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>CODE</th> <th>EXPENDITURE BY OBJECT</th> <th>AGENCY REQ.</th> <th>GOV'S REQ.</th> </tr> </thead> <tbody> <tr><td>100</td><td>Personal Services</td><td>8.8</td><td></td></tr> <tr><td>200</td><td>Travel</td><td></td><td></td></tr> <tr><td>300</td><td>Contractual Services</td><td>7.4</td><td></td></tr> <tr><td>400</td><td>Supplies</td><td></td><td></td></tr> <tr><td>500</td><td>Equipment</td><td></td><td></td></tr> <tr><td>600</td><td>Lands, Buildings, Etc.</td><td></td><td></td></tr> <tr><td>700</td><td>Grants, Claims, Etc.</td><td></td><td></td></tr> <tr><td>800</td><td>Miscellaneous</td><td></td><td></td></tr> <tr><td colspan="2" style="text-align: center;">TOTAL</td><td>16.2</td><td></td></tr> <tr><td colspan="4" style="text-align: center;"><del>I-A Transfer (NON-ADD)</del></td></tr> <tr><td>1002</td><td>Federal Receipts</td><td></td><td></td></tr> <tr><td>1003</td><td>General Fund Match</td><td></td><td></td></tr> <tr><td>1004</td><td>General Fund</td><td>16.2</td><td></td></tr> <tr><td>1005</td><td>I-A Receipts</td><td></td><td></td></tr> <tr><td>1028</td><td>Program Receipts</td><td></td><td></td></tr> <tr><td></td><td>Other</td><td></td><td></td></tr> <tr> <td rowspan="4" style="vertical-align: middle;">POSITION INFORMATION</td> <td>PFT</td> <td></td> <td></td> </tr> <tr> <td><del>XXX</del> Seasonal</td> <td>1.0</td> <td></td> </tr> <tr> <td>Non Permanent</td> <td></td> <td></td> </tr> <tr> <td>Staff Months</td> <td>4.0</td> <td></td> </tr> </tbody> </table>	CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.	100	Personal Services	8.8		200	Travel			300	Contractual Services	7.4		400	Supplies			500	Equipment			600	Lands, Buildings, Etc.			700	Grants, Claims, Etc.			800	Miscellaneous			TOTAL		16.2		<del>I-A Transfer (NON-ADD)</del>				1002	Federal Receipts			1003	General Fund Match			1004	General Fund	16.2		1005	I-A Receipts			1028	Program Receipts				Other			POSITION INFORMATION	PFT			<del>XXX</del> Seasonal	1.0		Non Permanent			Staff Months	4.0	
CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.																																																																																
100	Personal Services	8.8																																																																																	
200	Travel																																																																																		
300	Contractual Services	7.4																																																																																	
400	Supplies																																																																																		
500	Equipment																																																																																		
600	Lands, Buildings, Etc.																																																																																		
700	Grants, Claims, Etc.																																																																																		
800	Miscellaneous																																																																																		
TOTAL		16.2																																																																																	
<del>I-A Transfer (NON-ADD)</del>																																																																																			
1002	Federal Receipts																																																																																		
1003	General Fund Match																																																																																		
1004	General Fund	16.2																																																																																	
1005	I-A Receipts																																																																																		
1028	Program Receipts																																																																																		
	Other																																																																																		
POSITION INFORMATION	PFT																																																																																		
	<del>XXX</del> Seasonal	1.0																																																																																	
	Non Permanent																																																																																		
	Staff Months	4.0																																																																																	
<b>DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:</b>  Proposed legislation would amend AS 28.10.021 dealing with vehicle registration to ensure that the vehicle owner has complied with federal regulations requiring that a heavy vehicle use tax be paid if applicable prior to State registration.  Notification to vehicle owners and collection of the proper forms would require a special mailing and individual handling. Most of the affected vehicles are commercial vehicles registered during December, so one seasonal position working four months (October-January) would be able to accomplish most of the additional workload involved in administering the change in Statute.  Costs are projected as follows:																																																																																			
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;"><u>100</u></td> <td style="width:75%;">One seasonal Motor Vehicle Rep I, Range 8, 4 months</td> <td style="width:10%; text-align: right;">8.8</td> <td style="width:10%;"></td> </tr> <tr><td colspan="4"> </td></tr> <tr> <td><u>300</u></td> <td>Mailing Cost</td> <td style="text-align: right;">1.4</td> <td></td> </tr> <tr> <td></td> <td>Forms</td> <td style="text-align: right;">1.0</td> <td></td> </tr> <tr> <td></td> <td>Data Processing Programming</td> <td style="text-align: right;">2.0</td> <td></td> </tr> <tr> <td></td> <td>Data Processing Maintenance</td> <td style="text-align: right;">3.0</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">Subtotal</td> <td style="text-align: right;">7.4</td> <td></td> </tr> <tr><td colspan="4"> </td></tr> <tr> <td></td> <td style="text-align: right;">TOTAL COSTS</td> <td style="text-align: right;">16.2</td> <td></td> </tr> </table>		<u>100</u>	One seasonal Motor Vehicle Rep I, Range 8, 4 months	8.8						<u>300</u>	Mailing Cost	1.4			Forms	1.0			Data Processing Programming	2.0			Data Processing Maintenance	3.0			Subtotal	7.4							TOTAL COSTS	16.2																																															
<u>100</u>	One seasonal Motor Vehicle Rep I, Range 8, 4 months	8.8																																																																																	
<u>300</u>	Mailing Cost	1.4																																																																																	
	Forms	1.0																																																																																	
	Data Processing Programming	2.0																																																																																	
	Data Processing Maintenance	3.0																																																																																	
	Subtotal	7.4																																																																																	
	TOTAL COSTS	16.2																																																																																	
<input type="checkbox"/> Enhance Existing Service Compared to FY 85 <input checked="" type="checkbox"/> New Service Compared to FY 85 <input type="checkbox"/> Continuation of FY 85 Service Level		<input type="checkbox"/> Formula Program																																																																																	
<b>IMPACT FROM CAPITAL PROJECT (NAME)</b>  Chapter _____ SLA _____ Page/Line _____																																																																																			

<b>C5 INCREMENT/DECREMENT REQUEST</b>  Agency Priority <u>34</u> of <u>35</u>	<b>AGENCY</b> <u>Department of Public Safety</u> <b>PROGRAM</b> <u>Life &amp; Property Protection</u> <b>BRU</b> <u>Division of Motor Vehicles</u> <b>COMPONENT</b> <u>Vehicle Services</u> <b>PROJECT</b> _____
---	--

**FY 86**

PAGE \_\_\_\_\_ OF \_\_\_\_\_  
 REVISED DATE \_\_\_\_\_



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 30, 1985

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will authorize the division of motor vehicles (DMV), Department of Public Safety, to refuse to register heavy trucks and trailers if the owner of the heavy vehicle does not furnish proof that applicable federal heavy use taxes have been paid. This authorization is necessary to protect Alaska's full apportionment of federal highway funds.

In 1982 the U.S. Congress adopted the Surface Transportation Assistance Act of 1982. The Act increases, as of July 1, 1984, the heavy vehicle use tax which heavy trucks and trailers must pay under sec. 4481 of the Internal Revenue Code of 1954. Section 143 of the Act (23 U.S.C. sec. 141(d)) authorizes the federal government to withhold up to 25 percent of a state's apportionment of federal highway funds during any year in which heavy vehicles subject to such taxation may be registered in the state without presenting proof of payment of these taxes. The present federal law requires that this proof-of-payment requirement must be effective no later than January 1, 1985.

In order to prevent the loss of these federal highway funds, this bill authorizes DMV to refuse to register a heavy vehicle unless the owner provides proof that the required federal tax has been paid. If an applicant fails to provide the required proof of payment, the applicant's vehicle will not be registered. The State of Alaska is not required to enforce or collect the federal tax.

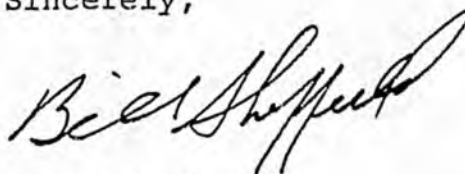
At line 15, the bill also makes an incidental amendment (deletion of "and bus transportation") to recognize the 1980 repeal of AS 42.15, the chapter on bus transportation to which this provision refers.

SB 114

I anticipate that Department of Public Safety personnel will be working with legislative committees on possible amendments to the bill, which may be necessitated by pending federal procedural instructions.

In order to avoid the loss of federal funding needed for Alaska's highway system, I urge your passage of this bill.

Sincerely,

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


Bill Sheffield  
Governor



## Dept. of Transportation & Public Facilities

# Position Paper

**BILL NO:** Senate Bill 114

**APPROVED:**   
R. J. Knapp  
Commissioner

**TITLE:** An act relating to the registration of heavy vehicles; and providing for an effective date.

**DATE:** March 1, 1985

---

The Alaska Department of Transportation and Public Facilities urges speedy passage of Senate Bill (SB) 114. SB 114 enables the Division of Motor Vehicles in the Department of Public Safety to require proof-of-payment of the federal heavy vehicle use tax before registering heavy vehicles in the State of Alaska. The heavy vehicle use tax is one of a number of user fees that fund highway improvements through the federal Highway Trust Fund. The State of Alaska receives a very favorable distribution from the Highway Trust Fund; this distribution is over nine times the amount collected through federal taxes on highway use in Alaska.

If SB 144 is not enacted, Alaska will be subject to a reduction in our Interstate apportionments from the highway trust fund. This reduction in funds will hurt the Department's efforts to improve Alaska's Interstate System, consisting of the Parks, Alaska, Glenn and Tok Cut-off highways and portions of the Richardson, Seward, and Sterling highways. The Department estimates that withholding, when applied, will cost the state over \$10 million a year in Interstate apportionments. In a time of declining oil revenues and pressing road improvement needs, the state can ill afford any loss of federal-aid highway funds.

Southern Illinois Builders Ass'n v. Ogilvie, C.A. III.1972, 471 F.2d 680.

## 2. Power of states

State officials were authorized to prescribe number of minority trainees to be employed by

## § 141. Enforcement of requirements

(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this subsection.

(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title.

(c) (1) Each State shall submit to the Secretary such information as the Secretary shall, by regulation, require as necessary, in his opinion, to verify the certification of such State under subsection (b) of this section.

(2) If a State fails to certify as required by subsection (b) of this section or if the Secretary determines that a State is not adequately enforcing all State laws respecting such maximum vehicle size and weights, notwithstanding such a certification, then Federal-aid highway funds apportioned to such State for such fiscal year shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title.

(3) If within one year from the date that the apportionment for any State is reduced in accordance with paragraph (2) of this subsection the Secretary determines that such State is enforcing all State laws respecting maximum size and weights, the apportionment of such State shall be increased by an amount equal to such reduction. If the Secretary does not make such a determination within such one-year period, the amounts so withheld shall be reapportioned to all other eligible States.

(d) The Secretary shall reduce the State's apportionment of Federal-aid highway funds under section 104(b) (5) of this title in an amount up to 25 per centum of the amount to be apportioned in any fiscal year beginning after September 30, 1984, during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b) (5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States.

(Added Pub.L. 93-643, § 107(a), Jan. 4, 1975, 88 Stat. 2284, and amended Pub.L. 95-599, Title I, § 123(d), Nov. 6, 1978, 92 Stat. 2702; Pub.L. 97-424, Title I, § 143, Jan. 6, 1983, 96 Stat. 2129.)

**References in Text.** Section 4481 of the Internal Revenue Code of 1954, referred to in subsec. (d), is section 4481 of Title 26, Internal Revenue Code.

**Prior Provisions.** A prior section 141, Pub.L. 90-495, § 35(a), Aug. 23, 1968, 82 Stat. 836, providing for real property acquisition policies, was repealed by Pub.L. 91-646, Title III, § 306, Jan. 2, 1971, 84 Stat. 1907, and is now covered by sections 4651(1), (3), and (5) and 4655(1) of Title 42, The Public Health and Welfare.

**1983 Amendment.** Subsec. (b), Pub.L. 97-424, § 143, added subsec. (d).

**1978 Amendment.** Pub.L. 95-599 redesignated existing provisions as subsecs. (a) and (b) and added subsec. (c).

contractor in connection with highway construction projects. Schlafly v. Volpe, C.A.III.1974, 495 F.2d 273.

**Effective Date of 1978 Amendment.** Section 123(e) of Pub.L. 95-599, formerly set out as a note under this section, providing that subsec. (c) (2) and (3) of this section be applicable to certifications required by this section to be filed on or after Jan. 1, 1980, was repealed by Pub.L. 96-106, § 12, Nov. 9, 1979, 93 Stat. 798.

**Enforcement of Vehicle Weight Limitations.** Section 123(a) to (c) of Pub.L. 95-599 provided that:

"(a) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary of Transportation, hereunder referred to as the 'Secretary', in consultation with each State shall inventory the existing system of penalties for violations of vehicle weight

laws, rules, and regulations on any portion of any Federal-aid system in such State. Each State shall annually thereafter report to the Secretary its current inventory.

"(b) (1) Not later than the one-hundred-eightieth day after the date of enactment of this section [Nov. 6, 1978], the Secretary, in consultation with each State, shall inventory the existing system in such State for the issuance of special permits. Each State shall annually thereafter report to the Secretary its current inventory.

"(2) For purposes of this subsection, the term 'special permit' means a license or permit issued pursuant to State law, rule, or regulation which authorizes a vehicle to exceed the weight limitation for such vehicle established under State law, rule, or regulation.

"(c) Not later than January 1 of the second calendar year which begins after the date of enactment of this section [Nov. 6, 1978] and each

## § 142. Public transportation

(a) (1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as "buses"), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential high occupancy vehicle lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve high occupancy vehicle and public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph. If fees are charged for the use of any parking facility constructed under this section, the rate thereof shall not be in excess of that required for maintenance and operation of the facility and the cost of providing shuttle service to and from the facility (including compensation to any person for operating the facility and for providing such shuttle service).

(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than \$200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b) (6) shall be available for the payment of the Federal share of projects for the purchase of buses.

(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential high occupancy vehicle, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b) (6) of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 133 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a

calendar year thereafter the Secretary shall submit to Congress an annual report together with such recommendations as the Secretary deems necessary on (1) the latest annual inventory of State systems of penalties required by subsection (a) of this section; (2) the latest annual inventory of State systems for the issuance of special permits required by subsection (b) of this section; (3) the annual certification submitted by each State required by section 141(b) of title 23, United States Code [subsec. (b) of this section]."

**Legislative History.** For legislative history and purpose of Pub.L. 93-643, see 1974 U.S. Code Cong. and Adm. News, p. 8011. See also, Pub.L. 95-599, 1978 U.S. Code Cong. and Adm. News, p. 6575; Pub.L. 97-424, 1982 U.S. Code Cong. and Adm. News, p. 3639.

**Code of Federal Regulations**

Size and weight, see 23 CFR 657.1.

Speed limits, see 23 CFR 659.1.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith  
Signature of Camera Operator

11/24/89  
Date

S B

1 2 2

COMMITTEE REPORT  
SENATE

FURTHER:

2/1/85

Date March 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 122

placing division of geological and geophysical surveys, petroleum engineers and petroleum geologists in the exempt service; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 122 (SA)  
new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

T. J. Kelly  
Eric H. Kelly  
Ed. De Vito  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

[Signature]  
Chairman

[Signature]  
Chairman recommendation

# COMMITTEE REPORT

## SENATE

FURTHER:

2/1/85

Date MARCH 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 122

placing division of geological and geophysical surveys, petroleum engineers and petroleum geologists in the exempt service; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 122(SA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

T. Kelly  
Bill Hays  
Ed. De Vill  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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

[Signature]  
Chairman

[Signature]  
Chairman recommendation

Introduced: 2/1/85  
Original Sponsor: Rules

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 122 (STATE AFFAIRS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing division of geological and geophysical  
7 surveys petroleum engineers, <sup>pet. div.</sup> petroleum geologists and  
8 the professional staff of the commission in the exempt  
9 service; and providing for an effective date."

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

11 \* Section 1. AS 39.25.110(14) is amended to read:

12 (14) petroleum engineers and <sup>petroleum geophysicists</sup> petroleum geologists employed in  
13 a professional capacity by the Department of Natural Resources and the  
14 professional staff of [by] the Oil and Gas Conservation Commission[, EXCEPT  
15 FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN  
16 THE DEPARTMENT OF NATURAL RESOURCES];

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

(This additional wording is constistant with AS 31.05.023(b). See attached.)

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: SB 122

Title: Petroleum engineers and Geologists

Sponsor: \_\_\_\_\_

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources

Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

Resource Inventory

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No fiscal impact

Prepared By: Ned Farguhar  
Division: Commissioner's Office

Phone: 465-2400  
Date: 23 January 85

Approved by Commissioner: Esther C. Wimmer  
Agency: Natural Resources

Date: 23 January 85

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

7/1/84

BILL SHEFFIELD  
GOVERNOR

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 1, 1985

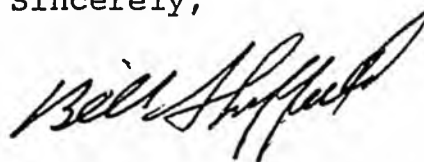
The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to petroleum engineers and petroleum geologists in state service. Current law provides that these professionals are in the exempt service, except for those employed in the division of geological and geophysical surveys (GGS) in the Department of Natural Resources. The attached bill would delete this exception, thus bringing all these professionals within the exempt service.

The petroleum engineers and geologists employed in the division of geological and geophysical surveys handle sensitive and confidential oil and gas data, and are involved in deciding what tracts the state should lease. It is important that the state have the flexibility to employ the best professionals available for these positions. The petroleum engineer and geologist positions within the GGS division have evolved to a level of responsibility commensurate with those professionals employed elsewhere in the Department of Natural Resources and by the Oil and Gas Conservation Commission -- all of whom are presently in the exempt service. There is no reason to exempt some of these positions but not all of them.

Sincerely,



Bill Sheffield  
Governor

Introduced: 2/1/85  
Referred: State Affairs

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 122

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act placing division of geological and geophysical  
7 surveys petroleum engineers and petroleum geologists in the exempt service; and providing for an  
8 effective date."  
9

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

11 \* Section 1. AS 39.25.110(14) is amended to read:

12 (14) petroleum engineers and petroleum geologists employed  
13 in a professional capacity by the Department of Natural Resources and  
14 by the Oil and Gas Conservation Commission[, EXCEPT FOR THOSE EMPLOYED  
15 IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPART-  
16 MENT OF NATURAL RESOURCES];

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).

or for the exercise of a power of the commission. (§ 1 ch 158 SLA 1978)

**Sec. 31.05.013. Oath of office.** Each commissioner, before entering upon the duties of his office, shall take and subscribe to the oath prescribed for principal officers of the state. (§ 1 ch 158 SLA 1978)

**Sec. 31.05.015. Compensation of members of the commission.** Members of the commission are in the exempt service and shall receive an annual salary. (§ 1 ch 158 SLA 1978)

**Sec. 31.05.017. Principal office; seal.** (a) The commission shall establish a principal office and branch offices necessary to discharge its business efficiently. For the convenience of the public or of parties to a proceeding the commission may hold meetings, hearings or other proceedings at other locations.

(b) The commission shall have an official seal. (§ 1 ch 158 SLA 1978)

**Sec. 31.05.020. Waste prohibited.** The waste of oil and gas in the state is prohibited. (§ 1 ch 40 SLA 1955)

**ALR and C.J.S. references. —**  
Constitutionality of statute controlling exploitation or waste of oil and gas, 24 ALR 37; 78 ALR 834.

Constitutionality of statute, ordinance, or regulation limiting rights of surface owner in respect of oil or gas, 67 ALR 1346; 99 ALR 1119.

Construction and effect of statutes regulating production of oil or gas in a manner or under conditions constituting waste, 86 ALR 431.

58 C.J.S. Mines and Minerals § 234.

**Sec. 31.05.021. Legal counsel.** (a) The Department of Law shall provide full-time legal counsel to the commission. The legal counsel provided by the Department of Law is subject to the approval of the commission.

(b) The commission may, subject to the approval of the attorney general, contract for the services of additional specialized legal counsel or legal consultants. (§ 1 ch 158 SLA 1978)

**Sec. 31.05.023. Commission staff.** (a) The commission shall employ such staff as it considers necessary to carry out its responsibilities.

(b) The professional staff of the commission and the personal secretary of each commissioner are in the exempt service under AS 39.25.110.

(c) The secretarial and clerical staff of the commission, except the personal secretary of each commissioner, are in the classified service.

(d) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants and experts the commission considers necessary. (§ 1 ch 158 SLA 1978)

Introduced: 2/1/85  
Referred: State Affairs

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2

SENATE BILL NO. 122

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act placing division of geological and geophysical surveys petroleum engineers, and petroleum geologists <sup>\*</sup> in the exempt service; and providing for an effective date."

7

8

9

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

11 \* Section 1. AS 39.25.110(14) is amended to read:

12

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission[, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES];

13

14

15

16

17

18

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

13. *pln (and) add "the professional staff of"*  
14. *delete [by]* *consistent with*  
*AS 31.05.023(B)*

*\* AND ~~the~~ professional staff of the commission*

*Elaine —*  
*Draw up wording for an amendment and keep with*  
*bill in case it comes up in committee.*

SB 122



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith  
Signature of Camera Operator

11/24/89  
Date

S B

1 3 0

COMMITTEE REPORT  
SENATE

FURTHER:

2/5/85

Date MARCH 5, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 130  
relating to a new definition for 'motor-driven cycle'.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 130 (S1)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Edna De Vries  
Tom Kelly  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Chris King No Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman

\_\_\_\_\_  
Chairman recommendation

To: Senator Mitch Abood  
From: Tammy Davis  
Date: April 1, 1985  
Re: Testimony for HB 130.

I introduced this bill by request of the Division of Motor Vehicles. (DMV). It has been proposed that the Section 1 of AS 28.40.100 (a) (9) be amended to redefine the definition of a "motor-driven cycle". It will lower the cubic centimeters of a cycle from 150cc to 50cc or less.

This is being proposed because of the young children driving motorcycles without a drivers license. Probably one of the main concerns is the three wheel cycles that are out on the market. With this amendment, a child would be required to have a drivers license before he could ride a cycle such as this.

The rewording would make it clearer to those who purchase motor cycles for their children.

# Alaska State Legislature

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

WHILE IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4747



Senator Mitch Abood  
SENATE DISTRICT G-A

CHAIRMAN  
STATE AFFAIRS  
MEMBER  
BUDGET & AUDIT  
TRANSPORTATION

March 4, 1985

Re: Rewording of AS 28.35.260 (9)

The present wording of the definition of "motor-driven" cycle is misleading.

A cycle that has less than 150 cc's and a brake horsepower of 5 or less is classified by the Division of Motor Vehicles as a motor-driven cycle. The present wording states "or with not to exceed five brake-horsepower".

There are on the market today, many cycles that have less than 150 cc's but are definitely more than 5 brake horsepower.

Brake horsepower is defined as a means of measurement to the amount of power exerted to stop movement. Many of the cycles on the market require considerably more power to be exerted to stop the movement of the cycle.

The confusion in the wording of the present statute has resulted in parents purchasing for their 14-year old children, cycles that have less than 150 cc's, but definitely require more than 5 brake horsepower. The child, of course, cannot be eligible to operate such a vehicle until he reaches the age of 16. (AS 28.15.031 and AS 28.15.051 (d)).

Motorcycle/Motorscooter

<u>Manufacturer</u>	<u>Model/Name</u>	<u>CC's</u>	<u>Brake Horsepower</u>
Honda	MB 5	50	7.90
Honda	NH50-AERO50	50	4.90
Honda	CT70-TRAIL 70	72	4.90
Honda	XL 80	79	4.90
Honda	XL 100	98	8.20
Honda	CT110-TRAIL 110	110	6.90
Honda	CB 1255	125	8.90
Yamaha	LB 50	50	1.5
Yamaha	QT 50	50	1.5
Yamaha	RX 50	50	6.8
Yamaha	DT 80	80	5.6
Yamaha	DT 100	100	8.2
Yamaha	XT 125	125	13.0
Suzuki	SP100 D	100	10.4
Suzuki	SP125 D	125	13.0
Suzuki	GN125 D	125	13.0

Kawasaki:

Does not manufacture a motorcycle/motorscooter with less than 5 brake horsepower.