

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988
5093 HSTA HB 501 - HB 521 8672

665

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FISCAL NOTE

REQUEST:

Revision Date: 3/26/88 Agency Affected: Office of the Governor
 Title: An Act establishing the Alaska Children's Commission... BRU: Commissions/Special Offices
 Sponsor: Collins, Phillips, Menard Components: Alaska Children's Commission
 Requestor: Rep. Collins

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		51.1	158.4	163.3	98.3	
TRAVEL		14.2	42.6	42.6	21.3	
CONTRACTUAL		23.5	70.4	61.5	30.7	
SUPPLIES		.6	2.3	2.3	1.2	
EQUIPMENT		17.5	.5	.5	.5	
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		106.9	274.2	270.2	152.0	

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		106.9	274.2	270.2	152.0	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3	3	3	3	
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: Michael A. Nizich, Director Phone: 465-3616
 Division: Division of Administrative Service Date: 4/1/88

Approved by Commissioner: [Signature] Date: 4/5/88
 Agency: Office of the Governor

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor ✓
 Office of Management and Budget
 Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB501

CSHB501 establishes the Alaska Children's Commission in the Office of the Governor. The Commission consists of thirteen members: representatives designated by the Governor from the Departments of Health and Social Services, Community and Regional Affairs, Public Safety, and Education; a member of the Senate appointed by the President of the Senate; a member of the House of Representatives appointed by the Speaker of the House; six public members appointed by the Governor who are involved with children and issues affecting children; and one member appointed by the Governor who is not more than _____ years of age and who serves until the member reaches the age of 22 years. Members of the Commission who are appointed by the Governor serve without compensation but are entitled to per diem and travel expenses authorized for commissions under AS 39,20.180. The effective date of this legislation is January 31, 1989, with an end date of December 31, 1991.

Work requirements include research, review, advocacy, development of goals, strategies and progress reports for the Governor and Legislature regarding the needs of and problems facing children in Alaska. The Commission is required to meet and provide opportunities for public participation in the planning and development of children's programs; meet with and coordinate with State officials and other individuals on matters related to children; serve as a statewide clearinghouse for model programs and resources for technical assistance for children's programs; and inform the public of problems, issues, and elicit support from community leaders regarding the delivery of services to children.

The charge to this Commission is considerable, and provisions are made within the legislation to allow for staff and other support to meet the needs of the Commission during its period of activity. Although it is expected that the departmental and legislative members will provide some financial and staff support to the Commission, in order for the Commission to fully meet its responsibilities a full time staff and budget will need to be provided.

The fiscal impact of CSHB501 on the Office of the Governor is estimated as follows:

CSHB501

Personal Services:

Executive Director - Range 24
Research Analyst - Range 18
Secretary - Range 10

These positions provide administrative, research, and clerical support to the Commission. Salary figures assume a start-up date of January 31, 1989, through January 31, 1992, to allow for close out of Commission office, archiving, and other wind-down activities, and include funding for merit increases.

<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
51.1	158.4	163.3	98.3

Travel: Estimates are based on an average of six Commission meetings per year, and include travel for two staff members. It is assumed that the departmental and legislative representatives will cover travel and per diem costs from their respective agency budgets.

<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
14.2	42.6	42.6	21.3

Contractual: Charges for telephone, postage, advertising and printing, repairs, and copier fees. FY 89 and FY 90 figures also include lease costs for office space (404 sq. ft. based on Department of Administration standards at \$1.85/sq. ft.) for Commission staff. Funding for FY 91 and FY 92 lease costs will be appropriated to the Department of Administration.

<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
23.5	70.4	61.5	30.7

Supplies: Office supplies required for Commission staff and members.

<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
.6	2.3	2.3	1.2

Equipment: Office furniture (desks, chairs, file cabinets, bookshelves, transcribing equipment, typewriter, personal computers, printers, calculator) required for three-person office. It is anticipated that the bulk of expenditures will be made in FY 89. Funding for the remaining two and one-half years is for replacement or repair.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: _____

PUBLISH DATE: _____

FISCAL NOTE

REQUEST: _____

Revision Date: _____
 Title: An Act establishing the Alaska
 Children's Commission and providing ...
 Sponsor: Rep. Collins
 Requestor: Rep. Collins

Agency Affected: Legislative Affairs Agency
 BRU: Legislative Council
 Components: Council & Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	53.3	53.3	-0-	-0-	-0-
CONTRACTUAL	-0-	15.0	15.0	-0-	-0-	-0-
SUPPLIES	-0-	1.0	1.0	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	69.3	69.3	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	69.3	69.3	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	69.3	69.3	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

It is assumed the Alaska Children's Commission would be placed under the Council & Subcommittees allocation.

For breakout of costs see page 2.

Prepared by: Pamela A. Stoops, Manager Phone: 465-3850
 Division: Administrative Services Date: 3/4/88
 Approved by: Warren W. Endicott Executive Director *Warren W. Endicott* Date: 3/4/88
 Agency: Legislative Affairs Agency

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS

The following is a breakout of costs:

Travel

4 trips @ 366 x 22 members	=	\$32,208
3 days per diem (\$80)		
4 trips x 22 members	=	<u>21,120</u>
		\$53,328

Contractual

Printing and binding of report	\$15,000
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Supplies

Stationery and office supplies	\$ 1,000
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TOTAL \$69,328

APR 11 1988

FISCAL NOTE

REQUEST:

Revision Date: 4/9/88
Title: An Act Establishing the
Alaska Children's Commission
Sponsor: Collins, Phillips, Menard
Requestor: Collins

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices
Components: Alaska Children's
Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		36.8	73.6	73.6	36.8	
TRAVEL		13.1	26.2	26.2	13.1	
CONTRACTUAL		11.0	21.9	21.9	11.0	
SUPPLIES		.5	1.0	1.0	.5	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		61.4	122.7	122.7	61.4	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		61.4	122.7	122.7	61.4	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached Analysis

Prepared by: Rep. Virginia Collins Phone: 465-2828
Division: _____ Date: 4-12-88
Approved by Commissioner: Rep. Collins Date: 4-12-88
Agency: Sponsor, CSHB 501 (State Affairs)

Distribution (by preparer):

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

POSITION PAPER

HB501: "An Act Establishing the Alaska Children's Commission;
and providing for an effective date."

HB501 would create, for an 18-month period from July 1988 through January 1990, the Alaska Children's Commission.

The Commission would be charged with developing a long-term strategy for the development of an effective, comprehensive, and coordinated children's services delivery system to meet the needs of the state, and a review of state laws regarding children. The Commission would be required to submit an initial strategy plan to the Governor and the Legislature by July 1989 and a final report by January 1990.

The Governor's support for and concern with these issues has been demonstrated by the establishment of the Interim Commission on Children and Youth. The Commission has produced a report on its findings and recommendations in the areas of the state's child care system and issues affecting Alaskan youth.

The Governor has decided to extend the Commission by six months, until January 1989, in order to accomplish certain specific tasks. Primary among those tasks is to develop a method to insure on-going support for these issues and a mechanism for implementation of the recommendations made in the report.

The Office of the Governor does not support HB501 as currently written for the following reasons:

- the tasks assigned would require significantly more time than is provided for in the bill
- the composition of the Commission is more akin to a legislative task force than an appointed commission: of the 21 members suggested, only 8 would be public members, and all but 5 members are appointed by the Legislature
- the bill does not provide for geographical representation
- the bill does not suggest "housing" the Commission in any particular state department, legislative agency, or branch of government
- the bill does not clearly delineate staff capacity nor to whom staff would be responsible

Since the currently seated and operating Interim Commission on Children and Youth will be developing a long-term strategy for continuing focus on children and youth issues, it is the recommendation of the Governor's Office that action on establishing a children's commission be postponed until the Commission has developed that strategy.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

APR 11 1988

FISCAL NOTE

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Revision Date: 4/9/88
Title: An Act Establishing the
Alaska Children's Commission
Sponsor: Collins, Phillips, Menard
Requestor: Collins

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices

Components: Alaska Children's
Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		36.8	73.6	73.6	36.8	
TRAVEL		13.1	26.2	26.2	13.1	
CONTRACTUAL		11.0	21.9	21.9	11.0	
SUPPLIES		.5	1.0	1.0	.5	
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		61.4	122.7	122.7	61.4	

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		61.4	122.7	122.7	61.4	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2	2	2	2	
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached Analysis

Prepared by: Rep. Virginia Collins Phone: 465-2828
Division: _____ Date: 4-12-88
Approved by Commissioner: Rep. Collins Date: 4-12-88
Agency: Sponsor, CSHB 501 (State Affairs)

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

POSITION PAPER

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Since the currently seated and operating Interim Commission on Children and Youth will be developing a long-term strategy for continuing focus on children and youth issues, it is the recommendation of the Governor's Office that action on establishing a children's commission be postponed until the Commission has developed that strategy.

Comments on CSHB 501 (03/16/88 Draft)
"An Act establishing the Alaska Children's Commission and
providing for an effective date."

by

The Governor's Interim Commission on Children and Youth
March 17, 1988

Page(s) 1, line(s) 12-14: Concern expressed over the omission of representatives from the Departments of Law and Public Safety on the commission (Caren Robinson). (Carla Timpone's notes: add one DPS member and another public member, perhaps including the 19-21 year-old member, to bring the total number of the commission to 13 members.)

Diane Olsen, noting that she first needed to consult with the Attorney General, nonetheless saw no problem with the Department of Law's absence on the commission because Section 5 (Powers of the Commission) allows using staff from the department.

Add language allowing agency representatives to assign designees to the commission (Diane Olsen).

House the commission in the Office of the Governor.

Page(s) 1-2, line(s) 9-29; 1-5: Bill needs to specify staff (Barbara Miklos). (Carla Timpone's notes: staffing pattern: what position? who hires that person? Full time? Located (physically) where?)

Page(s) 1, line(s) 20-24: John Antonnen suggested simplifying item (4) by deleting as follows:

(4) five public members appointed by the governor who are involved with children and issues affecting children. [SUCH AS TEACHERS, SOCIAL WORKERS, CHILD SERVICES PROVIDERS, ATTORNEYS AND CHILDREN'S ADVOCATES, JUDGES, CORRECTION AND PROBATION OFFICERS, PHYSICIANS AND OTHER HEALTH CARE PROVIDERS, FAMILY COUNSELORS, PARENTS, AND OTHER INTERESTED PERSONS;]

Page(s) 1, line(s) 25-26: Extend age of youth member from 19 to 20 or 21. This would respond to having a member who is caught in the gap between high school and college (Patty Meritt). (Carla Timpone's notes: add intent language so that one of the position (other than the youth designated position) be for some one between the ages 19-21.)

Page(s) 3-4, line(s) 13-29; 1-10: Duties of the commission are more akin to a legislative research group rather than being task-oriented (Peter Scales). Several members disputed this contention. See comments on stronger language.

Page(s) 2, line(s) 29: after "cared," delete: [ADOLESCENT]

Page(s) 3, line(s) 2: expand "child abuse and neglect" to include "family and extra-family violence" (Barbara Miklos). (Would "domestic violence" suffice? See AS 18.66.900(3).)

(Carla Timpone's notes: expand "child abuse and neglect" so that it addresses kids who witness violence in their homes, kids who are abused by family members, kids who are sexually abused by family members and people outside the home.)

Barbara Miklos expressed three concerns:

1) the absence of a DPS member from the commission in light of the department's roles of training of officers who must respond to domestic matters, acting as cross cultural liaisons, and responding to domestic violence and assault.

2) Using stronger language in section 2 (strategy). See attached "Preliminary Draft."

3) Allow the commission to hire staff.

Page(s) 4, line(s) 11-18: Specify assigning an attorney from the Department of Law to the commission. Perhaps add language allowing for staff attorney (Diane Olsen).

Caren Robinson suggested defining staff and where it is located.

Summation of Peter Scales's concerns not mentioned above:

Page(s) 2, line(s) 4-5: Chair should appoint other commission officers as necessary.

Under Section 2 (Strategy), use the language from the "Preliminary Draft" being sure to keep item (5)(B).

Page(s) 3, line(s) 4-11: Delete. (Includes language requiring the submission to the legislature of an initial strategy and final report as well as Section 3, Review of Laws.)

Page(s) 3-4, line(s) 12-29; 1-10: Duties of Commission Section:

(1) is okay;

(2) - (7) is questionable as it implies setting up a legislative task force instead of a citizen-based commission;

(8) is okay in concept but shall require additional funding;

(9) is too vague;

(10) after Women's Commission, add Older Alaskans'
Commission (page 4, line 10).

TESTIMONY GIVEN MARCH 7, 1988 BEFORE THE HOUSE STATE AFFAIRS COMMITTEE.

MADAME CHAIR, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS MARGOT DICK. I AM THE COORDINATOR OF THE ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. THE NETWORK IS A MEMBERSHIP ORGANIZATION COMPRISED OF TWENTY DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS THROUGHOUT ALASKA.

THE NETWORK HAS WORKED CLOSELY WITH THE CHILDREN'S COMMISSION OVER THE PAST YEAR. THROUGH THIS WORK IT HAS BECOME READILY APPARENT TO US OF THE NEED TO HAVE A BODY THAT ADDRESSES THE NEEDS OF CHILDREN IN THIS STATE. THE OVERALL GOAL OF THE COMMISSION WAS TO RAISE THE LEVEL OF PRIORITY OF CHILDREN'S ISSUES ON THE STATE'S AGENDA. TO DATE THE CHILDREN'S COMMISSION HAS IDENTIFIED THE PROBLEMS, DEvised STRATEGIES TO ADDRESS THEM. BUT THESE PROBLEMS ARE NOT GOING TO GO AWAY OVERNIGHT. IT IS GOING TO TAKE A CONTINUED, SUSTAINED EFFORT AND THE ONLY WAY TO HAVE THAT KIND OF EFFORT IS TO MAKE AN ENTITY RESPONSIBLE FOR THE WORK. OTHERWISE, IT SIMPLY WON'T HAPPEN.

THE NETWORK SUPPORTS THE CONCEPT OF ESTABLISHING A COMMISSION.

WITH REGARD TO THE COMPOSITION OF THE COMMISSION AS IT IS DESCRIBED IN THIS BILL, WE FEEL THAT THE EXECUTIVE BRANCH NEEDS TO BE GIVEN A BIGGER ROLE. IMPLEMENTATION OF ANY RECOMMENDATIONS WILL BE GREATLY ENHANCED IF THE ADMINISTRATION HAS HAD A ROLE IN SHAPING THEM. GEOGRAPHIC REPRESENTATION AND INVOLVEMENT OF PUBLIC MEMBERS IS ALSO IMPORTANT.

SOME OF THE WORK OUTLINED IN THE LEGISLATION HAS ALREADY BEEN DONE BY THE INTERIM COMMISSION. FOR EXAMPLE, DEFINING THE EXISTING SERVICE NEEDS OF CHILDREN IN THE STATE, AND IDENTIFYING THE KINDS OF SERVICES NEEDED BY CHILDREN AND FAMILIES, AND THE CURRENT LEVEL OF SERVICES AVAILABLE INCLUDING GAPS AND OVERLAPS. WORK NEEDS TO CONTINUE IN THE AREA OF IMPROVING SERVICES EFFECTIVENESS AND COORDINATION OF THE DELIVERY SYSTEM. CONTINUED EFFORT TO PRIORITIZE EFFORTS ON AN ANNUAL BASIS IS NEEDED. A REVIEW OF THE STATUTES EFFECTING CHILDREN SHOULD BE DONE.

IF THE COMMISSION IS GOING TO BE EFFECTIVE, WE BELIEVE THAT IT SHOULD BE AUTHORIZED TO HIRE STAFF.

WE ALSO SUPPORT THE IDEA OF WORKING WITH THE PRESENT COMMISSION TO COVETAIL RESPONSIBILITIES IN THE SENSE THAT THE EFFECTIVE DATE OF THE COMMISSION SHOULD BE SET TO COINCIDE WITH THE TERMINATION OF THE INTERIM COMMISSION.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY. WE APPRECIATE BEING ABLE TO OFFER SUPPORT TO THE IDEA OF FINDING A MEANS OF CONTINUING THE IMPORTANT WORK THAT HAS BEEN STARTED.

Number 255

Representative Menard moved to adopt the draft version of HCS CS SB 56 (2d SA). There was no objection. Representative Menard moved to pass HCS CS SB 56 (2d SA) from committee. There was no objection.

SJR 61

Number 270

Sandy Nusbaum, representing Senator Fischer, told the committee that background information on the resolution was in their packet. She said the resolution would give support to Congress in their deliberations.

Representative Martin said that both Washington and California are extremely interested in Alaska voicing their opinion on any territorial boundary.

Number 313

Representative Martin moved to pass SJR 61 from committee with individual recommendations. There was no objection.

Number 327

Representative Ulmer adjourned the House State Affairs committee at 4:10 p.m.



Official Business

COMMITTEE:
HOUSE STATE AFFAIRS
DATE: 3-7-88

Subject of meeting:
HB 501 SJR 61
SJR 48 HCS CS SB 56

SIGN-IN

NAME	ADDRESS	PHONE	REPRESENTING	If testifying, which Bill #?	
SHERIE Gou	419 Kennedy Street	6-4788	Alaska Women's Lobby	HB 501	✓
Jim ^{Yes}	3099 Howell Ave	463-3445 6-9832	Kidpac	HB 501	✓
Don Kubly	Box 210707 Auke Bay	9-5451	PIONEERS of AK.	HCS CS SB 56	✓
Jim ^{Yes}	P.O. Box Y (Pamela)	465-2800	Legis Affairs	HB 501	✓
Bell Zentner	19191 RANDALL RD	782-0248	INSTITUTE FOR A VIOLENCE FREE SOCIETY	SJR 48	✓
Bonnie Beum	DHSS Deputy Commissioner	465-3030	Governor's Office	HB 501	✓
Vir Collins				HB 501	✓
Margo Dick				HB 501	✓
Bob Stebnick			Div. A.	SB 56	✓
Nahie Winkers					✓

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STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affs.

March 25, 1988

April 15, 1988



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

June 18, 1987

MEMORANDUM

TO: Representative Virginia Collins

ATTN: Chris Clark

FROM: Gretchen Keiser *G. Keiser*
Legislative Analyst

RE: Vesting of Disabled Employees under the Public Employees'
Retirement System
Research Request 87.310

You asked this agency to obtain information about employees who contract a long-term illness before they are vested under the Public Employees Retirement System (PERS) and their ability to buy enough years of credited service to become vested. We directed your questions to Michael Coughlin, Deputy Director of the Division of Retirement and Benefits (DRB) in the Department of Administration. Your specific questions and the division's responses are provided below.

How many PERS employees have been terminated because of a long-term disability before getting the five years of credited service needed for vesting?

The State does not keep records on the number of employees who terminate due to a long-term disability. When employees begin the process of terminating with the State, they fill out a form regarding their intention to terminate. Information about an employee's reason(s) for termination is solicited on a voluntary basis, but the data are not recorded for statistical purposes.

How many occupationally and nonoccupationally disabled PERS employees have terminated their employment before becoming vested?

According to the DRB, the State does not monitor the length of service of those individuals who are eligible for occupational disability benefits. An individual who is injured on the job and becomes permanently disabled as a result of the injury may be entitled to an occupational PERS disability pension regardless of length of service. Vesting is not a requirement for an occupational disability pension (AS 39.35.410).

Representative Collins
June 18, 1987
Page 2

According to AS 39.35.400, an employee is eligible for nonoccupational disability benefits only if that employee is vested (i.e., has five or more years of paid-up credited service). Anyone who is not vested does not qualify, and the State does not keep records for those who do not qualify for the nonoccupational disability.

It should be noted that "disability" is defined differently under the PERS and the State workers' compensation program. According to AS 39.35.680 (23) and (26), a disability under PERS is "...a physical or mental condition that, in the judgment of the administrator, presumably permanently prevents an employee from satisfactorily performing the employee's usual duties..or duties of another comparable position..." Under the workers' compensation program, disability means "...incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment" [AS 23.30.265 (10)]. According to Mary Ann Cummings of the Division of Retirement and Benefits, the PERS definition is more restrictive and emphasizes the permanency of a disability. The referenced statutes are attached for your information.

By July 1, 1988, how many currently employed, long-term disabled persons would qualify to purchase credited service under such a proposal?

The Division of Retirement and Benefits received a similar question last year and at that time estimated that about 20 people per year would fall into this category, i.e., individuals with a long-term disability who were currently not vested but would be eligible to purchase additional credited service under this proposal. The estimate was based on a matching of the records of the number of people receiving a long-term disability from the Supplemental Benefits System with records of those receiving a PERS benefit and estimating the total number of employees who might be eligible to receive a PERS disability benefit if the five-year vesting requirement were removed.

I hope this information is useful. If you have any questions about these responses, I suggest you contact the Division of Retirement and Benefits directly (465-4460). If we can be of further assistance, do not hesitate to call us.

Attachment



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

May 26, 1987

Michael Coughlin
Deputy Director
Division of Retirement and Benefits
Alaska Department of Administration
P.O. Box CR
Juneau, Alaska 99811

Dear Mr. Coughlin:

Following a May 26th conversation with Mary Ann Cummings of your division, I am submitting this formal request for assistance in addressing a series of questions the House Research Agency has received from a legislator. The legislator is interested in developing ... "legislation permitting PERS employees who contract a long-term illness before they are vested to buy in enough years of credited service to vest."

The specific information requested is:

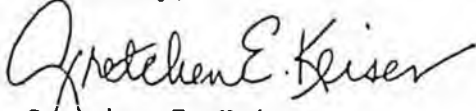
- 1) How many PERS employees have been terminated because of a "long-term disability" before getting the five years of credited service needed to vest?
- 2) How many occupationally and non-occupationally disabled PERS employees have terminated their employment before becoming vested? Consider those who are "disabled" as those who qualified or would have qualified for workers' compensation.
- 3) By July 1, 1988, how many currently employed, long-term disabled would qualify under our proposed change in purchasing credited service?

Ms. Cummings indicated that your division may have addressed this issue, to some degree, in related requests within the last year or so.

We would appreciate your response to these questions by June 15, 1987 so that we can provide the information to the legislator shortly thereafter. I can be reached at 465-3991 if you or your staff have any questions or would like to arrange a meeting regarding this request.

Thank you in advance for your assistance.

Sincerely,


Gretchen E. Keiser
Legislative Analyst

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

March 2, 1988

The Honorable Fran Ulmer
Chairman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Ulmer:

Re: House Bill 505

In accordance with AS 24.08.036, I am providing an analysis below on House Bill 505. The analysis includes the long-term and short-term costs to the state if the bill is adopted and the impact the bill will have on the actuarial soundness of the Public Employees' Retirement System (PERS).

This bill would allow members of the PERS with fewer than five years of credited service and who are terminated after December 31, 1979 because of a nonoccupational disability to receive additional service for vesting in the system in order to have the required five years of service and be eligible for a nonoccupational disability benefit from PERS.

Current statutes restrict a nonoccupational disability benefit to only those employees who are vested, having a minimum of five years credited service with PERS employers. This bill would allow an employee with less than five years to claim the difference between five years and the employee's actual credited service and establish an indebtedness equal to the contributions the employee would have made had the employee continued to work. Upon appointment to disability the member has the option of paying off the indebtedness or having their benefit amount calculated on only the paid up service.

We have estimated that there would be 20 individuals each year who would qualify to take advantage of this provision. This number was derived by comparing the number of individuals receiving disability benefits under the Supplemental Benefits System (SBS) and who were not receiving disability benefits from PERS. This comparison gives an estimate of the number of individuals who terminate their employment due to disability and who are not eligible for a PERS disability benefit. In addition, there would be an estimated 20 individuals who terminated employment since December 31, 1979 and would be also eligible to claim the required credited service and apply for a nonoccupational disability benefit.

March 2, 1988

This bill is estimated to result in an .11% increase in the PERS employer contribution rates for FY 89 and to remain level each year thereafter. This increase in contributions is estimated to fund both benefit payments and health coverage for applicants in future years plus the benefits and health coverage for the individuals that would be immediately eligible with passage of this bill.

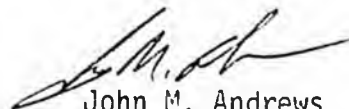
The FY 89 cost to the state is estimated to be \$527,400 based on an estimated FY 89 State PERS salary \$479,549,872.

In addition to the state costs described above, there would also be an increase in the political subdivisions' FY 89 contribution rate of .11%. This would result in an increase in their annual cost of \$362,700 based on an estimated FY 89 salaries of \$329,744,333.

Although there would not be an adverse impact on the actuarial soundness of the PEPS fund if this bill becomes law, the unfunded liability will increase by \$1.3 million and the funding ratio will decrease by .1%.

Please contact Robert Stalnaker, Acting Director, Division of Retirement and Benefits, should you require further information on this bill.

Sincerely,



John M. Andrews
Commissioner

JMA/MBC/bb/7

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An Act Relating to Credited BRU: Retirement and Benefits
Service for Disabled Employees
 Sponsor: Collins Components: Retirement and Benefits
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared By: Robert F. Stalnaker
 Division: Retirement and Benefits

Phone: 465-4470

Date: March 2, 1988

Approved by Commissioner: John M. Andrews
 Agency: Department of Administration

Date: 3/2/88

Distribution (by preparer):

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

House Bill 505
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

March 2, 1988

IV Analysis: This bill would allow an employee with fewer than five years of credited service and who is terminated after December 31, 1979 because of a nonoccupational disability to claim additional service for vesting purposes. This additional service could be claimed, with a corresponding indebtedness established, in order to establish eligibility for a nonoccupational disability benefit from the Public Employees' Retirement System (PERS).

This bill, should it become law, will have a fiscal impact to both the state and over 100 political subdivisions that participate in the PERS. These costs are shown in our letter to Representative Ulmer. We do not anticipate any direct increase in costs to the Division of Retirement & Benefits for administering this provision.

Thomas J. Robertson
P.O. Box 140931
Anchorage, Ak. 99514-0931
April 29, 1988

Representative Fran Ulmer
Chairman
House State Affairs Committee
P.O. Box V (MS 3100)
Juneau, Ak. 99811

RE: HB 505

Dear Rep. Ulmer:

Thank you for the opportunity to participate in your committee meeting via teleconference on Apr. 15th regarding HB 505. Since this was my first exposure to teleconferencing, I was a bit nervous; and hope I expressed myself satisfactorily.

I have recently received, from Rep. Pat Pourchot, a copy of a letter from Commissioner Andrews to yourself and a copy of a letter from Dep. Director Coughlin to Rep. Pourchot's office, both of which pertain to HB 505; and to which I would like to make the following replying comments.

I was particularly encouraged to read in Mr. Andrews letter that the actuarial soundness of the PERS fund would not be adversely affected by the passage of HB 505; especially since I had sensed this as being a major concern of the Juneau participants during our teleconference.

Commissioner Andrews estimates that HB 505 will create an impact of approximately (20) individuals/yr. receiving disability benefits through PERS plus an additional (20) individuals who would become eligible for PERS for the period of 1979 to the present. This is the same projection that Director Humphreys presented to Rep. Collins in his letter dated April 3, 1986, and which was later confirmed by Mr. Coughlin in his letter to Rep. Collins dated May 9, 1987. In my letter of reply to Rep. Collins dated May 13, 1987 I stated, and still maintain, that this projection of (20) persons per year is excessively high; especially when one considers the following facts. In May 1984 there were (75) individuals receiving disability benefits from PERS; and in Feb. 1988 there ^{were} (126). This is an increase of only (51); but according to the Humphrey/Andrews projection this increase should have been closer to (76). Please also keep in mind that these figures reflect the total number of disability recipients, occupational and non-occupational, receiving disability benefits from PERS. PERS has a policy of not segregating whether a person has an occupational or non-occupational disability. However they do have sufficient historical data with which to

To: Rep. Fran Ulmer
Fm: T.J. Robertson
April 29, 1988

Page: 2

establish a ratio of these two groups which is: 1/3 occupational and 2/3 non-occupational. This means that of the (51) increased recipients from 1984 to 1988 only about (34) were non-occupationally related, which is a little less than half the number projected by Andrews/Humphrey.

Since it appears that the Andrews/Humphrey personnel projection is quite misleadingly inaccurate, I would like to suggest a more realistic approach. Request the Div. of Retirement & Benefits (DRB) to furnish you with the actual number of persons receiving disability benefits from PERS for say the last ten years, broken down as to whether the disability was occupationally or non-occupationally related. The occupational should be able to be broken out from the gross number by correlation with Workmans Compensation records. I feel that these actual numbers of recipients of PERS disability benefits, over a period of years, resulting from non-occupational causes would give you a much more valid projection of the potential impact of HB 505 than can be obtained from the actuarial estimates that you have been furnished thus far. From this raw type of data you can formulate your own projections.

Mr. Andrews also set forth some potential cost projections. He stated that HB 505 would result in additional annual costs to the State of \$ 527,400.00 and additional annual costs to other non-State participating PERS employers of \$362,700.00. Mr. Humphreys had also set forth similar cost projections of \$ 200,000.00 to the State and \$ 400,000.00 for other participating employers. While I acknowledge that these are only estimates, I feel that the disparity between these two sets of figures is too large to be overlooked, even after one takes into consideration that there were two intervening years between the times of their preparation. Both of these sets of cost projections are also necessarily flawed as a result of the above discussed errors in participant projections.

Furthermore, it would be a lot more meaningful if these potential cost projections were presented on an individual employee basis as well as the overall system-wide figures, as previously presented. These individual figures could be based on a range of salaries, say from \$ 20,000 - \$ 70,000 per year. By presenting the individualized data, each employer would be able to readily ascertain the impact that HB 505 would have on their organization.

As I mentioned during my teleconference testimony, I see no reason why a vesting insurance program couldn't be established for BOTH the employee and the employer portions of the vesting funding situation. By having the above mentioned cost and vesting requirement information available, the feasibility of such an insurance

To: Rep. Fran Ulmer
Fm: T. J. Robertson
April 29, 1988
Page: 3

program could easily be worked-out. Possibly such an insurance program could even be set-up in-house as an adjunct of the existing PERS or (SBS) programs. An individualized insurance program would also be easily adaptable to the changing status of the participants. As an employee became vested he/she would drop out of the program, and as new employees were hired they would be added to it.

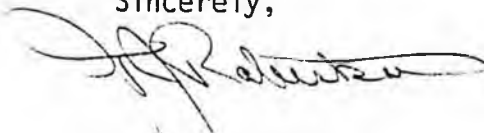
Hopefully, such an insurance program would also allay some of the concerns Mr. Andrews expressed regarding unfunded PERS liabilities that may arise from HB 505.

Knowing, first hand, the extreme importance of such an insurance program; I feel that participation in it should be mandatory; because one never knows if or when he/she will fall victim to a crippling disease or disability.

Regretably, I have not been able to come up with a means of mitigating the employer/State costs associated with the few of us who would not benefit from the above proposed employer vesting insurance proposal. Therefore, we would only be able to provide the employee portion of the required vesting funding; and would have to rely on the compassion of you legislators for the State/employer portion, in our behalf.

I feel that HB 505 answers a vital need of the non-vested employees of the State and its subdivisions through a genuine expression of concern for their well-being should they experience the misfortune of becoming disabled prior to vesting in PERS. I sincerely hope that you agree.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T.J. Robertson', written in dark ink.

T.J. Robertson

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: HESS

BILL: HB 505

CURRENT VERSION:

SCHEDULED: APRIL 15, 1988

SPONSOR: COLLINS

PHONE NO: 2828

CONTACT FILE: _____

BILL SUBJECT: CREDITED SERVICE UNDER PERS FOR EMPLOYEES TERMINATED BECAUSE OF NONOCCUPATIONAL DISABILITY

SPONSOR BACKUP: NOTIFIED 4/5/88

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
ADMIN	PUSHPENDER DHILLON/2200	NOTIFIED 4/5/88

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
ADMIN		3/7/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
4/15/88	HEARING: ASSIGNED TO SUBCOMMITTEE OF MARTIN, BOIUCHER AND DAVIDSON

Thomas J. Robertson
P.O.Box 140931
Anchorage, Ak. 99514-0931
Tel. No. 333-0452
Feb. 29.1988

Rep. Fran Ulmer
Alaska State Legislature
P.O.Box V (MS 3100)
Juneau, Ak. 99811

RE: Vesting in PERS for Long Term Disability Terminated PERS employees (HB 505)

Dear Rep. Ulmer:

For the past two years I have been working with Rep. Collins on the preparation of the enclosed work draft of HB 505 which will enable disability-terminated, non-vested PERS employees to become vested in the PERS program. I understand that this bill is currently under consideration in your State Affairs Committee. In addition to the enclosed work draft of HB 505 you will find enclosed copies of selected correspondence associated with its preparation. I have numbered all of these enclosures in the upper right hand corner, for ease of reference.

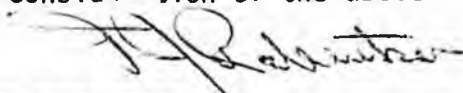
Please take particular note of item (2f) on page (2) of enclosure (2) which references paragraph (2) on page (2) of enclosure (4). It is my contention that this "vesting insurance" concept would greatly reduce any costs to the PERS program itself, from our proposal; and would establish the point of responsibility, for acquiring the protection offered by our proposal, with the individual employee.

Please also take particular note of item (2h) on page (2) of enclosure (2) which also appears as item (2) on enclosure (3). Since it is doubtful that I will ever be able to return to any fulltime employment situation, due to my Multiple Sclerosis (MS) disability; the concept discussed in the above referenced items would provide me an avenue by which I could set aside part of my disability stipend toward the enhancement of my PERS credited service, for eventual retirement through PERS when my disability stipend expires at age (65). I sincerely hope that this concept can be incorporated into this bill during the mark-up process; or by addendum to the current draft bill.

The person that I have been working with in Rep. Collins' office is Mr. Chris Clark. He is thoroughly familiar with our combined effort, and can provide you with any additional information that you might desire concerning the preparation of HB 505. Should you wish to contact me directly, you may do so any time at my above listed address and or telephone number.

I sincerely hope that this bill favorably passes the scrutiny of your State Affairs committee, and would sincerely appreciate your co-sponsorship of it or any support you may be willing to grant our efforts.

Thanks a lot for your time in consideration of the above. Sincerely,

 T.J. Robertson

HB 505

5-1300A ✓
Cramer
5/26/87

①

1 IN THE HOUSE

BY COLLINS

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to credited service under the Public
7 Employees' Retirement System for employees terminated
8 because of a nonoccupational disability; and provid-
9 ing for an effective date."

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

11 * Section 1. AS 39.35.400(a) is amended to read:

12 (a) An employee is eligible for a nonoccupational disability
13 benefit if the employee's employment is terminated because of a total
14 and apparently permanent nonoccupational disability, as defined in
15 AS 39.35.680, before the employee's normal retirement date and after
16 five or more years of credited service. An employee who is eligible
17 under (g) of this section may elect to receive credited service to
18 become eligible for (a benefit) under this section.

19 * Sec. 2. AS 39.35.400(b) is amended to read:

20 (b) Except as provided in (g) of this section, the [THE] non-
21 occupational disability benefits accrue beginning the first day of the
22 month following termination of employment as a result of the disabili-
23 ty and are payable the last day of the month. If a final determina-
24 tion granting the benefit is not made in time to pay the benefit when
25 due, a retroactive payment shall be made to cover the period of defer-
26 ment. The last payment shall be for the first month in which the
27 disabled employee

28 (1) dies;

29 (2) recovers from disability;

1 (3) fails to meet the requirements under (e) of this sec-
2 tion or under AS 39.35.415; or

3 (4) reaches normal retirement age.

4 * Sec. 3. AS 39.35.400(c) is amended to read:

5 (c) If the disabled employee becomes ineligible to receive
6 nonoccupational disability benefits, the employee is entitled to
7 receive a normal or early retirement benefit if the employee would
8 have been eligible for the benefit had employment continued during the
9 period of disability. However, except as provided in (g) of this
10 section, the period of disability does not constitute credited ser-
11 vice.

12 * Sec. 4. AS 39.35.400(d) is amended to read:

13 (d) The monthly amount of the nonoccupational disability benefit
14 shall be determined in accordance with AS 39.35.370(c), considering
15 the employee's credited service, including credited service received
16 under (g) of this section, and compensation before termination of
17 employment.

18 * Sec. 5. AS 39.35.400 is amended by adding a new subsection to read:

19 (g) An employee who has fewer than five years of credited ser-
20 vice and who is terminated after December 31, 1979, because of a total
21 and apparently permanent nonoccupational disability may elect to
22 receive additional credited service in an amount equal to the differ-
23 ence between five years and the total credited service the employee
24 has earned. Credited service received under this subsection consti-
25 tutes credited service for all purposes under this chapter. To re-
26 ceive credited service under this subsection, an employee must claim
27 the service. When the employee claims the service, an indebtedness to
28 the system is established. The amount of this indebtedness is equal
29 to the contributions the employee would have made if the employee had

1 continued to be employed in the position from which the employee
2 terminated. Interest as prescribed by regulation accrues on this
3 indebtedness beginning on the later of July 1, 1988, or the date of
4 the employee's termination because of disability. Any outstanding
5 indebtedness that exists at the time the employee becomes eligible to
6 receive a benefit under this subsection will require an actuarial
7 adjustment to the benefits that are based on credited service under
8 this subsection. Benefits under this subsection accrue beginning the
9 first day of the month following the later of the employee's termina-
10 tion of employment as a result of nonoccupational disability or elec-
11 tion to receive credited service under this subsection.

12 * Sec. 6. This Act takes effect July 1, 1988.
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Thomas J. Robertson
P.O.Box 140931
Anchorage, Ak. 99514-0931
Tel. 333-0452
January 18, 1988

2

Representative Virginia Collins
Pouch V
State Capitol
Juneau, Alaska 99811

RE: Draft legislation on credited service for non-vested non-occupationally disabled PERS employees

Dear Representative Collins:

My initial intention, ^{in writing this letter, was to detail the main} ~~was to detail the main~~ ^{points of} ~~points of~~ the main points of our Jan. 4, 1988 discussion, but unfortunately my taped notes turned out blank so I will endeavor to cover those main points from my written notes and memory and add a few additional comments on the draft legislation.

1) Regarding the June 18, 1987 letter from the Legislative Research Agency: At the bottom of the second page thereof, I am not familiar with the Supplemental Benefits System. Is it a part of PERS? Does it apply to non-vested as well as vested employees? The basis for the estimated number of non-vested employees who may be eligible for vesting under the legislation we are proposing is still unclear. It appears that they are ^{basing their estimate on job related accident disability} ~~basing their estimate on job related accident disability~~ statistics rather than personal accident and/or disease related disability data. Please see if you can obtain a clearer explanation of the basis for their estimate.

2) Regarding the Draft Legislation:

a. On page (1) line (18), instead of "for a Benefit" make it "for benefits under this section". I feel that this would make it clear that the recipient would be entitled to all the benefits of a vested employee rather than some unspecified single benefit.

b. On page (2) lines (26) & (27), the draft legislation stipulates that the employee must claim the service but it fails to indicate how such a claim shall be made and to whom it should be made. For the sake of clarity, I think it would be beneficial to include this information or at least a reference as to who to contact.

Page 2

To: Rep. Virginia Collins

Fm: T.J. Robertson

Jan. 18, 1988

c. On Page 2 line 26 & 27: Does the plain term "service" mean the same as the term "credited service" as used on lines 22, 24, and 25?

d. On page 2 lines 27-29 and page 3 lines 1 & 2: The draft legislation mentions that an indebtedness would be created equal to the amount that the employee would have contributed had he/she remained employed. What about the amount that the employer would have contributed had the employee remained employed?

e. Same reference as (d) above: What mechanism is planned for removing this indebtedness, or is this the legislative way of saying the employee may elect to purchase the necessary credited service for a price equal to the contribution he/she would have made had he/she remained employed?

f. On page 2 lines 27-29 and page 3 lines 1-8: Rather than creating the complicated indebtedness stipulation and actuarial adjustments of benefits, why not establish the basis for claiming the necessary credited service for vesting as being the contribution to the system of a sum of money equal to that which the employee would have contributed had he/she remained employed? By so doing, the employee in question would attain FULL vested status and the administration of his account would be simplified. This was the intent of ^{the} ~~my~~ "insurance proposal" that I presented on page (2) of my letter to you dated May 13, 1987. I still feel that the concept of some form of employee "vesting insurance", be it an actual insurance program or an additional contribution to the PERS system^{em}, during the unvested years of employment, is a good idea; for it would greatly enhance the employee's protection at a minimum additional cost to the employee. This may be of particular importance at this time due to the current concern over AIDS.

g. On page 3 lines 8 & 9: Does this mean that I, having been terminated in April 1984, would now be able to obtain the necessary credited service to become vested? If it does NOT mean that I could now claim the necessary credited service to become vested, would you please reword this section in such a fashion that I WILL be able to do so?

h. Is there any possible way that a supplementary clause could be added to the effect that once the employee has made his/her claim for the necessary additional credited service and has made his/her appropriate contribution to become fully vested that he/she be permitted to continue contributing to the system so as to enhance his/her accumulated credited service status for when he/she eventually begins drawing a retirement from the system?

Page 3

To: Rep. Virginia Collins

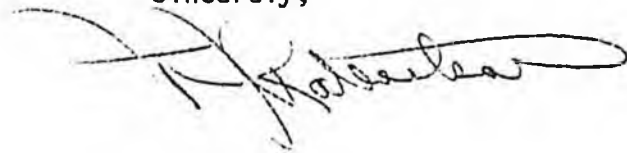
Fm: T.J. Robertson

Jan. 18, 1983

3) Please advise me of the appropriate way to reference this proposed legislation when I contact other legislators for their support.

I hope that the above will be helpful in pursuing this matter to fruition. If I can be of any further assistance, such as a more definitive explanation of my insurance concept, please don't hesitate to call me any time (333-0452). I would even be willing to come to Juneau if it would be helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "T.J. Robertson", written in dark ink on a light background.

T.J. Robertson

Thomas J. Robertson
P.O. Box 140931
Anchorage Ak. 99514

3

August 13, 1987

Rep. Virginia Collins

1 Kevin Farrel
2 2600 Denali St./Suite 501
3 Anchorage, Ak. 99503

3 R.E. Vesting in PERS for disability terminated PERS employees

4 Dear Rep. Collins:

5 Thank you for sending me the information regarding the proposed legislation
6 for vesting PERS employees who were terminated prior to reaching the five year vesting
7 milestone. Please accept my apology for not replying before this late date. I have been
8 trying to set aside enough time where I could personally research the statutes concerning
9 this matter, but so far I have not been able to find the time. So as not to further
10 hamper your efforts, I thought that I would send you my comments and questions about
11 the proposed legislation that you sent me. I tried to call you today, but unfortunately
12 you were not in, and I will be leaving on a three week trip starting tonight. I will
13 try to get in touch with you as soon as I return (on or about Sept. 6, 1987.

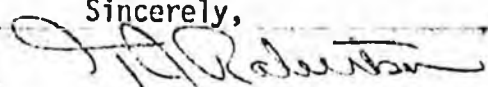
14 Questions:

15 1. Would the contribution or indebtedness, referred to in the proposal, be solely the
16 amount contributed by the employee or would it also include a contribution from
17 the former employer ?

18 2. Would it be possible to modify the proposal slightly such that the employee would
19 be permitted to continue contributing to the system after he has attained his five
20 year vesting milestone ? As I envision my request, it would be much like the buying-in
21 time for military service. By so doing he could enhance his accumulated credited
22 service of record for regular or early normal retirement at a later period of time.

23 These are the only questions/comments that I have at this time. I will try to
24 get back in touch as soon as I return.

25 Sincerely,



Thomas J. Robertson

Thomas J. Robertson
P.O. Box 140931
Anchorage, Ak. 99514-0931
Tel: 333-0452
May 13, 1987

4

Representative Virginia M. Collins
Alaska State Legislature
Pouch V
Juneau, Ak. 99811

RE: Vesting in PERS for long term disability terminated PERS employees

Dear Representative Collins:

Mr. Humphreys asserts in the second paragraph of his letter dated April 3, 1986 that my proposed change to the PERS system would be more than a minor change, as I had asserted in my proposal. He then correctly interpreted my proposal, the former employer would continue to make contributions to the PERS system on behalf of the non-vested non-occupationally disabled employee until said employee became vested. Mr. Humphreys then states that my proposal would effectively eliminate the vesting requirement for said employee despite the requirement for the former employer to continue contributions, on behalf of said employee, until vesting had occurred, for said employee. I don't understand where Mr. Humphreys is coming from with this statement, that my proposal would effectively eliminate the vesting requirement, when in his previous sentence he agrees that contributions would continue until vesting had occurred. As I see it, the only actual change to the PERS system would be the manner in which the contributions were made to the PERS system; in my personal case they may be made all at one time as opposed to being spread over a couple of years, which would be the normal case. My proposal for achieving vested status and for making continued contributions to the PERS system after vesting would work in a manner similar to that provision of the system that permits buying in time for early retirement.

The health insurance would be paid by the employer until vesting status had been achieved; after which the employee would be eligible for health coverage under the PERS system.

I don't understand the third paragraph of Mr. Coughlin's letter dated March 9, 1987. In his first sentence he correctly states that the employer would be obligated to continue health insurance and PERS contributions; but then in his third sentence, he states that this would not increase the employers cost to PERS. I don't see how the employer could continue making contributions to PERS, essentially for an additional employee, without it effecting his costs to PERS.

Mr. Humphreys seems to imply in his paragraphs number (3) and (6) of his April 3, 1986 letter that a non-occupationally disabled vested employee, under my proposal, would create excessive medical demands on the PERS system. As I stated in my Jan. 14, 1987 letter to Rep. Collins, I fail to see the difference between an employee who vests in the conventional manner and one who vests according to my proposal. As long as he vests he should be entitled to all of the benefits accruing to a vested employee as stipulated under the PERS system. If it is in fact Mr. Humphreys' intention to differentiate between a conventionally vested employee and a non-occupationally disabled vested employee, under my proposal; I submit that this is an unwarranted differentiation that should be challenged by the legislature and/or judiciary.

To: Rep. V.M. Collins
Fm: T.J. Robertson
May 13, 1987
Page: Two

In paragraph (4) of his April 3, 1986 letter, Mr. Humphreys projects twenty (20) employees that would qualify for my proposal. I feel that this number is inflated particularly when one considers that both State and Federal statutes prohibit termination of disabled employees without some extenuating circumstances, such as in my case. Also, during our Mar. 23, 1987 meeting Rep. Collins and I agreed that we feel that Mr. Humphreys' cost projections are inflated. He should possibly be requested to substantiate them.

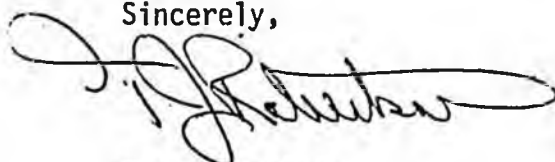
The additional costs associated with my proposal could be mitigated and/or eliminated by implementing the following addendum to my proposal. Require, or at least make available, an optional five (5) year term insurance policy on a shared employer-employee or total employee cost basis. The beneficiary of this term disability insurance policy would be the employee's costs associated with becoming vested should he become non-occupationally disabled prior to his attaining PERS vested status. By including this disability insurance addendum to my proposal, the only additional costs the State and or its agencies would incur would be the disability insurance premiums, or a portions of them, and the additional vesting costs associated with already terminated non-occupationally disabled employees like myself, which I submit I doubt will be as extensive as Mr. Humphreys projects.

The terms and/or conditions of this disability insurance policy could also serve to answer the question Rep. Collins raised during our Mar. 23, 1987 meeting that being who would be eligible for vesting under my proposal. The terms of this disability insurance policy in conjunction with the above mention State and Federal statutes might also create a greater degree of responsibility on the part of employing agencies toward handicapped or disabled employees.

I hope that this letter clarifies my proposal; but should you have any further questions and/or concern, don't hesitate to call me any time at (333-0452). I am home most of the day particularly in the morning and late evening.

Thanks for your concern and help. Hopefully we will be successful.

Sincerely,



T.J. Robertson

H B

5 16

BILL NO: House Bill 516

DATE: February 19, 1988

TITLE: An act relating to
hazardous materials and
hazardous wastes.

CONTACT: Gordon Brunton
465-4331

This bill amends various sections of AS 18.70.310 and AS 29.35.500 -- 29.35.520 which deal with the reporting and placarding of hazardous materials and hazardous wastes.

Since passage of Ch. 108 SLA 1986, most municipalities have expressed an intent to use the National Fire Protection Association (NFPA) 704 M system. The NFPA placard system is most familiar to the fire service and provides more information to emergency first responders than the US DOT system, such as toxicity (health), reactivity, and flammability information.

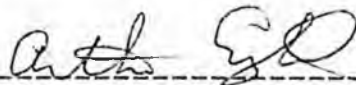
Current law requires the Department of Public Safety, Division of Fire Prevention to adopt the U.S. Department of Transportation's placarding system, but allows the division to authorize a different placarding system in municipalities.

HB 516 will standardize the placarding system in both municipalities and areas outside municipalities. The industry will not be faced with the responsibility of differing placarding systems.

The bill also clarifies a municipality's authority and responsibilities for administering a hazardous materials and hazardous wastes program.

AS 29.35.510 should be amended to give the Department of Public Safety the authority to establish and impose penalties for failure to report or post placards, as is currently given to municipalities.

The Department of Public Safety supports passage of HB 516 with amendments.



Arthur English
Commissioner

DEPARTMENT OF PUBLIC SAFETY



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

COMMITTEE ON STATE AFFAIRS

February, 29, 1988

TO: House State Affairs Committee

FROM: Representative Fran Ulmer, Chair
House State Affairs

RE: HB 516 "An Act relating to hazardous materials and
hazardous wastes."

I have been requested by Representative Niilo Koponen to waive HB 516 from House State Affairs. The next committee of referral is House HESS.

The attached memorandum from Representative Koponen briefly explains the purpose of the legislation: "The intent of this act is to make the placarding and reporting of hazardous materials consistent throughout the state". Apparently two placarding systems are in common use and he proposes NFPA 704M as the standard.

You should note that a similar bill, sponsored by Representative Max Gruenberg (HB 487), is presently in the Community and Regional Affairs Committee. If State Affairs waives HB 516, the intention would be that it be referral to Community and Regional Affairs where HB 516 and HB 487 could be considered together.

Alaska State Legislature
Representative Niilo Koponen


Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

February 22, 1988

MEMORANDUM

TO: Rep. Ulmer

FROM: Rep. Koponen 

RE: HB 516, "An Act relating to hazardous materials and hazardous wastes."

I would like to request that you waive HB 516 from your committee, or should you feel a State Affairs hearing is necessary, that you schedule this bill at your earliest possible convenience.

The intent of this act is to make the placarding and reporting of hazardous materials consistent throughout the state. Currently, two placarding systems are in common use, that of the US Department of Transportation and the National Fire Protection Association 704M system. Local fire chiefs intend to use the NFPA 704M, as is already the case in Anchorage. In areas where municipalities have not adopted a placarding program, handlers of hazardous materials and wastes will have to use the US DOT system, thus presenting conflicting and confusing standards.

HB 516 will establish the NMFP 704 M placard as the standard for all areas of the state.

In addition, HB 516 grants municipalities the right to establish fees to cover the cost providing placards. The right of a municipality to adopt and control its own program is unaffected.

I appreciate your consideration of this matter.

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2

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HB 521

CURRENT VERSION:

SCHEDULED: MARCH 4, 1988

SPONSOR: FRANK

PHONE NO: 3709

CONTACT FILE: _____

BILL SUBJECT: RELATING TO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES

SPONSOR BACKUP: POSITION PAPER AND BILL ANALYSIS

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
PUBLIC SAFETY	HORETSKI/4322	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
PUBLIC SAFETY	2/25/88			
H&SS		3/4/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
3/4/88	PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affs:

March 4 ~ 1988

**Municipality
of
Anchorage**



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4674

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Representative Fran Ulmer
House State Affairs Committee, Chair
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Representative Ulmer,

The Municipal Health and Human Services Commission would like to lend their full support to the passage of HB 521. Although there was a decrease in alcohol related motor vehicle fatalities between 1986 and 1987, preliminary results of a state study indicate that long term trends are not as promising.

The Anchorage Health and Human Services Plan (January 1988) ranks substance abuse as the second highest behavioral and mental health priority. Prohibiting open containers in motor vehicles is an important measure in Alaska's continuing efforts to reduce the social and economic devastation attributable to substance abuse.

Volume 3 of the plan, Policy Recommendations and Objectives, proposes altering public opinion about the acceptability of the social and recreational use of drugs and alcohol in the community-at-large (see page 4-98, Objective #2). Passage of HB521 would promote changing community norms regarding drug and alcohol use.

If I can answer any questions, I would be happy to. You can reach me at 562-2828 or, our staff at 343-4674.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gari B. Andreini".

Gari B. Andreini, Chair
Municipal Health and Human Services Commission

cc: Representative Steve Frank, Sponsor
House State Affairs Committee
Anchorage Municipal Assembly
Tom Fink, Mayor, Municipality of Anchorage
Ron Garzini, Manager, Municipality of Anchorage
Robert A. (Bert) Hall, Director, Department of Health and Human Services,
Municipality of Anchorage

SJ9/dPDz0

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: LIZ GRAY

TITLE:

ADDRESS: 215 INA STREET

CITY: FAIRBANKS

PHONE: 456-3367

BILL NO: HB 521

SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES

MESSAGE: I STRONGLY SUPPORT HB 521. I WAS SHOCKED WHEN I DISCOVERED HOW
POOR THE CURRENT OPEN CONTAINER LAWS ARE.

ZIP: 99701

POID: 07145642

DATE: 03/02/88

TIME: 14:56:42

LOCATION: FAIRBANKS LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: BOBBIE BITTERS

TITLE:

ADDRESS: BOX 81283

CITY: FAIRBANKS

PHONE: 452-4751

BILL NO: HB 521

SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES

MESSAGE: I SUPPORT THE CLOSED CONTAINER BILL.

ZIP: 99708

EOM/MJO

POID: 07103324

DATE: 03/04/88

TIME: 10:33:24

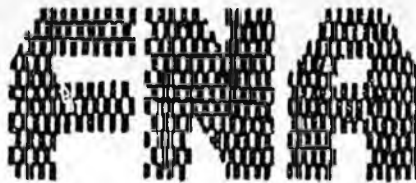
LOCATION: FAIRBANKS LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: ROBIN ROBINSON
TITLE:
ADDRESS: 815 MCCRATH RD.NO.8 - K
CITY: FAIRDANKS ZIP: 99712
PHONE: 457-4399
BILL NO: HB 521
SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES
MESSAGE: I WOULD ENCOURAGE YOU TO PASS HB521. WE NEED HELP WITH THE CONTAINER
LAW IN ALASKA.

FORMID: 07145115
DATE: 03/02/88
TIME: 14:51:13
LOCATION: FAIRDANKS LIO



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1648 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM

"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
DEVELOPMENT
452-1648

WOMEN'S EDUCATION PROGRAM
451-8592

COMMUNITY SERVICES
452-1648

Counseling Services
452-1648

Child Welfare
452-1648

Family Focus
452-5802

Small Business Assistance
451-8466

ALCOHOL AND DRUG ABUSE SERVICES

Drop-In Center
456-7948

Out-Patient Services

456-1041
456-1101

Fairbanks Alcohol Safety
Action Program
452-6144

Youth Drug Abuse Prevention
452-5085

Director
452-1648 Ext 15

RCAOA Detox Center
456-1053

RCAOA Treatment Center
456-1045

RCAOA Halfway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: House State Affairs Committee

FROM: Representative Steve Frank

RE: House Bill 521 - "An Act relating to open containers of alcoholic beverages in motor vehicles"

DATE: March 4, 1988

House Bill 521 would make it illegal to carry open containers of alcoholic beverages in the passenger compartment of a motor vehicle. A person in violation would be guilty of an infraction, which is punishable by a fine of up to \$300.

Alaska Administrative Code 13 02 545 prohibits drinking while driving; however, no statute or regulation exists prohibiting having an open container of alcohol in a vehicle. Therefore, the existing regulation cannot be enforced unless an officer actually sees the driver of a vehicle consuming an alcoholic beverage.

This bill would allow for open containers (including containers with a broken seal) to be carried in the trunk of a vehicle. In the case of a station wagon, hatch back, or similar vehicle that has no trunk or separate storage compartment, open containers could be transported, within another container, behind the last upright seat of the vehicle.

House Bill 521 has broad statewide support from such groups as the Anchorage and Fairbanks chapters of Mothers Against Drunk Driving (MADD), the Fairbanks Native Association, and the Alaska Council for the Prevention of Alcoholism and Drug Abuse. It is also supported by the Department of Health and Social Services (State Office of Alcoholism and Drug Abuse - SOADA) and the Department of Public Safety.

POSITION PAPER
ON
HOUSE BILL NO. 521

"An Act relating to open containers of alcoholic beverages in motor vehicles."

The intent of this bill is to assist in lowering the alcohol related traffic accidents and fatalities by prohibiting operators of motor vehicles from consuming alcoholic beverages while driving.

Analysis

Expert testimony at the Presidential Commission on Drunk Driving, Governor's Task Force on Drunk Driving, and the Anchorage Mayor's Drunk Driving Advisory Committee a few years ago, indicated a strong need for this legislation. The testimony shows a strong relationship between consumption of alcohol and accidents. The act of operating a motor vehicle requires individuals to be free of other activities that may take away from their concentration. Furthermore, consumption of alcohol, a central nervous system depressant drug, often interferes with brain functions required to make special/peripheral judgements while driving.

This statute would bring state law in line with many local ordinances. In Alaska, many roads and highways traverse districts with local jurisdictions as well as state enforcement areas. House Bill 521 is needed for continuous and uniform enforcement.

The statute would give authority for action prior to a driver obtaining the minimum legal limit blood alcohol level. Under a variety of conditions, individuals may become less functional drivers yet not have reached a blood alcohol level of .10 ratio. This statute, with probable cause, allows authorities to take preventive enforcement actions.

Nineteen other states have open container statutes. Other states have more restrictive laws such as "in and about an automobile." When consideration is given to Alaskans' rate of alcohol consumption, alcohol related fatalities, and attitude regarding alcohol abuse, this statute becomes very necessary.

Recommendation

The Department is impressed with public testimony in favor of this concept, the Presidential Commission Report's recommendation, and the action of other states in this regard, and accordingly is supportive of HB 521.

Myra M. Munson

Myra M. Munson, Commissioner
3/4/88

Matthew C. Felix

For Matthew C. Felix, Coordinator

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
 Title: "An Act relating to open containers of alcoholic beverages in motor vehicles." BRU: Alcoholism & Drug Abuse
 Sponsor: Frank Components: Alcohol Abuse Grant
 Requestor: N/A

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Matthew Felix by George Mundel Phone: 586-6201
 Division: Alcoholism and Drug Abuse Date: 3/3/88

(B) Approved by Commissioner: Myra M. Thompson DHSS Date: 3/4/88
 Agency: George Mundel

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

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

March 4, 1988

SUBJECT: Sectional analysis - HB 521
TO: Representative Steve Frank
FROM: Michael F. Ford *M.F.*
Legislative Counsel

The following is a sectional analysis of HB 521:

Section 1 - Prohibits a person from driving on a highway or vehicular way with an open alcoholic beverage except when the open beverage is in the trunk, or enclosed within another container behind the last seat in a trunkless vehicle. Establishes the penalty for violating the law as an infraction.

Section 2 - Adds violation of the open container law to those offenses for which a person is considered to have given consent for a preliminary breath test.

MFF:bb
wkb3/075

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
733 West 4th Avenue, Box 821
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS
733 West 4th Avenue, Suite 304
Anchorage, AK 99501

March 1, 1988

Rep. Steve Frank
P.O. Box V
Juneau, AK 99811

Dear Rep. Frank,

On behalf of the Anchorage Chapter of Mothers Against Drunk Driving, I would like to endorse House Bill #521. This bill regarding open containers of alcoholic beverages in automobiles is long overdue in Alaska. There are very few states in our country that have not passed similar legislation. This bill would give the message to the citizens, especially the teenagers, of this state that the legislature is committed to eliminating the drunk driving problem in Alaska. I wish you the best in passing this bill into law.

Sincerely,

Barbara B Mills
Barbara B. Mills, President
Anchorage Chapter MADD

MODIFYING
ATTITUDES
TOWARDS
DRIVING AND
DRINKING

MADD

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

March 3, 1988

Rep. Frances Ulmer, Chairman
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Rep. Ulmer,

The Fairbanks Northern Lights Chapter of Mothers Against Drunk Driving strongly supports passage of HB 521, the Open Container Bill.

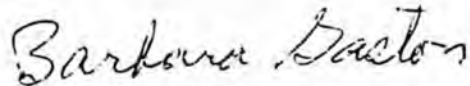
MADD's stand against drinking and driving is well known. Drinking while driving is a doubly dangerous activity. It not only contributes to a higher blood alcohol level, but is a distraction from the serious business of safely operating a motor vehicle.

We constantly read vehicle crash reports wherein the investigating officer has inserted comments such as, 'numerous empty beer cans were observed in the vehicle', or 'strong odor of an alcoholic beverage was apparent in the vehicle'. Beer cans or liquor bottles are found stuffed under seats, or close by vehicles at crash sites, where they have obviously been tossed out after a crash. Partially empty six packs are common currency in vehicle crash reports.

The only safe place for alcohol in a motor vehicle is in a sealed container, or mixed in the tank with gasoline. Please give an assist to safety on the highways, airways and waterways of Alaska by passing out HB 521 with a 'do-pass' endorsement from the House State Affairs Committee.

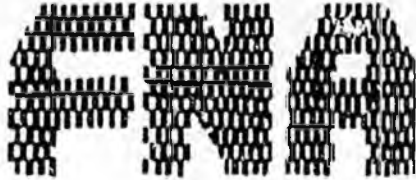
We ask that you share these comments with other committee members.

Sincerely yours,



Barbara Gaston, President
Fairbanks Northern Lights
Chapter MADD

✓ cc: Rep. Steve Frank, Prime Sponsor HB 521



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1648 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM

"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
DEVELOPMENT
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WOMEN'S EDUCATION PROGRAM
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COMMUNITY SERVICES
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ALCOHOL AND DRUG ABUSE SERVICES

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Youth Drug Abuse Prevention
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Director
452-1648 Ext. 15
RCAOA Detox Center
456-1053
RCAOA Treatment Center
456-1045

RCAOA Halfway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045



ALASKA COUNCIL ON PREVENTION OF ALCOHOL AND DRUG ABUSE, INC.

March 1, 1988

Rep. Fran Ulmer, Chairwoman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Chairwoman Ulmer:

I understand that two bills regarding alcohol will be considered in House State Affairs Committee on Friday, March 4. The Alaska Council supports both pieces of legislation and asks that the following comments be read into the record at that time, if at all possible.

HB 500:

The Alaska Council on Prevention of Alcohol and Drug Abuse supports HB 500 which relates to membership on the Alcoholic Beverage Control Board. Public awareness of the severity of alcohol abuse in Alaska is increasing and this bill will help continue that process. The Alaska Council is encouraged by the proposed changes which would require that one member of the board be knowledgeable of alcohol and substance abuse problems. The presence of a substance abuse professional on the ABC Board would be a responsible step toward increasing awareness of the effects of alcohol on individuals and communities.

The Alcoholic Beverage Control Board's decisions impact the health and well being of the citizens of Alaska. The Alaska Council feels that informed, responsible decision making at the state level is crucial to alcohol prevention efforts. Passage of HB 500 will send a positive message that legislators recognize the need for continued awareness of the problems associated with alcohol use and abuse.

HB 521:

The Alaska Council supports HB 521, relating to open containers of alcoholic beverages in motor vehicles. Drinking and driving are a dangerous, often fatal, combination which should be strongly discouraged.



A United Way Agency

7521 OLD SEWARD HWY., SUITE A ANCHORAGE, ALASKA 99518 (907) 349-6602

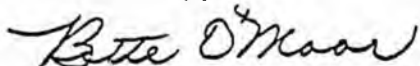
March 1, 1988
Page Two

In 1985, 58 traffic accidents resulted in 69 alcohol-related deaths in Alaska. Youth under age 21 accounted for 14 percent of these driving fatalities even though this same age group only holds 7.1 percent of the drivers licenses. Measures, such as enacting HB 521, need to be taken to reduce the number of lives that are lost each year in alcohol-related accidents.

The Alaska Council hopes that the House State Affairs Committee will act favorably on HB 521 and take this opportunity to help protect the lives of Alaskans.

Thank you, Chairwoman Ulmer, for sponsoring HB 500 and hearing other bills in House State Affairs Committee which support prevention of alcohol and drug abuse in our state.

Sincerely,

A handwritten signature in cursive script that reads "Bette O'Moor".

Bette O'Moor
Executive Director

cc: Rep. Steve Frank

House Bill 3, which was introduced during the 13th Alaska Legislature, is identical to House Bill 521. As you can see, there was a great deal of support for HB 3 in the House in 1985.

* CSHB 3(Jud)am

The question to be reconsidered: "Shall CSHB 3(Jud)am pass the House?" The roll was taken with the following result:

CSHB 3(JUD)AM RECON

Yeas: 34 Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Hurley, Jenkins, Koponen, Larson, Martin, Miller, M.M., Miller, M.W., Navarre, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Sund, Szymanski, Taylor, Thompson, Uehling

Nays: 4 Davis, Marrou, Pearce, Shultz

Excused: 1 Herrmann

Absent: 1 Wallis

And so, CSHB 3(Jud)am passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

CSHB 17(Jud)

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 17 (Judiciary) (multiple convictions for motor vehicle theft and joyriding) which had been reported out of the Finance Committee and held in third reading under reconsideration (page 431) was again before the House in third reading.

The question to be reconsidered: "Shall CSHB 17(Jud) pass the House?" The roll was taken with the following result:

CSHB 17(JUD) RECONSIDERATION

Yeas: 34 Adams, Binkley, Boucher, Cato, Collins, Cotten, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Jenkins, Larson, Marrou, Martin, Miller, M.M., Miller, M.W., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling

Nays: 3 Clocksin, Davis, Koponen

Excused: 1 Herrmann

Absent: 2 Hurley, Wallis



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HB 521	SPONSOR Rep. Frank
SHORT TITLE OF BILL Open containers of alcoholic beverages			
DEPARTMENT POSITION Support			
PREPARED BY Col. Robert E. Jent	DATE 2/29/88	COMMISSIONER'S SIGNATURE <i>Robert E. Jent</i>	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of law All law enforcement agencies	CONSTITUENT GROUP(S) AFFECTED BY BILL All licensed drivers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

ANALYSIS OF BILL/PROGRAM EFFECTS

Nationally, the majority of serious and fatal accidents are connected with alcohol use by the driver. This measure will provide law enforcement officers with an additional deterrent to address this problem, although effective enforcement on a constant basis may prove difficult.

AMENDMENTS PROPOSED

This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In Leslie v. State, 711 P. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HB 521	SPONSOR Rep. Frank
SHORT TITLE OF BILL Open containers of alcoholic beverages			
DEPARTMENT POSITION Support			
PREPARED BY Col. Robert E. Jent	DATE 2/29/88	COMMISSIONER'S SIGNATURE <i>Arthur English</i>	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of law All law enforcement agencies	CONSTITUENT GROUP(S) AFFECTED BY BILL All licensed drivers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

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PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL NO: HB 521

DATE: 2/29/88

TITLE: "An Act relating to open containers of alcoholic beverages in motor vehicles."

CONTACT: Col. Robert E. Jent
269-5641

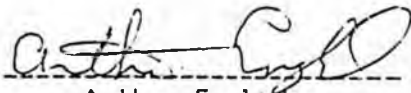
DEPARTMENT OF PUBLIC SAFETY
FBI

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

Nationally, the majority of serious and fatal accidents are connected with alcohol use by the driver. This measure will provide law enforcement officers with an additional deterrent to address this problem, although effective enforcement on a constant basis may prove difficult.

This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In Leslie v. State, 711 p. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

The Department of Public Safety supports this legislation.



Arthur English
Commissioner

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to open containers
of alcoholic beverages in vehicles."
Sponsor: Rep. Frank
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/23/88

Approved by Commissioner: _____
Agency: Public Safety

Date: _____

Distribution: (by preparer):

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

H B

5 2 1

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HB 521

CURRENT VERSION:

SCHEDULED: MARCH 4, 1988

SPONSOR: FRANK

PHONE NO: 3709

CONTACT: FILE _____

BILL SUBJECT: RELATING TO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES

SPONSOR BACKUP: POSITION PAPER AND BILL ANALYSIS

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
PUBLIC SAFETY	HORETSKI/4322	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
PUBLIC SAFETY	2/25/88			
H&SS		3/4/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
3/4/88	PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

Hours - State Affs:

March 4 ~ 1988

Municipality
of
Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4674

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Representative Fran Ulmer
House State Affairs Committee, Chair
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Representative Ulmer,

The Municipal Health and Human Services Commission would like to lend their full support to the passage of HB 521. Although there was a decrease in alcohol related motor vehicle fatalities between 1986 and 1987, preliminary results of a state study indicate that long term trends are not as promising.

The Anchorage Health and Human Services Plan (January 1988) ranks substance abuse as the second highest behavioral and mental health priority. Prohibiting open containers in motor vehicles is an important measure in Alaska's continuing efforts to reduce the social and economic devastation attributable to substance abuse.

Volume 3 of the plan, Policy Recommendations and Objectives, proposes altering public opinion about the acceptability of the social and recreational use of drugs and alcohol in the community-at-large (see page 4-98, Objective #2). Passage of HB521 would promote changing community norms regarding drug and alcohol use.

If I can answer any questions, I would be happy to. You can reach me at 562-2828 or, our staff at 343-4674.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gari B. Andreini". The signature is written in dark ink and is positioned above the typed name of the signatory.

Gari B. Andreini, Chair
Municipal Health and Human Services Commission

cc: Representative Steve Frank, Sponsor
House State Affairs Committee
Anchorage Municipal Assembly
Tom Fink, Mayor, Municipality of Anchorage
Ron Garzini, Manager, Municipality of Anchorage
Robert A. (Bert) Hall, Director, Department of Health and Human Services,
Municipality of Anchorage

SJ9/dPD20

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: ROBIN ROBINSON
TITLE:
ADDRESS: 815 MCGRATH RD.NO.8 - K
CITY: FAIRBANKS ZIP: 99712
PHONE: 457-4399
BILL NO: HB 521
SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES
MESSAGE: I WOULD ENCOURAGE YOU TO PASS HB521. WE NEED HELP WITH THE CONTAINER
LAW IN ALASKA.

FONID: 07145113
DATE: 03/02/88
TIME: 14:51:13
LOCATION: FAIRBANKS LIO

PUBLIC OPINION MESSAGE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

DEAR: REPRESENTATIVE ULMER

NAME: LIZ GRAY
TITLE:
ADDRESS: 215 INA STREET
CITY: FAIRBANKS
PHONE: 456-3367
BILL NO: HB 521
SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES
MESSAGE: I STRONGLY SUPPORT HB 521. I WAS SHOCKED WHEN I DISCOVERED HOW
POOR THE CURRENT OPEN CONTAINER LAWS ARE.

NAME: BOBBIE BITTERS
TITLE:
ADDRESS: BOX 81283
CITY: FAIRBANKS
PHONE: 452-4751
BILL NO: HB 521
SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES
MESSAGE: I SUPPORT THE CLOSED CONTAINER BILL.

ZIP: 99708

EOM/HJO

POID: 07145642
DATE: 03/02/88
TIME: 14:56:42
LIONAME: FAIRBANKS LIO

POID: 07103324
DATE: 03/04/88
TIME: 10:33:24
LIONAME: FAIRBANKS LIO

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/15/68

FURTHER REFERRALS: Judiciary

DATE: 3-4-68

The State Affairs Committee has considered HB 521

"An Act relating to open containers of alcoholic beverages in motor vehicles."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signature]

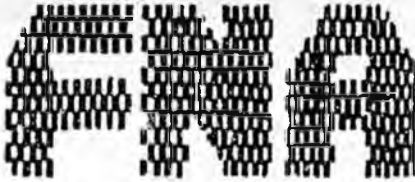
[Handwritten signature]

[Handwritten signature]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]

 Chairman's signature



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1648 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM

"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
DEVELOPMENT
452-1648

WOMEN'S EDUCATION PROGRAM
451-8592

COMMUNITY SERVICES
452-1648

Counseling Services
452-1648

Child Welfare
452-1648

Family Focus
452-5802

Small Business Assistance
451-8466

ALCOHOL AND DRUG ABUSE SERVICES

Drop-In Center
456-7948

Out-Patient Services
456-1041
456-1101

Fairbanks Alcohol Safety
Action Program
452-6144

Youth Drug Abuse Prevention
452-5085

Director
452-1648 Ext. 15
RCAOA Detox Center
456-1053
RCAOA Treatment Center
456-1045

RCAOA Hallway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: House State Affairs Committee

FROM: Representative Steve Frank

RE: House Bill 521 - "An Act relating to open containers of alcoholic beverages in motor vehicles"

DATE: March 4, 1988

House Bill 521 would make it illegal to carry open containers of alcoholic beverages in the passenger compartment of a motor vehicle. A person in violation would be guilty of an infraction, which is punishable by a fine of up to \$300.

Alaska Administrative Code 13 02 545 prohibits drinking while driving; however, no statute or regulation exists prohibiting having an open container of alcohol in a vehicle. Therefore, the existing regulation cannot be enforced unless an officer actually sees the driver of a vehicle consuming an alcoholic beverage.

This bill would allow for open containers (including containers with a broken seal) to be carried in the trunk of a vehicle. In the case of a station wagon, hatch back, or similar vehicle that has no trunk or separate storage compartment, open containers could be transported, within another container, behind the last upright seat of the vehicle.

House Bill 521 has broad statewide support from such groups as the Anchorage and Fairbanks chapters of Mothers Against Drunk Driving (MADD), the Fairbanks Native Association, and the Alaska Council for the Prevention of Alcoholism and Drug Abuse. It is also supported by the Department of Health and Social Services (State Office of Alcoholism and Drug Abuse - SOADA) and the Department of Public Safety.

POSITION PAPER
ON
HOUSE BILL NO. 521

"An Act relating to open containers of alcoholic beverages in motor vehicles."

The intent of this bill is to assist in lowering the alcohol related traffic accidents and fatalities by prohibiting operators of motor vehicles from consuming alcoholic beverages while driving.

Analysis

Expert testimony at the Presidential Commission on Drunk Driving, Governor's Task Force on Drunk Driving, and the Anchorage Mayor's Drunk Driving Advisory Committee a few years ago, indicated a strong need for this legislation. The testimony shows a strong relationship between consumption of alcohol and accidents. The act of operating a motor vehicle requires individuals to be free of other activities that may take away from their concentration. Furthermore, consumption of alcohol, a central nervous system depressant drug, often interferes with brain functions required to make special/peripheral judgements while driving.

This statute would bring state law in line with many local ordinances. In Alaska, many roads and highways traverse districts with local jurisdictions as well as state enforcement areas. House Bill 521 is needed for continuous and uniform enforcement.

The statute would give authority for action prior to a driver obtaining the minimum legal limit blood alcohol level. Under a variety of conditions, individuals may become less functional drivers yet not have reached a blood alcohol level of .10 ratio. This statute, with probable cause, allows authorities to take preventive enforcement actions.

Nineteen other states have open container statutes. Other states have more restrictive laws such as "in and about an automobile." When consideration is given to Alaskans' rate of alcohol consumption, alcohol related fatalities, and attitude regarding alcohol abuse, this statute becomes very necessary.

Recommendation

The Department is impressed with public testimony in favor of this concept, the Presidential Commission Report's recommendation, and the action of other states in this regard, and accordingly is supportive of HB 521.

Myra M. Munson

Myra M. Munson, Commissioner
3/4/88

For *Matthew C. Felix*

Matthew C. Felix, Coordinator

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to open containers of alcoholic beverages in motor vehicles."
 Sponsor: Frank
 Requestor: N/A
 Agency Affected: Health & Social Services
 BRU: Alcoholism & Drug Abuse
 Components: Alcohol Abuse Grant

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Matthew Felix by George Mundell Phone: 586-6201
 Division: Alcoholism and Drug Abuse Date: 3/3/88

① Approved by Commissioner: Maria M. Munson DHSS Date: 3/4/88
 Agency: George Mundell

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

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

March 4, 1988

SUBJECT: Sectional analysis - HB 521
TO: Representative Steve Frank
FROM: Michael F. Ford *M.F.*
Legislative Counsel

The following is a sectional analysis of HB 521:

Section 1 - Prohibits a person from driving on a highway or vehicular way with an open alcoholic beverage except when the open beverage is in the trunk, or enclosed within another container behind the last seat in a trunkless vehicle. Establishes the penalty for violating the law as an infraction.

Section 2 - Adds violation of the open container law to those offenses for which a person is considered to have given consent for a preliminary breath test.

MFF:bb
wkb3/075

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
733 West 4th Avenue, Box 821
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS
733 West 4th Avenue, Suite 304
Anchorage, AK 99501

March 1, 1988

Rep. Steve Frank
P.O. Box V
Juneau, AK 99811

Dear Rep. Frank,

On behalf of the Anchorage Chapter of Mothers Against Drunk Driving, I would like to endorse House Bill #521. This bill regarding open containers of alcoholic beverages in automobiles is long overdue in Alaska. There are very few states in our country that have not passed similar legislation. This bill would give the message to the citizens, especially the teenagers, of this state that the legislature is committed to eliminating the drunk driving problem in Alaska. I wish you the best in passing this bill into law.

Sincerely,

Barbara B Mills
Barbara B. Mills, President
Anchorage Chapter MADD

MODIFYING
ATTITUDES
TOWARDS
DRIVING AND
DRINKING

MADD

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

March 3, 1988

Rep. Frances Ulmer, Chairman
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Rep. Ulmer,

The Fairbanks Northern Lights Chapter of Mothers Against Drunk Driving strongly supports passage of HB 521, the Open Container Bill.

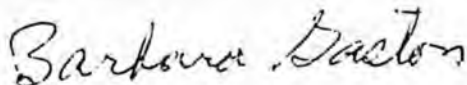
MADD's stand against drinking and driving is well known. Drinking while driving is a doubly dangerous activity. It not only contributes to a higher blood alcohol level, but is a distraction from the serious business of safely operating a motor vehicle.

We constantly read vehicle crash reports wherein the investigating officer has inserted comments such as, 'numerous empty beer cans were observed in the vehicle', or 'strong odor of an alcoholic beverage was apparent in the vehicle'. Beer cans or liquor bottles are found stuffed under seats, or close by vehicles at crash sites, where they have obviously been tossed out after a crash. Partially empty six packs are common currency in vehicle crash reports.

The only safe place for alcohol in a motor vehicle is in a sealed container, or mixed in the tank with gasoline. Please give an assist to safety on the highways, airways and waterways of Alaska by passing out HB 521 with a 'do-pass' endorsement from the House State Affairs Committee.

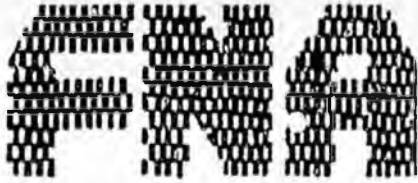
We ask that you share these comments with other committee members.

Sincerely yours,



Barbara Gaston, President
Fairbanks Northern Lights
Chapter MADD

✓ cc: Rep. Steve Frank, Prime Sponsor HB 521



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1648 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM
"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
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ALCOHOL AND DRUG ABUSE SERVICES

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456-1041
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Fairbanks Alcohol Safety
Action Program
452-6144

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452-5085

Director

452-1648 Ext. 15

RCAOA Detox Center
456-1053

RCAOA Treatment Center
456-1045

RCAOA Halfway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045



ALASKA COUNCIL ON PREVENTION OF ALCOHOL AND DRUG ABUSE, INC.

March 1, 1988

Rep. Fran Ulmer, Chairwoman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Chairwoman Ulmer:

I understand that two bills regarding alcohol will be considered in House State Affairs Committee on Friday, March 4. The Alaska Council supports both pieces of legislation and asks that the following comments be read into the record at that time, if at all possible.

HB 500:

The Alaska Council on Prevention of Alcohol and Drug Abuse supports HB 500 which relates to membership on the Alcoholic Beverage Control Board. Public awareness of the severity of alcohol abuse in Alaska is increasing and this bill will help continue that process. The Alaska Council is encouraged by the proposed changes which would require that one member of the board be knowledgeable of alcohol and substance abuse problems. The presence of a substance abuse professional on the ABC Board would be a responsible step toward increasing awareness of the effects of alcohol on individuals and communities.

The Alcoholic Beverage Control Board's decisions impact the health and well being of the citizens of Alaska. The Alaska Council feels that informed, responsible decision making at the state level is crucial to alcohol prevention efforts. Passage of HB 500 will send a positive message that legislators recognize the need for continued awareness of the problems associated with alcohol use and abuse.

HB 521:

The Alaska Council supports HB 521, relating to open containers of alcoholic beverages in motor vehicles. Drinking and driving are a dangerous, often fatal, combination which should be strongly discouraged.



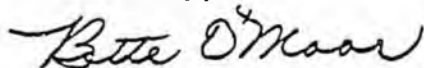
March 1, 1988
Page Two

In 1985, 58 traffic accidents resulted in 69 alcohol-related deaths in Alaska. Youth under age 21 accounted for 14 percent of these driving fatalities even though this same age group only holds 7.1 percent of the drivers licenses. Measures, such as enacting HB 521, need to be taken to reduce the number of lives that are lost each year in alcohol-related accidents.

The Alaska Council hopes that the House State Affairs Committee will act favorably on HB 521 and take this opportunity to help protect the lives of Alaskans.

Thank you, Chairwoman Ulmer, for sponsoring HB 500 and hearing other bills in House State Affairs Committee which support prevention of alcohol and drug abuse in our state.

Sincerely,



Bette O'Moor
Executive Director

cc: Rep. Steve Frank