

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9338 HOUSE LABOR & COMMERCE

POM for Representative Dyson



From: Mrs. Dianne A Graham
PO Box 808

Telephone: 543-2845

Bethel, AK 99559

NON Constituent

Registered Voter: Y

Bill: HB 388 **Title:** RIGHT TO REFUSE TO SERVE LIQUOR
Message:

PLEASE SUPPORT HB 388. WHATEVER CAN BE DONE TO DECREASE A CHILD'S CHANCE OF FAS OR FAE IS SO VITAL.

Entered in BET on 4/24/98 POMID:11013

Distribution: 17

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Message 1 out of 1.



Alaska State Legislature

- Interim (May-Dec) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

MEMORANDUM

April 17, 1998

To: Representative Norm Rokeberg, Chair
House Labor and Commerce Committee

From: Representative Fred Dyson 

Subject: Request to schedule HB 388

I am respectfully requesting a hearing for HB 388, "An Act relating to the right to refuse to serve alcohol" at your earliest convenience.

We would like the committee to hear teleconferenced testimony from the communities of Anchorage, Fairbanks, Kenai, and the Mat-Su.

Please find attached:

- Sponsor Statement
- Fiscal Notes
- Letters of Support

If you have any questions, please feel free to call Dan Penrose in my office x2199.

- E-mail -
Representative_Fred_Dyson
@legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

POM for Representative Dyson



From: Mrs. Dianne A Graham
PO Box 808

Telephone: 543-2845

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Message 1 out of 1.

16. Do you know (person accessed) personally? *Yes AT Detective Melis*

1-142800-400-

17. Why did you access (person accessed) name and criminal record / case history?

18. Was there an article in the news media that caused you to run this person? *NO*

19. Has there been any legal/personal action against you or your family because of a law, amendments or decision made by (person accessed)? *NO*

20. Did you have a discussion with anyone previous to accessing (persons name) names, causing you access and verify unknown information about (person accessed)? *NO*

If so, with who and what was the discussion about?

21. Did you access (persons name) name for another employee in the office?

22. If so, did that person tell you why they wanted the name accessed and what information they needed?

23. Did you allow anyone else to use your password to gain access and information from APSIN? *NO*

24. Was another employee working with you at the time you accessed (persons name) name?

Did they view your terminal screen?

25. Did you print out the information you accessed on (persons name)?

If yes, where is that printout now?

26. Did you give the printout with the information you accessed on (persons name) to anyone?

Do not recall



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April 17, 1998

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- Please find attached:
- Sponsor Statement
 - Fiscal Notes
 - Letters of Support

If you have any questions, please feel free to call Dan Penrose in my office x2199.

- E-mail -
Representative.Fred.Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

TO: SLA

① - check w/ many bits without
@ CHARP for
their position

② O.K. to schedule, but
must wait turn in line.

HB

389

FISCAL NOTE

1-22-98 10:33 AM

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 389

Revision Date (Note if correction): _____
 Title: Overtime Wage Exemption
Airline Employees
 Sponsor: Representative Cowdery
 Requestor: House Labor & Commerce

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: _____
Wage & Hour Administration
 COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would allow an exemption from the requirement for payment of overtime when a voluntary written agreement is in place between certain employees and their employers in the airline industry. There is no anticipated fiscal impact.

Prepared by: Alan W. Dwyer, Director *Alan W. Dwyer* Phone: 465-4855
 Division: Labor Standards & Safety Date: 4/20/98
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 4/20/98

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 For further distribution information call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 27, 1998

FURTHER REFERRALS:

Finance

Date of Committee Action: 5/1/98

The LABOR AND COMMERCE Committee considered:

CSSB 336(L&C)

CS FOR SENATE BILL NO. 336(L&C)

WORKERS' COMP: EXEMPT HOCKEY PLAYERS

"An Act relating to excluding professional hockey team members from workers' compensation coverage."

recommends it be replaced with the following committee substitute _____ [] the same title
[] a new title

[] additional referral to _____ Committee

[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal note(s) _____

[] fiscal note(s) _____

[] zero fiscal note(s) _____

zero fiscal note(s) Labor

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John Beaudry</i>	✓			
<i>Joe Ryan</i>	✓			
<i>Bill Hudson</i>			✓	
<i>Ann Kotely</i>	✓			
<i>Jan Sandhu</i>			✓	

CHAIR'S SIGNATURE

Ann Kotely

5-1-98

HOUSE COMMITTEE REPORT

(7)
 Date Referred to Committee: February 11, 1998 FURTHER REFERRALS:

Date of Committee Action: 5/1/98

The LABOR AND COMMERCE Committee considered: HB 389

HOUSE BILL NO. 389 OVERTIME WAGE EXEMPTION AIRLINE EMPLOYEES

“An Act relating to an exemption from the requirement for payment for overtime under a voluntary written agreement for certain employees in the airline industry; and providing for an effective date.”

recommends it be replaced with the following committee substitute CSHB389(LMC) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Labor zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John J. Casadeo</i>	✓			
<i>James S. ...</i>		✓		
<i>John ...</i>		✓		
<i>Nan Kotaly</i>	✓			
John ...				

CHAIR'S SIGNATURE Nan Kotaly 5-1-98

Example #1

FLATRATE	\$20.00	REG HOURS	O/T HOURS	BILLED HOURS
MONDAY		8	1	9
TUESDAY		8	1	9
WEDNESDAY		8	1	9
THURSDAY		8	1	9
FRIDAY		8	1	9
SATURDAY			0	0
TOTAL HOURS		40	5	45
TOTAL \$ DUE		\$600.00	\$112.50	\$900.00
ACTUAL \$ VS BILLED \$		\$712.50	\$900.00	

Example #2

FLATRATE	\$20.00	REG HOURS	O/T HOURS	BILLED HOURS
MONDAY		8	1	8
TUESDAY		8	1	8
WEDNESDAY		8	0	4
THURSDAY		8	0	4
FRIDAY		8	0	4
SATURDAY			0	0
TOTAL HOURS		40	2	28
TOTAL \$ DUE		\$600.00	\$45.00	\$560.00
ACTUAL \$ VS BILLED \$		\$645.00	\$560.00	

IT IS THE INTENT OF THIS AMENDMENT TO THE ALASKA WAGE AND HOUR ACT TO SIMPLIFY THE COMPUTATION OF THE REGULAR RATE OF PAY FOR FLAT RATE MECHANICS. WHEN A FLAT RATE MECHANIC IS PAID AN AMOUNT EQUAL TO OR IN EXCESS OF HIS/HER STRAIGHT TIME HOURS (UP TO 8 HOURS IN A WORKDAY OR 40 HOURS IN A WORKWEEK) AT THE FLAT HOURLY RATE DEFINED IN SUBSECTION (B) OF THE BILL, AND IS PAID FOR ALL HOURS WORKED IN EXCESS OF 8 HOURS IN A WORKDAY OR 40 HOURS IN A WORKWEEK, WHICHEVER IS GREATER, AT 1.5 TIMES SUCH FLAT HOURLY RATE THE MECHANIC IS EXEMPT FROM THE OVERTIME REQUIREMENTS OF THE ALASKA WAGE AND HOUR ACT. THIS IS TRUE WHETHER THE FLAT HOURLY RATE EARNINGS (BILLABLE HOURS TIMES THE MECHANICS FLAT HOURLY RATE) ARE LESS THAN OR GREATER THAN THE MECHANICS COMPENSATION COMPUTED IN ACCORDANCE WITH SUBSECTIONS (C) AND (D). IF THE FLAT RATE MECHANICS BILLABLE HOURS TIMES HIS/HER FLAT HOURLY RATE ARE GREATER THAN THE AMOUNT COMPUTED UNDER SUBSECTIONS (C) AND (D) THEN THE BILLABLE HOURS AMOUNT SHALL BE PAID AS THE EMPLOYEES GROSS PAY FOR THE WORKWEEK AND NO OVERTIME PREMIUM, DAILY OR WEEKLY IS DUE. TWO EXAMPLES FOLLOW USING A FLAT HOURLY RATE OF \$20.00.

EXAMPLE ONE

THE MECHANIC WORKS 9 CLOCK HOURS AND BILLS 9 HOURS EACH DAY MONDAY THROUGH FRIDAY. THE MINIMUM AMOUNT DUE THE MECHANIC PER 23.10.060 (d) (17) (C) AND (D) IS 40 STRAIGHT TIME HOURS (FIVE 8 HOUR DAYS) AT \$15.00 [75% OF \$20.00 IS \$15.00 OR TWICE THE ALASKA MINIMUM WAGE OF \$5.65 (\$11.30), SO THAT \$15.00 IS USED] OR A TOTAL OF \$600.00 REGULAR TIME PLUS FIVE HOURS IN EXCESS OF 8 HOURS IN A DAY OR 40 IN A WEEK, FIGURED ON A WEEKLY BASIS, AT 1.5 TIMES \$15.00 OR \$22.50 FOR OVERTIME PAY OF \$112.50 WHICH YIELDS \$712.50. THE MECHANICS FLAT RATE PAY IS \$900.00 (45 BILLABLE HOURS TIMES \$20.00) SO THAT THE EMPLOYEE IS PAID \$900, BECAUSE THIS AMOUNT EXCEEDS THE MINIMUM COMPENSATION DUE UNDER THE (d)(17) EXEMPTION NO ADDITIONAL OVERTIME PREMIUM IS DUE.

EXAMPLE TWO

THE MECHANIC WORKS 9 CLOCK HOURS AND BILLS 8 HOURS ON MONDAY AND TUESDAY AND WORKS 8 CLOCK HOURS AND BILLS 4 HOURS ON WEDNESDAY THROUGH FRIDAY. THE MINIMUM AMOUNT DUE THE MECHANIC UNDER THE (d)(17) EXEMPTION IS 40 STRAIGHT TIME HOURS (FIVE 8 HOUR DAYS) TIMES \$15.00 [75% OF \$20.00 IS \$15.00 AND 2 TIMES ALASKA MINIMUM WAGE IS \$11.30 SO THAT \$15.00 IS USED] OR \$600.00 OF STRAIGHT TIME HOURS PLUS 2 HOURS IN EXCESS OF 8 HOURS IN A DAY OR 40 IN A WEEK FIGURED ON A WEEKLY BASIS TIMES \$22.50 (1.5 TIMES \$15.00) OR \$45.00 WHICH YIELDS \$645.00. THE MECHANICS FLAT RATE OF PAY IS 28 (8+8+4+4+4) BILLABLE HOURS TIMES \$20.00 OR \$560.00.

THEREFORE THE EMPLOYEE IS PAID \$645.00 OF WHICH \$45.00 WAS PAY FOR THE 2 OVERTIME HOURS WHICH INCLUDES HALF-TIME OVERTIME PREMIUM OF \$15.00

April 10, 1998

04-23-22212:41 RCVD

Honorable Norman Rokeberg
Capital Building
Juneau, AK

RE: HB389

Dear Rep. Rokeberg:

For several months, many individual airline employees have been working at getting "trade days" allowed for airline employees under Alaska law.

Representative John Cowdery has sponsored HB389 in order to help these employees. The airline industry operates twenty four hours per day, 365 days per year. In order for employees to be able to spend more time with their families, or to plan time off from shift work to spend with their children during school breaks, trading days is an extremely valuable tool.

Trading days allows individual workers the freedom to either schedule specific times off, or to make extra earnings, AT THEIR OWN CHOICE. It is a win-win situation for all involved. The employees get the flexibility of work hours, and the companies get happier, more productive employees.

The State of Washington recently passed a law similar to HB389. I very much hope that the Alaskan legislature will follow their lead and pass this bill, thus allowing airline workers more individual freedom in their job.

There are over 6500 airline employees in the State of Alaska which will be positively affected by this legislation.

The attached list of names is but a small representative sampling of the airline employees which support this legislation.

If you have any questions or comments, you may call Michelle Buckmaster at (907) 248-2625.

Sincerely,

Michelle Buckmaster
Customer Service Representative
United Airlines

Post-It™ brand fax transmittal memo 7671		# of pages	8
To	Norman Rokeberg	From	Michelle Buckmaster
Co.	State Capitol	Co.	United Airlines
Dept.	House	Phone #	248-2625
Fax #	465-2040	Fax #	243-1483

Michelle Buckmaster
Customer Service Representative
United Airlines
Anchorage, AK

Linda Helms
Customer Service Agent
Delta Airlines
Anchorage, AK

Nansi Norum
SAS/TL
Delta Airlines
Fairbanks, AK

Tim Satre
Lead Customer Service Agent
Alaska Airlines
Fairbanks, AK

Mike Norum
Ramp Lead
Alaska Airlines
Fairbanks, AK

Christine Hines
Customer Service Representative
ERA Aviation
Anchorage, AK

Dorothy Maitland
Customer Service Agent
Reeve Aleutian Airways
Anchorage, AK

cc: Rep. Cowdery
Speaker Phillips
Commissioner Tom Cashen
Senate President Miller
Sen. Ward
Rep. Williams
House Labor and Commerce Committee
Senate Labor and Commerce

Dan Smith
Customer Service Agent
United Airlines
Anchorage, AK

Jennifer Lynch
Customer Service
United Airlines
Anchorage, AK

Kris Schrader
Operations Agent
PenAir
Anchorage, AK

Barbara Menz
Customer Service Agent
Delta Airlines
Anchorage, AK

Michael Mills
Customer Service Representative
Delta Airlines
Anchorage, AK

Candice Maxwell
Customer Service Lead
Reeve Aleutian Airways
Anchorage, AK



TELECOPY COVER SHEET

Anchorage Legislative Information Office
Office - (907) 561-7007 Fax - (907) 562-4376

TO: Rep Rokberg, Chair (H) L+C

ATTN: _____ FAX: 465-2040 PHONE: _____

FROM: Anch LIO - PHONE: _____

INSTRUCTIONS: Amendment for HB389 -

SENT: Date 4/24 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 2 (counting cover sheet)

TRANSMITTED BY: [Signature]

HOUSE BILL NO.389

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE COWDERY

Introduced: 2/11/98

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

"An Act relating to an exemption from the requirement for payment for overtime under voluntary written agreement for certain employees in the airline industry; and providing for an effective date."

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

* Section 1. AS 23.10.060(d) is amended by adding a new paragraph to read:

(17) work performed by an employee under a voluntary written agreement addressing the trading of work hours, work days, and work shifts among employees if

(A) the employee is employed in the airline industry, including employment as a customer service representative;

(B) the trading agreement is not a flexible work hour plan entered into under (13) or (14) of this subsection;

(C) the trading agreement is filed with the employee's employer;

(D) the trading agreement states that the employee working more hours as a result of the trade:

(i) straight time for the hours equal to the original schedule;

(ii) straight time overtime for hours beyond the original schedule

worked as a result of the trade;

(Straight time overtime is defined as hours worked in excess of scheduled hours as a result of company meetings, company travel, or hours worked as a result of a trade.)

(E) a premium overtime payments are not paid for hours worked as a result of a trade.

Suggested by

Michelle Buckmaster

PO Box 111306

Anchorage, AK 99511

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE MEMBERS:

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REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN
REPRESENTATIVE BILL HUDSON
REPRESENTATIVE JOE RYAN
REPRESENTATIVE JERRY SANDERS
REPRESENTATIVE TOM BRICE
REPRESENTATIVE GENE KUBINA
COMMITTEE AIDE, SHIRLEY ARMSTRONG
COMMITTEE SECRETARY, CATHY WOOD
COMMITTEE HEARING ROOM 17 STATE CAPITOL



INTERIM:
716 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE: (907) 258-8191
FAX: (907) 258-2916

SESSION:
STATE CAPITOL, ROOM 24
JUNEAU, AK 99801-1182
PHONE: (907) 465-4954
FAX: (907) 465-2040

Labor and Commerce Committee

MEMORANDUM

TO: Representative Norman Rokeberg, Chairman
Representative John Cowdery, Vice Chairman
Representative Bill Hudson
Representative Joe Ryan
Representative Jerry Sanders
Representative Tom Brice
Representative Gene Kubina

FROM: Shirley Armstrong, Staff
House Labor & Commerce Committee

DATE: April 29, 1998

SUBJECT: Additional Backup For Committee Bill Packet - **HB 389**

Attached is information that has come to the House Labor and Commerce Committee since our committee hearing.

Please insert in your HL&C, HB 389 committee packet.

Attachment

⁸ Why are they taking this tack -
rather than a flex time bill -
- HB 68 for airlines -

0-LS1448VA

United Airlines

HOUSE BILL NO. 389

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE COWDERY

Introduced: 2/11/98

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an exemption from the requirement for payment for overtime
2 under a voluntary written agreement for certain employees in the airline industry;
3 and providing for an effective date."

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

5 * **Section 1.** AS 23.10.060(d) is amended by adding a new paragraph to read:

6 (17) work performed by an employee under a voluntary written
7 agreement addressing the trading of work hours, work days, and work shifts among
8 employees if

9 (A) the employee is employed in the airline industry, including
10 employment as a customer service representative;

11 (B) the trading agreement is not a flexible work hour plan
12 entered into under (13) or (14) of this subsection;

13 (C) the trading agreement is filed with the employee's employer;

14 and

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(D) the trading agreement states that

(i) the hours worked as a result of a trade under the agreement may not be considered in determining whether the employee performing the work is entitled to overtime pay, except as described in (ii) of this subparagraph, whether or not the hours traded between the employees are equal in number or other value;

(ii) if, when considering only the hours traded, an employee working those hours and no other hours would be entitled to overtime pay for a portion of the time worked, the employee working the hours is eligible for overtime pay based on the hours traded.

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

0-LS1448VE
Cramer
4/27/98

CS FOR HOUSE BILL NO. 389()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE COWDERY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an exemption from the requirement for payment for overtime
2 under a voluntary written agreement for certain employees in the airline industry;
3 and providing for an effective date."

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

5 * Section 1. AS 23.10.060(d) is amended by adding a new paragraph to read:

6 (17) work performed by an employee under a voluntary written
7 agreement addressing the trading of work shifts among employees if

8 (A) the employee is employed by an air carrier subject to
9 subchapter II of the Railway Labor Act (45 U.S.C. 181-188), including
10 employment as a customer service representative;

11 (B) the trading agreement is not a flexible work hour plan
12 entered into under (13) or (14) of this subsection;

13 (C) the trading agreement is filed with the employee's
14 employer; and

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(D) the trading agreement states that the employee is not entitled to receive overtime for any hours worked by the employee when the employee voluntarily works those hours under a shift trading practice under which the employee has the opportunity, in the same or other work weeks, to reduce hours worked by voluntarily offering a shift for trade or reassignment.

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

House of Representatives

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REPRESENTATIVE TOM BRICE
REPRESENTATIVE GENE KUBINA
COMMITTEE AIDE, SHIRLEY ARMSTRONG
COMMITTEE SECRETARY, CATHY WOOD
COMMITTEE HEARING ROOM 17 STATE CAPITOL



INFORM
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PHONE: (907) 258-8191
FAX: (907) 258-2916

SESSION
STATE CAPITOL ROOM 24
JUNEAU, AK 99801-1182
PHONE: (907) 465-4954
FAX: (907) 465-2040

Labor and Commerce Committee

MEMORANDUM

TO: Representative John Cowdery
Representative Bill Hudson
Representative Joe Ryan
Representative Jerry Sanders
Representative Tom Brice
Representative Gene Kubina

FROM: Shirley Armstrong, Staff
House Labor & Commerce Committee

DATE: April 24 1998

SUBJECT: Additional Backup For Committee Bill Packet - HB 389

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Please insert in your HL&C, HB 389 committee packet.

Attachment

04/24/98
15:18:09

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80729 SCHEDULED FOR:04/24/98 15:15 TO 17:30
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150
BY:ANC
FOR:ANC

LOCATION: ANCHORAGE

HB 389	DOUGLAS	ORCUTT <i>AIC A</i>	TESTIFY
HB 389	MICHELLE	BUCKMASTER	TESTIFY
HB 389	DANIEL	SMITH	TESTIFY
HB 389	MICHAEL	BROADWAY	TESTIFY
HB 389	MANO	FREY	TESTIFY

*I.A.M. -
Gump
D. at 143*

*60
34/12/9*

NEWSREAL

PLEASE POST PROMPTLY

KEEP POSTED THROUGH 4/2

GOOD MORNING... THIS IS THURSDAY, APRIL 2, 1998

THIS PAST MONDAY, WASHINGTON GOVERNOR GARY LOCKE SIGNED INTO LAW A BILL SPONSORED BY UNITED THAT PROVIDES A TARGETED EXEMPTION TO ALLOW RESERVATIONS SALES AND SERVICE REPRESENTATIVES (RSSRS), CUSTOMER SERVICE REPRESENTATIVES (CSRS) AND OTHER EMPLOYEES TO CONTINUE A LONG-STANDING PRACTICE OF VOLUNTARILY TRADING PERSONAL TIME OFF. THE LAW SOLVES WHAT HAS BEEN CALLED 'A QUALITY OF LIFE ISSUE' BY EMPLOYEES.

THE EFFORT TO PASS THIS EMPLOYEE-DRIVEN LEGISLATION STARTED LAST MAY FOLLOWING A NATIONWIDE REVIEW TO ENSURE UNITED'S CONSISTENCY WITH VARIOUS STATE REGULATIONS. WITH THE SUPPORT OF UNITED'S LEGAL DEPARTMENT, GOVERNMENTAL AFFAIRS, EMPLOYEES REPRESENTING RSSRS AND CSRS, OUTSIDE CONSULTANTS, AND LOCAL MANAGEMENT, STATE SEN. JIM HORN AGREED TO AUTHOR THE BILL AND INTRODUCE IT IN THE WASHINGTON STATE LEGISLATURE IN MID-JANUARY. IT RECEIVED BROAD BIPARTISAN SUPPORT AND PASSED THE LEGISLATURE WITH NO OPPOSITION, REFLECTING A UNIQUE ATMOSPHERE OF COOPERATION BETWEEN LABOR AND MANAGEMENT, INCLUDING THE WASHINGTON STATE LABOR COUNCIL AND SEATTLE-BASED ALASKA AIRLINES.

'THIS HAS BEEN THE PERFECT EXAMPLE OF EMPLOYEES WORKING TOGETHER FOR SOMETHING THAT WILL HAVE A DIRECT IMPACT ON THEIR JOBS,' SAYS TERRY BRADY, SEATTLE'S CITY MANAGER. 'THERE ARE SO MANY EMPLOYEES TO RECOGNIZE WHO HAVE WORKED SO HARD TO GET THIS EXEMPTION. OTHERS ARE DOING THE SAME THING IN HAWAII AND STATES WHERE THIS TYPE OF EXEMPTION IS NOT YET IN EFFECT.'

'THIS EFFORT BETWEEN MANAGEMENT AND NON-MANAGEMENT EMPLOYEES ADDRESSED A HUGE QUALITY OF LIFE ISSUE FOR US,' SAYS MEG CURNUTT, RESERVATION SALES AND SERVICE REPRESENTATIVE IN SEATTLE AND ONE OF THE EMPLOYEES WHO TESTIFIED IN HEARINGS BEFORE THE WASHINGTON SENATE AND HOUSE OF REPRESENTATIVES. 'MANY

EMPLOYEES NEED TO TRADE THEIR SHIFTS TO ACCOMMODATE THEIR CHILD CARE, ELDER CARE, STUDIES, DOCTOR AND DENTAL APPOINTMENTS, AND EVEN OBSERVANCE OF RELIGIOUS HOLIDAYS.'

THE LAW WILL GO INTO EFFECT JUNE 12.

S-3455.1

SENATE BILL 6220

State of Washington 55th Legislature 1998 Regular Session

By Senators Horn, Heavey, Schow, Fraser, Anderson, Franklin, Newhouse,
Winsley and Patterson

Read first time 01/14/98. Referred to Committee on Commerce & Labor.

*File
Trade Regulation*

1 AN ACT Relating to the ability of employees in the airline industry
2 to trade shifts voluntarily without creating overtime liability;
3 reenacting and amending RCW 49.46.130; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. Sec. 1. The legislature finds that employees in the
6 airline industry have a long-standing practice and tradition of trading
7 shifts voluntarily among themselves. The legislature also finds that
8 federal law exempts airline employees from the provisions of federal
9 overtime regulations. This act is intended to specify that airline
10 industry employers are not required to pay overtime compensation to an
11 employee agreeing to work additional hours for a coemployee.

12 Sec. 2... RCW 49.46.130 and 1997 c 311 s 1 and 1997 c 203 s 2 are
13 each reenacted and amended to read as follows:

14 (1) Except as otherwise provided in this section, no employer shall
15 employ any of his employees for a work week longer than forty hours
16 unless such employee receives compensation for his employment in excess
17 of the hours above specified at a rate not less than one and one-half
18 times the regular rate at which he is employed.

1 (2) This section does not apply to:

2 (a) Any person exempted pursuant to RCW 49.46.010(5). The payment
3 of compensation or provision of compensatory time off in addition to a
4 salary shall not be a factor in determining whether a person is
5 exempted under RCW 49.46.010(5)(c);

6 (b) Employees who request compensating time off in lieu of overtime
7 pay;

8 (c) Any individual employed as a seaman whether or not the seaman
9 is employed on a vessel other than an American vessel;

10 (d) Seasonal employees who are employed at concessions and
11 recreational establishments at agricultural fairs, including those
12 seasonal employees employed by agricultural fairs, within the state
13 provided that the period of employment for any seasonal employee at any
14 or all agricultural fairs does not exceed fourteen working days a year;

15 (e) Any individual employed as a motion picture projectionist if
16 that employee is covered by a contract or collective bargaining
17 agreement which regulates hours of work and overtime pay;

18 (f) An individual employed as a truck or bus driver who is subject
19 to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101
20 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system
21 under which the truck or bus driver is paid includes overtime pay,
22 reasonably equivalent to that required by this subsection, for working
23 longer than forty hours per week;

24 (g) Any individual employed (i) on a farm, in the employ of any
25 person, in connection with the cultivation of the soil, or in
26 connection with raising or harvesting any agricultural or horticultural
27 commodity, including raising, shearing, feeding, caring for, training,
28 and management of livestock, bees, poultry, and furbearing animals and
29 wildlife, or in the employ of the owner or tenant or other operator of
30 a farm in connection with the operation, management, conservation,
31 improvement, or maintenance of such farm and its tools and equipment;
32 or (ii) in packing, packaging, grading, storing or delivering to
33 storage, or to market or to a carrier for transportation to market, any
34 agricultural or horticultural commodity; or (iii) commercial canning,
35 commercial freezing, or any other commercial processing, or with
36 respect to services performed in connection with the cultivation,
37 raising, harvesting, and processing of oysters or in connection with
38 any agricultural or horticultural commodity after its delivery to a
39 terminal market for distribution for consumption;

1 (h) Any industry in which federal law provides for an overtime
2 payment based on a work week other than forty hours. However, the
3 provisions of the federal law regarding overtime payment based on a
4 work week other than forty hours shall nevertheless apply to employees
5 covered by this section without regard to the existence of actual
6 federal jurisdiction over the industrial activity of the particular
7 employer within this state. For the purposes of this subsection,
8 "industry" means a trade, business, industry, or other activity, or
9 branch, or group thereof, in which individuals are gainfully employed
10 (section 3(h) of the Fair Labor Standards Act of 1938, as amended
11 (Public Law 93-259)).

12 (1) Any hours worked by an employee of a carrier by air subject to
13 the provisions of subchapter II of the Railway Labor Act (45 U.S.C.
14 Sec. 181 et seq.) when such hours are voluntarily worked by the
15 employee pursuant to a shift-trading practice under which the employee
16 has the opportunity in the same or in other work weeks to reduce hours
17 worked by voluntarily offering a shift for trade or reassignment.

18 (3) No employer shall be deemed to have violated subsection (1) of
19 this section by employing any employee of a retail or service
20 establishment for a work week in excess of the applicable work week
21 specified in subsection (1) of this section if:

22 (a) The regular rate of pay of the employee is in excess of one and
23 one-half times the minimum hourly rate required under RCW 49.46.020;
24 and

25 (b) More than half of the employee's compensation for a
26 representative period, of not less than one month, represents
27 commissions on goods or services.

28 In determining the proportion of compensation representing
29 commissions, all earnings resulting from the application of a bona fide
30 commission rate is to be deemed commissions on goods or services
31 without regard to whether the computed commissions exceed the draw or
32 guarantee.

33 (4) No employer of commissioned salespeople primarily engaged in
34 the business of selling automobiles, trucks, recreational vessels,
35 recreational vessel trailers, recreational vehicle trailers,
36 recreational campers, manufactured housing, or farm implements to
37 ultimate purchasers shall violate subsection (1) of this section with
38 respect to such commissioned salespeople if the commissioned
39 salespeople are paid the greater of:

1 (a) Compensation at the hourly rate, which may not be less than the
2 rate required under RCW 49.46.020, for each hour worked up to forty
3 hours per week, and compensation of one and one-half times that hourly
4 rate for all hours worked over forty hours in one week; or

5 (b) A straight commission, a salary plus commission, or a salary
6 plus bonus applied to gross salary.

7 (5) No public agency shall be deemed to have violated subsection
8 (1) of this section with respect to the employment of any employee in
9 fire protection activities or any employee in law enforcement
10 activities (including security personnel in correctional institutions)
11 if: (a) In a work period of twenty-eight consecutive days the employee
12 receives for tours of duty which in the aggregate exceed two hundred
13 forty hours; or (b) in the case of such an employee to whom a work
14 period of at least seven but less than twenty-eight days applies, in
15 his or her work period the employee receives for tours of duty which in
16 the aggregate exceed a number of hours which bears the same ratio to
17 the number of consecutive days in his or her work period as two hundred
18 forty hours bears to twenty-eight days; compensation at a rate not less
19 than one and one-half times the regular rate at which he or she is
20 employed.

21 NEW SECTION. Sec. 3. This act does not alter the terms,
22 conditions, or practices contained in any collective bargaining
23 agreement.

24 NEW SECTION. Sec. 4. This act is remedial in nature and applies
25 retroactively.

26 NEW SECTION. Sec. 5. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

--- END ---

TONY KNOWLES
GOVERNOR

P.O. Box 110001
Juneau Alaska 99811-0001
(907) 485-3500
Fax (907) 485-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

OFFICE OF THE GOVERNOR, LEGISLATIVE OFFICE

P.O. BOX 110001

JUNEAU, AK 99811-0101

Phone: 465-4021 Fax 465-3147

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Shirley

LOCATION: (H) L&C

PHONE NUMBER: 4968

FAX NUMBER: 2040

DATE: 4/23 TIME: 2:00 PAGES: 3

FROM:

- Pat Pourchot, Legislative Director
- Shari Kochman, Deputy Legislative Director

- Donna Sheridan, Admin. Assistant
- Admin Support Tech

COMMENTS:

hope this helps!

Ceryl

From the office of . . . Representative John J. Cowdery
State Capitol Bldg., Room 416
Juneau, AK 99801
907-465-3879 phone
907-465-2069 fax

MEMORANDUM

TO: Representative Rokeberg, Chair
House Labor and Commerce Committee

FROM: Representative Cowdery *J.C.*

DATE: February 11, 1998

RE: House Bill 389

CC:

Notes:

This is to request that House Bill 389 be scheduled for hearing in the Labor and Commerce committee as the calendar allows.

Thanks for your consideration.

*2/12/98 No cash still need so a ton for
preparation per Helen Cowdery's Off
J.C.*

*received 4/17/98
sl*

HB 389
SPONSOR STATEMENT
Representative John J. Cowdery

HB 389 was introduced at the request of an ad hoc group of employees from United Airlines. Since its introduction, support has broadened to include the entire commercial airline industry in Alaska. The Alaska Air Carriers Association, its individual constituent members and their employees are asking the legislature to pass this legislation. Management and employees support it. However, we expect organized labor to oppose it.

HB 389 is intended to allow airline employees to trade workdays with each other without invoking overtime pay requirements. Under strict interpretation of current statute, a substitute employee who works a shift for another employee must be paid overtime if the substitute employee already worked 8 hours in the same work day or 40 hours in the same work week. Consequently, shift trading can only occur when the substitute employee has a day off from his/her regular shift. This situation narrows the available pool of substitute workers and makes it impossible or very difficult to trade shifts.

Airline employees in Alaska are vexed under Alaska's statute (A.S. 23.10.160) because we are the only state in the U.S. that has a daily overtime requirement. This bill gives Alaskan employees of airlines the same treatment as their counterparts in the other 49 states.

Shift trading among employees in the airline industry is a very common practice. Usually it is done informally with tacit approval of the employer. HB 389 will legitimize the practice that has become the custom in the industry. Without it, employer airlines would violate the law if they allow their employees to trade shifts.

Organized Labor would prefer the status quo. They are against any weakening of the overtime pay requirements in statutes. There is no problem with the status quo as long as the Department of Labor doesn't enforce the overtime statutes. However, neither the legislature, nor the governor, should be party to any practice that condones arbitrary enforcement. Either we must tell the employees of the airline industry in Alaska that they can no longer trade shifts, or, we must provide a mechanism for them to do it legally.

To whom IT MAY CONCERN

I AM A UNITED AIRLINES EMPLOYEE FOR ABOUT 2 1/2 YEARS. I WORK 40 HOURS A WEEK AS A FULL TIME PERMANENT EMPLOYEE. MY WAGES ARE ABOUT \$8.50 AN HOUR WHICH IS NOT ENOUGH TO MEET ALL MY FINANCIAL NEEDS.

SOME TIME LAST YEAR, OUR COMPANY TOLD US THAT OUR TRADE POLICY CHANGED DUE TO THE ALASKA LAW. AS A RESULT, I COULDN'T GET MORE HOURS TO BALANCE MY BUDGET, SO NOW I AM FORCED TO LOOK FOR A SECOND JOB TO MAKE ENDS MEET.

I HOPE THAT THIS TRADE POLICY COULD BE CHANGE TO WHAT IT WAS BEFORE, SO THAT PEOPLE LIKE ME CAN GET MORE HOURS OF WORK WITHOUT HAVING TO WORK FOR A SECOND COMPANY.

THANK YOU FOR ATTENDING TO MY REQUEST.

Victor Romero
Victor A. Romero
1415 Garden
St
Anch, AK
99508

Dist 21

January 19, 1998

To Whom it May Concern:

I have been employed by UA for over 14 years, 9 of which have been in Alaska.

The flexible trade policy we had in the past, allowed employees who wanted extra hours to work the hours of those who desired the time off, which enabled them to pursue other interests such as college or raising a family.

Early in my career, I needed as many extra hours as I could get to make ends meet financially. Overtime hours were (and can still be) scarce, the only way to supplement my income without being forced to find a second job was through trades.

Today, I have a young family and prefer not to work as many hours so that I can raise my child myself without needing to use a daycare. But because of the current, extremely restrictive trade policy, I'm finding it difficult to trade with other employees even though they would like to work my hours--because of the guidelines set by the State of Alaska.

The personal situations of every employee vary. Please give us back the flexibility to work extra hours as needed to better our personal as well as professional lives.

Thank You.

Sincerely,



Linda Ess

7023 Henderson Ln
Anchorage, AK 99507

Dist 19

Jan 26, 98

To whom it may concern:

The current trade policy in place at United Airlines is affecting both parttime and full time. As a parttime employee I can only trade with parttime employees which limits my trading ability.

In the past we were able to have unlimited trades based on approval with our supervisor.

We are an Airline that operates 24 hrs. a day 365 days per year.

In the past we were able to work extra hours and make more money, with the current policy in effect we are hampered on working trades due to the 40 hr. work week limitations.

Thank You.

Dist 17

Sharon Bishop

9830 Chelatna Cr #1

Anch, AK 99515

Jan. 22, 1998

Janiece M. Buck
12901 Ridgeview, Anchorage, Alaska 99516 - Dist 18

To the Alaska Legislature,

The airline industry is a 365 day a year operation. United Airlines is committed 365 days a year, to providing complete customer service and meeting the needs of its employees. We are a uniquely situated with special needs concerning work shifts and hours worked.

I strongly support the Alaska Dept. Labor allowing for employee work hours, trades and not penalize us by demanding time and 1/2 wage if employees agree in writing to straight time and shift trades. I fully support the United personnel who are endeavoring to coordinate with you to meet United's hourly needs. Please consider us!

Sincerely,
Janiece M. Buck

TO: THE LABOR LAW COMMITTEE,

I HAVE BEEN EMPLOYED WITH UNITED AIRLINES FOR 10 1/2 YEARS. PER MY EXISTENCE WITH UNITED, THE TRADE POLICY WAS, ALL EMPLOYEES ARE ELIGIBLE TO TRADE HIS OR HER SHIFT, HOURS OR DAYS TO ANY OTHER QUALIFIED EMPLOYEE. THE PERSON TRADING THE SHIFT WOULD RECEIVE NO PAY AND THE EMPLOYEE WORKING THE SHIFT WOULD RECEIVE STRAIGHT TIME PAY. THIS IS IN UNITED AIRLINES REGULATIONS ON TRADES. I WAS ABLE TO MAKE A LIVING AND CAREER WITH UNITED DUE TO THE TRADE POLICY. IT TOOK ME 9 YEARS TO RECEIVE FULL TIME, HOWEVER WITH THE TRADES I WAS ABLE TO WORK 40 HOURS A WEEK. THE FLEXIBILITY WITH TRADES IS A WIN-WIN SITUATION. UNITED AIRLINES WINS, DUE TO RELIABILITY OF THE EMPLOYEE AND LESS OVERTIME IS PAID. THE EMPLOYEE CAN TRADE HIS OR HER SHIFT AWAY AND IF DESIRED, AND CAN MAKE UP THE HOURS THE FOLLOWING WEEK.

SOMETIME IN 1997, UNITED AIRLINES EMPLOYEES WERE ASK TO RESEARCH THE TRADE POLICY, THEY CAME UP WITH TRADES WILL BE BASED ON STATE LAW. SOME STATES ARE VERY FLEXIBLE WITH THE LABOR LAWS, AND SOME LIKE ALASKA ARE FIRM. UP TO THIS POINT WE ARE NOT ALLOW TO TRADE, WE CAN SWITCH SHIFTS IN THE SAME WEEK ONLY.

THIS HURT ME IN A PERSONAL WAY. IN MAY 1997, MY FATHER WENT INTO THE HOSPITAL IN PA. FOR OPEN HEART SURGERY. I HAD ONLY 2 HOLIDAYS LEFT, WITH COMPLICATIONS WITH MY FATHER I WAS THERE FOR 8 DAYS. DUE TO NO TRADES THE COMPANY HAD TO PAY OVERTIME, AND I LOST PAY FOR 4 DAYS. IF WE COULD TRADE, I WOULD HAVE TRADED ALL MY DAYS AND MADE UP FOR IT THE NEXT WEEK. THIS WOULD HAVE BEEN A WIN-WIN SITUATION.

I HOPE YOU WILL UNDERSTAND THAT THE TRADE POLICY IS A VERY IMPORTANT PART OF AN EMPLOYEE OF UNITED AIRLINES AS WELL IT IS FOR UNITED AIRLINES. I DO NOT FEEL THIS INHIBITS THE STATE IN ANYWAY. I HOPE YOU WILL ALLOW US TO RESUME THE TRADE POLICY LIKE WE HAVE DONE BEFORE. I DO APPRECIATE YOU ALL LISTENING TO ME.

SINCERELY,

LENORE TORNETTA ANCHORAGE CUSTOMER SERVICE

Lenore Tornetta

12029 Buttermilk wy

Eagle River, AK

99577

Dist 25

January 19, 1998

To Whom It May Concern:

I have been employed for United Airlines for 8 years 6 months, and have worked in two different stations with many different changes. One of these recent changes I have seen and felt was our trade policy here in Alaska.

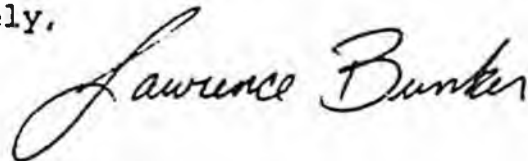
The old trade policy in Anchorage was where any employee can trade with any other employee as needed, when needed, to further our other ambitions outside of work. I found no problems with that old policy.

Trying to further my career with United, I have found it difficult to help others to persue their goals, and tend to their families needs because of our local trade policy.

Our future goals as Alaskan residents are being slowed because of this policy. We now ask you, in all of your Political Power to please help amend our current policy, and to return to our flexible work schedule which enables us to work more than our 8 hours per day to further our goals and aspirations in this wonderful State of Alaska.

Thank you for your time and consideration in this matter.

Sincerely,



Lawrence Bunker

8031 Fairwood Circle
Anch AK 99518

Dist 10

To whom it may concern;

The following is my opinion on the past and present trade policy at United Airlines. I was hired in June in 1995, as a part-time employee. The trade policy at the time was outstanding, since fulltime wasn't available it allowed me to pick up the extra hours and income I needed. I am a single parent trying to raise my daughter and the trades were so completely helpful. It also allowed for people to give up their hours so they could go out of state or if they just needed the day off. We could sign up for overtime hours but they were so few and I was lucky if I got called to work OT maybe once a week.

The current trade policy is very difficult, I had to go full-time and that makes my home-life hard, especially on my daughter. Most of the shifts are 10 hrs and can only trade with other 10 hr people. When a trade takes place it has to be repaid w/in that week. I work an 8 hr shift and it is so hard to find someone to work for me. I am looking at going back to part-time

and finding a second job.
I believe that the
old trade policy should be
reinstated. If you & the person
doing the trade both agree to
one giving up their hours and
the other working them, then what
is the problem? I could understand
if management was trying to
force us to work for straight time
but we agreed to it, wanted it,
looked forward to it.

Thank you for
your time &
consideration

Teresa Kennedy
Teresa Kennedy
emp file # 208083
Feb. 25, 1998

Dist 10

1664 Juneau Dr Apt A
Anch, AK 99501
907 274 7515

Dist 17-
7700 Verdala Ave
March 24 99507

To whom it may concern
1/26/98

I have been employed

at United Airlines for 9 1/2 years. In

that time I have worked various

positions. There was a time when I

was only part-time but it was for

about 7 years. With United's operation

24 hours a day and 365 days a year,

we were close down, well times the

"Get of God" is now US. United has

a flexible work schedule which has

enabled me and fellow co-workers to

work various shifts and have assorted

days off, and yes, sometimes even to

work holidays. I made my living

working for other people when I was

part time on the East Coast, straight

time, when there was no overtime to

be fulfilled. I moved to Alaska. At

the end of 96 and in May of 97 the

State of Alaska cracked down on us

because of a letter that was written to

the Labor Department. We are now

as a full-time employee prohibited to

work a 5th day. I am a full-time

part-time employees are restricted to

no more than 40 hours. Well, even that in

mind, our flexible work schedule is not being utilized. We do not have "Bankers Hours" and if there is a body working that shift, I don't see the problem. I realize that I chose to work for an Airline, but if we can switch shifts to have a couple extra days off or because we have a family to take care of and its straight-time not overtime, why not? I am looking at it as a "Win-Win" situation, we are a 24 hour operation and we need people there so give us, the employees, the benefit we deserve and the benefit as a Airline we have, let us trade shifts. As long as there is a warm body there, hey, we are all happy. The state labor law is cracking down on the different businesses. All I am asking is to have the benefit as an Airline employee, like I used to before I moved to Alaska. Have the flexibility to work for others and others work for me, straight time only. An exception would be wonderful. Anything you can do would be so appreciated. Please continue working with us. Thank you for your time and consideration. Sincerely, Thibault Buckmaster

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

To Whom It May Concern,

I have been a United employee since June 26, 1986. Most of this time has been spent in Alaska, however from 1994-1997 I worked for United in Minneapolis. The state of Minnesota allows flexibility in a non-traditional type of employment. For that period of time I enjoyed creating a schedule that worked for both me and United. I was able to adjust my schedule to allow me to spend ^{as} much time with my children as possible, and then work as many hours as needed to support myself and family. I enjoyed several different types of flexible schedules... week on week off, 2 or 3 long hour days, with several days off in between, as well as traditional schedules. I am now in a single mother and this type of flexibility is crucial to mine and my children's personal needs and well being. The ability to arrange my personal schedule is an important benefit that I was able to create and sustain while in Minnesota. ~~to~~ Losing this benefit since returning to my home state of Alaska has had a huge negative impact on my life. United should continue to pay overtime when due to needs of service, I am required to stay, however

When I choose to change my schedule
to enhance my pay check and personal
life - I feel this should be possible
with a "365 - 24 hour clock" job.

Sincerely,

Leslie Lawrence

1006 E 7th Ave

Fairbanks, AK

99701

Dist 31



February 26, 1998

Representative Norm Rokeberg
Chairman-House Labor and Commerce
Alaska State House of Representatives
Juneau, AK 99518

RE: HB389

Dear Rep. Rokeberg:

PenAir feels that HB 389, an act regarding the scheduling of airline employees, would be extremely beneficial to both the airlines and their employees.

HB389 allows for employees to trade work days with one another, with written notice to the employer, without the employer incurring overtime expenses. At the present time, management in many companies does not allow trade days due to the extra expense to the company. This is unfair to the employees, whom are willing to trade days without the overtime being incurred, but are not allowed because the company is bound by law to pay the overtime.

HB389 corrects this problem, and creates a "win-win" situation for employers and employees. The employees are allowed greater flexibility in the workplace, thus making them more productive. The employer has a happier workforce without creating any further expenses.

A beneficial amendment to the bill would be a clear statement which allows trade days on some flexible work hour plans, such as four tens or four nines. The airline industry often works these shifts to cover 24 hour coverage which is required in our industry.

I would urge you to schedule HB389 in your committee as soon as possible.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

Rhonda Lamp
Personnel Manager
PenAir

33-38-287-5135- RC

cc: Labor and Commerce committee members

HB

392

FISCAL NOTE

Revision Date: _____ Dept. Affected: Revenue
 Title: Retorted Salmon Products Reports BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: R. Austerman
 Requestor: (H) L&C COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1001 CBRF						
1048 University of AK receipts						
Other						
TOTAL						

Estimate of any current year cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

(see attached analysis)

Prepared by: Paul Dick
 Division: Income and Excise Audit
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 465-3691
 Date: February 16, 1998
 Date: February 16, 1998

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 11, 1998

FURTHER REFERRALS:

Date of Committee Action: _____

The LABOR AND COMMERCE Committee considered:

HB 392

HOUSE BILL NO. 392

RETORTED SALMON PRODUCTS REPORTS

“An Act relating to access by the Department of Environmental Conservation and the Department of Fish and Game to confidential tax records for fisheries resources prepared or kept by the Department of Revenue under AS 43.75; relating to certain salmon products reports; and providing for an effective date.”

recommends it be replaced with the following committee substitute _____ CSHB 392(LTC) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) DEED, DOR zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John J. Conedera</i>	✓			
<i>Don Sanderson</i>	✓			
<i>Theresa King</i>			✓	
<i>Bill Hudson</i>	✓			
<i>Joe Ryan</i>			✓	
<i>Neil Kolitz</i>			✓	

CHAIR'S SIGNATURE _____

Neil Kolitz 3/4/98

DEPARTMENT OF REVENUE
Income and Excise Audit Division

Retorted Salmon Products Reports
HB 392
February 16, 1998
Page 2 of 3

BILL ANALYSIS

Section 1 amends the public records statute AS 09.25.100 to allow the Department of Fish and Game (DFG) and the Department of Environmental Conservation (DEC) access to fisheries business tax returns, reports, determinations and work papers. In regard to this data, the DFG and DEC must maintain the same level of confidentiality as required of the Department of Revenue

Section 2 is the same as section 1 except it is conditional on the repeal and reenactment of the relevant public records statute (see section 2).

Section 3 amends the Department of Revenue's disclosure statute AS 43.05.230 to allow DFG and DEC access to fisheries business tax returns, reports, determinations and work papers. In regard to this data, DFG and DEC must maintain the same level of confidentiality as required of the Department of Revenue.

Section 4 amends the wholesale canned salmon prices reporting statute (AS 43.80) to change reporting requirements from semiannual to three 4-month periods.

Section 5 amends the reporting of wholesale canned salmon prices statute to require processors to list price and quantity data for all can sizes, on sales to non-affiliates. Currently, processors are required to report wholesale prices and quantities for specific can sizes as defined under AS 43.80.

Section 6 amends the reporting of wholesale canned salmon prices statute to require processors to list quantity and price data for all can sizes, on sales to affiliated companies. Currently, processors are required to report wholesale prices and quantities for specific can sizes.

Section 7 amends the statute for reporting wholesale canned salmon prices to require the Department of Revenue to report quantity and price data for all can sizes in which the salmon is sold. Currently, information is only reported for specific can sizes.

Section 8 amends the statute for reporting of wholesale canned salmon prices to require the Department of Revenue to determine the monthly and annual wholesale price averages for all can sizes in which the salmon is sold. Currently, these averages are only reported for specific can sizes.

DEPARTMENT OF REVENUE
Income and Excise Audit Division

Retorted Salmon Products Reports
HB 392
February 16, 1998
Page 3 of 3

Section 9 authorizes collective price bargainers to request an audit of the sales records of processors and specifies who is responsible for authorizing and conducting audits.

Section 10 adds a definition of "canned" to the reporting of canned salmon statutes.

Sections 11 provides for transition language and makes the due date of the first salmon product report September 30, 1998.

Section 12 makes section 2 effective if AS 09.25.100 (disposition of tax information) is repealed and reenacted.

Section 13 makes September 1, 1998 the effective date for sections 1 and 3-12.

Section 14 makes the date when AS 09.25.100 is repealed and reenacted (if it does occur) the effective date for Section 2.

OPERATING EXPENDITURES

Department of Revenue does not anticipate additional costs for administering the provisions of this bill.

REVENUE

Department of Revenue does not anticipate any revenue changes as a result of provisions of this bill.

HOUSE LABOR AND COMMERCE STANDING COMMITTEE

DATE: 3/9/98

ISSUE: CS for SS HB 142 as amended

	YEA	NAY	PRESENT
Chairman Rokeberg	✓		
Representative Cowdery		✓	
Representative Hudson	✓		
Representative Sanders		✓	
Representative Ryan		✓	
Representative Brice	✓		
Representative Kubina			
TOTALS:	3	3	

02/18/98
15:42:59

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80297 SCHEDULED FOR:02/18/98 15:15 TO 17:15
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150
BY:PSG
FOR:PSG

LOCATION:PETERSBURG

~~HB 392 MS. KRIS NOROSZ~~

ICICLE SEAFOODS TESTIFY

02/18/98
15:57:46

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80297 SCHEDULED FOR:02/18/98 15:15 TO 17:15
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150
BY:KOD
FOR:KOD

LOCATION:KODIAK

HB 387 MS DIANE BUFFINGTON *Arrived AFTER BILL moved*
HB 392 MR JEFF STEPHAN
~~HB 392 MR CHRIS BERNS~~

TESTIFY
~~OBSERVE~~
TESTIFY

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 11, 1998

SUBJECT: CSHB 392(L&C) (Work Order No. 20-LS1423L)

TO: Representative Norman Rokeberg, Chair
House Labor and Commerce Committee

FROM: *TB*
Theresa Bannister
Legislative Counsel

This memo accompanies the bill described above.

Please be aware that a technical change has been made to correct an oversight in the bill. This change has been made with your concurrence and that of the bill's sponsor, Representative Austerman. In sec. 2 of the bill, the reference to "AS 43.05.230" has been changed to "AS 43.05.230(i)." This will make sec. 2 consistent with sec. 1, since the purpose of sec. 2 is merely to retain the change to sec. 1 if AS 09.25.100 is repealed as scheduled on July 1, 1999.

If I may be of further assistance, please advise.

TLB:glc
98-158.glc

Enclosure

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE MEMBERS:

REPRESENTATIVE NORMAN ROKEBERG, CHAIRMAN
REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN
REPRESENTATIVE BILL HUDSON
REPRESENTATIVE JOE RYAN
REPRESENTATIVE JERRY SANDERS
REPRESENTATIVE TOM BRICE
REPRESENTATIVE GENE KUBINA
COMMITTEE HEARING ROOM 17 STATE CAPITOL



INTERIM:
716 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE: (907) 258-8191
FAX: (907) 258-2916

SESSION:
STATE CAPITOL, ROOM 24
JUNEAU, AK 99801-1182
PHONE: (907) 465-4954
FAX: (907) 465-2040

Labor and Commerce Committee

MEMORANDUM

TO: Representative John Cowdery
Representative Bill Hudson
Representative Joe Ryan
Representative Jerry Sanders
Representative Tom Brice
Representative Gene Kubina

FROM: Representative Norman Rokeberg, Chairman
House Labor & Commerce Committee

DATE: February 26, 1998

SUBJECT: Additional Bill Information - HB392

Attached is information that has come to the House Labor and Commerce Committee since our committee hearing.

Attachments

STATE OF ALASKA

DEPARTMENT OF REVENUE

TONY KNOWLES, GOVERNOR

INCOME AND EXCISE AUDIT
P.O. BOX 110420
JUNEAU, AK 99811-0420
FAX: (907) 465-2375

February 23, 1998

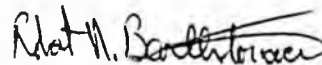
The Honorable Alan Austerman
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Austerman:

Pursuant to AS 43.80.050, a fisheries business that sells canned salmon at wholesale is required to file a semi-annual report disclosing the sale price. A civil penalty of \$50 per day may be imposed under AS 43.80.095 for the failure to file the report.

The Department of Revenue does have broad authority under AS 43.05.040(a) to audit the filing of a return. A report is in the nature of a return even through it does not give rise to a tax liability. Therefore, the department could audit the reports under AS 43.80.050. The department has limited resources and establishes audit priorities based on several criteria, most important is illegal activity and potential tax revenue to be recovered. All audit requests are evaluated against this criteria. If you have additional questions, please let me know.

Sincerely,



Robert N. Bartholomew
Deputy Director

COPY TO FILE

REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

MEMORANDUM

TO: Representative Norman Rokeberg, Chair
House Labor and Commerce Committee

FROM: Representative Alan Austerman 

DATE: February 12, 1998

RE: House Bill 392

House Bill 392, relating to retorted salmon products reported, was referred to your committee. I respectfully request that a hearing for HB 392 be scheduled for the Labor and Commerce committee at your earliest possible convenience.

If you have any questions regarding scheduling this legislation, please contact my staff, Amy Daugherty, at x4230.

Thank you in advance for your consideration of this request.

SPONSOR STATEMENT

HB 392

HB 392 addresses exvessel value reporting and wholesale price reporting to the state. It allows the Department of Revenue to share, in confidence, exvessel value information with the Department of Fish and Game, Department of Environmental Conservation, and updates wholesale price reporting by requiring better and more timely information from processors. These housekeeping adjustments are necessary to keep state statutes working for our dynamic commercial fishing industry.

The first three sections enable the Department of Revenue to provide processor information needed by ADFG and DEC. Currently, ADFG is able to share information they receive with DOR but the inverse is not provided for in law. DEC currently is unable to access this information from DOR as well although they have legitimate needs for it. Additional duplicative reporting may be established unless we can maximize and coordinate information the state already obtains.

Section 4 reestablishes the time intervals of wholesale price reporting to the Department of Revenue. The current semiannual wholesale reporting is replaced by three new reporting periods per year. The new reporting periods will provide marketers and negotiators more information in a more timely manner.

Section 5 through 8 stipulate that the wholesale information provided to Revenue will include data in terms of all canned sizes sold. Section 10 includes pouches or similar containers within the definition of "canned" for the purposes of receiving this wholesale price information as well. The unit-of-sale categories currently required are often no longer used by the processing industry.

Section 9 helps to ensure accuracy in the wholesale price reports submitted to Revenue. An independent certified auditor, paid for by collective price bargainer, will have access to individual business information but will maintain confidentiality and not disclose specific business names in their findings.

Fishery Business taxes, landing tax, ASMI tax, and aquaculture assessments are all based on the exvessel values of Alaska salmon products. Passage of HB 392, should help fishermen and the state in their pursuit of better information, thereby helping them derive the best price, or exvessel value, for their product while modifying processor reporting to be more effective.

REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

March 3, 1998

Explanation of changes from CSHB 392 version H to version K

CSHB 392 version K incorporates two changes, the amendment that was distributed to the committee members at the previous committee hearing and omission of Section 10, the audit language.

The amendment provided to the committee members:

- 1) sets a threshold of 240,000 pounds of product in determination of whether a processor is required to report the wholesale price information to the Department of Revenue, thereby eliminating this reporting for very small processing operations;
- 2) removes the line from the earlier CS version which requires processors to send in a statement asserting that they have not sold thermally processed fish in the applicable reporting period, if this is the case; and,
- 3) adjusts the transition language and other language in the bill in response to the new 240,000 pound threshold insertion.

The audit language was removed in order to ensure widespread acceptance and smooth passage of this legislation. We have provided for your information, a letter from the Department of Revenue that indicates they already have the authority to audit wholesale price information. Although an audit request of this information has not been received to date, it is my preference to verify that indeed this is a problem that needs fixing before applying a fix.

KANAWAY SEAFOODS INC.

February 18, 1998

Hon. Norman Rokeberg
Chairman, House Labor & Commerce Committee
Alaska State Legislature

RE: HB 392 - Salmon Product Reports

Fax # 907 465 2040

Dear Chairman Rokeberg,

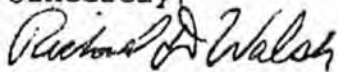
I am responding with our company's position regarding the proposed legislation which would allow a fisherman's bargaining association to audit the reporting of canned salmon prices to the state. We are emphatically against this proposed legislation. We consider this proprietary information and are strongly against any government body that holds this information as part of public domain and then hands it over to an auditor, selected by a "collective price bargainer", to determine whether or not a processors price report is accurate. Understandably, there needs to be a confirmation of canned salmon sales price as it relates to certain agreements between processors and bargaining associations. However, we believe that any agreement in the auditing of sales price should be between processor and fisherman and not dictated through legislation. If this were to become law, it could be devastating to the processing sector because it probably would not end with the auditing of canned salmon prices. It could lead to more legislation and any seafood commodity might be subject to the auditing by a fisherman's bargaining association. More importantly, not all processors have signed an agreement with a bargaining association on paying fisherman through a formula based on canned salmon sales price. Would these processors be subjected to the same proposed auditing system? Moreover, most of this sales information is available through the Salmon Market Information Service from the University of Alaska as well as the National Marine Fisheries Service.

2875 Roeder Ave., Bellingham, WA 98225 Tel: (360) 738-1246 Fax: (360) 738-1248
P.O. Box 6958, Ketchikan, AK 99901 Tel: (907) 225-3166 Fax: (907) 225-8405

KANAWAY SEAFOODS INC.

We have very serious concerns with this legislation and where it may lead. Please consider the ramifications of this bill to the salmon industry, carefully. Thank you for your time and consideration of our concerns.

Sincerely,



Richard D. Walsh
Operations Manager

cc: Rick Lauber PSPA

2875 Roeder Ave., Bellingham, WA 98225 Tel: (360) 738-1246 Fax: (360) 738-1248
P.O. Box 6958, Ketchikan, AK 99901 Tel: (907) 225-3166 Fax: (907) 225-8405

February 13, 1998

Representative Gene Therriault
Alaska State Legislature

02-18-98/11:02 AM

Dear Representative:

I wish to express my support for the intent of HB 387. As I understand this bill, the intent is to enable or facilitate the licencing of dentists in Alaska who may not be physically able, providing that they have certified staff present, or required by necessity to be able to perform cardiopulmonary resuscitation (CPR) while performing their professional functions.

I do not believe that dentists who suffer physical handicaps but who are still able to provide quality care to their patients should be barred from practicing if provisons for patient protection can be accomplished. Nor do I believe that dentists who are performing non-clinical administrative functions should be required to be ready and able to perform CPR.

I am concerned that the language of HB 387, as I have seen it, would allow practicing dentists who are not in the above categories to apply for waivers when they have failed to obtain recertification for CPR. I would not like to see a "loophole" such as this created.

I absolutely approve of a bill to allow the Board of Examiners to grant waivers in the licensing process through Memoranda of Agreement for dentists who are not capable or required by their job functions to perform CPR. I encourage the approval of a modification of HB 387 which has language which prevents potential implementation problems.

Please continue to pursue this legislation. If I may be of assistance in the future, do not hesitate to contact me.

Sincerely,
Kenneth L. Crooks, DDS

0-LS1423K
Bannister
2/26/98

CS FOR HOUSE BILL NO. 392()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Hudson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to access by the Department of Environmental Conservation and
2 the Department of Fish and Game to confidential records for fisheries businesses
3 and resources prepared or kept by the Department of Revenue under AS 43.75;
4 relating to certain salmon products reports; and providing for an effective date."

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

6 * Section 1. AS 09.25.100(a) is amended to read:

7 (a) Information in the possession of the Department of Revenue that discloses
8 the particulars of the business or affairs of a taxpayer or other person is not a matter
9 of public record [,] except as provided in AS 43.05.230(i) or for purposes of child
10 support administration as described in (b) of this section, investigation, and law
11 enforcement. The information shall be kept confidential except when its production
12 is required in response to a request for purposes of child support administration as
13 described in (b) of this section, in an official investigation, in an administrative
14 adjudication under AS 43.05.400 - 43.05.499, or in a court proceeding. These

1 restrictions do not prohibit the publication of statistics presented in a manner that
2 prevents the identification of particular reports and items, the publication of tax lists
3 showing the names of taxpayers who are delinquent and relevant information that may
4 assist in the collection of delinquent taxes, or the publication of records, proceedings,
5 and decisions under AS 43.05.400 - 43.05.499.

6 * Sec. 2. AS 09.25.100, as repealed and reenacted under sec. 148(c), ch. 87, SLA 1997,
7 is amended to read:

8 (a) Information in the possession of the Department of Revenue that discloses
9 the particulars of the business or affairs of a taxpayer or other person is not a matter
10 of public record, except as provided in AS 43.05.230 or for purposes of investigation
11 and law enforcement. The information shall be kept confidential except when its
12 production is required in an official investigation, administrative adjudication under
13 AS 43.05.400 - 43.05.499, or court proceeding. These restrictions do not prohibit the
14 publication of statistics presented in a manner that prevents the identification of
15 particular reports and items, prohibit the publication of tax lists showing the names of
16 taxpayers who are delinquent and relevant information that may assist in the collection
17 of delinquent taxes, or prohibit the publication of records, proceedings, and decisions
18 under AS 43.05.400 - 43.05.499.

19 * Sec. 3. AS 43.05.230 is amended by adding a new subsection to read:

20 (i) The commissioner shall, upon request, furnish to the Department of
21 Environmental Conservation or the Department of Fish and Game copies of tax returns,
22 reports, or other documents filed under AS 43.75, and copies of the Department of
23 Revenue's determinations and work papers related to those documents filed under
24 AS 43.75. The Department of Environmental Conservation and the Department of
25 Fish and Game shall maintain the confidentiality that the Department of Revenue is
26 required to extend to the returns, reports, determinations, work papers, and other
27 documents furnished under this subsection.

28 * Sec. 4. AS 43.80.050(a) is amended to read:

29 (a) A fish processor engaged in the business of selling thermally processed
30 [CANNED] salmon products at wholesale and whose business sells more than
31 240,000 pounds of thermally processed salmon products at wholesale during a

1 calendar year shall submit to the department during the following calendar year,
2 on a form provided by the department, reports [A SEMI-ANNUAL REPORT] of the
3 prices received by the processor or an affiliate of the processor for the sale of
4 thermally processed [CANNED] salmon. Not later than May 31 [APRIL 30] of each
5 reporting year, a processor shall submit a report for the period January 1 through
6 April 30 of the reporting year [OCTOBER 1 - MARCH 31]. Not later than
7 September 30 [OCTOBER 31] of each reporting year, a processor shall submit a
8 report for the period May 1 through August 31 of the reporting year. Not later
9 than January 31 of each reporting year, a processor shall submit a report for the
10 period September 1 through December 31 of the reporting year [APRIL 1 -
11 SEPTEMBER 30].

12 * Sec. 5. AS 43.80.050(b) is amended to read:

13 (b) A report submitted under this section must [SHALL], for sales to buyers
14 that are not affiliates of the processor, include a description of the products and the
15 quantity sold by species and by the size of the container in which the salmon is sold
16 [UNIT-OF-SALE CATEGORY] and the wholesale prices received. [IF A
17 PROCESSOR SELLS NO CANNED SALMON PRODUCTS DURING A
18 REPORTING PERIOD THE REPORT FOR THAT PERIOD SHALL INCLUDE
19 ONLY A STATEMENT OF THAT FACT.]

20 * Sec. 6. AS 43.80.050(c) is amended to read:

21 (c) A sale to an affiliate of the processor may not be included in a report
22 submitted under this section by a processor. However, the [A] processor shall report
23 sales by an affiliate at wholesale of thermally processed [CANNED] salmon that was
24 obtained from the processor. The report shall include a description of the products and
25 the quantity sold by the affiliate by species and by the size of the container in which
26 the salmon is sold [UNIT-OF-SALE CATEGORY] and the wholesale prices received
27 by the affiliate.

28 * Sec. 7. AS 43.80.050(d) is amended to read:

29 (d) Information shall be reported for each size of the container in which the
30 salmon is sold [THE FOLLOWING UNIT-OF-SALE CATEGORIES:

31 (1) 48-POUND CASE OF ONE-POUND CANS (48 CANS);

- 1 (2) 24-POUND CASE OF ONE-HALF-POUND CANS (48 CANS);
- 2 (3) 12-POUND CASE OF ONE-QUARTER-POUND CANS (48
- 3 CANS); AND
- 4 (4) 48-POUND CASE OF FOUR-POUND CANS (12 CANS)].

5 * Sec. 8. AS 43.80.055 is amended to read:

6 **Sec. 43.80.055. Wholesale price averages.** (a) Based on the information
7 provided in reports submitted under AS 43.80.050, the department shall determine the
8 statewide average wholesale prices paid to fish processors and their affiliates for the
9 sale of thermally processed [CANNED] salmon.

10 (b) The department shall determine under this section the monthly and annual
11 wholesale price averages for each species of thermally processed [CANNED] salmon
12 for [IN] each size of the container in which the salmon is sold [UNIT-OF-SALE
13 CATEGORY].

14 * Sec. 9. AS 43.80.060 is amended to read:

15 **Sec. 43.80.060. Report.** Not later than the 15th day of each regular legislative
16 session, the department shall make available to the legislature a report of statewide
17 average wholesale thermally processed [CANNED] salmon prices. The department
18 shall notify the legislature that the report is available.

19 * Sec. 10. AS 43.80.100(5) is amended to read:

20 (5) "wholesale price" includes all receipts, whether in the form of
21 money, credits, or other consideration, from the sale of a finished thermally processed
22 [CANNED] salmon product at less than retail, without deduction for the costs of
23 property sold, materials used, insurance, labor, services, labeling, transportation,
24 storage, interest, taxes, losses, or any other expense except

25 (A) cash discounts allowed on sales, not to exceed one and one-
26 half percent; and

27 (B) commissions actually paid to independent brokers, not to
28 exceed five percent.

29 * Sec. 11. AS 43.80.100 is amended by adding new paragraphs to read:

30 (6) "container" means the can, pouch, or other similar container in
31 which the salmon is thermally processed;

1 (7) "reporting year" means the calendar year after the calendar year in
2 which a fish processor's business sells more than 240,000 pounds of thermally
3 processed salmon products;

4 (8) "thermally processed" means processed by the application of heat
5 to render the salmon free of microorganisms that are capable of reproducing in the
6 salmon under normal nonrefrigerated conditions of storage or distribution.

7 * **Sec. 12. TRANSITION.** The first report required by AS 43.80.050(a), as amended by
8 sec. 4 of this Act, is due September 30, 1998, must cover the period of April 1, 1998, through
9 August 31, 1998, and must be filed by a fish processor whose business sold more than
10 240,000 pounds of thermally processed salmon products at wholesale during the 12-month
11 period ending August 31, 1998. In this section, "fish processor" and "thermally proces^s"
12 have the meanings given in AS 43.80.100.

13 * **Sec. 13.** Section 2 of this Act takes effect only if AS 09.25.100 is repealed and reenacted
14 under sec. 148(c), ch. 87, SLA 1997.

15 * **Sec. 14.** Sections 1 and 3 - 13 of this Act take effect September 1, 1998.

16 * **Sec. 15.** If sec. 2 of this Act takes effect, it takes effect on the effective date of the
17 repeal and reenactment of AS 09.25.100 under sec. 148(c), ch. 87, SLA 1997.

HB392

ROEBER 6

FROM:
Joe Hayes

Ref

HB392 ↑

Should call later
local - if not
questions -

2/24/98

like to see my

books - pen

Joe Hayes 586-2565

Alaska Department of Revenue
Income and Excise Audit Division
Canned Salmon Average Wholesale Report
For the Period October 1, 1996 through March 31, 1997
Prepared by the Fish and Excise Tax Unit, June 16, 1997

PRICES

<i>King Salmon</i>					
Case Size	12 Cans	48 Cans	48 Cans	48 Cans	Special
Can Size	4 Pounds	1 Pound	1/2 Pound	1/4 Pound	N/A
October	NR	*	112.82	NR	*
November	NR	*	101.09	NR	*
December	NR	*	*	NR	*
January	NR	NR	*	NR	*
February	NR	NR	54.34	NR	*
March	*	*	48.37	NR	NR
Average	*	*	57.89	*	*

PRICES

<i>Red Salmon</i>					
Case Size	12 Cans	48 Cans	48 Cans	48 Cans	Special
Can Size	4 Pounds	1 Pound	1/2 Pound	1/4 Pound	N/A
October	NR	115.74	72.44	54.17	*
November	NR	119.01	77.28	61.00	*
December	NR	118.38	77.87	55.81	*
January	NR	119.23	76.05	55.89	*
February	NR	122.41	76.08	53.43	*
March	NR	119.04	77.33	56.75	*
Average	NR	118.70	75.43	55.33	*

*.....TWO OR LESS REPORTS RECEIVED
NR.....NO RESPONSE RECEIVED

Alaska Department of Revenue
 Income and Excise Audit Division
Canned Salmon Average Wholesale Report
 For the Period October 1, 1996 through March 31, 1997
 Prepared by the Fish and Excise Tax Unit, June 16, 1997

PRICES

<i>Coho Salmon</i>					
Case Size	12 Cans	48 Cans	48 Cans	48 Cans	Special
Can Size	4 Pounds	1 Pound	1/2 Pound	1/4 Pound	N/A
October	NR	85.14	48.07	*	*
November	NR	82.28	60.96	*	*
December	NR	NR	*	*	NR
January	NR	72.82	53.27	NR	NR
February	NR	*	48.90	NR	NR
March	NR	*	54.62	*	*
Average	NR	82.60	51.60	*	*

PRICES

<i>Pink Salmon</i>					
Case Size	12 Cans	48 Cans	48 Cans	48 Cans	Special
Can Size	4 Pounds	1 Pound	1/2 Pound	1/4 Pound	N/A
October	68.50	41.85	29.66	*	*
November	74.65	36.51	28.88	*	*
December	74.51	42.12	27.80	*	*
January	74.39	43.74	29.96	*	*
February	71.06	43.64	28.36	*	*
March	73.75	41.20	27.83	*	*
Average	72.04	41.36	28.60	*	*

*.....TWO OR LESS REPORTS RECEIVED
 NR.....NO RESPONSE RECEIVED

Alaska Department of Revenue
 Income and Excise Audit Division
Canned Salmon Average Wholesale Report
 For the Period October 1, 1996 through March 31, 1997
 Prepared by the Fish and Excise Tax Unit, June 16, 1997

PRICES

<i>Chum Salmon</i>					
Case Size	12 Cans	48 Cans	48 Cans	48 Cans	Special
Can Size	4 Pounds	1 Pound	1/2 Pound	1/4 Pound	N/A
October	*	29.90	25.62	NR	NR
November	*	30.48	25.66	NR	NR
December	*	30.85	27.32	NR	NR
January	*	28.81	15.95	NR	NR
February	*	31.19	20.45	NR	NR
March	*	30.12	21.92	NR	NR
Average	*	30.03	24.51	NR	NR

*.....TWO OR LESS REPORTS RECEIVED
 NR.....NO RESPONSE RECEIVED

GENERAL INFORMATION/INSTRUCTIONS

Who must file the Average Wholesale Price of Canned Salmon Report?

Persons or businesses who can salmon products and are in the business of selling these canned salmon products at wholesale price must file this report.

Which species of salmon must be reported?

King/Chinook
 Red/Sockeye
 Coho/Silver
 Pink/Humpy
 Chum/Dog

What can size and case sizes must be reported?

- 1) 48-pound case of one-pound cans (48 cans);
- 2) 24-pound case of one-half-pound cans (48 cans);
- 3) 12-pound case of one-quarter-pound cans (48 cans);
- 4) 48-pound case of four-pound cans (12 cans).

Due Date.

Two semi-annual reports which give a monthly breakdown for each species of salmon canned are due as follows:

Period April 1 through September 30 -- due date is October 31.
 Period October 1 through March 31 -- due date is April 30.

Extension of time to file.

There is no extension of time to file these reports. Please note that under AS 43.80.095, the department may levy and collect a civil penalty of \$50 per day on a fish processor that fails to submit a report as required under AS 43.80.050.

Instructions for completing the reports:

The form is broken down into five schedules:

Schedule I -- King Salmon
 Schedule II -- Red Salmon
 Schedule III -- Coho Salmon
 Schedule IV -- Pink Salmon
 Schedule V -- Chum Salmon

Complete a schedule for each species of salmon that your company canned and sold at wholesale prices.

A separate report must be completed and submitted for each reporting period, indicating on each report the months in which you sold canned salmon at wholesale prices.

Reporting periods: April 1 through September 30.
 October 1 through March 31.

Need Help?

For further information, contact the Alaska Department of Revenue, Income and Excise Audit Division, P.O. Box 110420, Juneau, Alaska 99811-0420. Telephone (907) 465-4683.

Send This Report to: Alaska Department of Revenue
 Income & Excise Audit Division
 P.O. Box 110420
 Juneau, AK 99811-0420

**CANNED SALMON
 AVERAGE WHOLESALE PRICE REPORT**
 Page 1 of 3

DUE DATE: OCTOBER 31 (for the reporting period
 April 1 through September 30)

APRIL 30 (for the reporting period
 October 1 through March 31)

NOTE: If your canning consists of any special pack, such as skinned and boned, skinned and sliced, spiced, fillets, sliced, or in odd-size cans, or any other special method other than the standard packing method, report this portion of your pack on a separate statement and attach to this report.

COMPANY NAME AND MAILING ADDRESS 	CITY/STATE REPORTING PERIOD COMPANY CONTACT PERSON DAYTIME TELEPHONE NUMBER	LIST FISHERIES BUSINESS LICENSE NUMBERS AND LOCATIONS FOR WHICH YOU ARE REPORTING
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SCHEDULE I — ^{PINK} KING SALMON

	4 lb. can 12-4 lb. cans/case				1 lb. can 48-1 lb. cans/case				½ lb. can 48-½ lb. cans/case				¼ lb. can 48-¼ lb. cans/case			
	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4
Month Canned Salmon Were Sold	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)
OCT/APR																
NOV/MAY																
DEC/JUN																
JAN./JUL																
FEB/AUG																
MAR./SEP																

A Total value of cases sold at wholesale price includes all receipts whether in the form of money, credits, or other valuable considerations received from the sale of the finished product. Do not deduct the cost of property sold, the cost of the material used, insurance costs, labor or service costs, label and labeling costs, transportation and storage costs, interest paid, taxes, losses or any other expense.

B Allowable expenses include cash discounts allowed on sales, not to exceed one and one-half percent, and commissions actually paid to independent brokers, not to exceed five percent.

I declare under penalty of perjury that this report (including any accompanying statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete.

SIGNATURE OF COMPANY REPRESENTATIVE	TITLE	DATE
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**CANNED SALMON
AVERAGE WHOLESALE PRICE REPORT**

Name of Company _____

SCHEDULE IV — PINK SALMON

Month Canned Salmon Were Sold	4 lb. can 12-4 lb. cans/case				1 lb. can 48-1 lb. cans/case				½ lb. can 48-½ lb. cans/case				¼ lb. can 48-¼ lb. cans/case			
	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4
	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)
OCT/APR																
NOV/MAY																
DEC/JUN																
JAN/JUL																
FEB/AUG																
MAR/SEP																

SCHEDULE V — CHUM SALMON

Month Canned Salmon Were Sold	4 lb. can 12-4 lb. cans/case				1 lb. can 48-1 lb. cans/case				½ lb. can 48-½ lb. cans/case				¼ lb. can 48-¼ lb. cans/case			
	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4	COL. 1	COL. 2	COL. 3	COL. 4
	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)	Number of Cases Sold Including Cases Packed for You By Others	Total Value of Cases Sold SEE A	Allowable Expenses SEE B	Net Value of Cases Sold (Col. 2 less Col. 3)
OCT/APR																
NOV/MAY																
DEC/JUN																
JAN/JUL																
FEB/AUG																
MAR/SEP																

*Per
M...
no
objection*

AMENDMENT |

OFFERED IN THE HOUSE BY REPRESENTATIVE AUSTERMAN
TO: CSHB 392(), Draft Version "H"

1 Page 2, line 30, following "wholesale":
2 Insert "and whose business sells more than 240,000 pounds of thermally processed
3 salmon products at wholesale during a calendar year"

4 Page 2, line 30, following "department":
5 Insert "during the following calendar year"

6 Page 3, line 2, following "each":
7 Insert "reporting"

8 Page 3, line 3, following "April 30":
9 Insert "of the reporting year"

10 Page 3, line 4, following "each":
11 Insert "reporting"

12 Page 3, line 5, following "August 31":
13 Insert "of the reporting year"

14 Page 3, line 6, following "each":
15 Insert "reporting"

16 Page 3, line 7, following "December 31":
17 Insert "of the reporting year"

1 Page 3, line 12:

2 Delete "If a processor does not sell thermally processed [SELLS NO CANNED]
3 salmon products during a reporting period, the report for that period must [SHALL] include
4 only a statement of that fact."

5 Insert "[IF A PROCESSOR SELLS NO CANNED SALMON PRODUCTS DURING
6 A REPORTING PERIOD THE REPORT FOR THAT PERIOD SHALL INCLUDE ONLY
7 A STATEMENT OF THAT FACT.]"

8 Page 3, line 18, following "However,":

9 Delete "a"

10 Insert "the"

11 Page 5, following line 23:

12 Insert a new paragraph to read:

13 "(7) "reporting year" means the calendar year after the calendar year
14 in which a fish processor's business sells more than 240,000 pounds of thermally
15 processed salmon products;"

16 Renumber the following paragraph accordingly.

17 Page 5, line 28:

18 Delete "and"

19 Page 5, line 29, following "1998":

20 Insert ", and must be filed by a fish processor whose business sold more than 240,000
21 pounds of thermally processed salmon products at wholesale during the 12-month period
22 ending August 31, 1998. In this section, "fish processor" and "thermally processed" have the
23 meanings given in AS 43.80.100"