

**ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 86 / 2**

**10094 SENATE LABOR & COMMERCE**

# Classified Employees' Association

## MATAMUSKA -- SUSITNA BOROUGH SCHOOL DISTRICT

### PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"



We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within FLEPS. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our legislators to support HB 323 or the concepts contained within this bill.

Print Name Address Signature Work Site

1. Vicki Cunningham P.O. Box 871073 Wasilla [Signature] Fingers Lake Elem.
2. Kathy Wright Wainwright P.O. Box 876666 Wasilla [Signature] Menden Fingers Lake
3. Mary Cuzzocres 1701 Catalina Dr Wasilla [Signature] Menden Fingers Lake
4. Sara Skulic PO Box 2508 Palmer, AK [Signature] Fingers Lake
5. Anna Patti Box 874768 Wasilla [Signature] Fingers Lake
6. Mandy Wilson P.O. Box 1583 Palmer [Signature] Fingers Lake
7. Chad Grassmick 1622 Bx 7891-20 Palmer AK [Signature] Fingers Lake
8. Tammy Wise PO Box 3758 Palmer/5545 Menden [Signature] Fingers Lake
9. Becky Hainey 1400 Scattered Dr [Signature] Fingers Lake
10. ~~Janet~~ P.O. Box 870414 [Signature] Fingers Lake
11. Janelle Garrison P.O. Box 870414 [Signature] Fingers Lake
12. Debye Bumbart 1721 Scotchwooder Wasilla [Signature] Fingers Lake
13. Carrie Phillips P.O. Box 876-13 Wasilla [Signature] Fingers Lake
14. REC Horvath P.O. Box 87492 PALMER [Signature] Fingers Lake
15. Mary Dahlen 131 F Susan Ave [Signature] Admin
16. F. Heather Richardson 170 Edinborough Palmer [Signature] Admin
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# Classified Employees' Association

## MATANUSKA - SUSITNA BOROUGH SCHOOL DISTRICT

### PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PEI 23. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our Legislators to support HB 323 or the concepts contained within this bill.

Print Name	Address	Signature	Work Site
1. <u>David G. Hardage</u>	<u>418 N. Alaska St.; Palmer, AK</u>	<u>David G. Hardage</u>	<u>Admin.</u>
2. <u>Doreen Schumacher</u>	<u>HC 34 Box 2080 Wasilla</u>	<u>Doreen Schumacher</u>	
3. <u>Phyllis B. ...</u>	<u>P.O. Box 873171 Wasilla, AK</u>	<u>Phyllis B. ...</u>	<u>Admin.</u>
4. <u>Kathy Huston</u>	<u>Box 38 Willow</u>	<u>Kathy Huston</u>	<u>A.S. ...</u>
5. <u>STEPHANIE COGILL</u>	<u>P.O. Box 520058 Bras Lake</u>	<u>Stephanie Cogill</u>	<u>Adm. ...</u>
6. <u>SHARON LANG</u>	<u>P.O. Box 3896 PALMER AK</u>	<u>Sharon Lang</u>	<u>Admin Office</u>
7. <u>Henry Henson</u>	<u>1951 Lucille Wasilla AK</u>	<u>Henry Henson</u>	<u>Accounting</u>
8. <u>Cynthia Casco</u>	<u>620 Couille Lane Palmer</u>	<u>Cynthia Casco</u>	<u>Accounting</u>
9. <u>Patricia A. Whitt</u>	<u>PO Box 2514, Palmer AK</u>	<u>Patricia A. Whitt</u>	<u>Admin.</u>
10. <u>Andrea Walker</u>	<u>P.O. Box 1374 Palmer, AK</u>	<u>Andrea H. Walker</u>	<u>Admin.</u>
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# Classified Employees' Association

## MATANUSKA - SUSITNA BOROUGH SCHOOL DISTRICT

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Print Name	Address	Signature	Work Site
1. <u>ROGER LINCOLN</u>	<u>HC 31 BOX 5144, WASILLA</u>	<u>[Signature]</u>	<u>MIS</u>
2. <u>Len Sawyer</u>	<u>600 McAloo Way Was, AK 99659</u>	<u>[Signature]</u>	<u>MIS</u>
3. <u>Dick Phillips</u>	<u>Box 875716, Wasilla</u>	<u>[Signature]</u>	<u>MIS</u>
4. <u>Scott Hager</u>	<u>Box 687 Palmer AK 99645</u>	<u>[Signature]</u>	<u>MIS</u>
5. <u>TYLER MAFLOCK</u>	<u>2700 Palmdale Dr</u>	<u>[Signature]</u>	<u>MIS</u>
6. <u>JEFF DAMON</u>	<u>HC 50, BOX 55490 WASILLA</u>	<u>[Signature]</u>	<u>MIS</u>
7. <u>Robert KNEDEL</u>	<u>8101 Peck Av #F42</u>	<u>[Signature]</u>	<u>MIS</u>
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Print Name	Address	Signature	Work Site
1. <u>Colleen M Keer</u>	<u>HCO4 Box 74002 Palmer AK</u>	<u>Colleen M Keer</u>	<u>Butte Elem.</u>
2. <u>Sandra Seabolt</u>	<u>HCO2-7587-A Palmer, AK</u>	<u>Sandra L. Seabolt</u>	<u>Butte Elem.</u>
3. <u>Debra L Wells</u>	<u>PO Box 2829 Palmer AK</u>	<u>Debra L Wells</u>	<u>Butte Elem.</u>
4. <u>Sharon Berna</u>	<u>HCO2 Box 7604 Palmer AK</u>	<u>Sharon Berna</u>	<u>Butte Elem.</u>
5. <u>Janice Werner</u>	<u>HCO4 Box 7221 Palmer, AK</u>	<u>Janice Werner</u>	<u>Butte Elem.</u>
6. <u>Fresca Lashbrook</u>	<u>444 W. Bonanza St. Palmer AK</u>	<u>Fresca Lashbrook</u>	<u>Butte Elem.</u>
7. <u>Janet Stroud</u>	<u>1407 Box 7307A Palmer</u>	<u>Janet Stroud</u>	<u>Butte Elem.</u>
8. <u>Trula Acena</u>	<u>5855 Columbus Way Wasilla, AK 99645</u>	<u>Trula Acena</u>	<u>Butte Elem.</u>
9. <u>Cindy Mattingley</u>	<u>PO Box 2993 Palmer AK</u>	<u>Cindy Mattingley</u>	<u>Butte Elem.</u>
10. <u>Melinda Edmonds</u>	<u>PO Box 1563 Palmer AK</u>	<u>Melinda Edmonds</u>	<u>Butte Elem.</u>
11. <u>Paul Frye</u>	<u>Box 2447 Palmer</u>	<u>Paul Frye</u>	<u>Butte Elem.</u>
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# Classified Employees' Association

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Print Name	Address	Signature	Work Site
1. Cheryl Birdsell	POB 876535 Wasilla <sup>99687</sup>	<u>Cheryl Birdsell</u>	CMS - SPED AIDE II
2. Jeanne Hoyt	POB 182 Palmer 99645	<u>Jeanne M Hoyt</u>	CMS Computer Aide
3. Teresa Dunham	411 Jerome Dr. Wasilla 99654	<u>Teresa R. Dunham</u>	CMS - Sped aide II
4. Robin Covington	PO Box 260, Palmer 99645	<u>Rob Covington</u>	@ MS - Office
5. Leslie Knouss	P.O. Box 876577 Wasilla	<u>Leslie Knouss</u>	CMS - office
6. Carla Hamilton	P.O. Box 876383 Wasilla	<u>Carla Hamilton</u>	CMS SPED
7. Penny Hursh	P.O. Box 998 Palmer	<u>Penny L. Hursh</u>	CMS Sped II
8. Terrance Hosoda	POB 872984 Wasilla	<u>Terrance M. Hosoda</u>	Driver Transp. Dept.
9. Ramona Nordland	P.O. Box 872012 Wasilla, AK <sup>99687</sup>	<u>Ramona L. Nordland</u>	CMS SPED II
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# Classified Employees' Association

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Print Name	Address	Signature	Work Site
1. <u>STAN NOVAK</u>	<u>PO Box 875354 Wasilla AK</u>	<u>[Signature]</u>	<u>Iditarod</u>
2. <u>Loretta Brickman</u>	<u>851 Plymouth Circle</u>	<u>[Signature]</u>	<u>Iditarod</u>
3. <u>James Ryherd</u>	<u>Po Box 872559 Wasilla AK</u>	<u>[Signature]</u>	<u>Iditarod</u>
4. <u>Paula Eckman</u>	<u>PO Box 878265 Wasilla, AK</u>	<u>[Signature]</u>	<u>Iditarod</u>
5. <u>Barbara Hart</u>	<u>Hill Boy 101810A</u>	<u>[Signature]</u>	<u>Iditarod</u>
6. <u>Yonakis Helms</u>	<u>H 33, Box 3198 - Wasilla</u>	<u>[Signature]</u>	<u>Iditarod</u>
7. <u>KAREN S. JOHNSON</u>	<u>HC01 Box 6187-B Palmer, AK</u>	<u>[Signature]</u>	<u>Iditarod</u>
8. <u>Christine S. Costello</u>	<u>P.O. Box 871721 Wasilla, AK</u>	<u>[Signature]</u>	<u>Iditarod</u>
9. <u>Debbie m. LeVra</u>	<u>1401 Tiern Grande Dr <sup>Wasilla AK</sup></u>	<u>[Signature]</u>	<u>Tanaina</u>
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	Print Name	Address	Signature	Work Site
1.	Bonnie France	P.O. Box 522 Palmer	Bonnie France	Sheppard
2.	Janet Jacob	P.O. Box 359 Palmer	Janet L. Jacob	Sheppard
3.	Jane Storey	P.O. Box 2601 Palmer	Jane Storey	Sheppard
4.	Marilyn Thom	HC 01 Box 6009 Palmer	Marilyn Thom	Sheppard
5.	Elizabeth Gorman	9555 E. Caribou Cir Palmer	Elizabeth Gorman	Sheppard
6.	Penny Agnew	P.O. Box 874822 Wasilla	Penny Agnew	Sheppard
7.	Bill Bickler	P.O. Box 40 Palmer	Bill Bickler	Sheppard
8.	Ken Smith	317 N Chugach Palmer	Ken Smith	Sheppard
9.	Dale Busby	HC 02 Box 7379 Palmar	Dale Busby	Sheppard
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	PRINT NAME	ADDRESS	SIGNATURE	WORK SITE
8.	Richard Markland	9131 BOX 5789 WASILLA AK	<i>Richard Markland</i>	Transportation
9.	Howard Kelly	1202 N. Lucas Rd Wasilla	<i>Howard Kelly</i>	TRANSPORTATION
10.	CAROL GREENO	P.O. Box 871105 WASILLA AK	<i>Carol E. Greeno</i>	Transportation
11.	STEVE FEE	P.O. Box 870092 WASILLA AK	<i>Steve Fee</i>	Transportation
12.	Bill Meesman	10 Box 6750 Chapin AK	<i>Bill Meesman</i>	Transportation
13.	McArietta Reid	P.O. Box 50802 Big LR AK	<i>McArietta Reid</i>	Transp.
14.	David Ralsh	P.O. Box 57125 Wasilla	<i>David Ralsh</i>	
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Print Name	Address	Signature	Work Site
1. <u>Joan P. Cooley</u>	<u>P.O. Box 878534</u> <sup>Wasilla AK</sup>	<u>Joan P. Cooley</u>	<u>Mat-Su alt.</u>
2. <u>Linda B. McCombs-Rowe</u>	<u>P.O. Box 978710</u> <sup>Wasilla AK</sup>	<u>Linda B. McCombs-Rowe</u>	<u>mat-su alt.</u>
3. <u>Cheryl L. Clark</u>	<u>320 N. Spruce</u> <sup>Wasilla AK</sup>	<u>Cheryl L. Clark</u>	<u>Mat Su Alt. School</u>
4. <u>Julie Ann Russell</u>	<u>P.O. Box 2535, Palmer AK</u>	<u>Julie Ann Russell</u>	<u>Mat-Su Alt. Sch.</u>
5. <u>Vicki Rodman</u>	<u>P.O. Box 520932</u> <sup>Ex. 1442</sup>	<u>Vicki Rodman</u>	<u>422 SAS</u>
6. <u>Beth A. Ehrhart</u>	<u>P.O. Box 812 Palmer</u>	<u>Beth A. Ehrhart</u>	<u>MSAS/LIMS</u>
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*I'm retiring!  
This month -  
Please make this  
Retroactive !!!  
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Print Name	Address	Signature	Work Site
1. <u>NORMA J. HOEGGER</u>	<u>2700 FALLBROOKS</u>	<u>Norma Hoegger</u>	<u>WHS, PERS</u>
2. <u>Patty Leicus</u>	<u>1401 Melanio Ave. Wasilla</u>	<u>Patty Leicus</u>	<u>W. H. S.</u>
3. <u>DANN VANGUIN AUSTIN</u>	<u>HC 34 Box 2512 WASILLA 99654</u>	<u>Dann VanGuin Austin</u>	<u>WHS</u>
4. <u>MARCI PETERSON</u>	<u>P.O. Box 707 Palmer, AK 99645</u>	<u>Marci Peterson</u>	<u>WHS</u>
5. <u>Ernest Kirby</u>	<u>H.C.S. Box 9964 - C, Palmer, AK 99645</u>	<u>Ernest Kirby</u>	<u>WHS</u>
6. <u>FRED HACKNEY</u>	<u>1400 SCOTWOOD DR.</u>	<u>Fred Hackney</u>	<u>WHS</u>
7. <u>JUWIE</u>	<u>878557 Wasilla</u>	<u>Juwie DelVries</u>	<u>W.H.S.</u>
8. <u>Stephen Kearney</u>	<u>877482 Wasilla 99687</u>	<u>Stephen Kearney</u>	<u>WHS</u>
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Print Name	Address	Signature	Work Site
1. <u>Anecia Breedy</u>	<u>HC 33, Box 3205-A, Wasilla, AK</u>	<u>Anecia Breedy</u>	<u>Tom ILTA</u>
2. <u>Stella Davy</u>	<u>HC 32 1-550-12, Wasilla, AK</u>	<u>Stella Davy</u>	<u>Bilingual/ILTA</u>
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Print Name	Address	Signature	Work Site
1. <u>Barbara Mack</u>	<u>POB 870955 Wasilla</u>	<u>Barbara Mack</u>	<u>Admin.</u>
2. <u>Nannette Boy</u>	<u>5500 Revolutionary Way, Wasilla</u>	<u>Nannette A. Boy</u>	<u>Admin</u>
3. <u>Julene Felix</u>	<u>125 W Evergreen Ave</u>	<u>Julene Felix</u>	<u>Admin</u>
4. <u>Nanette Aklestad</u>	<u>P.O. Box 3210 Palmer</u>	<u>Nanette Aklestad</u>	<u>Admin</u>
5. <u>Deborah Williams</u>	<u>PO 871885 Wasilla</u>	<u>Deborah Williams</u>	<u>Admin</u>
6. <u>Jill Johnson</u>	<u>HC04 Bx 9027</u>	<u>Jill Johnson</u>	<u>Admin</u>
7. <u>DIANA TYSON</u>	<u>P.O. Box 1136 PALMER</u>	<u>Miana M. Tyson</u>	<u>Admin</u>
8. <u>Sue Granath</u>	<u>906 S. Lucas Way Palmer</u>	<u>Sue Granath</u>	<u>Admin</u>
9. <u>Patricia A. Jager</u>	<u>PO Box 2876 Palmer, AK 99644</u>	<u>Patricia A. Jager</u>	<u>Admin</u>
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## MATANUSKA -- SUSTITNA BOROUGH SCHOOL DISTRICT

### PETITION In SUPPORT of "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PERS. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our Legislators to support HB 323 or the concepts contained within this bill.

	Print Name	Address	Signature	Work Site
1.				
2.				
3.	Patrick Priestly	P.O. Box 876574 Wasilla	Patrick C. Priestly	WMS
4.	Carol Bradley	HC01 Box 6126 Palmer AK	Carol Bradley	WMS
5.	Kent Jameson	HC5 Box 6827 Palmer AK	Kent Jameson	WMS
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# Classified Employees' Association

## MATANUSKA - SUSITNA BOROUGH SCHOOL DISTRICT

### PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PERS. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our Legislators to support HB 323 or the concepts contained within this bill.

	Print Name	Address	Signature	Work Site
1.	<u>Claudia Dolfi</u>	<u>P.O. Box 52 Sutton AK</u>	<u>Claudia Dolfi</u>	<u>Sutton</u>
2.	<u>Shelly Nielsen</u>	<u>P.O. Box 1134, Palmer AK 99645</u>	<u>Shelly Nielsen</u>	<u>Sutton + Swanson</u>
3.	<u>Theresa Andersen</u>	<u>P.O. Box 334 Sutton</u>	<u>99674 Theresa Andersen</u>	<u>Sutton</u>
4.	<u>Cornie Boyle</u>	<u>P.O. Box 246-3 Palmer</u>	<u>Cornie Boyle</u>	<u>Sutton</u>
5.	<u>Drew Elmore</u>	<u>P.O. Box 73 Sutton</u>	<u>Drew Elmore</u>	<u>Sutton</u>
6.	<u>Jammy Provo</u>	<u>P.O. Box 333 Sutton</u>	<u>Jammy K Provo</u>	<u>Sutton</u>
7.	<u>Sharon McEntee</u>	<u>P.O. Box 4 Sutton</u>	<u>Sharon McEntee</u>	<u>Sutton</u>
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# Classified Employees' Association

## MATANUSKA - SUSITNA BOROUGH SCHOOL DISTRICT

### PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PERS. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our Legislators to support HB 323 or the concepts contained within this bill.

	Print Name	Address	Signature	Work Site
1.	SUSAN NELSON	PO BOX 876122 WASILLA 99687	<i>Susan Nelson</i>	CORR
2.	JETTA STROND	924 Leatherleaf WAsILLA 99654	<i>Jetta Strond</i>	CORR
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**Classified Employees' Association**  
**MATAMUSKA - SUSTINA BOROUGH SCHOOL DISTRICT**

PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PERA. We are willing to share the increased cost to provide the benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our legislators to support this 323 or the concepts contained within this bill.

Print Name

Address

Signature

Work Site

- |     |                  |                         |                  |                    |
|-----|------------------|-------------------------|------------------|--------------------|
| 1.  | Chandra Dale     | Box 52 Sutton AK        | Chandra Dale     | Sutton             |
| 2.  | Shelly Nielsen   | P.O. Box 1134 Palmer AK | Shelly Nielsen   | Sutton & Sewardson |
| 3.  | Theresa Anderson | P.O. Box 334 Sutton     | Theresa Anderson | Sutton             |
| 4.  | Genie Single     | PO Box 2463 Palmer      | Genie Single     | Sutton             |
| 5.  | Diana Elmore     | P.O. Box 73 Sutton      | Diana Elmore     | Sutton             |
| 6.  | Sharon Pross     | P.O. Box 333 Sutton     | Sharon Pross     | Sutton             |
| 7.  | Sharon Mentez    | P.O. Box 4 Sutton       | Sharon Mentez    | Sutton             |
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# Classified Employees' Association MATANUSKA - SUSITNA BOROUGH SCHOOL DISTRICT

## PETITION IN SUPPORT OF "A YEAR FOR YEAR CREDIT"

We the undersigned support the concept of non-certified school employees receiving a year's credit for working a school year for the purpose of retirement within PERCS. We are willing to share the increased cost to provide this benefit. We are also willing to work twelve months for this credit but we are being told that there is not either work for us or the district can't afford to employ us year round. This bill would create parity for all school employees. We are asking our Legislators to support HB 323 or the concepts contained within this bill.

	Print Name	Address	Signature	Work Site
1.	RON RUCKER	1900 BUCKEYE WASHILLA	<i>R. Rucker</i>	Washilla
2.	Sally Quier	HC02 Box 7250 Palmer AK 99759	<i>Sally Quier</i>	
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# General Teamsters Local 959 State of Alaska

Affiliated with International Brotherhood of Teamsters  
ANCHORAGE, ALASKA 99503, 520 E. 34TH AVE. (907) 565-8122 FAX (907) 565-8265 GERALD L. HOOD, Secretary-Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609 (907) 452-2959 FAX (907) 452-5051  
JUNEAU, ALASKA 99801, 308 Willoughby (907) 586-3225 FAX (907) 586-1227  
KENAI, ALASKA 99811, P.O. BOX 3150 (907) 283-4498 FAX (907) 283-8030

March 8, 1999

Senator Jerry Mackie, Chair  
Senator Tim Kelly, Vice Chair  
Labor and Commerce Committee  
State Capitol  
Juneau, AK 99801

Re: SB 9 PERS Credit For Non-Certified Employees

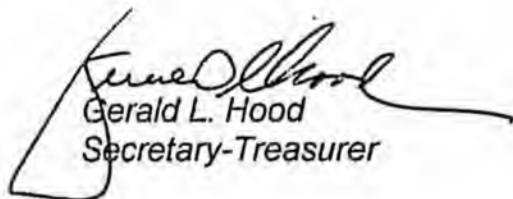
Dear Senator Mackie and Senator Kelly:

Teamsters Local 959 represents non-certified employees most predominantly in the Anchorage School District. Several hundred of those members actually work less than twelve months of the year due to the nature of their jobs. As we understand SB 9, it would allow those members, by individual choice, the opportunity to receive the same credited year as their certified counterparts for purposes of retirement. Any increased cost under this bill would be born by the employee, not the employer (Anchorage School District).

We urge your support and passage of this bill to allow, by employee choice, the opportunity to increase their credited service time as is currently the option for the certified employees.

Sincerely,

TEAMSTERS LOCAL 959

  
Gerald L. Hood  
Secretary-Treasurer

/ljr

cc: Senator Dave Donley  
Senator Loren Leman  
Senator Lyman Hoffman





Official Business

# Alaska State Legislature

## SENATE LABOR & COMMERCE COMMITTEE

State Capitol  
Juneau, AK 99801-1182

Senator Jerry Mackle, Chair  
Senator Tim Kelly, Vice Chair  
Senator Dave Donley  
Senator Loren Leman  
Senator Lyman Hoffman

(907) 465-3844

COMMITTEE SCHEDULE  
1:30 - 3:00 p.m.  
Fahrenkamp Room, 203

### AGENDA

SB 9, PERS Credit for Non Certified Employees.

SB 85, Credited Service for Temp. Employees; PERS

25  
30

## GARY WILKEN

SENATOR  
Districts 29 & 30  
West Fairbanks

### Senate Standing Committees

Chairman: Health, Education,  
and Social Services (HESS)  
Vice Chairman: Transportation  
Vice Chairman: Community and  
Regional Affairs

### Special Committee

Member: Administrative Regulation Review



During Session:  
State Capitol, Room 510  
Juneau, Alaska 99801-1182  
(907) 465-3709 (v)  
(907) 465-4714 (f)

www: akrepublicans.org/wilken.htm  
E-mail: Senator\_Gary\_Wilken@legis.state.ak.us

Interior:  
119 N. Cushman St., Room 213  
Fairbanks, Alaska 99701  
(907) 452-3421  
Fax (907) 452-3426

## SENATE BILL 9

### SPONSOR STATEMENT

"An Act relating to the calculation of employee contributions and credited service in the public employees' retirement system for non-certificated employees of school districts, regional educational attendance areas, the Alaska Vocational Technical Center, and the state boarding schools, and providing for an effective date."

Senate Bill 9 is not a new proposal. For many years the question of whether support staff of our schools should have the same retirement benefits as their certified counterparts has gone unanswered. Senate Bill 9 will fix this inequity.

Approximately 6,600 Alaskan residents are dedicated, full-time, non-certified employees in our school systems. Non-certificated employees, also referred to in many school districts as "classified" employees, include custodians, cafeteria workers, teachers aides, and administrative staff. They typically work the same schedule as our teachers, from September to May, leaving their summer schedules open to the pursuit of other seasonal employment activities. However, those seasonal employment activities rarely provide for retirement considerations. Therefore, each working year contains a three-month gap where retirement benefits do not accrue. As a consequence, a non-certificated employee having worked for 30 years, and seemingly eligible to retire, is faced with only 22.5 years of accrued retirement benefits.

Certified teachers get one full year of credit toward retirement when they complete the nine-month school year. Non-certified employees receive credit for the actual time served in the system, usually nine months. They are not afforded the option of contributing to their retirement account to reflect a year's service. Senate Bill 9 affords them that option, at their expense. It would be a completely voluntary program, paid for by the members themselves, thus adding no on-going financial burden to the State or to the local school districts.

Please join me in endorsing this legislation. It speaks to fairness, and demonstrates the appreciation that all Alaskan schools' support staff deserve.

A handwritten signature in black ink that reads "Gary Wilken".

# 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

February 22, 1999

**SUBJECT:** Sectional Summary of SB 9. (Noncertificated school district employee retirement credit under PERS)

**TO:** Senator Gary Wilken  
Attn: Tim

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

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds a new subsection to AS 39.35.160 imposing a surcharge on those noncertificated employees who exercise the choices offered in bill sections 2 and 3 to have their credited service under the Public Employees' Retirement System (PERS) figured using the formula that applies to teachers under the Teachers' Retirement system (TRS). The amount of the surcharge is the amount the employer would have had to pay if the employee's credited service had been counted using the TRS formula less the amount that the employer already paid under the regular PERS formula.

Sec. 2 adds a subsection to AS 39.35.300 to permit noncertificated employees of state schools (the Alaska Vocational Technical Center and Mt. Edgecumbe) to elect to have their employment as noncertificated employees of a school counted using the table set out in TRS. Under that table, an employee who works 172 days or more in a school year receives credit for a year of service. The election is irrevocable and applies to all subsequent employment as a noncertificated employee -- whether the employer is the state or a school district or a regional educational attendance area.

For newly hired employees, the choice has to be made within 90 days after first being hired and joining the retirement system. For existing employees, the choice has to be made within 180 days after the Act takes effect. (There is a July 1, 1999 effective date for the Act.) For inactive PERS members (people who are no longer working for a PERS employer but who have not yet retired) who later become reemployed by a PERS employer, the choice has to be made within 90 days after beginning the subsequent employment.

Senator Gary Wilken  
February 20, 1999  
Page 2

**Sec. 3** adds a new subsection to AS 39.35.310, providing noncertificated employees of school districts and regional educational attendance areas with the same choice under the same conditions as are provided noncertificated employees of a state-run school by bill section 2.

**Sec. 4** is a July 1, 1999, effective date for the Act.

TC:pl  
99-020.plm

**SENATE BILL NO. 9**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY SENATORS WILKEN, Ellis**

**Introduced: 1/19/99**

**Referred: Labor and Commerce, HES, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the calculation of employee contributions and credited service  
2 in the public employees' retirement system for noncertificated employees of school  
3 districts, regional educational attendance areas, the Alaska Vocational Technical  
4 Center, and the state boarding schools; and providing for an effective date."

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

6 \* Section 1. AS 39.35.160 is amended by adding a new subsection to read:

7 (c) An employee who has made an irrevocable election under AS 39.35.300(c)  
8 or 39.35.310(c) to have the employee's years of service as a noncertificated employee  
9 of a state boarding school, of a school district or regional educational attendance area,  
10 or of the Alaska Vocational Technical Center determined by reference to AS 14.25.220  
11 shall pay a contribution surcharge for that service. The amount of the surcharge is the  
12 difference between the amount the employer would have had to contribute under  
13 AS 39.35.250 - 39.35.290 for the employee when treating the employee's credited  
14 service as service earned under AS 39.35.300(c) or 39.35.310(c) less the amount the

1 employer would have had to contribute under AS 39.35.250 - 39.35.290 without  
2 treating the employee's credited service as service earned under AS 39.35.300(c) or  
3 39.35.310(c).

4 \* Sec. 2. AS 39.35.300 is amended by adding a new subsection to read:

5 (c) A noncertificated employee of the Alaska Vocational Technical Center or  
6 a state boarding school who first becomes a member of the system on or after the  
7 effective date of this Act may, within 90 days after the employee first joins the system,  
8 make an irrevocable election under this subsection to have the years of service that the  
9 employee earns as a noncertificated employee determined using the table for service  
10 on or after July 1, 1969, that is set out in the definition of "year of service" in  
11 AS 14.25.220. A noncertificated employee of the Alaska Vocational Technical Center  
12 or a state boarding school who is an active member of the system on the effective date  
13 of this Act may, within 180 days after the effective date of this Act, make the  
14 irrevocable election. A member of the system who is an inactive member on the  
15 effective date of this Act and who is later employed as a noncertificated employee of  
16 the Alaska Vocational Technical Center or a state boarding school may, within 90 days  
17 after beginning the subsequent employment, make the irrevocable election. An  
18 election under this subsection shall be made in writing on a form provided by the  
19 administrator. The election applies to the employee's service earned for the school  
20 year in which the election is accepted by the administrator and applies to all  
21 subsequent employment as a noncertificated employee of a state boarding school, a  
22 school district or regional educational attendance area, or the Alaska Vocational  
23 Technical Center. An employee who makes an election under this subsection shall pay  
24 the contribution surcharge as set out in AS 39.35.160(c).

25 \* Sec. 3. AS 39.35.310 is amended by adding a new subsection to read:

26 (c) A noncertificated employee of a school district or regional educational  
27 attendance area who first becomes a member of the system on or after the effective  
28 date of this Act may, within 90 days after the employee first joins the system, make  
29 an irrevocable election under this subsection to have the years of service that the  
30 employee earns as a noncertificated employee determined using the table for service  
31 on or after July 1, 1969, that is set out in the definition of "year of service" in

1 AS 14.25.220. A noncertificated employee of a school district or regional educational  
2 attendance area who is an active member of the system on the effective date of this  
3 Act may, within 180 days after the effective date of this Act, make the irrevocable  
4 election. A member of the system who is an inactive member on the effective date  
5 of this Act and who later is employed as a noncertificated employee of a school  
6 district or regional educational attendance area may, within 90 days after beginning the  
7 subsequent employment, make the irrevocable election. An election under this  
8 subsection shall be made in writing on a form provided by the administrator. The  
9 election applies to the employee's service earned for the school year in which the  
10 election is accepted by the administrator and applies to all subsequent employment as  
11 a noncertificated employee of a state boarding school, a school district or regional  
12 educational attendance area, or the Alaska Vocational Technical Center. An employee  
13 who makes an election under this subsection shall pay the contribution surcharge as  
14 set out in AS 39.35.160(c).

15 \* Sec. 4. This Act takes effect July 1, 1999.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

BILL NO. SB 9 (L&C)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to credited service in the public employees retirement system.  
 Sponsor: Senator Wilkens  
 Requestor: (S) L&C

Department Affected: Administration  
 BRU: Centralized Administrative Services  
 Component: Retirement and Benefits  
 COMPONENT SERIAL NO. 64

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	116.5	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
<b>TOTAL OPERATING</b>	<b>116.5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER	116.5	0	0	0	0	0
<b>TOTAL</b>	<b>116.5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of any current year (FY 98) cost: \$ 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.) The \$116.5 is needed to hire contractors to update the division's computer systems to accommodate the proposed changes. In addition to contractor time, division staff will dedicate time to make system changes and the impacted school districts may also need to update their systems.

This change would affect approximately 6,660 current PERS members.

Prepared by: Guy Bell  
 Division: Retirement and Benefits

Phone: 465-4470  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr. *Robert M. Elgee*  
 Agency: Department of Administration

Date: 3/1/99

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**SB**

**10**

# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. SSSB 10**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Alaska Public Utilities Commission BRU AK Public Utilities Commission  
 Component APUC Operations  
 Sponsor Sen. Donley  
 Requester S. Labor & Commerce Component Serial No. 346

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	36.9	36.9	0.0	0.0	0.0	0.0
Travel	0.5	0.5	0.0	0.0	0.0	0.0
Contractual	53.4	53.4	0.0	0.0	0.0	0.0
Supplies	0.8	0.8	0.0	0.0	0.0	0.0
Equipment	0.2	0.2	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>91.8</b>	<b>91.8</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>91.8</b>	<b>91.8</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	91.8	91.8	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>91.8</b>	<b>91.8</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time	0.5	0.5	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)

*Please see attached*

Prepared by Robert A. Lohr Phone 263-2174  
 Division APUC Date/Time 3/16/99 2:32 PM  
 Approved by Commissioner Date 3/16/99  
 Agency \_\_\_\_\_

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#### SSSB 10 Fiscal Note:

SSSB 10 is An Act requiring a utility that provides services in a municipality with a population of more than 100,000 to have an ongoing program of placing existing overhead utility lines underground; and relating to rates for recovering the cost of placing existing overhead utility lines underground.

SSSB 10 adds a new subsection AS 42.05.381(i) which directs the commission to "permit a utility to establish rates for services provided to customers in a municipality that enable the utility to recover from customers in that municipality the full actual cost of placing existing overhead utility lines in that municipality underground." To fulfill this requirement the commission anticipates a regulation proceeding which will establish implementation guidelines and a surcharge mechanism to recover the revenue required implementing this program. It is anticipated that part of the surcharge mechanism will include a balancing account to levelize the payments from year to year.

This bill will currently be applicable to the electric utilities in the Municipality of Anchorage (Chugach, ML&P & MEA) and the dominant telephone utilities (ATU & MTA). In addition to the above, the non-dominant telephone carriers (GCI & AT&T) and possibly facility based interexchange telecommunication carriers (AT&T Alascom, GCI, AFS) will be involved in the regulation proceedings. The regulation proceeding will require a Financial Analyst to act as the docket manager in establishing a recovery mechanism as well as assistance from the Engineering and Tariffs sections to research and provide technical assistance. Issues associated with existing joint use agreements promulgated by AS 42.05.311 and AS 52.05.321 will also be involved as this bill is implemented.

Note: Cable television utilities (GCI-Cable) will also be required to relocate facilities.

#### Personnel Costs:

a) A Utility Financial Analyst (UFA) is required to act as a docket manager for the regulatory proceeding and to review the depreciation and joint use issues and the tariff filings that will result from the proceeding and implementation of the bill. It is anticipated 50% of the UFA III's time will be devoted during the first three years.

Contractual Costs: There is a high potential for litigation related to the terms in the bill. Legal expense in the contractual line is estimated at \$49.5 for FY 2000 and FY2001. The rental expense for staff is \$3.9. Total Contractual line is \$53.4.



**SENATOR DAVE DONLEY**  
ALASKA STATE LEGISLATURE

**CHANGES BETWEEN CSSB 10 (1-LS0142D) &  
CSSB 10 (1-LS0142M)**

**CHANGES BY SUBSECTION IN VERSION (1-LS0142M):**

- *Subsection (h)*—
  - Page 1, line 9—Delete “income”, insert “revenue”—adopted by the committee on 2/16/99
  - Page 1, line 10—Insert between “utility” and “lines” the word “distribution” —adopted by the committee on 2/16/99
  - Page 1, lines 11-12—is amended to include the following language: “In determining the annual gross revenue under this subsection, only revenue derived from the utility’s distribution lines in the municipality shall be considered.”  
**Rationale:** This language was added to clarify that revenue from distribution services only is to be used in determining the annual gross revenue.
- *Subsection (i)*—is amended to read: “A utility that is implementing a program to place existing overhead utility distribution lines located in a municipality underground may amend its rates for services provided to customers in the municipality to enable the utility to recover the full cost of placing the lines underground. Notwithstanding AS 42.05.411-42.05.431, an amendment to a utility’s rates under this subsection is not subject to commission review or approval. A utility amending its rates under this subsection shall notify the commission of the amendment. This subsection applies only to an undergrounding program whose costs do not exceed five percent of the utility’s annual gross revenue.” (The underlined language denotes the changes accepted by the committee on 2/16/99)

**Rationale:** The purpose of these changes was to further ensure that the commission is not to become involved in the review of rates set by utilities to pay for the underground placement of overhead utility lines unless those costs exceed five percent of the utility’s annual gross revenue. However, a utility amending its rates under this subsection must notify the commission of the amendment.

DD\lrm  
January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee •  
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

**CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 10( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR DONLEY**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act requiring a utility that provides services in a municipality with a  
2 population of more than 100,000 to have an ongoing program of placing existing  
3 overhead utility distribution lines underground; and relating to rates for recovering  
4 the cost of placing existing overhead utility distribution lines underground."

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

6 \* Section 1. AS 42.05.381 is amended by adding new subsections to read:

7 (h) A utility that has overhead utility distribution lines and that provides  
8 services in a municipality with a population of more than 100,000 must spend at least  
9 one percent of the utility's annual gross revenue from customers in that municipality  
10 to place existing overhead utility distribution lines in that municipality underground.  
11 In determining the annual gross revenue under this subsection, only revenue derived  
12 from the utility's distribution lines in the municipality shall be considered.

13 (i) A utility that is implementing a program to place existing overhead utility  
14 distribution lines located in a municipality underground may amend its rates for

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7

services provided to customers in the municipality to enable the utility to recover the full actual cost of placing the lines underground. Notwithstanding AS 42.05.411 - 42.05.431, an amendment to a utility's rates under this subsection is not subject to commission review or approval. A utility amending its rates under this subsection shall notify the commission of the amendment. This subsection applies only to an undergrounding program whose costs do not exceed five percent of the utility's annual gross revenue.



**SENATOR DAVE DONLEY**  
ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT**  
**SPONSOR SUBSTITUTE FOR SENATE BILL 10**

**“An Act requiring a utility that provides services in a municipality with a population of more than 100,000 to have an ongoing program of placing existing overhead utility lines underground; and relating to rates for recovering the cost of placing existing overhead utility lines underground.”**

Sponsor Substitute for Senate Bill 10 requires that utilities providing services in municipalities with populations of over 100,000 have an ongoing program of placing existing overhead utility lines underground. SSSB 10 codifies in state statute the requirement that such utilities must spend at least one percent of their annual gross income placing existing overhead utility lines underground.

Specifically, SSSB 10 addresses the issues surrounding overhead utility lines in large communities by requiring utilities to spend at least one percent of their annual gross income on a program of placing existing overhead utility lines underground. SSSB 10 is necessary because, although the only current municipality over 100,000 has a specific law on this subject, it has not been successful. Anchorage Municipal Code (AMC 21.90.020) requires that all new overhead or relocated lines be placed underground. Concurrently, AMC 21.90.050-21.90.070 requires that the municipality have a ten-year program designating target areas for the underground placement of ‘nonconforming’ overhead lines (existing overhead utility distribution lines located where AMC 21.90 requires new or relocated utility distribution lines to be placed underground). AMC 21.90.070 only requires that a utility owning or operating nonconforming utility distribution lines in Anchorage shall spend up to four percent of its gross revenues annually to place utility lines underground.

Because AMC 21.90.070 does not set a minimum expenditure, it allows the utilities to sidestep their responsibility for placing existing overhead utility lines underground. SSSB 10 remedies this problem by establishing a minimum expenditure, consequently ensuring continued steady progress in the placement of existing overhead utility lines underground.

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Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee •  
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

Page 2  
SSSB 10 Sponsor Statement  
Senator Donley

An ongoing program of placing utility lines underground is good public policy for larger Alaskan communities. The maintenance costs associated with weather induced disruption of utility services will drop dramatically. Also, the aesthetic environment would be dramatically improved by incrementally placing the existing overhead utility lines underground. This concept represents a better long-term public policy by improving utility efficiency and beautifying large urban communities. Establishing a reasonable level of mandatory effort creates a level playing field for any competing utilities and prevents any competitive disincentive to the placement of existing overhead utility lines underground.

DD/hn



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March 16, 1999

Senator Dave Donley  
State Capitol, Room 508  
Juneau, Alaska 99801

Dear Senator Donley,

The Alaska Conservation Voice is a coalition of twenty-seven conservation organizations representing over 15,000 individuals state-wide.

We write to express our support for your bill, SB 10, which requires utilities in municipalities with a population of more than 100,000 to spend at least one percent of their annual income to bury existing overhead utility lines.

We appreciate your leadership in proposing this progressive bill. Recognizing the scenic assets within and surrounding our State's largest community is one of the first steps towards recognizing and maintaining the value of Alaska's natural assets. Please let me know if we can assist you in any way with this bill.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten Shelton".

Kirsten Shelton  
Lobbyist/Organizer

Conserve Alaska. It's Only Natural.

Chapter 19.60

**UNDERGROUND PLACEMENT OF OVERHEAD UTILITY DISTRIBUTION LINES\***

19.60.010	Definitions.
19.60.020	Designation of dates.
19.60.030	Determination of costs to be assessed.
19.60.040	Allocation of conversion costs.
19.60.050	Responsibility for cost of converting service connections.
19.60.060	Notice of disconnection of overhead service connections.
19.60.070	Failure to remove overhead facilities.

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\*Cross references—Electric service, ch. 26.30; telecommunications service, ch. 26.60; damage to underground utility facilities, ch. 26.90; Anchorage Telephone Utility, tit. 30.

**19.60.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Central office* means a utility facility where messages, impressions, pictures or signals are generated, received or controlled.

*Convert.* To convert an overhead utility distribution line or service connection means to remove the overhead utility distribution line or service connection and provide the same service with an underground utility distribution line or service connection installed at the same or at a different location.

*Distribution substation* means a utility facility where electric voltage is transformed for distribution through a substation transformer.

*Service connection* means conductors transmitting utility service from a utility distribution line to a customer's riser or service entrance.

*Substation transformer* means a utility facility that transforms electric voltage to the level supplied to the distribution system.

*Utility* means a public utility as defined in AS 42.05.701 furnishing electrical service or telecommunications service as defined in AS 42.05.701.

*Utility distribution line* means all or any part of a conductor and supports owned or operated by a utility and used:

1. To transmit no more than 69 kilovolts of electric energy; or
2. To transmit messages, impressions, pictures or signals by means of electricity or electromagnetic waves;

between a distribution substation or central office and the lot line of a customer's premises, excluding auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution facilities and CATV power supplies.  
(CAC 3.08.380; AO No. 84-62)

*Cross reference*—Definitions and rules of construction generally, § 1.05.020.

**19.60.020 Designation of dates.**

The ordinance to proceed with a special assessment district to convert overhead utility distribution lines shall designate:

- A. The date when service by underground utility distribution lines shall commence;
- B. The date when service by overhead utility distribution lines shall cease; and
- C. The date when all converted overhead utility distribution lines and related service connections shall be removed.

(CAC 3.08.390; AO No. 84-62)

**19.60.030 Determination of costs to be assessed.**

A. The costs to be assessed for converting an overhead utility distribution line shall be determined in accordance with the applicable tariff or rules or regulations of operation of the utility owning or operating the utility distribution line, or, if the applicable tariff or rules or regulations of operation do not determine the cost, in accordance with chapter 19.30.

B. The cost of converting a service connection to be assessed under section 19.60.040.B shall be determined in accordance with the tariff or rules or regulations of operation of the utility whose service is provided through the service connection, or, if the applicable tariff or rules or regulations of operation do not determine the cost, in accordance with chapter 19.30.  
(CAC 3.08.400; AO No. 84-62)

**19.60.040 Allocation of conversion costs.**

A. The cost of converting an overhead utility distribution line shall be assessed to each property adjacent to the easement or right-of-way containing the overhead distribution line in proportion to the property's linear frontage along that part of the easement or right-of-way where the overhead utility distribution line is converted.

B. The cost of converting a service connection to be assessed under section 19.60.050.B shall be assessed to the property served by the service connection.  
(CAC 3.08.400; AO No. 84-62)

**19.60.050 Responsibility for cost of converting service connections.**

A. Except as provided in the applicable tariff or rules or regulations of operation of the utility providing the service, or in subsection B of this section, the owner of the property shall be responsible for converting any service connection to his property from a utility distribution line that is converted under this chapter, and the owner shall bear the expense of the service connection conversion.

B. Except as the utility's applicable tariff or rules or regulations of operation provide otherwise, a property owner may request that the utility convert the service connection to his property for that utility's service when the utility distribution line providing that service is converted under this chapter, and add the cost of converting the service connection to the assessment on that property under this chapter. The request, including an authorization to enter upon the property to perform the conversion work, shall be presented in writing at the place and within the time specified in the ordinance to proceed with the special assessment district.  
(AO No. 84-62)

**19.60.060 Notice of disconnection of overhead service connections.**

For an assessment district to convert overhead utility distribution lines, the notice required by section 19.20.090 shall give notice of the provisions of section 19.60.050, and state that, after the date specified for that purpose in the ordinance to proceed with the assessment district, all overhead service connections shall be disconnected from the utility distribution lines converted under the assessment district.  
(AO No. 84-62)

**19.60.070 Failure to remove overhead facilities.**

A. The owner of an overhead utility distribution line or service connection that is converted under this chapter shall remove the utility distribution line or service connection no later than the date specified for its removal in the ordinance to proceed under section 19.60.020.

B. Any overhead utility distribution line or service connection maintained in violation of subsection A of this section is a public nuisance and may be abated as such. A violation of subsection A of this section also is subject to the penalties and remedies in chapter 21.25.  
(CAC 3.08.450)

Chapter 21.90

**UTILITY DISTRIBUTION FACILITIES\***

21.90.010	Definitions.
21.90.020	Underground placement required for new or relocated lines; exceptions.
21.90.030	Variances.
21.90.040	Enforcement of chapter.
21.90.050	Nonconforming overhead lines—Generally.
21.90.060	Nonconforming overhead lines—Designation of target areas.
21.90.070	Nonconforming overhead lines—Conformance with ten-year plan.
21.90.080	Nonconforming overhead lines—Lines in municipal right-of-way.
21.90.090	Nonconforming overhead lines—Conversion of service connections.

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\*Cross reference—Fines, § 14.60.030.

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

Chapter 21.90

**UTILITY DISTRIBUTION FACILITIES\***

- 21.90.010 Definitions.
- 21.90.020 Underground placement required for new or relocated lines; exceptions.
- 21.90.030 Variances.
- 21.90.040 Enforcement of chapter.
- 21.90.050 Nonconforming overhead lines—Generally.
- 21.90.060 Nonconforming overhead lines—Designation of target areas.
- 21.90.070 Nonconforming overhead lines—Conformance with ten-year plan.
- 21.90.080 Nonconforming overhead lines—Lines in municipal right-of-way.
- 21.90.090 Nonconforming overhead lines—Conversion of service connections.

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\*Cross reference—Fines, § 14.60.030.

**21.90.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*CATV* means a utility that operates nonbroadcast facilities that distribute to subscribers the signals of one or more television broadcast stations.

*Central office* means a utility facility where messages, impressions, pictures or signals are generated, received or controlled.

*Distribution substation* means a utility facility where the electric voltage is transformed for distribution through a substation transformer.

*Joint trench* means a trench excavated for the underground placement of utility distribution lines owned or operated by two or more utilities.

*Municipal street improvements* means street construction projects within the right-of-way used by motor vehicles and funded by the municipality.

*Reinforcement* means repair, replacement or addition of a crossarm, guy, pole, stub or conductor for a utility distribution facility.

*Relocation* means a change in alignment of more than six spans.

*Service connection* means conductors transmitting utility service from a utility distribution line to a customer's riser or service entrance.

*State highway project* means a highway project which has received design authorization from the Federal Highway Administration or legislative approval from the state legislature.

*Substation transformer* means a utility facility that transforms electric voltage to the level supplied to the distribution system.

*Target area* means an area designated under section 21.90.060 as a location in which overhead distribution lines are to be placed underground as provided in this chapter.

*Utility* means a public utility as defined in AS 42.05.701 furnishing electric service or telecommunications service as defined in AS 42.05.701.

*Utility distribution line* means all or any part of a conductor and supports owned or operated by a utility and used:

1. To transmit no more than 69 kilovolts of energy; or
2. To transmit messages, impressions, pictures or signals by means of electricity or electromagnetic waves;

between a distribution substation or central office and the lot line of a customer's premises, excluding auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution facilities and CATV power supplies.

(AO No. 155-76; AO No. 156-76; AO No. 84-62; AO No. 86-17)

Cross reference—Definitions and rules of construction generally, § 1.05.020.

**21.90.020 Underground placement required for new or relocated lines; exceptions.**

A. Except as provided in subsections B, C, D and E of this section, all newly installed or relocated utility distribution lines shall be placed underground.

B. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in chapter 19.60:

1. Utility distribution lines need not be placed underground in the rural area defined in section 21.85.020, or in the I-2 and I-3 zoning districts.
2. CATV utility distribution lines need not be placed underground where there are other overhead utility distribution lines; provided that, when all of the other overhead distribution lines are placed underground, the CATV utility distribution line shall be placed underground in a joint trench with the other utility distribution lines.
3. Notwithstanding subsection B.1 of this section, the following area shall be subject to the provisions of subsection A of this section requiring that newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, between and

including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

C. A new utility distribution line may be placed overhead when necessary immediately to restore service interrupted by accident or damage by flood, fire, earthquake or weather; provided that the utility distribution line shall be replaced by a utility distribution line conforming to this chapter within 12 months of its placement.

D. A utility distribution line or service connection may be placed on the surface of frozen ground, provided that it is placed underground within 12 months thereafter.

E. New facilities may be added to existing overhead utility distribution facilities located outside target areas.

F. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.

G. Nothing in this section restricts the maintenance, repair or reinforcement of existing overhead utility distribution lines.

H. A temporary utility distribution line may be placed overhead in connection with new construction if the utility's tariff approved by the state public utilities commission expressly provides for removal of that line by a date certain, not to exceed 12 months thereafter.

(AO No. 156-76; AO No. 84-62; AO No. 86-17; AO No. 92-10)

Cross reference—Damage to underground utility facilities, ch. 26.90.

#### 21.90.030 Variances.

A. The planning and zoning commission may grant a variance from section 21.90.020.A when the commission finds any of the following:

1. Placing a utility distribution line underground would cause an excessive adverse environmental impact;
2. Placing a utility distribution line underground would threaten public health and

safety, because the placement cannot be shown to meet acceptable technical standards for safety; or

3. Placing a utility distribution line underground in an environmentally sound and safe manner would cost more than three times the cost of placing the line overhead, where the applicant demonstrates the relative cost to the satisfaction of the commission.

B. The director of the department of community planning and development may grant a variance from section 21.90.020.A when he finds that the utility distribution line is being placed overhead temporarily for one of the reasons listed in this subsection:

1. The line is being placed to provide service when weather conditions do not allow excavation for underground placement;
2. A permanent location for underground placement is not available because of construction in progress; or
3. The line is being placed to provide service to a temporary use or structure.

A variance issued under this subsection shall expire within two years of its issuance.

C. The planning and zoning commission may adopt regulations in accordance with chapter 3.40, delegating authority to grant variances under subsection A of this section to the director of community planning and development.  
(AO No. 156-76; AO No. 84-62; AO No. 86-17)

#### 21.90.040 Enforcement of chapter.

A. Violations of this chapter are subject to all of the penalties and remedies for violations of this title set forth in chapter 21.25.

B. In addition to the penalties and remedies provided for violations of this chapter in subsection A of this section, no permit may be issued to install a utility distribution line on municipal property or in a municipal easement or right-of-way in violation of this chapter.  
(AO No. 156-76; AO No. 84-62)

**21.90.050 Nonconforming overhead lines—  
Generally.**

Existing overhead utility distribution lines located where this title requires new or relocated utility distribution lines to be placed underground are nonconforming utility distribution lines and are subject to sections 21.90.070 through 21.90.090. No utility distribution line is a nonconforming structure or a nonconforming use of land or a structure under chapter 21.55 because it is a nonconforming utility distribution line under this section.

(AO No. 84-62)

**21.90.060 Nonconforming overhead lines—  
Designation of target areas.**

A. The director of the department of community planning and development shall submit to the assembly a ten-year program designating target areas for the underground placement of nonconforming utility distribution lines. The ten-year program shall be resubmitted for assembly review every five years. The community planning director shall consult with the utilities and public agencies affected by the program. The ten-year program and its revisions shall become effective when adopted by the assembly as part of this chapter. In reviewing the ten-year program and its revisions, the assembly shall consider the following factors:

1. Whether undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
2. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
3. Whether the appearance of grounds and structures adjacent to the roadway is such that the removal of the overhead facilities will substantially improve the general appearance of the area.
4. Whether the street or area affects a public recreation area or an area of scenic interest.
5. Whether there is a significant opportunity to achieve economies due to the anticipated

relocation or replacement of overhead lines or the widening or realignment of streets within a given area.

6. Whether the targeted areas are of sufficient size to allow the utility companies significant discretion in choosing those facilities that will be converted under section 21.90.070.
7. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground.
8. Whether the installation of underground distribution lines is economically, technically and environmentally feasible.

B. The director of the department of community planning and development shall prepare a two-year implementation plan which designates overhead utility distribution facilities within the target areas to be placed underground that two-year period. The director shall consult with the utilities and public agencies affected by any implementation plan. Each two-year implementation plan shall be effective when approved by the assembly. In reviewing a two-year implementation plan and its revisions, the assembly shall consider the factors stated in subsection A of this section.

C. The following shall be the target areas through the year 1995:

1. Central Business District: between and including Third Avenue and Tenth Avenue and L Street and Ingra Street.
2. Mid-town area: between and including New Seward Highway and Minnesota Drive and International Airport Road and Fireweed Lane.
3. All municipal and state street improvement projects except for those which do not require relocation of utility distribution facilities.
4. The following major traffic corridors:
  - a. Old Seward Highway.
  - b. Ingra and Gambell Streets between and including Ninth Avenue and Fireweed Lane.

- c. Northern Lights Boulevard and Benson Boulevard between and including Glenwood Street and Arlington Drive.
  - d. Muldoon Road between and including New Glenn Highway and Patterson Street.
  - e. Tudor Road between and including Patterson Street and Arctic Boulevard.
  - f. Boniface Parkway between and including 30th Avenue and New Glenn Highway.
  - g. Spenard Road between and including Hillcrest Drive and International Airport Road.
5. All those park, recreational use and scenic interest areas designated in the two-year implementation plan.
  6. Eagle River Central Business District between and including the New Glenn Highway, North Eagle River Access Road, Aurora street as extended to the Old Glenn Highway and the Old Glenn Highway.
  7. Any area where utility distribution facilities are provided by more than one utility as a result of mergers and boundary changes approved by the state public utilities commission.

(AO No. 155-76; AO No. 156-76; AO No. 82-49; AO No. 84-62; AO No. 86-17)

**21.90.070 Nonconforming overhead lines—  
Conformance with ten-year plan.**

A. A utility owning or operating nonconforming utility distribution lines shall place those lines underground in accordance with the ten-year plan approved under section 21.90.060; provided that a utility need not expend, except by special agreement, during any fiscal year of the utility, more than four percent of its gross revenues derived from service connections within the municipality, excluding toll revenues and revenues from sales of electric power for resale, during its preceding fiscal year to comply with this subsection.

B. New service connections shall be placed underground in target areas designated under

section 21.90.060; provided that service connections may be installed overhead from October through May, if placed underground within one year of installation.

(AO No. 155-76; AO No. 84-62)

**21.90.080 Nonconforming overhead lines—  
Lines in municipal right-of-way.**

A. The department of public works shall furnish to a utility owning or operating utility distribution lines all planning documents for municipal road construction which will require the relocation of those utility distribution lines.

B. Upon adoption of the ordinance from which this chapter is derived, a utility installing a utility distribution line underground in material compliance with a right-of-way permit issued by the department of public works, and in accordance with this chapter, the municipality shall reimburse the cost of any subsequent relocation of the utility distribution line required by municipal road construction.

C. If municipal road construction requires the relocation of a nonconforming utility distribution line, the municipality, as part of the road construction project cost, shall reimburse the cost of the relocation. Reimbursable costs under this subsection include engineering and design, inspection, construction and general overhead costs, but exclude utility plant betterment costs. Plant betterment costs are the costs of providing utility distribution line capacity or quality beyond what current industry standards require for the capacity or level of service existing before the relocation.

(AO No. 155-76; AO No. 84-62)

**21.90.090 Nonconforming overhead lines—  
Conversion of service connections.**

A utility that places a nonconforming utility distribution line underground as required by section 21.90.070 shall bear the cost of placing underground any related service connections or other utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules or regulations of operation.

(AO No. 155-76; AO No. 84-62)

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 10  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 2/26/99  
Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring a utility that provides services in a municipality with a  
2 population of more than 100,000 to have an ongoing program of placing existing  
3 overhead utility lines underground; and relating to rates for recovering the cost  
4 of placing existing overhead utility lines underground."

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

6 \* Section 1. AS 42.05.381 is amended by adding new subsections to read:

7 . (h) A utility that has overhead utility lines and that provides services in a  
8 municipality with a population of more than 100,000 must spend at least one percent  
9 of the utility's annual gross <sup>Revenue</sup> ~~income~~ from customers in that municipality to place  
10 existing overhead utility lines in that municipality underground.

11 (i) The commission shall permit a utility to establish rates for services  
12 provided to customers in a municipality that enable the utility to recover from  
13 customers in that municipality the full actual cost of placing existing overhead utility  
14 lines in that municipality underground, The annual recovery of revenue for an

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undergrounding program may not exceed 10 percent of a utility's annual gross <sup>Revenue</sup> ~~(income)~~

**SB**

**29**



# Alaska State Legislature

## Senate

**JERRY WARD**

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### Sponsor Statement: SB 29

**SB 29** will increase the time limits from one year to three years for an applicant to satisfactorily perform the duties of resident physician or intern at a recognized hospital.

**SB 29** will amend lawfully [ADMITTED FOR PERMANENT RESIDENCE] to lawfully residing in the United States. The purpose is to conform with the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Sec 622". The new Federal law requires a H-1B visa for a period of three years before being qualified for a permanent residence status. **SB 29** will allow physicians who hold J-1 and J-2 visa's to hold a limited license or a restricted license for a period of three years until they receive a change in their immigration status.

1

*Eyal Herzog M.D.  
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Beeper 3827*

March 4, 1998

Leslie Abel  
Executive Administrator  
Alaska State Medical Board  
3601 C street-suite 722  
Anchorage AK 99503

Dear Ms. Abel,

I am writing this letter on behalf of myself and my wife, Ronit Herzog. We are both physicians who are planing to relocate to Anchorage this coming summer.

I am a cardiologist who completed training in internal medicine, clinical cardiology and advanced imaging in cardiology at Columbia University in New York at St. Luke's-Roosevelt Hospital Center. I currently holds a J-1 visa. My wife is a pediatrician who is completing her training in pediatrics at Albert Einstein College of Medicine at Schneider's Children Hospital- Long Island Jewish Hospital Center in New York. She is also trained in medical genetics from Mount Sinai school of medicine in New York. She holds a J-2 visa.

A physician with a J-1 visa should return to his home country for a period of at least 2 years before being able to practice medicine in the United State, unless this requirement is waived by service at a VA hospital or other governmental approved facility.

Recently I interviewed at the Alaska VA Medical Center and was offered a Cardiology position for their new combined hospital with the Air Force. VA hospitals can usually hire only American citizens physicians to their hospitals. The Alaska VA could not find an advanced trained American citizen cardiologist for this position , so they got special permission to hire a physician who holds a J-1 visa. The Alaska VA center is going to waive the two years of home residency requirement for me and my wife. I believe that I am the first or possibly second case like this in Alaska.

Until recently, the immigration process was quite simple, and physicians who hold J-1 visas would change their status directly to a permanent resident ("green card"). However, new immigration law("Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Sec. 622") requires that physicians now need to obtain an H-1B visa for a period of 3 years prior to obtaining permanent residence status. Based on this new law, I and my wife will need to work first on an H-1B visa for a period of 3 years and after that we will be qualified for a permanent residence status.

2

I decided to accept the Alaska VA offer and committed myself for a period for at least 3 years. We are going to relocate to Anchorage in this coming summer and anticipating starting work on July 1 1998.

Unfortunately, while reviewing the "Statues and Regulations" of the state medical board of Alaska, I found that in order to be licensed in Alaska one needs to be a citizen of the United States or to be lawfully admitted for permanent residence.( Sec. 08.64.200 paragraph 5). The lack of any provision for foreign physicians to obtain license in the state of Alaska will prevent me and my wife from obtaining a license in Alaska.

I would like to mention at this point that currently I am holding an unrestricted license from the states of Michigan and Indiana and a limited license from the state of New York. There are only a few states that are similar to Alaska and require citizenship or permanent residency as integral part of their licensure requirement , but since the recent change in the immigration rules regarding physicians on J-1 visa's, many have modified their regulations and allow physicians and their families who obtained a waiver to be licensed even though they are not permanent residents. An example of this recent modification is the New York State regulations which now permit physicians and their families who got a waiver to obtain a limited license which is good for a period of 3 years until these physicians get their "green card".

I believe that in the state of Alaska, which claims to be the "last frontier", flexibility and open mindedness to the new active changes in the immigration regulation should prevail.

I hope that you will be able to modify your statues and regulations in one of the following ways:

1. Elimination of the need to be a citizen or to be a permanent residence in order to obtain a medical license in Alaska. (As is the case in most of the other "down 48 states").
2. Modify the regulations and allows physicians and their families who hold J-1 and J-2 visa's, who obtained their waiver by moving to Alaska, to hold a limited license or a restricted license for this period of 3 years until they changes their immigration status.
3. If these changes in statues or regulations are not feasible, can Alaska ,the state of the last frontier, allow physicians and their families who are relocating to serve the Alaska community to obtain a license to practice medicine in this beautiful state? Can we be exceptions to your current regulations while they are altered to fit the new immigration regulations?

I hope that you will allow me and my wife not only to practice medicine in Alaska but also to be licensed in Alaska.

thanking you

DR's Eyal and Ronit Herzog

Eyal Herzog, M.D.  
Ronit Herzog, M.D.  
1905 Northwestern Avenue  
Anchorage, AK 99508  
Tel. (Home) 907-272-0633  
(Beeper) 907-231-3310

September 8, 1998

Leslie Abel  
Executive Administrator  
Alaska State Medical Board  
3601 C St., Ste. 722  
Anchorage, AK 99503

Dear Ms. Abel:

I am writing this letter on behalf of myself and my wife, as a follow-up to our letter of March 4, 1998, and my appearance before the Medical Board on May 25, 1998.

Since that meeting, we have relocated to Anchorage, and I am now practicing Cardiology at the Department of Veterans Affairs Medical and Regional Office Center. My wife is not working yet, because of licensure limitation related to her visa status.

As the first foreign physician on a visa status in Alaska, I can tell you that I am very happy with the medical service that I have found so far in Anchorage. Unfortunately, while I can contribute my advanced training to our VA patients in our facility, I cannot provide these services to them in Anchorage community hospitals because all private facilities in the city require Alaska licensure. I also cannot offer any of my advanced cardiology training to other Alaskan residents because of my licensure limitations.

I would appreciate any assistance you can give in expediting the elimination of the need to be a citizen or a permanent resident in order to obtain an Alaska license to practice medicine. I am sure this would be of benefit to the whole Alaskan community. If a subcommittee of the medical board is already working on this issue, please let me know and I will be happy to assist them in writing the proposal bill. I can best be reached with my beeper at (907) 231-3310.

I hope you will allow my wife and I not only to practice medicine in Alaska, but also to be licensed in Alaska. I wish to thank you for your efforts to assist us in this matter.

Sincerely yours,

---

Eyal Herzog, M.D.

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806  
JUNEAU, ALASKA 99811-0806  
PHONE: (907) 465-2534  
FAX: (907) 465-2974  
TDD: (907) 465-5437

E-mail address:  
License@commerce.state.ak.us

Dear Senator Mackie,

During last week's hearing on SB 29, members of the Senate Labor and Commerce Committee requested a Department of Commerce and Economic Development bill analysis and a response to public testimony. I have enclosed the analysis and will address in this letter issues raised in letters by Richard Anschuetz and Byron Perkins.

Dr. Perkins expressed concern that SB 29 would prevent many qualified physicians from obtaining Alaska licenses. Dr. Perkins based his testimony on the original SB 29, which required a three-year residency/internship of all applicants. As the department position paper indicates, the State Medical Board proposes a two-year residency/internship for all applicants who graduated from medical school after 1988.

The board believes a three-year residency became the norm in the early 1980's and the one-year rotating internship has been phased out in the United States. Of the 30 applicants considered during the January board meeting, 10 had graduated after 1988 and only one of those have less than two years of post-graduate training. That applicant had difficulties which required conditioning of the license. The board is attempting to increase the post-graduate training requirement because members believe they see deficiencies more frequently in applicants who do not complete residencies. Alaska, particularly rural Alaska, is a challenging place for new physicians to practice because there are fewer colleagues who can give guidance.

Dr. Anschuetz's primary concern appears to be the citizenship requirement. He makes a variety of disturbing assertions in his letter. The State Medical Board did not make its recommendations in "secrecy" or, "without any input from the medical community." In fact, the board sent a newsletter to all physicians in January SB 29 highlighting their consideration of new licensure requirements and asking for comments. I do not think the board intended to hide its support for licensure of lawful residents, which members openly discussed during the January board meeting. The change from "admitted for permanent residence" to "lawfully residing" appeared to be a relatively minor and non-controversial issue.

I am aware of only one other professional license issued by the Division of Occupational Licensing which has a citizenship, permanent residence, or even lawful residence requirement. A professional license is not intended to indicate that it is legal for an individual to work in the United States. It is not uncommon for nurses to apply for licenses before obtaining work visas and proof of a nursing license can be a requirement to qualify for the visa. A Canadian accountant or engineer may wish to maintain a U.S.

license so his work will be accepted here even though he remains in Canada. A physician may be legal at the time of license application, then over-stay his visa. I believe employers are required by federal law to check for proof of legal work status when they hire new employees, which is a better immigration enforcement tool than occupational licensing.

At the same time that the State Medical Board is advocating acceptance of physicians with a variety of visas, the board is requesting an increase in the length of U.S. internship or residency required of foreign graduates. This position demonstrates that the board wishes to protect public health and safety by ensuring adequate training of immigrant physicians. I do not think amending the citizenship requirement will result in a large influx of foreign physicians since no other state has a citizenship requirement for licensure.

Thank you for the opportunity to comment on SB 29.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Reardon', written in a cursive style.

Catherine Reardon  
Director

**Department of Commerce and Economic Development  
Division of Occupational Licensing  
Analysis of SB 29, Licensure of Physicians**

The department concurs with the position of the State Medical Board on SB 29. The board is attempting to strengthen public protection by ensuring that applicants are adequately prepared to practice in Alaska and that qualified physicians are not unnecessarily blocked from obtaining physician licenses.

SB 29 makes two changes to the medical statutes and the draft CS adds a third change.

- 1) **SB 29 increases the length of residency or internship required, in order for a graduate of a U.S. or Canadian medical school to obtain a physician license, from one year to three years. The draft CS requires a two-year residency or internship.**

The Board proposes a two-year residency or internship for applicants who graduated from a U.S. or Canadian medical school after 1988. Applicants who graduated before 1989 would need the existing one-year residency or internship.

The board advocates making the identical change to both the physician (AS 08.64.200) and osteopath (AS 08.64.205) license qualifications.

**SB 29 and the draft CS do not distinguish between applicants who graduated before and after 1988. The department believes the bill should be amended to include the date distinction.** One-year internships were common before 1988 and many older physicians would be unable to qualify for an Alaska license if they were subject to the two-year requirement. It is not difficult for the board to evaluate the competence of earlier graduates because they have at least a 10-year work record to examine

The board sent a newsletter to all licensed physicians in January soliciting their comments on increased training requirements. The majority of those who responded supported a three-year residency/internship for both U.S. and foreign graduates. However, the board decided that two years was appropriate for Alaska at this time.

- 2) **Draft-CSSB 29 increases the length of residency or internship required of a foreign medical school graduate from one year to three years. The original bill does not address foreign graduates, leaving the one-year requirement.**

The board supports a three-year residency/internship for foreign graduates because it is difficult to assess the quality of foreign medical schools. Forty-three other states require three-years of post-graduate training for foreign graduates.

The board would like the statute worded so the three-year residency/internship may be performed at more than one facility. The board also advocates requiring passage of the board examination rather than allowing the option of licensure in another state.

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

**Department of Commerce and Economic Development  
Division of Occupational Licensing  
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- 3) **SB 29 and the draft CS replace the requirement that medical applicants be citizens or permanent residents with the requirement that they lawfully reside in the United States.**

The board supports this change to the law. There are now several types of VISA which authorize foreign citizens to train and work as physicians in the United States without granting permanent resident status. The current law has prevented well-qualified physicians from obtaining Alaska licenses. The department believes Alaska is the only state that requires citizenship or permanent residence for physicians.

**Although the board would prefer to delete reference to immigration status from the medical statutes, the board supports the change made by SB 29.**

In conclusion, the department supports the primary intent of SB 29, but believes amendments are necessary for the law to work smoothly.

1-LS0270\H✓  
Lauterbach  
2/11/99

**CS FOR SENATE BILL NO. 29( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

BY

Offered:  
Referred:

Sponsor(s): SENATOR WARD

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to licensure of physicians; and providing for an effective date."

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

3 \* Section 1. AS 08.64.200(a) is amended to read:

4 (a) Except for foreign medical graduates as specified in AS 08.64.225, each  
5 physician applicant shall

6 (1) submit a certificate of graduation from a legally chartered medical  
7 school accredited by the Association of American Medical Colleges and the Council  
8 on Medical Education of the American Medical Association;

9 (2) submit a certificate from a recognized hospital certifying that the  
10 applicant has satisfactorily performed the duties of resident physician or intern for a  
11 period of one year;

12 (3) submit a list of negotiated settlements or judgments in claims or  
13 civil actions alleging medical malpractice against the applicant, including an  
14 explanation of the basis for each claim or action;

15 (4) not have a license to practice medicine in another state, province,

1 or territory that [WHICH] is currently suspended or revoked for disciplinary reasons;  
2 and

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7 of medical colleges not accredited by the Association of American Medical Colleges  
8 and the Council on Medical Education of the American Medical Association shall  
9 [MUST] meet the requirements of AS 08.64.200(a)(3) - (5) [AS 08.64.200(a)(2) - (5)]  
10 and 08.64.255, shall [AND MUST] have passed examinations as specified by the  
11 board in regulations or be licensed by examination in another state or territory of the  
12 United States or province or territory of Canada, and shall submit documentation  
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14 satisfactorily performed the duties of resident physician or intern for a period of  
15 three years; or

16 (2) that the applicant has successfully completed a residency  
17 program accredited by the American Board of Medical Specialists.

18 \* Sec. 3. APPLICABILITY. This Act applies to applicants who submit applications on  
19 or after the effective date of this Act.

20 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

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1-LS0270G  
Lauterbach  
2/2/99

**CS FOR SENATE BILL NO. 29( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR WARD**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to licensure of physicians; and providing for an effective date."**

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8 on Medical Education of the American Medical Association;

9 (2) submit a certificate from a recognized hospital certifying that the  
10 applicant has satisfactorily performed the duties of resident physician or intern for a  
11 period of two years [ONE YEAR];

12 (3) submit a list of negotiated settlements or judgments in claims or  
13 civil actions alleging medical malpractice against the applicant, including an  
14 explanation of the basis for each claim or action;

15 (4) not have a license to practice medicine in another state, province,

1 or territory that [WHICH] is currently suspended or revoked for disciplinary reasons;  
2 and

3 (5) be a citizen of the United States or be lawfully residing in the  
4 United States [ADMITTED FOR PERMANENT RESIDENCE].

5 \* Sec. 2. AS 08.64.205 is amended to read:

6 **Sec. 08.64.205. Qualifications for osteopath applicants.** Each osteopath  
7 applicant shall meet the qualifications prescribed in AS 08.64.200(a)(3) - (5) and shall

8 (1) submit a certificate of graduation from the legally chartered school  
9 of osteopathy approved by the board;

10 (2) submit a certificate from a hospital approved by the American  
11 Medical Association or the American Osteopathic Association which certifies that the  
12 osteopath has satisfactorily completed and performed the duties of intern or resident  
13 physician for two years [ONE YEAR];

14 (3) take the examination required by AS 08.64.210 or be certified to  
15 practice by the National Board of Examiners for Osteopathic Physicians and Surgeons.

16 \* Sec. 3. AS 08.64.225 is amended to read:

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24 (1) from a recognized hospital certifying that the applicant has  
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26 three years;

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- 1 or after the effective date of this Act.
- 2 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).



# Alaska State Legislature

Please enter into the record my testimony to the Senate Labor & Commerce  
 committee on SB29, dated 2-11-99  
 committee on \_\_\_\_\_, dated \_\_\_\_\_  
 bill/subject

We are concerned about the intent and the effect of this bill. There are currently many qualified, Board Certified physicians (MD & DO) practicing medicine in Alaska who do not have formalized residency training beyond 1 year postdoctoral. I am a board certified Osteopathic Physician with a recognized 2-year postdoctoral residency. I have classmates who have completed a 1-year postdoctoral internship, and proceeded to Board Certification in family practice via approved mechanisms. Notwithstanding any Grandfather provisions, this bill would preclude my ability to be licensed in Alaska. This bill would similarly preclude any one now certified and practicing in another state from ever becoming licensed in Alaska without residency training.

An amendment granting that this bill applies only to medical graduates after its enactment will resolve this potential problem. There are other concerns about the effect of this bill. Most states require 1 year Postgraduate training for an unlimited physician's license. Six states now require 2 years post doctoral with certain conditions. Alaska would be the first state to require 3 years. While some may believe this will serve to enhance quality care and promote the public health, there is no body of data to my knowledge, to support this. We are licensing mid level practitioners (PA & ANP) to do primary care in this state. This bill would deny qualified physicians with 1 year of postdoctoral training the opportunity to practice in Alaska. It is our opinion that such physicians are eminently more qualified by virtue of education, training and experience to provide primary care than any mid-level practitioners.

Finally, and in the same vein, this bill would deny residents in training from becoming licensed during their training, effectively eliminating any opportunity to "moonlight" or work as physicians for income during their training. The majority of physicians in practice today did just that as part of our training, working on the side to augment our meager incomes during our residency years. This bill would adversely impact on the Alaska Family Practice Residency at Providence Hospital.

Thank you for allowing us to participate in discussion on this bill.

Sincerely,

Byron Perkins DO

Byron Perkins D.O.

Signed: \_\_\_\_\_  
 Testifier  
Alaska Osteopathic Medical Association  
 Representing (Optional)  
1825 Academy Dr. Anchorage, AK 99507  
 Address  
(907) 522-7090  
 Phone No.

1718 Willow Drive  
Juneau, AK 99801  
January 29, 1999

Senator Jerry Ward  
Alaska Senate

Dear Senator Ward:

Thank you for meeting with Dr. Brownsberger and Ms. Means last Friday regarding the "housekeeping" statute changes sought by the State Medical Board. We also appreciate your staff member, Mr. Hodgins, attending a portion of our board meeting; and your interest in improving medical licensure. This letter summarizes the board's reasoning on each of the statute changes sought. As Dr. Brownsberger and Ms. Means probably mentioned, the board does not expect any of these "housekeeping" issues to be controversial. The final item on our list is the only one likely to cause any debate, and we have already polled licensees and several hospital administrators and found strong support for this change. We do not anticipate that any members of the public would object to requiring higher educational standards for Alaska physicians. We also do not anticipate any added cost to the public or the state from these changes. Some of the changes should reduce the time involved in licensing physicians.

I am including with this letter the statute book that applies to the Medical Board. I have listed page numbers in that book along with the citations to make it easier for you and your staff to review. The changes we hope you will consider are:

- 1) AS 08.64.326(a)(4)(A), on page 9, to read: "any crime which is a felony under the laws of Alaska or any misdemeanor substantially related to the licensee's fitness to practice; or"

*This statute begins with the statement that "The board may impose a sanction if the board finds after a hearing that a licensee" In addition AS 08.64.240(b), on page 6, directs that "The board may refuse to grant a license to any applicant for the same reasons that it may impose disciplinary sanctions under AS 08.64.326." We have had applicants for licensure who have committed violent crimes, such as murder, not related to the practice of medicine. Currently we are not able to consider information regarding previous felonies committed outside the office or hospital in evaluating applications. This change would allow the board to consider felony convictions in weighing whether applicants could practice safely and in deciding whether current licensees should be considered for special monitoring or revocation of license.*

- 2) AS 08.64.312(b), page 8, to read: "Before a license may be renewed the licensee shall submit evidence to the board or its designee that continuing education requirements prescribed by regulations adopted by the board have been met."

AS 08.64.312(c), page 9, to read: "The board or its designee may exempt a physician from..."

*All physicians are required to complete 34 hours of category 1 Continuing Medical Education in the two years prior to renewal of their license. The board has a policy for dealing with physicians who realize they have not completed their CME, and honestly state this on their renewal requests. However, because the board meets only quarterly, at the present time these physicians' licenses lapse until the next board meeting when the CME plan is approved. In the meantime these physicians must stop practicing; the board does not feel this is in the best interests of their patients. This change would allow the staff to issue a license and initiate an interim plan to be approved at the next board meeting, so that honest physicians could continue to practice while correcting their CME deficiencies.*

- 3) AS 08.64.275(a), page 8, the final sentence of this paragraph to read: "If circumstances warrant, an extension of the permit may be granted by the board or its designee."

*The beginning of this paragraph states that "the board or its executive secretary may grant a temporary permit..." but renewals of these so-called locum tenens permits currently must be done by the board. Each permit is valid for only 60 days, but may be renewed twice. Since the board only meets quarterly, these renewals require time-consuming polling of individual board members between meetings. Since all extensions must be accompanied by letters of support from the employers of the locum tenens permit holders, the vast majority of these renewal requests are "clean," and unnecessary state resources are spent in employee time and communication costs to conduct ballots.*

- 4) AS 08.64.326(a)(13), page 10, to read: "has had a license or certificate to practice medicine in another state or territory of the United States, or a province or territory of Canada denied, suspended, revoked, surrendered while under investigation for alleged violations of law, restricted, limited conditioned, or placed on probation unless the action was caused by the failure of the licensee to pay fees to that state, territory, or province."

*Currently only suspension or revocation actions may be considered by the board, and the broader range of actions often taken by other boards is excluded from consideration when evaluating an applicant or licensee.*

- 5) AS 08.64.200(a)(5), page 5, to be deleted entirely.

*Current statute states that a physician applicant must "be a citizen of the United States or lawfully admitted for permanent residence." As far as the board has been able to determine, Alaska is the only state with this requirement. Three qualified, well-trained specialty physicians that the board is aware of, have not been able to receive Alaska licenses because of this requirement. The board would like to delete this requirement and judge applicants on their qualifications in the same way the other states do.*

- 6) AS 08.64.225, page 6, to read: "...meet the requirements of AS 08.64.200(a)(2) through (4) and 08.64.255 and must have successfully completed three years of post graduate training as evidenced by a certificate of completion of the first year postgraduate training from the facility where the applicant completed the first year of internship or residency, a certificate of successful completion of two additional years of post graduate training at a recognized hospital, and must have passed examinations as specified by the board in regulations, [OR BE LICENSED BY EXAMINATION IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR PROVINCE OR TERRITORY OF CANADA].

*In the US and Canada national agencies certify the quality of medical education provided by each accredited medical school. This statute change applies to graduates of medical schools outside the US or Canada. Alaska currently requires only one year of post-graduate training in an accredited US or Canadian program of graduates of foreign universities, whether they are coming from renowned European universities or questionable schools in the Caribbean. Nine other states accept one year of post graduate training in this situation; 43 states require three years. The board feels strongly that the safety of Alaskan patients is best protected by ensuring that these applicants have been closely trained and scrutinized by a reliable program for three years before starting practice. Medicine in general and particularly medicine in bush Alaska requires a high degree of knowledge and good judgment; a single year of internship in the US or Canadian system may not be adequate to provide safe care for Alaskan patients. This statute would apply only to new applicants; it would not affect currently licensed physicians.*

- 7) AS 08.64.200(a)(2), page 5, to read: "submit a certificate from a recognized hospital certifying that the applicant has satisfactorily performed the duties of a resident physician or intern for a period of two years for those applicants who graduated from medical school after 1988."

AS 08.64.205 (2), page 5, to read: "intern or resident physician for one year if the applicant graduated from medical school before 1989, and for two years if the applicant graduated from medical school after 1988.

AS 08.64.275(b), page 8, to read: "shall meet the requirements of AS 08.64.200 or AS 08.64.255, and the requirements of 08.64.279."


*Currently US and Canadian applicants are required to have only one year of internship to apply for an Alaska license, although 3-year post graduate programs have been the US norm for the past 10 years. Canada has a 2-year family practice program. Our weakest applicants are new graduates who have been dismissed from a three-year program after one year (a common re-evaluation interval). The older physician, who graduated from medical school prior to 1988 when one-year internships were common, is not difficult for the board to evaluate because he or she applies to the board with a 10 to 30 year work record. It is the newer graduate with a short post-graduate period of training who often causes concern. Therefore the board seeks this change to try to ensure that Alaskan patients have safe medical care.*

*Licenses were polled on this proposed change and, interestingly, the majority preferred a three-year requirement similar to what the board is seeking for foreign medical graduates. Rural hospitals all require three years of post graduate training for employment and staff privileges and are not short of applicants.*

*At our last board meeting all of the 30 applications approved except one were from physicians who had at least 2 years of years of post-graduate training (28 had three or more years.) One applicant had one year with some significant difficulties in training and received a license with conditions. The board discussed this proposed change extensively and did not anticipate this would interfere with the supply of physicians in Alaska. This requirement would not apply to current licensees, only to new applicants. In making this change Alaska would be joining 10 other states who require 2 or more years. We anticipate that the number of states with this requirement will grow rapidly in the next five years.*

Thank you for reviewing these requested changes. I would be happy to discuss these with you further. I can be reached in Juneau at 586-8992 (home) or 586-2434 (work).

Sincerely,

  
Sarah A. Isto, Chair  
Alaska State Medical Board

cc: Representative Coghill  
Senator Pearce  
Senator Miller  
Senator Green  
Representative Dyson

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TO: DOUG SALIK  
Staff- Senate Community & Regional Affairs

FROM: MIKE WALLERI

DATE: March 9, 1999

As we discussed on the phone today, TCC believes that there are four issues raised in the hearing on Monday regarding CS for SB 80.

- \* CITC eligibility
- \* nondiscrimination
- \* administrative costs limits
- \* child support collections

We agree that the Finance Committee will (and probably should) address the administrative cost limitations and child support collection issues. However, we would appreciate the committee dealing with the non-discrimination issue in this committee and have attached the following proposed language. (See attached Amendment No. 1). We would appreciate the committee considering this amendment.

Also attached is a brief discussion of administrative costs which you might find helpful. Please call if I can be of any assistance.

For Dave Gray

### CAPPING ADMINISTRATIVE COSTS FOR TRIBAL TANF'S

The state and federal governments treat "administrative costs" very differently when contracting. Under the State system, "administrative costs" vary from program to program and over time. The State does not have a standard way to determine what constitutes an administrative cost.

By contrast, the federal government has a standard means of determining 'indirect costs', which are similar to administrative costs. These rules are set out in Circulars issued by the Federal Office of Management and Budget (OMB). The indirect cost rates for each federal contractor are negotiated and audited by federal auditors and is tailored to each agency's actual needs, rather than some arbitrary figure. The Native organizations designated in SB 80 must operate under these OMB rules to comply with the Federal Single Audit Act.

Unfortunately, the Federal welfare reform law placed a 15% cap on "administrative costs" incurred by the States running a TANF program (like ATAP), without clearly defining what constitutes an "administrative cost". At the present time, the ACF ( the federal agency charged with administering the TANF program) is proposing regulations which include a 20% cap on 'administrative costs', which is also poorly defined. A major problem is that many costs can be shifted between administrative and non-administrative budget lines, which can actually increase costs, which are generically viewed as administrative.

TCC has no position on whether SB 80 should address administrative cost limitations. However, if it does, the legislation should incorporate by reference federal indirect cost allocation methodology, which is superior to an arbitrary administrative cost percentage because:

- \* the OMB system is tailored to each agency based upon its audited needs to operate the program in question;
- \* the OMB system has an extensive definition of "indirect costs" which is well understood in auditing circles, as opposed to the vague term 'administrative costs';
- \* Tribal TANF's will have to use these accounting systems to administer the federal funds which they receive, and can use the same system to account for the State funds.

If the committee uses an 'administrative costs' methodology, we would recommend using the 20% cap proposed in the federal regulations, and defining the term "administrative costs" by cross referencing the proposed federal regulation. While the "administrative cost" system has serious problems which can lead to abuse and increased costs, standardization between the federal and state auditing standards (to the extent they exist) would be helpful.

AMENDMENT NO. 1  
to  
CS FOR SENATE BILL NO. 80 (CRA)

ISSUE: NON-DISCRIMINATION

Add new sentence at p.3, line 22 as follows:

The receipt of assistance from programs operated under grant or contract pursuant to AS 47.27.071 or AS 47.27.072 shall not be the basis for denial of services provided by the Department that are not funded from appropriations for the State public assistance programs administered under this chapter.

*Rationale: The provision would prevent discrimination against recipients of tribal TANF services with regards to state provided non-TANF services. For example, Native organizations operating TANF's do not do Medicaid and food stamp eligibility determinations. This provision would prohibit the denial of services to Native clients seeking Medicaid or food stamp-only services from state offices. Since the State is only providing match funds for ATAP programs, services funded from other budgeted programs should not be denied to Native clients .*