

1985-1986  
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HRLS14

1985-1986  
HOUSE RULES COMMITTEE  
LIST OF FILES (PAGE 2)

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HRLS14

Preparation  
of  
DAILY  
CALENDAR

5/2/85

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

*House Rules Standing Com.*

*2/8/85 2:00p.m.*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

MEMORANDUM

February 8, 1985

To: All Rules Committee Members

From: Rep. Mike W. Miller, Chairman  
House Rules Committee

Subject: Daily Calendar Preparation

We have been requested to use the same method the Senate uses for preparation of the daily calendar. After looking into the implications of this, I would like to continue with the same system which has served the House of Representatives for over twenty years. When we determined we were going to work towards a 120-day session limit, we were committed to looking for a more efficient operation and not towards adding unnecessary paperwork and time to our current system.

I would like to mention some of the implications involved in changing the calendaring process:

°This would require a lot more work by the people in the Clerk's Office. Besides the addition of more input into the journal, it would require a lot of other needless paperwork for them.

°It would add more work for my staff. Since these meetings would be held like a regular committee meeting, they would require taping and minutes would have to be taken. This would also involve the committee minute people putting all this onto the computer.

°We would all be required to meet at scheduled and unscheduled times in a formal fashion to sign committee reports which would then end up coming back to me to be calendared anyway. The Rules Committee has the power to override the Chairman at anytime, and because of this, I do not feel it would be necessary to meet on and sign committee reports just for the formality of the process.

°In many cases we would be signing committee reports for bills we do not even have in the Rules Committee. For instance, if something passes out of committee on Friday afternoon and doesn't get read across the floor, we would be signing committee reports which haven't been formally referred to Rules.

As you can see by the memo from Billy Berrier, Director of the Division of Legal Services, we are completely within our rights to continue to maintain our calendaring process for the House of Representatives in the fashion which it has been maintained in the past.

MWM/js

RULES COMMITTEE MEETING

FRIDAY, FEBRUARY 8, 1985

1. Call meeting to order, DATE (February 8, 1985) , AND TIME.
2. Note attendance and absences. (Members: Vice-Chairman Wallis, Grussendorf, Fuller, Davis, Martin and Pignalberi.)
3. AGENDA: Preparation of the Daily Calendar
4. The Committee Packets include:
  1. A memo from me explaining the current problem.
  2. A memo from Billy Berrier, Director of the Legal Services Division.

The reason we are having this meeting is that in order to continue our present calendaring process in the same manner which it has been maintained for over 20 years, it has become necessary for me to obtain the consent of the Rules Committee for delegation in the preparation of the daily calendar.

*Debate?*

Ask Jack or someone beforehand to state - I WOULD LIKE TO OFFER THE MOTION AT THIS TIME TO ASK CONSENT THAT THE DELEGATION OF PREPARATION OF THE DAILY CALENDAR BE GIVEN TO THE CHAIRMAN OF THE HOUSE RULES COMMITTEE CHAIRMAN, Mike W. Miller.

After this state: "all in favor" (Note verbally those in favor)  
"opposed" (Note verbally all opposed)

State whether motion carried or failed.

Further discussion.

Rules Committee meeting adjourned! (\*NOTE TIME ADJOURNED)

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 7, 1985

SUBJECT: Daily Calendar

TO: Representative Mike W. Miller  
Chair, House Rules Committee

FROM: Billy G. ~~Miller~~ Prier  
Director  
Division of Legal Services

You have asked whether in our opinion the Rules Committee may delegate the duty to prepare the daily calendar to the Committee chair.

In my opinion it may.

Rule 18 of the Uniform Rules of the Alaska State Legislature provides:

RULE 18. DAILY CALENDAR. The Rules Committee of each house is responsible for the preparation of the daily calendar. Pending the printing of the calendar the contents of the calendar shall be announced or posted on the day preceding the next legislative day. Changes to a calendar or approval of a supplementary calendar may be authorized by a two-thirds vote of the members present. No business shall be transacted nor any measure considered that is not on the calendar. A bill may not be withdrawn from the Rules Committee but the house may order a bill in the possession of the Rules Committee to be placed on the calendar for the next legislative day by a majority vote of the full membership of the house.

The phrase used in this Rule is "The Rules Committee. . . is responsible for preparation of the daily calendar." In my opinion this usage allows delegation. For a parallel example Rule 3 (b) provides "The Rules Committee . . . is responsible for the selection and direction of the session staff . . ." Specific directions to the staff under the

Representative ~~Mike~~ Mike Miller  
February 7, 1985  
Page 2

general direction of the Rules Committee is always delegated.

Had there been an intent to require the committee itself to perform the function, language such as "The Rules Committee. . . shall prepare . . ." would have been appropriate.

This construction is in accordance with the implied construction by the House. It is my understanding that the calendar has been prepared routinely without formal approval by the committee for many sessions.

Therefore in my opinion both the wording of the Rules and the customary construction by the body allow delegation of the power to prepare the daily calendar.

BGB:ojb  
J11/063

H B

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STATE OF ALASKA  
THE LEGISLATURE

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

May, 1988

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

Mary Van Nimwegen

*House Rules 5-2-85*



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE  
THURSDAY, MAY 2, 1985

I N D E X

HB 21 - "An Act relating to homesites for veterans."  
(by Representative Goll)

- I. Proposed Rules CS for HB 21
- II. Memorandum from Randal Moen, Legislative Counsel, April 17, 1985
- III. CSHB 21 (FINANCE)
- IV. Original Version HB 21
- V. Bill History - HB 21

I

Moen  
4/25/85

Original sponsors: Goll and Szymanski

1  
2 IN THE HOUSE

BY THE RULES COMMITTEE

3 CS FOR HOUSE BILL NO. 21 (Rules)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to homesites for veterans."

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

9 \* Section 1. AS 38.08 is amended by adding a new section to read:

10 Sec. 38.08.015. HOMESITES FOR VETERANS. A veteran who qualifies  
11 for a homesite entry permit under AS 38.08.030 and who complies with  
12 the provisions of AS 38.08.060(a)-(d), except AS 38.08.060(a)(3), may  
13 not be required to reimburse the state for the costs incurred by the  
14 state in surveying and platting undertaken by the state in accordance  
15 with this chapter.

16 \* Sec. 2. AS 38.08.120 is amended by adding a new paragraph to read:

17 (4) "veteran" means a person honorably discharged from the  
18 armed services of the United States ~~DELETE: "who has at any time resided~~  
19 ~~continuously for at least one year in the state and"~~  
20 armed forces of the United States for a period of 180 days or more  
21 during one or more of the following periods unless a shorter period of  
22 service resulted from a service connected injury or disability:

- 23 (A) between April 6, 1917 and December 1, 1918;
  - 24 (B) between September 16, 1940 and July 25, 1947;
  - 25 (C) between June 25, 1950 and January 31, 1955; or
  - 26 (D) between August 4, 1964 and November 7, 1975.
- 27  
28  
29

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 17, 1985

SUBJECT:            Constitutionality of exemption for one year  
                      resident veterans from certain costs under  
                      the homesite entry program (CSHB 21(Fin))

TO:                 Representative Al Adams

FROM:              Randall J. Moen            *RJM*  
                      Legislative Counsel

Your request under CSHB 21 (Fin) to exempt only those qualified Alaska resident veterans who have resided at any time in the state for one year from certain costs under the homesite entry program is subject to serious constitutional challenges under the 14th Amendment (Equal Protection Clause) of the U.S. Constitution and Article I, sec. 1 of the Alaska Constitution. I shall address only the 14th Amendment problem.

The Equal Protection Clause protects new residents of a state from being disadvantaged because of their recent migration. Zobel v. Williams, 457 U.S. 55, 72 L.Ed. 2d 672, 102 S. Ct. 2309 (1982). A state statute which distributes benefits based on the length of residency violates the equal protection clause of the 14th Amendment unless the state can show valid state interests are rationally served by conditioning of the benefits on the length of residency. Id.

The effect of CSHB 21 (Fin) allows only those Alaska resident veterans who have resided in Alaska at any time for one year to forego reimbursement to the state of certain costs incurred by the state under the homesite entry program. Thus, newly arrived Alaska resident veterans are treated differently than other Alaska resident veterans who have lived in Alaska at any time for at least one year.

It is difficult to envision a legitimate state interest that can be rationally served by making a durational residency distinction between the two classes of Alaska resident veterans. Unless it can be demonstrated by the state that a legitimate state interest exists and that your committee substitute is rationally related to the legitimate state

Representative Al Adams  
April 17, 1985  
Page 2

interest, your committee substitute will be deemed unconstitutional under the Equal Protection Clause of the U.S. Constitution.

RJM:obj  
J14/003

A  
BILL HISTORYHB 21

## HOUSE CALENDAR:

BILL HB0021  
PAGE 00017  
DATE 01/14/85  
CHAMBER HOUSE  
TEXT HOUSE BILL NO. 21 by Goll, entitled:  
"An Act relating to homesites for  
veterans."  
was read the first time and referred to the Resources and  
Finance Committees.

BILL HB0021  
PAGE 00228  
DATE 02/01/85  
CHAMBER HOUSE  
TEXT The Resources Committee has considered HOUSE BILL NO. 21  
(relating to homesites for veterans), recommends it be  
replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 21  
(Resources) (same title) and reports it back as follows:  
Shultz (Co-Chairman), Herrmann, Cato, Jenkins, Thompson,  
Sund and M.W. Miller recommend do pass; Pearce and Wallis  
have no recommendation. A fiscal note was attached.  
HB 21 was referred to the Finance Committee.  
The fiscal note appears in House Journal Supplement No. 12.

BILL HB0021  
PAGE 00954  
DATE 04/16/85  
CHAMBER HOUSE  
TEXT Representative Szymanski added his name as co-sponsor to  
HOUSE BILL NO. 21 (relating to homesites for veterans).

BILL HB0021  
PAGE 00979  
DATE 04/18/85  
CHAMBER HOUSE  
TEXT The Finance Committee has considered HOUSE BILL NO. 21  
(homesites for veterans), recommends it be replaced with  
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 21 (Finance) (same  
title) and reports it back as follows: Ringstad  
(Vice-Chairman), Szymanski, Uehling, Larson, Cotten, Frank  
and Duncan recommend do pass. Rieger and Pourchot have no  
recommendation.  
A new fiscal note was attached and appears in House Journal  
Supplement No. 50.  
HB 21 was referred to the Rules Committee for placement on  
the calendar.

Veterans'  
Homesites  
(surveying  
& platting  
costs)

HOUSE BILL NO. 21, by Rep. Goll. Amends state policy regarding homesites (AS 38.08) in order that a veteran not be required to repay the state for costs incurred for surveying and platting the property. Does not provide for an effective date (takes effect 90 days after Governor signs bill).

Introduced January 14 and referred to Resources, Finance.

HOUSE BILL NO. 21, (see page 42). Reported back to the House February 1 by Resources recommending it be replaced with a substitute and that it do pass. Concurring: Shultz, Herrmann (co-Ch), Cato, Jenkins, Thompson, Sund and M. W. Miller. Not concurring: Pearce and Wallis had no recommendation. To Finance.

The Resources substitute would require the veteran to comply with patent provisions, such as occupying the land for 35 months with the seven-year period following issuance of homesite permit, erection of a habitable dwelling.

HOUSE BILL NO. 21, (see pages 42;212). On April 16 Rep. Szymanski added his name as co-sponsor.

HOUSE BILL NO. 21, (see pages 42;212). Reported back to the House April 17 by Finance recommending it be replaced with a substitute and that it do pass. Concurring: Ringstad (V-Ch), Szymanski, Uehling, Larson, Cotten, Frank and Duncan. Not concurring: Rieger and Pourchot have no recommendation. To Rules.

The Finance substitute changes the definition of "veteran" by including language that would require the person to have "at any time resided continuously for at least one year in the state." Also changes the period of time veteran must have served during WWII to between September 16, 1940 and July 25, 1947 (previous version had December 31, 1947).

*File  
Sup 52*

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 21(Fin)  
Title: Homesites for Veterans

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: \_\_\_\_\_

Sponsor: Goll  
Requestor: \_\_\_\_\_  
Date of Request: 4/15/85

BRU, Program or Subprogram(s) Affected:  
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
<b>TOTAL OPERATING</b>		0				
<b>CAPITAL</b>		0				
<b>REVENUE</b>		(86.0)				

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Any funds necessary to implement this bill can be absorbed within the agency's existing budget.

*APA*

Prepared By: Al Adams, Chair Phone: 465-3706  
Division: House Finance Committee Date: 4/15/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

**STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE**

*Handwritten initials and date: VE 4/18/84*

Page 1 of 2

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

**REQUEST**  
 Bill/Resolution No.: HB 21 (Res)  
 Title: Homesites for Veterans

**FISCAL DETAIL**  
 Agency Affected: Natural Resources  
 Program Category Affected: \_\_\_\_\_

Sponsor: Goll  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected:  
Land and Water Management

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		24.5	4.4	4.4	4.4	4.4
200 TRAVEL						
300 CONTRACTUAL		0.5	0.1	0.1	0.1	0.1
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		25.0	4.5	4.5	4.5	4.5

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

<b>REVENUE</b>		(86.0)	(86.0)	(86.0)	(86.0)	(86.0)
----------------	--	--------	--------	--------	--------	--------

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	25.0	4.5	4.5	4.5	4.5
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>	25.0	4.5	4.5	4.5	4.5

**POSITIONS:**

FULL-TIME					
PART-TIME		1			
TEMPORARY					

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

See Attached

Prepared By: Michael E. Vediner Phone: 465-2400  
 Division: Land and Water Management Date: January 18, 1985  
 Approved by Commissioner: Robert D. Arnold, Deputy Date: January 18, 1985  
 Agency: Natural Resources

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

7/1/84

January 18, 1985

ANALYSIS:

Operating expenditures will be minimal in the implementation of this bill. Of approximately 2200 homesite entry permits now issued, 20 percent are held by veterans. As much as \$25,000 will be required to obtain and review necessary documentation of eligibility of these permittees. This figure covers management, clerical, typing, and postage costs. At projected rate, homesite entry permittees authorized after implementation of this bill will require an additional annual increment of \$4500 to administer.

A net revenue loss will be incurred with this bill as follows. 20 percent of the total number of homesites issued is 440. At an average cost of \$1450 for surveying and platting each homesite, the total forgiveness of these costs is \$640,000 over the next ten years. In addition, at the current rate of 75 homesites per year, an additional 15 will be issued to veterans. This will further increase the revenue loss by \$22,000 per year. Using these figures a net annual revenue loss of \$86,000 will be incurred. Of course, as the program becomes more attractive the percentage of veterans in the numbers, and consequently the net annual revenue loss, will increase.

Part time position in FY 86 is for clerical staff.



H B

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STATE OF ALASKA  
THE LEGISLATURE

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1986

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Jeanie Henry

House Rules Committee, 4/21/86, 8:30 am



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 21, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### A G E N D A

- HB 35 - "An Act relating to state regulation of fireworks; and providing for an effective date."  
(By Representative Pourchot)
  
- HB 68 - "An Act relating to motor vehicle liability insurance."  
(By Representative Shultz)
  
- HB 284 - "An Act relating to elections."  
(By Representative Boucher)
  
- HB 587 - "An Act relating to municipal land entitlements; and providing for an effective date."  
(By Representative Adams)

Hein  
4/16/86

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 35 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state regulation of fireworks;  
7 and providing for an effective date."

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

9 \* Section 1. AS 18.72.010(a) is amended to read:

10 (a) The sale, [OR] offer to sell, possession with intent to  
11 sell, or manufacture of dangerous fireworks at wholesale or retail for  
12 a [ANY] purpose other than industrial, agricultural, wildlife control  
13 or public display purposes is prohibited.

14 \* Sec. 2. AS 18.72.010(c) is amended to read:

15 (c) All dangerous fireworks shall be purchased from a fireworks  
16 wholesaler licensed as such in this state. A [NO] fireworks whole-  
17 saler may not sell dangerous fireworks to anyone, unless the wholesal-  
18 er [HE] has a currently valid permit required by the fire safety code,  
19 the number of which shall be affixed to each record of sale by the  
20 [FIREWORKS] wholesaler, and maintained as a permanent record of the  
21 sale.

22 \* Sec. 3. AS 18.72 is amended by adding a new section to read:

23 Sec. 18.72.025. PURCHASE AND SALE OF FIREWORKS BY MINORS. The  
24 sale of fireworks to a person under 16 years of age is prohibited. A  
25 person under 18 years of age may not sell fireworks unless supervised  
26 by a person 18 years of age or older.

27 \* Sec. 4. AS 18.72.030(a) is amended to read:

28 (a) A person who desires to sell fireworks at wholesale in the  
29 state shall first make verified application for a license to the state

1 fire marshal on forms provided by the state fire marshal [HIM]. The  
2 application shall be accompanied by an annual license fee of \$50.

3 \* Sec. 5. AS 18.72.040 is amended to read:

4 Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly  
5 [KNOWINGLY AND WILFULLY] fails to comply with a provision of this  
6 chapter or fireworks regulations adopted in the fire safety code is  
7 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY  
8 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX  
9 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate  
10 offense.

11 \* Sec. 6. AS 18.72.050 is repealed and reenacted to read:

12 Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks  
13 regulations adopted in the state fire safety code

14 (1) "bottle rocket" means a type of skyrocket consisting of  
15 a tube, not exceeding one-half inch (12.5 mm) inside diameter and two  
16 and one-half inches in length, and a stick fastened to or contained in  
17 the tube for guidance and stability;

18 (2) "dangerous fireworks" includes all fireworks that are  
19 not defined as salable fireworks;

20 (3) "fire safety code" means the fire safety code of the  
21 state adopted and administered by the division of fire prevention of  
22 the Department of Public Safety;

23 (4) "firecracker" has the meaning given in 49 C.F.R. 173.-  
24 100(r);

25 (5) "fireworks" means a composition or device designed to  
26 produce a visible or an audible effect by combustion, deflagration or  
27 detonation, and that meets the definition of "common" or "special"  
28 fireworks as set out in the hazardous materials regulations of the  
29 United States Department of Transportation, but does not include

1 (A) toy pistols, toy canes, toy guns, or other devices  
2 in which are used paper or plastic caps manufactured, packed, and  
3 shipped in accordance with United States Department of  
4 Transportation regulations; and

5 (B) model rockets and model rocket motors designed,  
6 sold, and used for the purpose of propelling recoverable aero  
7 models;

8 (6) "manufacture" means the preparation of fireworks mixes  
9 and the loading and assembly of all fireworks;

10 (7) "recklessly" has the meaning given in AS 11.81.900(a)-  
11 (3);

12 (8) "salable fireworks" means common fireworks, as de-  
13 scribed in 49 C.F.R. 173.100(r), other than

14 (A) firecrackers; and

15 (B) skyrockets that meet the definition of bottle  
16 rockets under this section.

17 \* Sec. 7. AS 18.72.060 is amended to read:

18 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-  
19 works regulations adopted under the fire safety code supersede the  
20 provisions of an ordinance adopted by a city or borough, whether  
21 before or after May 23, 1969, that [WHICH] are less restrictive than  
22 this chapter or the code. However, nothing in this section affects  
23 the authority of a city or organized borough under other law to pro-  
24 hibit or regulate more restrictively than this chapter the offering  
25 for sale, exposure for sale, sale, use, or explosion of fireworks.

26 \* Sec. 8. AS 18.72.060 is amended by adding a new subsection to read:

27 (b) This chapter does not apply to

28 (1) the sale of pyrotechnic signaling devices and distress  
29 signals for marine, aviation, and highway use;

1 (2) the retail sale and use of explosives or signaling  
2 flares used in the course of ordinary business or industry;

3 (3) gold star producing sparklers that contain no magnesium  
4 or chlorate;

5 (4) toy snakes that contain no mercury;

6 (5) smoke novelties and party novelties that contain less  
7 than 0.25 grain of explosive mixture;

8 (6) shells or cartridges used as ammunition in firearms;

9 (7) blank cartridges used for a theatrical or other enter-  
10 tainment production, or for signal or ceremonial purposes in sporting  
11 events or by military organizations.

12 \* Sec. 9. This Act takes effect December 31, 1986.  
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  - Department of Health and Social Services
  - Department of Public Safety
6. Newspaper Articles
7. Alaska Statutes Regulating Fireworks (AS 18.72)
8. Fiscal Notes
  - Department of Health and Social Services
  - Department of Public Safety
  - Department of Law
9. Documentation
  - McFarland, Lynne, et al. 1984. "Risk Factors for Fireworks-Related Injury in Washington State," JAMA, Vol. 251, No. 24, pp. 3251-3254.
  - Alaska Department of Natural Resources. "Wildland Fires Caused by Fireworks."
  - National Safety Council. "Policy on the Use of Fireworks."
  - Kale, Deborah and Beatrice Harwood. 1981. "Fireworks Injuries." U.S. Consumer Product Safety Commission, Directorate for Epidemiology, Division of Hazard Analysis. (Summary only)

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



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## House of Representatives

### MEMORANDUM

DATE: April 21, 1986

TO: House Rules Committee  
Representative Mike W. Miller, Chairman  
Representative Kay Wallis, Vice Chairman  
Representative Mike Davis  
Representative Ben Grussendorf  
Representative Jack Fuller  
Representative Terry Martin  
Representative Marco Pignatelli

FROM: Representative Pat Pourchot *Pat*

SUBJECT: CSHB 35, State Regulation of Fireworks

As you know, HB 35 was up on the Floor several weeks ago, lost narrowly and was returned to the Rules Committee.

The bill brought to the Floor would have banned the sale of certain fireworks on a statewide basis to help virtually all municipalities enforce their current bans on all fireworks. While the intent of the Judiciary CS was to ban only the sale of firecrackers, because the allowable fireworks were positively identified in the bill some other types of fireworks currently sold were also deleted.

Because these other types of fireworks have not been particularly associated with nuisance and safety problems and because they do contribute significantly to the sales and profits of fireworks dealers, the fireworks dealers were very much opposed to the original bill. At the same time most dealers and legislators agreed that a few kinds of fireworks, notably firecrackers and bottle rockets, contributed to a majority of the problems. Ironically, these fireworks contributed only a small part to the dealers' total sales profits.

Page 2

Over the past several weeks I have had many discussions with legislators and fireworks dealers on the bill. I am happy to say that we have reached nearly unanimous agreement (one legislator continues to oppose a firecracker ban) on the proposed CS before you.

The bill is rewritten to delete reference to all types of fireworks except for those specifically banned. All Class C fireworks allowed under federal regulation would be allowed except for firecrackers and bottle rockets. In addition, fireworks sales to persons under the age of 16 would be prohibited, and fireworks sales would have to be supervised by an adult age 18 or over. The dealers with whom we have discussed the bill suggested these changes and are in full accord with them.

I hope the Committee will adopt the proposed Rules CS and return the bill to the floor at the earliest possible time.

Offered: 2/3/86  
Referred: Rules

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 35 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state regulation of fireworks;

7

and providing for an effective date."

8

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

9

\* Section 1. AS 18.72.010(a) is amended to read:

10

(a) The sale, [OR] offer to sell, possession with intent to

11

sell, or manufacture of dangerous fireworks at wholesale or retail for

12

a [ANY] purpose other than industrial, agricultural, wildlife control

13

or public display purposes is prohibited.

14

\* Sec. 2. AS 18.72.010(c) is amended to read:

15

(c) All dangerous fireworks shall be purchased from a fireworks

16

wholesaler licensed as such in this state. A [NO] fireworks whole-

17

saler may not sell dangerous fireworks to anyone, unless the wholesal-

18

er [HE] has a currently valid permit required by the fire safety code,

19

the number of which shall be affixed to each record of sale by the

20

[FIREWORKS] wholesaler, and maintained as a permanent record of the

21

sale.

22

\* Sec. 3. AS 18.72.030(a) is amended to read:

23

(a) A person who desires to sell fireworks at wholesale in the

24

state shall first make verified application for a license to the state

25

fire marshal on forms provided by the state fire marshal [HIM]. The

26

application shall be accompanied by an annual license fee of \$50.

27

\* Sec. 4. AS 18.72.040 is amended to read:

28

Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly

29

[KNOWINGLY AND WILFULLY] fails to comply with a provision of this

1 chapter or fireworks regulations adopted in the fire safety code is  
2 guilty of a class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY  
3 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX  
4 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate  
5 offense.

6 \* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

7 Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks  
8 regulations adopted in the state fire safety code

9 (1) "cone fountain" means a cardboard or heavy paper cone  
10 containing not more than 50 grams of pyrotechnic composition and that  
11 has the same effect as a cylindrical fountain;

12 (2) "cylindrical fountain" means a cylindrical tube not  
13 more than three-fourths of an inch (19 mm) inside diameter, containing  
14 up to 75 grams of pyrotechnic composition, that may be supported on a  
15 base or spike or may be hand-held and that, upon ignition, produces a  
16 shower of colored sparks and, sometimes, a whistling effect;

17 (3) "dangerous fireworks" includes all fireworks that are  
18 not defined as salable fireworks;

19 (4) "dipped stick" means a stick or wire coated with not  
20 more than 100 grams of pyrotechnic composition, or if containing  
21 perchlorate or chlorate salts, not more than five grams of pyrotechnic  
22 composition, and that produces a shower of sparks upon ignition;

23 (5) "fire safety code" means the fire safety code of the  
24 state adopted and administered by the division of fire prevention of  
25 the Department of Public Safety;

26 (6) "fireworks" means a composition or device designed to  
27 produce a visible or an audible effect by combustion, deflagration or  
28 detonation, and that meets the definition of "common" or "special"  
29 fireworks as set out in the hazardous materials regulations of the

1 United States Department of Transportation, but does not include

2 (A) toy pistols, toy canes, toy guns, or other devices  
3 in which paper or plastic caps manufacture, packed, and shipped  
4 in accordance with United States Department of Transportation  
5 regulations; and

6 (B) model rockets and model rocket motors designed,  
7 sold, and used for the purpose of propelling recoverable aero  
8 models;

9 (7) "flitter sparkler" means a narrow paper tube filled  
10 with pyrotechnic composition that produces color and sparks upon  
11 ignition; this device does not have a fuse for ignition; the paper at  
12 one end of the tube is ignited to make the device function;

13 (8) "ground spinner" means a small device similar to wheel  
14 in design and effect and placed on the ground and ignited; a shower of  
15 sparks and color is produced by the rapidly spinning device;

16 (9) "illuminating torch" means a cylindrical tube contain-  
17 ing not more than 100 grams of pyrotechnic composition, that may be  
18 supported on a base or spike or may be hand-held and that, upon igni-  
19 tion, produces a colored fire;

20 (10) "recklessly" has the meaning given in AS 11.81.900(a)-  
21 (3);

22 (11) "Roman candle" means a tube not exceeding three-eighths  
23 inches (9.5 mm) inside diameter, containing not more than 20 grams of  
24 pyrotechnic composition and not more than 10 balls spaced uniformly in  
25 the tube;

26 (12) "salable fireworks" includes only the following United  
27 States Department of Transportation common fireworks:

28 (A) cone fountains;

29 (B) cylindrical fountains;

- 1 (C) dipped sticks;
- 2 (D) flitter sparklers;
- 3 (E) ground spinners;
- 4 (F) illuminating torches;
- 5 (G) Roman candles;
- 6 (H) skyrockets with sticks;
- 7 (I) wheels;

8 (13) "skyrocket with stick" means a tube not exceeding  
9 one-half inch (12.5 mm) inside diameter, containing not more than 20  
10 grams of pyrotechnic composition, with a stick fastened to or con-  
11 tained in the tube for guidance and stability;

12 (14) "wheel" means a pyrotechnic device attached to a post  
13 or tree by means of a nail or string, containing a total pyrotechnic  
14 composition of not more than 60 grams in each driver unit or 240 grams  
15 in each complete wheel, and that, upon ignition, revolves and produces  
16 a shower of color and sparks and, sometimes, a whistling effect.

17 \* Sec. 6. AS 18.72.060 is amended to read:

18 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-  
19 works regulations adopted under the fire safety code supersede the  
20 provisions of an ordinance adopted by a city or borough, whether  
21 before or after May 23, 1969, that [WHICH] are less restrictive than  
22 this chapter or the code. However, nothing in this section affects  
23 the authority of a city or organized borough under other law to pro-  
24 hibit or regulate more restrictively than this chapter the offering  
25 for sale, exposure for sale, sale, use, or explosion of fireworks.

26 \* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

27 (b) This chapter does not apply to

28 (1) the sale of pyrotechnic signaling devices and distress  
29 signals for marine, aviation, and highway use;

- 1                   (2) the retail sale and use of explosives or signaling
- 2 flares used in the course of ordinary business or industry;
- 3                   (3) gold star producing sparklers that contain no magnesium
- 4 or chlorate;
- 5                   (4) toy snakes that contain no mercury;
- 6                   (5) smoke novelties and party novelties that contain less
- 7 than 0.25 grain of explosive mixture;
- 8                   (6) shells or cartridges used as ammunition in firearms;
- 9                   (7) blank cartridges used for a theatrical or other enter-
- 10 tainment production, or for signal or ceremonial purposes in sporting
- 11 events or by military organizations.
- 12 \* Sec. 8. This Act takes effect December 31, 1986.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1985

SUBJECT: Sectional analysis of HB 35  
TO: Representative Pat Pourchot  
FROM: Edward H. Hein *EHA*  
Legislative Counsel

Section 1 inserts the word "purposes" on page 1, line 12, for clarity.

Section 2 makes changes to conform to proper drafting style.

Section 3 eliminates the personal pronoun "him" on page 1, line 24, to conform to proper drafting style.

Section 4 changes to mental state required for conviction of a violation of AS 18.72 to conform with the mental states recognized under the criminal code, AS 11.

Section 5 replaces some existing definitions of specific kinds of fireworks with definitions adapted from the Kentucky Revised Statutes that do not change the technical requirements in the existing definitions, but do add language describing the behavior or effects of the fireworks. The definition of "fireworks" at page 2, line 24, is changed from the existing circular definition to a meaningful generic definition of fireworks, as adapted from Kentucky law. The definition of "salable fireworks" at page 3, line 11, is a substantial change from existing law. Currently, Alaska law defines as salable fireworks all class C common fireworks, which includes explosive and aerial devices such as firecrackers, roman candles and skyrockets, among others. The new definition of "salable fireworks" in this bill limits them to five non-aerial, non-explosive devices, all of which are individually defined in the section. By so changing the definition of salable fireworks, the bill would significantly limit the kinds of fireworks that may be lawfully sold to the general public. In local areas of the

Representative Pat Pourchot  
January 31, 1985  
Page 2

state even these may have been prohibited from sale to the public by ordinance.

Section 6 makes a change at page 3, line 27, to conform to proper drafting style.

Section 7 provides that state regulation of fireworks under AS 18.72 does not apply to seven situations in which devices are used that otherwise might be considered fireworks and thereby regulated under the chapter.

Section 8 provides an immediate effective date.

EHH:ojb  
J11/043

HB 35, FIREWORKS REGULATION  
Summary and Fact Sheet

Most municipalities in Alaska prohibit the use and sale of all fireworks. These municipalities include: the Municipality of Anchorage, the City of Fairbanks, the Fairbanks North Star Borough, the Matanuska-Susitna Borough, the Ketchikan Gateway Borough, the Kenai Peninsula Borough, and the cities of Ketchikan, Seward, Cordova, Scotchotna, and Valdez. However, the unorganized areas of the state do not restrict use and sale. Without exception, there are violations in the municipalities due to availability of fireworks just across their boundaries.

HB 35 is intended to give substance to the restrictions imposed by these municipalities, by prohibiting on a statewide basis, firecrackers, bottle rockets, and skyrockets. The bill does not restrict the permitted public fireworks displays, approved by the State Fire Marshall. It allows for the sale and use of novelty fireworks, including glow worms and snakes, toy pistols, and toy cap guns.

The state statutes would not be as restrictive as most of the municipal prohibitions already on the books which provide for total bans on fireworks. The sale of sparklers, ground fountains, wheels, spinners and flitter sparklers (i.e., safe, nonexploding fireworks) would be allowed.

Thirty-six other states have restrictions on fireworks equal to or more restrictive than that which HB 35 proposes. This bill is modeled after Kentucky's statutes, the most recent state to revise its fireworks laws.

INJURIES/FIRES

- Fireworks have become a significant public safety problem.

United States

- In 1983, 8,277 injuries resulted from fireworks; 60 percent injured were children under age 15. (Consumer Product Safety Commission)
- From 1974 to 1983, 74,000 fireworks-related injuries. (Consumer Product Safety Commission)

Alaska

- From 1980 to 1984, 141 fireworks-caused fires resulted in \$669,400 in damages. [Alaska National Fire Incidence Reporting System (ANFIRS)]
- \$400,000 fire in Metlakatla--fireworks were the cause. (ANFIRS)
- 1985, death of young boy in Seward

- A 339 acre fire near Soldotna cost \$90,000 to extinguish (ANFIRS).

Anchorage

- In 1984, 632 complaints to the Anchorage Police Department relating to the illegal use of fireworks (Anchorage Police Department).
- Twenty-six minor fires on July Fourth in a 24 hour period--caused by fireworks.

Fireworks retailers are not going to be put out of business. The 49 licensed retailers may continue to sell cones, fountains, sparklers, and novelties, which are among the primary sources of their income.

Prior to the Kenai Borough prohibition, there were 49 fireworks retailers, holding 130 permits. Retail permits are \$5.00 each. Of the ten wholesale permit holders, five are from out-of-state. These permits are \$50.00 each.

POSITION PAPER

HOUSE BILL 35

For "An Act relating to state regulation of fireworks; and providing for an effective date."

The Department of Health and Social Services supports the intent of this bill for two reasons:

- 1) Fireworks contribute to fire losses, as documented by the State Fire Marshall;
- 2) Fireworks cause injuries, often to children, although no one as yet has documented fireworks injuries in Alaska.

BACKGROUND

According to the Centers for Disease Control of the United States Public Health Service, the State of Washington experienced a significant increase in burns, eye injuries, lacerations, and other injuries in 1982, after fireworks were made legally available outside Indian reservations. Based on reports from 14 hospitals in nine counties on July 4, the total number of fireworks injuries increased from 39 in 1981 to 88 in 1982. Burns, which increased from 17 to 46, accounted for most of the difference, with eye injuries increasing from 10 to 15, and lacerations from 3 to 8.

The Consumer Product Safety Commission estimates that 11,400 fireworks related injuries were treated at hospitals in 1981, with 8.8% subsequently being hospitalized. Approximately 45% of these injuries involved children under 14 years of age. Approximately 60% of the injuries were burns, and 25% were contusions, abrasions, and lacerations. Eye injuries account for some of the most disabling fireworks-related injuries.

The trend in fireworks-related injuries has been generally upward since 1975, when approximately 4,700 fireworks injuries were treated at hospitals.

Since 1966, the sale to consumers of large, Class B firecrackers, such as "cherry-bombs" and "M-80's," has been banned by Federal law because of the large amount of explosives they contain. In 1976, the Consumer Product Safety Commission lowered the permissible explosive charge in firecrackers to no more than 50 mg (0.772 grains) of powder and mandated performance, construction, and labeling specifications for all fireworks intended for public sale (collectively designated as Class C fireworks).

According to the National Fire Protection Association, the rate of injuries in States allowing many types of fireworks is more than seven times greater than that of states that ban all fireworks or allow only sparklers or snakes. The rate of fireworks related fires is 52 times greater.

**POSITION PAPER/Department of Health & Social Services**

Position Paper HB 35  
Page Two

The National Safety Council also reported 10 fireworks related deaths in 1980, verses 7 in 1979.

**POSITION**

The Department of Health and Social Services believes that restricting the sale of fireworks will result in reduced injuries, especially among children.

Recommended by: David Bruce for  
Robert I. Fraser, M.D.  
Director  
Division of Public Health

Date: 1/28/85

Approved by: John R. Pugh  
John R. Pugh, Commissioner  
Department of Health and  
Social Services

Date: 1/30/85

ALASKA DEPARTMENT OF PUBLIC SAFETY  
Position Paper

(January 28, 1985)

HOUSE BILL 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1975-83 ten year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were

130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of newsclippings, attached):

- \* Wildlands fire caused by fireworks costs \$5,000 to extinguish near Hope.
- \* 339 acre fire near Soldotna costs \$90,000 to extinguish.
- \* \$400,000 plus structure in Metlakatla destroyed by fireworks caused fire.
- \* 26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.
- \* Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association

(June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year and, at the same time, to permit the sale of fireworks. That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of \$500,000; injuries such as the loss of eyesight are being settled for \$1,000,000 or more. The current limits of at least \$200,000 and \$50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

\* \* \* \* \*

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.

## A ban on fireworks

ONE OF THESE days all local governments in Alaska will do what most of the cities already have done, and that's ban the private use of fireworks. Maybe the state will have to do the job through a simple bit of legislation that makes the old-fashioned pyrotechnics illegal.

Fireworks have been a part of America's heritage for a couple hundred years. But the fact is they've become too dangerous to be allowed, outside of professionally staged events. Those should be enough.

IN ANCHORAGE, fireworks have been banned for many years and their absence hasn't been all that hard to live with. But they're still permitted in other areas close by. The Kenai Peninsula is a ready example. It was there, near Seward, that a fireworks explosion in a camper took the life of a little girl on the Fourth of July

weekend.

Every year, it seems, someone is badly burned or disfigured or fatally injured while playing with fireworks. They just aren't worth the pain and suffering and grief.

**THERE ARE THOSE** who will argue that making fireworks illegal would be just one more erosion of the rights and liberties of individual citizens. Maybe it would be, but sometimes the greater public good must prevail.

We could still have fireworks — in all the public displays and exhibitions anybody would be willing to pay for. The job could be handled by professionals who know the perils involved.

But for the safety of other little girls — and little boys and their parents and friends — our Independence Day celebrations can do without people tossing firecrackers around.

# Seward boy dies after fireworks explode in truck cab on road

by Earl Swift  
and Christopher Jarvis  
Times Writers

A Seward boy died at an Anchorage hospital Friday after fireworks he and his family were carrying in a truck exploded and set the pickup afire.

Wesley Jones, 5, was declared dead at Providence Hospital at 2:08 p.m. Friday, about 23 hours after he suffered severe burns in the accident on Seward's Bear Creek Road.

Alaska State Trooper spokesman Paul Edscorn said the boy was apparently injured as he, his two siblings, his parents and a family friend rode in a 1979 Ford Club Cab truck after buying fire-

works at a stand on the town's outskirts.

Edscorn said Wesley, his 4-year-old stepsister, Camille Castillo, and his 6-year-old brother, Louis, were riding in the truck's back seat while their father, 41-year-old Kenneth Jones, rode up front with their mother, Linda Jones, and the driver, Seward resident Michael Corcoran.

As the vehicle traveled down Bear Creek Road, Edscorn said, the newly-purchased fireworks ignited.

"They have determined that there was a fairly large quantity of fireworks both in the front and rear seats — actually on the floor

in the front and rear," Edscorn said.

While the pyrotechnics exploded and flames swept through the truck's large cab, Corcoran and the elder Jones jumped from the truck and pulled the children from the pickup, Edscorn said.

Both men suffered burns to their hands and arms in the process, Edscorn said, and Jones was still hospitalized at Providence late Friday in serious, but stable, condition.

Louis Jones and Camille Castillo — airlifted to Providence with their father and Wesley after they were initially treated at Seward General Hospital —

were listed in serious condition late Friday, hospital officials said.

Linda Jones was not injured, he said.

Edscorn said details of the incident remained sketchy Friday, because there were few witnesses to the fire besides its victims.

Still unknown, he said, was the cause of the fireworks' ignition.

"They're all gone," he said. "At this point, we just don't know."

Bear Creek Volunteer Fire Department Chief Len Weimar said his men found the truck burning after the blaze was reported about 4 p.m.

## A deaf ear

IT'S ALMOST unpatriotic to be concerned about the hazards inherent in the use of fireworks. After all, they're part of the nation's heritage — Fourth of July celebrations, state fairs, big festivals, carnivals and so on. Anyone who opposes the unrestricted use of fireworks finds himself in an uncomfortable position.

Yet the nagging thought persists that fireworks are dangerous and, as population increases, it makes more and more sense to limit fireworks to exhibitions staged by professional handlers.

**THAT'S OUR VIEW** from Anchorage. The view from Soldotna, where the Kenai Peninsula Borough sits, is quite different. Despite an overwhelming October advisory vote to the contrary,

the borough assembly decided this week to allow continued public sale and use of fireworks.

In that same election, Kenai voters rejected a compromise that would have imposed a seasonal ban on fireworks — opting, instead, for the year-round prohibition.

**THE BOROUGH** assembly now has proposed an ordinance calling for a seasonal ban. It will be voted on Dec. 17.

The assembly could wind up doing exactly the opposite of what the people said in those advisory votes two months ago. If nothing else, that may ensure that the fireworks issue on the Kenai Peninsula will remain an explosive one for some time to come.

## Cease-fire on the Peninsula

**WITH A FIZZLE** rather than a bang, the great fireworks controversy on the Kenai Peninsula apparently has ended. Let's commend those involved for taking final action in a dispute that has been smoldering for years.

The members of the Kenai Peninsula Borough Assembly get the kudos for reversing an earlier decision and voting last week to ban the sale and private use of fireworks, effective Jan. 15.

The issue has been argued for years. Opponents said unrestricted fireworks in the hands of a growing population would bring increasing threat to life and limb. The danger of summer forest fires resulting from careless use of fireworks was seen as another peril.

**ON THE OTHER** side, the free-spirited mood that treasures liberty and freedom from government regulation makes Peninsula residents, old and new, oppose bans of

any kind. Those who fit this mold favored continued permission for the private sale and use of fireworks.

In an advisory referendum last fall, a majority of voters cast ballots in favor of outlawing fireworks. The borough assembly still balked and two weeks ago it voted to continue legalizing them.

**IN A DELUGE** of complaints, the public bombarded assemblymen by mail and telephone demanding that they reverse their action. The assembly capitulated.

But the new law doesn't mean there will be no fireworks at all next Fourth of July at Seward and elsewhere on the Peninsula. Public displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

That sounds, from this distance at least, like a proper way to go.

# Kenai Peninsula Assembly reverses stand, bans fireworks

By RONNIE CHAPPELL  
Daily News reporter

**SOLDOTNA** — After years of debate, the Kenai Peninsula Borough Assembly Tuesday voted to outlaw the sale and use of fireworks on the Kenai Peninsula.

The year-round ban, which will take effect Jan. 15, was a reversal of an assembly vote two weeks ago, when an al-

most identical ordinance was defeated despite a borough referendum this fall calling for a total fireworks ban.

The assembly had been expected Tuesday to consider only a substitute ordinance allowing the sale and use of fireworks between Nov. 1 and April 1.

A deluge of phone calls and letters from angry voters ap-

pears to have salvaged the year-round ban.

"I received 26 letters and postcards," said Assemblywoman Marie Walli. "Phone calls, I couldn't begin to tell you." At one point, she said, the phone in her Anchor Point home was ringing so often she started referring callers to the borough clerk.

"I was leaning toward sea-

sonal" restrictions, Walli said. But because of the calls and letters she changed her mind.

Other assembly members also said they were swamped with calls and letters.

Public fireworks displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

TUNDRA DRUMS - July 11, 1985

## Firecracker sets van afire on Ridgecrest

A 1975 Chevy suburban was the only Bethel victim of fire cracker related incidents over the Fourth of July holiday.

Police said the vehicle caught fire in the post office parking lot after a 17-year-old juvenile tossed a fire cracker bottle rocket into a puddle near the car. The puddle apparently had some sort of flammable liquid in it,

and the fire cracker explosion caused it to catch fire.

The car, which belonged to the juvenile's parents, caught fire as well and officials estimated damage at at least \$2,500.

The incident, which happened on Saturday, is still under investigation but no charges have been filed, police said.

ANCHORAGE DAILY NEWS - July 6, 1985

## Doctors busy with victims of fireworks

By ROBERT FURLOW  
The Associated Press

**WASHINGTON** — As traditional as July Fourth fireworks, day-after reports of firecracker injuries spread Friday as doctors who try to repair the damage sought greater awareness of dangers involved — and perhaps a national ban.

Dr. Sloane Wilson, a Little Rock, Ark., ophthalmologist, commenting during a break in a day of surgery on several accident victims, said: "When children lose their eyes it's a tragedy, and most of them simply aren't aware of the risk."

Wilson said he doubted a federal ban would be forthcoming. But he has begun a national survey on behalf of the American Academy of Ophthalmology, hoping to get a better idea of just how many injuries fireworks do cause and whether there is much difference between states that do and don't have laws limiting or banning sales and use.

Estimates by his and other medical groups now put the yearly injury toll at between 14,000 and 20,000, many of them around the Fourth of July.

Dr. Joe Greensher, a Long Island, N.Y., pediatrician who is head of an accident prevention committee of the American Academy of Pediatrics, said, "There should be federal involvement," including a ban on general use of all but the smallest fireworks.

But he, too, said congressional action was unlikely, especially "with the present climate of letting business do things voluntarily."

"It's been a national problem for quite a number of years," he said in a telephone interview. "Here's another July Fourth gone by, and you see the reports," he added, noting in particular a news account he'd just heard of a 4-year-old Yonkers, N.Y., boy who'd lost parts of two fingers when a firecracker exploded in his hand.

Wilson, also speaking by telephone, said he had just been working on a 16-year-old boy who almost surely had lost his sight in one eye after being injured in a playful "fireworks war" in which teen-agers "re little firecracker rockets at each other.

Such little firecrackers, legal in many states, can reach a speed of 50 mph in a few feet, and erratic construction makes aim a guessing game, Wilson said.

18.70.150

§ 18.70.160

HEALTH AND SAFETY

§ 18.70.300

NOTES TO DECISIONS

This section represents an erroneous belief that cities are not liable in tort for negligence connected with fire-fighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962).

As a city which maintains a fire department may be held liable for injuries resulting from negligence con-

nected with the department's firefighting activities. City of Fairbanks v. Schaible, Sup. Ct. Op. No. 97 (File Nos. 112, 113), 375 P.2d 201 (1962). See contra: City of Fairbanks v. Gilbertson, 16 Alaska 590 (1957), aff'd. 262 F.2d 734 (9th Cir. 1959), where § 56-2-2 ACLA 1949 (now AS 09.65.070) was ignored by both the district court and the Court of Appeals.

Collateral references. — Fire departments as pertaining to the governmental or to the proprietary branch of munic-

ipality. 9 ALR 143; 33 ALR 688; 84 ALR 514.

Sec. 18.70.160. Agreement not to affect insurance rates or liability. An agreement made under AS 18.70.150 and 18.70.160 shall be carried out in a manner which does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of men and equipment. (§ 1 ch 92 SLA 1957)

Article 4. General Provisions.

Section

300. Definition of building

Sec. 18.70.300. Definition of building. In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (§ 4 ch 176 SLA 1968; am § 27 ch 32 SLA 1971)

Revisor's notes. — In ch. 176, SLA 1968, this section was numbered 18.70.165.

Chapter 72. State Regulation of Fireworks.

Section

10. Regulation of sale of dangerous fireworks  
20. Regulation of sale of salable fireworks

Section

30. Fireworks wholesaler's license  
40. Violation  
50. Definitions  
60. Application of chapter

**Collateral references.** — 31 Am. Jur. 2d, Explosions and Explosives, §§ 1-3, 48-52.

35 C.J.S., Explosives, §§ 1-3, 12, 13.

Bond conditioned for payment of damages for injury to person or damage to

property, given as condition of permission by public for fireworks display or other exhibition or entertainment, as covering non-negligent injury or damage. 138 ALR 936.

**Sec. 18.72.010. Regulation of sale of dangerous fireworks.**

(a) The sale or offer to sell dangerous fireworks at wholesale or retail for any purpose other than industrial, agricultural, wildlife control or public display is prohibited.

(b) A person desiring to use dangerous fireworks for industrial, agricultural, wildlife control or public display purposes shall first comply with the permit requirements of the fire safety code.

(c) All dangerous fireworks shall be purchased from a fireworks wholesaler licensed as such in this state. No fireworks wholesaler may sell dangerous fireworks to anyone, unless he has a currently valid permit required by the fire safety code, the number of which shall be affixed to each record of sale by the fireworks wholesaler, and maintained as a permanent record of the sale. (§ 1 ch 116 SLA 1969)

**Sec. 18.72.020. Regulation of sale of salable fireworks.** (a) A person holding a permit required by the fire safety code may sell or offer for sale salable fireworks, if

(1) the person has submitted to the state fire marshal a policy, or a certified true copy of a policy, of public liability and products liability insurance, including both accident and occurrence coverage, provided by the wholesale company selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or death and at least \$50,000 property damage and the person is named as an insured party upon the policy and the policy is continuously in force while the person is engaged in the retail sale of fireworks, and

(2) an endorsement fee of \$5 is paid to the state fire marshal for each year or fraction of year during which the permit holder is engaged in the retail sale of fireworks.

(b) Upon approval of the insurance required in (a) of this section, the permit of the holder shall be endorsed by the state fire marshal to indicate the holder's right to sell fireworks at retail, and shall indicate an expiration of the authority. The expiration date shall coincide with the expiration date of the permit holder's liability insurance. (§ 1 ch 116 SLA 1969; am § 1 ch 24 SLA 1981)

**Effect of amendments.** — The 1981 amendment deleted "to the" preceding "fireworks," substituted "to the person" for "retailer" following "fireworks," substi-

tuted "\$200,000" for "\$300,000" preceding "for bodily injury," substituted "\$50,000" for "\$100,000" preceding "property damage," deleted "upon which policy the state

and all governmental subdivisions of the state" preceding "and the," substituted "person is" for "permit holder shall be" preceding "named as," substituted "an insured party upon the policy" for "additional insureds," following "named as,"

substituted "the policy is" for "which shall be" preceding "continuously in force," and substituted "person" for "permit holder" preceding "is engaged" in subsection (a) (1).

NOTES TO DECISIONS

Injunction to halt enforcement of section. — See State v. Norene, Sup. Ct. Op. No. 572 (File No. 1167), 457 P.2d 926 (1969).

Sec. 18.72.030. Fireworks wholesaler's license. (a) A person who desires to sell fireworks at wholesale in the state shall first make verified application for a license to the state fire marshal on forms provided by him. The application shall be accompanied by an annual license fee of \$50.

(b) The license required under (a) of this section is valid until December 31 of the year during which it is issued, and is renewable upon the payment of each subsequent annual license fee and affirmation that the information contained in the wholesaler's original application for a fireworks wholesaler's license is currently accurate. (§ 1 ch 116 SLA 1969; am § 2 ch 24 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "\$50" for "\$500" following "annual license fee of" in subsection (a).

Sec. 18.72.040. Violation. A person who knowingly and wilfully fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. Each day of noncompliance constitutes a separate offense. (§ 1 ch 116 SLA 1969)

Sec. 18.72.050. Definitions. In this chapter and fireworks regulations adopted in the state fire safety code

(1) "dangerous fireworks" includes all fireworks which are not defined as salable fireworks;

(2) "fire safety code" means the fire safety code of the state adopted and administered by the division of fire prevention of the Department of Public Safety;

(3) "fireworks" means salable fireworks or dangerous fireworks;

(4) "salable fireworks" are ICC Class C Common Fireworks and shall include only those fireworks enumerated as ICC Class C Common Fireworks in the regulations of the Interstate Commerce Commission, as the regulations are presently constructed, and, more specifically, shall include and be limited to the following:

(A) roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter not to exceed  $\frac{3}{8}$  inch;

(B) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch, with the rocket sticks being securely fastened to the tubes;

(C) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight, and the inside tube diameter not to exceed  $\frac{1}{2}$  inch;

(D) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight, and the inside tube diameter not to exceed  $\frac{3}{4}$  inch;

(E) cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight;

(F) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel, and the inside tube diameter of driver units not to exceed  $\frac{1}{2}$  unit;

(G) illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 100 grams each in weight;

(H) dipped sticks, the pyrotechnic composition of which contains chlorate or perchlorate which do not exceed five grams, and sparklers, the composition of which does not exceed 100 grams each and which contains no magnesium or magnesium and a chlorate or perchlorate;

(I) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;

(J) firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;

(K) novelties consisting of two or more devices enumerated in this paragraph when approved by the Bureau of Explosives. (§ 1 ch 116 SLA 1969)

**Sec. 18.72.060. Application of chapter.** This chapter and fireworks regulations adopted under the fire safety code supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, which are less restrictive than this chapter or the code. However, nothing in this section affects the authority of a city or organized borough under other law to prohibit or regulate more restrictively than this chapter the offering for sale, exposure for sale, sale, use, or explosion of fireworks. (§ 1 ch 116 SLA 1969)

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CS HB 35  
 Title: An Act Relating to State regulation of fireworks...  
 Sponsor: Representative Pourchot  
 Requestor: \_\_\_\_\_  
 Date of Request: 3/18/85

FISCAL DETAIL

Agency Affected: Health & Social Services  
 Program Category Affected: Public Health  
 BRU, Program or Subprogram(s) Affected: State Health Services BRU, Adm. Services, Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser, M.D. *RIF/DJ*  
 Division: Public Health

Phone: 465-3090  
 Date: March 18, 1985

Approved by Commissioner: *J. A. O'G*  
 Agency: Health and Social Services

Date: 3/19/85 *JCC*

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 35  
 Title: State Regulation of  
Fireworks  
 Sponsor: Representative Pourchot  
 Requestor: House State Affairs  
 Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: \_\_\_\_\_  
Public Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: G.E. Brunton *GBS* Phone: 465-4331  
 Division: Fire Prevention Date: 1/23/85

Approved by: Commissioner *Michael Chen* Date: 1-28-85  
 Agency: Public Safety

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: FEB 1 1985

**REQUEST**

Bill/Resolution No.: HB 35  
 Title: "An Act relating to state regulation of fireworks..."  
 Sponsor: Repr. Pourchot  
 Requestor: House State Affairs  
 Date of Request: 1/28/85

**FISCAL DETAIL**

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

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

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

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

This bill amends AS 18.72.010(a) by changing the definition of "salable fireworks" and making some minor changes to the existing statute that regulates the sale of fireworks. There are currently 7 wholesale dealers and about 130 retail dealers licensed to sell fireworks in the state. During the past several years there have been about 12 fireworks sales violations by licensed dealers. By further restricting the types of fireworks that may be sold, most of those that ~~go bang~~ will no longer be salable, this bill could result

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: 1/30/85

Approved by Commissioner: Norman D. Gorsuch Date: 1/30/85  
 Agency: Department of Law

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

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

FISCAL NOTE  
HB 35  
Page 2

ANALYSIS (Cont'd.)

in some additional misdemeanor prosecutions for violation of fireworks sales regulations. Based upon past experience, however, it does not appear that the increase in prosecution will be significant enough to warrant fiscal note costs. This is the type of bill that, when taken by itself, will not result in a fiscal impact. However, when taken in conjunction with other similar measures, bills of this nature divert prosecution resources from other more serious offenses because of their cumulative effect.

Original Contributions

## Risk Factors for Fireworks-Related Injury in Washington State

Lynne V. McFarland, MS; Jeffrey R. Harris, MD; John M. Kobayashi, MD, MPH; Richard C. Dicker, MD, MPH

• To determine the frequency and effects of and risk factors for fireworks-related injury, we identified all 146 persons who were injured by fireworks and sought emergency care during the 1983 July 4 holiday in the Seattle area. The mean charge for medical care for the injuries received was \$562; 7.1% of those injured required hospitalization. In a matched-pair case-control study, use of either of two fireworks types—firecrackers or aerial devices—was significantly associated with injury (odds ratios [ORs], 3.3 and 2.9, respectively; 95% confidence intervals [CI], 1.2, 8.5, and 1.2, 6.6, respectively). Also associated with injury were several fireworks misuse behaviors, including lack of adult supervision of children (OR, 11.5; CI, 2.8, 100.6). We conclude that fireworks cause serious injuries that theoretically could be prevented by behavioral changes or decreased availability of high-risk fireworks devices.

(JAMA 1984;251:3251-3254)

IN 1982, Washington State changed its law governing the sale of fireworks. Under federal law, fireworks are categorized into three classes: class A and B devices contain more than 50 mg of gunpowder and are illegal for sale to the general public, and class C devices contain 50 mg of gunpowder or less. The sale of individual types of class C fireworks is under state control. Previously, Washington State allowed only the sale of class C ground-display devices (devices that stay on the ground, often emitting sparks). However, in 1982, the sale of class C firecrackers (devices that explode and make noise) and some class C aerial devices (devices that either fly or shoot projectiles into the air) was legalized, but

skyrockets and missile rockets remained illegal. During the July 4 holiday that followed the law change, we reported a doubling, from the previous year, in the number of fireworks-related injuries reported by 11 hospitals, from 39 injuries in 1981 to 88 injuries in 1982.<sup>1</sup> In response to this increase, in 1983, we conducted active surveillance to determine the number, circumstances, and costs of these injuries and a case-control study to determine risk factors for injury.

### METHODS Surveillance

We identified all fireworks-related injuries in King County (metropolitan Seattle, population, 1.3 million) by active surveillance of all emergency rooms and emergency clinics open during the legal days of fireworks sale (June 25 to July 6, 1983). A designated contact person, usually the emergency room supervisor, collected demographic and injury information on all patients. Injured persons were counted as cases if they had been admitted to an emergency facility with an injury related to fireworks and the injury they received had occurred during the legal days of

fireworks sale. We designated two types of cases: those in active users (persons who were using fireworks at the time of injury) and those in innocent bystanders (persons who were not using fireworks themselves at the time of injury).

After the patients were identified, we mailed each a letter that explained our study and included a picture of fireworks types (for determining which device caused their injury). After one week, we called the patients, verified the age, sex, and injury information, and administered a standard questionnaire about the circumstances and costs of injury, fireworks exposure, and fireworks use behaviors. In most cases, charges for medical care were ascertained directly from medical bills. We interviewed only the parents of children aged 5 years or younger but interviewed all other injured persons directly.

### Case-Control Study

We conducted a matched-pair case-control study by telephone. For each active user who was a King County resident, we obtained a control who was a King County resident, had used fireworks during the 1983 July 4 holiday but remained uninjured, and who was matched by sex and age plus or minus two years. Controls were contacted by a modified random-digit dialing technique.<sup>2</sup> The first five numbers of the injured person's telephone number were fixed, then combined with two other numbers obtained successively (from a random number table, until a proper match was found). Each control was interviewed immediately after completion of the corresponding injured person's interview. As with the injured persons, we interviewed only the parents of children aged 5 years or younger but interviewed all other controls directly. We obtained informed verbal consent from both the injured persons and controls before administering the questionnaire. When children were interviewed, we obtained consent from both the child and a parent. Injured persons and

From the Department of Epidemiology, University of Washington (Ms McFarland), and the Department of Social and Health Services, Division of Health, Office of Public Health Laboratories and Epidemiology (Dr Kobayashi), Seattle, and the Divisions of Field Services (Dr Harris) and Surveillance and Epidemiologic Studies (Dr Dicker), Epidemiology Program Office, Centers for Disease Control, Atlanta. Reprint requests to Division of Field Services, Epidemiology Program Office, Centers for Disease Control, Atlanta, GA 30333 (Dr Harris).

controls were asked identical questions regarding exposure to fireworks and their methods of fireworks use. The questions on fireworks use were designed to reflect the "customary" use of fireworks and not the circumstances that led to injury. All interviews were performed by one person (L.V.H.), and all interview questions were read in a standard manner.

#### Data Analysis

Differences in means for the surveillance data were analyzed by Student's *t* test for unpaired data. The matched-pair data were analyzed in matched fashion, and McNemar  $\chi^2$ , odds ratios (ORs), and exact 95% confidence intervals (CI) were calculated, and conditional logistic regression analysis was carried out.\* Differences between the means of matched-pair groups were analyzed with Student's *t* test for paired data. A significance level of .05 was used for all tests.

#### RESULTS

A total of 146 persons with fireworks-related injuries were identified in King County during the study period. All 22 hospitals and ten emergency clinics open during the July 4 holiday participated. Of the 146 injured persons, 126 (86%) were initially treated in hospital emergency rooms, and 20 (14%) were initially treated in emergency clinics.

The site and type of injury (Table 1) were available for all 146 persons, while age and sex were available for all but one person. Most common were multiple injuries, followed by single-site burns, eye injuries, lacerations, and ear injuries (usually perforated eardrums). Isolated eye injuries made up 16% of the total injuries; however, nine of the multiple injuries involved the eye, so that overall, 32 (22%) of the 146 injuries involved the eye. Two of the multiple injuries resulted in amputation (one of a finger and one of a complete hand). Injured persons were from 2 to 64 years old; 72 (50%) were younger than 16 years. One hundred six (73%) of the injured were males, and 39 (27%) were females.

We were able to interview by telephone 113 (77%) of the 146 injured persons. Of those not interviewed, 12 refused participation and 21 were lost due to unavailable or incorrect telephone numbers. Those persons interviewed did not differ significantly by age or sex from those persons not interviewed. For the persons inter-

Table 1.—Fireworks-Related Injuries, by Site and Type, King County, Washington, July 4 Holiday, 1983

Injury Site	No. Injured (%)
Multiple site	57 (39)
Single site	
Burns	41 (28)
Eye	23 (16)
Lacerations	17 (12)
Ear	8 (4)
Other	2 (1)
Total	146 (100)

Table 2.—Fireworks-Related Injuries and Hospitalization Rates, by Responsible Device, King County, Washington, July 4 Holiday, 1983

Fireworks Type	No. Injured (%)	No. Hospitalized (%)*
Ground display	41 (36)	1 (2)
Firecrackers	38 (34)	3 (8)
Aerial	26 (23)	2 (8)
Homemade	8 (8)	2 (33)
Public display	1 (1)	0 (0)
Other	1 (1)	0 (0)
Total	113 (100)	8 (7)

\*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

viewed, the mean time from injury to interview was 25 days. From the telephone interviews, we obtained information on the race of the injured persons, their county of residence, the charges for medical care they received for their injury, the type of fireworks that caused their injury, and the circumstances of injury. The race of those interviewed reflected the racial composition of King County: 101 (89%) were white and 12 (11%) were nonwhite.<sup>5</sup>

The county of residence information allowed a population-based estimate of the incidence of fireworks-related injury during the July 4 holiday in King County. Of the 113 persons interviewed, 98 (87%) were King County residents. Applied to the total of 146 injured persons, this provided an estimated total of 126 King County residents injured by fireworks. The incidence of fireworks-related injury, therefore, was 126 per 1.8 million King County residents, or 9.7 per 100,000 persons for the nine-day interval from June 28 through July 6. The information obtained on medical care charges included both dollars spent and the type and amount of treatment required. The mean dollar charge for care for all injured persons was \$562 (median,

Table 3.—Fireworks-Related Injuries and Hospitalization Rates, by Federal Legal Status of Device Causing Injury, King County, Washington, July 4 Holiday, 1983

	No. Injured (%)	No. Hospitalized (%)*
Federally legal	66 (58)	2 (3)
Illegal	22 (19)	4 (18)
Unknown status	25 (22)	2 (8)
Total	113 (100)	8 (7)

\*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

\$132), and 14% of those interviewed required care that cost more than \$500. Eight (7%) of those interviewed required hospitalization, for an average of seven days. For these, the average charge for medical care was \$5,431 (median, \$4,688). The other 105 (93%) injured persons were not hospitalized but required an average of 2.4 outpatient visits, at a mean charge of \$191 (median, \$130). Twenty percent of those injured remained under medical care a month after injury.

The type of fireworks device responsible for injury was also determined for all 113 persons interviewed (Table 2). Ground display devices caused 36% of all injuries, 47% of burns, 43% of multiple injuries, and 25% of eye injuries. Firecrackers caused 34% of all injuries, 75% of ear injuries, 42% of lacerations, and 35% of multiple injuries. Aerial devices caused 23% of all injuries, 44% of eye injuries, and 42% of lacerations. Homemade devices, such as lead pipe bombs, caused 5% of all injuries. Hospitalization rates differed by device type, ranging from 0% for injuries caused by public display devices to 33% for injuries caused by homemade devices (Table 2).

We were able to determine the legal status of 88 (78%) of the fireworks devices causing injury (Table 3). If the devices are classified according to the 1982 Washington law, 58 (66%) of the 88 classifiable injuries were caused by legal fireworks and 30 (34%) by illegal fireworks. Nineteen (22%) of the injuries were caused by devices "newly legalized" in 1982. If the devices are classified according to federal law, 66 (75%) of the 88 classifiable injuries were caused by legal devices. The hospitalization rate for persons injured by devices illegal

**Table 4.—Fireworks-Related Injuries, by Circumstances at Time of Injury, King County, Washington, July 4 Holiday, 1983**

Circumstances	No. Injured (%)
Misuse of devices	
Holding in hand	35 (31)
Altered device	12 (11)
Relighting	9 (8)
Hit by thrown device	6 (6)
Exploding inside container	5 (4)
Misused aerial devices	4 (4)
Horseplay	3 (3)
Carried in pocket	1 (1)
Malfunctioning devices	17 (15)
Other	
Hit by sparks	16 (14)
Hit by car while avoiding fireworks, etc.	5 (4)
Total	113 (100)

under federal law (18%) was six times higher than that for persons injured by devices legal under federal law.

Information on the circumstances of injury included the date and time of day of injury, the fireworks use behavior at the time of injury, and whether the person injured was actively using fireworks at the time of injury. Seventy-nine (70%) of the injuries occurred over the three-day July 4 holiday weekend. Of the 113 injuries, 81 (72%) occurred before dark and only 32 (28%) occurred after dark. The fireworks use behaviors at the time of injury are given in Table 4. Misuse or mishandling of fireworks was the cause of 76 (66%) of the injuries, while malfunctioning fireworks caused only 17 (15%) of the injuries. Holding fireworks in the hand was the most common misuse behavior.

Of the 113 persons interviewed, 97 (86%) were actively using fireworks at the time of their injury, and 16 (14%) were innocent bystanders. The active users were predominantly male (78%) and older (mean age, 19.1 years), while the innocent bystanders were more commonly female (62%) and younger (mean age, 14.2 years).

Eighty-four of the injured persons were active users from King County and thus were eligible for the case-control study. Injured persons were compared with controls for both their quantity of exposure to fireworks and their fireworks use behaviors. The quantity of exposure to fireworks over the entire July 4 holiday season,

**Table 5.—Risk of Fireworks-Related Injury, by Device Used, King County, Washington, July 4 Holiday, 1983\***

Fireworks Type	Discordant Matched Pairs†	Odds Ratio (Confidence Intervals)‡
Firecrackers	19/0	3.3 (1.2, 8.6)
Aerial	23/8	2.9 (1.2, 6.8)
Ground display	13/13	0.9 (0.4, 2.0)

\*n=168.

†Case exposed, control not exposed/case not exposed, control exposed.

‡Odds ratio from conditional logistic regression model.

§95% confidence intervals, precision-based.

**Table 6.—Risk Factors for Fireworks-Related Injuries, King County, Washington, July 4 Holiday, 1983\***

Behavior	Discordant Matched Pairs†	Odds Ratio (95% Confidence Intervals)‡
Not usually supervised by adults	23/2	11.5 (2.8, 100.6)§
Drinking¶	11/13	0.8 (0.3, 2.0)¶
Relighting	27/3	8.5 (1.3, 43.0)¶
Throwing	30/4	5.8 (1.2, 26.2)¶
Holding in hand	24/6	4.7 (1.2, 18.0)¶
Bending over to light	30/0	4.0 (1.3, 12.0)¶
Carrying in pocket	22/3	1.9 (0.4, 8.3)¶
Others throwing	24/13	1.8 (0.8, 4.9)¶
Exploding inside containers	24/2	0.8 (0.2, 2.5)¶
Others drinking	18/26	0.3 (0.1, 0.9)¶

\*n=168 unless otherwise indicated.

†Case exposed, control not exposed/case not exposed, control exposed.

‡§§ aged 15 years or younger, n=82.

¶McNemar odds ratio, with exact 95% confidence intervals.

§§§ aged 16 years or older, n=82.

§§§§ Odds ratio from conditional logistic regression model with precision-based 95% confidence intervals.

as measured by dollars spent and number of days used, was not significantly different for injured persons and controls. Injured persons spent a mean of \$41 (median, \$24) on fireworks, and controls spent \$31 (median, \$20). Injured persons used fireworks for a mean of 3.0 days, and controls used fireworks for a mean of 2.7 days.

Injured persons and controls did differ significantly in their use of specific fireworks types (Table 5). Use of firecrackers had the highest risk of injury, and use of aerial devices also carried a significant risk. Use of ground display devices, however, was not associated with injury. A conditional logistic regression model that included all three of these variables yielded similar results (Table 5).

The risks of injury associated with various fireworks use behaviors are given in Table 6. The highest risk was associated with lack of adult supervision (asked only of those aged 15 years or younger). Other behaviors with significantly elevated risk in a univariate analysis were relighting fireworks that do not ignite at first, throwing fireworks, carrying fire-

works in one's pocket, bending over fireworks to light them (instead of approaching them from the side), and holding fireworks in the hand. Behaviors that were not found to carry a significantly elevated risk of injury were exploding fireworks inside of containers, accompanying persons who were throwing fireworks, drinking alcohol while using fireworks (asked only of those aged 16 years or older), or accompanying persons who were drinking alcohol while using fireworks. A conditional logistic regression model included the eight behavior questions that were asked of persons of all ages and excluded the parental supervision and alcohol use questions. Results were similar to those of the univariate analysis; however, carrying fireworks in one's pocket was no longer significantly associated with injury in this model.

#### COMMENT

We carried out active surveillance of fireworks-related injuries in emergency facilities in the metropolitan Seattle area during the 1983 July 4 holiday and found a substantial number of expensive injuries. Our

surveillance identified 146 persons who were injured during the nine-day sales period and provided an estimated incidence of 9.7 fireworks-related injuries per 100,000 persons. This incidence is three times as high as the 3.1 injuries per 100,000 persons estimated by the National Electronic Injury Surveillance System (NEISS) during the 1981 July 4 holiday.<sup>1</sup> Although most of the difference between our estimate and the NEISS estimate can probably be accounted for by the fact that some other states have more restrictive fireworks laws than Washington, some of the difference may be due to our more complete case ascertainment. The NEISS reporting network includes only hospital emergency rooms. In our study, 14% of the fireworks-related injuries were reported by nonhospital emergency clinics.

The average charge for medical care required for the injured persons we interviewed was quite high—\$562. Even higher was the average cost for hospitalized injured persons—\$5,431. If we accept the NEISS estimate of 11,400 fireworks-related injuries in the United States in 1981,<sup>2</sup> then the direct costs of fireworks-related injuries in that year approximated \$6.5 million. This estimate includes only immediate direct costs but does not include lifetime medical care costs, or indirect costs, such as time lost from work and decreased productivity. These other costs may be large. Twenty-two percent of the injuries in our study involved the eye. While we did not systematically determine the long-term sequelae of these injuries, Wilson found that 30% of fireworks-related eye injuries in Arkansas resulted in irreversible visual loss.<sup>3</sup>

Our study showed that most persons injured by fireworks were young males. Half of the injured persons were younger than 16 years, and almost three fourths were male.

These findings agree with those of earlier studies.<sup>4,5</sup> Our study design did not allow us to determine, however, whether young males are truly at greater risk for fireworks-related injury or whether they are simply more frequent users of fireworks.

As in other studies, most (75%) of the injuries we identified resulted from use of fireworks that are legal under federal law. The NEISS<sup>6</sup> found that 80% of fireworks-related injuries were caused by federally legal class C devices, while McPheters and Straehley<sup>7</sup> in Hawaii found that 90% were caused by federally legal devices. Injuries caused by legal devices were not as likely to result in hospitalization, however, as those caused by illegal devices.

Our case-control study determined that it was not greater exposure to fireworks in general, but exposure to firecrackers and aerial devices in particular, that was associated with increased risk of injury. The case-control method differentiated between the popularity of devices (ground-display devices caused the most injuries) and the relative danger of the devices (firecrackers and aerial devices had significantly elevated risk associated with their use).

Several fireworks use behaviors were associated with increased risk of injury. Paramount among these was the use of fireworks by children without adult supervision. A surprising result was the lack of association between alcohol use and fireworks-related injury. This is inconsistent with the association between alcohol use and other types of injury.<sup>8</sup> The apparent protective effect of being accompanied by a person using alcohol was a result of confounding by parental supervision.

The combined results of our surveillance and case-control studies suggest legislative and educational strategies for prevention of fire-

works related injury. Most of the injuries we found were caused by legal fireworks. In addition, we identified two types of fireworks—firecrackers and aerial devices—that place their users at increased risk of injury. Legislation, on either a federal or state level, to decrease the availability of these two device types may result in a decrease in the number of fireworks-related injuries. The other prevention strategy is education. Most of the injuries we identified were caused by misuse of fireworks, and most occurred in children. The high risk associated with lack of parental supervision of children indicates that increased parental supervision and a consequent reduction in general fireworks misuse might decrease the number of injuries among children. Washington State's recent experience suggests that legislation is the more effective of these two strategies. Sale of firecrackers and some aerial devices was legalized in 1982, and the number of injuries in 1982 was twice that in 1981.<sup>9</sup> Between the 1982 and 1983 seasons, no further law changes were made, but a large fireworks safety educational campaign was undertaken, and the number of injuries did not decrease but increased slightly (authors' unpublished observations).

We will have the opportunity to evaluate further the effect of legislation. In March 1984, Washington's Governor John Spellman signed into law Engrossed Substitute House Bill 1652, which will again make the sale of firecrackers and some exploding aerial devices illegal.

We are grateful to the emergency facility supervisors who helped with data collection, to Joy Herndon, MS, Division of Surveillance and Epidemiologic Studies, Epidemiology Program Office, Centers for Disease Control, Atlanta, for statistical assistance, to Bette Lebens for manuscript preparation, and to Elizabeth Hatfield, MPH, National Society to Prevent Blindness, for guidance in study design.

#### References

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4. Breslow NE, Day NE: *Analysis of Case-Control Studies*. In *Statistical Methods in Cancer Research*. Lyon, France, International Agency for Research on Cancer, 1980, vol 1, p 248.
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BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

DIVISION OF FORESTRY

Pouch 7-005  
Anchorage, Alaska 99510  
PHONE: (907) 276-2653

9-1111

January 17, 1985

JAN 23 1985

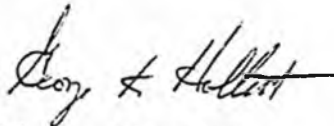
Representative Pat Pourchot  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Attention: Mr. Richard Ramsey

Dear Mr. Ramsey:

You recently requested that my office provide you with statistics for wildland fires caused by fireworks. We have consolidated the available data from both the State and federal fire protection agencies for the past three years. This should provide a representative picture of fireworks impact on the fire suppression effort. Please realize that the data presented cannot be 100 percent accurate because of the difficulty of accurately determining the exact cause of all fires to which these agencies respond. Associated acreages burned and suppression cost data is also supplied for your information.

Sincerely,



*JL* John L. Sturgeon  
State Forester

WILDLAND FIRES CAUSED BY FIREWORKS  
ALASKA DIVISION OF FORESTRY  
1982-1984

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
<u>Area Protected by Alaska Division of Forestry</u>							
1982	13	149	8%	5.25	1,295	26,386	2,300,000
1983	19	366	5%	3.15	32,276	5,477	6,400,000
1984	27	436	6%	369.0	8,167	31,924	5,800,000
<u>Area Protected by the USDA Forest Service</u>							
1982	1	25	4%	.1	4	400	DNA
1983	2	26	8%	.2	37.6	800	DNA
1984	4	20	20%	7.2	13	7,600	DNA
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

FIREWKS = fireworks

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
<u>Area Protected by Alaska Division of Forestry</u>							
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1983	2	26	8%	.2	37.6	800	DNA
1984	4	20	20%	7.2	13	7,600	DNA
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available



# National Safety Council

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## National Safety Council Policy on USE OF FIREWORKS

### POLICY

The National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions.

### BASIS

The misuse of fireworks by adults and children continues to cause several thousand needless injuries and deaths each year. Such accidents occur in spite of legislation banning the sale of certain types of fireworks in many states, as well as recently enacted federal regulations.

Enforcement of these regulations is exceedingly difficult, or lax, and use of fireworks continues to be a common practice.

### IMPLEMENTATION

The National Safety Council supports in principle the public displays of fireworks under controlled conditions, but advocates more stringent regulations prohibiting the sale and indiscriminate use by adults and children. It is very evident that present regulations have not achieved the predicted reduction in fires and in deaths and injuries to children and adults from fireworks.

The National Safety Council strongly urges appropriate federal and state agencies to rigidly enforce existing regulations prohibiting sales of fireworks or their ingredients.

And it encourages local and state authorities to more diligently enforce existing legislation banning the sale and use of fireworks by the general public.

The National Safety Council calls upon all organizations and agencies concerned with the safety of the American public to intensify their educational efforts to inform adults and children regarding the hazards inherent in the use of fireworks.

FIREWORKS INJURIES

1981

Deborah Kale

Beatrice Harwood

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Directorate for Epidemiology

Division of Hazard Analysis

## FIREWORKS

### Summary

Firework-related injuries have increased, albeit irregularly, since 1974. The 1981 estimate, 11,400 injuries, equals the previous high of 11,100 estimated for the Bicentennial year.

An annual study conducted during the Independence Day holidays indicates that firecrackers continue to account for a major portion of firework-related injuries. Injuries attributed to the more powerful devices, the federally banned Class B firecrackers, appear to have decreased somewhat in recent years. However, injuries identified with Class C firecrackers, a category which since December 1976 has included both legal and illegal devices, have demonstrated an increase over the last couple of years to a point above that estimated for 1976. (In 1976 CPSC reduced the amount of permissible pyrotechnic charge in Class C firecrackers from 130 to 50 milligrams, but their physical dimensions, historically about 1½ by ¾ inch diameter, do not necessarily identify the amount of charge). Injuries associated with fireworks other than firecrackers have also increased over their previous high reported during the Bicentennial year.

Fire department data, which was reviewed from four states for years 1977 through 1980 indicates an increase in firework-related fires during this time period. Unlike personal injury cases, which involved firecrackers more frequently than other kinds of fireworks, house fire incidents most frequently involved rocket-type fireworks, which usually ignited roofing materials.

Data from previous years have indicated that most injuries associated with both (federally) legal and illegal fireworks involved misuse rather than product malfunction. Moreover, injuries attributed to permissible fireworks, from either misuse or malfunction, were generally minor, and did not often require hospitalization.

Nevertheless, the upward trend in injuries and fires over the last several years is disconcerting. Even if the increase merely reflects production and sales trends, the fact that fireworks continue to be associated with a large number of preventable injuries each year is a problem of continuing concern.

H B

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STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/21/86, 8:30 am



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 21, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### I N D E X

- I. PROPOSED VERSION CSHB 68 (RULES)
- II. POSITION PAPER - DEPT. OF COMMERCE AND ECONOMIC DEVELOPMENT
- III. BACKGROUND FOR SSHB 68
- IV. FISCAL NOTE
- V. CSHB 68 (L&C)
- VI. HB 68

**I**  
Bannister  
4/17/86 ✓

Original sponsor: Shultz

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 68 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicle liability insur-  
7 ance."

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

9 \* Section 1. AS 28.22.010 is repealed and reenacted to read:

10 Sec. 28.22.010. MOTOR VEHICLE LIABILITY POLICY. (a) An owner's  
11 motor vehicle liability policy must designate by description or appro-  
12 priate reference the motor vehicles that it covers and insure the  
13 person named against loss from the liability imposed by law for dam-  
14 ages that arise from the ownership, maintenance, or use of a desig-  
15 nated motor vehicle <sup>deleted:</sup> *[or the use by an insured person of a nonowned motor vehicle]*

16 (b) An operator's motor vehicle liability policy must insure the  
17 person named as insured against loss from the liability imposed by law  
18 for damages that arise from the use by the operator of a motor vehicle  
19 not owned by the operator.

20 (c) A personal motor vehicle liability policy must insure the  
21 person named as insured against loss from the liability imposed by law  
22 for damages that arise from the ownership, maintenance, or use by the  
23 named person of an owned or nonowned motor vehicle.

24 (d) A motor vehicle liability policy must provide coverage in  
25 the United States or Canada, subject to limits exclusive of interest  
26 and costs, with respect to each vehicle, as follows:

27 (1) \$50,000 because of bodily injury to or death of one  
28 person in one accident, and, subject to the same limit for one person,  
29 \$100,000 because of bodily injury to or death of two or more persons

1 in one accident; and

2 (2) \$25,000 because of injury to or destruction of property  
3 of others in one accident.

4 (e) A motor vehicle liability policy must provide coverage under  
5 AS 28.22.100 - 28.22.130 in the amounts set out in (d) of this section  
6 for the protection of the persons insured under the policy who are  
7 legally entitled to recover damages from the owner or operator of an  
8 uninsured or underinsured motor vehicle because of bodily injury or  
9 death, or damage to or destruction of property arising out of the  
10 ownership, maintenance, or use of the uninsured or underinsured motor  
11 vehicle.

12 (f) A motor vehicle liability policy must state the name and  
13 address of the named insured and meet the requirements of AS 21.42.-  
14 160 - 21.42.170. In the absence of specific contract language or  
15 endorsement, the motor vehicle liability policy issued for a person in  
16 this state is presumed to meet the minimum requirements of (d) of this  
17 section.

18 \* Sec. 2. AS 28.22.100(b) is amended to read:

19 (b) If both the owner and operator of a [THE UNINSURED] vehicle  
20 are unknown, payment under the uninsured and underinsured motorists  
21 coverage may be made only where direct contact between the [INSURED  
22 AND UNINSURED OR UNDERINSURED] motor vehicles has occurred. A vehicle  
23 and operator that have [HAS] left the scene of the accident with  
24 another [AN INSURED] vehicle are [IS] presumed to be uninsured if the  
25 insured person reports the accident to the appropriate authorities  
26 within 24 hours.

27 \* Sec. 3. AS 28.22.100(c) is amended to read:

28 (c) The uninsured and underinsured motorists coverage for damage  
29 to or destruction of property is subject to a deductible of \$250 in

1 any one accident, but the insurer may offer a deductible other than  
2 \$250. This coverage shall be limited to damage to or destruction of  
3 the covered [INSURED] motor vehicle. It may not include loss of use  
4 of such vehicle.

5 \* Sec. 4. AS 28.22.200(a) is amended to read:

6 (a) The operator or owner of a motor vehicle subject to regis-  
7 tration under AS 28.10.011 when driven on a highway, vehicular way or  
8 area, or on other public property in the state, shall be insured under  
9 a [HAVE] motor vehicle liability policy [INSURANCE] that complies with  
10 this chapter or a certificate of self-insurance that complies with  
11 AS 28.20.400 [IN EFFECT FOR THE MOTOR VEHICLE], unless

12 (1) the motor vehicle is being driven or moved on a high-  
13 way, vehicular way, or a public parking place in the state that is not  
14 connected by a land highway or vehicular way to

15 (A) the land-connected state highway system, or

16 (B) a highway or vehicular way with an average daily  
17 traffic volume greater than 499; and

18 (2) the operator has not been cited within the preceding  
19 five years for a traffic law violation with a demerit point value of  
20 six or more on the point schedule determined under regulations adopted  
21 by the department under AS 28.15.221.

22 \* Sec. 5. AS 28.22.600 is repealed and reenacted to read:

23 Sec. 28.22.600. DEFINITION. In this chapter, "motor vehicle  
24 liability policy" means an owner's policy, an operator's policy, or a  
25 personal policy that

26 (1) meets the requirements established under AS 28.22.010;  
27 and

28 (2) is issued by an insurance carrier authorized to  
29 transact business in the state to or for the benefit of the person

1            named as insured.  
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CSHB 68 (L&C): "An Act relating to motor vehicle liability insurance."

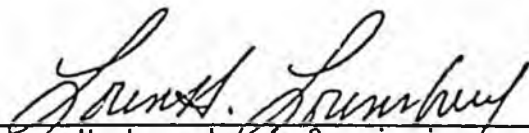
The department is in favor of this legislation, if amended. This legislation offers a third form of automobile insurance that may comply with the provisions of the mandatory automobile insurance law which became effective on January 1, 1985.

Under current law, there are two forms of automobile liability insurance recognized. The first is "owner's" coverage which insures an owner for a specified vehicle or vehicles and anyone operating the specified vehicle with the consent of the owner. Typically, there is also a limited extent of nonowned vehicle coverage extended for temporary replacement vehicles.

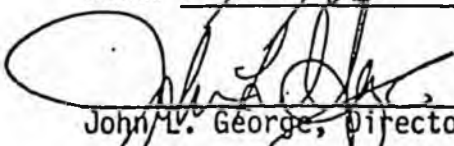
The second form is "operators" coverage which covers the insured person's use of nonowned vehicles only. Typically, this coverage is written for a person who does not own a motor vehicle but may be driving nonowned vehicles.

The two available forms can work a financial hardship on persons owning a number of vehicles, where that person is the sole operator of a motor vehicle. For this person and others who wish to avail themselves of the option, a third choice is proposed. This option is called the "personal" policy and it is a combination of the first two forms. This form covers all vehicles operated by only the person named, whether the vehicle operated is owned or not. No vehicles are specified and coverage would not extend to other operators. This kind of coverage will be particularly attractive to the owner and sole operator of a number of vehicles.

During work on the CS, a provision was unintentionally added to the description of the "owner's" coverage. The language on page 1, lines 15-16, "or the use by an insured person of a nonowned motor vehicle" should be removed. Inclusion of this language substantially and unnecessarily broadens that form of coverage.

  
Loren H. Lounsbury, Commissioner  
Department of Commerce & Economic  
Development

Date: 2/26/86

  
John L. George, Director of Insurance

Date: 5/25/86

III

BACKGROUND FOR  
SS HOUSE BILL 68

THE PURPOSE OF THIS BILL IS TO PROVIDE AN ALTERNATIVE TO THE PRESENT METHOD OF PURCHASING MANDATORY LIABILITY INSURANCE. IT IS DESIGNED FOR THE DRIVER WHO OWNS NUMEROUS VEHICLES BUT ONLY DRIVES THEM A PART OF THE YEAR. WE FEEL IT IS THE DRIVER WHO NEEDS THE LIABILITY INSURANCE AND NOT THE VEHICLE. THERE ARE INSURANCE COMPANIES TODAY WHO WRITE LIABILITY INSURANCE POLICIES FOR PERSONS WHO OPERATE BUT DON'T OWN A VEHICLE. THE BILL HAS A LARGE GROUP OF SUPPORTERS WHO ARE IN THE CATEGORY OF OWNING A LOT OF VEHICLES BUT ONLY DRIVE THEM FOR SHORT PERIODS DURING THE YEAR. THIS BILL IS MEANT TO BE A VIABLE ALTERNATIVE ONLY FOR OBTAINING LIABILITY INSURANCE AND IS NOT MEANT TO REPLACE ANY OTHER INSURANCE PROGRAM PRESENTLY IN EFFECT.

ANALYSIS OF CS FOR HB 68 (LABOR AND COMMERCE)

Sec. 1. AS 28.22.010 is repealed and reenacted to read:

- (a) Sec. 28.22.010 Motor Vehicle Liability Policy --owners policy must designate by description or reference the vehicle covered and the name of the person insured against liability.
- (b) operators liability policy must insure person named as insured from liability imposed by law for damages arising from use by operator of vehicle not owned by operator
- (c) a personal motor vehicle liability policy must insure person named as insured against loss for damages arising from ownership maintenance or use by a person of an owned or unowned vehicle
- (d) Must provide coverage in U. S. and Canada
  - (1) \$50,000.00 bodily injury or death of one person--\$100,000.00 for 2 persons.
  - (2) \$25,000.00 to cover injury to or destruction of property of other, in one accident
- (e) Must provide coverage under AS 28.22.100--28.22.130 in amounts set forth in (d) of this section.
- (f) Policy must state name and address of insured and meet requirements of AS 21.42.160--21.42.170

Sec. 2. AS 28.22.100 (b) is amended to read :

- (b) If owner and operator of a vehicle are unknown, payment under the uninsured or underinsured coverage maybe made only where direct contact between motor vehicles has occurred . If one person leaves the scene of an accident, the other person is presumed to be insured if he or she reports the accident to the authorities within 24 hours.

Sec. 3 AS 28.22.100 (c) is amended to read:

- (c) deductible of \$250.00 is allowed but insurer may offer more or less to insured. This is only allowed in case of damage to vehicle and does not include loss of use of vehicle.

Sec. 4 AS 28.22.200 (a) is amended to read:

- (a) Owner or operator must have insurance in compliance with this chapter or that complies with AS 28.20.400 unless
  - (A) Vehicle is moved on land not connected to highway system
  - (B) Highway has a daily traffic volume greater than 499 and
- (2) Operator has not been cited within preceding 5 years or a traffic law violation of more than 6 demerits value under regulations adopted by the dept. under AS 28.15.221.

ANALYSIS OF CS FOR HB 68 (LABOR AND COMMERCE)

- Sec. 5. Gives definition of "motor vehicle liability policy" that
- (1) meets requirements under AS 28.22.010
  - (2) insurance carriers authorized to do business in the State of Alaska for the benefit of the person insured.

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

March 5, 1985

*File  
W.H. #B68*

The Honorable Dick Shultz  
House of Representatives  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

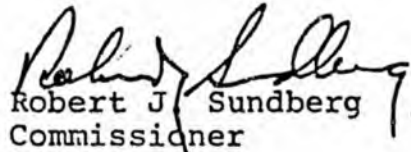
Dear Representative Shultz:

I have reviewed Committee Substitute for House Bill 68 "An act relating to motor vehicle liability insurance".

The broader interpretation addressed in the aforementioned committee substitute clarifies the scope and insurance policy needs to meet the requirements of vehicle liability insurance.

The Department supports the amendments.

Sincerely,

  
Robert J. Sundberg  
Commissioner

Enclosure

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

**IV**

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

**REQUEST**

Bill/Resolution No.: CSHB 68 (I&C)  
Title: An Act relating motor  
vehicle liability insurance

Sponsor: Labor and Commerce  
Requestor: Labor and Commerce  
Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Alaska Public Utilities Comm.  
BRU: Commerce and Econ Dev.

Components: Public Protection  
Division of Insurance

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of dollars)**

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

**POSITIONS:**

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

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

Prepared by: John L. George, Director  
Division: Alaska Public Utilities Commission  
Approved by Commissioner: John H. Tommsbury  
Agency: Commerce and Economic Development

Phone: 465-2515  
Date: February 20, 1986  
Date: February 20, 1986

Distribution (by Agency preparing fiscal note):

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

Offered: 4/24/85  
Referred: Judiciary and  
Finance

Original sponsor: Shultz

V

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 68 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to motor vehicle liability insurance."

7

8

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

9

\* Section 1. AS 28.22.010 is repealed and reenacted to read:

10

Sec. 28.22.010. MOTOR VEHICLE LIABILITY POLICY. (a) An owner's

11

motor vehicle liability policy must designate by description or appropriate

12

reference the motor vehicles that it covers and insure the

13

person named against loss from the liability imposed by law for damages

14

that arise from the ownership, maintenance, or use of a designated

15

motor vehicle, <sup>delete.</sup> or the use by an insured person of a nonowned

16

motor vehicle.]

17

(b) An operator's motor vehicle liability policy must insure the

18

person named as insured against loss from the liability imposed by law

19

for damages that arise from the use by the operator of a motor vehicle

20

not owned by the operator.

21

(c) A personal motor vehicle liability policy must insure the

22

person named as insured against loss from the liability imposed by law

23

for damages that arise from the ownership, maintenance, or use by the

24

named person of an owned or nonowned motor vehicle.

25

(d) A motor vehicle liability policy must provide coverage in

26

the United States or Canada, subject to limits exclusive of interest

27

and costs, with respect to each vehicle, as follows:

28

(1) \$50,000 because of bodily injury to or death of one

29

person in one accident, and, subject to the same limit for one person,

1 \$100,000 because of bodily injury to or death of two or more persons  
2 in one accident; and

3 (2) \$25,000 because of injury to or destruction of property  
4 of others in one accident.

5 (e) A motor vehicle liability policy must provide coverage under  
6 AS 28.22.100 - 28.22.130 in the amounts set out in (d) of this section  
7 for the protection of the persons insured under the policy who are  
8 legally entitled to recover damages from the owner or operator of an  
9 uninsured or underinsured motor vehicle because of bodily injury or  
10 death, or damage to or destruction of property arising out of the  
11 ownership, maintenance, or use of the uninsured or underinsured motor  
12 vehicle.

13 (f) A motor vehicle liability policy must state the name and  
14 address of the named insured and meet the requirements of AS 21.42.-  
15 160 - 21.42.170. In the absence of specific contract language or  
16 endorsement, the motor vehicle liability policy issued for a person in  
17 this state is presumed to meet the minimum requirements of (d) of this  
18 section.

19 \* Sec. 2. AS 28.22.100(b) is amended to read:

20 (b) If both the owner and operator of a [THE UNINSURED] vehicle  
21 are unknown, payment under the uninsured and underinsured motorists  
22 coverage may be made only where direct contact between the [INSURED  
23 AND UNINSURED OR UNDERINSURED] motor vehicles has occurred. A vehicle  
24 and operator that have [HAS] left the scene of the accident with  
25 another [AN INSURED] vehicle are [IS] presumed to be uninsured if the  
26 insured person reports the accident to the appropriate authorities  
27 within 24 hours.

28 \* Sec. 3. AS 28.22.100(c) is amended to read:

29 (c) The uninsured and underinsured motorists coverage for damage

1 to or destruction of property is subject to a deductible of \$250 in  
2 any one accident, but the insurer may offer a deductible other than  
3 \$250. This coverage shall be limited to damage to or destruction of  
4 the covered [INSURED] motor vehicle. It may not include loss of use  
5 of such vehicle.

6 \* Sec. 4. AS 28.22.200(a) is amended to read:

7 (a) The operator or owner of a motor vehicle subject to regis-  
8 tration under AS 28.10.011 when driven on a highway, vehicular way or  
9 area, or on other public property in the state, shall be insured under  
10 a [HAVE] motor vehicle liability policy [INSURANCE] that complies with  
11 this chapter or a certificate of self-insurance that complies with  
12 AS 28.20.400 [IN EFFECT FOR THE MOTOR VEHICLE], unless

13 (1) the motor vehicle is being driven or moved on a high-  
14 way, vehicular way, or a public parking place in the state that is not  
15 connected by a land highway or vehicular way to

16 (A) the land-connected state highway system, or

17 (B) a highway or vehicular way with an average daily  
18 traffic volume greater than 499; and

19 (2) the operator has not been cited within the preceding  
20 five years for a traffic law violation with a demerit point value of  
21 six or more on the point schedule determined under regulations adopted  
22 by the department under AS 28.15.221.

23 \* Sec. 5. AS 28.22.600 is repealed and reenacted to read:

24 Sec. 28.22.600. DEFINITION. In this chapter, "motor vehicle  
25 liability policy" means an owner's policy, an operator's policy, or a  
26 personal policy that

27 (1) meets the requirements established under AS 28.22.010;

28 and

29 (2) is issued by an insurance carrier authorized to

1 transact business in the state to or for the benefit of the person  
2 named as insured.

H B

1 2 3

5 / 10 / 85

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

*House Rules 5-10-85 12:57pm*

COMMITTEE REPORT

HOUSE

(7)

5/3/85

FURTHER:

Date: 5/10/85

The Committee on RULES has had HB 123

"An Act extending the termination date of the board of pharmacy; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 123 (Rules)  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Jan Jelle

Terry Martin

Ben [unclear]

M.W. Miller

Mich [unclear]

F. Keywallin

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Rob [unclear] no rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller

CHAIRMAN

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

5/3/85

Date: 5/10/85

The Committee on RULES has had HB 123

"An Act extending the termination date of the board of pharmacy; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Jan Zella

Terri Martin

Ben [unclear]

M.W. Miller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller

CHAIRMAN

The Proposed Rules CS would  
extend the board of pharmacy to  
June 30, 1985 and the board  
would thus enter their sunset  
phase from July 1, 1985 to  
June 30, 1986

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 123 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act extending the termination date of the Board  
7 of Pharmacy; and providing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(4) is amended to read:

10 (4) Board of Pharmacy (AS 08.80.010) -- June 30, 1985

11 [1984].

12 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
13 10.070(c).

*Cramer*

Original sponsor: Rules/Governor

IN THE HOUSE

BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 123 (Rules)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act extending the termination date of the Board of Pharmacy; and providing for an effective date."

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

\* Section 1. AS 08.03.010(c)(4) is amended to read:

(4) Board of Pharmacy (AS 08.80.010) -- June 30, 1985

[1984].

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

*sunset:  
July 1, 1985  
to June 30, 1986*

## BILL HISTORY

HB 123HOUSE CALENDAR:

BILL HB0123  
 PAGE 00145  
 DATE 01/25/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 123 by the Rules Committee by request of the Governor, entitled:

"An Act extending the termination date of the Board of Pharmacy; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, Health, Education & Social Services and the Finance Committees.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 8.

The Governor's transmittal, dated January 25, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years. Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

I urge your prompt action on this bill.

Sincerely,

/s/

Bill Sheffield  
 Governor"

BILL HB0123  
 PAGE 00357  
 DATE 02/15/85  
 CHAMBER HOUSE  
 TEXT The Labor & Commerce Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Navarre (Chairman), Davis, Boucher and Koponen recommend do pass; Pearce, Collins and Hanley have no recommendation. The previous zero fiscal note was approved. HB 123 was referred to the Health, Education & Social Services Committee.

BILL HB0123  
PAGE 00599  
DATE 03/15/85  
CHAMBER HOUSE  
TEXT The Health, Education & Social Services Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Koponen and Gruenberg (Co-Chairs), Thompson, Taylor and Hurley recommend do pass; Hanley signed "Do Not Pass - Substitute"; Pettyjohn signed "Do not pass unless amended".

HOUSE  
HB 123 was referred to the Finance Committee.

BILL HB0123  
PAGE 01261  
DATE 05/03/85  
CHAMBER HOUSE  
TEXT The Finance Committee has considered HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) and reports it back as follows: Adams (Chairman), Ringstad, Duncan, Larson, Pourchot, Szymanski, Uehling, Cotten, Rieger, Frank and Binkley recommend do pass.  
HB 123 was referred to the Rules Committee for placement on the calendar.

Board of  
Pharmacy  
(extending)

HOUSE BILL NO. 123, by the Rules Committee by Request of the Governor. Extends the Board of Pharmacy until June 30, 1988 (currently set to terminate June 30, 1984). Act takes effect immediately.

Introduced January 25 and referred to Labor & Commerce, Health, Education & Social Services, then Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

HOUSE BILL NO. 123, (see page 147). Reported back to the House February 15 by Labor & Commerce as follows: Navarre (Chair), Davis, Boucher and Koponen recommend it do pass. Pearce, Collins and Hanley had no recommendation. To Health, Education and Social Services.

HOUSE BILL-NO. 123, (see pages 147;285). Reported back to the House March 15 by Health, Education & Social Services recommending as follows: Koponen and Gruenberg (co-Chairs Thompson, Taylor and Hurley recommend do pass. Hanley signed "do not pass - substitute." Pettyjohn signed "do not pass unless amended." To Finance.

HOUSE BILL NO. 123, (see pages 147;285;457). Reported back to the House May 3 from Finance recommending that it do pass. Concurring: Adams (chair), Ringstad, Duncan, Larson, Pourchot, Szymanski, Uehling, Cotten, Rieger, Frank and Binkley. To Rules.

January 25, 1985

HOUSE JOURNAL  
SUPPLEMENT

No. 8

HB  
123

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: October 9, 1984

REQUEST

Bill/Resolution No.: HB 123  
Title: An Act relating to the con-  
tinuation of the Board of Pharmacy  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.  
Program Category Affected: \_\_\_\_\_  
Consumer Protection  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FEDERAL FUNDS</b>						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FULL-TIME</b>						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill extends the function of the Board of Pharmacy which was sunsetted and expected to terminate on June 30, 1985. Funding for operating costs of the board is included in the agency's FY '86 budget request.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 10/19/84

Approved by Commissioner: Richard A. Lyon Date: 12/11/84  
Agency: Commerce and Economic Development

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

7/1/84

H B

1 4 0

4 1/2 3 1/8 5

STATE OF ALASKA  
THE LEGISLATURE

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JUNEAU, ALASKA 99811  
907-465-3800

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee , 4/23/1985, 8:30 am

CALL MEETING TO ORDER:

AGENDA  
HOUSE RULES STANDING COMMITTEE  
APRIL 23, 1985

T I M E - indicate time -

INDICATE MEMBERS PRESENT AND ABSENT:

Committee Members: Chairman M.W. Miller  
Vice-Chair Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

THE COMMITTEE CALENDAR TODAY IS:

HB 140 - "An Act relating to the use of teleconferencing  
under the Administrative Procedure Act."  
(Rules by Request of the Governor)

The Proposed Rules CS incorporates changes suggested by the Director of the Division of Legal Services, Bill Berrier. Included in the packets for today is an analysis from the Attorney General's Office on these changes.

Request a motion to adopt CSHB 140(Rules) and bring it before the committee for discussion.

(MIKE) - PETER B. FROHLICH, ASSISTANT ATTORNEY GENERAL IS AVAILABLE TO TESTIFY ON THE CHANGES MADE ON THE RULES CS, AS WELL AS BILLY BERRIER, DIRECTOR OF THE DIVISION OF LEGAL SERVICES.

The RULES CS MAKES 5 CHANGES TO CSHB 140(FINANCE).

1. °Page 1, line 29, after "section." ADD: except for meetings of a house of the legislature.
2. °Page 2, line 2, after "teleconferencing" DELETE: "according to regulations adopted by the commissioner of administration. The regulations must include a provision that"
3. °Page 2, line 13, after "meeting" DELETE: "general topics to be discussed or considered" ADD if the meeting is by teleconference
4. °Page 3, line 3, after "meetings" DELETE: "and is to provide the broadest input and dissemination of information practicable"
5. °Page 3, line 8, after "MAIL VOTE". DELETE: "If voting in person is not reasonably possible"

FURTHER DISCUSSION?

REQUEST APPROVAL OF THE MOTION TO PASS CSHB 140 RULES FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE

APRIL 23, 1985

#### AGENDA

- HB 140 - "An Act relating to the use of teleconferencing under the Administrative Procedure Act.  
(Rules by Request of the Governor)

#### I N D E X

- I. MEMORANDUM (4/18/85) - Analysis of differences between CSHB 140(FIN) AND Proposed CSHB 140(RULES) - from Attorney General's Office
- II. PROPOSED CSHB 140(RULES)
- III. CSHB 140(FINANCE)
- IV. ORIGINAL VERSION HB 140
- V. ALASKA STATUTES - TITLE 44. State Government  
CHAPTER 62  
Administrative Procedure Act  
Article 6  
Sec. 44.62.310  
Sec. 44.62.312  
Article 8  
Sec. 44.62.410  
Sec. 44.62.600
- VI. BILL HISTORY - HB 140

# MEMORANDUM

# State of Alaska

TO: Jeannie Smith  
Professional Assistant  
House Rules Committee

DATE: April 18, 1985

FILE NO:

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch  
Attorney General

SUBJECT: Differences between  
CSHB 140(Fin) and  
CSHB 140(Rls)

By: *Peter B. Froehlich*  
Peter B. Froehlich  
Assistant Attorney General  
Legislation/Regulations Section

There are five differences between CSHB 140(Fin) and CSHB 140(Rls). Four of them involve the bill's amendments to our open meeting statutes, AS 44.62.310 and 44.62.312. The differences were suggested on April 13th by Director of Legal Services Bill Berrier and concurred in by Chairman Boucher of the Special Committee on Telecommunications; Chairman Miller, Representative Gruenberg, and Counsel Kaden of the House Judiciary Committee; and Director of Telecommunications Services of the Department of Administration; as well as by myself.

All five differences are listed as follows with page and line references to the Rules version:

- 1) Page 1, line 29, after "section." -- the phrase "except for meetings of a house of the legislature" is added. This eliminates the option of teleconferencing for meetings of a house of the legislature.
- 2) Page 2, line 2, after "teleconferencing." -- the language "according to regulations adopted by the commissioner of administration. The regulations must include a provision that" is deleted. This eliminates any possibility that the commissioner of administration would adopt regulations that could affect the use of teleconferencing by legislative committees. It also enhances flexibility in the use of teleconferencing by all agencies but preserves the commissioner's option under other authority to adopt general regulations on the use of teleconferencing by executive branch agencies only.
- 3) Page ~~2~~<sup>2</sup>, line 13, after "meeting." -- the phrase "general topics to be discussed or considered" is deleted and the phrase "if the meeting is by teleconference" is added. This eliminates the burden on agencies of giving advance notice of every

possible topic to be discussed or considered at a public meeting whether it is teleconferenced or not. It also eliminates a possible technical grounds for challenge of action taken on topics not included in a notice. This change was suggested by the Senate State Affairs Committee in response to a concern raised by the City and Borough of Juneau.

- 4) Page 3, line 3, after "meetings." -- the phrase "and is to provide the broadest input and dissemination of information practicable" is deleted. This eliminates unnecessary and possibly problematic policy statement language.
- 5) Page 3, line 8, after "[MAIL VOTE]." -- the phrase "if voting in person is not reasonably possible" is deleted. This encourages use of teleconference voting as an option to in person voting by executive branch agencies in administrative adjudication.

Everyone at the April 13 meeting expressed the desire that the Rules Committee substitute of this bill reach the floor of the House as soon as possible. If I can provide any further information or assistance towards that end, please let me know.

PBF:md

cc: Rep. Red Boucher, Chair  
House Special Committee on Teleconferencing

Rep. Mike M. Miller, Chair  
House Judiciary Committee

Sen. Mitchell Abood, Chair  
Senate State Affairs Committee

Bill Berrier, Esq.  
Director of Legal Services  
LAA

Hayden Kaden, Esq.  
Counsel to House Judiciary Committee

Sioux Plummer, Director  
Division of Telecommunications Services  
Dept. of Administration

II

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read:

19 (a) All meetings of a legislative body, of a board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state and all government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 this section. ~~added:~~  
30 ~~Except for meetings of a house of the legislature.~~

attendance and participation at meetings by members of the public or  
by members of a body may be by teleconferencing. ~~delete:~~ [according to  
regulations adopted by the commissioner of Administration. The  
are to be considered at the meeting shall be made available at tele-  
regulations must include a provision that]  
conference locations. Except when voice votes are authorized, the  
vote shall be conducted in such a manner that the public may know the  
vote of each person entitled to vote. The vote at a meeting held by  
teleconference shall be taken by roll call. This section does not  
apply to any votes required to be taken to organize a public body  
described [THE BODIES SPECIFIED] in the subsection.

\* Sec. 3. AS 44.62.310(e) is amended to read:

(e) Reasonable public notice shall be given for all meetings  
required to be open under this section. The notice must include the  
date, time, and place of the meeting, and ~~delete:~~ add: ~~delete:~~ [general  
topics to be discussed or considered]  
~~conference~~ the location of any teleconferencing facilities that will  
be used.

\* Sec. 4. AS 44.62.312(a) is amended to read:

(a) It is the policy of the state that

- (1) the governmental units mentioned in AS 44.62.310(a)  
exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units  
be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty  
to the agencies which serve them;
- (4) the people, in delegating authority, do not give their  
public servants the right to decide what is good for the people to  
know and what is not good for them to know;
- (5) the people's right to remain informed shall be protect-  
ed so that they may retain control over the instruments they have  
created;

1                   (6) the use of teleconferencing under this chapter is for  
2                   the convenience of the parties, the public, and the governmental units  
3                   conducting the meetings. delete: [and is to provide the broadest input  
4                   and disseminational information practicable]

\* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

5                   (b) Upon the mutual agreement of the parties, the agency may use  
6                   teleconferencing in the conduct of a hearing under this section.

\* Sec. 6. AS 44.62.600 is amended to read:

7                   delete: [if voting in  
8                   Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. A member of an  
9                   person is not reasonably possible.]  
10                   agency qualified to vote on a question may vote by mail or by telecon-  
11                   ferencing. A vote by teleconferencing shall be recorded in a manner  
12                   that identifies each person who has voted and how the person voted.

\* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
13 read:

14                   Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
15                   conferencing for the benefit or convenience of the parties, the pub-  
16                   lic, or the agency, in connection with a proceeding or act authorized  
17                   under this chapter if all statutory and constitutional rights of the  
18                   parties are waived or adequately protected.

19                   (b) Teleconferencing may be used to establish quorums, receive  
20                   public input, and, if all voting individuals have an opportunity to  
21                   evaluate all testimony and evidence, to vote on actions.

\* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

22                   (c) In this chapter "teleconferencing" means information ex-  
23                   change by audio or video medium.  
24  
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III

Offered: 4/8/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 140 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read:

19 (a) All meetings of a legislative body, of a board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 ~~add: except for meetings of a house of the legislature~~  
Attendance and participation at meetings by members of

11.

delete:

1 the public or by members of a body may be by teleconferencing [accord-  
2 ing to regulations adopted by the commissioner of administration. The  
3 regulations must include a provision that] agency materials that are to  
4 be considered at the meeting be made available at teleconference  
5 locations. Except when voice votes are authorized, the vote shall be  
6 conducted in such a manner that the public may know the vote of each  
7 person entitled to vote. The vote at a meeting held by teleconference  
8 shall be taken by roll call. This section does not apply to any votes  
9 required to be taken to organize a public body described in this [THE  
10 BODIES SPECIFIED IN THE] subsection.

11 \* Sec. 3. AS 44.62.310(e) is amended to read:

12 (e) Reasonable public notice shall be given for all meetings  
13 required to be open under this section. The notice must include the  
14 date, time, and place of the meeting, <sup>delete:</sup> general topics to be discussed  
15 or considered, <sup>add:</sup> it the meeting is by teleconference  
16 and the location of any teleconferencing facilities  
that will be used.

17 \* Sec. 4. AS 44.62.312(a) is amended to read:

18 (a) It is the policy of the state that

19 (1) the governmental units mentioned in AS 44.62.310(a)  
20 exist to aid in the conduct of the people's business;

21 (2) it is the intent of the law that actions of those units  
22 be taken openly and that their deliberations be conducted openly;

23 (3) the people of this state do not yield their sovereignty  
24 to the agencies which serve them;

25 (4) the people, in delegating authority, do not give their  
26 public servants the right to decide what is good for the people to  
27 know and what is not good for them to know;

28 (5) the people's right to remain informed shall be protect-  
29 ed so that they may retain control over the instruments they have

1 created;

2 (6) the use of teleconferencing under this chapter is for  
3 the convenience of the parties, the public, and the governmental units  
4 conducting the meetings ~~and is to provide the broadest input and~~  
5 dissemination of information practicable.

6 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

7 (b) Upon the mutual agreement of the parties, the agency may use  
8 teleconferencing in the conduct of a hearing under this section.

9 \* Sec. 6. AS 44.62.600 is amended to read:

10 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. ~~delete:~~ [If voting in  
11 person is not reasonably possible,] a [A] member of an agency qualified  
12 to vote on a question may vote by mail or by teleconferencing. A vote  
13 by teleconferencing shall be recorded in a manner that identifies each  
14 person who has voted and how the person voted.

15 \* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
16 read:

17 Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
18 conferencing for the benefit or convenience of the parties, the pub-  
19 lic, or the agency, in connection with a proceeding or act authorized  
20 under this chapter if all statutory and constitutional rights of the  
21 parties are waived or adequately protected.

22 (b) Teleconferencing may be used to establish quorums, receive  
23 public input, and, if all voting individuals have an opportunity to  
24 evaluate all testimony and evidence, to vote on actions.

25 \* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

26 (c) In this chapter "teleconferencing" means information ex-  
27 change by audio or video medium.

IV

Introduced: 1/28/85  
Referred: House Special Committee  
on Telecommunications, Judiciary  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. INTENT. The amendments in this Act are intended to allow  
10 state agencies, as defined in AS 44.62, and the public to employ advances  
11 in teleconferencing technology that can increase the efficiency and conve-  
12 nience of transacting business with or by a state agency. Nothing in this  
13 Act is intended to diminish the constitutional or statutory rights of the  
14 parties, or existing procedural safeguards.

15 \* Sec. 2. AS 44.62.210(a) is amended to read:

16 (a) On the date and at the time and place designated in the  
17 notice the agency shall give each interested person or the [HIS]  
18 authorized representative of the person, or both, the opportunity to  
19 present statements, arguments, or contentions in writing, with or  
20 without opportunity to present them orally. The state agency may  
21 accept material presented by any form of communication authorized by  
22 this chapter, unless otherwise designated in the notice, and shall  
23 consider all relevant matter so presented to it before adopting,  
24 amending or repealing a regulation.

25 \* Sec. 3. AS 44.62.310(a) is amended to read:

26 (a) All meetings of a legislative body, of a board of regents,  
27 or of an administrative body, board, commission, committee, subcommit-  
28 tee, authority, council, agency, or other organization, including  
29 subordinate units of the above groups, of the state or any of its

VI

1 political subdivisions, including but not limited to municipalities,  
 2 boroughs, school boards, the University of Alaska, and all other  
 3 boards, agencies, assemblies, councils, departments, divisions, bu-  
 4 reaus, commissions or organizations, advisory or otherwise, of the  
 5 state or local government supported in whole or in part by public  
 6 money or authorized to spend public money, are open to the public  
 7 except as otherwise provided by this section. Attendance and partici-  
 8 pation at meetings by members of the public or by members of a body  
 9 may be by teleconferencing according to reasonable ground rules estab-  
 10 lished by the body conducting the meeting. The ground rules must  
 11 provide that agency materials that are to be considered at the meeting  
 12 are available at teleconference locations. The rules are not con-  
 13 sidered regulations and need not be adopted under AS 44.62.040 --  
 14 44.62.290. Except when voice votes are authorized, the vote shall be  
 15 conducted in such a manner that the public may know the vote of each  
 16 person entitled to vote. This section does not apply to any votes  
 17 required to be taken to organize a public body described in this  
 18 subsection [THE AFORE-MENTIONED BODIES].

19 \* Sec. 4. AS 44.62.310(e) is amended to read:

20 (e) Reasonable public notice shall be given for all meetings  
 21 required to be open under this section. The notice must include the  
 22 date, time, and place of the meeting, general topics to be discussed  
 23 or considered, and the location of any teleconferencing facilities  
 24 which will be used.

25 \* Sec. 5. AS 44.62.312(a) is amended to read:

26 (a) It is the policy of the state that  
 27 (1) the governmental units mentioned in AS 44.62.310(a)  
 28 exist to aid in the conduct of the people's business;  
 29 (2) it is the intent of the law that actions of those units

1 be taken openly and that their deliberations be conducted openly;

2 (3) the people of this state do not yield their sovereignty  
3 to the agencies which serve them;

4 (4) the people, in delegating authority, do not give their  
5 public servants the right to decide what is good for the people to  
6 know and what is not good for them to know;

7 (5) the people's right to remain informed shall be protect-  
8 ed so that they may retain control over the instruments they have  
9 created;

10 (6) the use of teleconferencing under this chapter is for  
11 the convenience of the parties, the public, and the governmental units  
12 conducting the meetings and is to provide the broadest input and  
13 dissemination of information practicable.

14 \* Sec. 6. AS 44.62.410 is amended by adding a new subsection to read:

15 (b) Upon the mutual agreement of the parties, the agency may use  
16 teleconferencing in the conduct of a hearing under this section.

17 \* Sec. 7. AS 44.62.600 is amended to read:

18 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. When normal,  
19 in-person voting is not reasonably possible, a [A] member of an agency  
20 qualified to vote on a question may vote by mail or by teleconferenc-  
21 ing. A vote by teleconferencing must be recorded in a manner that  
22 identifies each person who has voted and on which side of the question  
23 the person voted.

24 \* Sec. 8. AS 44.62 is amended by adding a new section in Article 9 to  
25 read:

26 Sec. 44.62.635. TELECONFERENCING. (a) In addition to the spe-  
27 cific authorizations in this chapter of the use of teleconferencing,  
28 an agency may use teleconferencing for the benefit or convenience of  
29 the parties, the public, or the agency, in connection with any

1 proceeding or act authorized under this chapter, so long as all stat-  
2 utory and constitutional rights of the parties are either waived or  
3 adequately protected.

4 (b) Teleconferencing may be used to establish quorums, receive  
5 public input, and, if all voting individuals have a substantially  
6 equal opportunity to evaluate all testimony and evidence, to vote on  
7 actions.

8 \* Sec. 9. AS 44.62.640 is amended by adding a new subsection to read:

9 (c) In this chapter "teleconferencing" means information ex-  
10 change by audio, video, or computerized electronic media.

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 6.  
Agency Meetings Public.

CITATION Sec. 44.62.310.

CATCH LINE

AGENCY MEETINGS PUBLIC.

TEXT

(a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except when

voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize the bodies specified in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; or

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section.

(f) Action taken contrary to this section is void.

HISTORY

(Sec. 1 art VI (ch 1) ch 143 SLA 1959; am sec. 1 ch 48 SLA 1966; am sec. 1 ch 78 SLA 1968; am sec. 1 ch 7 SLA 1969; am secs. 1, 2 ch 98 SLA 1972; am sec. 2 ch 100 SLA 1972; am sec. 1 ch 189 SLA 1976)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 6.  
Agency Meetings Public.

CITATION Sec. 44.62.312.

CATCH LINE

STATE POLICY REGARDING MEETINGS.

TEXT

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies which serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions.

HISTORY

(Sec. 3 ch 98 SLA 1972)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 8.  
Administrative Adjudication.

CITATION Sec. 44.62.410.

CATCH LINE

TIME AND PLACE OF HEARING.

TEXT The agency shall determine the time and place of hearing. The hearing shall be held in Juneau or Ketchikan, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Southeastern Senate District; in Anchorage if the transaction occurred or the respondent resides within the South Central Senate District; in Fairbanks or Nome, whichever is closer to the place where the transaction occurred or where the respondent resides, if the transaction occurred in or the respondent resides in the Central or Northwestern Senate Districts. The agency may, if the transaction occurred in a senate district other than that of respondent's residence, select the place of hearing appropriate for either district. The agency may select a different place nearer the place where the transaction occurred or where the respondent resides, or the parties by agreement may select any place in the state.

HISTORY (Sec. 9 (ch 2) ch 143 SLA 1959)

HEADINGS TITLE 44.  
State Government.  
CHAPTER 62.  
Administrative Procedure Act.  
ARTICLE 8.  
Administrative Adjudication.

CITATION Sec. 44.62.600.

CATCH LINE

MAIL VOTE.

TEXT A member of an agency qualified to vote on a question may vote by mail.

HISTORY (Sec. 28 (ch 2) ch 143 SLA 1959)

HOUSE CALENDAR:

BILL HB0140  
 PAGE 00182  
 DATE 01/28/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 140 by the Rules Committee by request of the Governor, entitled:

"An Act relating to the use of teleconferencing under the Administrative Procedure Act."

was read the first time and referred to the House Special Committee on Telecommunications, the Judiciary and Finance Committees.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 10.

The Governor's transmittal letter dated January 28, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

Sincerely,  
 /s/  
 Bill Sheffield  
 Governor"

HB0140  
 00559  
 03/11/85  
 HOUSE

The House Special Committee on Telecommunications has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act) and reports it back as follows: Boucher (Chairman), Goll, Wallis and Thompson recommend do pass.

HB 140 was referred to the Judiciary Committee.

HB0140  
 00697  
 03/25/85  
 HOUSE

The Judiciary Committee has considered HOUSE BILL NO. 140 (relating to the use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Phillips and Clocksin recommend do pass.

HB 140 was referred to the Finance Committee.

HB0140  
00838  
04/08/85  
HOUSE

The Finance Ccmmittee has considered HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Uehling, Rieger, Frank and Cotten recommend do pass.

A zero fiscal note with an analysis was attached and appears in House Journal Supplement No. 43.

HB 140 was referred to the Rules Committee for placement on the calendar.

HB0140  
00890  
04/11/85  
HOUSE

HOUSE BILL NO. 140 (use of teleconferencing under the Administrative Procedure Act) was read the second time with the House Special Committee on Telecommunications report (page 559), the Judiciary Committee report (page 697), and the Finance Committee report (page 838).

Representative Clocksin moved and asked unanimous consent that HB 140 be removed from today's calendar and returned to the Rules Committee. There being no objection, it was so ordered.

Use of Teleconferencing

HOUSE BILL NO. 140, by the Rules Committee by Request of the Governor. Confirms and clarifies that teleconferencing is a legal means for increasing public access and input to government bodies (see Governor's message). No effective date (takes effect 90 days after Governor signs bill).

Introduced January 28 and referred to the House Special Committee on Telecommunications, Judiciary and Finance.

In his letter transmitting the bill to the House, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the

Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

HOUSE BILL NO. 140, (see page 138). Reported back to the House from the House Special committee on Telecommunications March 11 as follows: Boucher (Chairman), Goll, Wallis and Thompson recommended do pass. To Judiciary.

HOUSE BILL NO. 140, (see pages 188;457). Reported back to the House March 25 by Judiciary recommending it be replaced with a substitute and that it do pass. concurring: M. M. Miller (Chair), Sund, Gruenberg, Phillips and Clocksin. To Finance.

The Judiciary version deletes the "Intent" section contained in the original. The Judiciary substitute also provides that attendance and participation at meetings by members of the public or by members of a body may be by teleconferencing according to regulations adopted by the Commissioner of Administration. The original version stated that members of the public or members of a body could attend by teleconference, "according to reasonable ground rules established by the body conducting the meeting." It stated that the ground rules were not regulations and did not need to be adopted as such.

Judiciary changes the definition of "teleconferencing" to mean, "...information exchange by audio or video medium." The former version read: "...information exchange by audio, video or computerized electronic media." All other changes are clean-up or technical.

HOUSE BILL NO. 140, (see pages 188;457;542). Reported back to the House April 8 by Finance recommending it be replaced with a substitute and that it do pass. Concurring: Adams (Chair), Duncan, Larson, Uehling, Rieger, Frank, and Cotten. To Rules.

Finance adds one sentence stating that the vote at a meeting held by teleconference shall be taken by roll call.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

No. 43

HOUSE JOURNAL  
SUPPLEMENT

April 8, 1985

HB  
140

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

REQUEST Page 1 of 2 FISCAL DETAIL Page 1 of 2  
 Bill/Resolution No.: CSHB 140 (FIN) Agency Affected: Administration  
 Title: Relating to use of teleconferencing under Administrative Procedures Act Program Category Affected: \_\_\_\_\_  
 Sponsor: Governor General Government  
 Requestor: \_\_\_\_\_ BRU Program or Subprogram(s) Affected: Telecommunications Services  
 Date of Request: \_\_\_\_\_

Page 2 of 2

CSHB 140 (FIN) Page 2 of 2  
 Fiscal Note Analysis  
 Prepared by Division of Telecommunications Services  
 Department of Administration  
 April 1, 1985

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>GENERAL FUND</b>						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>FULL-TIME</b>	0	0	0	0	0	0
<b>PART-TIME</b>	0	0	0	0	0	0
<b>TEMPORARY</b>	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: Sioux Plummer, Director Phone: 465-2041  
 Division: Telecommunications Services Date: April 1, 1985

Approved by Commissioner: Lisa Rudd Date: 4/1/85  
 Agency: Department of Administration

HOUSE JOURNAL SUPPLEMENT NO. 43:

# COMMITTEE REPORT

## HOUSE

FURTHER:

(7)

4/11/85

(taken from calendar 4/11/85)

Date: April 23, 1985

The Committee on RULES has had HB 140

"An Act relating to the use of teleconferencing under the Administrative Procedure Act."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 140 (Rules)  same title  new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

M.W. Miller

John A. Fuller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

no rec

Terry Martin " "

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
CHAIRMAN

*Rep. Martin's*

Offered: 4/8/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of teleconferencing under  
7 the Administrative Procedure Act."

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

9 \* Section 1. AS 44.62.210(a) is amended to read:

10 (a) On the date and at the time and place designated in the  
11 notice the agency shall give each interested person or the person's  
12 authorized representative, or both, the opportunity to present state-  
13 ments, arguments, or contentions in writing, with or without oppor-  
14 tunity to present them orally. The state agency may accept material  
15 presented by any form of communication authorized by this chapter and  
16 shall consider all relevant matter presented to it before adopting,  
17 amending or repealing a regulation.

18 \* Sec. 2. AS 44.62.310(a) is amended to read: *minority - majority caucuses*

19 (a) All meetings of a legislative body of a Board of regents,  
20 or of an administrative body, board, commission, committee, subcommit-  
21 tee, authority, council, agency, or other organization, including  
22 subordinate units of the above groups, of the state or any of its  
23 political subdivisions, including but not limited to municipalities,  
24 boroughs, school boards, and all other boards, agencies, assemblies,  
25 councils, departments, divisions, bureaus, commissions or organiza-  
26 tions, advisory or otherwise, of the state or local government sup-  
27 ported in whole or in part by public money or authorized to spend  
28 public money, are open to the public except as otherwise provided by  
29 this section. Attendance and participation at meetings by members of

1 the public or by members of a body may be by teleconferencing accord-  
2 ing to regulations adopted by the commissioner of administration. The  
3 regulations must include a provision that agency materials that are to  
4 be considered at the meeting be made available at teleconference  
5 locations. Except when voice votes are authorized, the vote shall be  
6 conducted in such a manner that the public may know the vote of each  
7 person entitled to vote. The vote at a meeting held by teleconference  
8 shall be taken by roll call. This section does not apply to any votes  
9 required to be taken to organize a <sup>? Commission? party caucuses</sup> public body described in this [THE  
10 BODIES SPECIFIED IN THE] subsection.

11 \* Sec. 3. AS 44.62.310(e) is amended to read:

12 (e) Reasonable public notice shall be given for all meetings  
13 required to be open under this section. The notice must include the  
14 date, time, and place of the meeting, general topics to be discussed  
15 or considered, and the location of any teleconferencing facilities  
16 that will be used.

17 \* Sec. 4. AS 44.62.312(a) is amended to read:

18 (a) It is the policy of the state that  
19 (1) the governmental units mentioned in AS 44.62.310(a)  
20 exist to aid in the conduct of the people's business;  
21 (2) it is the intent of the law that actions of those units  
22 be taken openly and that their deliberations be conducted openly;  
23 (3) the people of this state do not yield their sovereignty  
24 to the agencies which serve them;  
25 (4) the people, in delegating authority, do not give their  
26 public servants the right to decide what is good for the people to  
27 know and what is not good for them to know;  
28 (5) the people's right to remain informed shall be protect-  
29 ed so that they may retain control over the instruments they have

1 created;

2 (6) the use of teleconferencing under this chapter is for  
3 the convenience of the parties<sup>?</sup>, the public, and the governmental units  
4 conducting the meetings and is to provide the broadest input and  
5 dissemination of information practicable.

6 \* Sec. 5. AS 44.62.410 is amended by adding a new subsection to read:

7 (b) Upon the mutual agreement of the parties, the agency may use  
8 teleconferencing in the conduct of a hearing under this section.

9 \* Sec. 6. AS 44.62.600 is amended to read:

10 Sec. 44.62.600. VOTING PROCEDURE [MAIL VOTE]. If voting in  
11 person is not reasonably possible, a [A] member of an agency qualified  
12 to vote on a question may vote by mail or by teleconferencing. A vote  
13 by teleconferencing shall be recorded in a manner that identifies each  
14 person who has voted and how the person voted.

15 \* Sec. 7. AS 44.62 is amended by adding a new section to article 9 to  
16 read:

17 Sec. 44.62.635. TELECONFERENCING. (a) An agency may use tele-  
18 conferencing for the benefit or convenience of the parties, the pub-  
19 lic, or the agency, in connection with a proceeding or act authorized  
20 under this chapter if all statutory and constitutional rights of the  
21 parties are waived or adequately protected.

22 (b) Teleconferencing may be used to establish quorums, receive  
23 public input, and, if all voting individuals have an opportunity to  
24 evaluate all testimony and evidence, to vote on actions.

25 \* Sec. 8. AS 44.62.640 is amended by adding a new subsection to read:

26 (c) In this chapter "teleconferencing" means information ex-  
27 change by audio or video medium.



H B

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HB 237 - see 5/02 and 5/06/85

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
J. NEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/30/85, 8:34am

CALL THE MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE

TUESDAY, APRIL 30, 1985

T I M E:

INDICATE MEMBERS PRESENT AND ABSENT:

Cmte. Members Chairman M.W. Miller  
V. Chair. Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

SCHEDULED ON THE COMMITTEE CALENDAR TODAY ARE:

CS SCR 19(FINANCE) - Establishing a Joint Special Committee on  
Legislative Salaries  
(by the Finance Committee)

HB 237 - "An Act relating to pension reform; and providing for an  
effective date."  
(Rules Committee by Request of the Governor)

The first item on today's agenda is CS SCR 19(FINANCE) which resolves  
to establish a Joint Special Committee on Legislative Salaries. This  
committee would be represented by three members of the Senate and three  
members of the House. This special committee will report its recommen-  
dations and findings on the first day of the 2nd Session of the 14th  
Legislature and is terminated at that time also. \*\* NOTE CS SCR 19(FINANCE)  
is identical to CS HCR 28(FINANCE), which is currently in the House  
Rules Committee.

OPEN FOR DISCUSSION.

Move that CS SCR 19(FINANCE) be moved from the Rules Committee with  
individual recommendations.

.....  
The second item on today's agenda is HB 237 - The proposed Rules CS  
makes technical corrections which were not spotted previously within the  
committee process.

Move to adopt CSHB 237(RULES) FOR PURPOSE OF DISCUSSION

NOTE:



FURTHER DISCUSSION?





H B

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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY  
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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 5/2/85, 8:36am

HB 237 - see 4/30 and 5/06/85

# COMMITTEE REPORT

## HOUSE

(7)

FURTHER:

4/24/85

Date: May 6, 1985  
0

The Committee on RULES has had HB 237

"An Act relating to pension reform; and providing for an effective date."

under consideration and recommends:

do pass [ ] do not pass

[ ] do pass with attached amendments(s)

replace with CS for HB 237 (RULES)  same title  
[ ] new title  
and recommends \_\_\_\_\_

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note  
[ ] reports it back without recommendation [ ] Zero Fiscal Note Attached

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Malaguez  
John F. Tuller  
Terry Martin  
M.W. Miller  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

John F. Tuller (M.W.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

M.W. Miller  
CHAIRMAN

CALL THE MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE  
T H U R S D A Y, M A Y 2, 1985  
T I M E

INDICATE MEMBERS PRESENT AND ABSENT:

Cmte. Members: Chairman M.W. Miller  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi  
*Rep. [unclear]*

SCHEDULED ON THE COMMITTEE CALENDAR TODAY ARE:

HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)

HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)

HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date.  
(by the Rules Committee)

(Continued from April 30th)

HB 237 - "An Act relating to pension reform; and providing for an effective date."  
(Rules Committee by Request of the Governor)

The first item on today's agenda is the Proposed CS HB 21(RULES) "An Act relating to homesites for veterans."

- ADOPT CSHB 21(RULES) for purposes of discussion.

CSHB 21(RULES) makes one change to CSHB 21(FINANCE). In looking at the Rules CS, on Page 1, line 18 after the word "States", the phrase, "WHO HAS AT ANY TIME RESIDED CONTINUOUSLY FOR AT LEAST ONE YEAR IN THE STATE AND" ----- HAS BEEN DELETED.

Included in the packets today is a memo from Randall J. Moen, Legislative Counsel regarding the constitutionality of exemption for one year resident veterans from certain costs under the homesite entry program.

NOTE: RANDAL MOEN IS HERE IF YOU WOULD LIKE TO HAVE HIM EXPLAIN WHY THIS PROVISION WAS DELETED FROM THE FINANCE VERSION.

DISCUSSION

MOVE CSHB 21(RULES) FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

The second item on today's agenda is HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.

Move to adopt HCR 31 for purposes of discussion.

Move HCR 31 from the Rules Committee with individual recommendations.

*Amendment No 2 passed when amended to HCR 26 on the House floor. We have rolled this amend into HCR 31*

The third item on today's agenda is the proposed "2nd CS HCR 26(RULES) - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."

Request motion to Adopt 2nd CS HCR 26(RULES) FOR PURPOSES OF DISCUSSION.

The 2nd CS makes two changes to CS HCR 26(RULES).

\*On Page 1, line 20, after the word "Office" the phrase or Legislative Teleconference Center HAS BEEN ADDED.

\*Page 1, line 21, the word "FULL-TIME" has been deleted.

FURTHER DISCUSSION?

Request motion to move 2nd CS HCR 26(RULES) FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

.....

The fourth item on today's agenda is the proposed CSHB 237(RULES) - "An Act relating to pension reform; and providing for an effective date."

Request motion to adopt CSHB 237(RULES) for purposes of discussion.

Included in your folder is a revised CS. TERRY CRAMER, LEGISLATIVE AFFAIRS ATTORNEY IS HERE TO GO OVER CHANGES MADE TO THE NEW VERSION OF CSHB 237(RULES)

- VIRGINIA RAGLE, A.G'S OFFICE MAY BE HERE - KEN HUMPHREYS, DIRECTOR, DIVISION OF RETIREMENT WILL MAY BE HERE.

Request a motion to move CSHB 237(RULES) from committee with individual recommendations.



Official Business

Alaska State Legislature  
House of Representatives  
Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE  
T H U R S D A Y, M A Y 2, 1 9 8 5

- HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)
- HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)
- HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."  
(by the Rules Committee)
- (continued from April 30th Rules Meeting:)  
HB 237 - "An Act relating to pension reform; and providing for an effective date."  
(Rules' Committee by Request of the Governor)

*115200 letter of Intent*



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

### RULES COMMITTEE STANDING COMMITTEE

#### I N D E X

HB 237 - "An Act relating to pension reform; and providing for an effective date."

- 0. Analysis/Drafting Changes
- I. Proposed CSHB 237 (RULES)
- II. Original Version - HB 237
- III. Analysis/Information Packet on HB 237
- IV. Bill History - HB 237

Ø

# STATE OF ALASKA THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

## LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 29, 1985

SUBJECT: CSHB 237 (Rules) (Pension reform) (Work Order No. 14-H237)

TO: Representative Mike W. Miller  
Chairman, Rules Committee

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have requested an explanation of the drafting changes made in preparing CSHB 237 (Rules).

Sec. 14.25.150(b) is rewritten in the Committee Substitute to incorporate the substance of subsection (c), defining "spouse," from the original version of the bill.

Sec. 14.25.155(c) is rewritten in the active instead of the passive voice. (Page 3 line 21)

Sec. 14.25.157(a) is rewritten in the active instead of the passive voice (page 4, lines 3 and 19) and to clarify language (page 4, lines 15-16 and 21).

Sec. 14.25.166(a) is rewritten to include the substance of subsection (d), defining "spouse," from the original bill.

Section 14.25.166(b) is rewritten to use the active instead of the passive voice.

Sec. 14.25.167 (a) and (c) are rewritten to include the substance of subsection (F) of the original bill, defining "spouse," within their terms and to clarify the language.

Sec. 14.25.167 (f), (g), and (h) are the same as subsections (g), (h) and (i) of the original bill except that the CS substitutes the word "evidence" for "documentation provided to the administrator" on page 7, line 24.

Representative Mike W. Miller  
Chairman, Rules Committee  
April 29, 1985  
Page 2

Sec. 14.25.200(e) is rewritten to include the terms of subsection (e) of the original bill within this subsection. (Page 8, lines 13-14)

Sec. 14.25.220 refers to the definition of "qualified domestic relations order" in AS 39.35.680 instead of repeating the language here. The definition of "surviving spouse" added by the original bill is not included in the CS. It might be appropriate to include a new section similar to the section added to PERS (see page 15, lines 5-11 of the CS) to the TRS chapter.

Secs. 22.25.030(b) and 22.25.035 in the Committee Substitute have the same effect as the amendments to the definition of "surviving spouse" in the original bill.

Sec. 22.25.900 refers to the definition of "qualified domestic relations order" in AS 39.35.680 instead of including the language here.

Secs. 25.24.160 and 25.24.230 are the same in both the CS and the original bill except that the CS substitutes "meet the requirements of" for "be" on page 9, lines 8 and 13.

Sec. 26.05.224(d) of the CS replaces passive voices with active voices. (Page 9, line 28 and page 10, line 4). The CS also incorporates the substance of the definition of "spouse" found in Sec. 26.05.224(g) of the original bill into this subsection. (Page 10, lines 5-6)

Sec. 26.05.224(e) of the CS is rewritten to include the substance of the definition of "spouse" within its terms.

Sec. 26.05.225(f) is the same in both the CS and the original bill except that the CS adds the words "the date" on page 10, line 24.

Sec. 26.05.227(4) of the CS refers to the definition of "qualified domestic relations order" in AS 39.35.680 instead of repeating the language here.

Sec. 39.35.200(a) is the same in both the CS and the original bill.

Sec. 39.35.200(c) is rewritten to include the substance of subsection (d) of the original bill, defining "spouse," in this subsection.

Representative Mike W. Miller  
Chairman, Rules Committee  
April 29, 1985  
Page 3

Sec. 39.35.370(a) and (b) are the same in both versions except that the CS indents the paragraphs.

Sec. 39.35.385 (a) and (b) are the same in both versions.

The Committee Substitute does not include an amendment to AS 39.35.420 or 39.35.440(b) because the only purpose was to refer to AS 39.35.490, the section on designated beneficiaries. That section makes clear that the only way a members of PERS may designate a beneficiary is in accordance with that subsection.

Sec. 39.35.430(f) is the same except that the CS deletes the reference to AS 39.35.490 for the reason explained above.

Sec. 39.35.450(a) and (c) are rewritten in the CS to include the substance of the definition of "spouse" found in proposed AS 39.35.450(f) of the original bill.

Sec. 39.35.450(f), (g) and (h) of the CS are identical to AS39.35.450(g), (h) and (i) of the original bill except that the CS uses the term "evidence" for "documentation provided to the administrator" on page 14, line 23.

Sec. 39.35.455 of the CS is new. It is added to avoid including substantive provisions about the effect of a qualified domestic relations order in the definition of "surviving spouse." (See Sec. 39.35.680(37) of the original bill)

Sec. 39.35.490(a) is rewritten to include the substance of the definition of "spouse" found in subsection (d) of the original bill.

Sec. 39.35.490(b) and (c) are rewritten to substitute active voice for passive voice.

Sec. 39.35.490(d) in the CS is the same as 39.35.490(e) in the original bill except that the words "the date" are added to page 16, line 23.

Sec. 39.35.500 of the CS is the same as 39.35.500(a) and (b) of the original bill. (Page 17, lines 8-10)

The Committee Substitute does not amend the definition of "surviving spouse" and instead adds a substantive provision,

Representative Mike W. Miller  
Chairman, Rules Committee  
April 29, 1985  
Page 4

Sec. 39.35.455 above, to incorporate the change proposed in the original bill.

Sec. 39.35.680(4) is the same in both versions except for the removal of two commas in (G).

Sections 41-43 are the same in both versions except for minor technical changes.

If I may be of further assistance, please advise.

TC:mkr  
059:714

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 237 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pension reform; and providing for  
7 an effective date."

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

9 \* Section 1. AS 14.25.110(a) is amended to read:

10 (a) Subject to AS 14.25.167, a [A] member is eligible for a  
11 normal retirement benefit if the member

12 (1) was first hired before July 1, 1975, has attained the  
13 age of 55 years, and has at least 15 years of credited service, the  
14 last five of which have been membership service;

15 (2) has attained the age of 55 years and has at least eight  
16 years of membership service;

17 (3) has attained the age of 55 years, has at least five  
18 years of membership service, and has at least three years of Alaska  
19 BIA service;

20 (4) has at least 25 years of credited service, the last  
21 five of which have been membership service;

22 (5) has at least 20 years of membership service; or

23 (6) has at least 20 years of combined membership service  
24 and Alaska BIA service, the last five of which have been membership  
25 service.

26 \* Sec. 2. AS 14.25.110(b) is amended to read:

27 (b) Subject to AS 14.25.167, a [A] member is eligible for an  
28 early retirement benefit upon completing any one of the service re-  
29 quirements in (a)(1), (2), or (3) of this section and attaining the

1 age of 50 years.

2 \* Sec. 3. AS 14.25.125(a) is amended to read:

3 (a, Subject to AS 14.25.167, a [A] member is eligible for a  
4 normal retirement salary at age 55 with at least two years membership  
5 service if the member also is eligible for a normal retirement benefit  
6 under the public employees' retirement system (AS 39.35).

7 \* Sec. 4. AS 14.25.125(b) is amended to read:

8 (b) Subject to AS 14.25.167, a [A] member is eligible for an  
9 early retirement salary at age 50 with at least two years of member-  
10 ship service if the member also is eligible for an early retirement  
11 benefit under the public employees' retirement system (AS 39.35).

12 \* Sec. 5. AS 14.25.150 is amended to read:

13 Sec. 14.25.150. REFUND UPON TERMINATION. (a) Except as pro-  
14 vided in (b) of this section, a [A] terminated member is entitled to a  
15 refund of the balance of the member contribution account. A member is  
16 not entitled to a refund of supplemental contributions except as pro-  
17 vided in AS 14.25.160(a).

18 \* Sec. 6. AS 14.25.150 is amended by adding a new subsection to read:

19 (b) A member who is terminated and is a vested member, deferred  
20 vested member, or who is entitled to benefits under AS 14.25.125, and  
21 who is married at the time of application for a refund or whose rights  
22 to a refund are subject to a qualified domestic relations order is  
23 entitled to receive a refund of the balance of the member contribution  
24 account only if the member's spouse and each person entitled under the  
25 order consents to the refund in writing on a form provided by the  
26 administrator. The administrator may waive written consent from the  
27 person entitled under the order if the administrator determines that  
28 the person cannot be located or for other reasons established by  
29 regulation. The administrator may waive written consent from the

1 spouse if the administrator determines that

2 (1) the member was not married to the spouse during any  
3 period of the member's employment with an employer;

4 (2) the spouse has no rights to benefits under this chapter  
5 because of the terms of a qualified domestic relations order;

6 (3) the spouse cannot be located; or

7 (4) for other reasons established by regulation.

8 \* Sec. 7. AS 14.25 is amended by adding a new section to read:

9 Sec. 14.25.153. RIGHTS UNDER QUALIFIED DOMESTIC RELATIONS ORDER.

10 In this chapter the rights of a person under a qualified domestic  
11 relations order take precedence over the rights of a spouse, surviving  
12 spouse, or dependent child to the extent required by the order. A  
13 person granted rights under a qualified domestic relations order shall  
14 be treated as a spouse or surviving spouse under this chapter to the  
15 extent required by the order. Rights under the order do not take  
16 effect until the order is filed with the administrator.

17 \* Sec. 8. AS 14.25.155(c) is amended to read:

18 (c) If the death of a vested member or deferred vested member  
19 occurs and the proximate cause of death is not a bodily injury sus-  
20 tained or hazard undergone while in the performance and within the  
21 scope of the member's duties of employment, the surviving spouse may  
22 elect to receive either the benefits described in (b) of this section  
23 or a 50 percent joint and survivor option as provided under AS 14.25.-  
24 167(a)(2) based on credited service to the date of the member's ter-  
25 mination. If no spouse survives a vested or deferred vested member,  
26 or if a person other than the spouse is designated as beneficiary in  
27 accordance with AS 14.25.166, the administrator shall pay [,] the  
28 designated beneficiary [SHALL BE PAID] the benefits described in  
29 AS 14.25.160(b) and (c). Benefits accrue from the first day of the

1 month following the member's death and are payable the last day of the  
2 month.

3 \* Sec. 9. AS 14.25.157(a) is amended to read:

4 (a) If (1) the death of a member occurs before the member first  
5 attains eligibility for normal retirement, and (2) the proximate cause  
6 of death is a bodily injury sustained or hazard undergone while in the  
7 performance and within the scope of the member's duties of employment,  
8 and (3) the injury or hazard is not the proximate result of wilful  
9 negligence on the part of the member, the administrator shall pay a  
10 monthly survivor's pension equal to 40 percent of the member's base  
11 salary at the time of termination of employment, divided by 12, [SHALL  
12 BE PAID] to the member's surviving spouse. If there is no surviving  
13 spouse, the administrator shall pay the monthly survivor's pension  
14 [SHALL BE PAID] in equal parts to the dependent children of the mem-  
15 ber. On the date the normal retirement of the member would have  
16 occurred if the member had lived, monthly payments must [SHALL] equal  
17 the monthly amount of the normal retirement benefit to which the mem-  
18 ber, had the member lived and continued employment until the member's  
19 normal retirement date, would have been entitled with an average base  
20 salary as existed at the member's death and the credited service to  
21 which the member would have been entitled. If the member does not  
22 have a [NO SURVIVING] spouse or dependent children [EXIST] at the time  
23 of death or if the member designates as beneficiary under AS 14.25.166  
24 someone other than the surviving spouse or dependent children, the  
25 administrator shall pay the member's designated beneficiary [SHALL BE  
26 PAID] those benefits available to a beneficiary under AS 14.25.160(b)  
27 and (c) and may not pay a [NO] benefit [WILL BE PAID] to the surviving  
28 spouse or dependent children.

29 \* Sec. 10. AS 14.25.166(a) is amended to read:

1 (a) Each member shall designate the beneficiary or beneficiaries  
2 to whom the administrator shall distribute benefits payable under this  
3 chapter as a consequence of the member's death. Notwithstanding a  
4 previous designation of beneficiary, a person who is the spouse of a  
5 member at the time of the member's death automatically becomes the  
6 designated beneficiary if the spouse was married to the member during  
7 part of the member's employment for an employer

8 (1) except to the extent a qualified domestic relations  
9 order filed with the administrator provides for payment to a former  
10 spouse or other dependent of the member; or

11 (2) unless the member files a revocation of beneficiary  
12 accompanied by a written consent to the revocation from the spouse and  
13 each person entitled under the order [SHALL BE DISTRIBUTED].

14 \* Sec. 11. AS 14.25.166(b) is amended to read:

15 (b) Except as provided in (a) of this section, the member may  
16 change or revoke the [THE] designation [MAY BE CHANGED OR REVOKED BY  
17 THE MEMBER] without notice to the beneficiary or beneficiaries at any  
18 time. If a member designates more than one beneficiary, each shares  
19 [SHALL SHARE] equally unless the member specifies a different allo-  
20 cation or preference. The designation of a beneficiary, [AND] a  
21 change or revocation of a beneficiary, and a consent to revocation of  
22 a beneficiary shall be made on a form provided by the administrator  
23 and is not effective until filed with the administrator.

24 \* Sec. 12. AS 14.25.166 is amended by adding a new subsection to read:

25 (d) A person claiming entitlement to benefits payable under this  
26 chapter as a consequence of a member's death shall provide the admin-  
27 istrator with a marriage certificate, divorce or dissolution judgment,  
28 or other evidence of entitlement. Documents establishing entitlement  
29 may be filed with the administrator immediately after a change in the

1 member's marital status. If the administrator does not receive noti-  
2 fication of a claim before the date 10 days after the member's death,  
3 the person claiming entitlement is not entitled to receive from the  
4 division of retirement and benefits any benefit already paid by the  
5 administrator.

6 \* Sec. 13. AS 14.25.167(a) is repealed and reenacted to read:

7 (a) Benefits payable under this section are in place of benefits  
8 payable under AS 14.25.110, 14.25.125, 14.25.155, 14.25.157, 14.25.-  
9 160, 14.25.162, or 14.25.164. Upon filing an application for retire-  
10 ment with the administrator, or when a disabled member becomes eligi-  
11 ble for normal retirement under AS 14.25.130(e), the member shall  
12 designate the person who is the member's spouse at the time of ap-  
13 pointment to retirement as the contingent beneficiary. However, if  
14 the designation of the spouse is revoked under (c) of this section,  
15 the member may designate a dependent approved by the administrator as  
16 the contingent beneficiary or may take normal or early retirement  
17 under AS 14.25.110 or 14.25.125. The administrator shall pay benefits  
18 under the option elected by the member. The member may elect an  
19 option that provides that

20 (1) the member is entitled to receive a reduced benefit  
21 payable for life, and, after the member's death, the contingent ben-  
22 eficiary is entitled to receive payments in the amount of 75 percent  
23 of the reduced benefit for life;

24 (2) the member is entitled to receive a reduced benefit  
25 payable for life, and, after the member's death, the contingent ben-  
26 eficiary is entitled to receive payments in the amount of 50 percent  
27 of the reduced benefit for life; or

28 (3) the member is entitled to receive a reduced benefit  
29 payable during the joint lifetime of the member and the contingent

1 beneficiary, and, after the death of either the member or the contin-  
2 gent beneficiary, the survivor is entitled to receive payments in the  
3 amount of 66-2/3 percent of the reduced benefit for life.

4 \* Sec. 14. AS 14.25.167(c) is amended to read:

5 (c) A member may elect or [,] change [, OR REVOKE] an option  
6 without the approval of the administrator if the member's election or  
7 [,] change [, OR REVOCATION] is filed in writing with the administra-  
8 tor before the effective date of the member's retirement. A member  
9 may revoke a joint and survivor option if the member files with the  
10 administrator before the effective date of the member's retirement a  
11 revocation and a consent to the revocation signed by the member's  
12 spouse and each person entitled to benefits under a qualified domestic  
13 relations order on forms provided by the administrator. The adminis-  
14 trator may waive the requirement for written consent from

15 (1) a person entitled under the order if the person cannot  
16 be located or for other reasons established by regulation; or

17 (2) the spouse if the member is not married, the member was  
18 not married to the spouse during any period of the member's employment  
19 with an employer, the spouse has no rights to the option because of  
20 the terms of a qualified domestic relations order, the spouse cannot  
21 be located, or for other reasons established by regulation.

22 \* Sec. 15. AS 14.25.167 is amended by adding new subsections to read:

23 (f) The member and any person claiming to be a contingent bene-  
24 ficiary shall file with the administrator a marriage certificate,  
25 divorce or dissolution judgment, or other evidence necessary to deter-  
26 mine the applicability of this section and the identity of any contin-  
27 gent beneficiary.

28 (g) If the administrator determines, based on the affidavit of  
29 the member and other evidence, that a member is eligible to elect a

1 form of payment other than a joint and survivor option under this  
2 section, and no contrary evidence is presented to the administrator  
3 within 60 days after the effective date of the member's retirement, no  
4 claim under this section, made by a spouse or former spouse of the  
5 member, may be paid if payment would result in an increase in actuari-  
6 al liability to the system.

7 (h) If a member fails to elect an option under (a) of this  
8 section and no effective revocation is filed with the administrator,  
9 the member is considered to have elected the option provided in (a)(2)  
10 of this section.

11 \* Sec. 16. AS 14.25.200(a) is amended to read:

12 (a) Benefits and other amounts held in the retirement fund on  
13 behalf of the members are exempt from Alaska state and municipal taxes  
14 and are not subject to anticipation, alienation, sale, transfer,  
15 assignment, pledge, encumbrance, or charge of any kind, either volun-  
16 tary or involuntary, before they are received by the person entitled  
17 to the amount under the terms of the system, and any attempt to antic-  
18 ipate, alienate, sell, transfer, assign, pledge, encumber, charge, or  
19 otherwise dispose of any right to amounts accrued in the retirement  
20 fund is void. However, a member's right to receive benefits may be  
21 assigned under a qualified domestic relations order.

22 \* Sec. 17. AS 14.25.220 is amended by adding a new paragraph to read:

23 (43) "qualified domestic relations order" means a divorce or  
24 dissolution judgment under AS 25.24, including an order approving a  
25 property settlement, that

26 (A) creates or recognizes the existence of an alter-  
27 nate payee's right to, or assigns to an alternate payee the right  
28 to, receive all or a portion of the benefits payable with respect  
29 to a member;

1 (B) sets out the name and last known mailing address,  
2 if any, of the member and of each alternate payee covered by the  
3 order;

4 (C) sets out the amount or percentage of the member's  
5 benefit, or of any survivor's benefit, to be paid to the alter-  
6 nate payee, or sets out the manner in which that amount or per-  
7 centage is to be determined;

8 (D) sets out the number of payments or period to which  
9 the order applies;

10 (E) does not require any type or form of benefit or  
11 any option not otherwise provided by this chapter;

12 (F) does not require an increase of benefits in excess  
13 of the amount provided by this chapter, determined on the basis  
14 of actuarial value; and

15 (G) does not require the payment, to an alternate  
16 payee, of benefits that are required to be paid to another alter-  
17 nate payee under another order previously determined to be a  
18 qualified domestic relations order.

19 \* Sec. 18. AS 22.25.030(b) is amended to read:

20 (b) To be eligible for the survivors' benefits, the surviving  
21 spouse must have been married to the justice or judge for at least one  
22 year [TWO YEARS] immediately preceding the death of the justice or  
23 judge. The benefits continue until the remarriage or death of the  
24 surviving spouse.

25 \* Sec. 19. AS 22.25.030 is amended by adding a new subsection to read:

26 (f) The rights of a surviving spouse or dependent child under  
27 this section are subject to the rights of a previous spouse or a  
28 dependent under a qualified domestic relations order.

29 \* Sec. 20. AS 22.25 is amended by adding a new section to read:

1           Sec. 22.25.035.   RIGHTS UNDER A QUALIFIED DOMESTIC RELATIONS  
2 ORDER.   A person who was married to a justice or judge for at least  
3 one year, who has not remarried, and who has been granted rights to  
4 benefits under this chapter by the terms of a qualified domestic  
5 relations order, shall be treated as a spouse or surviving spouse  
6 under this chapter to the extent required by the order.   Rights under  
7 the order do not take effect until the order is filed with the admin-  
8 istrator.   The benefits continue until the remarriage or death of the  
9 person.

10 \* Sec. 21.   AS 22.25 is amended by adding a new section to read:

11           Sec. 22.25.900.   DEFINITION.   In this chapter, "qualified domes-  
12 tic relations order" means a divorce or dissolution judgment under  
13 AS 25.24, including an order approving a property settlement, that

14           (1)   creates or recognizes the existence of an alternate  
15 payee's right to, or assigns to an alternate payee the right to,  
16 receive all or a portion of the benefits payable with respect to a  
17 justice or judge;

18           (2)   sets out the name and last known mailing address, if  
19 any, of the justice or judge and of each alternate payee covered by  
20 the order;

21           (3)   sets out the amount or percentage of the justice's or  
22 judge's benefit, or of any survivor's benefit, to be paid to the  
23 alternate payee, or sets out the manner in which that amount or per-  
24 centage is to be determined;

25           (4)   sets out the number of payments or period t which the  
26 order applies;

27           (5)   does not require any type or form of benefit or any  
28 option not otherwise provided by this chapter;

29           (6)   does not require an increase of benefits in excess of

1 the amount provided by this chapter, determined on the basis of actu-  
2 arial value;

3 (7) does not require the payment, to an alternate payee, of  
4 benefits that are required to be paid to another alternate payee under  
5 another order previously determined to be a qualified domestic rela-  
6 tions order.

7 \* Sec. 22. AS 25.24.160 is amended by adding a new subsection to read:

8 (b) If a judgment under this section distributes benefits to an  
9 alternate payee under AS 14.24, AS 22.25, AS 26.05.222 - 26.05.226, or  
10 AS 39.35, the judgment must meet the requirements of a qualified  
11 domestic relations order under the definition of that phrase that is  
12 applicable to those provisions.

13 \* Sec. 23. AS 25.24.230 is amended by adding a new subsection to read:

14 (g) If a judgment under this section distributes benefits to an  
15 alternate payee under AS 14.24, AS 22.25, AS 26.05.222 - 26.05.226, or  
16 AS 39.35, the judgment must meet the requirements of a qualified  
17 domestic relations order under the definition of that phrase that is  
18 applicable to those provisions.

19 \* Sec. 24. AS 26.05.224(d) is amended to read:

20 (d) Upon the death of an active member who has at least five  
21 years service in the Alaska National Guard or Alaska Naval Militia or  
22 a combination of these components, the member's designated beneficiary  
23 is entitled to a lump sum benefit calculated in accordance with (b) of  
24 this section. Upon the death of a former member who has at least 20  
25 years service, the former member's designated beneficiary is entitled  
26 to a lump sum benefit calculated in accordance with (b) of this sec-  
27 tion less any retirement benefits previously paid. Except as provided  
28 in (e) of this section, a [A] member may change or revoke the desig-  
29 nation of a beneficiary without notice to the beneficiary at any time.

1 If a member designates more than one beneficiary, each shares [SHALL  
2 SHARE] equally unless the member specifies a different allocation.  
3 The member shall make a designation of a beneficiary or [AND] a change  
4 or revocation of a beneficiary [SHALL BE MADE] on a form provided by  
5 the Department of Military and Veterans' Affairs. It [AND] is not  
6 effective until filed with the Department of Military and Veterans'  
7 Affairs. If a member fails to designate a beneficiary or if no des-  
8 ignated beneficiary survives the member, the department, except to the  
9 extent provided otherwise in a qualified domestic relations order,  
10 shall pay the death benefit under this subsection to the member's  
11 surviving spouse or, if there is no spouse surviving, [SHALL BE PAID]  
12 to the member's estate.

13 \* Sec. 25. AS 26.05.224 is amended by adding new subsections to read:

14 (e) Notwithstanding any previous designation of beneficiary, the  
15 spouse of a member at the time of the member's death automatically  
16 becomes the designated beneficiary if the spouse was married to the  
17 member during part of the member's service under this chapter

18 (1) except to the extent a qualified domestic relations  
19 order provides for payment to a former spouse or other dependent of  
20 the member; or

21 (2) unless the member files with the Department of Military  
22 and Veterans' Affairs a revocation of beneficiary and a written con-  
23 sent to the revocation signed by the spouse and each person entitled  
24 to benefits under the order on forms provided by the department.

25 (f) A person claiming entitlement to any benefits payable under  
26 this section shall provide the department with a marriage certificate,  
27 divorce or dissolution decree, or other evidence of entitlement.  
28 Documents showing entitlement may be filed with the department immedi-  
29 ately after a change in the member's marital status. If the

1 department does not receive notification of a claim before the date 10  
2 days after the member's death, the person claiming entitlement to the  
3 benefits is not entitled to receive from the Department of Adminis-  
4 tration or Department of Military and Veterans' Affairs any benefit  
5 already paid under this section.

6 \* Sec. 26. AS 26.05.227 is amended by adding a new paragraph to read:

7 (4) "qualified domestic relations order" means a divorce or  
8 dissolution judgment under AS 25.24, including an order approving a  
9 property settlement, that

10 (A) creates or recognizes the existence of an alter-  
11 nate payee's right to, or assigns to an alternate payee the right  
12 to, receive all or a portion of the benefits payable with respect  
13 to a member;

14 (B) sets out the name and last known mailing address,  
15 if any, of the member and of each alternate payee covered by the  
16 order;

17 (C) sets out the amount or percentage of the member's  
18 benefit, or of any survivor's benefit, to be paid to the alter-  
19 nate payee, or sets out the manner in which that amount or per-  
20 centage is to be determined;

21 (D) sets out the number of payments or period to which  
22 the order applies;

23 (E) does not require any type or form of benefit or  
24 any option not otherwise provided by AS 26.05.222 - 26.05.228;

25 (F) does not require an increase of benefits in excess  
26 of the amount provided by AS 26.05.222 - 26.05.228, determined on  
27 the basis of actuarial value; and

28 (G) does not require the payment, to an alternate  
29 payee, of benefits that are required to be paid to another

1           alternate payee under another order previously determined to be a  
2           qualified domestic relations order.

3 \* Sec. 27. AS 39.35.200(a) is amended to read:

4           (a) Except as provided in (c) of this section, an [AN] inactive  
5           employee, not on leave-without-pay status or layoff status, is enti-  
6           tled to receive a refund of the balance of the employee contribution  
7           account.

8 \* Sec. 28. AS 39.35.200 is amended by adding a new subsection to read:

9           (c) An employee who is terminated and is a vested employee,  
10           deferred vested employee, or who is entitled to benefits under AS 39.-  
11           35.385, and who is married at the time of application for a refund or  
12           whose rights to a refund are subject to a qualified domestic relations  
13           order is entitled to receive a refund of the balance of the employee  
14           contribution account only if the employee's spouse and each person  
15           entitled under the order consent to the refund in writing on a form  
16           provided by the administrator. The administrator may waive written  
17           consent from the person entitled to benefits under the order if the  
18           administrator determines that the person cannot be located or for  
19           other reasons established by regulation. The administrator may waive  
20           written consent from the spouse if the administrator determines that

21                   (1) the employee was not married to the spouse during any  
22           period of the employee's employment with an employer;

23                   (2) the spouse has no rights under this chapter because of  
24           the terms of a qualified domestic relations order;

25                   (3) the spouse cannot be located; or

26                   (4) for other reasons established by regulation.

27 \* Sec. 29. AS 39.35.370(a) is amended to read:

28           (a) Subject to AS 39.35.450, a [A] terminated employee is elig-  
29           ible for a normal retirement benefit

- 1 (1) at age 55 with at least five years credited service, or  
2 (2) with at least 20 years of credited service as a peace  
3 officer or fireman, or  
4 (3) with at least 30 years of credited service for all  
5 other employees.

6 \* Sec. 30. AS 39.35.370(b) is amended to read:

7 (b) Subject to AS 39.35.450, a [A] terminated employee is elig-  
8 ible for an early retirement benefit at age 50 with at least five  
9 years credited service.

10 \* Sec. 31. AS 39.35.385(a) is amended to read:

11 (a) Subject to AS 39.35.450, an [AN] employee is eligible for a  
12 normal retirement benefit at age 55 with at least two years of cred-  
13 ited service if the employee also is eligible for a normal retirement  
14 salary under the teachers' retirement system (AS 14.25).

15 \* Sec. 32. AS 39.35.385(b) is amended to read:

16 (b) Subject to AS 39.35.450, an [AN] employee is eligible for an  
17 early retirement benefit at age 50 with at least two years of credited  
18 service if the employee also is eligible for an early retirement sal-  
19 ary under the teachers' retirement system (AS 14.25).

20 \* Sec. 33. AS 39.35.420(c) is amended to read:

21 (c) If, under AS 39.35.490, a vested or deferred vested member  
22 designates as beneficiary to receive nonoccupational benefits someone  
23 other than the surviving spouse to whom the member has been married  
24 for at least one year, the administrator shall pay [TO RECEIVE  
25 NONOCCUPATIONAL DEATH BENEFITS,] the designated beneficiary [SHALL BE  
26 PAID]: (1) the balance of the deceased member's employee contribution  
27 account; and (2) a lump-sum death benefit. The amount of the lump-sum  
28 death benefit is \$100 times the years of credited service of the  
29 deceased member plus \$1,000.

1 \* Sec. 34. AS 39.35.430(f) is amended to read:

2 (f) If the death of an employee occurs from occupational causes  
3 but no surviving spouse or dependent children exist at the time of the  
4 death or if the employee designates as beneficiary under AS 39.35.490  
5 someone other than the surviving spouse or dependent children, the  
6 employee's designated beneficiary is entitled to receive those bene-  
7 fits available to a beneficiary under AS 39.35.420(c) and no occupa-  
8 tional death benefit will be paid to the surviving spouse or dependent  
9 children. [IF THE DESIGNATED BENEFICIARY IS THE SURVIVING SPOUSE OR  
10 DEPENDENT CHILDREN, THE BENEFICIARY SHALL RECEIVE THE BENEFIT DE-  
11 SCRIBED IN (b) OF THIS SECTION.]

12 \* Sec. 35. AS 39.35.440(b) is amended to read:

13 (b) Upon the death of a disabled employee who is receiving or is  
14 entitled to receive an occupational disability benefit, the adminis-  
15 trator shall pay the surviving spouse a surviving spouse's pension,  
16 equal to 40 percent of the employee's monthly compensation at the  
17 termination of employment because of occupational disability [SHALL BE  
18 PAID TO THE SURVIVING SPOUSE]. If there is no surviving spouse, the  
19 administrator shall pay the survivor's pension [SHALL BE PAID] in  
20 equal parts to the dependent children of the employee. On the date  
21 the normal retirement of the employee would have occurred if the  
22 employee had lived, the administrator shall adjust the monthly pay-  
23 ments to [SHALL] equal the monthly amount of the normal retirement  
24 benefit to which the employee, had the employee lived and continued  
25 employment until the employee's normal retirement date, would have  
26 been entitled with an average monthly compensation as existed at death  
27 and the credited service to which the employee would have been enti-  
28 tled. If the death of an employee occurs from occupational causes but  
29 no surviving spouse or dependent children exist at the time of the

1 death, or if the employee designates as beneficiary under AS 39.35.490  
2 someone other than the surviving spouse or dependent children, the  
3 administrator shall pay the employee's designated beneficiary [SHALL  
4 BE PAID] those benefits available to a beneficiary under AS 39.35.-  
5 420(c) and may not pay an [NO] occupational death benefit [WILL BE  
6 PAID] to the surviving spouse or dependent children.

7 \* Sec. 36. AS 39.35.450(a) is repealed and reenacted to read:

8 (a) Benefits payable under this section are in place of benefits  
9 payable under AS 39.35.370, 39.35.385, and 39.35.460. Upon filing an  
10 application with the administrator or when a disabled employee first  
11 attains eligibility for normal retirement under AS 39.35.400(f) or  
12 39.35.410(h), the employee shall designate the person who is the  
13 employee's spouse at the time of appointment to retirement as the  
14 contingent beneficiary. However, if the designation of the spouse is  
15 revoked under (c) of this section, the employee may designate a depen-  
16 dent approved by the administrator as the contingent beneficiary or  
17 may take normal or early retirement under AS 39.35.370 or 39.35.385 or  
18 a level income option under AS 39.35.460. The administrator shall pay  
19 benefits under the option elected by the employee. The employee may  
20 elect an option that provides that

21 (1) the employee is entitled to receive a reduced benefit  
22 payable for life, and, after the employee's death, the contingent ben-  
23 eficiary is entitled to payments in the amount of 75 percent of the  
24 reduced benefit payable for life;

25 (2) the employee is entitled to receive a reduced benefit  
26 payable for life, and, after the employee's death, the contingent  
27 beneficiary is entitled to receive payments in the amount of 50 per-  
28 cent of the reduced benefit payable for life;

29 (3) the employee is entitled to receive a reduced benefit

1 payable during the joint lifetime of the employee and the contingent  
2 beneficiary, and, after the death of either the employee or the con-  
3 tingent beneficiary, the survivor is entitled to receive payments in  
4 the amount of 66-2/3 percent of the reduced benefit payable for life.

5 \* Sec. 37. AS 39.35.450(c) is amended to read:

6 (c) An employee may elect or [,] change [, OR REVOKE] an option  
7 without the approval of the administrator if the election or [,]  
8 change [, OR REVOCATION] is filed in writing with the administrator  
9 before the effective date of the employee's retirement. An employee  
10 may revoke a joint and survivor option if the employee files with the  
11 administrator before the effective date of the employee's retirement a  
12 revocation and consent to the revocation signed by the employee's  
13 spouse and each person entitled to benefits under a qualified domestic  
14 relations order on forms provided by the administrator. The adminis-  
15 trator may waive the requirement for written consent from

16 (1) a person entitled under the order if the person cannot  
17 be located or for other reason established by regulation; or

18 (2) the spouse if the employee is not married, the employee  
19 was not married to the spouse during any period of the employee's  
20 employment with an employer, the spouse has no rights to the option  
21 because of the terms of a qualified domestic relations order, the  
22 spouse cannot be located, or for other reason established by regula-  
23 tion.

24 \* Sec. 38. AS 39.35.450 is amended by adding new subsections to read:

25 (f) The employee and any person claiming to be a contingent  
26 beneficiary shall file with the administrator a marriage certificate,  
27 divorce or dissolution judgment, or other evidence necessary to deter-  
28 mine the applicability of this section and the identity of any contin-  
29 gent beneficiary.

1 (g) If the administrator determines, based on the affidavit of  
2 the employee and other evidence that an employee is eligible to elect  
3 a form of payment other than a joint and survivor option under this  
4 section, and no contrary evidence is presented to the administrator  
5 within 60 days after the effective date of the employee's retirement,  
6 no claim under this section, made by a spouse or former spouse of the  
7 member, may be paid if payment would result in an increase in actuari-  
8 al liability to the system.

9 (h) If an employee fails to elect an option under this section,  
10 and if no effective revocation is filed with the administrator, the  
11 employee is considered to have elected the option provided in (a)(2)  
12 of this section.

13 \* Sec. 39. AS 39.35 is amended by adding a new section to read:

14 Sec. 39.35.455. RIGHTS UNDER QUALIFIED DOMESTIC RELATIONS ORDER.  
15 In this chapter the rights of a person under a qualified domestic  
16 relations order take precedence over the rights of a spouse, surviving  
17 spouse, or dependent child to the extent required by the order. A  
18 person granted rights under a qualified domestic relations order shall  
19 be treated as a spouse or surviving spouse to the extent required by  
20 the order. Rights under the order are effective when the order is  
21 filed with the administrator.

22 \* Sec. 40. AS 39.35.490 is amended to read:

23 Sec. 39.35.490. DESIGNATION OF BENEFICIARY. (a) Each employee  
24 shall designate the beneficiary or beneficiaries to whom the adminis-  
25 trator shall distribute benefits payable under this chapter as a  
26 consequence of the employee's death. Notwithstanding a previous  
27 designation of beneficiary, a person who is the spouse of an employee  
28 at the time of the employee's death automatically becomes the desig-  
29 minated beneficiary if the spouse was married to the employee during

1 part of the employee's employment for an employer

2 (1) except to the extent a qualified domestic relations  
3 order filed with the administrator provides for payment to a former  
4 spouse or other dependent of the employee; or

5 (2) unless the employee files a revocation of beneficiary  
6 accompanied by a written consent to the revocation signed by the  
7 spouse and each person entitled under the order [SHALL BE DISTRI-  
8 BUTED].

9 (b) Except as provided in (a) of this section, the [THE] desig-  
10 nation may be changed or revoked by the employee without notice to the  
11 beneficiary or beneficiaries at any time. If an employee designates  
12 more than one beneficiary, each shares [SHALL SHARE] equally unless  
13 the employee specifies a different allocation or preference. The  
14 member shall make a designation of [A] beneficiary, [AND] a change or  
15 revocation of a beneficiary, or a consent to a revocation of a benefi-  
16 ciary shall be made on a form provided by the administrator and is not  
17 effective until filed with the administrator.

18 (c) If an employee fails to designate a beneficiary, or if no  
19 designated beneficiary survives the employee, the administrator shall  
20 pay the death benefit [SHALL BE PAID]

21 (1) to the surviving spouse or, if there is none surviving,

22 (2) to the surviving children in equal parts or, if there  
23 is none surviving,

24 (3) to the surviving parents in equal parts or, if there is  
25 none surviving,

26 (4) to the employee's estate.

27 \* Sec. 41. AS 39.35.490 is amended by adding a new subsection to read:

28 (d) A person claiming entitlement to benefits payable under this  
29 chapter as a consequence of an employee's death shall provide the

1 administrator with a marriage certificate, divorce or dissolution  
2 decree, or other evidence of entitlement. Documents establishing  
3 entitlement may be filed with the administrator immediately after a  
4 change in the employee's marital status. If the administrator does  
5 not receive notification of a claim before the date 10 days after the  
6 employee's death, the person claiming entitlement to the benefits is  
7 not entitled to receive from the division of retirement and benefits  
8 any benefit already paid by the administrator.

9 \* Sec. 42. AS 39.35.500 is amended to read:

10 Sec. 39.35.500. SAFEGUARD OF EMPLOYEE FUNDS HELD BY THE SYSTEM.  
11 Employee contributions and other amounts held in the pension fund are  
12 exempt from Alaska state and local taxes. Amounts held on behalf of,  
13 or payable to, any employee or other person who is or may become  
14 eligible for benefits under the system are not subject to anticipa-  
15 tion, alienation, sale, transfer, assignment, pledge, encumbrance, or  
16 charge of any kind, either voluntary or involuntary, before being  
17 received by the person entitled to the amount under the terms of the  
18 system. An attempt to anticipate, alienate, sell, transfer, assign,  
19 pledge, encumber, charge, or otherwise dispose of a right to amounts  
20 held under the system is void. However, an employee's right to re-  
21 ceive benefits may be assigned under a qualified domestic relations  
22 order.

23 \* Sec. 43. AS 39.35.680 is amended by adding a new paragraph to read:

24 (40) "qualified domestic relations order" means a divorce  
25 or dissolution judgment under AS 25.24, including an order approving a  
26 property settlement, that

27 (A) creates or recognizes the existence of an alter-  
28 nate payee's right to, or assigns to an alternate payee the right  
29 to, receive all or a portion of the benefits payable with respect

1 to an employee;

2 (B) sets out the name and last known mailing address,  
3 if any, of the employee and of each alternate payee covered by  
4 the order;

5 (C) sets out the amount or percentage of the employ-  
6 ee's benefit, or of any survivor's benefit, to be paid to the  
7 alternate payee, or sets out the manner in which that amount or  
8 percentage is to be determined;

9 (D) sets out the number of payments or period to which  
10 the order applies;

11 (E) does not require any type or form of benefit or  
12 any option not otherwise provided by this chapter;

13 (F) does not require an increase of benefits in excess  
14 of the amount provided by this chapter, determined on the basis  
15 of actuarial value; and

16 (G) does not require the payment to an alternate payee  
17 of benefits that are required to be paid to another alternate  
18 payee under another order previously determined to be a qualified  
19 domestic relations order.

20 \* Sec. 44. Within 90 days after the effective date of this section, the  
21 Department of Administration shall publish notice of the provisions of this  
22 Act in the regularly published newsletters of the division of retirement  
23 and benefits and in newspapers of general distribution in each judicial  
24 district of the state, and shall make available the forms necessary to  
25 implement this Act.

26 \* Sec. 45. Section 44 of this Act takes effect immediately in accor-  
27 dance with AS 01.10.070(c).

28 \* Sec. 46. Sections 1 - 43 of this Act take effect January 1, 1986.  
29

Introduced: 2/25/85  
Referred: State Affairs,  
Judiciary and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 237

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pension reform; and providing for  
7 an effective date."

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

9 \* Section 1. AS 14.25.110(a) is amended to read:

10 (a) Subject to AS 14.25.167, a [A] member is eligible for a  
11 normal retirement benefit if the member

12 (1) was first hired before July 1, 1975, has attained the  
13 age of 55 years, and has at least 15 years of credited service, the  
14 last five of which have been membership service;

15 (2) has attained the age of 55 years and has at least eight  
16 years of membership service;

17 (3) has attained the age of 55 years, has at least five  
18 years of membership service, and has at least three years of Alaska  
19 BIA service;

20 (4) has at least 25 years of credited service, the last  
21 five of which have been membership service;

22 (5) has at least 20 years of membership service; or

23 (6) has at least 20 years of combined membership service  
24 and Alaska BIA service, the last five of which have been membership  
25 service.

26 \* Sec. 2. AS 14.25.110(b) is amended to read:

27 (b) Subject to AS 14.25.167, a [A] member is eligible for an  
28 early retirement benefit upon completing any one of the service re-  
29 quirements in (a)(1), (2), or (3) of this section and attaining the

1 age of 50 years.

2 \* Sec. 3. AS 14.25.125(a) is amended to read:

3 (a) Subject to AS 14.25.167, a [A] member is eligible for a  
4 normal retirement salary at age 55 with at least two years membership  
5 service if the member also is eligible for a normal retirement benefit  
6 under the public employees' retirement system (AS 39.35).

7 \* Sec. 4. AS 14.25.125(b) is amended to read:

8 (b) Subject to AS 14.25.167, a [A] member is eligible for an  
9 early retirement salary at age 50 with at least two years of member-  
10 ship service if the member also is eligible for an early retirement  
11 benefit under the public employees' retirement system (AS 39.35).

12 \* Sec. 5. AS 14.25.150 is amended to read:

13 Sec. 14.25.150. REFUND UPON TERMINATION. (a) Except as pro-  
14 vided in (b) of this section, a [A] terminated member is entitled to a  
15 refund of the balance of the member contribution account. A member is  
16 not entitled to a refund of supplemental contributions except as pro-  
17 vided in AS 14.25.160(a).

18 (b) If, upon termination of employment, a member has a suffi-  
19 cient number of years of membership, or membership and other credited  
20 service, to have a vested interest under AS 14.25.110 or 14.25.125,  
21 the member is entitled to receive a refund of the balance of the  
22 member contribution account only if the member's spouse consents to  
23 the refund, in writing, on a form provided by the administrator. The  
24 consent of the member's spouse is not required if the administrator  
25 determines, based on the affidavit of the member and other documenta-  
26 tion provided to the administrator, that (1) the spouse was not mar-  
27 ried to the member during any period of the member's employment  
28 covered by this chapter, or (2) consent cannot be obtained because  
29 there is no spouse, because the spouse cannot be located, or because

1 of other circumstances described by the administrator by regulation.

2 (c) As used in this section, "spouse" means the person to whom  
3 the member is married at the time of application for the refund,  
4 except to the extent that a qualified domestic relations order, filed  
5 with the administrator, orders otherwise.

6 \* Sec. 6. AS 14.25.155(c) is amended to read:

7 (c) If the death of a vested member or deferred vested member  
8 occurs and the proximate cause of death is not a bodily injury sus-  
9 tained or hazard undergone while in the performance and within the  
10 scope of the member's duties of employment, the surviving spouse may  
11 elect to receive either the benefits described in (b) of this section  
12 or a 50 percent joint and survivor option as provided under AS 14.25.-  
13 167(a)(2) based on credited service to the date of the member's ter-  
14 mination. If no spouse survives a vested or deferred vested member,  
15 or if a person other than the spouse is designated as beneficiary in  
16 accordance with AS 14.25.166, the designated beneficiary must [SHALL]  
17 be paid the benefits described in AS 14.25.160(b) and (c). Benefits  
18 accrue from the first day of the month following the member's death  
19 and are payable the last day of the month.

20 \* Sec. 7. AS 14.25.157(a) is amended to read:

21 (a) If (1) the death of a member occurs before the member first  
22 attains eligibility for normal retirement, and (2) the proximate cause  
23 of death is a bodily injury sustained or hazard undergone while in the  
24 performance and within the scope of the member's duties of employment,  
25 and (3) the injury or hazard is not the proximate result of wilful  
26 negligence on the part of the member, a monthly survivor's pension  
27 equal to 40 percent of the member's base salary at the time of termin-  
28 ation of employment, divided by 12, must [SHALL] be paid to the mem-  
29 ber's surviving spouse. If there is no surviving spouse, the monthly

1 survivor's pension must [SHALL] be paid in equal parts to the depen-  
2 dent children of the member. On the date the normal retirement of the  
3 member would have occurred if the member had lived, monthly payments  
4 must [SHALL] equal the monthly amount of the normal retirement benefit  
5 to which the member, had the member lived and continued employment  
6 until the member's normal retirement date, would have been entitled  
7 with an average base salary as existed at the member's death and the  
8 credited service to which the member would have been entitled. If no  
9 surviving spouse or dependent children exist at the time of death, or  
10 if the member designates as beneficiary someone other than the surviv-  
11 ing spouse in accordance with AS 14.25.166 or dependent children, the  
12 member's designated beneficiary must [SHALL] be paid those benefits  
13 available to a beneficiary under AS 14.25.160(b) and (c) and no bene-  
14 fit will be paid to the surviving spouse or dependent children.

15 \* Sec. 8. AS 14.25.166(a) is amended to read:

16 (a) Each member shall designate the beneficiary or beneficiaries  
17 to whom benefits payable under this chapter as a consequence of the  
18 member's death must [SHALL] be distributed. Notwithstanding any  
19 previous designation of beneficiary, if, during a period of employment  
20 covered by this chapter, the member is married, becomes married, or  
21 remarries, the designated beneficiary automatically becomes, except to  
22 the extent that a qualified domestic relations order provides for  
23 payment to other dependents of the member, the member's spouse, unless  
24 the designation of the spouse is revoked. Revocation of the designa-  
25 tion of the member's spouse as the beneficiary is not effective unless

26 (1) the revocation is made on a form provided by the admin-  
27 istrator and is filed with the administrator; and

28 (2) the member's spouse files with the administrator, on a  
29 form provided by the administrator, a written consent to the

1        revocation.

2        \* Sec. 9. AS 14.25.166(b) is amended to read:

3                (b) Except as provided in (a) of this section, the [THE] desig-  
4                nation may be changed or revoked by the member without notice to the  
5                beneficiary or beneficiaries at any time. If a member designates more  
6                than one beneficiary, each shares [SHALL SHARE] equally unless the  
7                member specifies a different allocation or preference. The designa-  
8                tion of a beneficiary and a change or revocation of a beneficiary must  
9                [SHALL] be made on a form provided by the administrator and is not  
10               effective until filed with the administrator.

11        \* Sec. 10. AS 14.25.166 is amended by adding new subsections to read:

12                (d) As used in (a) of this section, "spouse" means the person to  
13                whom the member was married during a period of the member's employment  
14                covered by this chapter, and is married at the time of the member's  
15                death, except to the extent that a qualified domestic relations order,  
16                filed with the administrator, orders otherwise.

17                (e) A person claiming entitlement to benefits payable under this  
18                chapter as a consequence of a member's death shall provide the admin-  
19                istrator with a marriage certificate, divorce or dissolution judgment,  
20                or other evidence of entitlement. Documents establishing entitlement  
21                may be filed with the administrator immediately after a change in the  
22                member's marital status. If the administrator does not receive noti-  
23                fication of a claim before 10 days after the member's death, the  
24                person claiming entitlement is not entitled to receive from the divi-  
25                sion of retirement and benefits any benefit already paid by the admin-  
26                istrator.

27        \* Sec. 11. AS 14.25.167(a) is amended to read:

28                (a) Benefits payable under this section are in place of benefits  
29                payable under AS 14.25.110, 14.25.125, 14.25.155, 14.25.157,

1 14.25.160, 14.25.162, or 14.25.164. Upon filing an application for  
2 retirement with the administrator, or when a disabled member becomes  
3 eligible for normal retirement under AS 14.25.130(e), the [A] member  
4 shall [MAY] designate the member's spouse [OR A DEPENDENT APPROVED BY  
5 THE ADMINISTRATOR] as the contingent beneficiary. If a revocation and  
6 consent are filed with the administrator under (c)(1) of this section,  
7 or the administrator determines that the consent of the spouse is not  
8 required or cannot be obtained for reasons set out in (c)(2) of this  
9 section, a member may designate a dependent approved by the adminis-  
10 trator as the contingent beneficiary, or may take normal or early  
11 retirement under AS 14.25.110 or 14.25.125. The benefit must [SHALL]  
12 be determined in accordance with one of the following options elected:

13 (1) the member is entitled to receive a reduced benefit  
14 payable for life, and payments in the amount of 75 percent of the  
15 reduced benefit must [SHALL], after the member's death, be continued  
16 to the contingent beneficiary for life;

17 (2) the member is entitled to receive a reduced benefit  
18 payable for life, and payments in the amount of 50 percent of the  
19 reduced benefit must [SHALL], after the member's death, be continued  
20 to the contingent beneficiary for life; or

21 (3) the member is entitled to receive a reduced benefit  
22 payable during the joint lifetime of the member and the contingent  
23 beneficiary, and payments in the amount of 66-2/3 percent of the re-  
24 duced benefit must [SHALL], after the death of either the member or  
25 the contingent beneficiary, be continued to the survivor for life.

26 \* Sec. 12. AS 14.25.167(c) is amended to read:

27 (c) A member may elect or[,] change[, OR REVOKE] an option  
28 without the approval of the administrator if the member's election or  
29 [,] change[, OR REVOCATION] is filed in writing with the administrator

1 before the effective date of the member's retirement. A revocation of  
2 a joint and survivor option is not effective unless it is filed with  
3 the administrator before the effective date of the member's retirement  
4 and

5 (1) the member's spouse files with the administrator a  
6 written consent to the revocation on a form approved by the adminis-  
7 trator; or

8 (2) the administrator determines, based on the affidavit of  
9 the member and other documentation provided to the administrator, that  
10 the consent of the member's spouse under (1) of this subsection either  
11 (A) is not required because the spouse was not married to the member  
12 during any period of the member's employment covered by this chapter,  
13 or (B) cannot be obtained because there is no spouse, because the  
14 spouse cannot be located, or because of other circumstances described  
15 by the administrator by regulation.

16 \* Sec. 13. AS 14.25.167 is amended by adding new subsections to read:

17 (f) As used in this section, "spouse" means the person to whom  
18 the member is married at the time of appointment to retirement, except  
19 to the extent that a qualified domestic relations order, file' with  
20 the administrator, orders otherwise.

21 (g) The member and any person claiming to be a contingent bene-  
22 ficiary shall file with the administrator a marriage certificate,  
23 divorce or dissolution judgment, or other evidence necessary to deter-  
24 mine the applicability of this section and the identity of any contin-  
25 gent beneficiary.

26 (h) If the administrator determines, based on the affidavit of  
27 the member and other documentation provided to the administrator, that  
28 a member is eligible to elect a form of payment other than a joint and  
29 survivor option under this section, and no contrary evidence is

1 presented to the administrator within 60 days after the effective date  
2 of the member's retirement, no claim under this section, made by a  
3 spouse or former spouse of the member, may be paid if payment would  
4 result in an increase in actuarial liability to the system.

5 (i) If a member fails to elect an option under (a) of this  
6 section and no effective revocation is filed with the administrator,  
7 the member is considered to have elected the option provided in (a)(2)  
8 of this section.

9 \* Sec. 14. AS 14.25.200(a) is amended to read:

10 (a) Except as provided in (c) of this section, benefits [BENE-  
11 FITS] and other amounts held in the retirement fund on behalf of the  
12 members are exempt from Alaska state and municipal taxes and are not  
13 subject to anticipation, alienation, sale, transfer, assignment,  
14 pledge, encumbrance, or charge of any kind, either voluntary or invol-  
15 untary, before they are received by the person entitled to the amount  
16 under the terms of the system, and any attempt to anticipate, alien-  
17 ate, sell, transfer, assign, pledge, encumber, charge, or otherwise  
18 dispose of any right to amounts accrued in the retirement fund is  
19 void.

20 \* Sec. 15. AS 14.25.200 is amended by adding a new subsection to read:

21 (c) The prohibition against assignment of benefits, in (a) of  
22 this section, does not apply to assignment of a member's right to  
23 receive benefits under a qualified domestic relations order.

24 \* Sec. 16. AS 14.25.220 is amended by adding new paragraphs to read:

25 (42) "qualified domestic relations order" means a divorce  
26 or dissolution judgment under AS 25.24, including an order approving a  
27 property settlement, that

28 (A) creates or recognizes the existence of an alter-  
29 nate payee's right to, or assigns to an alternate payee the right

1 to, receive all or a portion of the benefits payable with respect  
2 to a member;

3 (B) sets out the name and last known mailing address,  
4 if any, of the member and of each alternate payee covered by the  
5 order;

6 (C) sets out the amount or percentage of the member's  
7 benefit, or of any survivor's benefit, to be paid to the alter-  
8 nate payee, or sets out the manner in which that amount or per-  
9 centage is to be determined;

10 (D) sets out the number of payments or period to which  
11 the order applies;

12 (E) does not require any type or form of benefit or  
13 any option not otherwise provided by this chapter;

14 (F) does not require an increase of benefits in excess  
15 of the amount provided by this chapter, determined on the basis  
16 of actuarial value; and

17 (G) does not require the payment, to an alternate  
18 payee, of benefits that are required to be paid to another alter-  
19 nate payee under another order previously determined to be a  
20 qualified domestic relations order;

21 (43) "surviving spouse" means the spouse of a member at the  
22 time of the member's death, except to the extent that a qualified  
23 domestic relations order, filed with the administrator, orders other-  
24 wise.

25 \* Sec. 17. AS 22.25.030(b) is repealed and reenacted to read:

26 (b) For purposes of this section, "surviving spouse" means the  
27 person to whom the justice or judge was married for at least one year  
28 immediately preceding the death of the justice or judge, except to the  
29 extent that a qualified domestic relations order, filed with the

1 administrator by a previous spouse of the justice or judge, who was  
2 married to the justice or judge for at least one year and who has not  
3 remarried, provides otherwise. The benefits continue until the remar-  
4 riage or death of the surviving spouse.

5 \* Sec. 18. AS 22.25 is amended by adding a new section to read:

6 Sec. 22.25.900. DEFINITION. "Qualified domestic relations order"  
7 means a divorce or dissolution judgment under AS 25.24, including an  
8 order approving a property settlement, that

9 (1) creates or recognizes the existence of an alternate  
10 payee's right to, or assigns to an alternate payee the right to,  
11 receive all or a portion of the benefits payable with respect to a  
12 justice or judge;

13 (2) sets out the name and last known mailing address, if  
14 any, of the justice or judge and of each alternate payee covered by  
15 the order;

16 (3) sets out the amount or percentage of the justice's or  
17 judge's benefit, or of any survivor's benefit, to be paid to the  
18 alternate payee, or sets out the manner in which that amount or per-  
19 centage is to be determined;

20 (4) sets out the number of payments or period to which the  
21 order applies;

22 (5) does not require any type or form of benefit or any  
23 option not otherwise provided by this chapter;

24 (6) does not require an increase of benefits in excess of  
25 the amount provided by this chapter, determined on the basis of actu-  
26 arial value;

27 (7) does not require the payment, to an alternate payee, of  
28 benefits that are required to be paid to another alternate payee under  
29 another order previously determined to be a qualified domestic

1 relations order.

2 \* Sec. 19. AS 25.24.160 is amended by adding a new subsection to read:

3 (b) If a judgment under this section distributes benefits to an  
4 alternate payee under AS 14.24, AS 22.25, AS 26.05.222 -- 26.05.226,  
5 or AS 39.35, the judgment must be a "qualified domestic relations  
6 order" as defined in those chapters.

7 \* Sec. 20. AS 25.24.230 is amended by adding a new subsection to read:

8 (g) If a judgment under this section distributes benefits to an  
9 alternate payee under AS 14.24, AS 22.25, AS 26.05.222 -- 26.05.226,  
10 or AS 39.35, the judgment must be a "qualified domestic relations  
11 order" as defined in those chapters.

12 \* Sec. 21. AS 26.05.224(d) is amended to read:

13 (d) Upon the death of an active member who has at least five  
14 years service in the Alaska National Guard or Alaska Naval Militia or  
15 a combination of these components, the member's designated beneficiary  
16 is entitled to a lump sum benefit calculated in accordance with (b) of  
17 this section. Upon the death of a former member who has at least 20  
18 years service, the former member's designated beneficiary is entitled  
19 to a lump sum benefit calculated in accordance with (b) of this sec-  
20 tion less any retirement benefits previously paid. Except as provided  
21 in (e) of this section, a [A] member may change or revoke the desig-  
22 nation of a beneficiary without notice to the beneficiary at any time.  
23 If a member designates more than one beneficiary, each shares [SHALL  
24 SHARE] equally unless the member specifies a different allocation.  
25 The designation of a beneficiary and a change or revocation of a  
26 beneficiary must [SHALL] be made on a form provided by the Department  
27 of Military and Veterans' Affairs and is not effective until filed  
28 with the Department of Military and Veterans' Affairs. If a member  
29 fails to designate a beneficiary or if no designated beneficiary

1 survives the member, the death benefit under this subsection must  
2 [SHALL] be paid to the member's surviving spouse or, if there is none  
3 surviving, to the member's estate.

4 \* Sec. 22. AS 26.05.224 is amended by adding new subsections to read:

5 (e) Notwithstanding any previous designation of beneficiary, if,  
6 during a period of service covered by this chapter, the member is  
7 married, becomes married, or remarries, the designated beneficiary  
8 automatically becomes, except to the extent that a qualified domestic  
9 relations order provides for payment to other dependents of the mem-  
10 ber, the member's spouse, unless the designation of the spouse is  
11 revoked. Revocation of the designation of the member's spouse as the  
12 beneficiary is not effective unless the member's spouse files with the  
13 Department of Military and Veterans' Affairs, on a form provided by  
14 the department, a written consent to the revocation.

15 (f) A person claiming entitlement to any benefits payable under  
16 this section shall provide the department with a marriage certificate,  
17 divorce or dissolution decree, or other evidence of entitlement.  
18 Documents showing entitlement may be filed with the department immedi-  
19 ately after a change in the member's marital status. If the depart-  
20 ment does not receive notification of a claim before 10 days after the  
21 member's death, the person claiming entitlement to the benefits is not  
22 entitled to receive from the Department of Administration or Depart-  
23 ment of Military and Veterans' Affairs any benefit already paid under  
24 this section.

25 (g) As used in (e) of this section, "spouse" means the person to  
26 whom the member was married during a period of service covered by this  
27 chapter, and is married at the time of the member's death, except to  
28 the extent that a qualified domestic relations order filed with the  
29 department, orders otherwise.

1 \* Sec. 23. AS 26.05.227 is amended by adding a new paragraph to read:

2 (4) "qualified domestic relations order" means a divorce or  
3 dissolution judgment under AS 25.24, including an order approving a  
4 property settlement, that

5 (A) creates or recognizes the existence of an alter-  
6 nate payee's right to, or assigns to an alternate payee the right  
7 to, receive all or a portion of the benefits payable with respect  
8 to a member;

9 (B) sets out the name and last known mailing address,  
10 if any, of the member and of each alternate payee covered by the  
11 order;

12 (C) sets out the amount or percentage of the member's  
13 benefit, or of any survivor's benefit, to be paid to the alter-  
14 nate payee, or sets out the manner in which that amount or per-  
15 centage is to be determined;

16 (D) sets out the number of payments or period to which  
17 the order applies;

18 (E) does not require any type or form of benefit or  
19 any option not otherwise provided by AS 26.05.222 -- 26.05.228;

20 (F) does not require an increase of benefits in excess  
21 of the amount provided by AS 26.05.222 -- 26.05.228, determined  
22 on the basis of actuarial value; and

23 (G) does not require the payment, to an alternate  
24 payee, of benefits that are required to be paid to another alter-  
25 nate payee under another order previously determined to be a  
26 qualified domestic relations order.

27 \* Sec. 24. AS 39.35.200(a) is amended to read:

28 (a) Except as provided in (c) of this section, an [AN] inactive  
29 employee, not on leave-without-pay status or layoff status, is

1 entitled to receive a refund of the balance of the employee contribu-  
2 tion account.

3 \* Sec. 25. AS 39.35.200 is amended by adding new subsections to read:

4 (c) If, upon termination of employment, an employee has credited  
5 service of more than five years, the employee is entitled to receive a  
6 refund of the balance of the employee's contribution account only if  
7 the employee's spouse consents to the refund, in writing, on a form  
8 provided by the administrator. The consent of the employee's spouse  
9 is not required if the administrator determines, based on the affida-  
10 vit of the employee and other documentation provided to the adminis-  
11 trator, that (1) the spouse was not married to the employee during any  
12 period of the employee's employment covered by this chapter, or (2)  
13 the consent cannot be obtained because there is no spouse, because the  
14 spouse cannot be located, or because of other circumstances described  
15 by the administrator by regulation.

16 (d) AS used in this section, "spouse" means the person to whom  
17 the employee is married at the time of application for the refund,  
18 except to the extent that a qualified domestic relations order, filed  
19 with the administrator, orders otherwise.

20 \* Sec. 26. AS 39.35.370(a) is amended to read:

21 (a) Subject to AS 39.35.450, a [A] terminated employee is elig-  
22 ible for a normal retirement benefit (1) at age 55 years with at least  
23 five years credited service, or (2) with at least 20 years of credited  
24 service as a peace officer or fireman, or (3) with at least 30 years  
25 of credited service for all other employees.

26 \* Sec. 27. AS 39.35.370(b) is amended to read:

27 (b) Subject to AS 39.35.450, a [A] terminated employee is elig-  
28 ible for an early retirement benefit at age 50 with at least five  
29 years credited service.

1 \* Sec. 28. AS 39.35.385(a) is amended to read:

2 (a) Subject to AS 39.35.450, an [AN] employee is eligible for a  
3 normal retirement benefit at age 55 with at least two years of cred-  
4 ited service if the employee also is eligible for a normal retirement  
5 salary under the teachers' retirement system (AS 14.25).

6 \* Sec. 29. AS 39.35.385(b) is amended to read:

7 (b) Subject to AS 39.35.450, an [AN] employee is eligible for an  
8 early retirement benefit at age 50 with at least two years of credited  
9 service if the employee also is eligible for an early retirement sal-  
10 ary under the teachers' retirement system (AS 14.25).

11 \* Sec. 30. AS 39.35.420(c) is amended to read:

12 (c) If a vested or deferred vested member designates as benefi-  
13 ciary, in accordance with AS 39.35.490, someone other than the surviv-  
14 ing spouse to receive nonoccupational death benefits, the designated  
15 beneficiary must [SHALL] be paid: (1) the balance of the deceased  
16 member's employee contribution account; and (2) a lump-sum death  
17 benefit. The amount of the lump-sum death benefit is \$100 times the  
18 years of credited service of the deceased member plus \$1,000.

19 \* Sec. 31. AS 39.35.430(f) is amended to read:

20 (f) If the death of an employee occurs from occupational causes  
21 but no surviving spouse or dependent children exist at the time of the  
22 death or if the employee designates as beneficiary someone other than  
23 the surviving spouse, in accordance with AS 39.35.490, or dependent  
24 children, the employee's designated beneficiary is entitled to receive  
25 those benefits available to a beneficiary under AS 39.35.420(c) and no  
26 occupational death benefit will be paid to the surviving spouse or  
27 dependent children. [IF THE DESIGNATED BENEFICIARY IS THE SURVIVING  
28 SPOUSE OR DEPENDENT CHILDREN, THE BENEFICIARY SHALL RECEIVE THE BENE-  
29 FIT DESCRIBED IN (b) OF THIS SECTION.]

1 \* Sec. 32. AS 39.35.440(b) is amended to read:

2 (b) Upon the death of a disabled employee who is receiving or is  
3 entitled to receive an occupational disability benefit, a surviving  
4 spouse's pension, equal to 40 percent of the employee's monthly com-  
5 pensation at the termination of employment because of occupational  
6 disability, must [SHALL] be paid to the surviving spouse. If there is  
7 no surviving spouse, the survivor's pension must [SHALL] be paid in  
8 equal parts to the dependent children of the employee. On the date  
9 the normal retirement of the employee would have occurred if the  
10 employee had lived, monthly payments must [SHALL] equal the monthly  
11 amount of the normal retirement benefit to which the employee, had the  
12 employee lived and continued employment until the employee's normal  
13 retirement date, would have been entitled with an average monthly  
14 compensation as existed at death and the credited service to which the  
15 employee would have been entitled. If the death of an employee occurs  
16 from occupational causes but no surviving spouse or dependent children  
17 exist at the time of the death, or if the employee designates as  
18 beneficiary someone other than the surviving spouse, in accordance  
19 with AS 39.35.490, or dependent children, the employee's designated  
20 beneficiary must [SHALL] be paid those benefits available to a benefi-  
21 ciary under AS 39.35.420(c) and no occupational death benefit will be  
22 paid to the surviving spouse or dependent children.

23 \* Sec. 33. AS 39.35.450(a) is amended to read:

24 (a) Benefits payable under this section are in place of benefits  
25 payable under AS 39.35.370 and 39.35.385. Upon filing an application  
26 with the administrator, or when a disabled employee first attains  
27 eligibility for normal retirement under AS 39.35.400(f) or 39.35.410-  
28 (h), the [AN] employee shall [MAY] designate the employee's [A] spouse  
29 [OR A DEPENDENT APPROVED BY THE ADMINISTRATOR,] as the contingent

1 beneficiary. If a revocation and consent are filed with the adminis-  
2 trator under (c)(1) of this section, or the administrator determines  
3 that the consent of the spouse is not required or cannot be obtained  
4 for the reasons set out in (c)(2) of this section, the employee may  
5 designate a dependent approved by the administrator as the contingent  
6 beneficiary, or may take normal or early retirement under AS 39.35.370  
7 or 39.35.385. The benefit must [SHALL] be determined in accordance  
8 with one of the following options elected:

9 (1) the employee is entitled to receive a reduced benefit  
10 payable for life, and payments in the amount of 75 percent of the  
11 reduced benefit must [SHALL], after the employee's death, be continued  
12 to the contingent beneficiary for life;

13 (2) the employee is entitled to receive a reduced benefit  
14 payable for life, and payments in the amount of 50 percent of the  
15 reduced benefit must [SHALL], after the employee's death, be continued  
16 to the contingent beneficiary for life;

17 (3) the employee is entitled to receive a reduced benefit  
18 payable during the joint lifetime of the employee and the contingent  
19 beneficiary, and payments in the amount of 66 2/3 percent of the re-  
20 duced benefit must [SHALL], after the death of either the employee or  
21 the contingent beneficiary, be continued to the survivor for life.

22 \* Sec. 34. AS 39.35.450(c) is amended to read:

23 (c) An employee may elect or [,] change[, OR REVOKE] an option  
24 without the approval of the administrator if the election or [,]  
25 change[, OR REVOCATION] is filed in writing with the administrator  
26 before the effective date of the employee's retirement. A revocation  
27 of a joint and survivor option is not effective unless it is filed  
28 with the administrator before the effective date of the employee's  
29 retirement and

1           (1) the employee's spouse files with the administrator a  
2 written consent to the revocation on a form approved by the adminis-  
3 trator; or

4           (2) the administrator determines, based on the affidavit of  
5 the employer and other documentation provided to the administrator,  
6 that the consent of the employee's spouse under (1) of this subsection  
7 (A) is not required because the spouse was not married to the employee  
8 during any period of the employee's employment covered by this chap-  
9 ter, or (B) cannot be obtained because there is no spouse, because the  
10 spouse cannot be located, or because of other circumstances described  
11 by the administrator by regulation.

12 \* Sec. 35. AS 39.35.450 is amended by adding new subsections to read:

13           (f) As used in this section, "spouse" means the person to whom  
14 the employee is married at the time of appointment to retirement, ex-  
15 cept to the extent that a qualified domestic relations order, filed  
16 with the administrator, orders otherwise.

17           (g) The employee and any person claiming to be a contingent  
18 beneficiary shall file with the administrator a marriage certificate,  
19 divorce or dissolution judgment, or other evidence necessary to deter-  
20 mine the applicability of this section and the identity of any contin-  
21 gent beneficiary.

22           (h) If the administrator determines, based on the affidavit of  
23 the employee and other documentation provided to the administrator,  
24 that an employee is eligible to elect a form of payment other than a  
25 joint and survivor option under this section, and no contrary evidence  
26 is presented to the administrator within 60 days after the effective  
27 date of the employee's retirement, no claim under this section, made  
28 by a spouse or former spouse or ~~the member~~ may be paid if payment  
29 would result in an increase in actuarial liability to the system.

1 (i) If an employee fails to elect an option under this section,  
2 and if no effective revocation is filed with the administrator, the  
3 employee is considered to have elected the option provided in (a)(2)  
4 of this section.

5 \* Sec. 36. AS 39.35.490 is amended to read:

6 Sec. 39.35.490. DESIGNATION OF BENEFICIARY. (a) Each employee  
7 shall designate the beneficiary or beneficiaries to whom benefits,  
8 payable under this chapter as a consequence of the employee's death,  
9 must [SHALL] be distributed. Notwithstanding any previous designation  
10 of beneficiary, if, during a period of employment covered by this  
11 chapter, the employee is married, becomes married, or remarries, the  
12 designated beneficiary automatically becomes, except to the extent  
13 that a qualified domestic relations order provides for payment to  
14 other dependents of the employee, the employee's spouse, unless the  
15 designation of the spouse is revoked. Revocation of the designation  
16 of the employee's spouse as the beneficiary is not effective unless

17 (1) the revocation is made on a form provided by the admin-  
18 istrator and is filed with the administrator; and

19 (2) the employee's spouse files with the administrator on a  
20 form provided by the administrator a written consent to the revoca-  
21 tion.

22 (b) Except as provided in (a) of this section, the [THE] desig-  
23 nation may be changed or revoked by the employee without notice to the  
24 beneficiary or beneficiaries at any time. If an employee designates  
25 more than one beneficiary, each shares [SHALL SHARE] equally unless  
26 the employee specifies a different allocation or preference. The  
27 designation of a beneficiary and a change or revocation of a benefi-  
28 ciary must [SHALL] be made on a form provided by the administrator and  
29 is not effective until filed with the administrator.

1 (c) If an employee fails to designate a beneficiary, or if no  
2 designated beneficiary survives the employee, the death benefit must  
3 [SHALL] be paid (1) to the surviving spouse or, if there is none  
4 surviving, (2) to the surviving children in equal parts or, if there  
5 is none surviving, (3) to the surviving parents in equal parts or, if  
6 there is none surviving, (4) to the employee's estate.

7 (d) As used in (a) of this section, "spouse" means the person to  
8 whom the employee was married during a period of the employee's em-  
9 ployment covered by this chapter, and is married at the time of the  
10 employee's death, except to the extent that a qualified domestic  
11 relations order, filed with the administrator, orders otherwise.

12 (e) A person claiming entitlement to benefits payable under this  
13 chapter as a consequence of an employee's death shall provide the  
14 administrator with a marriage certificate, divorce or dissolution  
15 decree, or other evidence of entitlement. Documents establishing  
16 entitlement may be filed with the administrator immediately after a  
17 change in the employee's marital status. If the administrator does  
18 not receive notification of a claim before 10 days after the employ-  
19 ee's death, the person claiming entitlement to the benefits is not  
20 entitled to receive from the division of retirement and benefits any  
21 benefit already paid by the administrator.

22 \* Sec. 37. AS 39.35.500 is amended to read:

23 Sec. 39.35.500. SAFEGUARD OF EMPLOYEE FUNDS HELD BY THE SYSTEM.

24 (a) Employee contributions and other amounts held in the pension fund  
25 are exempt from Alaska state and local taxes. Except as provided in  
26 (b) of this section, amounts [AMOUNTS] held on behalf of, or payable  
27 to, any employee or other person who is or may become eligible for  
28 benefits under the system are not subject to anticipation, alienation,  
29 sale, transfer, assignment, pledge, encumbrance, or charge of any

1 kind, either voluntary or involuntary, before being received by the  
2 person entitled to the amount under the terms of the system. Except  
3 as provided in (b) of this section, an [AN] attempt to anticipate,  
4 alienate, sell, transfer, assign, pledge, encumber, charge, or other-  
5 wise dispose of a right to amounts held under the system is void.

6 (b) The prohibition against assignment of benefits in (a) of  
7 this section does not apply to assignment of an employee's right to  
8 receive benefits under a qualified domestic relations order.

9 \* Sec. 38. AS 39.35.680(37) is amended to read:

10 (37) "surviving spouse" means the spouse of an employee who  
11 has been married to the employee for at least one year at the time of  
12 the employee's death, except to the extent that a qualified domestic  
13 relations order, filed with the administrator, orders otherwise; the  
14 one-year marriage requirement does not apply when the employee's death  
15 was an occupational or accidental death.

16 \* Sec. 39. AS 39.35.680 is amended by adding a new paragraph to read:

17 (40) "qualified domestic relations order" means a divorce  
18 or dissolution judgment under AS 25.24, including an order approving a  
19 property settlement, that

20 (A) creates or recognizes the existence of an alter-  
21 nate payee's right to, or assigns to an alternate payee the right  
22 to, receive all or a portion of the benefits payable with respect  
23 to an employee;

24 (B) sets out the name and last known mailing address,  
25 if any, of the employee and of each alternate payee covered by  
26 the order;

27 (C) sets out the amount or percentage of the employ-  
28 ee's benefit, or of any survivor's benefit, to be paid to the  
29 alternate payee, or sets out the manner in which that amount or

1 percentage is to be determined;

2 (D) sets out the number of payments or period to which  
3 the order applies;

4 (E) does not require any type or form of benefit or  
5 any option not otherwise provided by this chapter;

6 (F) does not require an increase of benefits in excess  
7 of the amount provided by this chapter, determined on the basis  
8 of actuarial value; and

9 (G) does not require the payment, to an alternate  
10 payee, of benefits that are required to be paid to another alter-  
11 nate payee under another order previously determined to be a  
12 qualified domestic relations order.

13 \* Sec. 40. Within 90 days after this Act becomes law, the Department of  
14 Administration shall provide notification of the provisions of this Act in  
15 the regularly published newsletters of the division of retirement and  
16 benefits and by publication in newspapers of general distribution in each  
judicial district of the state, and shall make available the forms neces-  
sary to implement this Act.

17 \* Sec. 41. Section 40 of this Act takes effect immediately in accor-  
18 dance with AS 01.10.070(c).

19 \* Sec. 42. Sections 1 -- 39 take effect on January 1, 1986.

ANALYSIS OF HB 237  
"An act relating to pension reform."  
March 1985

I. Sections 1-16 relate to changes in the Teachers' Retirement System.

Sections 1-3 amend the eligibility requirements for normal and early retirement of the TRS system to stipulate that members must designate their spouse\* (which could include former spouses) the contingent beneficiary and select a joint and survivor benefit plan. The member must chose among three options that currently exist in the retirement plan.

Exceptions to these requirements are:

1. if the spouse has signed a consent form waiving the right as the contingent beneficiary;
2. if the spouse was not married to the member during any period of the member's employment covered by the retirement system;
3. if there is no spouse or that the spouse cannot be located or other circumstances described by the administrator by regulation

\*Under sections 1-3, "spouse" means the person to whom the member is married at the time of appointment to retirement except to the extent that a qualified domestic relations order, orders otherwise.

Section 5 amends vested members' right to refund upon termination by requiring vested members to obtain their spouse's\* (which could include former spouses) consent to the refund, in writing.

Exceptions to this requirement are:

1. the member is not vested;
2. the spouse was not married to the member during any period of the member's employment;
3. there is no spouse;
4. consent cannot be obtained because the spouse cannot be located.

\*Under this section "spouse" means the person to whom the member is married at the time of application for the refund, except to the extent that a qualified domestic relations order, orders otherwise.

Sections 6 and 7 amend the designation of beneficiary for non-occupational and occupational death benefits by clarifying the definition of spouse\* to include former spouses to the extent that a qualified domestic relations order so orders.

\*Under these sections "spouse" means the person to whom the member was married during the member's employment and is married to at the time of the member's death, except to the extent that a qualified domestic relations order, orders otherwise.

Sections 8-10 amend the designation of beneficiary for death benefits from the member's designated choice to the member's spouse if the member is married, becomes married or remarries. Revocation of the designation of the member's spouse can only be accomplished by the spouse signing a consent form waiving the right as beneficiary.

The definition of spouse is clarified to mean the person to whom the member was married during the member's employment and is married to at the time of the member's death, except to the extent that a qualified domestic relations order, orders otherwise. A qualified domestic relations order can establish a former spouse as the designated beneficiary.

Procedures for the claiming of spousal entitlement to death benefits is outlined. A ten day time period, following the member's death, is established for all entitlement claims to be filed with the administrator. If a claim is not received within the ten day period, the person claiming entitlement is not entitled to receive any benefit already paid by the administrator.

Sections 11-13 amend the joint and survivor option of retirement plans by changing the designation of contingent beneficiary to require that a member's spouse (which could include former spouses) must be the contingent beneficiary. The member, however, maintains the choice of which joint and survivor option plan to select. The member must choose among three options currently existing in the retirement plan.

Exceptions to this requirement are:

1. if the spouse signs a consent form waiving the right as contingent beneficiary;
2. if the spouse was not married to the member during any period of the members employment covered by this retirement plan;

3. if there is no spouse or that the spouse cannot be located or other circumstances described by the administrator.

In the case where there is 'no spouse', a member may designate a dependent as a contingent beneficiary or may take normal or early retirement.

Spouse is defined as the person to whom the member is married at the time of appointment to retirement, except to the extent that a qualified domestic relations order, orders otherwise. A qualified domestic relations order can establish a former spouse as the contingent beneficiary.

Procedures for claiming to be a contingent beneficiary is outlined. A 60 day time period, following a member's application for retirement, is established for filing of all claims as contingent beneficiary. No claim, following the 60 day period, may be paid if the payment would result in an increase in the actuarial cost to the retirement system.

Sections 14-15 amend the TRS exemption status from assignments to provide for assignments resulting from qualified domestic relations orders.

Section 16 defines a domestic relations order. Which means a divorce or dissolution judgement, including an order approving a property settlement, provision of child support and spousal support. It also defines surviving spouse as the spouse of a member at the time of a member's death except to the extent that a qualified domestic relations order, orders otherwise.

## II. Sections 17 and 18 relate to changes in the Judicial Retirement System.

Section 17 amends survivor benefits by reducing the requirement from two years to one year that a spouse be married prior to the death of the justice or judge in order to be eligible for survivor benefits. This change conforms to PERS definition and ERISA's requirements for eligibility of survivor benefits.

It also allows former spouses who were married for at least one year and who have not remarried to share in survivors' benefits to the extent provided in a qualified domestic relations order.

Section 18 defines a qualified domestic relations order. The definition is the same as described in Section 16 under the TRS plan.

III. Sections 19 and 20 relate to changes in the Marital and Domestic Relations statute. The amendments require that if a divorce or dissolution judgement distributes benefits from PERS, TRS, NGRS to an alternate payee (former spouse), the judgement must be a qualified domestic relations order.

IV. Sections 21-23 relate to changes in the Alaska National Guard Retirement System.

Sections 21 and 22 amend retirement benefits for vested members by changing the designation of beneficiary for death benefits from the vested member's designated choice to the member's spouse if the member is married, becomes married or remarries while employed under this retirement plan. It also allows former spouses who were married to the member while employed under this retirement plan to share in survivors' benefits to the extent provided in a qualified domestic relations order.

Requirements and procedures for revocation of consent of the spouse, proof of a claim to entitlement and a 10 day notification of claim period are the same as for the death benefits under TRS (referred to in Sections 8-10).

Section 23 defines a qualified domestic relations order. It is identical to all other references in TRS, JRS (Sections 16 and 18).

V. Sections 24-39 relate to changes in the Public Employees' Retirement System.

Section 24 amends a vested member's right to refund upon termination by requiring vested members to obtain their spouse's consent to the refund in writing. Definition of spouse and exceptions to this requirement are the same as in TRS (Section 5).

Sections 26-29 amend the eligibility requirements for normal and early retirement under PERS to stipulate that members must designate their spouses as the contingent beneficiary and select a joint and survivor benefit plan. The member must choose among three options which currently exist in the retirement plan. The exceptions to this requirement and definition of spouse are the same as in TRS (Sections 1-3).

Sections 30-32 amend the designation of beneficiary for non-occupational and occupational death benefits by clarifying the definition of spouse which could include former spouses to the extent that a qualified domestic relations order so orders. The change in definition of spouse is the same as in TRS (Sections 6-7).

Sections 33-35 amend the joint and survivor option of retirement plan by changing the designation of contingent beneficiary to require that a member's spouse (which could include former spouses) must be the contingent beneficiary. The member, however, maintains the choice of which joint and survivor option plan to select. The member must choose among three options that currently exist in the retirement plan. Revocation of this requirement, spousal waiver, right to designate a dependent as beneficiary or take normal retirement, definition of spouse, procedures for spousal claim to right of contingent beneficiary and time period allotted for claim is the same as in TRS (Sections 11-13).

Section 36 amends the designation of beneficiary for death benefits from the member's designated choice to the member's spouse if the member is married, becomes married or remarries. Revocation of designation, spousal waiver of the right to beneficiary, the definition of spouse, procedures for spousal claim to right of beneficiary and time period allotted for claim is the same as in TRS (Sections 8-10).

Section 37 amends the PERS exemption status from assignments to provide for assignments resulting from qualified domestic relations orders. This is the same in TRS (Sections 14-15).

Section 38 amends the definition of surviving spouse in the PERS plan to include former spouses to the extent that a qualified domestic relations order, orders.

Section 39 defines a domestic relations order. This is the same definition used in TRS, JRS, NGRS (Sections 16, 18, 23).

Section 40 charges the Department of Administration with the duty to notify members of the state's retirement plans of the changes previously outlined within 90 days following enactment of the legislation. Notification will be provided through the division of retirement's newsletter and publication in newspapers in each judicial district of the state. They will also provide all necessary forms to implement the Act.

Sections 41-42 set out the effective dates of the Act. Notification of the changes to the state's retirement plans will take effect immediately. Sections 1-39 take effect January 1, 1986.

PROPOSED PENSION LEGISLATION

1. Current state law:

Sec. 39.35.330. Leave of absence. (a) A leave of absence with pay authorized by an employer will not be considered as interrupting employment. If the employee is a permanent part-time employee, credited service will be granted on a basis proportionate to that which would have been earned as a permanent full-time employee. (b) A leave of absence without pay which exceeds 10 working days in any calendar year or layoff status authorized by an employer will be considered as an interruption of employment and no credited service will be granted.

Intent of proposed change:

Add section on exceptions to credited service that would treat a leave of absence not to exceed 501 hours due to pregnancy, birth, adoption or certain child care as credited service whether the absence was in payed or unpaid status. Such a leave of absence should not be applied to the 10 day rule of leave without pay.

2. Current state laws:

Sec. 39.35.450. Joint and survivor option. (a) Benefits payable under this section are in place of benefits payable under AS 39.35.370. Upon filing an application with the administrator, an employee may designate his or her spouse or a dependent approved by the administrator as the contingent beneficiary. The benefit shall be determined in accordance with one of the following options elected:

(c) An employee may elect, change, or revoke an option without the approval of the administrator if his election, change, or revocation is filed in writing with the administrator before the effective date of his retirement.

(d) A member, including a deferred vested member, may, regardless of his age, elect a joint and survivor option any time before appointment to receive a retirement benefit.

Sec. 39.35.490. Designation of beneficiary. (a) Each employee shall designate the beneficiary or beneficiaries to whom benefits payable under this chapter as a consequence of the employee's death shall be distributed.

(b) The designation may be changed or revoked by the employee without notice to the beneficiary or beneficiaries at any time. If an employee designates more than one beneficiary, each shall share equally unless the employee specifies a different allocation or preference. The designation of a beneficiary and a change or revocation of a beneficiary shall be made on a form provided by the administrator and is not effective until filed with the administrator.

(c) If an employee fails to designate a beneficiary, or if no designated beneficiary survives the employee, the death benefit shall be paid (1) to his surviving spouse, or, if there is none surviving, (2) to his surviving children in equal parts or, if there is none surviving, (3) to his surviving parents in equal parts or, if there is none surviving, (4) to his estate.

Intent of proposed change:

Make survivor benefits for spouses automatic unless both the participant and the spouse consent in writing to waive it.

3. Current state law:

Sec. 39.35.500. Safeguard of employee funds held by the system. Employee contributions and other amounts held in the pension fund are exempt from Alaska state and local taxes. Amounts held on behalf of, or payable to, any employee or other person who is or may become eligible for benefits under the system are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge of any kind, either voluntary or involuntary, before being received by the person entitled to the amount under the terms of the system. An attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of a right to amounts held under the system is void.

Intent of proposed change:

Indicate that the assignment of retirement benefits to satisfy judgements in divorce actions, child support or alimony payments does not result in prohibited assignment under the terms of the system.

4. Current state law:

Sec. 25.24.160. Judgement. In a judgement in an action for divorce or action declaring a marriage void or at any time after judgement, the court may provide:

(6) for the division between the parties of their property, whether joint or separate, acquired only during coverture, in the manner as may be just, and without regard to which of the parties is in fault; however, the court, in making the division, may invade the property of either spouse acquired before marriage when the balancing of the equities between the parties requires it; and to accomplish this end the judgement may require that one or both of the parties assign, deliver, or convey any of their real property to the other party.

Intent of proposed change:

Specify that pension and retirement benefits constitute property not otherwise encumbered by law.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Page 1 of 2

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

Page 1 of 2

REQUEST

Bill/Resolution No.: 237

Title: An Act Relating to Pension Reform

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

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

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

FISCAL DETAIL

Agency Affected: All State Agencies

Program Category Affected: Elementary & Secondary Education, Labor Services

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

PERS, JRS, TRS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Operating						
100 Personal Svcs		10.0				
100 Ptmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies		5.0				
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	15.0	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		15.0				
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	15.0	-0-	-0-	-0-	-0-

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
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	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY		2.0				

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director Phone: 465-4470  
 Division: Retirement & Benefits Date: 2/20/85

Approved by Commissioner: Lisa Rudd Date: 2-21-85  
 Agency: Department of Administration

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

HB 237 . . .

Fiscal Note Analysis

Prepared by Division of Retirement & Benefits

Department of Administration

February 20, 1985

IV Analysis:

Passage of this bill will; 1) require a married member of the Public Employees' (PERS), Teachers' (TRS) and Judicial (JRS) Retirement Systems to select one of the joint and survivor options upon retirement unless the requirement is waived by the spouse and would require that the spouse be the primary beneficiary of death benefits, and 2) would allow any benefit payable from the PERS, TRS and JRS to be subject to attachment to satisfy orders by divorce or dissolution of marriage orders.

The fiscal impact of this will be due to the research and notification efforts by the Division to inform effected members of the legislation.



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

RETIREMENT AND PENSION REFORM RESEARCH REPORT

(revised) March 1985

Background

Retirement age represents a time of economic uncertainty for most women whether they have worked outside the home or have spent most of their lives as homemakers. At age 65 most people experience a reduction in their income by 44 percent. As a group, older women's incomes are yet smaller since most exist only on Social Security benefits. Older women have the highest incidence of poverty in the state as well as in the nation. The median annual income for older women in Alaska is \$4,700 which is about one-half that for older Alaskan men.

Today more women work outside the home than ever before. In Alaska, 60 percent of all women aged sixteen and older are in the labor force. Sixty-two percent of those women work in the private sector with most of the remaining working in federal, state or local governments. Yet, according to a national survey covering private industry employment in 1979, only 31 percent of all women workers (including part-time workers) were covered by private retirement plans. (Alaskan data are not currently available.) Public sector employment covered by the state of Alaska's retirement plans (PERS, TRS, JRS, NGRS) provides coverage for all permanent employees of the state, participating local governments and the legislature. These systems include approximately 80 to 85 percent of the employment in state and local governments. The balance of local government employment is covered by private retirement plans if any is offered to an employee. Federal workers are covered by their own plan through the federal government. However, no data are currently available on federal retirement programs and participant characteristics for Alaska.

The number of employers offering retirement programs has continued to grow. However, coverage and vestment of women in these programs have not kept pace with men. Many factors contribute to the situation. Women are clustered in industries that are low paying and that offer few benefit programs for their employees. In Alaska, over 62 percent of working women are concentrated in low paying jobs such as clerical, sales and service. Women are also more likely to work part-time or on a temporary basis than men, consequently making vestment difficult to obtain. Sixty-two percent of all part-time work performed in Alaska is done by women.

Private and public retirement plans reward long term, steady employment and generally do not consider the working patterns of women. While women carry the responsibility of child bearing, they are often penalized by retirement plans when they take a leave of absence or break their service in order to provide necessary care for their families. For example, the state of Alaska allows nine weeks leave without pay for purposes of pregnancy or adoption. However, retirement credit stops after an employee exceeds 10 days of leave without pay, thus penalizing an employee who takes the necessary leave.

Rules guiding vestment in retirement plans have also limited many women's abilities to qualify for retirement benefits. In some cases, an employee who returns to work after a break in service may lose retirement credit for pre-break service. This is not a problem in the state's retirement plans, however. No service is lost unless an employee "cashes out" the benefit upon termination and does not repay it when the employee returns to work for the state.

The term of employment required in order to be eligible for vestment is often times extraordinarily long. National statistics indicate that men spend an average of 5.1 years with the current employer while women had spent only 3.3 years. Yet many private plans require 10 years of service before vestment and the state of Alaska's retirement plans require a minimum of 5 years.

Marriage is an economic partnership and the pension of the working partner is often one of the most valuable assets of a marriage. Yet, spouses who are homemakers or who have worked outside the home but never vested are not always entitled to an equitable share of retirement income based on their partner's careers. Survivor benefits are not automatic in either private or public retirement systems. A joint and survivor option must be selected in order for the spouse to be covered. According to a national survey, over 60 percent of all married private plan participants who retired in 1978 did not elect a joint and survivor option. In the state's retirement plans, PERS and TRS, only 20% and 37% respectively choose joint and survivor options. Since there is no requirement to inform a spouse of the retirement option chosen by the plan participant, many spouses are left unknowingly financially unprepared to face their retirement years. Nationally, only 10 percent of women aged 65 and older received income from private pensions or annuities in 1980.

Retirement and pension benefits are not always considered or included in the determination of marital assets during a divorce or dissolution action, although it may be the most valuable asset attained during a marriage. Recognizing that marriage is an economic partnership, pension benefits accrued during a marriage should be considered as joint property. Alaska statutes, however, contain no specific criteria for property settlements other than the requirement that they be "just and necessary."

Private pension plans and the state's retirement plans, PERS and TRS, have been protected by law from any type of assignment including the satisfying of marital property rights, spousal support and child support. Consequently, when marital property is divided during divorce, the courts can do nothing more than establish a value to retirement benefits and adjust for its value from others assets if they exist.

#### Changes in Federal Retirement and Pension Laws

On August 9, 1984 Congress passed amendments (H.R. 4280) to the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1954. Known as the Retirement Equity Act of 1984, the purpose of the amendments is to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents. The amendments took into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home. Although the amendments are not as complete as the original package first sent to the House of Representatives, its impact can potentially affect 62 percent of the women who work in Alaska (private sector employment) and serve as a model to the state in examining its own retirement laws.

The Retirement Equity Act detailed seven significant areas of change to the federal law which affects private pensions. However, only two of these areas are of importance to the report since the state's retirement plans incorporate many of these changes in their current plan.

1. The Act requires pension plans to provide automatic survivor benefits and pre-retirement survivor benefits. A participant is given the right to waive survivor benefits only if consent is given in writing and is signed by the participant and the participant's spouse. Additionally, the bill established that a spouse who had been married for one year or more qualified under joint and survivor benefits.
2. The Act permits assignment of retirement benefits to satisfy marital property rights, child support or alimony payments pursuant to a state domestic relations law. The bill clarifies that such an order does not result in prohibited assignment under the spendthrift provisions of the Code or ERISA.

#### Proposed Changes to Alaska's Retirement Law

Acknowledgement by Congress of the need to provide greater equity under pension plans for workers, their spouses and dependents signals the need to review and improve State statutes affecting pensions. While the Retirement Equity Act covers all private retirement and pension

plans, state and local governments are not covered unless they purchase private plans. In Alaska, the state's retirement plans cover the majority of state and local government employment. These plans are considered to be very fair to the employee, however, with the passage of the Retirement Equity Act participants of the state's plans do not share the same protections and rights afforded under private sector pension plans. Inequities exist in two areas:

1. Joint and survivor benefits.

Current state law does not require a married participant to select survivor benefits nor is the participant required to inform the spouse that survivor benefits were selected.

Proposed change - Amend all appropriate sections in TRS, JRS, PERS to indicate that survivor benefits for spouses are automatic unless both the participant and spouse consent in writing to waive it.

2. Assignment of retirement benefits in domestic relations cases.

Current state law protects the Public Employees Retirement System (PERS) and the Teachers Retirement System (TRS) from assignment for any purpose including the satisfying of marital property rights, child support or spousal support.

Proposed change - Amend sections of PERS and TRS to remove the prohibition of assignment only for the purposes of satisfying marital property rights, child support or spousal support.

A third shortcoming in the state's retirement plans relate to the loss of retirement credit due to pregnancy or adoption. Although this was not addressed in the final version of the Retirement Equity Act, the discriminatory situation created by the state's current leave without pay policy is obvious. While the state recognizes and supports the working parent by funding child care programs and providing up to nine weeks of leave without pay for the purposes of pregnancy or adoption, it penalizes any employee who takes over ten days of leave without pay by stopping the accrual of retirement credit. Working women are the primary group affected by this. They must choose between taking the necessary time off to care for their families and lose valuable retirement credit or risk neglect of their families in order to insure no loss to their retirement benefits.

Proposed change - Amend the leave without pay policies to allow an employee to purchase back up to nine weeks of retirement credit when the absence is due to pregnancy, birth, adoption or certain child care responsibilities.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION  
3601 C STREET - SUITE 742  
ANCHORAGE, ALASKA 99503

March 1, 1985

Representative Katie Hurley  
Pouch V  
Juneau, AK 99811

Dear Representative Hurley:

The Alaska Women's Commission urges your support for HB 237, an act relating to pension reform. This bill insures that public employees (in PERS, TRS, JRS and the Department of Military and Veterans Affairs) will share similar rights and protections in their retirement systems as do members of private retirement plans.

HB 237 recognizes, as does the federal law (Retirement Equity Act of 1984) that guides private retirement plans, that rights to benefits accrued during a marriage are property rights in which both partners to the marriage have an interest. Presently, retirement age represents a time of economic uncertainty for many women. At age 65, most people experience a reduction in their income by 44 percent. As a group, older women's incomes are yet smaller. Older women have the highest incidence of poverty in the state as well as in the nation. The median annual income for older women in Alaska is \$4,700 which is about one-half that for older Alaskan men.

Under current state law a married public employee is not required to select survivor benefits for a spouse or to inform the spouse that survivor benefits were or were not selected. Thus, many spouses are left unknowingly financially unprepared to face their retirement years. Among those married members currently enrolled in the PERS and TRS systems, only 20 percent and 37 percent respectively have chosen survivor benefits for their spouses and it is unknown how many have informed their spouses about this decision that ultimately affects both of their financial futures. HB 237 corrects this problem by making spouses the automatic beneficiary unless the spouse signs a waiver consenting to a change in beneficiary. It further provides that a vested member who terminates prior to retirement must also receive consent of the spouse before "cashing out" of the retirement system.

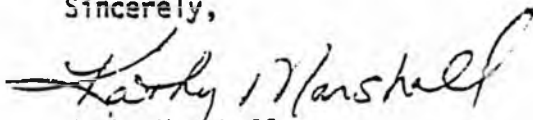
March 1, 1985  
Page Two

HB 237 also addresses the rights of former spouses to retirement benefits. Under current state law, the court determines whether retirement benefits will be considered as a marital asset and very often it may be the most valuable asset attained during marriage. Since the TRS and PERS systems are protected by statute from assignment, the courts can do nothing more than establish a value to the benefits and adjust for its value from other assets if they exist. HB 237 waives this prohibition of assignment of the PERS and TRS system for purposes of satisfying marital property rights, spousal support and child support when a qualified domestic relations order is issued by the courts. It also extends to former spouses of members of all state retirement systems the right to share in survivor benefits to the extent outlined in a domestic relations order. This provision does not require an increase in benefits to the member in order to satisfy the domestic relations order, however.

In summary, HB 237 establishes equity and provides the same "right to know" and protections for spouses of public employees that is now provided to members and their spouses of private retirement systems under the federal Retirement Equity Act of 1984. Further, the state's Supplemental Benefits System (SBS) plan is regulated by this federal act and has been amended to comply with it. Thus, HB 237 will provide consistency in the regulation and treatment of the state's retirement and annuity plans.

If you have any questions or would like to discuss this bill in greater depth, please contact me at your convenience.

Sincerely,



Kathy Marshall  
Executive Director.



## Alaska Women:

# A N D P E N S I O N S

### Background

Until recently, pension laws have failed to consider the needs of working women, the work patterns of most females or marriage as an economic partnership.

According to the Institute of Gerontology at the University of Michigan, 60 percent of workers vested in pension plans have selected options that will provide nothing for a surviving spouse, the net result being that older women reach the end of their resources long before they reach the end of their lives.

A recent study done at the federal level found that while 50 percent of all male workers were covered by a pension plan, only 31 percent of female workers were covered.

And in 1981, the U.S. Census Bureau estimated that the average private pension received by a man was \$4,152 a year as compared to \$2,427 received by a woman. The Census Bureau also reported:

- 60 percent of the U.S. population over 65 years are women.
- 72 percent of aged poor households consist of single women.
- 85 percent of single persons over 65 years who live below the poverty line are women.

### Private Pensions and Spouses

However, on August 9, 1984, Congress adopted amendments to the Employee Retirement Income Security Act (ERISA), ending a ten-year struggle for pension equity for women. The amendments affect all women who work in the private sector. Major provisions include:

- Requiring a spouse's written permission before an employee can waive survivor benefits;
- Payment of benefits to the spouse of a worker fully vested but who dies before reaching retirement age;
- Requiring that employees be allowed to participate in pension plans when they turn 21, lowered from age 25;
- Forbidding pension plans from counting a one-year maternity or paternity leave as a break in service when adding up the years needed to earn a pension;
- Specifying that state courts may divide up pension benefits in divorce proceedings;

- Limiting a company's freedom to change a pension plan so that employees are better protected from losing benefits they have accrued; and
- Allowing companies to give cash in lieu of pension to an employee who leaves before retirement, if the benefit is worth less than \$3,500.

### In Alaska

Amendments to ERISA could affect the 62 percent of women who work in the private sector. Since the balance of workers represented by local, state or federal pension plans are not affected by ERISA, those women may still face certain inequities. Although marriage should be recognized as an economic partnership, only 20 percent and 37 percent of those couples enrolled in the Public Employees Retirement System and the Teachers Retirement System respectively, have selected options that will provide benefits for a surviving spouse.

Legislation, supported by the Alaska Women's Commission, has been introduced to update the various public employees retirement systems. The proposed legislation would ensure that state and many municipal employees and their spouses are afforded similar benefits and protections as members of private pension plans receive. This legislation would have its biggest impact on women reaching retirement age.

According to the Older Alaskans Commission, in 1981 there were 3,793 women approaching retirement age. Now state officials believe a trend towards a growing elderly population is developing. The Older Alaskans Commission statistics also show that women tend to outlive their male counterparts. At age 70 and older, women outlive men, 45 percent to 55 percent. It is evident, by the growing older population and the longer life expectancy of women, that pension reform is of great importance. Here are some statistics.

- Women, 60 years and older, comprised 5 percent of the state's population and 34 percent of those people 50 years and older in 1980.
- The proportion of women over age 65 who head households has increased from 34 to 36 percent between 1960 and 1980.
- The median income for women age 65 years or older was \$4,702 in 1980 compared to \$7,741, the median income for men of the same age group.
- Of those women 65 years or older in 1980, approximately 13.4 percent lived in poverty.

### Sources:

A New Beginning for Older Alaskans: A Three-Year Statewide Plan, Older Alaskans Commission, July 1983

Alaska Women: A Databook, Alaska Women's Commission, July 1984

"Retirement and Pension Reform Research Report," Barbara Baker, Alaska Women's Commission, August 15, 1984

The President's Commission on Pension Policy, Washington, D.C.

Women's Pension Project, Pension Rights Center, Washington, D.C.

Older Women's League, Washington, D.C.

Alaska Women's Commission  
3601 C Street, Suite 742  
Anchorage, Alaska 99503  
(907) 561-4227

Congresswoman  
Geraldine  
**FERRARO**  
**NEWS**

Ninth Congressional District

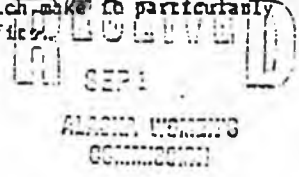
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Forest Hills, N.Y. 11375  
(212) 793-8811

312 Cannon Bldg.  
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(202) 225-3965



THE RETIREMENT EQUITY ACT OF 1984 H.R. 4280

INTRODUCTION: On August 13, 1984, the President signed into law Rep. Geraldine A. Ferraro's private pension reform legislation. The Ferraro pension bill amends the Employee Retirement Income Security Act (ERISA). The pension changes will apply to both men and women, but they were crafted with an eye to modifying aspects of the private pension system which make it particularly difficult for women to qualify for retirement benefits.



PROVISIONS OF H.R. 4280:

WOMEN AS WIVES AND WIDOWS

I. The Retirement Equity Act requires written consent of both participant and spouse to waive survivor annuity option. (Currently, survivors' benefits are optional for the employee alone.)

\*\* For Example: In order for your husband to waive survivor benefits he needs your permission in writing.

II. The Retirement Equity Act specifies that decisions to waive pre-retirement survivor benefits be made after workers turn 35, and that decisions to forgo post-retirement survivor benefits be made within 90 days before pension payments begin.

\*\* For Example: Your husband must be 35 and have your permission in order to waive his pre-retirement survivor benefits. Your husband must make his decision to waive post-retirement survivor benefits with your permission during the three months before he retires.

III. The Retirement Equity Act requires payment of benefits to the spouse of a worker who was fully vested, even if that worker dies before the early retirement age, age 55, under ERISA. (Vested means that the employee has worked for the minimum years necessary to be eligible for a pension at retirement.)

\*\* For Example: If your husband dies at age 40 after working for 11 years, (and vesting occurs at 10 years) you are entitled to survivor benefits, which you would receive at the date he would have reached early retirement age.

IV. The Retirement Equity Act abolishes the ERISA provision allowing plans to deny widow's/widower's benefits if an otherwise qualified spouse dies within two years of choosing survivor benefits (if death is from natural causes).

\*\* For Example: If you and your husband opt for survivor benefits and he informs his employer, even if he dies a week afterward you are still eligible for survivor benefits.

V. The Retirement Equity Act permits assignment of pension benefits by state divorce courts in cases related to alimony, child support and marital property.

\*\* For Example: A court can award a woman the right to part of her ex-husband's pension in a divorce settlement.

WOMEN AS MOTHERS

VI. The Retirement Equity Act allows employees to take a year off for maternity or paternity leave, including leave to take care of an adopted child, without suffering a break in service for pension purposes.

\*\* For Example: If you had worked for five years, you could take a year off to have a baby, and then take an additional five years off. When you

returned, your first five years of work would count toward your vesting and pension benefits.

WOMEN AS WORKERS

VII. The Retirement Equity Act lowers the minimum participation age for private pension plans from age 25 to age 21. It also requires pension plans to count the years of employees' service from the time they turn 18, in calculating when they have worked long enough to be vested.

\*\* For Example: If you begin a job at 18, at 21 you are eligible to join the pension plan and are credited with three years towards vesting. But if you begin work at 18 and leave the company at 20, your two years do not count towards vesting even if you return to the company at a later date.

WHO IS AFFECTED BY THIS ACT?

VIII. The Retirement Equity Act applies to all plans not yet in existence. Beginning after December 31, 1984 the Act will apply to all plans already in existence. Where collective-bargaining agreements are involved the Act takes effect when the last collective-bargaining agreement pertaining to pensions terminates. This Act is not retroactive.

\*\* For Example: If you begin a job the day after the Act is enacted your pension plan must comply with the Act. If you are currently employed, have a pension plan, and are not yet collecting a pension your pension plan will have to comply with the Act beginning January 1, 1985. If your union has a contract with your employer which includes pension benefits, the Act will apply when the portion of the contract affecting pension benefits expires. The Act does not apply if you are already collecting a pension or if your husband waived survivor benefits and has died.

State Legislatures  
Feb 1985

## Pension inequities plague women who work for states

More women are part of the work force today than at any other time in our nation's history. Yet pension systems affect women not only as workers but also as wives, divorced spouses, and widows. In an effort to equalize some of the inequities and close the "gender gap" in private pension plans, Congress last year passed a pension reform bill.

But discrepancies still exist for state and local employees who are not regulated by federal law. For instance, in the past, women employees sometimes paid higher premiums and received lower monthly benefits than male employees, but two U.S. Supreme Court cases (*Los Angeles vs. Manhart*, 1978; and *Norris vs. State of Arizona*, 1983) struck down these practices.

Another problem concerns the survivor's annuity that is paid to the surviving spouse upon the death of a vested employee. Fewer than 40 percent of married pension participants choose joint and survivor annuity plans. Why? Because their monthly retirement benefits are reduced in order to allow benefits for the surviving spouse, but no one wants to live on reduced benefits. A "pop up" provision, which allows benefits to pop back up to the full amount if the protected spouse dies first, would resolve this problem. In addition, the spouse should be included in the decision to waive survivor's annuities. Requiring written consent of both partici-

pant and spouse to waive these benefits allows both parties to be aware of the options available to them.

Part-time workers are frequently in jobs traditionally lacking high pay, job security, advancement opportunities, and fringe benefits. In particular, most of them lack a pension plan. Women specifically, since they compose 61 percent of non-agricultural, part-time workers, are likely to experience the negative effects of part-time work. Prorating retirement and other fringe benefits would avert the penalties of a reduced workweek.

Women can be affected adversely by vesting requirements and breaks in service. The Bureau of Labor Statistics estimates that women leave and re-enter the work force more often than men. While men average 12.6 years of labor force involvement for every entry, women average only 6.1 years. These figures indicate that women are not likely to vest with a pension system that requires more than eight years to vest. Retirement credit is generally granted for continuous, uninterrupted service with an employer, and a break in service, for maternity leave, for example, prevents a woman from achieving her full entitlement of retirement benefits. An equitable plan would allow for authorized breaks such as illness, maternity leave, paternity leave, or military service.

Portability, which enables workers to transfer pension credits from job to job, is available in several state systems already, particularly for employees with teaching or military experience. Hawaii is one state with a system for all public workers. Social Security, of course, is the only universally portable pension system in the United States. Women, and others who move in and out of the labor force frequently, could benefit by portable pension plans that would protect them in the future.

In divorce actions, the state must first recognize pensions as a legitimate property right in order for a divorced spouse to be entitled to a pro rata share of the other spouse's pension. In all states, most divorce settlements are worked out between

the parties without court intervention. State laws are needed, though, for those instances when parties cannot reach agreement and the courts must decide.

In a related issue, the garnishment of pensions for alimony and child support, the courts have been divided — a good reason to have a strong state statute. Some courts, while ruling that pensions are exempt from garnishment by creditors, acknowledge that support of dependents is a somewhat different category from claims by ordinary creditors. Yet the same courts have ruled that legislation prohibiting garnishment by creditors is not arbitrary. Therefore, legislation is needed to address the specific issue of garnishment of pensions for alimony and child support.

Some state systems now coordinate Social Security benefits with the benefits provided by the pension plan so that the worker's total pension does not exceed the pre-retirement income. Because low wage earners receive proportionately higher benefits from Social Security, integrated plans provide proportionately higher benefits for higher earners. Integration can mean all workers retire with about the same percentage of their salaries as retirement income, but it can also mean that pension plan money has been redistributed away from lower paid workers, who are generally women. As pension costs become more of a legislative concern, integration of some type may become more prevalent in public plans.

Finally, the composition of the board of trustees controlling pension plan assets needs to change. Questions of conflict of interest arise when bankers and brokers, whose institutions handle the funds, sit on the boards. It is better to have a representative board that includes members from the sponsoring agency and the taxpayers. — *Mary Jane Galer and Mary E. Stakes*



Steven Gold is a senior fellow in NCSL's Fiscal Affairs Program; Jane Carroll is an assistant editor of *State Legislatures*; Mary Jane Galer, a Georgia state representative, and Mary E. Stakes, legislative research associate at the University of Georgia, are co-authors of a recently published study of women and state pensions. It explores in greater detail the issues outlined in this article.

# ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571. ANCHORAGE. ALASKA 99510

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March 13, 1985

The Alaska Women's Lobby would like to express it's support for HB 237. Pension systems affect women not only as workers, but also as wives, divorced spouses and widows.

Marriage is an economic partnership and there is a substantial contribution to that partnership of both spouses who work inside and outside of the home. Yet, spouses who are homemakers or who have worked outside the home but never vested in a retirement system due to breaks in service during their child bearing years, are not always entitled to an equitable share of retirement income based on their partners careers.

Only 20% of the married participants of the Public Employees Retirement System have chosen survivor benefits for their spouses. We do not know how many of these married participants have informed their spouses about this decision which affects their financial futures.

Many older persons face economic uncertainty. Women have the highest incidence of poverty in Alaska and in the nation. Older women in Alaska have only half the median annual income of older men.

We firmly believe that the spouse should be included in the decision to waive survivor's benefits. Requiring written consent of both the participant and the spouse to waive these benefits allows both parties to be aware of the options available to them.

We are very supportive also of the protection afforded the rights of former spouses to retirement benefits in this proposed legislation. Pension benefits are sometimes the most valuable asset accrued during a marriage and should be considered as joint property to which both parties have an interest.

By waiving the prohibition of assignment for purposes of satisfying

Alaska Women's Lobby - Comments HB 237

marital property rights, spousal and child support we are recognizing that the support of dependents is a somewhat different category from claims by ordinary creditors.

The amendments to ERISA (Employee Retirement Income Security Act) are an acknowledgement by Congress of the need to provide greater equity under pension plans for workers, their spouses and dependents. These amendments affect all private sector pension plans.

HB 237 would ensure that state and many municipal employees and their spouses are afforded similar benefits and protections and we urge support of it's passage.

*Sherrie Joll*

Sherrie Joll  
for the Alaska Women's Lobby

# IV.

## BILL HISTORY

HG 237

### HOUSE CALENDAR:

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BILL HB0237  
PAGE 00436  
DATE 02/25/85  
CHAMBER HOUSE  
TEXT HOUSE BILL NO. 237 by the Rules Committee by request of the Governor, entitled:

"An Act relating to pension reform; and providing for an effective date."  
was read the first time and referred to the State Affairs, Judiciary and Finance Committees.

A fiscal note was attached and appears in House Journal Supplement No. 22.

The Governor's transmittal letter dated February 25, 1985 appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to pension reform. This bill amends statutes pertaining to the state's retirement systems to include provisions similar to those enacted by the U.S. Congress in the Retirement Equity Act of 1984 (P.L. 98-397).

The bill amends a number of sections of the public employees' retirement system and teachers' retirement system statutes to require consent of an employee's spouse before the employee may waive a joint and survivor benefit, obtain a refund of contributions if the employee has a vested interest in benefits, or revoke a designation of the spouse as the employee's beneficiary for various death benefits. Consent of the spouse is also required by this bill for revocation of a designation of the spouse as beneficiary for death benefits under AS 26.05.224. Until consent is obtained, the joint and survivor benefit and designation of the spouse as beneficiary are required. The judicial retirement system statute is amended to allow the spouse of a justice or judge to receive survivors' benefits if the spouse was married to the justice or judge for one year before death, instead of the current two years.

The bill allows former spouses to share in survivor's benefits, to the extent provided in a "qualified domestic relations order," as defined in secs. 16, 18, 23, and 39 of the bill.

Prohibitions against assignment of retirement benefits are removed with respect to assignments of those benefits made to satisfy marital property rights, spousal support, and child support under a qualified domestic relations order.

The commissioner of administration is required to inform retirement system participants and their spouses of the changes accomplished by this bill, and effective dates are established to assure an orderly transition to the provisions of this pension reform bill.

This bill recognizes, as does the federal Retirement Equity Act of 1984, that rights to benefits accrued during a marriage are property rights in which both partners to the marriage have an interest. The bill has been drafted to require the joint and survivor option, and spousal consent for revocation of designation of the spouse as beneficiary for benefits, only if the spouse was married to the employee during a period when rights to those benefits were being accrued.

I note that the state's Supplemental Benefits System (SBS) plan has already been amended to comply with the Retirement Equity Act requirements that the plan require a joint and survivor benefit unless the spouse waives that form of benefit, and that the plan require payment of a preretirement survivor benefit to the spouse unless the spouse waives that form of benefit. These amendments to the SBS were necessary to maintain the plan's tax-deferred status under the Internal Revenue Code.

Sincerely,  
/s/  
Bill Sheffield,  
Governor"

HB0237  
00600  
03/15/85  
HOUSE

The State Affairs Committee has considered HOUSE BILL NO. 237 (relating to pension reform; effective date) and reports it back as follows: Hurley (Chairman), Navarre, M.M. Miller, Collins and Boucher recommend do pass; Jenkins has no recommendation.

HB 237 was referred to the Judiciary Committee.

HB0237  
00885  
04/11/85  
HOUSE

The Judiciary Committee has considered HOUSE BILL NO. 237 (relating to pension reform; effective date) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg and Clocksin recommend do pass; Taylor, Pettyjohn and Phillips have no recommendation.

HB 237 was referred to the Finance Committee.

HB0237  
01053  
04/24/85  
HOUSE

The Finance Committee has considered HOUSE BILL NO. 237 (pension reform; effective date) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Pourchot, Uehling, Rieger, Frank, Binkley and Cotten recommend do pass.

A zero fiscal note was attached.

HB 237 was referred to the Rules Committee for placement on the calendar.

Pension  
Reform

HOUSE BILL NO. 237, by the Rules Committee by Request of the Governor. Relates to pension reform (see letter from Governor).

Introduced February 25 and referred to State Affairs, Judiciary, Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. IX, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to pension reform. This bill amends statutes pertaining to the state's retirement systems to include provisions similar to those enacted by the U.S. Congress in the Retirement Equity Act of 1984 (P.L. 98-197).

The bill amends a number of sections of the public employees' retirement system and teachers' retirement system statutes to require consent of an employee's spouse before the employee may waive a joint and survivor benefit, obtain a refund of contributions if the employee has a vested interest in benefits, or revoke a designation of the spouse as the employee's beneficiary for various death benefits. Consent of the spouse is also required by this bill for revocation of a designation of the spouse as beneficiary for death benefits under AS 26.05.224. Until consent is obtained, the joint and survivor benefit and designation of the spouse as beneficiary are required. The judicial retirement system statute is amended to allow the spouse of a justice or judge to receive survivors' benefits if the spouse was married to the justice or judge for one year before death, instead of the current two years.

The bill allows former spouses to share in survivor's benefits, to the extent provided in a "qualified domestic relations order," as defined in secs. 16, 18, 23, and 39 of the bill.

Prohibitions against assignment of retirement benefits are removed with respect to assignments of those benefits made to satisfy marital property rights, spousal support, and child support under a qualified domestic relations order.

The commissioner of administration is required to inform retirement system participants and their spouses of the changes accomplished by this bill, and effective dates are established to assure an orderly transition to the provisions of this pension reform bill.

This bill recognizes, as does the federal Retirement Equity Act of 1984, that rights to benefits accrued during a marriage are property rights in which both partners to the marriage have an interest. The bill has been drafted to require the joint and survivor option, and spousal consent for revocation of designation of the spouse as beneficiary for benefits, only if the spouse was married to the employee during a period when rights to those benefits were being accrued.

I note that the state's Supplemental Benefits System (SBS) plan has already been amended to comply with the Retirement Equity Act requirements that the plan require a joint and survivor benefit unless the spouse waives that form of benefit, and that the plan require payment of a preretirement survivor benefit to the spouse unless the spouse waives that form of benefit. These amendments to the SBS were necessary to maintain the plan's tax-deferred status under the Internal Revenue Code.

HOUSE BILL NO.-237, (see page 363). Reported back to the House March 15 by State Affairs recommending it do pass. Concurring: Hurley (Chair), Navarre, M. M. Miller, Collins and Boucher. Not concurring: Jenkins has no recommendation. To Judiciary.

HOUSE BILL NO. 237, (see pages 363;461). Reported back to the House April 11 by Judiciary recommending as follows: M. M. Miller (Chair), Sund, Gruenberg and Clocksin recommend do pass. Taylor, Pettyjohn and Phillips have no recommendation. To Finance.



H B

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May, 1988

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

Mary Van Nimwegen

*House Rules 5-6-85 8:34am*

HB 237 - see 4/30 and 5/02/85

R

# COMMITTEE REPORT

## HOUSE

(7)

FURTHER:

4/24/85

Date: May 6, 1985

The Committee on RULES has had HB 237

"An Act relating to pension reform; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 237 (Rules)  same title  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

M. W. Miller

John Fuller

Terry Martin

M. W. Miller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

John Fuller (no rec)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M. W. Miller  
CHAIRMAN

CALL MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE

MONDAY, MAY 6th, 1985

TIME:

INDICATE MEMBERS PRESENT:

Cmte. Members: Chairman M.W. Miller  
V. Chair Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

COMMITTEE CALENDAR FOR TODAY:

HB 395 - "An Act relating to a homestead entry lottery."  
(by Representative Shultz)

HB 237 - "An Act relating to pension reform; and providing for an  
effective date."  
(Rules Committee by Request of the Governor)

The first item on the agenda is HB 395. Adopt CSHB 395 (RULES) for  
purposes of discussion.

NOTE: REP. SHULTZ OR DAVE STANCLIFF WILL BE HERE TO EXPLAIN.

MOVE TO ADOPT CSHB 395 (RULES) WITH INDIVIDUAL RECOMMENDATIONS.

The second item on the agenda is HB 237. Adopt CSHB 237 (RULES) for  
purposes of discussion. Terry Crammer, Attorney, Legal Services will be  
here - Virginia Ragle, Attorney General's Office will be here also.  
Terry will be available to explain changes.

MOVE TO ADOPT CSHB 237 (RULES) WITH INDIVIDUAL RECOMMENDATIONS.

HEAD THEM UP AND MOVE THEM OUT!!!!



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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/21/86, 8:30 am

SECTIONAL ANALYSIS OF CSHB 284  
(RULES)

Submitted By:

Division of Elections  
April 21, 1986

The following is an analysis of the recommended changes to Title 15 of the Alaska Statutes proposed by CSHB 284 (RULES):

Section 1 and 2

These sections of the proposed bill relate to the provisions of Title 15 in place to ensure that persons convicted of felonies involving moral turpitude are prevented from voting prior to their unconditional discharge. Under current law upon release of the convicted felon from the authority of the court, voting rights are automatically restored with no action required by the individual. The intent of these sections is to cancel the voter registration of convicted felons, and require them to reregister upon unconditional discharge.

Section 3

AS 15.07.160(a) provides that it is unlawful for a registration official to refuse to register a qualified individual. The proposed amendment stipulates an exception in cases of otherwise qualified individuals who are not yet unconditionally discharged from custody of the court.

Section 4

This amendment to AS 15.07.160(b) which provides that it is unlawful for an individual to register who knowingly lacks the qualifications of a voter, changes the reference citation from AS 15.05.010 (1)-(4), Voter Qualifications, to AS 15.07.030, Who May Register.

Section 5

AS 15.10.180 relates to the appointment of party representatives for participation on state canvassing boards. By specifying the participation of 2 persons from

each political party, the current statute limits the size and composition of the board. The proposed amendment gives the director discretion as to the number of teams that may serve, and stipulates that each team must have members from at least 2 political parties. The flexibility offered by the amendment allows the director to accommodate fair party representation for all parties, as the number of recognized parties fluctuates. As the State has grown, and registration rolls have increased, voter turnout has also dramatically increased. The certification process is becoming more difficult to complete in a reasonable amount of time. It is estimated that certification requires the review of nearly 65,000 mathematical calculations over 442 precincts statewide. This proposed amendment would allow the director to appoint additional teams as needed to assure that the process can continue to be completed in a reasonable amount of time, while guaranteeing fair party representation in the process.

#### Section 6

This section amends AS 15.13.120 relating specifically to campaign contributions and expenditures. AS 15.13 provisions do not relate to the Division administration of elections. Rather, this chapter concerns the functions of the Alaska Public Offices Commission. The Division, therefore, offers no comment on this amendment.

#### Section 7

This section concerns the posting of public notices in conspicuous places in each precinct. Present law provides that the posters contain the legal boundary description of the precinct. Having legal descriptions preprinted on the posters would be a very expensive process as there are only 2 for each precinct required by law. Therefore, Divisional staff must clip and paste each legal description on 884 individual posters by hand. Additionally, legal boundary descriptions are often confusing, hard to read, and difficult to understand and therefore are of questionable benefit to the voters as used in this application. The division has better methods in place by which to notify of their proper precinct and polling place. Each voter is sent a polling place card before major elections that indicates the precinct in which he or she should vote and where the polling place is located. The list of polling places for all precincts are published in the Official Election Pamphlet. Therefore, it is proposed that legal boundary description requirement be deleted from AS 15.15.070(c).

## Section 8

This section provides that if a voter's name does not appear on the precinct register in which he or she seeks to vote, the election worker must affirmatively advise the voter of the right to vote a questioned ballot.

## Section 9 (Also see Section 14, 15, 17, 18 and 22)

This section seeks to make a housekeeping change in the start date for state canvass board review, from the 8th day after the election to the 11th day. This amendment relates to the tightening of the deadline for receipt of absentee ballots as proposed in Section 12 of this bill, which provides that the last day to receive military and foreign by mail ballots would be the 10th day. Under the existing statute the state review board is required to begin its canvass before counting of absentee ballots is completed at the regional level because of the extended absentee deadline beyond the 8th day. Regional Boards have been required to submit incomplete precinct data to Juneau. This has resulted in additional counting of ballots received after the 8th day being concluded at the director's level, after the state canvass has begun. The amendment allows time for all counting to be completed at the regional level in accordance with the proposed 10 day receipt deadline, and before the state canvass would begins its audit.

Section 14, 15, 17, 18 and 22 of this bill propose similar housekeeping changes to dates related to the review and counting of absentee and question ballots, and the forwarding of precinct records to the directors office for inclusion in the state review, pursuant to the amended deadline for receipt of absentee ballots.

## Section 10

This section relates to absentee by personal representative voting and eliminates the requirement that the disabled voter's ballot must be returned within 3 days of its being picked up by the personal representative. The amendment allows the voted ballot to be returned any time prior to 8:00 p.m. election day.

## Section 11

This amendment changes the last day to postmark an absentee application from 6 days to 14 days prior to the election. It also allows a voter register and apply for absentee ballots for all elections within a calendar year, with a single application. Current statutes provide that application may not be made earlier than 6 months before the election.

## Section 12

Presently, all absentee by mail ballots may be accepted up to 15 days after the elections. This proposed amendment would require that absentee by mail ballots be received no later than the sixth day after the election for ballots mailed from within the United States.

Concern has been expressed that since current statutes mandate, that "if the ballot is postmarked, it must be postmarked on or before election day", there is a potential for fraudulent or unethical use of the system. Specifically, this part of the statute requires the postal stamp on or before election only if the ballot is indeed postmarked, but does not require a postmark on all ballots. Research shows that requiring postmarks on all ballots is not feasible because of irregularities in the postal systems worldwide. Because of postal inconsistencies candidates or campaign workers could respond to election night returns by soliciting absentee voters who have not mailed in their ballots to do so in the few days right after the election. Because no postmark is required for counting, these ballots cast after the election, but received within the 15 day period, could be included in the totals. In close races, these late votes could impact the outcome. Research shows that 98% of mailed ballots take fewer than 6 days for delivery.

Shortening the deadline for receipt of absentee ballots would enhance the faster announcement of election results. Candidates, particularly in close races, would know the outcome more quickly as certification of election results could be completed sooner.

## Section 13

This amendment extends the deadline for receipt of absentee ballots mailed from overseas or any APO or FPO address to the 10th day after the election. Research of such ballots indicates that 98.5% of these ballots are delivered in fewer than 10 days.

## Section 14, 15, 17 and 18 (Also see Section 9)

These sections are additional housekeeping amendments making changes to specified days on which regional boards begin and complete review and counting of absentee and questioned ballots and forward materials to the directors office for inclusion in the state review. These changes related to the proposed deadline for receipt of absentee ballots.

### Section 16

This amendment to AS 15.20.203(b) eliminates failure of an absentee voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot, if the ballot is otherwise properly cast.

### Section 19

This section eliminates failure of a questioned voter to place the ballot in a secrecy envelope as sole grounds for not counting the ballot if the ballot is otherwise properly cast.

### Section 20

Under current statutes, a candidate requesting a recount may select representatives to observe and participate in the recount process. Often candidates choose to represent themselves. These observers and candidates are currently paid for this participation at the same rate as the counting team members. In essence, the candidates pay the nominal fee and are then repaid for participating. The proposed amendment removes the provision for paying recount representatives.

### Section 21

The cost to the State for conducting recounts are approximately \$1700 per District. This proposed amendment would increase the fees required of candidates for recounts. Additionally, the amendment raises the difference between the number of votes cast between candidates from 10 votes to 20, as a basis for determining if a recount is to be completed free of charge.

### Section 23

The addition of this section formalizes the authority of the Director to supervise punch-card voting and counting procedures as necessary. This formal placement of final authority is critical, especially under emergency situations which sometimes occur during election night counting. As an example, during the failure of the mainframe computer in Anchorage during the 1984 primary election, the decision to go to the backup system had to be made quickly. This addition clarifies the role of the Director in making such decisions while coordinating the work of the Data Processing Review Board as responsible for testing and implementing the actual computer counting of ballots. Timely and responsive decisions by a single authority is required to ensure the counting process continues to proceed as smoothly and efficiently as possible.

#### Section 24

This amendment alters the method by which a random sampling of ballots is selected to be manually counted and checked against the computer tabulation during the data vote counting. Under current statute, an individual race is manually counted in 6 precincts. The amendment provides that all races are checked in at least one precinct selected at random based on a statistical sampling. Based on recommendation from programmers who have accomplished data vote computations, the Division endorses this amendment.

#### Section 25

This section provides new language which allows the Director to conduct special elections held at any time other than dates of primaries, general or municipal elections entirely by mail. Registered voters who are eligible to vote in the special election would automatically receive a ballot in the mail and would return it by mail. The purpose of this amendment is to save costs while increasing turnout in special elections.

#### Section 26

This amendment represents new sections clarifying the role of the Director in reviewing evidence related to eligibility of a candidate, most specifically in terms of claimed residence. The Director is authorized to determine eligibility based on a preponderance of evidence. It also clarifies the rules for determining residence.

#### Section 27

This proposed amendment seeks to make the filing fees paid by candidates non-refundable. In addition it deletes the provision that these fees be paid to the central committee of the political party of that candidate subject to legislative appropriation.

#### Section 28, 29, 30, 31, 36, 37, 38, 39 and 46

The proposed amendments to these sections are in response to an Alaska Supreme Court decision in Vogler vs. Miller, 651, P.2d 1 (Alaska 1982), and Vogler vs. Miller, 660 P2d 1191 (Alaska 1983).

In particular, the court held that AS 15.25.160 and 15.60.010(20) are unconstitutional as being unduly restrictive of ballots access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for nomination of candidates for the office of

governor, lieutenant governor, United States senator and representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010(20) defines "political party" as a group of organized voters that represent a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general election for governor.

This bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decision.

Sections 32, 33, 34, 35, 41, 42, 43, 44, and 45

These sections make changes in the deadlines for submission of materials from political parties, candidates, judicial retention candidates and the judicial council, for inclusion in the official election pamphlet. Conforming Amendments are also made to the filing deadlines for judges and justice. These amendments ease the constricted timeframes which currently make publication of the Official Election Pamphlet nearly impossible to accomplish in time to meet the statutory deadline for mailing them to the voters. Under the current submission deadlines the Division is effectively allowed little more than 2 weeks to prepare 5, 150 page booklets for printing. Until the deadline has been reached, the Division cannot even adequately determine the exact number of pages which will be required.

The amendments to these deadlines are very important for efficient preparation of the Official Election Pamphlet. Under current statute, the critically tight time frame has resulted in several unfortunate circumstances. First of all strategic planning and budgeting is seriously hampered. Secondly, the strict time constraints eliminate adequate opportunity to assure quality control and proper proofreading. Thirdly, we have experienced costly overtime changes above and beyond contract award fees to accommodate last minute submissions and required revisions. In 1984 these excess changes were \$17,000. With serious budget cuts and shortfall facing State government, we can no longer absorb such increases. The deadline changes offer us greater control in assuring that these additional charges kept at an absolute minimum.

Section 40

This section provides the discretion to mail Official Election Pamphlets to households instead of individual registered voters. The Division supports this amendment as a cost saving measure which will save the State over \$90,000 in printing and postage.

Section 47

This section provides that the individual will be able to register to vote, update current registration, or cancel registration in another state, on a form which will be included in the packet prepared for the Permanent Fund Application. These voter forms will be forwarded to the Division for processing.

Section 43

This section repeals various statutes which are inappropriate or no longer applicable under the amended provisions of this bill.

AS 15.20.201(d) requires election supervisors to forward absentee ballots received after the 7th day to the director by the most expeditious service.

AS 15.25.180(10) requires that nominating petitions for no-party candidates state that the subscribers intend to vote for the candidate being nominated at the general election.

AS 15.13.070(f) and (g) are sections in APOC statutes which we understand have been ruled unconstitutional.

AS 15.20.220(b) relates to late absentee ballots received by the election supervisor being forwarded to the Director for counting. Under the new deadlines established in this bill this statute would be irrelevant because all counting would be completed at the regional level.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 21, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### I N D E X

- I. PROPOSED VERSION CSHB 284 (RULES) / Rules letter of intent
- II. FISCAL NOTE
- III. MEMO DATED APRIL 18, 1986 FROM RICHARD A. BRADLEY / ANALYSIS
- IV. CSHB 284 (FINANCE)
- V. CSHB 284 (JUDICIARY)
- VI. HB 284

Bradley  
4/20/86  
*[Handwritten signature]*

Original sponsors: Boucher, Hurley  
and Navarre

1 IN THE HOUSE BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 284 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an  
7 effective date."

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

9 \* Section 1. AS 15.05.030 is amended to read:

10 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A  
11 person convicted of a crime that constitutes a felony involving moral  
12 turpitude under state law may not vote in a state or a municipal  
13 election from the date of the conviction through the date of the  
14 [RESTORATION OF VOTING RIGHTS UNDER THIS SECTION. THE RIGHT TO VOTE  
15 WITHDRAWN UNDER THIS SECTION IS AUTOMATICALLY RESTORED UPON THE]  
16 unconditional discharge of the person. Upon the unconditional dis-  
17 charge, the person may register under AS 15.07.

18 (b) The commissioner of corrections shall establish procedures  
19 by which a person unconditionally discharged is advised of the voter  
20 registration requirements and procedures [RESTORATION OF VOTING RIGHTS  
21 WITHDRAWN BY A CONVICTION].

22 \* Sec. 2. AS 15.07.135 is amended to read:

23 Sec. 15.07.135. CANCELLATION [SUSPENSION] OF REGISTRATION OF  
24 CONVICTED PERSONS. The director shall make reasonable efforts to ob-  
25 tain the names of persons convicted of a felony involving moral turpi-  
26 tude. [THE DIRECTOR SHALL ALSO MAKE REASONABLE EFFORTS TO OBTAIN THE  
27 NAMES OF PERSONS UNCONDITIONALLY DISCHARGED FROM CUSTODY.] The direc-  
28 tor shall cancel [SUSPEND] the registration of a person convicted of a  
29 felony involving moral turpitude. Upon presenting proof that [UNTIL]

1 the person is unconditionally discharged from custody, the person may  
2 register. The director shall make reasonable efforts to verify the  
3 unconditional discharge of persons applying for registration under  
4 this section.

5 \* Sec. 3. AS 15.07.160(a) is amended to read:

6 (a) Except as provided in AS 15.07.135, it [IT] is unlawful for  
7 a registration official to refuse to register a person who is qual-  
8 ified to vote under provisions of AS 15.05.010(1) - (4).

9 \* Sec. 4. AS 15.07.160(b) is repealed and reenacted to read:

10 (b) It is unlawful for a person knowingly lacking the qualifica-  
11 tions of a voter to register under AS 15.07.030 to vote.

12 \* Sec. 5. AS 15.10.180 is amended to read:

13 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE  
14 BALLOT COUNTING REVIEW. The director shall appoint [TWO] persons from  
15 each political party to serve on teams to participate in the state  
16 ballot counting review. The director may determine the number of  
17 teams to be appointed but each team must have members from at least  
18 two political parties. Each person who is appointed and serves is  
19 entitled to compensation as provided in AS 15.15.380. Each political  
20 party may present to the director a list of three or more names from  
21 which the director shall select the persons to represent the party.  
22 The list of names may be submitted in writing at least 30 days before  
23 the date of the election. The persons to represent the party on the  
24 state ballot counting review board may be selected by the state party  
25 central committee or in any other manner prescribed by the bylaws of  
26 the party. The list of names shall be certified by the chair [CHAIR-  
27 MAN] of the state central committee of the party or by the person  
28 authorized by the party bylaws to act in the absence of the chairman.

29 \* Sec. 6. AS 15.13.120(a) is amended to read:

1 (a) A person who violates a provision of this chapter is guilty  
2 of a misdemeanor and, upon conviction, is punishable by imprisonment  
3 for not more than one year or by a fine of not more than \$5,000. A  
4 violation includes but is not limited to any of the following acts or  
5 omissions:

6 (1) failing to make a statement or report required to be  
7 made under this chapter, or failing to make a statement or report at  
8 the time the statement or report is required to be made under this  
9 chapter;

10 (2) making a campaign contribution or expenditure which  
11 exceeds the limitations of AS 15.13.070 [AS 15.13.070(f)];

12 (3) making a false statement or report under this chapter;

13 (4) giving or furnishing money to another person or group  
14 for the purpose of making a contribution or expenditure anonymously,  
15 in a fictitious name, or in the name of another, or contributing in  
16 violation of AS 15.13.090;

17 (5) making a communication to support or defeat a candidate  
18 without identification of sponsorship, in violation of AS 15.13.090;  
19 [.]

20 (6) knowingly accepting a contribution in violation of  
21 AS 15.13.070. [;]

22 \* Sec. 7. AS 15.15.070(c) is amended to read:

23 (c) Public notice shall also be given by posting notices in two  
24 or more conspicuous places in each election precinct. The posted  
25 notice shall specifically include but is not limited to the date of  
26 election, [THE BOUNDARY OF THE PRECINCT,] the location of the polling  
27 place, the hours between which the polling places will be open, the  
28 offices to which candidates are to be nominated or elected, and the  
29 subject of the propositions and questions which are to be voted on.

1 \* Sec. 8. AS 15.15.198(a) is amended to read:

2 (a) If a voter's name does not appear on the official registra-  
3 tion list in the precinct in which the voter [HE] seeks to vote, the  
4 election judge shall affirmatively advise the voter that the voter may  
5 cast a questioned ballot and the voter [HE] shall be allowed to vote a  
6 questioned ballot.

7 \* Sec. 9. AS 15.15.440 is amended to read:

8 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT  
9 COUNTING REVIEW. The state ballot counting review shall begin no  
10 later than 11 [EIGHT] days after the election and be continued daily  
11 until completed. The director may designate the hours each day during  
12 which the state ballot counting review board is to conduct its ballot  
13 counting review. The director shall close the review when the direc-  
14 tor [HE] is satisfied that no missing precinct certificate of election  
15 would, if received, change the result of the election. If no election  
16 certificate has been received from a precinct, the director may secure  
17 from the election supervisors and may count a certified copy of the  
18 duplicate election certificate of the precinct. If no election mate-  
19 rials have been received, but election results have been received by  
20 telephone, telegram or radio, the director shall count the election  
21 results so received. If the director has reason to believe that a  
22 missing precinct certificate, if received, would affect the result of  
23 the election, the director shall await the receipt of the certificate  
24 until the close of business on [FOUR O'CLOCK IN THE AFTERNOON OF] the  
25 15th day after the date of election. A certificate not actually  
26 delivered to the director by the close of business [FOUR O'CLOCK] on  
27 the 15th day after the election may [SHALL] not be counted at the  
28 state ballot counting review.

29 \* Sec. 10. AS 15.20.071(c) is amended to read:

1 (c) The personal representative shall deliver the absentee  
2 ballot to the voter as soon as practicable. Upon receipt of an absen-  
3 tee ballot through a personal representative, the voter shall proceed  
4 to mark the ballot in secret, to place the ballot in the small enve-  
5 lope, to place the small envelope in the larger envelope, and to sign  
6 the voter's certificate on [THE BACK OF] the envelope in the presence  
7 of the personal representative who shall witness and date the signa-  
8 ture of the voter. The voter must mark the ballot and sign the vot-  
9 er's certification not later than election day [SIGN AS ATTESTING  
10 WITNESS AND DATE HIS SIGNATURE]. The voter shall then return the  
11 absentee ballot to the [HIS] personal representative who shall deliver  
12 the ballot to the election official who provided the ballot. The  
13 absentee ballot must be returned to the election official within three  
14 days from the date it is obtained but not later than 8:00 p.m. on  
15 election day. [AN ABSENTEE BALLOT THAT IS NOT RETURNED TO THE ELEC-  
16 TION OFFICIAL BY THE CLOSE OF BUSINESS ON THE THIRD DAY FROM THE DAY  
17 IT IS OBTAINED MAY NOT BE COUNTED BUT THE VOTER MAY VOTE IN THE ELEC-  
18 TION.]

19 \* Sec. 11. AS 15.20.081(b) is amended to read:

20 (b) An application for an absentee ballot by mail must be  
21 postmarked not [MORE THAN SIX MONTHS NOR] less than 14 [SEVEN] days  
22 before the election for which the absentee ballot is sought. The  
23 absentee ballot application shall permit the person to register to  
24 vote under AS 15.07.070 and to request an absentee ballot for each  
25 state election held within that calendar year for which the voter is  
26 eligible to vote.

27 \* Sec. 12. AS 15.20.081(e) is amended to read:

28 (e) An absentee ballot must be marked [AND ATTESTED] on or  
29 before the date of the election. Except as provided in (h) of this

1 section, a [IF THE] voter who returns the ballot by mail [, HE] shall  
2 use the most expeditious mail service and mail the ballot not later  
3 than the day of the election to the election supervisor for the [IN  
4 HIS] election district in which the voter seeks to vote. The ballot  
5 may not be counted unless it is received by the close of business on  
6 the sixth day after the election. If the ballot is postmarked, it  
7 must be postmarked on or before election day.

8 \* Sec. 13. AS 15.20.081 is amended by adding a new subsection to read:

9 (h) An absentee ballot returned by mail from outside the United  
10 States or from a military APO or FPO address that has been marked and  
11 mailed not later than election day may not be counted unless the  
12 ballot is received by the election supervisor not later than the close  
13 of business on the 10th day following the election.

14 \* Sec. 14. AS 15.20.201(a) is amended to read:

15 (a) No less than seven days [ON THE SEVENTH DAY] preceding the  
16 day of election, the election supervisor [OR HIS DESIGNEE], in the  
17 presence and with the assistance of the district absentee ballot  
18 counting board, shall review all voter certificates of absentee bal-  
19 lots received by that date. The review of absentee ballots shall  
20 continue at times designated by the election supervisor until complet-  
21 ed [AND SHALL INCLUDE ALL ABSENTEE BALLOTS RECEIVED IN THE OFFICE OF  
22 THE ELECTION SUPERVISOR BY 4:00 P.M. ON THE SEVENTH DAY FOLLOWING THE  
23 DAY OF THE ELECTION].

24 \* Sec. 15. AS 15.20.201(c) is amended to read:

25 (c) On the 10th [EIGHTH] day following the day of the election,  
26 the district absentee ballot counting board shall certify the absentee  
27 ballot review.

28 \* Sec. 16. AS 15.20.203(b) is amended to read:

29 (b) An absentee ballot may not be counted if

1 (1) the voter has failed to properly execute the certifi-  
2 cate;

3 (2) an official or the witnesses authorized by law to  
4 attest the voter's certificate fail to execute the certificate;

5 (3) [THE VOTER FAILS TO ENCLOSE THE MARKED BALLOT INSIDE  
6 THE SMALL ENVELOPE; ---

7 (4)] the ballot is not attested on or before the date of  
8 the election; or

9 (4) [(5)] the ballot, if postmarked, is not postmarked on  
10 or before the date of the election.

11 \* Sec. 17. AS 15.20.203(g) is amended to read:

12 (g) Upon completion of the absentee ballot review, the election  
13 supervisor shall prepare an election certificate for execution by the  
14 district absentee ballot counting board and shall forward the original  
15 certificate and other returns to the director no later than the 11th  
16 [NINTH] day following the election.

17 \* Sec. 18. AS 15.20.205(c) is amended to read:

18 (c) The district questioned ballot counting board shall certify  
19 the questioned ballot totals as soon as the count is completed but no  
20 later than the 10th [EIGHTH] day following the election.

21 \* Sec. 19. AS 15.20.207(b) is amended to read:

22 (b) A questioned ballot may not be counted if

23 (1) the voter has failed to properly execute the certifi-  
24 cate; or

25 (2) an official or the witnesses authorized by law to  
26 attest the voter's certificate fail to execute the certificate [; OR

27 (3) THE VOTER DID NOT ENCLOSE THE MARKED BALLOT INSIDE THE  
28 SMALL ENVELOPE].

29 \* Sec. 20. AS 15.20.440(a) is amended to read:

1 (a) The application shall state in substance the basis of the  
2 belief that a mistake has been made, the particular election precinct  
3 or election district for which the recount is to be held, the particu-  
4 lar office, proposition, or question for which the recount is to be  
5 held, and that the person making the application is a candidate or  
6 that the 10 persons making the application are qualified voters. The  
7 candidate or persons making the application shall designate by full  
8 name and mailing address two persons who shall represent the applicant  
9 and be present and assist during the recount. Any person may be named  
10 representative, including the candidate [HIMSELF] or any person sign-  
11 ing the application [, AND THE REPRESENTATIVES SHALL BE PAID IN THE  
12 SAME AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by 10 qual-  
13 ified voters shall also include the designation of one of the number  
14 as chair [CHAIRMAN]. The candidate or persons making the application  
15 shall sign the application and shall print or type their full name and  
16 mailing address.

17 \* Sec. 21. AS 15.20.450 is amended to read:

18 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall  
19 include a deposit in cash, by certified check, or by bond with a  
20 surety approved by the director. The amount of the deposit is \$300  
21 [\$50] for each precinct, \$750 [\$250] for each election district, and  
22 \$10,000 [\$2,000] for the entire state. If [HOWEVER, IF] the recount  
23 includes an office for which candidates received a tie vote, or the  
24 difference between the number of votes cast was 20 [10] or less or was  
25 less than .5 percent of the total number of votes cast for the two  
26 candidates for the contested office, or a question or proposition for  
27 which there was a tie vote on the issue, or the difference between the  
28 number of votes cast in favor of or opposed to the issue was 20 [10]  
29 or less or was less than .5 percent of the total votes cast in favor

1 of or opposed to the issue, the application need not include a deposit  
2 and the state shall bear the cost of the recount. If, on the recount,  
3 a candidate other than the candidate who received the original elec-  
4 tion certificate is declared elected, or if the vote on recount is  
5 determined to be four percent or more in excess of the vote reported  
6 by the state review for the candidate applying for the recount or in  
7 favor or opposed to the question or proposition as stated in the  
8 application, the entire deposit shall be refunded. If the entire  
9 deposit is not refunded, the director shall refund any money remaining  
10 after the cost of the recount has been paid from the deposit.

11 \* Sec. 22. AS 15.20.480 is amended to read:

12 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-  
13 count, the director [OR HIS APPOINTED REPRESENTATIVE] shall review all  
14 ballots whether the ballots were counted at the precinct or by comput-  
15 er or by the district absentee counting board or the questioned ballot  
16 counting board to determine which ballots, or part of ballots, were  
17 properly marked and which ballots are to be counted in the recount,  
18 and shall check the accuracy of the original count, the precinct  
19 certificate and the review. The director shall check the number of  
20 ballots and questioned ballots cast in a precinct against the regis-  
21 ters and shall check absentee ballots voted against absentee ballots  
22 distributed. The director shall count absentee ballots received [AF-  
23 TER 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION AND] before the  
24 completion of the recount. For administrative purposes, the director  
25 may join and include two or more applications in a single review and  
26 count of votes. The rules in AS 15.15.360 governing the counting of  
27 hand-marked ballots and the rules in AS 15.20.730 governing the count-  
28 ing of punch-card ballots shall be followed in the recount. The  
29 ballots and other election material shall remain in the custody of the

1 director during the recount and the highest degree of care shall be  
 2 exercised to protect the ballots against alteration or mutilation.  
 3 The recount shall be completed within 10 days. The director may  
 4 employ additional personnel necessary to assist in the recount.

5 \* Sec. 23. AS 15.20 is amended by adding a new section to article 5 to  
 6 read:

7           Sec. 15.20.580. SUPERVISION OF PUNCH-CARD VOTING. In accordance  
 8 with AS 15.15.110, the director shall supervise punch-card voting  
 9 procedures and the counting of punch-card ballots.

10 \* Sec. 24. AS 15.20.620(d) is repealed and reenacted to read:

11           (d) During the tabulation by computer at main computer counting  
 12 sites, a manual count shall be made of a statistical sample of ballots  
 13 for all races in at least one precinct picked at random for each  
 14 election district counted at the site, under regulations adopted by  
 15 the director. The director shall check the results of the manual  
 16 count against those of the system.

17 \* Sec. 25. AS 15.20 is amended by adding a new section to read:

18                           ARTICLE 6. VOTING BY MAIL.

19           Sec. 15.20.750. VOTING BY MAIL. (a) The director may conduct  
 20 an election by mail if it is held at a time other than when the gen-  
 21 eral, party primary, or municipal election is held.

22           (b) If the director conducts an election under (a) of this  
 23 section by mail, the director shall send a ballot for each election  
 24 described in (a) of this section to each person whose name appears on  
 25 the official registration list prepared under AS 15.07.125 for that  
 26 election. The ballot shall be sent to the address stated on the  
 27 official registration list unless the voter has notified the director  
 28 or an election supervisor of a different address to which the ballot  
 29 should be sent. The director shall send ballots by first class,

1 nonforwardable mail.

2 (c) If the director conducts an election under (a) of this  
3 section by mail, the director shall mail ballots under this section on  
4 on or before the 22nd day before the election.

5 (d) The voter may cast the ballot under AS 15.20.081(d) - (e).

6 (e) The director shall review ballots voted under this section  
7 under procedures established for the review of absentee ballots under  
8 AS 15.20.201 and 15.20.203.

9 \* Sec. 26. AS 15.25 is amended by adding new sections to read:

10 Sec. 15.25.042. ELIGIBILITY OF A CANDIDATE. (a) If the direc-  
11 tor receives a complaint regarding the eligibility of a candidate for  
12 a particular office, the director shall determine eligibility under  
13 regulations adopted by the director. The director shall determine the  
14 eligibility of the candidate within 30 days of the receipt of the  
15 complaint.

16 (b) Except as provided in (c) of this section, the director  
17 shall determine the eligibility of the candidate by a preponderance of  
18 the evidence.

19 (c) If a candidate for the legislature has been registered to  
20 vote at any time during the 12 months preceding the filing of the  
21 declaration of candidacy in a district other than the district in  
22 which the declaration of candidacy has been filed, the director may  
23 not determine that a candidate is eligible except under a standard of  
24 clear and convincing evidence.

25 (d) A person may not be a resident of two districts at the same  
26 time.

27 Sec. 15.25.043. DETERMINATION OF RESIDENCY OF A CANDIDATE. In  
28 determining the residence within an election district of a qualified  
29 voter for the purposes of compliance with art. II, sec. 2 of the

1 Alaska Constitution, the director shall apply the rules established in  
2 AS 15.05.020 together with the following rules:

3 (1) a person establishes residence within an election  
4 district

5 (A) by actual physical presence at a specific location  
6 within the district; and

7 (B) with an intention to maintain a habitation at the  
8 specific location;

9 (2) a person may maintain a place of residence at a specif-  
10 ic location within a district while away from the location for pur-  
11 poses of employment, education, military service, or vacation if the  
12 person does not establish residency at another location; and

13 (3) a qualified voter loses residence by voting in another  
14 election district or in another state's elections.

15 \* Sec. 27. AS 15.25.050(a) is amended to read:

16 (a) At the time the declaration is filed, each candidate shall  
17 pay a nonrefundable filing fee to the director. The filing fee for  
18 candidates for office of governor, lieutenant governor, United States  
19 senator, and United States representative is \$100. The filing fee for  
20 candidates for office of state senator and state representative is  
21 \$30. [SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL PAY  
22 THE FILING FEE COLLECTED FROM A CANDIDATE UNDER THIS SECTION TO THE  
23 CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THAT CANDIDATE.]

24 \* Sec. 28. AS 15.25.160 is amended to read:

25 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE  
26 OFFICE. Petitions for the nomination of candidates for the office of  
27 governor, lieutenant governor, United States senator and United States  
28 representative shall be signed by qualified voters of the state equal  
29 in number to at least one [THREE] percent of the number of voters who

1 cast ballots [VOTES CAST] in the preceding general election. Candi-  
2 dates for the office of governor and lieutenant governor shall file  
3 jointly.

4 \* Sec. 29. AS 15.25.170 is amended to read:

5 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE  
6 OFFICE. Petitions for the nomination of candidates for the office of  
7 state senator or state representative shall be signed by qualified  
8 voters of the election or senate district in which the proposed nomi-  
9 nee desires to be a candidate equal in number to at least one [THREE]  
10 percent of the number of voters who cast ballots [VOTES CAST] in the  
11 proposed nominee's [HIS] respective election or senate district in the  
12 preceding general election. A [, PROVIDED THAT NO] nominating peti-  
13 tion [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may not [IT] contain  
14 less than 50 signatures for any district.

15 \* Sec. 30. AS 15.30.025(a) is amended to read:

16 (a) A limited political party may be organized for the purpose  
17 of selecting candidates for electors of President and Vice President  
18 of the United States by filing [A PETITION] with the director at least  
19 90 days before a presidential general election a petition signed by  
20 qualified voters of the [THIS] state equaling in number at least one  
21 [THREE] percent of the number of voters who cast ballots [ALASKA'S  
22 TOTAL VOTE] for President at the last presidential election. The  
23 petition shall state that the signers intend to organize a limited  
24 political party, that they intend to select candidates for electors of  
25 President and Vice-President of the United States at the next succeed-  
26 ing presidential election, and the name of the limited political  
27 party.

28 \* Sec. 31. AS 15.30.025(c) is amended to read:

29 (c) A limited political party organized under this section

1 ceases [SHALL CEASE] to be a limited political party if [WHENEVER] its  
2 presidential candidate fails to receive at least three [10] percent of  
3 the number of voters who cast ballots [TOTAL ALASKAN VOTE CAST] for  
4 the office of President at a presidential election.

5 \* Sec. 32. AS 15.35.040 is amended to read:

6 Sec. 15.35.040. FILING DECLARATION BY SUPREME COURT JUSTICE.  
7 Each justice seeking retention in office shall file with the director  
8 a declaration of candidacy for retention no later than August 1 before  
9 [NOT LESS THAN 90 DAYS BEFORE THE DATE OF] the general election at  
10 which approval or rejection is requisite.

11 \* Sec. 33. AS 15.35.055 is amended to read:

12 Sec. 15.35.055. FILING DECLARATION BY JUDGE OF THE COURT OF  
13 APPEALS. Each judge of the court of appeals seeking retention in  
14 office shall file with the director a declaration of candidacy for  
15 retention no later than August 1 before [NOT LESS THAN 90 DAYS BEFORE  
16 THE DATE OF] the general election at which approval or rejection is  
17 requisite.

18 \* Sec. 34. AS 15.35.070 is amended to read:

19 Sec. 15.35.070. FILING DECLARATION BY SUPERIOR COURT JUDGE.  
20 Each judge seeking retention in office shall file with the director a  
21 declaration of candidacy for retention no later than August 1 before  
22 [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general election  
23 at which approval or rejection is requisite.

24 \* Sec. 35. AS 15.35.110 is amended to read:

25 Sec. 15.35.110. FILING DECLARATION BY DISTRICT JUDGE. Each  
26 district judge seeking retention in office shall file with the direc-  
27 tor a declaration of candidacy for retention no later than August 1  
28 before [NOT LESS THAN 90 DAYS BEFORE THE DATE FIXED FOR] the general  
29 election at which approval or rejection is requisite.

1 \* Sec. 36. AS 15.40.100 is amended to read:

2       Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-  
3 DATES. Petitions for the nomination of candidates not representing a  
4 political party shall be signed by qualified voters of the state equal  
5 in number to at least one [THREE] percent of the number of voters who  
6 cast ballots [NUMBERS OF VOTES CAST] in the preceding general elec-  
7 tion, and shall state in substance that which is required in petitions  
8 for nomination for general elections provided in AS 15.25.180.

9 \* Sec. 37. AS 15.40.190 is amended to read:

10       Sec. 15.40.190. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY  
11 CANDIDATES. Petitions for the nomination of candidates not represent-  
12 ing a political party shall be signed by qualified voters of the state  
13 equal in number to at least one [THREE] percent of the number of  
14 voters who cast ballots [VOTES CAST] in the preceding general election  
15 and shall state in substance that which is required for nomination  
16 petitions by AS 15.25.180.

17 \* Sec. 38. AS 15.40.280 is amended to read:

18       Sec. 15.40.280. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY  
19 CANDIDATES. Petitions for the nomination of candidates not represent-  
20 ing a political party shall be signed by qualified voters of the state  
21 equal in number to at least one [THREE] percent of the number of  
22 voters who cast ballots [VOTES CAST] in the preceding general elec-  
23 tion, shall include nominees for the office of governor and lieutenant  
24 governor, and shall state in substance that which is required for  
25 nomination petitions by AS 15.25.180.

26 \* Sec. 39. AS 15.40.440 is amended to read:

27       Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-  
28 DATES. Petitions for the nomination of candidates not representing a  
29 political party shall be signed by qualified voters equal in number to

1 at least one [THREE] percent of the number of voters who cast ballots  
2 [VOTES CAST] in the proposed nominee's [HIS] respective election or  
3 senate district in the preceding general election. A [, PROVIDED THAT  
4 NO] nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES NOR]  
5 may not [IT] contain less than 50 signatures for any district, and  
6 shall state in substance that which is required in petitions for  
7 nomination for general elections provided in AS 15.25.180.

8 \* Sec. 40. AS 15.58.010 is amended to read:

9 Sec. 15.58.010. ELECTION PAMPHLET. Before each state general  
10 election, the lieutenant governor shall prepare, publish and mail a  
11 least one [AN] election pamphlet to each household identified from the  
12 official registration list [EVERY REGISTERED VOTER]. The pamphlet  
13 shall be prepared on a regional basis as determined by the lieutenant  
14 governor.

15 \* Sec. 41. AS 15.58.030(a) is amended to read:

16 (a) No later than July 15 of a presidential election year [75  
17 DAYS BEFORE THE STATE GENERAL ELECTION], candidates for the offices of  
18 the United States President and Vice-President may file with the  
19 lieutenant governor photographs and statements advocating their candi-  
20 dacy.

21 \* Sec. 42. AS 15.58.030(b) is amended to read:

22 (b) No later than July 15 of a year in which a [75 DAYS BEFORE  
23 THE] state general election will be held, a candidate for the office  
24 of United States senator, United States representative, governor,  
25 lieutenant governor, [JUSTICE OR JUDGE,] state senator, or state rep-  
26 resentative may file with the lieutenant governor a photograph and a  
27 statement advocating the [HIS] candidacy.

28 \* Sec. 43. AS 15.58.030 is amended by adding a new subsection to read:

29 (g) No later than August 7 of the year in which the state

1 general election will be held, a person seeking retention in office as  
2 a justice or judge may file with the lieutenant governor a photograph  
3 and a statement advocating the candidacy.

4 \* Sec. 44. AS 15.58.040(a) is amended to read:

5 (a) No later than July 15 of a year in which a [75 DAYS BEFORE  
6 THE] state general election will be held, a political party may file  
7 with the lieutenant governor a maximum of two pages of material.

8 \* Sec. 45. AS 15.58.050 is amended to read:

9 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL  
10 OFFICERS. No later than August 7 of the year in which [75 DAYS BE-  
11 FORE] the state general election will be held, the judicial council  
12 shall file with the lieutenant governor a statement including informa-  
13 tion about each supreme court justice, court of appeals judge, superi-  
14 or court judge, and district court judge who will be subject to a  
15 retention election. The statement shall reflect the evaluation of  
16 each justice or judge conducted by the judicial council according to  
17 law. A statement may not exceed 600 words.

18 \* Sec. 46. AS 15.60.010(20) is amended to read:

19 (20) "political party" means an organized [A] group of  
20 [ORGANIZED] voters that [WHICH] represents a political program and  
21 that [WHICH] nominated a candidate for governor who received at least  
22 three [10] percent of the total votes [VOTE] cast at the preceding  
23 general election for governor;

24 \* Sec. 47. AS 43.23.015 is amended by adding a new subsection to read:

25 (i) The commissioner shall design the application form prepared  
26 in conformity with (b) of this section so that an individual applying  
27 for a permanent fund dividend may register to vote, update an existing  
28 voter registration, and request the cancellation of a voter registra-  
29 tion in another state. The commissioner shall promptly provide the

1 director of elections with the information obtained under this sub-  
2 section. The commissioner may not use information obtained under this  
3 subsection for any purpose except to assist a resident of the state to  
4 complete or update voter registration.

5 \* Sec. 48. AS 15.13.070(f) and (g); AS 15.20.201(d), 15.20.220(b); and  
6 AS 15.25.180(10) are repealed.

7 \* Sec. 49. Sections 1 - 24, 26 - 31, 36 - 42, 45 and 46 - 47 of this  
8 Act take effect immediately in accordance with AS 01.10.070(c).

9 \* Sec. 50. Sections 25, 32 - 35, 43 and 45 of this Act take effect  
10 January 1, 1987.

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Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### LETTER OF INTENT FOR CS HB 284(RULES)

New Section 47 of CS HB 284(RULES), which requires that the permanent fund dividend application include a voter registration form, has an immediate effective date. This section takes effect immediately, instead of January 1, 1987, because the Department of Revenue solicits bids for printing of the permanent fund dividend application in December. It is the intent of the House Rules Committee that 1987 be the first year that a voter registration form is included in the permanent fund dividend application.

A handwritten signature in cursive script, appearing to read "Michael W. Miller", written over a horizontal line.

Representative Mike W. Miller, Chairman  
House Rules Committee

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 4/21/86

**REQUEST**

Bill Resolution No.: CSHB 184 (Rules)  
 Title: An Act relative to Elections  
 \_\_\_\_\_  
 Sponsor: Soucher, Hurley & Navarre  
 Requestor: House Judiciary  
 Date of Request: 4/04/86

**FISCAL DETAIL**

Agency Affected: Office of Governor  
 BRU: Division of Elections  
 \_\_\_\_\_  
 Components: Primary & General  
Elections

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		(81.1)		(81.1)		(81.1)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>(81.1)</b>		<b>(81.1)</b>		<b>(81.1)</b>

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		(81.1)		(81.1)		(81.1)
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Linda Edgeworth  
 Division: Division of Elections

Phone: 465-4611  
 Date: 4/04/86

Approved by Commissioner: *David J. Stout*  
 Agency: Division of Elections

Date: 4/04/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CSRB 294

\$9.6 - Increasing the size of the State Review Board from 4 members to 8.

(4 members x 12.50/hr x 8 hrs/day x 24 days)  
(Primary only in FY87)

\$3.5 - Extending regional review boards from 7 days to 10 days.

(Nome - 4 pers x 4 hrs x \$10 x 2 (P & G) = \$ 320)  
(Juno - 4 pers x 4 hrs x \$10 x 2 (P & G) = \$ 320)  
(Anch - 8 pers x 10 hrs x \$10 x 2 (P & G) = \$1600)  
(Fbx - 8 pers x 8 hrs x \$10 x 2 (P & G) = \$1280)

(94.2) OEP to each household rather than by mail

(81.1) Net Decrement

There will be fiscal impact from this bill in FY88 and future fiscal years. However, at this time, that cost cannot be accurately determined. The annual cost of allowing voters to register through the permanent fund dividend application could be as much as \$67,000. However, as the division develops experience with key punching necessitated by changes to the absentee procedures, this cost may be decreased. Also, if there is a single issue statewide election and the division conducts it by mail, there will be cost savings. Since it is not possible to predict if such an election will occur, it is not possible to predict the actual amount of cost savings at this time.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. CSHB 284

Special note should be made that the bill also would result in increased fees paid to the state for recounts of election returns. Those fees do not impact the division's operating budget and therefore are not indicated on the face of this fiscal note. However, additional monies deposited to the general fund would be substantially increased. A comparison is provided noting the increase.

In fiscal years FY87 and FY89, based on these assumed number of recounts the net increase benefitting the state would be \$4,000 each year.

	<u>Current Statutes</u>	<u>CSHB 284</u>
Primary Election Recounts	3 @ \$250 = \$ 750	3 @ \$750 = \$2,250
General Election Recounts	5 @ \$250 = <u>\$1,250</u>	5 @ \$750 = <u>\$3,750</u>
<b>TOTAL FEES TO GENERAL FUND</b>	<b>\$2,000</b>	<b>\$6,000</b>

II.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : 4/04/86

REQUEST

Bill/Resolution No. : CSHB 284 (Finance)  
Title : An Act relating to Elections

Sponsor : Boucher, Hurley & Navarre  
Requestor : House Judiciary  
Date of Request : 4/04/86

FISCAL DETAIL

Agency Affected : Office of Governor  
BRU : Division of Elections

Components : Primary & General  
Elections

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		(81.1)		(81.1)		(81.1)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		(81.1)		(81.1)		(81.1)

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		(81.1)		(81.1)		(81.1)
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Linda Edgeworth  
Division : Division of Elections

Phone : 465-4611  
Date : 4/04/86

Approved by Commissioner : *David J. Stout*  
Agency : Division of Elections

Date : 4/04/86

Distribution (by Agency preparing fiscal note) :

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 284

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(81.1) Net Decrement

Special note should be made that the bill also would result in increased fees paid to the state for recounts of election returns. Those fees do not impact the division's operating budget and therefore are not indicated on the face of this fiscal note. However, additional monies deposited to the general fund would be substantially increased. A comparison is provided noting the increase.

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<b>TOTAL FEES TO GENERAL FUND</b>	<b>\$2,000</b>	<b>\$6,000</b>

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
LINEA11 ALASKA 99R11  
907-465-3800

MEMORANDUM

April 18, 1986

SUBJECT: Elections (CSHB 284 (Rules))  
TO: Representative Don Clocksin  
FROM: Richard A. Bradley  
Legislative Counsel

Johnny Ellis has requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the vest 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.

Unless the comments to a section indicate an effective date, the section takes effect immediately on enactment.

Section 1 of the bill amends AS 15.05.030. The section deals with the loss and restoration of voting rights as the result of a felony conviction for a crime involving moral turpitude. Under the existing law, the right to vote is restored "automatically"; under the amendment, a person may apply for registration.

Section 2 of the bill amends AS 15.07.135, Suspension of Registration of Convicted Persons. Under the existing law, the registration of a person is suspended for violation of a felony involving moral turpitude. Under this amendment, the right to vote is cancelled on that occurrence and on proof of the unconditional release, the person may register.

Section 3 of the bill amends AS 15.07.160(a), Unlawful Action. Under the existing law, the section is silent as to the implications of AS 15.07.135, above. Under this amendment, it is acknowledged as a threshold condition.

Section 4 of the bill repeals and reenacts AS 15.07.160(b), Unlawful Action. The existing law of the subsection provides:

(b) It is unlawful for a person to register who knows he is not qualified to vote under provisions of AS 15.05.010(1)-(4).

The changes alter the reference from AS 15.05.010 (Voter Qualification) to AS 15.07.030 (Who May Register).

Section 5 of the bill amends AS 15.10.180, Appointment of Party Representatives for State Ballot Counting Review. Under the existing law, the director may appoint two persons from each political party to participate in the ballot counting review. Under this amendment, the director appoints "teams" composed of members from at least two political parties.

I note that the repealer section repeals AS 15.13.070(f) and (g), Contributions and Expenditures; Amount and Form of Payment. The material within the two subsections has been unconstitutional since Buckley v. Valeo. The material within the two subsections now provides:

(f) The total amount of expenditures made by a candidate and by all groups operating under his control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, if the candidacy is for governor or lieutenant governor, of which amount no more than 50 percent may be spent in a primary election campaign and no more than 50 per cent in the general election campaign; (2) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the senate district if the candidacy is for the state senate; (3) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided

by the number of seats in the house district if the candidacy is for the state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

(g) Each general election year the commission shall adjust the campaign expenditure limitations for each category of (f) of this section to reflect cost-of-living changes as determined and published by the Bureau of Labor Statistics of the United States Department of Labor.

Section 6 of the bill amends AS 15.13.120(a), Penalty; Limitations on Actions. Under the existing law, paragraph (a)(2) refers to the material that is unconstitutional: AS 15.13.070(f). Under this amendment, the entire section is referenced.

Section 7 of the bill amends AS 15.15.070(c), Public Notice of Election Required. Under the existing law, the notice given includes "the boundary of the precinct". Under this amendment, that reference is deleted.

Section 8 of the bill amends AS 15.15.198(a), Voters not on Official Registration List. Under the existing law, the election judge is directed to permit the voter to vote a questioned ballot if the voter is not on the register. Under this amendment, the election judge is under an affirmative duty to advise the voter that the voter may cast a questioned ballot.

Section 9 of the bill amends AS 15.15.440, Dates for Opening and Closing State Ballot Counting Review. Under the existing law, the state ballot counting review begins eight days after the election. Under this amendment, the review begins "not later than 11 days" after the election. Under the existing law, the director may await missing precinct certificates until "four o'clock in the afternoon of" the fifteenth day after the election. Under this amendment, the director waits until the "close of business" on the same day.

Section 10 of the bill amends AS 15.20.071(c), Absentee Voting by Personal Representative. Under the existing law, the personal representative signs "as attesting witness". Under

this amendment, the personal representative seems to perform the same tasks but without that characterization.

Section 11 of the bill amends AS 15.20.081(b), Absentee Voting by Mail. Under the existing law, the request for an absentee ballot may not be postmarked more than six months before the date of the election. Under this amendment, the voter may request an absentee ballot for each election held that year and the same absentee ballot request shall permit registration of the voter.

Section 12 of the bill amends AS 15.20.081(e). Under the existing law, the ballot must be "attested". Under this amendment, the requirement that the ballot be "attested" is deleted. The voter is also required to have the ballot returned by the sixth day after the election if the ballot is to be counted -- unless the voter comes under AS 15.20.081(h) as added in the next bill section.

Section 13 of the bill amends AS 15.20 by adding Sec. 15.20.081(h). This new subsection provides that a voter returning the absentee ballot from "outside the United States or from a military APO or FPO address "may not have the ballot counted unless it is received by the 10th day following the election. In this connection, note also sec. 11, amending AS 15.20.480.

Section 14 of the bill amends AS 15.20.102(a), Time of Districts Absentee Ballot Counting Review. Under the existing law, the review starts "on the seventh day" before the election. Under this amendment, the review is permitted to start not less than seven days before the election, that is, it may start earlier than the seventh day.

Section 15 of the bill amends AS 15.20.201(c). The existing law provides for the district absentee ballot counting board to certify the absentee ballot review on the "eighth" day following the election; the amendment changes that to the "10th" day following the election.

I note that AS 15.20.201(d) is repealed. The subsection now provides:

(d) Absentee ballots received in the office of an election supervisor after the seventh day following the day of the election shall be forwarded immediately to the director by the most expeditious service.

Section 16 of the bill amends AS 15.20.203(b), Procedure for District Absentee Ballot Counting Review. The provision that provides that an absentee ballot may not be counted if "the voter fails to enclose the marked ballot inside the small envelope" is repealed.

Section 17 of the bill amends AS 15.20.203(g). The bill changes from the "ninth" to the "11th" day the date on which an election supervisor forwards "the original certificate and other returns to the director."

Section 18 of the bill amends AS 15.20.205(c), Time of District Questionnaire Ballot Counting Review. The section changes from the "eighth" to the "10th" day following the election the date on which the district questionnaire ballot counting board certifies questioned ballot totals.

Section 19 of the bill amends AS 15.20.207(b), Procedure for District Questioned Ballot Review. Under this amendment, the provision providing that the questioned ballot not be counted if "the voter did not enclose the marked ballot inside the small envelope" is repealed.

I note that AS 15.20.220(b), Procedure for State Review, is proposed for repeal; the provision now provides:

(b) The state review board shall review and count absentee and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board. Absentee and questioned ballots not received in the office of the director by 4:00 p.m. on the 15th day following the election may not be counted in the review.

Section 20 of the bill amends AS 15.20.440(a), Form of Application (for Recount). The only substantive change to the section repeals the language providing that the representatives of the candidates at the recount "be paid in the same amount and manner as election judges".

Section 21 of the bill amends AS 15.20.450, Requirement of Deposit (for Recount). The amounts of the deposits for various recounts are increased; the threshold number of votes where a deposit is not required is increased.

Representative Don Clocksin

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April 18, 1986

Section 22 of the bill amends AS 15.20.480, Procedure for Recount. Under this amendment, the provisions providing that "the director shall count absentee ballots received after 4:00 p.m. on the 15th day following the election and before the completion of the recount" is repealed.

Section 23 of the bill amends AS 15.20 by adding a new Sec. 15.20.580, Supervision of Punch Card Voting. It confers a general authority on the director and fills an apparent void.

Section 24 of the bill amends AS 15.20.620(d), (Computer) Tests and Security. Details of the present law are generalized and made more realistic.

Section 25 amends AS 15.20 by adding Sec. 15.20.750, Voting by Mail. Appropriate procedures are established for elections held at a time "other than when the general, party primary, or municipal election is held." The section takes effect January 1, 1987.

Section 26 adds Sec. 15.25.042, Eligibility of a Candidate and Sec. 15.25.043, Determination of Residency of Candidate. The sections address the situation where the residence of a candidate for the legislature within a district is questioned.

Section 27 of the bill amends AS 15.25.050(a), Requirement of Filing Fee (at Declaration of Candidacy). Under this amendment, the filing fee is made "nonrefundable" and authority to pay filing fees to the central party of each candidate is repealed; it is my understanding that no such appropriations were ever made.

Section 28 of the bill amends AS 15.25.160, Required Number of Signatures (for Petition) for Statewide Candidate. Under this amendment, the threshold for the signatures required for statewide candidates is lowered under the mandate of Vogler v. Miller, 651 P.2d 1 from three percent of the ballots to one percent.

Section 29 of the bill amends AS 15.25.170, Required Number of Signatures for District-Wide Candidates. This section is amended consistently with the preceding section and for the same reasons.

I note that AS 15.25.180(10) is repealed; the section relates to the "Requirements for (a Nominating) Petition." The statement that a subscriber to a nominating petition intend to "vote for the candidate at the general election" is repealed.

Section 30 of the bill amends AS 15.30.025(a), Qualifications for Limited Political Parties. Under this amendment, the requirements of the Vogler case are implemented.

Section 31 of the bill amends AS 15.30.025(c). Under this amendment, a limited political party is required to obtain for its presidential candidate "three percent" (rather than the former 10 percent) to maintain its status.

Section 32 of the bill amends AS 15.35.040, Filing Declaration by Supreme Court Justice. Under this amendment, the justice seeking retention in office files by "August 1" rather than "not less than 90 days before the election." The section takes effect January 1, 1987.

Section 33 of the bill amends AS 15.35.055, Filing Declaration by Judge of the Court of Appeals. Under this amendment, the judge seeking retention in office files by "August 1" rather than "not less than 90 days before the election." The section takes effect January 1, 1987.

Section 34 of the bill amends AS 15.35.070, Filing Declaration by Superior Court Judge. Under this amendment, the judge seeking retention in office files by "August 1" rather than "not less than 90 days before the election." The section takes effect January 1, 1987.

Section 35 of the bill amends AS 15.35.110, Filing Declaration by District Court Judge. Under this amendment, the judge seeking retention in office files by "August 1" rather than "not less than 90 days before the election." The section takes effect January 1, 1987.

Section 36 of the bill amends AS 15.40.100, Requirements of Petition of No-Party Candidates (for the U.S. Senate). Under this amendment, the threshold for the signatures required for no-party candidates is lowered under the mandate of Vogler v. Miller, 651 P.2d 1 from three percent of the ballots to one percent.

Section 37 of the bill amends AS 15.40.190, Requirements of Petition of No-Party Candidates (for the U.S. House of Representatives). Under this amendment, the threshold for the signatures required for no-party candidates is lowered under the mandate of Vogler v. Miller, 651 P.2d 1 from three percent of the ballots to one percent.

Section 38 of the bill amends AS 15.40.280, Requirement of Petition for No-Party Candidates (for Governor and Lieutenant Governor). Under this amendment, the threshold for the signatures required for no-party candidates is lowered under the mandate of Vogler v. Miller, 651 P.2d 1 from three percent of the ballots to one percent.

Section 39 of the bill amends AS 15.40.440, Requirements of Petition for No-Party Petition (for the State Legislature). Under this amendment, the threshold for the signatures required for no-party candidates is lowered under the mandate of Vogler v. Miller, 651 P.2d 1 from three percent of the ballots to one percent.

Section 40 of the bill amends AS 15.58.010, Election Pamphlet. Under this amendment, the lieutenant governor is obliged to deliver an election pamphlet "to each household identified from the official registration pamphlet" rather than to "each registered voter".

Section 41 of the bill amends AS 15.58.030(a), Material (for Election Pamphlet) to be Filed by Candidate. Under this amendment, candidates for president and vice-president of the United States file their voter pamphlet information by "July 15 of an election year" rather than "75 days before the general election.

Section 42 of the bill amends AS 15.58.030(b). Under this amendment, the remaining candidates (except justices and judges) are directed to file their election pamphlet information by "July 15 of the election year" rather than "75 days before the general election".

Section 43 of the bill amends AS 15.58.030 by adding a new subsection (g) to deal with the judicial candidates; such candidates will file their election pamphlet by August 7 of the year in which they will stand for retention. The section takes effect January 1, 1987.

Representative Don Clocksin  
Page 9  
April 18, 1986

Section 44 of the bill amends AS 15.58.040(a), Material (for Election Pamphlet) to be Filed by Political Parties. Under this amendment, the political party is directed to file its election pamphlet material by "July 15" rather than "75 days before" the state general election.

Section 45 of the bill amends AS 15.58.050, Information and Recommendations on Judicial Officers. Under this amendment, the judicial council is directed to file its reports on judicial officers on August 7" in place of the former "75 days before" the state general election. The section takes effect January 1, 1987.

Section 46 of the bill amends AS 15.60.010(2), Definitions. Under this amendment, "political party" is defined to mean a group of voters that nominated a candidate for governor who received "three" percent of the votes rather than the former "10" percent of the votes cast.

Section 47 of the bill amends AS 43.23.015 by adding a new subsection (i) to permit an individual applying for a permanent fund dividend to "register to vote, update an existing voter registration, and request the cancellation of a voter registration from another state."

Sec. 48 repeals AS 15.13.070(f) and (g), AS 15.20.201(d), AS 15.20.220(b), and AS 15.25.180(10). These repeals were noted in the sectional analyses, above.

Sections 49 and 50 are effective date sections, the effective dates of the various sections have been noted above.

If I may be of further assistance, please advise.

RAB:mkr  
mel/056

H B

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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 5/5/86, 8:30 am



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, MAY 5, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### A G E N D A

- HB 286 - "An Act relating to access to state land intended for disposal and to the description of the land."  
(Representative Koponen)
  
- SB 204 - "An Act relating to contracts for architectural, engineering, and land surveying services; and providing for an effective date."  
(Senator Sturgulewski)
  
- SB 402 - "An Act relating to ice classics."  
(Senator Sackett)
  
- HCR 62 - "Suspending Uniform Rule 41(b), 24(c), and 35 of the Alaska State Legislature concerning Senate Bill. No. 402."  
(House Rules Committee)





Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### I N D E X

- I. MEMO DATED MAY 2, 1986 TO HOUSE RULES COMMITTEE MEMBERS FROM REPRESENTATIVE KOPONEN
- II. PROPOSED VERSION CSHB 286(RULES)
- III. POSITION PAPER FROM REP. KOPONEN REGARDING HB 286
- IV. REVISED (5/1/86) FISCAL NOTE CSHB 286(RULES)
- V. CSHB 286(RESOURCES)
- VI. HB 286

Alaska State Legislature  
Representative Niilo Koponen

I

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

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

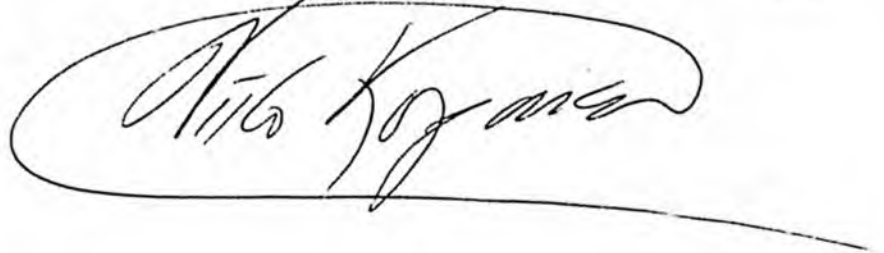
MEMO to House Rules Committee

From Niilo

5/2/86

Re: Change of effective date on HB 286

In order to gain greater support for this bill we've changed the effective date to July 87. This will make the bill more palatable to many as well as lowering the fiscal note from DNR.

A handwritten signature in cursive script, reading "Niilo Koponen", enclosed within a large, hand-drawn oval. The signature is written in black ink on a white background.

Original sponsors: Koponen, M.M.Miller,  
Sund, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 286 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to survey requirements for state  
7 land intended for disposal and to the description of  
8 the land; <sup>added:</sup> and providing for an effective date."

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

10 \* Section 1. AS 38.04.045(b) is amended to read:

11 (b) Before the conveyance of surface rights to state land, an  
12 official cadastral survey shall be accomplished, unless a comparable,  
13 acceptable survey exists that has been conducted by the federal Bureau  
14 of Land Management. The rectangular survey section corner positions  
15 shall be monumented and shown on a cadastral survey plat approved by  
16 the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO  
17 CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID,  
18 THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER  
19 POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL  
20 POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY  
21 THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN  
22 TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMIS-  
23 SIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC  
24 FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY  
25 THE REQUIREMENT.] The lots and tracts in state subdivisions shall be  
26 monumented and the cadastral survey and plats for the subdivision  
27 shall be approved by the state. Where land is located within a munic-  
28 ipality with planning, platting, and zoning powers, plats for state  
29 subdivisions shall comply with local ordinances and regulations in the

1 same manner and to the same extent as plats for subdivisions by other  
2 landowners. State subdivisions shall be filed in the district re-  
3 corder's office. The requirements of this section do not apply to  
4 land made available through a cabin permit system, material sales, or  
5 short-term leases; however, for short-term leases the lessee must  
6 comply with local subdivision ordinances unless waived by the munic-  
7 ipality under procedures specified by ordinance.

8 \* Sec. 2. AS 38.09.010(b) is amended to read:

9 (b) The commissioner shall complete a cadastral survey of home-  
10 stead entry state land under AS 38.04.045 before disposing of state  
11 land for homestead entry. A homestead entry parcel shall be estab-  
12 lished in aliquot parts of a surveyed section or as lots or tracts  
13 that are fractions of aliquot parts of a surveyed section. The com-  
14 missioner shall ensure practical access to each homestead entry parcel  
15 [BUT THE COMMISSIONER MAY WAIVE THE CADASTRAL SURVEY ON A DETERMINA-  
16 TION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC  
17 INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY].

18 \* Sec. 3. AS 38.09.020(a) is amended to read:

19 (a) A homestead entry permit entitles an applicant to enter land  
20 within an area designated under AS 38.09.010 and to [SURVEY,] occupy  
21 [,] and improve the land in order to qualify for a patent under this  
22 chapter.

23 \* Sec. 4. AS 38.09.040(a) is amended to read:

24 (a) A homestead entry permit may be revoked by the commissioner  
25 for any substantial breach of the permit conditions or the require-  
26 ments of this chapter, including

27 (1) an assignment, conveyance, or transfer of the permit  
28 not authorized under AS 38.09.030(c);

29 (2) failure of the permit holder to submit an aliquot parts

1 description of the homestead entry [A PLAT OF SURVEY] to the commis-  
2 sioner within two years after the issuance of the permit or under (b)  
3 of this section;

4 (3) failure of the permit holder to erect a dwelling in the  
5 time required under AS 38.09.050(a), except that if the commissioner  
6 finds that the dwelling has been nearly completed and progress toward  
7 completion is being made at the expiration of the time required, the  
8 commissioner may extend the time required for completion for not more  
9 than one year;

10 (4) failure to brush the boundaries of the land within 90  
11 days after issuance of the homestead entry permit;

12 (5) failure to clear and either put into production or  
13 prepare for cultivation 25 percent of the land classified for agricul-  
14 tural use within five years after the issuance of the permit.

15 \* Sec. 5. AS 38.09.050(a) is amended to read:

16 (a) The commissioner shall issue a patent to homestead entry  
17 land if the permit holder

18 (1) resides and lives on the homestead entry land for not  
19 less than 25 months within five years after the issuance of the home-  
20 stead entry permit;

21 (2) submits an aliquot parts description [COMPLETES AN  
22 APPROVED SURVEY] of the land within two years after the issuance of  
23 the permit or under AS 38.09.040(b);

24 (3) erects a habitable, permanent dwelling on the homestead  
25 within three years after the issuance of the homestead entry permit;

26 (4) brushes the boundaries of the land within 90 days after  
27 the issuance of the permit;

28 (5) clears and either puts into production or prepares for  
29 cultivation either 25 percent of the land classified for agricultural

1 use or 50 percent of the land having class II or III soils, whichever  
2 is less, within five years after issuance of the permit.

3 \* Sec. 6. AS 38.09.040(b) is repealed.

4 \* Sec. 7. <sup>added</sup> This Act takes effect July 1, 1987.

Representative Koponen's Position Paper HB 286

HB 286 is a measure that will implement proven land management goals in regard to the continuing disposal of State lands to Alaskan citizens.

In the past land disposals were made without the benefit of boundaries being monumented and identified on the ground. In the name of expediency and false economy land was released with no regard to a proven identification system that has been in use in the Federal system for 200 years.

This system is the cadastral rectangular land survey which allowed any parcel to be readily identified, plotted accurately on status maps, and virtually eliminated boundary disputes. Federal law prescribes that all public domain lands will be physically surveyed and monumented in conformance with the rectangular survey and aliquot part system prior to disposal. This cadastral system has been followed in all public domain states except Alaska.

The rectangular cadastral system is understood by surveyors, title companies, lending institutions, recording offices, attorneys, and most citizens. It is the backbone of all land record systems and has procedural manuals adopted and in place.

What is occurring in Alaska however, is a system of metes and bounds, the least desirable of all possible land identification systems. It creates a patch-work of oddly shaped and irregularly adjoining parcels to which access and intelligent utility distribution is next to impossible. It creates slivers of unclaimed State land that become worthless to the citizens of the State. It is expensive and difficult to survey accurately, creates voluminous land records, and makes it impossible to plot parcels correctly on a status map without a field survey and encumbers all residual land within a township until all applicant's parcels are surveyed.

For the new landowner under a system of metes and bounds the problems are just starting. He must shoulder the burden of having an adequate survey made in preparation of a legal description of the land. A legal description is necessary to obtain financing for improvements, and clear title from a title company. Boundary problems with neighbors often occur and the landowner may find no legal or practical access to the parcel.

HB 286 will eliminate these inequities and shortcomings. It will set in place a proven and recognized system of land identification that acknowledges the State's responsibility to carefully manage our land resources.

IV

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: 5/1/86

**REQUEST**

Bill/Resolution No.: CSHB 286  
 Title: Survey and disposal of state lands  
 \_\_\_\_\_  
 Sponsor: Koponen  
 Requestor: Koponen  
 Date of Request: 5/1/86

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 BRU: Information Management  
 \_\_\_\_\_  
 Components: \_\_\_\_\_  
 \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

<b>CAPITAL</b>			1,597.0	---	---	---
----------------	--	--	---------	-----	-----	-----

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

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

If the bill is amended to show a July 1, 1987 effective date, the projected FY 87 costs will not occur. At this time only the FY 88 cadastral funding capital costs can be anticipated on the current land offerings schedule. Operating costs will not increase.

Prepared by: Ned Farquhar  
 Division: Commissioner's Office

Phone: 465-2400  
 Date: 5/1/86

Approved by Commissioner: *Ned Farquhar*  
 Agency: Natural Resources

Date: 5/1/86

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

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

HPB

2 8 8

5/2/85

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907-465-3800

May, 1988

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

Mary Van Nimwegen

*House Rules 5-2-85 8:36am*

CALL THE MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE  
T H U R S D A Y, M A Y 2, 1985  
T I M E

INDICATE MEMBERS PRESENT AND ABSENT:

Cmte. Members: Chairman M.W. Miller  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi  
*Rep. [unclear]*

SCHEDULED ON THE COMMITTEE CALENDAR TODAY ARE:

HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)

HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)

HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date.  
(by the Rules Committee)

(Continued from April 30th)

HB 237 - "An Act relating to pension reform; and providing for an effective date."  
(Rules Committee by Request of the Governor)

The first item on today's agenda is the Proposed CS HB 21(RULES) "An Act relating to homesites for veterans."

- ADOPT CSHB 21(RULES) for purposes of discussion.

CSHB 21(RULES) makes one change to CSHB 21(FINANCE). In looking at the Rules CS, on Page 1, line 18 after the word "States", the phrase, "WHO HAS AT ANY TIME RESIDED CONTINUOUSLY FOR AT LEAST ONE YEAR IN THE STATE AND" ----- HAS BEEN DELETED.

Included in the packets today is a memo from Randall J. Moen, Legislative Counsel regarding the constitutionality of exemption for one year resident veterans from certain costs under the homesite entry program. NOTE: RANDAL MOEN IS HERE IF YOU WOULD LIKE TO HAVE HIM EXPLAIN WHY THIS PROVISION WAS DELETED FROM THE FINANCE VERSION.

DISCUSSION

MOVE CSHB 21(RULES) FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

The second item on today's agenda is HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.

Move to adopt HCR 31 for purposes of discussion.

Move HCR 31 from the Rules Committee with individual recommendations.

*Amendment No 2 passed when amended to HCR 26 on the House floor. We have rolled this amend into HCR 31*

The third item on today's agenda is the proposed "2nd CS HCR 26(RULES) - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."

Request motion to Adopt 2nd CS HCR 26(RULES) FOR PURPOSES OF DISCUSSION.

The 2nd CS makes two changes to CS HCR 26(RULES).

\*On Page 1, line 20, after the word "Office" the phrase or Legislative Teleconference Center HAS BEEN ADDED.

\*Page 1, line 21, the word "FULL-TIME" has been deleted.

FURTHER DISCUSSION?

Request motion to move 2nd CS HCR 26(RULES) FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

.....

The fourth item on today's agenda is the proposed CSHB 237(RULES) - "An Act relating to pension reform; and providing for an effective date."

Request motion to adopt CSHB 237(RULES) for purposes of discussion.

Included in your folder is a revised CS. TERRY CRAMER, LEGISLATIVE AFFAIRS ATTORNEY IS HERE TO GO OVER CHANGES MADE TO THE NEW VLRSION OF CSHB 237(RULES)

- VIRGINIA RAGLE, A.G'S OFFICE MAY BE HERE - KEN HUMPHREYS, DIRECTOR, DIVISION OF RETIREMENT WILL MAY BE HERE.

Request a motion to move CSHB 237(RULES) from committee with individual recommendations.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE  
T H U R S D A Y, M A Y 2, 1 9 8 5

- HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)
- HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)
- HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."  
(by the Rules Committee)
- (continued from April 30th Rules Meeting:)
- HB 237 - "An Act relating to pension reform; and providing for an effective date."  
(Rules Committee by Request of the Governor)

*11/2/80 letter to Tatant*

Letter of Intent for CSHB 288 (Jud)  
an act relating to the taking of fish and and game for subsistence and  
personal use  
by the House Rules Committee  
5/2/85

The purpose of this bill is to authorize the Alaska Board of Fisheries and the Alaska Board of Game to adopt regulations identifying "subsistence uses" of fish stocks and game populations as the boards did from May 30, 1982 until February 22, 1985.

Pursuant to this bill the boards will limit the identification of "subsistence uses" of fish stocks and game populations to the taking of such stocks and populations by Alaska residents who are domiciled in rural communities and rural areas in which the taking of fish stocks or game populations for personal or family consumption is a significant characteristic of the economy of the community or area, as determined by the boards.

This limitation of the definition of "subsistence uses" recognizes that Alaska is unique, and unlike any of the other forty-nine states, the economy of many rural communities and rural areas in Alaska is significantly dependent upon participation by the residents of these communities in the taking of fish stocks and game populations for personal or family consumption. Further, the Legislature finds that the general health and welfare of these citizens is significantly tied to their participation in these activities.

The boards will be authorized to adopt regulations for identifying customary and traditional uses by Alaska residents of those rural communities and rural areas. It is the intent of the Legislature to preserve the approach to implementing the state's subsistence law embodied in 5 AAC 99.010, (as adopted by the Joint Boards of Fisheries and Game on May 30, 1982), for identifying subsistence uses on a community or area basis.

The Legislature finds that implementing the subsistence law is consistent with the intent of the definition of subsistence hunting and fishing and personal use fishing contained in House Bill 288 when criteria such as those outlined below are used to identify customary and traditional uses of the resource:

- (1) a long-term, consistent pattern of use, excluding interruption by circumstances beyond the user's control such as regulatory prohibitions;
- (2) a use pattern recurring in specific seasons of each year;
- (3) a use pattern consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, and conditioned by local circumstances;
- (4) the consistent harvest and use of fish or game which is near, or reasonably accessible from, the user's residence;

Letter of Intent for CSHB 288 (Jud)  
by the House Rules Committee (Continued)

(5) the means of handling, preparing, preserving, and storing fish or game which has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a use pattern which includes the handing down of knowledge of fishing or hunting skills, values and lore from generation to generation;

(7) a use pattern in which the hunting or fishing effort or the products of that effort are distributed or shared among others within a definable community of persons, including customary trade, barter, sharing, and gift-giving; customary trade may include limited exchanges for cash, but does not include significant commercial enterprises; a community may include specific villages or towns, with a historical preponderance of subsistence users, and encompasses individuals, families, or groups who in fact meet the criteria described in this subsection; and

(8) a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area, and which provides substantial economic, cultural, social, and nutritional elements of the subsistence user's life.

This legislation establishes that the commercial sale of fish and game taken for personal or family consumption is prohibited, but does not preclude the sale of handicraft articles made from the non-edible by products taken for such uses. Accordingly, the Legislature intends that barter, sharing and customary trade of fish or game taken for personal or family consumption be of a non-commercial nature. This restriction however, does not apply to the existing limited sale of animal furs by subsistence users of the resource.

The bill also establishes a statutory definition of "personal use fishing." Although sport, commercial and personal use fishing are not afforded a statutory priority over each other, the inclusion of a definition of "personal use" is to indicate that the intent of the Legislature is to delegate to the Alaska Board of Fisheries adequate regulatory authority to provide all persons engaged in sport, commercial, and personal use fishing a reasonable opportunity to participate in the harvest of Alaska's fish stocks.

The Legislature recognizes that personal use of fish and wildlife is a valuable part of Alaskan life. Therefore, it is the intent of the Legislature that the Board of Fisheries provides fairly and adequately for these personal uses. For example, the Board must provide a fair and adequate allocation for the fishery at Chitina, on the Copper River, in which Fairbanks residents and other Alaskans participate using dipnets and fishwheels to harvest salmon for personal use.

Letter of Intent for CSHB 288 (Jud)  
by the House Rules Committee (Continued)

---

Mike W. Miller, Chairman  
House Rules Committee  
5/2/85



H B

3 9 5

5/6/85

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

May, 1988

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

Mary Van Nimwegen

*House Rules 5-6-85 8:34 am*

CALL MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE

MONDAY, MAY 6th, 1985

TIME:

INDICATE MEMBERS PRESENT:

Cmte. Members: Chairman M.W. Miller  
V. Chair Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

COMMITTEE CALENDAR FOR TODAY:

HB 395 - "An Act relating to a homestead entry lottery."  
(by Representative Shultz)

HB 237 - "An Act relating to pension reform; and providing for an  
effective date."  
(Rules Committee by Request of the Governor)

The first item on the agenda is HB 395. Adopt CSHB 395 (RULES) for  
purposes of discussion.

NOTE: REP. SHULTZ OR DAVE STANCLIFF WILL BE HERE TO EXPLAIN.

MOVE TO ADOPT CSHB 395 (RULES) WITH INDIVIDUAL RECOMMENDATIONS.

The second item on the agenda is HB 237. Adopt CSHB 237 (RULES) for  
purposes of discussion. Terry Crammer, Attorney, Legal Services will be  
here - Virginia Ragle, Attorney General's Office will be here also.  
Terry will be available to explain changes.

MOVE TO ADOPT CSHB 237 (RULES) WITH INDIVIDUAL RECOMMENDATIONS.

HEAD THEM UP AND MOVE THEM OUT!!!!

COMMITTEE REPORT

HOUSE

(7)

FURTHER:

4/29/85

Date: May 6, 1985

The Committee on RULES has had HB 395

"An Act relating to a homestead entry lottery."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 395 (Rules)  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

M.W. Miller

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
CHAIRMAN



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

RULES STANDING COMMITTEE MEETING  
MAY 6, 1985

A G E N D A

- HB 395 - "An Act relating to a homestead entry lottery."  
(Representative Shultz)
- HB 237 - "An Act relating to pension reform; and providing for an  
effective date."  
(Rules Committee by Request of the Governor)

Bradley  
5/2/85 ✓

Original sponsor: Shultz

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IN THE HOUSE

BY THE RULES COMMITTEE

CS FOR HOUSE BILL NO. 395 (Rules)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to a homestead entry lottery."

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

\* Section 1. AS 38.09.010(g) is amended to read:

(g) The commissioner may limit the number of persons permitted to stake homestead entries within an area designated under (a) of this section by a lottery of qualified applicants. The commissioner may conduct a lottery held under this subsection in the community that is closest to the area designated for homestead entry. The commissioner may require that each participant in the lottery be present unless attendance at the lottery is prevented by

*reworded:*

(1) medical reasons, attendance at school, or military service outside the state; or

*added:* (2) a mandatory, unavoidable employment commitment determined valid by the commissioner before the sale.

On the CS -

Lines 16-18 have been reworded to read easier and Line 19, Section 2 has been added.

Introduced: 4/23/85  
Referred: Resources

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 395

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to a homestead entry lottery."

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

8 \* Section 1. AS 38.09.010(g) is amended to read:

9 (g) The commissioner may limit the number of persons permitted  
10 to stake homestead entries within an area designated under (a) of this  
11 section by a lottery of qualified applicants. The commissioner may  
12 conduct a lottery held under this subsection in the community that is  
13 closest to the area designated for homestead entry. The commissioner  
14 may require that each participant in the lottery be present at the  
15 lottery unless medical reasons, attendance at school, or military  
16 service outside the state prevent attendance.

## BILL HISTORY

HB 395HOUSE CALENDAR:

BILL HB0395  
 PAGE 01039  
 DATE 04/23/85  
 CHAMBER HOUSE  
 TEXT

HOUSE BILL NO. 395 by Shultz, entitled:  
 "An Act relating to a homestead entry  
 lottery."  
 was read the first time and referred to the Resources  
 Committee.

HB0395  
 01158  
 04/29/85  
 HOUSE

The Resources Committee has considered HOUSE BILL NO. 395 (relating to a homestead entry lottery) and reports it back as follows: Shultz (Co-Chair), Cato, Wallis, Pearce, Jenkins, Thompson and M.W. Miller recommend do pass; Sund has no recommendation. A zero fiscal note was attached. HB 395 was referred to the Rules Committee for placement on the calendar.

Homestead  
 Entry Lottery

HOUSE BILL NO. 395, by Rep. Shultz. Would allow the Commissioner of Natural Resources to hold a lottery for homestead entry in the community that is closest to the area designated for homestead entry. The Commissioner could require that each participant in the lottery be present at the lottery unless medical reasons, attendance at school, or military service outside the state prevent attendance. Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced April 23 and referred to Resources.



HPB

407

2/20/86

2/27/86

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811  
907-465-3800

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henr

House Rules Committee, 2/20/86, 8:30 am  
" " " , 2/27/86, 8:30 am



HB 407 GAME AS BAIT

TESTIMONY BY REPRESENTATIVE F. KAY WALLIS

FEBRUARY 27, 1986

Mr. Chairman and fellow committee members, with all due respect to the Sponsor, I must vote against this bill.

Testimony from District 24 indicates that, even with the Sponsor's good intentions, the bill leaves too much room for abuse. In their opinion this margin of error can only serve to threaten a resource most heavily relied upon, the moose population.

One example is a problem in the Upper Kuskokwim where edible portions of meat have been used as bait. The people of this area feel that once meat has deteriorated or has been butchered beyond recognition, it is difficult, if not impossible, to determine whether the meat may have come from what the law considers to be an edible part of an animal however it was taken. The people of this area are also concerned that if this bill were to become law, it can create a temptation to use edible portions of big game animals as bait. This situation is possible and must not be allowed.

Another concern comes from the Galena Subregion of District 24. A constituent there remarked that, at one time, the area had one of Alaska's highest concentrations of moose. This is no longer the case and therefore, we cannot support any action which would, in any way, serve to threaten the existing moose population.

Finally, I cannot overemphasize the importance of the moose as a food resource for the People in District 24 and many other parts of Alaska. There is very little of this animal that we do not use. A.S. 16.30.030(4) sets forth the parts of big game animals the law considers edible. The People of District 24 do not understand this law as it omits many parts of big game animals that we have and will continue to use. Subsection (B) of this Statute labels as inedible, meat that has been damaged or destroyed by method of taking. For us the moose is a life sustaining resource. For this reason, if its meat is to be used as trapping bait, we must be certain that this meat was not destroyed deliberately.

This bill does not provide us with this assurance. Accordingly, I respectfully urge you to vote against it.

Thank You.



**HOUSE  
COMMITTEE REPORT**

(7)  
Date referred: 2/19/86

FURTHER REFERRALS:

DATE: 2/27/86

The RULES Committee has considered HB 407

"An Act relating to the use of game as bait."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 407 (Rules)  same title  new title

and recommends no rec.

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note *of fiscal note*
  - zero fiscal note

SIGNING DO PASS:

Michael W. Miller  
\_\_\_\_\_  
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SIGNING OTHER RECOMMENDATIONS:

F. Kay Wacini DO NOT PASS  
John Miller NO REC  
Ben Sweeney No Rec.  
Terry Martin No Rec.  
\_\_\_\_\_  
\_\_\_\_\_

Michael W. Miller  
Chairman

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 11, 1986

SUBJECT: Title and subject of CSHB 407(Rules)

TO: Representative Richard Shultz

FROM: Tamara Brandt Cook  
Director *IBC*  
Division of Legal Services

You have asked whether CSHB 407(Rules) violates the single subject rule. The rule is contained in Article II, Section 13 of the state constitution. The Alaska Supreme Court has held that the single subject rule is to be broadly construed so as not to unduly restrict the scope of legislation or multiply the number of bills excessively. (State v. First National Bank, 660 P.2d 406(Alaska 1982); Short v. State, 600 P.2d 20 (Alaska 1979); Gellert v. State, 522 P.2d 1120 (Alaska 1974)) In determining whether a bill is limited to one subject, all that is required is that the bill deal with one general subject, so that all matters treated in the bill fall under some one general idea or be so connected with each other as to be logically germane to one general subject. (North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534 (Alaska 1973); Gellert, supra)

Applying this standard to the bill in question, I can see no single subject rule violation. Section 1 of the bill deals with the use of game as bait. Section 2 of the bill deals with certain records concerning sealing a game animal and the use of skin or fur of a game animal and provides a definition of "sealing". All of these provisions are logically germane to the general subject of regulating the use of game animals.

Aside from the single subject requirement, Article II, Section 13 also demands that, "The subject of each bill shall be expressed in the title." The title to CSHB 407(Rules) is "An Act relating to the use and sealing of certain game animals." This title does not adequately reflect the fact that reports and records on game animals

Representative Richard Shultz  
Page 2  
March 11, 1986

are a subject of the bill. Sealing of game animals is dealt with only in the context of the reports and records. To avoid the possibility of an attack on the title, I recommend that the title be changed to "An Act relating to the use of, and certain reports and records concerning, game animals."

TBC:mkr  
m3/150

CSHB 407 (RULES)

AMENDMENT # \_\_\_\_\_

BY: M.W. MILLER

Page 1

Line 6,

AMEND THE TITLE TO READ AS FOLLOWS: An Act relating to the use of, and certain reports and records concerning, game animals.

Rationale: Legal Services feels that they were not concise enough on the title and as a result suggested the change to the title as a technical correction.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

THURSDAY, FEBRUARY 27, 1986

8:30 A.M. - CAPITOL, ROOM 20E

AGENDA: CS HB 407 (RESOURCES) "AN ACT RELATING TO THE USE AND SEALING OF CERTAIN GAME ANIMALS."  
(BY REPRESENTATIVE SHULTZ)

#### I N D E X

- I. MEMO DATED FEBRUARY 11, 1986 FROM REP. DICK SHULTZ REGARDING CHANGES IN CSHB 407.
  
- II. PROPOSED CS HB 407 (RULES) (2nd version) 2/27/86  
PROPOSED CS HB 407 (RULES) (1st version) 2/20/86
  
- III. CS HB 407 (RESOURCES)
  
- IV. A. NEW FISCAL NOTE WITH ANALYSIS FROM DEPARTMENT OF PUBLIC SAFETY FOR CS HB 407 RESOURCES. 2/11/86  
B. NEW FISCAL NOTE WITH ANALYSIS FROM DEPARTMENT OF PUBLIC SAFETY FOR CS HB 407 RULES. 2/25/86
  
- V. BILL HISTORY, HB 407
  
- VI. LETTER DATED FEBRUARY 19, 1986 - FROM DEPARTMENT OF FISH AND GAME, COMMISSIONER DON W. COLLINSWORTH

# Alaska State Legislature

## COMMITTEES

Co-Chairman — House Resources  
Committee  
Member — House Transportation  
Committee



## House of Representatives

Dick Shultz

Write in Session

Pouch V  
State Capital  
Juneau, Alaska 99811  
Phone (907) 465 4951  
465 4940

Home - SR 790  
Tok. Alaska 99780

### MEMORANDUM

TO: MIKE MILLER / CHAIRMAN OF RULES

FROM: DICK SHULTZ / CO-CHAIR RESOURCES *DS*

DATE: FEB. 11, 1986

RE: CHANGES IN CSHB 407

\*\*\*\*\*

After HB 407 moved from Resources several additional changes were suggested by both the Trappers Association and Public Safety. These changes are clean-up and do not affect the zero fiscal note.

Page 1, line 14, Excludes the use of bear hides as bait because there is no need to include them.

Page 1, line 19, Changes notification time from 3 days to "earliest possible opportunity" so bush trappers can comply with law.

Page 1, line 22, Specifically relates this subsection to animals killed by motor vehicles so that there are less enforcement problems for Public Safety.

Page 2, lines 10 & 11, More clearly defines the list of documents to be considered in part as confidential, so that fur acquisition and fur export forms are included.

Page 3, line 5, Deletes the word "metal" before the word "seal" because plastic seals are also used by Fish and Game to identify fur.

First Version  
2/20/86

Original sponsors: Shultz and Marrou

1 IN THE HOUSE . BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the use and sealing of certain  
7 game animals."

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

9 \* Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as  
11 bait the following parts of a dead big game animal:

12 (1) the skin, viscera, bones, skinned carcass of bear,  
13 head, legs below the distal joint of the tibia-fibula (stifle joint),  
14 tallow, fat, trimmings, and hide, ~~except the hide of a bear.~~ <sup>Added</sup>

15 (2) the meat that is not edible meat from a big game animal  
16 that is found dead from natural causes if the person does not disturb  
17 the animal and notifies either the department or the Department of  
18 Public Safety of the use and the approximate location where the dead  
19 animal was found ~~at the earliest opportunity after the use; and~~ <sup>deleted: [within 3 days of]</sup>

20 (3) the edible meat that is determined by the department or  
21 the Department of Public Safety in a particular situation to be non-  
22 edible ~~if the animal was killed by a motor vehicle and~~ if the person  
23 obtains the written permission of either department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by  
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck, bris-  
28 ket, front quarters as far as the juncture of the humerus and the  
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibia-fibula (stifle joint), and that portion of the animal between  
2 the front and hindquarters; "edible meat" does not include meat that  
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals  
6 that are not edible meat and customarily discarded during the butcher-  
7 ing process.

8 \* Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the  
10 department concerning the sealing, ~~acquisition of the untanned skin,~~  
11 ~~or exportation from the state of the fur,~~ of a game animal taken by

12 trapping or hunting and that identifies an individual trapper or  
13 hunter is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department  
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order;

17 (3) on request, the report that accompanies the sealing of  
18 a game animal to the person who is identified in the report as having  
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the  
21 Department of Public Safety to assist that department in carrying out  
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal  
24 action based on a record or report that is confidential under (c) of  
25 this section, a department that receives a confidential record or  
26 report from the department under (c) of this section shall also main-  
27 tain the confidentiality of the record or report.

28 (e) A record or report received by the department that relates  
29 to the sealing, acquisition of the untanned skin, or exportation from

1 the state of the fur, of a game animal taken by trapping or hunting  
2 and that does not identify an individual trapper or hunter or the  
3 specific location where an animal has been taken is public informa-  
4 tion.

5 (f) In this section, "sealing" means the placement of a <sup>delete: [metal]</sup> seal by  
6 the department on a portion of the carcass of a game animal taken by  
7 trapping or hunting.  
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2/27/84 II

2nd Version

Original sponsors: Shultz and Marrou

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 407 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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13 head, legs below the distal joint of the tibia-fibula (stifle joint),  
14 tallow, fat, trimmings, and hide, except the hide of a bear;

15 (2) the meat that is not edible meat from a big game animal  
16 that is found dead from natural causes if the person does not disturb  
17 the animal and notifies either the department or the Department of  
18 Public Safety of the use and the approximate location where the dead  
19 animal was found at the earliest opportunity; <sup>delete: [after the use]</sup> and

20 (3) the edible meat that is determined by the department or  
21 the Department of Public Safety in a particular situation to be non-  
22 edible if the animal was killed by a motor vehicle and if the person  
23 obtains the written permission of either department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by  
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck, bris-  
28 ket, front quarters as far as the juncture of the humerus and the  
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibia-fibula (stifle joint), and that portion of the animal between  
2 the front and hind quarters; "edible meat" does not include meat that  
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals  
6 that are not edible meat and customarily discarded during the butcher-  
7 ing process.

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10 department concerning the sealing, acquisition of the untanned skin,  
11 or exportation from the state of the fur, of a game animal taken by  
12 trapping or hunting and that identifies an individual trapper or  
13 hunter is confidential and may be released by the department only

14 (1) to the Department of Revenue to assist that department  
15 in carrying out its statutory responsibilities;

16 (2) as necessary to comply with a court order;

17 (3) on request, the report that accompanies the sealing of  
18 a game animal to the person who is identified in the report as having  
19 taken the game animal; and

20 (4) to the division of fish and wildlife protection of the  
21 Department of Public Safety to assist that department in carrying out  
22 its statutory responsibilities.

23 (d) Except to the extent necessary to prosecute a criminal  
24 action based on a record or report that is confidential under (c) of  
25 this section, a department that receives a confidential record or  
26 report from the department under (c) of this section shall also main-  
27 tain the confidentiality of the record or report.

28 (e) A record or report received by the department that relates  
29 to the sealing, acquisition of the untanned skin, or exportation from

1 the state of the fur, of a game animal taken by trapping or hunting  
2 and that does not identify an individual trapper or hunter or the  
3 specific location where an animal has been taken is public informa-  
4 tion.

5 (f) In this section, "sealing" means the placement of a seal by  
6 the department on a portion of the carcass of a game animal taken by  
7 trapping or hunting.  
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Offered: 2/3/86  
Referred: Rules

Original sponsors: Shultz and Marrou

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 407 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the use and sealing of certain  
7 game animals."

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

9 \* Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. USE OF GAME AS BAIT. (a) A person may use as  
11 bait the following parts of a dead big game animal:

12 (1) the hide, skin, viscera, bones, skinned carcass of  
13 bear, head, legs below the distal joint of the tibia-fibula (stifle  
14 joint), tallow, fat, and trimmings; <sup>added:</sup>

15 (2) the meat that is not edible meat from a big game animal  
16 that is found dead from natural causes if the person does not disturb  
17 the animal and notifies either the department or the Department of  
18 Public Safety of the use and the approximate location where the dead  
19 animal was found ~~within three days of~~ <sup>added: at the earliest opportunity after</sup>

20 (3) the edible meat that is determined by the department or  
21 the Department of Public Safety in a particular situation to be  
22 nonedible <sup>added: if the animal was killed by a motor vehicle and,</sup> if the person obtains the written permission of either  
23 department for the use.

24 (b) In this section,

25 (1) "dead from natural causes" includes death caused by  
26 another animal;

27 (2) "edible meat" means the meat of the ribs, neck,  
28 brisket, front quarters as far as the juncture of the humerus and the  
29 radius-ulna (knee), hindquarters as far as the distal joint of the

1 tibula-fibula (stifle joint), and that portion of the animal between  
2 the front and hindquarters; "edible meat" does not include meat that  
3 has been damaged and made inedible by the method of taking;

4 (3) "taking" does not include causing death by a vehicle;

5 (4) "trimmings" means the parts of butchered game animals  
6 that are not edible meat and customarily discarded during the butcher-  
7 ing process.

8 \* Sec. 2. AS 16.05.815 is amended by adding new subsections to read:

9 (c) A report or record that is required by regulations of the  
10 department concerning ~~the sealing of a game animal taken by trapping~~  
~~or hunting and that identifies an individual trapper or hunter is~~  
~~exportation from the state of the fur~~  
11 ~~added: acquisition of the untanned skin or~~  
12 confidential and may be released by the department only

13 (1) to the Department of Revenue to assist that department  
14 in carrying out its statutory responsibilities;

15 (2) as necessary to comply with a court order;

16 (3) on request, the report that accompanies the sealing of  
17 a game animal to the person who is identified in the report as having  
18 taken the game animal; and

19 (4) to the division of fish and wildlife protection of the  
20 Department of Public Safety to assist that department in carrying out  
21 its statutory responsibilities.

22 (d) Except to the extent necessary to prosecute a criminal  
23 action based on a record or report that is confidential under (c) of  
24 this section, a department that receives a confidential record or  
25 report from the department under (c) of this section shall also main-  
26 tain the confidentiality of the record or report.

27 (e) A record or report received by the department that relates  
28 to the sealing of a game animal taken by trapping or hunting and that  
29 does not identify an individual trapper or hunter or the specific

1 location where an animal has been taken is public information.

2 (f) In this section, "sealing" means the placement of a ~~metal~~  
3 seal by the department on a portion of the carcass of a game animal  
4 taken by trapping or hunting.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHB 407 (Res)  
Title: An Act relating to the use and  
and sealing of certain game animals.  
Sponsor: Shultz & Marrou  
Requestor: Resources Committee  
Date of Request: 2/4/86

FISCAL DETAIL

Agency Affected: Dept. of Public Safety  
BRU: Fish & Wildlife Protection Div.  
Components: Enforcement

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

*R. J. [unclear]*

Prepared by: J. R. Nutcrass  
Division: Fish & Wildlife Protection  
Approved by Commissioner: [Signature]  
Agency: Public Safety

Phone: (907) 269-5509  
Date: 2/10/86  
Date: 2/11/86

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSHB 407 (Res)

February 10, 1986

NEUTRAL

HB 407 - "An Act relating to the use and sealing of certain game animals."

The Division of Fish & Wildlife Protection is neutral on CS House Bill No. 407. This bill defines the non-edible parts of a big game animal that can be used as bait. These parts of game as defined would not create an enforcement problem, and should serve to clarify and eliminate any past practices, where non-edible parts, if used, could be considered a violation of regulations.

We would recommend that the wording, "the hide" be clarified, in that bear hides could not be used as bait where prohibited by regulations or law, 16.05.783(2). By not allowing a big game animal to be disturbed that is found dead by natural causes will eliminate the major concerns expressed, if the whole or parts of an animal were removed for use. This would allow the Department the opportunity for documenting the locations and numbers of dead animals that trappers are finding, which could be beneficial for management purposes.

The Department would not be opposed to traps being set in the immediate vicinity of naturally dead animal as long as the animal is not disturbed and proper notification is provided by the trapper setting the traps.

The notification requirement of three days may not be a reasonable period of time for trappers located in the more remote parts of the state.

The wording in section 16.05.783(3) could include multiple reasons for game meat not being edible. It is difficult for us to determine to what extent this section would effect the Department's ability to perform an investigation from an enforcement point of view.

It would require the Departments to perform an investigation for determining the cause of game meat now being found non-edible.

We believe this section could provide an avenue to abuse if game meat that is determined as non-edible is allowed as bait for taking fur bearing animals.

The Alaska Railroad records indicate that 253 moose were killed by trains between November 1984 and March 1985. This is a result of an abnormally heavy snow condition that lent itself to higher numbers of moose being

killed by trains. In comparison; the average number of moose killed by trains under normal snow conditions is between 25 to 30 moose yearly. In 1985 we had approximately 493 big game animals that were reported killed by vehicles on the highways of the state. These animals were salvaged for human consumption.

We support the records and documentation on trapping and sealing information being confidential and that the Dept. of Public Safety has access for official business.

  
Robert J. Sundberg  
Commissioner

~~V~~

BILL HISTORY

HOUSE CALENDAR:

BILL HB0407  
 PAGE 01159  
 DATE 04/29/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 407 by Shultz, entitled:  
 "An Act relating to the use of game as  
 bait."  
 was read the first time and referred to the Resources  
 Committee.

BILL HB0407  
 PAGE 01173  
 DATE 04/29/85  
 CHAMBER HOUSE  
 TEXT Representative Marrou added his name as co-sponsor to HOUSE  
 BILL NO. 407 (relating to the use of game as bait).

BILL HB0407  
 PAGE 01961  
 DATE 02/03/86  
 CHAMBER HOUSE  
 TEXT The Resources Committee has considered HOUSE BILL NO. 407  
 (relating to the use of game as bait), recommends it be  
 replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 407  
 (Resources):  
 "An Act relating to the use and sealing  
 of certain game animals."  
 and reports it back as follows: Shultz (Co-Chairman), Cato,  
 Jenkins, Pearce and M.W. Miller recommend do pass; Herrmann,  
 Sund and Thompson have no recommendation; Wallis signed "no  
 recommendation until review Game Bd. action in Rules  
 Committee". A zero fiscal note was attached.  
 HB 407 was referred to the Rules Committee for placement on  
 the calendar.

BILL HB0407  
 PAGE 02008  
 DATE 02/07/86  
 CHAMBER HOUSE  
 TEXT Representative Thompson added his name as co-sponsor to  
 HOUSE BILL NO. 407 (relating to the use of game as bait).

Big Game                      HOUSE BILL NO. 407, by Rep. Shultz. Amends the Fish and  
Carcasses                      Game Code (AS 16.05) by adding a section to read: "Except  
 (use as bait)                    for the edible meat of big game animals and wild fowl, as de-  
                                      fined in AS 16.30.030, a person may use as bait the carcass of game  
                                      that the person has killed in the state, if the person has complied  
                                      with all other state requirements relating to the killing, and the  
                                      possession, transportation, and use of the carcass, of the game."  
                                      Does not provide effective date (takes effect 90 days after  
                                      Governor signs bill). On April 29 Rep. Marrou added his name as  
                                      co-sponsor.

Introduced April 29 and referred to Resources.

IV B

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : CSHB 407 (Rules)  
 Title : An Act relating to the use and sealing of certain game animals  
 Sponsor : Shultz and Marrou  
 Requestor : House Rules  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Dept. of Public Safety  
 BRU : Fish & Wildlife Protection Div.  
 Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

*K. New*  
 Prepared by : Captain James R. Nutgrass Phone : 269-5509  
 Division : Fish & Wildlife Protection Date : 2/24/86

Approved by Commissioner : *J. Marrou* Date : 2/25/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSHB 407 (R1s)

February 24, 1986

NEUTRAL

CSHB 407 (Rules) - "An Act relating to the use and sealing of certain game animals."

The Department of Public Safety is neutral on CSHB 407 (R1s).

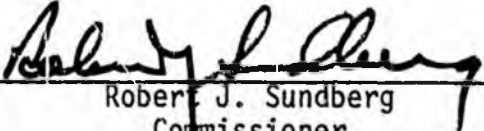
The parts of game as defined will not create an enforcement problem, and will serve to clarify and eliminate any past practices where non-edible parts, if used, could be considered a violation of regulations.

By allowing the trapper to set traps in the vicinity of a big game animal found dead by natural causes, if not disturbed, would not pose a problem for the Department.

The reporting requirement is realistic that a trapper who uses a big game animal found dead by natural causes must report the location at the earliest opportunity. This is particularly true of those trappers in the remote areas, where they may not have an opportunity or capability for reporting the location of a dead animal for an extended period of time.

We recommend the following on page 1, line 19, after opportunity, delete "after the use;"

We support the records and documentation on trapping and sealing information being confidential and that the Department of Public Safety has access for official business.

  
Robert J. Sundberg  
Commissioner

BILL HISTORY

HOUSE CALENDAR:

BILL HB0407  
 PAGE 01159  
 DATE 04/29/85  
 CHAMBER HOUSE  
 TEXT HOUSE BILL NO. 407 by Shultz, entitled:  
 "An Act relating to the use of game as  
 bait."  
 was read the first time and referred to the Resources  
 Committee.

BILL HB0407  
 PAGE 01173  
 DATE 04/29/85  
 CHAMBER HOUSE  
 TEXT Representative Marrou added his name as co-sponsor to HOUSE  
 BILL NO. 407 (relating to the use of game as bait).

BILL HB0407  
 PAGE 01961  
 DATE 02/03/86  
 CHAMBER HOUSE  
 TEXT The Resources Committee has considered HOUSE BILL NO. 407  
 (relating to the use of game as bait), recommends it be  
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 "An Act relating to the use and sealing  
 of certain game animals."  
 and reports it back as follows: Shultz (Co-Chairman), Cato,  
 Jenkins, Pearce and M.W. Miller recommend do pass; Herrmann,  
 Sund and Thompson have no recommendation; Wallis signed "no  
 recommendation until review Game Bd. action in Rules  
 Committee". A zero fiscal note was attached.  
 HB 407 was referred to the Rules Committee for placement on  
 the calendar.

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 PAGE 02008  
 DATE 02/07/86  
 CHAMBER HOUSE  
 TEXT Representative Thompson added his name as co-sponsor to  
 HOUSE BILL NO. 407 (relating to the use of game as bait).

Big Game  
Carcasses  
 (use as bait)

HOUSE BILL NO. 407, by Rep. Shultz. Amends the Fish and  
 Game Code (AS 16.05) by adding a section to read: "Except  
 for the edible meat of big game animals and wild fowl, as de-  
 fined in AS 16.30.030, a person may use as bait the carcass of game  
 that the person has killed in the state, if the person has complied  
 with all other state requirements relating to the killing, and the  
 possession, transportation, and use of the carcass, of the game."  
 Does not provide effective date (takes effect 90 days after  
 Governor signs bill). On April 29 Rep. Marrou added his name as  
 co-sponsor.

Introduced April 29 and referred to Resources

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802  
PHONE: (907) 465-4100

February 19, 1986

The Honorable Richard Shultz  
The Honorable Adelheid Herrmann  
Co-Chairmen  
The Honorable Kay Wallis  
Vice Chairman  
House Resources Committee  
Alaska State Legislature  
P. O. Box V  
Juneau, AK 99811

Dear Representative Shultz, Representative Herrmann,  
and Representative Wallis:

The regulation that limits the parts of animals that can be used for trapping bait has been in effect since statehood. Three times in the past four years (1982, 1984 and 1985), the Board of Game considered whether to allow trappers to use road kills for bait. Each time, the board rejected the proposals because the Division of Fish and Wildlife Protection pointed out significant enforcement problems with this type of regulation.

In order to prosecute successfully wanton waste violations, Fish and Wildlife Protection must be able to prove how an animal died. Unfortunately, after an animal has been dead for several days, it is difficult to tell whether it was shot, hit by a car, or died of natural causes without performing a fairly sophisticated autopsy.

Additionally, the term "road kill" generally refers to an animal which dies on or very near the highway. Such animals are usually salvaged while the meat is still fit for human consumption and the meat is distributed to charities. It is true that some animals wander off the road to die and are not fit for human consumption when they are found. However, without elaborate autopsy procedures, cause of death is generally not "provable" at this stage.

Therefore, in the board's judgement, the problems associated with allowing the use of these animals as trap bait or

The Honorable Richard Shultz -2-  
The Honorable Adelheide Herrmann  
The Honorable Kay Wallis

February 19, 1986

animal food would seriously undercut enforcement of the state's wanton waste statute. The following paragraphs summarize the most recent attempts to amend this regulation.

In 1982, the Tok Cutoff-Nabesna Road Advisory Committee submitted two proposals for consideration at the March/April board meeting. The proposals were to legalize the use of road kills and predator kills as trap bait or dog food. The board rejected the proposals by unanimous vote for the reasons stated above.

Mr. Billy Butts and the Tok Cutoff-Nabesna Road Advisory Committee submitted written comments favoring the proposals.

Mr. Roger C. Laber and the Fairbanks Advisory Committee submitted written comments opposing the proposals.

In 1984, the Tok Cutoff-Nabesna Road Advisory Committee submitted similar proposals for consideration at the March/April board meeting. The board rejected the proposals by unanimous vote for the reasons stated above.

The Upper Tanana/Forty-Mile Advisory Committee, Alaska Trappers Association, Tok Cutoff-Nabesna Road Advisory Committee, Gastineau Channel Advisory Committee, Mr. and Mrs. Blais, Copper Basin Advisory Committee, Matanuska Valley Advisory Committee, U.S. Fish and Wildlife Service (suggesting an amendment) and the Mt. Yenlo Advisory Committee submitted written comments favoring the proposals.

The Fairbanks Advisory Committee, Ms. Cindy Lowrey, Petersburg Advisory Committee, Alaska Wildlife Alliance, Mr. William O'Connor, Yukon Flats Advisory Committee, Paxson Advisory Committee and Delta Advisory Committee submitted written comments opposing the proposals.

In April, 1985, the Upper Tanana/Forty-Mile Advisory Committee submitted a petition to the board to allow the use of spoiled game meat as trap bait. The board accepted the petition and considered it as proposal #135 during the November 1985, meeting. The board rejected the proposal by unanimous vote for the reasons stated above. The board received no written comments on the topic.

I have enclosed the proposals that were before the board and the relevant public comments.


I appreciate the opportunity to provide you this information. I am sorry we were unable to assemble all the background material at the time the Resources Committee was

The Honorable Richard Shultz -3-  
The Honorable Adelheide Herrmann  
The Honorable Kay Wallis

February 19, 1986

considering the bills. We hope this summary will be useful to the Rules Committee. Please feel free to contact my office if additional information would be helpful.

Sincerely,

  
for Don W. Collinsworth  
Commissioner

Enclosures

cc: House Resources Committee

Mike W. Miller, Chairman  
House Rules Committee

Nov. 1985

PROPOSAL #137 - 5 AAC 92.210. GAME AS ANIMAL FOOD OR BAIT.

Allow the use of big game meat that is not usable for human consumption to be used as bait for trapping wolves in areas approved by the board.

Proposed by: Upper Tanana/Forty Mile Advisory Committee (11)

FAVOR

OPPOSE

Move to adopt SS  
 Second JB  
 Move to amend \_\_\_\_\_  
 Second \_\_\_\_\_  
 Carries \_\_\_\_\_ Fails \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Move to table \_\_\_\_\_  
 Second \_\_\_\_\_  
 Carries \_\_\_\_\_ Fails \_\_\_\_\_  
 Move to remove from table \_\_\_\_\_  
 Carries \_\_\_\_\_ Fails \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FINAL ACTION: 0 / 1 / 35 No action \_\_\_\_\_  
 yes no abstain/absent (by consensus)

Date: \_\_\_\_\_ Time: \_\_\_\_\_

418/84

73. 5 AAC 81.140. (a). POSSESSION AND TRANSPORTATION. pg. 17. Allow use of road-killed game that is unsalvagable for human consumption for animal food and trap bait.

(a) No person may possess, transport, or place into the possession of another, any game or parts of game that the person has taken in violation of AS 16 or a regulation promulgated thereunder, except game or parts of game unsalvagable for human consumption from road kills or predator kills may be utilized for animal food or trap bait after notification and approval of the Department of Public Safety or the Department of Fish and Game.

Justification: Allows utilization of many road kills that are not found or reported until unfit for human consumption. Allows a trapper to place predator kills in areas where catches are more likely.

Proposed by: Tok Cutoff-Nabesna Road A.C.

Favor

Upper Tanana/Forty-mile AC (298)  
Alaska Trappers Association (384)  
Tok Cutoff/Nabesna Road AC (391)  
Gastineau Channel AC (393)  
Mr. & Mrs. Blais (402)  
Copper Basin AC (417)  
Matanuska Valley AC (427)  
U.S. Fish & Wildlife Service (378) w/amendment

Oppose

Paxson AC (332)  
Fairbanks AC (380)  
Cindy Lowrey (395)  
Alaska Wildlife Alliance (406)  
William O'Connor (410)  
Delta AC (425)

*DPS opposed @ of difficulty in telling  
difference between animals killed for bait  
& animals killed by auto/predator.*

*E-7 NG.*

334. 5 AAC 81.210. (X). GAME AS ANIMAL FOOD OR BAIT. pg. 20. Allow use of unsalvageable road-killed game for animal food.

(X) Unsalvageable game from road and predator kills may be utilized for animal food or trap bait after notification and approval of the Department of Public Safety or the Department of Fish and Game.

Justification: Allows utilization of many road kills that are not found or reported until unfit for human consumption. Allows a trapper to place predator kills in areas where catches are more likely.

Proposed by: Tok Cutoff-Nabesna Road A.C.

Favor

- Upper Tanana/Forty Mile AC (298)
- Tok Cutoff/Nabesna Road AC (391)
- Gastineau Channel AC (393)
- Mr. & Mrs Blais (402)
- Copper Basin AC (417)
- Mt. Yenlo AC (426)

Oppose

- Fairbanks AC (380)
- Cindy Lowrey (395)
- Petersburg AC (398)
- Alaska Wildlife Alliance (406)
- William O'Connor (410)
- Yukon Flats AC (424)

*conclusion report  
2 of 73  
7/16*

73 WE FAVOR THIS

92 } WE OPPOSE THIS (#92) AND ASK  
93 } THAT 93 (OUR PROPOSAL) BE RECALLED  
NEW INFORMATION AND RECONSIDER  
ATION MAKES US BELIEVE THIS  
PROPOSAL TO BE UNWISE AT  
THIS TIME

114 WE FAVOR THIS

119 WE OPPOSE THIS

141 } WE OPPOSE ~~THIS~~ THESE  
142 }  
143 }

184 WE OPPOSE THIS. WE JUST MADE  
THIS SEASON WHAT IT IS LAST  
YEAR

185 WE FAVOR THIS. WHAT WE WANT  
IS TO KEEP THE 50 INCH OR  
4 BROW TINES TO RECRUIT MORE  
YOUNG BULLS TO THIS POPULATION

186 WE OPPOSE THIS

COMMENT 298

227 WE FAVOR THIS

229 WE FAVOR THIS

329 WE FAVOR THIS

334 WE FAVOR THIS. ALLOWING THIS SHOULD NOT ADVERSLY AFFECT ANY RESOURCE

335 WE FAVOR THIS

336 WE FAVOR THIS. IT IS REASONABLE AND THE JUSTIFICATION GIVEN IS ACCURATE.

337 WE FAVOR THIS

338 WE OPPOSE THIS # 336 IS MORE REASONABLE. SOME HUNTS ~~ARE~~ TAKE PLACE IN COOL ENOUGH WEATHER AND THIS PROPOSAL COULD MAKE SPECIAL AIRPLANE FLIGHTS NECESSARY NEEDLESSLY.

339 WE FAVOR THIS

340 } WE FAVOR THIS  
341 }

COMMENT  
298

PET EMERGENCY TREATMENT, Inc.  
3315 Fairbanks Street  
Anchorage, Alaska 99503  
Telephone: 274-5636

BOARDS OF FISHERIES & GAME  
**RECEIVED**  
MAR 7 1984

DEPARTMENT OF FISH & GAME

3/4/84

Alaska Board of Game  
P.O. Box 3-2000  
Juneau, AK. 99803

To whom it may concern;

As a non-consumptive user of Alaska's wildlife I am concerned about the hunting and trapping regulations and policy proposals that the board will be dealing with this Spring. I feel that the non-consumptive user both state resident and tourist should be given a stronger consideration as the board formulates it's policies for the future. Tourism being Alaska's third largest industry care should be taken to preserve the wildlife that those tourists have come to see.

I am against a number of the proposals that the board has before them. The numbers are 47,57,59,70,73,300,323,334,339 and 343. I am in favor of a number of proposals put forth by the Alaska Wildlife Alliance. The numbers are 45,60,63,68,201,284,285,287,326,345,352,356, and 357.

Your consideration of those of us that neither eat nor wear Alaska's wildlife would be appreciated. At present no demand is being made of the non-consumptive user monetarily. I am in favor of a tax system that would assess the extent of the non-consumptive users and contribute to the financing of the programs that we support. I appreciate your time and your consideration of my position.

Sincerely,

  
William F. O'Connor, D.V.M.

COMMENT

Fairbanks Advisory Committee 3-1-84

RECEIVED  
DIVISION OF  
COMMUNITY DEVELOPMENT  
AND ECONOMIC  
DEVELOPMENT  
MARCH 1 1984

Proposal 329	Failed	0 For	0 Against	
Proposal 332	Failed	0 For	7 Against	
Proposal 334	Failed	0 For	7 Against	
Proposal 335	Failed	0 For	7 Against	
Proposal 336	Failed	1 For	6 Against	
Proposal 337	Passed	4 For	3 Against	
Proposal 343	Passed	7 For	0 Against	
Proposal 344	Passed	5 For	1 Against	1 Abstain
Proposal 345	Failed	0 For	7 Against	
Proposal 346	Passed	7 For	0 Against	
Proposal 347	Failed	0 For	7 Against	
Proposal 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358	Failed	0 For	7 Against	
Proposal 359 360	Passed	6 For	1 Against	
Proposal 361	Failed	0 For	7 Against	We are opposed to C one + two.

COMMENT  
350

Byron Haley Sec.  
Fairbanks Adv. Committee

Fairbanks Adv. Committee 2-23-84

Proposal #49	Failed	0 For 9 Against
Proposal #50	Passed	8 For 1 against
Proposal 51	Passed	7 For 2 against
Proposal 52	Passed	9 For 0 against
Proposal 54	Failed	0 For 9 Against
Proposal 55	Passed	7 For 2 Against
Proposal 56	Passed	7 For 2 against
Proposal 57	Amended + Passed	6 For 3 against We would like to have this Proposal Amended to Units 1 through 26
Proposal 58	Failed	0 For 9 Against
Proposal 59	Failed	0 For 9 Against
Proposal 60	Failed	0 For 9 Against
Proposal 61	Failed	0 For 9 Against
Proposal 62	Failed	0 For 9 against
Proposal 63	Failed	0 For 9 against
Proposal 64	Failed	0 For 9 Against
Proposal 65	Failed	0 For 9 against Current regulations are sufficient

COMMENT

380

Fairbanks Adv. Committee 2-23-84

Proposal 66 Failed 0 For 9 Against

~~Proposal 67 Passed 9~~

Proposal 68 Failed 0 For 9 Against

Proposal 69 Failed 0 For 9 Against

Proposal 71 Failed 0 For 9 Against

Proposal 73 Failed 0 For 9 Against

Proposal 74 Failed 4 For 5 Against

Proposal 75 Passed 9 For 0 Against

Proposal 76 Failed 4 For 5 Against

Proposal 77 Failed We do not want this area closed to hunting. it ~~was~~ <sup>should</sup> be open for bow & arrow hunting and we recommend that this area be included in the Fairbanks Management Area with one of the boundary the South bank of the Chena River.

Proposal 82 Failed 0 For 9 Against If they want this for Northeastern Kodiak Island that would be alright but leave Afognak Island registration permit

Proposal 92 Passed 9 For 0 Against

Proposal 93 Passed 9 For 0 Against

March 2, 1984

BOARDS OF FISHERIES & GAME  
**RECEIVED**

MAR 5 1984

DEPARTMENT OF FISH & GAME

ADF&G Division of Boards  
Box 3-2000  
Juneau, Alaska 99802

TCAKAC 391

Dear Sir:

The Tok Cutoff-Rabesna Road Advisory Committee met on February 29, 1984 and would like to offer comments on the following comments:

1. We believe the Task Force the Governor promised during his campaign should be put into effect.
2. Against - Children may be called upon to demonstrate their hunting & shooting capabilities right now. There is no need for any additional law.
4. Against - The Department and Postal Service is too inefficient to risk such a law on the books.
6. For - We would like to amend the proposal to include units 11 and 13. This advisory committee requested our representative to introduce legislation to rid the residents of our units 11, 12, 13, 20E of this requirement.
13. For - bear baiting permits are serving no purpose, but are loading the Department down with additional paperwork.
14. For - same as #13
15. Against - we are endorsing the deletion of the permit system.
27. Against - This proposal would force a late season when the moose population might not be able to biologically stand it. It would also force many areas into a permit system.
29. For - Amended to age 16 or younger. If you are not old enough for a State hunting license, you should be able to transfer the permit to your child.
30. Against -
31. Against -
32. Against -
33. Against -
34. Against -
35. ~~Against -~~
35. For - very sound biological proposal
36. For - this type system is working very well on Todiak.
40. For - Amended to read registration hunts, the number of caribou to be killed at 400, and the season to be closed by emergency closure when that number is reached.
44. For - biologically sound proposal
45. Against - This proposal would endanger small game hunting, the subsistence hunter, older individuals, and those who cannot afford ATU's.
46. Against - The animal should not be left to rot when the meat could come out with the injured.
47. For - good proposal.

COLLEEN

391

49. Against - Dumb proposal that would not be enforceable.  
50. For - Would cut down on wounding loss, cut down on the bad publicity such as was witnessed on Anchorage TV this past year.  
51. For - well thought out proposal.  
52. Against - unenforceable.  
59. Against - a dumb proposal that would put the game populations into deer trouble.  
60. Against - this proposal is strictly anti-hunting, anti trapping, anti recreational, and were submitted with blanket justification by the Alaska Wildlife Alliance.  
63. Against - same as #60.  
~~64~~  
65. For - sound proposal.  
67. For - same as #13.  
68. Against - same as #60.  
69. For as amended  
5). black bears may be taken with the use of bait, provided that  
a.) only biodegradable material ----- same;  
b.) baiting is not allowed on any private land without the permission of the landowner;  
c.) baiting is not allowed within 1/2 mile of any developed campground, or developed recreational facilities;  
furthermore, within a first class borough  
d.) baiting is not allowed within 1/4 mile of any maintained road or trail,  
e.) baiting is not allowed within 1/2 mile of any house, cabin, or other permanent dwelling.  
f.) bait stations shall be clearly marked with a warning sign.
70. For - this proposal was submitted by our committee.  
71. Against - the use of a shotgun should be allowed.  
73. For - same as #70.  
90. For - as amended: more closely align seasons in units 7 and 13.  
91. For - same as #70.  
92. For - same as #70.  
93. For - this proposal is just like the one our committee submitted.  
119. Against - same as #60.  
120. For - sound proposal.  
121. Against - there is no sense in setting up a different season.  
122. For - a very fair proposal for the non-resident hunter.  
123. For - as amended: registration hunt, the number of caribou to be killed at 400, and the season to be closed by emergency closure when the number is reached.  
124. Against - this is too many permits for this herd at this time.  
125. Against - same as #124.  
140. Against - same as #60.  
141. Against - same as #60.  
142. Against - same as #60.  
143. Against - same as #60.  
150. Against - there are still areas in Alaska that should be monitored; and wolves are still a big predator problem in a lot of these areas.

GASTINEAU CHANNEL ADVISORY COMMITTEE

BOARDS OF FISHERIES & GAME

Minutes: 1 March 1984

RECEIVED

Meeting opened at 7:30 pm with quorum present: Dean, Henkins, Yurko, Whiting, Bartoo, Reddekopp, Cartmill, Lewis, Jensen. Absent: Finley, Donohue, Kalk, Porter. Vacancy; two. Alternate: Smoker present. Hand absent.

DEPARTMENT OF FISH & GAME

Discussion began with consideration of the Hoonah and Yakutat petitions. Points considered were the effect of limited entry and reduced gear pressure, a desire to spread out Coho harvest to inside waters, the standard position of Hoonah to have a steady fishery close to town, and the effects on a steady fishery in taking a finite number of fish-something would have to give. Emergency closure if needed to allow fish to get to inside waters. Committee divided 5-4 to reject the closure. A redefining of the 10 day closure petition was supported 7-1-1.

The annual election was held after ~~###~~ efforts to have nominations opened, ~~were~~ rejected. ~~###~~ It proceeded under 5 AAC 96.060 (g) & (h) <sup>were</sup>

Porter, Henkins, Dean, Finley, were re-elected to 3 year terms. Alt. Smoker was elected to 3 year regular term. New members: Gary Beal, Jim Becker and Greg Young. ~~to 3 year~~ Terms: Becker 3 years,; Beal and Young to 2 year terms as replacements for Bartoo and Sewall (determined by number of votes) Kalk and Cartmill tied for Alternate with 10 votes apiece, and a delayed run-off gave Cartmill the seat. ( Three members checked the figures and did not note the tie until later) None of the new members were present. ( This procedure approved prior to election as a reasonable method of selection)

See Foo note

Consideration of Game proposals in the packet beginning with #322 and votes are as follows:

- |              |               |            |  |
|--------------|---------------|------------|--|
| 324 thru 327 | Rejected      | Unanimous. |  |
| 329-31       | Same Approved | Un         |  |
| 332          | Rejected      | Un         |  |
| 333-4        | Approved      | Un         |  |
| 335          | Rejected      | Un         | It appears the wording of this proposal does not agree with intent. Modify.  |
| 336-8        | Rejected      | Un         |  |
| (337)        | "             | 0-6-3      | The concept is good, but present regs adequately provide for meat recovery.  |
| 339          | Approved      | 8-1        | Considerable discussion over the value   |
| 340-1        | Approved      | 6-1-1      | of Swan Cove to local hunting. Minority opinion that Non-consumptive use during summer and hunting in season not conflicting use.  |
| 342          | Approved      | Und        |  |
|              |               |            | A letter from Mr Joel Bennet suggesting retention of a small portion at the Mitchel Bay Salt Chuck was considered but opinion agreed that the Board can adjust this matter themselves. |
| 345          | Rejected      | Un         |  |
| 346          | Approved      | Un         |  |
| 347          | Rejected      | Un         |  |
| 348          | No action.    |            | Confused proposal. Local opinion favors Wolf control by use of boats if established.   |
| 349 thru 358 | Rejected      | Un         |  |
| 359 - 361    | Approved      | Un         |  |

The S. E. Deer proposals processed- meeting recessed 11:15 p until 7:30 p 2 March.

Quorum present 7:35 - Dean, Henkins, Yurko, Whiting, Bartoo, Reddekopp, Lewis, Jensen, Becker & Young. Absent: Porter, Donohue, Smoker, Finley, & Beal.

Motion to reconsider Deer proposal #153 accepted. Fears expressed that precedent would result in a rush of special area late seasons. Staff urged that this one be given another chance--costs would be reduced-Kake could come to Angoon for late season. Again rejected-season remains open. Vote 2-3-4 (not much enthusiasm for the special late season!)

Bartoo announced that he had filed formal protest against the election. Presented the Juneau telephone book and stated it was his nominations for the next election, and that he was present for quorum only and would not vote. Chair exhibited copy of publicity containing announcement of election, which was omitted in newspaper notice. Same notice had been distributed to three TV & radio stations. (Argument has been presented to Boards Division Director)

Action continued on Game proposals... Regional staff members on hand (also on March 1) No public.

Proposals and voting. Unanimous with one absention unless noted.

YES	#	NO	
1	172	3	45 (1-7-1) 78, 151-4 + 6
13	173	4	47 175 **
14 & 67	174	5	49 267
16	273	15	57 268
29 (7-0-2)	276	18-26	59 269
37 (7-0-2)	304 (6-0-1)	Department position that Falconry position established and booklet published last year should serve for this year as well.	
50	306	27	60 285 - 290
51	321	28	61 293
52		30 (0-7-2)	63 299
69		31	66 301-303
73 < 155		32-34	71 & 297 No action
163			Committee position that use of shotgun should not be controlled.
164			

No (rejected) NO  
319 \*\* Comment on #175. This proposal for resident hunt would be an injustice for many Alaskans and non-residents. It is a fine Moose area and used by many hunters. Game is still a STATE resource and not a private reserve.

General commentary. The committee holds that regulations should be used, to control the resource only after common sense and individual initiative fails. Efforts to protect the individual against himself: attempts to regulate statewide on local problems, and patently social controls should be avoided.

SHELLFISH

Our congratulations to Paul Larsen for sitting thru two nights of Game discussion to get his innings at 11pm. (He was advised before the meeting that it would probably happen. Claims he enjoyed the session!!)

One thing to be said for the new format that it helps keep folks awake!!

YES  
over

COMMENT

Mr. & Mrs Blais

(63) NO. I DON'T THINK WE NEED THESE RESTRICTIONS AT THESE THIS TIME MANY ALASKANS ONLY GET TWO DAYS A WEEK TO HUNT AND CANNOT AFFORD TO WASTE ONE OF THEM. AS A TRAVEL DAY.

(65) YES

(66) NO. BOW HUNTING IS AN EFFECTIVE WAY OF HUNTING AND IS SAFE IN POPULATED AREAS PROBABLY ~~ONE OF~~ THE SAFEST WAYS TO HUNT. (WITH REGARDS TO THE GENERAL POPULATION.)

(67) YES

(68) NO

(73) YES

(75) YES

(77) NO

(103) YES

(114) YES

(119) NO. GENE B SALINAS SOUNDS LIKE A BROKEN RECORD PLEASE DO NOT ACCEPT ANY OF HIS <sup>HER</sup> PROPOSALS INCLUDING # 119, # 134, # 135, # 140, # 141, # 142, # 143, # 144, # 187, # 220, # 221, # 223, # 225, # 226, # 230, # 233, # 235, # 236, # 237, # 239, # 281, # 319, # 324, # 350 PERHAPS MR OR MRS SALINAS COULD ~~HAVE~~ MADE A GENERAL PROPOSAL TO END ALL SPORT HUNTING AND SAVE ALL THIS PAPERWORK.

(120) NO. I THINK THIS RESOURCE SHOULD BE OPEN TO ALL ALASKAN RESIDENTS NOT A SELECT FIVE.

TO RUN AS THEY PLEASE UNLESS THE OWNERS HAVE THEIR LAND FENCED IN IN WHICH CASE THEIR PET'S WOULD BE FENCED IN AND THE TRAPPERS FENCED OUT.

I MAY ADD THAT I HAVE NOT TRAPPED IN ALASKA (9 YEAR RESIDENT).

(320) YES

(321) YES

(322) YES

(325) NO I BELIEVE IN WOLFE CONTROL AND THINK THAT ANY METHOD WHICH IS SAFE AND EFFICTIVE SHOULD BE USED.

(326) NO

(327) NO

(329) YES

(334) YES

(343) YES

(344) YES

(345) NO. AIRCRAFT WEATHER FIXED WING OR

(347) NO. ROTOR CRAFT AND BOATS HAVE PROVED

(349) NO. TO BE A MOST EFFECTIVE MEANS OF WOLFE CONTROL AND IN SOME SECTIONS THE ONLY EFFECTIVE MEANS OF CONTROL. I (MY FAMILY) CONSUME OUR MOOSE EVERY YEAR WE GET ONE AND DON'T FEEL I<sup>(WE)</sup> OWE THAT MOOSE TO ANY WOLFE. THERE IS NO QUESTION IN MY MIND THAT FEEDING ONES FAMILY TAKES PRES IDENCE OVER WOLVES.

(351) NO

(352) NO

(353) NO

(354) NO

407

Mr. & Mrs Blais

tion.

We ~~support~~ proposal #319 to recognize the value, status and importance of the wolf to the ecosystem and the public by removing the double jeopardy and excessive pressure to which wolves are subject as both fur animal and big game species.

We have no particular comment on proposal #322 other than the issuance of aerial hunting permits should be contingent upon the conditions we have proposed for the conduct of any predator control program. We also question why the staff is proposing adding these regulations to the hunting regulations when a couple of years ago they specifically removed them from the hunting regulations.

We ~~oppose~~ proposal #323 for the same reasons as we specified in to the Board for the December, 1983 meeting.

We ~~support~~ proposals #324 and #325 if our proposals #284 and #357 are not adopted.

We ~~support~~ proposal #327 as similar to one of our own.

We ~~oppose~~ proposal #330 as illegal aerial hunting.

Proposal #331 represents an attempt to bring some regulation to the implementation of wolf control in Alaska. While the proposed regulation is better than the absence of regulation which currently exists, we feel our proposals #284 and #356 are superior in many ways. For example, proposal #331 does not establish, or guarantee the implementation of, alternative, complementary or preventive wildlife management measures. Nor does it establish wolf control as an emergency measure or require annual population surveys. The terms of review of any control program should be annual rather than every three years.

We support proposal #332 for the reason given in the justification.

We oppose proposal #334 for the same reasons we oppose proposal #73.

We support proposal #336 as a means of reducing waste and predator conflicts.

We support proposals #337 and #338 as a means of reducing waste.

We oppose proposal #339 for the same reasons we oppose the baiting of black bears in the first place. For additional explanation, see our comments on similar black bear baiting proposals above.

We support proposals #340 and #341 as protecting non-consumptive use and promoting fair chase.

We oppose proposals #343 and #344. They ignore the value and importance of wolves to their prey and to most of the public. In addition, they imply that wolves are solely responsible for declines in prey populations and that they should be permanently suppressed to low levels.

We support proposal #347 if our proposals #284 and #357 are not adopted.

COPPER BASIN FISH & GAME ADVISORY COMMITTEE  
Box 83  
Glennallen, AK 99588

RECEIVED

MAR 6 1984

DEPARTMENT OF FISH & GAME

COMMITTEE MEETING MINUTES  
February 28, 1984

Committee Members Present

Mike Lanegan  
Walter Charley  
Tom Williams  
Nathan Woodcock  
Daniel Tegeler  
Terry Speerstra  
Don Horrell  
John Kerstein

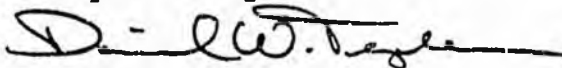
The meeting of the Copper Basin Fish & Game Advisory Committee was called to order at 7:15PM on February 28, 1984 in the Copper Valley Electric Association, Inc. Board Room by Mike Lanegan, who served in the interim until Terry Speerstra arrived.

The minutes of the last meeting were not read as they were unavailable.

Mike Lanegan reviewed the salmon proposals and meeting which he attended concerning the Copper Basin salmon fishery, and how the committee's proposals were received by the State Board. After discussion concerning the fisheries, attention was switched to the Regulatory Game Proposals that the State Game Board is considering.

Attached is a list of the proposals which the Advisory Committee considered and voted their approval or disapproval.

Respectfully submitted



Daniel W. Tegeler  
Interim Secretary

COMMENT

417

COPPER BASIN FISH & GAME ADVISORY COMMITTEE  
 Box 83  
 Glennallen, AK 99588

Proposal #	Comments								
1	Against								
3	Against								
4	For with an amendment that one (1) reminder be sent								
5	Against								
6	For with an amendment that Units 11 & 13 be included								
13	For								
27	Against								
29	For with an amendment that age be changed to 16 years or younger								
30	Against								
31	Against								
32	Against								
33	Against								
34	Against								
40	For with the adoption of Proposal #123 with amendment								
45	Against								
47	Against								
52	Against								
59	Against								
61	Against								
62	Against								
63	Against								
69	For								
70	Against								
71	Against								
73	For								
90	For								
91	For								
121	Against								
122	For								
123	For with the following amendment								
	<table border="0" style="margin-left: 20px;"> <tr> <td style="padding-right: 20px;">Subsistence</td> <td>One caribou by registration permit</td> </tr> <tr> <td>Permittees:</td> <td>only. The season will be closed</td> </tr> <tr> <td>Aug.20-Sept.20</td> <td>by emergency order if or when 500</td> </tr> <tr> <td>Jan.1-Mar.31</td> <td>caribou are taken.</td> </tr> </table>	Subsistence	One caribou by registration permit	Permittees:	only. The season will be closed	Aug.20-Sept.20	by emergency order if or when 500	Jan.1-Mar.31	caribou are taken.
Subsistence	One caribou by registration permit								
Permittees:	only. The season will be closed								
Aug.20-Sept.20	by emergency order if or when 500								
Jan.1-Mar.31	caribou are taken.								
	etc. the same								
124	Against								
125	Against								
160	Against								
191	Against								
192	For								
193	For with the amendment of striking the 50 permits								
194	Against								
195	Against								
256	For								
258	For								
268	Against								
269	For								
281	Against								
283	For								

COMMENT

417

COPPER BASIN FISH & GAME ADVISORY COMMITTEE  
Box 83  
Glennallen, AK 99588

Proposal #	Comments
284	Against
285	Against
286	Against
287	Against
288	Against
290	Against
291	Against
292	Against
293	Against
296	For
297	For
301	Against
302	Against
319	Against
322	For
324	Against
325	Against
326	Against
327	Against
331	For
334	For
335	For
336	Against Too sloppy written - Idea good
337	Against
338	For
345	Against
347	Against
349	Against
350	Against
351	Against
352	Against
353	Against
354	Against
355	Against
356	Against
357	Against
358	Against

PET EMERGENCY TREATMENT, Inc.  
3315 Fairbanks Street  
Anchorage, Alaska 99503  
Telephone: 274-5636

BOARDS OF TRAPLINES & GAMES  
RECEIVED  
MAR 17 1984

DEPARTMENT OF FISH & GAME

3/4/84

Alaska Board of Game  
P.O. Box 3-2000  
Juneau, AK. 99803

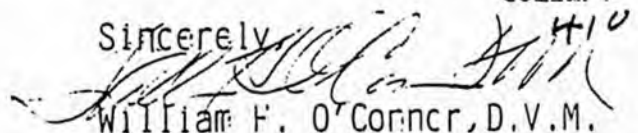
To whom it may concern;

As a non-consumptive user of Alaska's wildlife I am concerned about the hunting and trapping regulations and policy proposals that the board will be dealing with this Spring. I feel that the non-consumptive user both state resident and tourist should be given a stronger consideration as the board formulates it's policies for the future. Tourism being Alaska's third largest industry care should be taken to preserve the wildlife that those tourists have come to see.

I am against a number of the proposals that the board has before them. The numbers are 47, 57, 59, 70, 73, 300, 323, 334, 339 and 343. I am in favor of a number of proposals put forth by the Alaska Wildlife Alliance. The numbers are 45, 60, 63, 68, 201, 284, 285, 287, 326, 345, 352, 356, and 357.

Your consideration of those of us that neither eat nor wear Alaska's wildlife would be appreciated. At present no demand is being made of the non-consumptive user monetarily. I am in favor of a tax system that would assess the extent of the non-consumptive users and contribute to the financing of the programs that we support. I appreciate your time and your consideration of my position.

Sincerely,

  
William F. O'Connor, D.V.M.

COMMENT  
410

Petersburg Advisory Committee  
Alaska Dept of Fish & Game  
Petersburg, Alaska 99833  
5th March 1984

Alaska Board of Game  
Box 3-2000  
Juneau, Alaska 99801

1984  
MAR 7 1984

Gentlemen:

DEPARTMENT OF FISH & GAME

The Petersburg Advisory Committee recently met to review proposed regulatory changes in hunting and trapping regulations. We reviewed only proposals that we are concerned with and submit the following as a result of the meeting.

1. The following numbered proposals are supported by our committee: 42 - 47 - 50 - 51 - 52 - 78 - 153 - 161  
162 - 169 - 170 - 171 - 176 - 182 - 202 - 204 - 206 - 221  
222 - 229 - 231 - 235 - 238 - 242 - 241 - 244 - 246 - 260  
261.

2. The following numbered proposals were opposed by our committee: 44 - 5 - 7 - 10 - 13 - 16 - 19 - 57 - 59  
60 - 61 - 63 - 161 - 183 - 184 - 185 - 186 - 187 - 207 - 209  
211 - 232 - 291 - 295 - 296 - 297 - 298 - 299 - 300 - 303 -  
307 - 308 - 311 - 312 - 313 - 303 - 310 - 311 - 325 - 326 -  
327 - 328 - 329 - 330 - 331 - 336 - 337 - 338 - 342 - 345 -  
346 - 347 - 348 - 351 - 352 - 353 - 357 - 354 - 355 - 356 -  
357 - 358 - 359.

3. Proposal #106 - Verbal - Verbal did not carry.

4. Proposal #107 - Verbal - Verbal but suggest adding the word "and" after (1).

Kindest Regards,

Bob Seade, Vice Chairman

*Bob Seade*  
by Bob Seade,  
Secretary.

- #303 Support with an amendment to allow continued use of no trap during those summer months which is larger than an number 1 size trap; this will allow the continued trapping only of ground squirrels which is a traditional practice of local people within GMU25
- #305 Oppose Too non-specific as to specified conditions
- #317 Support This of course is our proposal and we do fully support it
- #319 Oppose Trappers depend upon wolves as a part of their overall economy for the sale of the fur
- #322 Oppose See justification #28
- #324 Support We oppose shooting any game from any aircraft
- #325 Support See justifictaion #324
- #326 and #327 Support It's already in regulation
- #328 Oppose See justification #319
- #329 Oppose See justification #319
- #331 Support It will be interesting to us to see what management policies would be implemented by such a program for the wolf
- #332 Oppose See justification #301
- #334 Oppose All road-killed game should be removed; we do not use game for baiting
- #336 Support we like to see meat recovered from the field and not wasted
- #337 Support See justification #336
- #338 Support See justification #336 and #337
- #339 Support See justification #334
- #344 Oppose See justification #331
- #345 Support Refer to game regulations
- #346 Oppose This is to be consistent with the committee's position
- #347 Support No one should be allowed to hunt wolves with aircraft
- #349 Support See justification #347
- #348 Oppose (our justification will follow)
- #350 Support See justifications #347, 348, 349
- #351 Support See regulations
- #352 Support See justification #297

- #353 Support See justification #302
- #355 Support See justification #302
- #356 Support See justification #302
- #357 Support We believe that it is a good idea to open the policy up to the public since wolves seem to be a crisis in many game management units
- #358 Support See justification #357

End of our comments

DELTA FISH & GAME  
ADVISORY COMMITTEE



BOX 1082

DEPARTMENT OF FISHERIES & GAME  
DELTA JUNCTION ALASKA

99737

MAR 7 1984

Minutes

DEPARTMENT OF FISH & GAME Feb. 29, 1984

Members Present: Floyd Weaver, Larry Fett, Ralph Miller, Lou Heinbockel, Ron Beck, Bob Hilliker, Jim Goodman, and Jim Storey.

Members Absent: Dean Cummings and John Palmer.

1. The meeting was called to order at 7:30 PM.
2. The minutes of the previous meeting of Jan. 24, 1984 were read and were approved.
3. Ralph Miller briefed the committee on his attendance of the Fisheries Board meeting. A number of local citizens were onhand to discuss the decisions that were made at that meeting regarding dipnet regulations and subsistence definitions. The statements from these individuals reflected dissatisfaction with the Fisheries Board decisions specifically; these decisions favored commercial activities and the subsistence user group was distroted in terms of geographic identification.
4. In keeping with the tradition of the Delta Committee a good deal of time was spent discussing the affairs of the American Bison Herd which favors our area. As usual Dave Johnson presented the latest information which included the status of the present legislative actions and the impact and positions of the various political personalities. Essentially the furxing for bison range improvement is looking favorable however the draft barrier is on shaky ground.
5. Dick Peckham was also onhand and gave the committee an update concerning access to Jan Lake. Dick also informed the committee that he is considering emergency closure action for burbot fishing on Fielding Lake. This committee has previously proposed prohibiting open water set line fishing on Fielding Lake and so was supportive of Dick's intentions. This support was verified by committee vote following a motion from Jim Goodman with a second from Lou Heinbockel.
6. The remainder of the meeting was directed towards establishing support or opposition for the current game law proposals. The following listed proposals reflect the collective position of the Delta Advisory Committee:  
  
PROPOSALS SUPPORTED ----1,4,10,46, 114, 122, 139, 222, 228, 231, 253, 268, 271, 302, and 303. 227 with admendment. Proposals 30-34 and others dealing with drawing permits, a drawing permit applicant should possess a current sport hunting license.  
  
PROPOSALS OPPOSED ---- 5, 27, 29, 36, 37, 42, 44, 47, 48, 49, 53, 55, 56, 57, 58, 59, 64, 70, 73, 120, 256, 292, 301, and 309. Proposals 18-26 and any other proposal dealing with falconry.
7. There being no further business the meeting was adjourned at 12:30 AM.

28 - OPPOSE - Restrict hunting of wolves in specified units. The purpose of this proposal is to prevent dispersal of infected wolves and prevent man from providing an intermediate host. Unfortunately the dog-biting louse occurs on domestic dogs throughout much of the state and could appear in other wolf populations. While the pelt quality may be somewhat lower in wolf populations with lice, the populations still produce a harvestable surplus.

53, 55-59 - OPPOSE - Allow same day airborne hunting. In general we believe this would encourage airborne hunting violations, mainly through driving animals to hunters on the ground and by spotting for hunters on the ground. Also, under some circumstances, overharvest would be a distinct possibility.

73 - SUPPORT - Allow use of road-killed game that is unsalvagable for human consumption for animal food. This proposed regulation would have to be clarified to indicate that migratory birds could not be used for animal food or bait.

81, 96 - OPPOSE - Lengthen brown bear seasons in Units 7 and 15. Brown bear populations on the Kenai peninsula are at unknown levels. Recently concern over the mounting pressures that may negatively affect brown bears resulted in the formation of a study team representing the Alaska Department of Fish and Game, Fish and Wildlife Service and Forest Service. The team hopes to develop a data base which will provide reliable information on the Kenai brown bear population. Until such information is available, it is premature to increase the brown bear season and/or harvest.

115 - SUPPORT - Increase number of caribou permits issued in Unit 7. We support increasing the number of permits to 200. We would like to see the herd maintained below 300 animals until range studies can be undertaken and the harvest must be increased to keep the herd at this level.

128 - CLARIFY - Establish season and bag limit for caribou in Unit 15(A). We would like to correct a misleading statement in this proposal. We did not support this proposal as stated in the justification. We did tell the Kenai-Soldotna Advisory Council that if this herd was to be hunted, then the obvious conflicts with viewing could be reduced if the hunt was limited to harvesting one or two of the large bulls (four large bulls were seen in 1982) and if hunting occurred away from the road system. This herd has not shown any growth since 1977 when a limited hunt was first proposed on an estimated 80 caribou. The bull/cow ratio of this herd should not go below that of the mountain herd (40 bulls/100 cows) since these caribou are viewed much more frequently than the mountain herd. Obviously the taking of three bulls will not have an adverse biological impact on this herd but we believe that the best use of these caribou is in viewing rather than hunting. The trophy bulls are commonly seen along the highway, Kenai River flats and near the Kenai airport.

417187  
H. Moran

297

~~291.~~ 5 AAC 84.100. POSSESSION OF GAME. pg. 13. Provides for the use of game or parts of game not legally taken, as animal food or bait.

5 AAC 84.100. POSSESSION OF GAME. No person may possess...same...game was obtained. However, any game or parts thereof killed by predators, the hide, head, skin, viscera or bone of road kills may be used for animal food and/or bait upon notification of an official authorized to enforce these regulations.

Justification: These kills are not legally taken and cannot be taken by the trapper or a person who would like to use it as bait or animal food. It is a violation to move or pick up such parts of game under 5 AAC 81.140(A) and (B). In 5 AAC 81.210 Hunting and 5 AAC 84.170 Trapping it is legal to use the hide, skin, viscera, or bones, but it is unlawful to possess these parts under 5 AAC 81.140 (A) and (B).

Proposed by: Bill Ellis, Tok Cutoff-Nabesna Road Advisory Committee

FAVOR

OPPOSE

~~Phila. Advisory Committee - 24~~

Billy Butts - 45

Tok Cutoff-Nabesna Rd. Adv.  
Comm.-58 w/amend.

not so @ 58 -  
don't address

Person grounds that it applies to  
any other possession laws... will  
exist as long as they in full  
not present

Person will be penalized as if  
opening door to possession  
problems

h  
nb

298

~~292~~ 5 AAC 84.170. GAME AS ANIMAL FOOD OR BAIT. pg. 15. Provides for the use of game or parts of game not legally taken as animal food or bait.

(x) any game or parts thereof killed by predation; the hide, head, skin, viscera or bone of road kills upon notification to an official authorized to enforce these regulations.

Justification: These kills are not legally taken and cannot be taken by the trapper, or a person who would like to use it as bait or animal food. It is a violation to move or pick up such parts of game.

Proposed by: Bill Ellis, Tok Cutoff-Nabesna Road Advisory Committee

FAVOR

~~K. J. ...~~

OPPOSE

Roger C. Laber - 1  
Fbks. Advisory Committee - 24  
~~Billy Butte - 45~~

~~4/2/82~~ 4/2/82 see 248  
RIG  
9-5

Page 2

I Favor -

#259, #261, #262, #266, #267, #269, #270, #271, #272,  
#273, #275, #279, #281, #282, #283, #284, #291, #293,  
#296, #297, #298, #302, #303, #304, #305, #306, #307,  
#308, #309, #310, #311, #313, #314, and #315 for the  
reasons stated by the proposer.

I oppose 49, 50, 53, 54, 56, 57, 58, 59, 60, 61, 62, 65,  
66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 82, 85,  
87, 88, 90, 91, 95, 98, 99, 105, 106, 106A, 107, 109, 110, 121,  
123, 124, 132, 134, 138, 140, 141, 144, 148, 174, 190, 191,  
192, 193, 195, 196, 202, 206, 211, 213, 214, 216, 218, 219,  
221, 222, 223, 226, 230, 234, 235, 237, 239, 240, 242, 243,  
252, 256, 260, 263, 264, 265, 268, 274, 276, 277, 278, 280,  
285, 286, 287, 288, 289, 290, 292, 294, 295, 299, 300,  
301, and 312 because I do not believe the reasons  
put forward by the proposer justify the changes.

Sincerely yours  
Billy E. Butts  
P.O. Box 35081  
North Pole, AK 99705

February 23, 1982

Alaska Department of Fish and Game  
Division of Game  
Support Building  
Juneau, AK 99801

Gentlemen:

It appears that the Alaska Board of Game is allowing the federal government to blackmail them into passing regulations that are not in the public interest. Instead of worrying about losing their management empire, the Alaska Board of Game should aggressively challenge the federal law in court to prove that the law is illegal.

I have listed the proposed numbers that should be rejected:

1✓	23✓	62✓	143✓
3	24✓	63✓	144✓
4	25✓	65✓	184✓
5✓	26✓	67✓	191✓
6✓	27✓	68✓	195✓
7✓	28	69✓	228✓
8✓	29✓	70✓	237✓
9✓	31✓	71	270✓
10✓	32✓	72✓	271✓
11✓	34✓	73✓	272✓
12✓	35✓	74✓	273✓
13✓	36✓	75✓	274✓
14✓	41✓	76✓	275✓
15✓	42✓	77✓	277✓
16✓	49	89✓	282✓
17✓	50	91✓	284✓
18✓	51	106 A✓	288✓
19✓	53	123✓	289✓
20✓	54	138✓	290✓
21✓	55	140✓	292✓
22✓	59✓	141✓	297✓
			298✓

Yours truly,

Roger C. Laber

1-

Fairbanks AC.

Game Proposals: (cont)

<u>Proposal #</u>	<u>Favor</u>	<u>Oppose .</u>	<u>Abstain</u>
/ 174. - 0	0	8	0
/ 280. - 0	0	8	0
/ 284. - 0	0	8	0
/ 287.	1	7	0
/ 289.	0	8	0
/ 294.	0	8	0
/ 295.	8	0	0
/ 296.	8	0	0
/ 297.	0	8	0
/ 298.	0	8	0
/ 299.	0	8	0
314.	0	7	1

78 297 For  
78 For  
~~11~~ For  
315 Against

We hope the Board will take our recommendations into consideration at their meeting. Our committee meeting began at 1:15 pm and lasted until 7:30 pm. I believe the proposals were ~~discussed~~ discussed thoroughly by the public and good ~~and~~ sound biological data was provided by the area biologists. The protection officer from Glennallen was also present and contributed to the meeting.

Sincerely,

*Bill Ellis*

Bill Ellis, Chairman  
Tok Cutoff-Navesna Road Adv. Comm.  
S. R. Box 370  
Gakona, Alaska 99586  
907/822-3426



## ALASKA TRAPPERS ASSOCIATION

P.O. BOX 60418  
FAIRBANKS, ALASKA 99706

Page 2

73. ATA wages support and passage of this proposal as justified in the packet.

282. ATA wages defeat of this proposal for the reasons given in comments on proposal 28.

283. ATA wages support of this proposal. Dynamiting and shooting of beaver along road systems by DOT/PF is a waste of important fur and meat resources that could be utilized by humans.

293. ATA wages defeat of this proposal. While the localized area noted by the authors of the proposal may very well suffer at the hands of some unethical people, the solution is not to cripple the muskrat trapping industry in the rest of the state. proper trapping of pushups is the only practical method of taking muskrats under the ice. Ethical trappers do this anyway; the problem is not widespread. We would also suggest that factors other than trapping could easily have accounted for the mortality near Jim Creek.

297. ATA supports this proposal. "House- Cleaning proposals that help FWP to do their job fairly and efficiently are always important to us.

301. ATA wages defeat of this proposal. If passed this regulation would be an unreasonable burden on trappers and quite impossible to enforce. Unethical trappers making sets too close to town would simply ignore the regulation anyway. Legally tagged traps, if stolen could be reset in an illegal manner, resulting in harassment of their original owner. Most trappers already mark their traps in some way so as to identify them if they are stolen.

303. ATA supports the concept of this proposal. We are not sure however, that without the companion proposal, that it is a workable regulation. Trappers do have an ethical responsibility to ensure that their snares and traps are rendered inoperable at the end of the season.

384

PROPOSAL #

(70) 5AAC 81.090	REJECT	Feel the way this proposal is worded it would open for abuse by the running of dogs.
(71) 5AAC 81.090 and companion prop (297) 5AAC 84.060	REJECT	
(73) 5AAC 81.140	REJECT	
(91-92) 5AAC 81.320	ACCEPT	
(114) 5 AAC 81.320	ACCEPT	
(119) 5AAC 81.320	REJECT	
(121) 5AAC 81.320	REJECT	
(122) 5AAC 81.320	ACCEPT	if amended to (NONRESIDENT PERMITS NOT TO EXCEED 10% of TOTAL PERMITS)
(124-125) 5AAC 81.320	REJECT	
(160) 5 AAC 81.320	REJECT	
(186-1870 ) 81.320	REJECT	
(188) 5AAC 81.320	ACCEPT	
(191) 5AAC 81.320	REJECT	
(193) 5ACC 81. 320	ACCEPT	ONLY if amended to delete permit hunt. We agree with staff for a research program in this area, but not a permit hunt for larger bulls.
(194) 5AAC 81.320	REJECT	
(195) 5ACC 81.320	REJECT	
(256-257-258) 5AAC 81.320	REJECT	
(268-269) 5AAC 81.340	ACCEPT	
(271) 5AAC 81.340	ACCEPT	
(283-284) 5 AAC 81.030	REJECT	
(285) 5AAC 84.050	REJECT	
(286 through 290) 5AAC 84.050	REJECT	
(291) 5AAC 84.050		We recommend the use of artificial light only for the killing of an animal in the trap and resetting of trap.
(292) 5AAC 84.050	REJECT	

HB

4 3 6

4 1/2 1 8 6

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

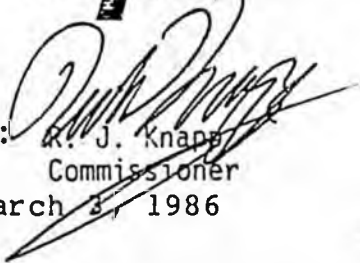
Mary Van Nimwegen

*House Rules 4-1-86 8:01am*



# Position Paper

BILL NO: HB 436 and SB 313

APPROVED:   
R. J. Knapp  
Commissioner

TITLE: An Act requiring a properly equipped and staffed caboose on certain trains. DATE: March 3, 1986

Although not an issue of direct concern to the Department of Transportation and Public Facilities (DOT&PF), it is appropriate to provide certain comments given the DOT&PF Commissioner's role on the Board of Directors of the Alaska Railroad Corporation (ARRC). However, it is important that these comments not be construed as the official position of the ARRC regarding HB 436. ARRC management should be contacted separately to solicit their formal views on this matter.

The central question underlying this legislation is whether to mandate by statute the use of cabooses for certain types of trains, with little regard for technological improvements and variety in train consists that may have a direct bearing on the need for cabooses. Evidence from the rail industry and at the Alaska Railroad suggests this sort of non-discretionary arrangement is unwarranted and may add unnecessary costs to train operations. More detailed information regarding these issues can be found in the ARRC's Position Paper on HB 436, dated February 14, 1986.

Another concern is DOT&PF's perception that this type of legislation may be inconsistent with the spirit and intent of the state Alaska Railroad Corporation Act (ARCA), which established the ARRC as an independent, public corporation to own and operate the Alaska Railroad under state ownership. ARCA sets out explicit direction regarding goals and objectives for operation and management of the Alaska Railroad, and provides broad powers for the ARRC Board of Directors to oversee and manage these responsibilities. Included are the requirements to provide "safe, efficient, and economical transportation," to "be exclusively responsible for the management of the financial and legal obligations of the Alaska Railroad," and to "carry out its responsibilities on a self-sustaining basis." HB 436 appears to run counter to this approach by attempting to limit management's ability to meet these different goals. This is unfortunate coming so soon following passage of ARCA, and the apparent absence of evidence that ARRC management has failed to meet its statutory responsibilities.

In summary, DOT&PF is unaware of any real evidence that suggests this legislation is warranted, and respectfully submits that HB 436 contradicts the spirit and intent of ARCA by unnecessarily attempting to legislate decisions reserved for management.

For further information call Susan Fleischhauer at 465-3900.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : HR 436  
 Title : An Act requiring a properly  
 equipped and staffed caboose  
 on certain trains.  
 Sponsor : Cato  
 Requestor : \_\_\_\_\_  
 Date of Request : 2/14/86

**FISCAL DETAIL**

Agency Affected : \_\_\_\_\_  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

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

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by : Representative Katie Hurley Phone : 465-4961  
 Division : House State Affairs Committee Date : 2/14/86  
 Approved by <sup>Chair</sup> ~~Commissioner~~ : Katie Hurley Date : 2/14/86  
 Agency : House State Affairs Committee

Distribution (by Agency preparing fiscal note) :

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

JERMAIN, DUNNAGAN & OWENS

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D. KENNETH FORD

OF COUNSEL  
ERIC OLSON  
DAVID J. WALSH

January 30, 1986

HAND-DELIVERED

Clinton Gray  
Legislative Representative  
UNITED TRANSPORTATION UNION

Re: Alaska Caboose Legislation

Dear Mr. Gray:

The State Legislature is currently considering Senate Bill 313 and House Bill 436, which provide for a properly equipped and staffed caboose on freight trains over 1,000 feet in length. The bill is a public safety measure. Four other states have passed legislation requiring cabooses on freight trains, they are Virginia, Oregon, Montana, and Nebraska. I understand also that many states are adopting regulations or considering legislation on this same issue. While this legislation is not a "jobs" bill, it may effect the minimum number of crew members required to be employed for the operation of a train. Accordingly, you have asked whether this state enactment would be prohibited under the Alaska Railroad Transfer Act. For the reasons set out below, it is my opinion that the Alaska caboose legislation now proposed does not violate, and is not prohibited by, the Alaska Railroad Transfer Act (ARTA).

ARTA at 45 U.S.C. §120-7(a)(4) provides that:

(a)(4) The operation of trains by the State-owned railroad shall not be subject to the requirement of any state or local law which has specified the minimum number of crew members which must be employed in connection with the operation of such trains.

The question of whether this federal law prohibits Alaska from regulating its own railroad can be approached in a number of ways. I will begin with a review of the legislative history.

When construing the statute, the court will examine the language of the statute first. However, after reviewing the language of the statute itself, the court will then refer to the legislative history to gain insight that may be helpful in determining the statute's meaning. City and Borough of Sitka v. IBEW, 653 P.2d 332 (Alaska 1982). The wording of 45 U.S.C. §1207(a)(4) can be construed as prohibiting the State from enacting any legislation which impacts the number of crew members employed in connection with the operation of trains. However, the legislative history indicates that the legislative intent, was to exempt the Alaska Railroad only from "existing" laws.

At the time of the Alaska Railroad Transfer Act, Alaska law strictly regulated the minimum crews necessary for passenger trains, freight trains, light engines, etc. AS 23.10.420. ARTA clearly exempted the state-owned railroad from that law. But, did ARTA also exempt the Alaska Railroad from any future enactments? The legislative history provides clear guidance. A report of the Committee of Commerce, Signs and Transportation states as follows:

Section 8 of the bill governs the application of various federal and state laws to the state-owned railroad after its transfer to the state. . . . In general the Committee believes that in the future this state-owned railroad should be treated like all other railroads subject to federal and state laws. . . . Third, the Committee believes it would be inappropriate for the federal government to dictate to the state how it should set up and operate the railroad beyond what generally applies to all rail carriers under existing laws. Report of Committee on Commerce, Signs and Transportation, S.Rep. No. 97-479, 97th Cong. 2d Ses. Calendar No. 862EG10-12, 20 (1982).

Emphasis added. The legislative history speaks specifically to "existing laws." The history notes that "in the future" the Alaska Railroad should be like other railroads. This is a clear indication that Congress, when enacting ARTA, intended to deal only with the laws that were on the books at the time, and did not intend to prohibit the State from future regulation of its wholly owned railroad.

Another rule of statutory construction is that statutes relating to the same subject matter should be read together as a

whole so that the total regulatory scheme is preserved. Nash v. State Commercial Fisheries, 679 P.2d 477 (Alaska 1984). In addition, federal statutes must be construed consistently with one another. Get Oil Out v. Exxon Corp., 586 F.2d 726 (9th Cir. 1978). These statutory guidelines mean that §1207(a)(4) of ARTA must be viewed in the context of other federal regulations concerning railroads. Federal law generally allows states to enact caboose legislation. Federal law in Alaska should be no different.

ARTA makes the state-owned railroad subject to the Interstate Commerce Commission and the federal Railroad Safety Act. 45 U.S.C. §421, et seq. The federal Railroad Safety Act states at 45 U.S.C. §434:

A state may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time the secretary has adopted a rule, regulation, order, or standard covering the subject matter of such state requirements. A state may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard and when not incompatible with any federal law, rule, regulation, order, or standard and when not creating an undue burden on commerce. (Emphasis added.)

In Burlington Northern Railroad Co. v. State of Nebraska, C.B. 83-L423 (F.D.N.D., May 10, 1985), the court stated that because the Interstate Commerce Commission has not provided any guidance or any statutes regarding cabooses and the manning of cabooses, states are free to legislate in that area until the time that the Commission does regulate that area. Thus, in order for ARTA to be consistent with federal law, Alaska must be considered as having the right to pass safety measures concerning cabooses.

Even if Congress intended to exempt the state-owned railroad from future laws on crew size, it could not have intended that the state-owned railroad be exempt from state safety laws. In determining this kind of legislative intent the pre-enactment history is relevant, including the statutes in effect at the time that ARTA was passed. 2A Singer, N.J. Sutherland's Statutory Construction §48.03 (1984). In Section 1207(a)(4) and in the

legislative history, there is no indication that the purpose was specifically to prevent featherbedding. However, looking at the law in effect at the time ARTA was passed, and discussing the matter with persons knowledgeable in the industry, it is clear that the law required more employees than was necessary. Clearly, Section 1207(a)(4) was enacted to prevent featherbedding. Since the Alaska caboose legislation is a bona fide safety measure and not a featherbedding measure, then it will not be in conflict with Section 1207(a)(4), regardless of the fact that it has some impact on railroad manning. In this regard, it is instructive to note that the court in the North Dakota case found that the caboose legislation was reasonably related to the protection of the health and safety of the citizens of the state. Burlington Northern, supra at 7.

In researching this question, we have examined a number of other issues. I will not discuss in depth the work that we have done. However, we do not believe that Section 1207(a)(4) is a violation by Congress of Alaska's Tenth Amendment rights. See, Garcia v. San Antonio Metro Transit Authority, 105 S. Ct. 1005 (1985). In addition, it does not appear that Congress is prohibited from addressing Alaska's law on minimum sizes of crewmen in a bill that does not address that problem with regard to the other states in the Union. See generally, State of South Carolina v. Katzenbach, 383 U.S. 301 (1966), where the Supreme Court upheld the Voting Rights Act of 1965 that was imposed on three particular states.

If you have any questions or if I can be of any further assistance, don't hesitate to contact me at your convenience.

Sincerely,

JERMAIN, DUNNAGAN & OWENS



Charles A. Dunnagan

CAD/bh

SENATE BILL 313

HOUSE BILL 436

LEGISLATION FACT SHEET

ON CABOOSES

This bill will provide for a properly equipped and staffed caboose on freight trains (over 1,000 feet in length including locomotives), while moving over tracks outside a yard or terminal. This bill also provides for exceptions, such as no caboose is required on a train composed only of locomotives and passenger coaches; or if an emergency occurs en route that prevents compliance, and will provide for a penalty of \$500 to \$1,000 for each violation.

This bill is a public safety issue, not a jobs issue. The effect of this bill will not require any additional personnel on the train, now or in the future.

Railroads, through mediation and a Presidential Emergency Board, obtained permission in 1982 to eliminate cabooses in an agreement with the United Transportation Union, which was signed under duress. (The only other option was ultimately to strike! Remember PATCO-Air Traffic Controllers.)

Public safety is not mentioned one time in Caboose Portion, Article 10 of October 15, 1982 United Transportation Agreement.

Some Lower 48 states railroads (Union Pacific specifically), were granted permission (by arbitrator) to operate trains transporting hazardous materials without a caboose, because this agreement also failed to mention the numerous hazardous and toxic materials moved by rail.

Four other states currently have passed legislation requiring cabooses on freight trains (Virginia, Oregon, Montana and Nebraska). New Mexico has adopted regulations, and Texas is now in the process to require cabooses. Many other states are now introducing legislation. (Louisiana in 1983 and the state of California in 1985 both passed bills, but their Governors vetoed them.)

With increased transportation of hazardous and toxic materials on The Alaska Railroad, safety of the public demands the greatest possible application of safety principles on our trains.

Cabooses have extended cupola windows for the observation of the train ahead, and the track behind. From the caboose, the crew is also able to observe the condition of the train and initiate measures to stop the train if unfavorable conditions arise. The caboose has an emergency brake valve for immediate use to stop a train. Normal position of employees on a train is a trainman and engineer in the lead locomotive cab, and a conductor in the caboose. At times, depending on the length of the train, there may be a trainman also on the caboose.

The engineer and head trainman observe the track ahead for signals, obstructions or anything that would affect train operations. The conductor, and at times a rear trainman, are seated on each side of the cupola facing forward to observe both sides of the train and also observe the track behind them. They will be watching for signals from wayside ground personnel, shifted loads, children playing on equipment, right-of-way fires, vehicles striking the side of the train, and numerous other hazards.

Alaska Railroad personnel (trainmen, carmen, sectionmen, station agents) have been drastically reduced in the past 5 to 10 years; therefore, train inspection from other sources is less often than in the past.

Many major accidents are being prevented with our present operation of cabooses on the rear of freight trains. Occupants of a caboose can spot minor defects that could lead to major derailments.

Although The Alaska Railroad has installed 3 dragging equipment monitoring devices, which malfunction frequently, they are too few and far between (two of them are in Anchorage, and one at Hurricane). The Alaska Railroad has no other type of monitoring devices. The devices that are in operation do not detect shifted loads, sticking brakes, broken wheels, hot wheels, bad bearings, hot boxes and many other possible hazards.

Shifted lading, or derailments of minor nature involving hazardous and toxic materials can be detected by the rear occupant of a train, thus protecting nearby rail structures and occupants of entire communities. The rear occupant of a train would be the first to render aid in the event of a road grade crossing accident, and the first to contact emergency vehicle assistance.

Fires can be caused in several ways. Carbon builds up in diesel locomotives under light load, and is scattered everywhere when the throttle is opened. Hot boxes and sticking brakes are also major causes of fires. Right-of-way fires can be detected and proper authorities can be contacted to protect forests, bridges, and communities from such fires.

In recent years on the nation's railroads, the most significant area of loss and damage to property resulted from track-caused train accidents on mainline track, rather than on branchline or yard tracks. This is also most prevalent on The Alaska Railroad.



## MOVEMENT OF HAZARDOUS MATERIAL

American railroads move more than one million tank car shipments each year. The number of unintentional releases are about 200 spills for every one million. Yet, one incident involving the unintentional release of toxic or hazardous material could cost millions of dollars for The Alaska Railroad to remedy.

Before 1960, some of the most common hazardous materials moving over the railroad were gasoline, naphtha and diesel fuel. However, with the growth of our petrochemical industry, this railroad began handling more "exotic" chemicals.

A serious accident grabs everyone's attention and raises questions concerning safety in our communities. The safe transportation of hazardous material by rail depends upon a number of factors, but must begin with good tracks. Safety also depends on good equipment. But there is one other important element to safety - people. Railroads are the best and safest carriers of hazardous cargoes. Their controlled environment is much less dangerous to the public than streets, highways or water.

Long, heavy trains are crossing our State, both in highly populated areas and rural communities, and there are potential disasters with every turn of a wheel. A multitude of hazardous materials are shipped on The Alaska Railroad daily. The Alaska Railroad ships more hazardous material than any other shipper in Alaska, containing everything from poisonous gas, propane, dynamite, and gasoline to sulphuric acid. Do you want these types of materials constantly observed?

The United Transportation Union is greatly concerned with the safety of the men and women it represents, not only on job safety but also regarding the safety of their homes, families and their natural surroundings.

Let's say you are traveling on the engine of a mile-long freight train at approximately 30 miles per hour. You are hauling a tank car containing liquid propane gas, and a box car that contains paint thinner and other spirits of alcohol. As is not uncommon, these two cars begin to leak or drip these commodities onto the ground or into the atmosphere. Since you are riding the engine or head end of the train and moving (at any speed), it is impossible to detect the smell or see the residue drippings of either of these leaking liquids. However, if you were riding the caboose on the rear end of the train, you could probably smell the odor or see the trail of drippings of the chemical on the ties or dirt and take corrective action, thereby averting a possible catastrophic accident. This, we might add, is not an isolated or one-in-a million situation; it does happen, and all too frequently, but what if there was not occupied cabooses - what then?

Transportation of hazardous materials is clearly dangerous. Alaska Railroad freight trains laden with propane and caustic chemicals trundle through the heart of Alaska every day. These trains present the threat of a catastrophe that could endanger thousands of lives.

- In April, 1973, 18 box cars filled with nearly two million pounds of explosives, bound for Port Chicago and eventually Vietnam, sat quietly overnight in Sparks, Nevada in a railroad yard. Hours later, in a Roseville switching yard, the explosives went off. Firemen were held at bay as the munitions exploded for about a 5-hour period while mushroom-shaped fireballs shot into the sky. At one point, the railroad didn't know if one tank car located in the vicinity was loaded with catsup or propane. Later it was determined that it contained catsup. People within a 3-mile radius were evacuated, and the effects were devastating.

- About 12 years ago, a tank car loaded with propane exploded in Kingman, Arizona, creating a 35 foot deep crater. The blast sent fireballs across a freeway and flipped the tank car hundreds of feet into the air. The accident left 3 dead and more than 70 injured.

- In 1980, near Muldraugh, Kentucky, 10 tank cars jumped the tracks in a residential area, setting off fires and explosions and forcing the evacuation of at least 7,500 people. Two other cars containing vinyl chloride and other chemicals caused a cloud of toxic gas to float over the town. Emergency personnel from State Police, State Fire Marshal's Office, Disaster and Emergency Service, Department of Natural Resources and Environmental Protection and two other County rescue squads were aiding in the operation.

- In April, 1980, a Western Pacific Railroad freight train derailed in an industrial area at Hayward, California. There were two fatalities and 7 injuries. Damages were estimated at \$1,382,000. The National Transportation Safety Board conducted a public hearing in Oakland, California, and two of the Board's "findings" regarding emergency response were as follows: the Hayward police and fire personnel responded immediately and effectively to the emergency, despite an early inability to determine the exact nature of the accident.

Sufficient information about the lading carried on the train was not promptly available to the Fire Department personnel involved with handling the emergency.

Furthermore, it was the testimony of Hayward Fire Department Battalion Chief, Mr. Donald McVicker, "Number one is my own frustration as to not knowing or not being able to find out quickly what was burning and whether it was explosive or toxic."

He further stated, "Had we had a dangerous chemical or something like that, and the right wind, we would have had a lot of fatalities because I couldn't find out what was on it at the time. Unless we have this information, we would not know what kind of chemical we are dealing with until notified by the railroad."

- One railroad chemical spill in Northern California cost over 3 million dollars to clean up. It took 4 days just to contain formaldehyde-contaminated water.

- Four railroad trains running continuously hauling contaminated water.

- More than 50 railroad tank cars.

- Sixty-eight tank trucks.

- Thousands of feet of pipeline.

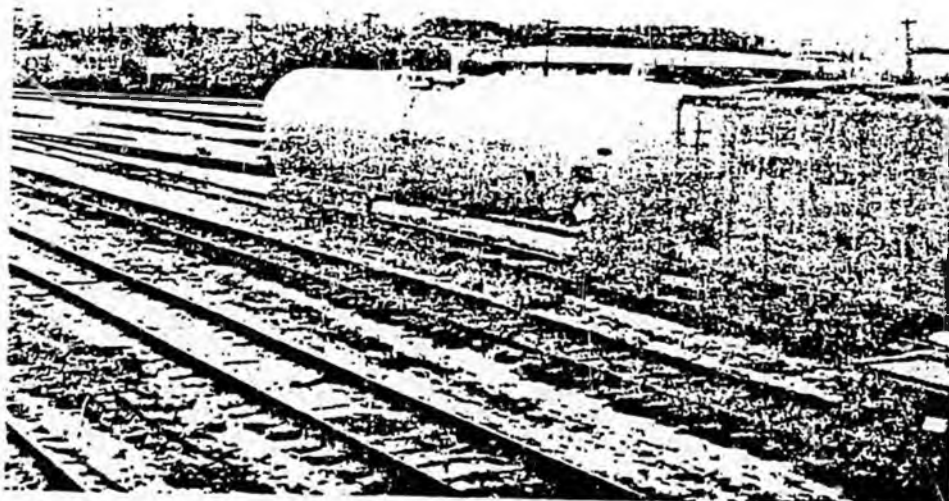
- A variety of heavy equipment - backhoes, graders and forklifts.

- A work force of over 200.

- Special arrangements for feeding and boarding the emergency workers.

We, the operating employees of The Alaska Railroad, are not contending that the caboose could have prevented the above incidents. What we do maintain is, derailments have been minimized by proper observation from personnel on the caboose. For every accident we have, there are literally thousands that are prevented or minimized, and this will no longer be possible if the entire crew is located on the locomotive.

It is our opinion that these accidents illustrate the reason for concern regarding public property and life.



NO NEED FOR CABOOSES?

LET'S LOOK AT THE FACTS

RAILROAD CLAIMS:

"Modern Technology has made cabooses obsolete."

FACT:

(1) While some uses for cabooses may be outdated, the safety function of providing an observation car for a train crewman at the rear is still critical, even where automated devices have been installed to supplement human observation.

(2) At the forefront of the railroad industry's "high-tech" devices is the so-called "hot box" detector, or scanner.

This "new" scientific advance was actually developed during World War II - over 40 years ago - to assist trainmen in detecting overheating wheel bearings which could lead to bearing failure, fires and train derailments.

Q: How well does the "hot box" detector work when left to do the job alone?

A: Trainmen have found that you can actually have a burning box car pass over a "hot box" detector without activating it.

The National Transportation Safety Board (NTSB) has recommended that railroads operating with cabooses have "hot box" detectors located at 30 mile intervals, and "in addition to the 30 mile spacing, approaches to bridges and tunnels should be protected by hot box detectors."

(3) The devices are not only expensive and unreliable, but there are as yet none which can tell the crew when the train's own weight has caused damage to the tracks and roadbed - the single greatest cause of accidents.

The crewman in the caboose is required by Railroad Operating Rules to continually observe the tracks to the rear of the train to detect such defects.

(4) It must also be pointed out that The Alaska Railroad has not one hot box detector on its entire system.

RAILROAD CLAIMS:

"Studies show that cabooses can be safely eliminated."

FACT:

(1) Contrary to railroad claims that the Interstate Commerce Commission has conducted such studies, in reality, the ICC has neither undertaken to study the matter, nor concluded that cabooseless operations are safe.

(2) Experience has shown that short trains hauling no hazardous materials can operate without cabooses, however, and caboose legislation pending in Alaska would allow them to do so.

RAILROAD CLAIMS:

"Railroads have been operating safely without cabooses for years."

FACT:

(1) Only one railroad in the United States has operated without cabooses for more than a few months. That line is over flat terrain with no curves, and is only a few hundred miles in length.

(2) By comparison, The Alaska Railroad operates over 470 miles of track throughout Alaska; we have only three dragging equipment indicators, two of which are in Anchorage city limits, no traffic control signals, no automatic block system, no shifted load detectors, and no hot box detectors anywhere on this railroad. We operate through steep river canyons and other rugged terrain, as well as over treacherous mountain routes, where cabooses are essential for safe operations.

(3) European trains can operate without cabooses because of their short length and the short distances between stations, as well as the frequency with which passing trains observe each other and report any defects.

(4) In Alaska, trains many times over a mile long will operate between stations hundreds of miles apart, frequently without ever passing another train en route.

RAILROAD CLAIMS:

"Operating with cabooses will have an adverse economic effect upon the Railroad."

FACT:

(1) Caboose construction and maintenance are far less expensive than the installation and maintenance cost for the devices intended to replace them, plus The Alaska Railroad has no plans to install any of these devices in the near future.

(2) Neither will the Railroad save on employee cost since the crewman of the caboose is to be moved to the engine, not eliminated.

RAILROAD CLAIMS:

"There is a need for interstate uniformity in Rail Safety Regulations."

FACT:

Four states have already adopted laws requiring freight trains to operate with cabooses; two other states have adopted regulations requiring freight train operations with a caboose, and many more states have pending legislation. Their power to do so has been upheld in Federal Court.

RAILROAD CLAIMS:

"The use of cabooses is a subject for Collective Bargaining, not legislation."

FACT:

(1) The use of cabooses is a Public Safety issue which should not be bargained away through contract negotiations. The Federal Railway Safety Act confers upon the states the ability to regulate rail safety for the protection of their citizens, despite the Railroad's claim to the contrary.

CABOOSES ON TRAINS: Who supports them?

- \* Cities and communities whose residents are exposed to trains and their hazardous cargo;
- \* Police, and fire departments whose crews must respond to rail emergencies;
- \* Environmental groups who know the devastating effects on fish and wildlife from undetected toxic spill; and
- \* The employees responsible for train operations and safety.

## FEDERAL JUDGE UPHOLDS NEBRASKA LAW ON MANNED CABCOSES

Nebraska law, which requires manned, radio-equipped cabooses on all freight trains of 1,000 feet or longer, is justifiable to protect the public interest, Chief United States District Judge Warren Urbom has ruled.

A 55-page decision issued May 10, 1983 is Judge Urbom's response to a lawsuit filed in 1984 by Burlington Northern Railroad. The railroad contended that the Nebraska statute, LB179, which became effective in August 1983, is pre-empted by Federal regulations, exceeds the police power of the state, discriminates against interstate commerce, and interferes with the railroad's right to contract with its employees.

In answering each of Burlington Northern's charges, Judge Urbom cited numerous Federal Court decisions and safety acts that support the Legislature's authority to regulate intrastate transportation for the public safety.

A 1970 law cited: Under a provision of the Railroad Safety Act of 1970, any state "may adopt or continue in force any law, rule, regulation, order or standard relating to railroad safety until such time as the Secretary of Transportation has adopted a rule, regulation, order or standard covering the subject matter of such State requirement."

Judge Urbom wrote: The purpose of the Nebraska caboose law is "to remedy hazards associated with train derailments, right-of-way fires, and highway-rail crossing accidents. There is ample evidence in the record to find that each of these three threats to public safety occurs with some degree of regularity."

Burlington Northern Railroad contended that electronic monitoring devices could detect failed equipment, fires and other safety threats without a manned caboose.

Judge Urbom acknowledged that "There is less need now for a manned caboose," because monitoring devices have been developed, but he concluded there is ample evidence that a crew member at the end of a train may see a safety threat that the electronic detectors cannot see. The State has shown that detectors are fallible, that in the past they have failed to detect problems that the caboose crew was able to discover before they could lead to derailments, and that the retention of manned cabooses plays a real role in the detection of equipment defects before they can cause derailments.

Attorney Craig Wittstruck, who represented the State, has said of Judge Utom's decision: "The system worked." The core of the decision is that "the Legislature did not have to play Russian roulette with whether new technology could provide a safe rail system.

"The safety of citizens may best be served as a by-product of negotiations between the railroad and its employees, but that is not guaranteed."

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

**FILED**  
DISTRICT OF NEBRASKA  
MAY 10 1985  
William L. Olson, Clerk  
By \_\_\_\_\_

BURLINGTON NORTHERN  
RAILROAD COMPANY,  
  
Plaintiff,

vs.

JUDGMENT

STATE OF NEBRASKA; THE  
NEBRASKA PUBLIC SERVICE  
COMMISSION,

Defendants.

CV83-L-173

In accordance with the accompanying memorandum of decision,

IT IS ORDERED AND ADJUDGED that judgment is entered for the defendants.

Dated May 10, 1985.

BY THE COURT

*[Signature]*  
Chief Judge

ENTERED  
ON THE DOCKET

MAY 10 1985  
WILLIAM L. OLSON, Clerk  
BY *[Signature]*  
Dep. Clerk

Number of Crew Members  
Operating Alaska Railroad Trains  
1981 - 1985

1981

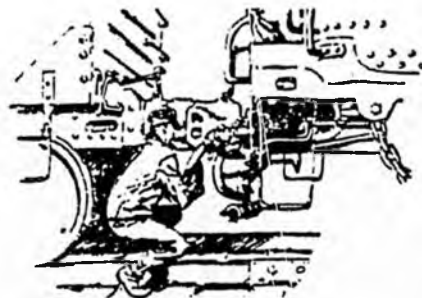
Passenger	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
	1 - Baggage man	
Freight	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
	1 - Swingman (Only on Local)	
Yard	1 - Conductor	1 - Engineer
	2 - Brakemen	

1982

Passenger	1 - Conductor	1 - Engineer
	1 - Brakeman	1 - Fireman
Freight	1 - Conductor	1 - Engineer
	1 - Brakeman	
Yard	1 - Conductor	1 - Engineer
	1 - Brakeman	

1985

Passenger (RDC)	1 - Conductor	1 - Engineer
Freight & Yard	1 - Conductor	1 - Engineer
	1 - Brakeman	
Freight (Fox)	1 - Conductor	1 - Engineer



REVENUE TON-MILES PER EMPLOYEE AND EMPLOYEE HOUR

Freight revenue ton-miles per employee and employee hour paid for increased to 2.9 million and 1,169, respectively, representing gains of more than 90 percent in both categories.

<u>Year</u>	<u>Freight Revenue Ton Miles Per: Employee (Millions)</u>	<u>Employee Hour</u>
1969	1.5	611
1970	1.5	605
1971	1.5	604
1972	1.5	637
1973	1.7	696
1974	1.7	696
1975	1.6	677
1976	1.7	712
1977	1.8	738
1978	1.9	775
1979	2.0	792
1980	2.1	862
1981	2.2	906
1982	2.2	927
1983	2.6	1,073
1984	2.9	1,169

NOTE: Data compiled from the Economics and Finance Department of the Association of American Railroads (AAR).



# SUSITNA

BUSINESS AND PROFESSIONAL WOMEN'S CLUB  
P.O. BOX 104832 ANCHORAGE, ALASKA 99510

## RESOLUTION NO. 1

WHEREAS, there is presently before the Alaska Legislature, House Bill 436 and Senate Bill 313, both pertaining directly to the retention of the caboose car and its crew member/members at the end of trains that travel the Alaska Railroad rail lines; and

WHEREAS, it is the intention of the Alaska Railroad Corporation, in order to cut its operating costs, to replace the caboose car and its crew with an "End Of Train Unit, hereafter referred to as ETU, which will be attached to the end car of each train; and

WHEREAS, this matter is neither a labor nor a political issue, but a safety issue; and

WHEREAS, it appears that the single function of an ETU is to monitor brake pressure of the cars in a train; and

WHEREAS, an ETU cannot perform the many other safety checks presently performed by the crew of a caboose car, among which are: continual and visual observation of the rear portion of a train for markings on ties indicating dragging equipment, seized brakes, fires from "hot boxes" and broken wheels; observation of passing trains for defects; detection of smoke from sticking brakes and overheated bearings; observation of fixed signals along the track to see that they have not been damaged by vandalism or cars with wide loads; stopping the train if danger threatens, or if an accident occurs; and

WHEREAS, the United Transportation Union, recognizing the need for the Alaska Railroad to be competitive in the field of transportation, has worked out an agreement whereby 90% of trains operating in Alaska are run by a three-man crew -- two in the engine and a single crewman in the caboose car; that the other 10% of trains are operated by four- and two-man crews; that this minimum of manpower operating the long trains of cars that run on the Alaska railroad lines is a testimonial to the safety record of Alaska railroading; and

WHEREAS, there have been several serious and near-disastrous train wrecks in the United States and Canada within the past seven years, and it would be a complete disregard for human life and property to substitute a single electronic box for proven safety controls until those safety controls can be replaced by something better than an ETU; NOW, THEREFORE, BE IT

RESOLVED, that the members of Susitna Business and Professional Women hereby urge the Alaska State Legislature to enact legislation that would ensure the safety of individuals and property, both private and that of the Alaska Railroad, by requiring that a properly equipped and properly staffed caboose car be attached to the end of trains operating on Alaska Railroad lines.

SUBMITTED BY:  
Susitna Business And Professional  
Women

By JoAnn Seibert  
JoAnn Seibert, President

By Susan Pemberton  
Susan Pemberton, Secretary

Sharon Bartlett  
Chairman, Legislative  
Committee

February 17, 1986

PUBLIC



ALERT

# Will safety go off the Rails in ALASKA.?

RAILWAY COST-CUTTING ENDANGERS LIVES

## YOU DECIDE ?

As a child, did you ever watch a powerful and mysterious railway train disappear along the tracks...and wonder just what the "little red caboose" at the end was for?

The correct answer is "SAFETY". For generations, the caboose and the "rear crew" stationed in it have performed a number of vital jobs, but the most important functions concern safety - the safety of the train, its cargo, the people aboard, and of course, the safety of the people who live in the Alaska communities we run our trains through.

Today, however, safety on our railroad is threatened as never before. If the Alaska Railroad Corporation has its way, cabooses, and the safeguards they provide, could soon be eliminated from the rails, and this threat has those who know trains best - the people who work on them every day - very worried.

They are worried about accidents. Many of today's trains are over a mile long. They move vast amounts of deadly chemicals. They run through small communities whose citizens have no knowledge of what they carry.

Accidents can and do occur.

### THE SAFETY RECORD

These are but a few examples:

- In 1978 five people were killed instantly when a railroad tank car filled with propane exploded in Waverly, Tennessee. Seven others died later from severe burns.
- There was the infamous Mississauga, Ontario train disaster of 1979. Twenty-five railroad tank cars were derailed. They contained highly explosive propane and some 90 tons of liquid chlorine - enough to annihilate the population of a large city like Anchorage. A quarter of a million people were forced to leave their homes.
- And on September 16, 1985, twenty one tank cars of toxic sulfuric acid derailed on a railroad trestle, collapsing it into the Medina River just outside of San Antonio, Texas. As much as 200,000 gallons of sulfuric acid spilled into the Medina River. It will be over a year before life can survive in this river again. Estimated cleanup costs will be over five million dollars.



The Mississauga rail disaster

It is clear from the above facts, and there are many more that could be presented, that safety on our railroad is nothing to be complacent about. If anything, more safeguards should be added. Certainly, to eliminate any longstanding and proven safety measure without an adequate and proven replacement would be highly dangerous and very irresponsible. However, that is exactly what the Alaska Railroad Corporation is seeking to do.

### "NEW TECHNOLOGY" INADEQUATE

Invoking the sacred words, "New Technology" the Alaska Railroad Corporation is seeking to cut their operating costs by replacing the caboose and the rear crew members with a device called an "End of Train Unit" (ETU).

This is an attempt to perform a "sleight of the hand" trick with long-established and proven safety requirements and safety measures. The fact is that this unit is by no means an adequate replacement for the caboose and the many duties of its crewman. The ETU performs only one of the many essential safety tasks required on a modern train: that of monitoring brake pressure. The Alaska Railroad has no effective replacement for the rear crewman and the safeguards it provides.

In response to the introduction of the ETU in the Lower 48 states, some states have already made it law that the railroads maintain the caboose, and many more are working on such legislation.

### WHAT AN ETU CANNOT DO

To give an idea of the safeguards that a caboose and rear crewman provide, here is a short rundown of regular duties an ETU cannot perform:

- It does not smell smoke created from sticking brakes or overheated bearings.
- It cannot conduct a constant visual scan of the rear portion of the train, checking for broken wheels, marks on the ties behind the caboose that indicate dragging equipment, seized brakes or the fires from a resulting "hot box". Nor can it perform the regular task of observing passing trains for defects.
- It cannot bring a train to a stop in an emergency such as a brake failure; nor can it make vital decisions and act quickly to avert disasters or provide medical help when accidents do happen.

# Will safety go off the Rails

## Continued!

- An ETU cannot ensure the alertness of the engine crew or act as backup when necessary. Sometimes when trains derail, the front crew is missing or obstructed from reaching the rear of the train. Help is often vitally needed at both ends of a train.
- It cannot flag adjacent tracks and protect them in emergencies, or call for emergency help.
- It cannot carry tools for repairs, first aid kits, stretchers or fire extinguishers, and it certainly cannot use them.

This is only a partial list of vital tasks fulfilled by the caboose and the rear crew member. There are many more routine tasks performed daily.

### TRAIN CREW SIZE

The Alaska Railroad will tell you that the only reason railroad operating employees are taking on this caboose issue is to protect jobs, so let us look at crew size on The Alaska Railroad. Up until 1981, all train crews consisted of six, five and four man crews per train assignment. For the past five years, the United Transportation Union - conductors, brakemen, engineers and firemen - have had the foresight to recognize that change was needed if The Alaska Railroad was to stay competitive. Today through the Collective Bargaining process, we now have on The Alaska Railroad crews of four, three and even two man crews, with better than 90 percent of all trains run with just a three-man crew. Most railroads in the Lower 48 states have yet to reach the crew size that we have in Alaska.

Consider a train with five 3,000 horsepower locomotives, 85 railroad cars (6,000 tons), many loaded with sulfuric acid, propane, liquid chlorine, fuel and explosives, and over a mile long, running from Anchorage to Fairbanks (356 miles). This train will run the entire distance with only one conductor, one engineer, and one brakeman. Trains similar to this are running from Seward, Whittier, Anchorage and Fairbanks almost every day of the week. Yes, these trains have a caboose (so far).

The issue of cabooses is only a safety issue, not crew size. Our concern for safety is not only for railroad employees, but for the Alaska public we serve. Remember that railroaders have children and families in the same communities that you live in.

### KEEP THE BARGAIN

Until The Alaska Railroad can come up with an honest substitute for the vital human presence at the rear of our trains, they must be held to their safety bargain with the Alaska people. Since safety is the first rule they teach their employees, it would be a demonstration of insincerity if a cost-cutting decision handed down by upper management resulted in any danger to human life.

## RAILWAY COST-CUTTING ENDANGERS LIVES IN ALASKA!

### YOUR LEGISLATURE WILL DECIDE

The 1985-86 Alaska Legislature now has introduced in both the Senate and the House of Representatives a bill that would require a properly equipped and staffed caboose on certain trains, in answer to The Alaska Railroad's drive to eliminate the caboose and rear crew from Alaska's trains.

The United Transportation Union welcomes technological advancements in rail safety. However, until a completely adequate substitute for the caboose and its crew can be proposed by the Alaska Railroad Corporation, their drive to save money by putting Alaska people at risk must be HALTED.

Therefore, we are alerting Alaska citizens in our communities throughout Alaska to the pending legislation in Juneau. In the Alaska Senate, it is Senate Bill No. 313, and in the House of Representatives it is House Bill No. 436. There is time for concerned people and groups to add their voices to the upcoming debate and influence the decision-making process that will determine the future of safety on the rails and in your community.

### GAMBLING WITH LIVES

Until the Alaska Railroad Corporation has an adequate way of assuring that all the above duties are adequately performed without the caboose and crewman, they should give safety first priority. Not to do so would simply be gambling with human lives in many of the communities across Alaska. The ETU should be welcomed as an additional safety item to prevent accidents. It is obvious, however, that it is no replacement for the rear crew and its duties - particularly the job of conducting frequent visual scans of the train and the tracks, and the ability to make instant decisions and act on them in emergency situations.

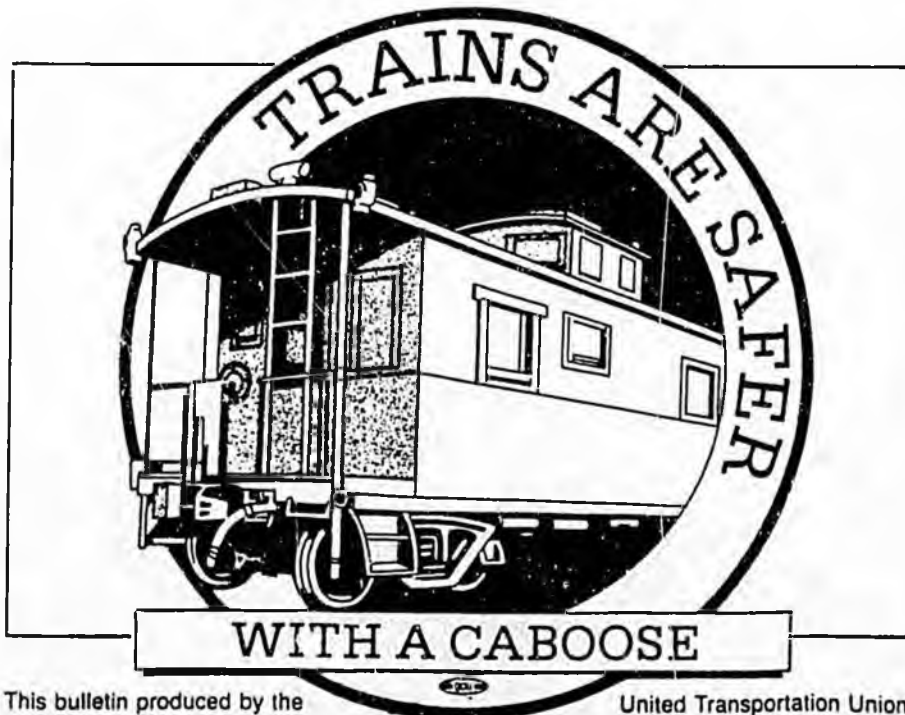
Records of railroad accidents show that it is often individual initiative, bravery and intelligence that prevent or minimize disasters. The Mississauga incident provided one good example of this.

### WHAT YOU CAN DO

The United Transportation Union and the Women's Auxiliary will be at the disposal of any individual or group that wishes to know more or to influence the decision-making process. We also invite concerned Alaskans to write or call:

SAVE THE CABOOSE  
807 W. 57th Ave.  
Anchorage, Alaska 99518

(907) 562-0857



February 23, 1966

Representative Gato:

I would like to commend you and your colleagues for your stand in support of Caboose legislation in our State. I've been attempting to put down my thoughts for months and have finally been motivated by the Anchorage Times editorial of 2-10, on The Wrong Track.

Yes, I am a railroader--once proud to work for the Alaska Railroad. Since the transfer and appointment of an "independent and professional" management team, I have seen unparalleled arrogance and abuse of power affecting worker and general public alike. Mr. Turpin has a responsibility to the people of this State and the people who perform the duty of providing it with a first-class railroad. He seems more concerned with his public image and insulating his management techniques from public scrutiny. Profitability aside, there are more fundamental issues involved in the running of the Alaska Railroad.

The corporate spokeswoman will boast "technological innovations", but in the field where they are gambling with human lives and property, they have failed to demonstrate their effectiveness. No near-end train device has pulled an unconscious victim from a crushed automobile after sliding into the train on an unlit and icy crossing; no blinking light has kept children from playing near the tracks or people from climbing through and crossing between cars of a waiting freight; no device smells a burning wheel journal; detects a shifted load; or detects brake rigging. I have done all these things in my career. Should the inevitable occur--a gasoline tanker carrying three Vesillo derricks or two trains collide head-on, who would initiate emergency measures? A black box? As long as the caboose remains, so will the necessary margin for safety. To have it any other way is to endanger both citizen and employee alike. The issue is not jobs, Representative Gato, it is lives.

Injury and accident rose quick in - increasing. Labor-saving devices may increase Mr. Turpin's profit-margin, but it is no comfort to those working the job. To argue otherwise is to do a disservice to our profession. Our safety record is outstanding due to the vigilance of my co-workers. Relying on lip-service is a poor substitute for safety-first.

The Corporation will tout its "authoritative and professional" opinions on all matters pertaining to "management rights", but I urge you all to look beyond the shine and get to the substance. Beneath all this railroad success story, there is an undercurrent of oppression. Men are never been loved and people fear for their jobs or dislike them. I speak to you because I still have my dignity even tho I lack the ability to change current practices. A railroad accountable only to considerations of profit-ability is unsettling when it's Alaska's own. Alaska deserves more than one man's opinion.

Respectfully,

*John M. McDONELL*

John M. McDowell  
505 West 2nd Ave.  
Anchorage, Alaska 99501

FEB 20 1986

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 \*  
 \* DELIVER TO: JPCM 61 \*  
 \* \*  
 \* \*  
 \* ORIGINAL \*  
 \* SENT: 02/20/86 TIME: 09:20 \*  
 \* FROM: BARBARA NORRELL \*  
 \* SUBJECT: POM \*  
 \* PRINT DATE: 02/20/86 TIME: 09:20 \*  
 \* \*  
 \*\*\*\*\*

TO: ALL LEGISLATORS

FROM: GLEN F. THOMPSON, 7216 LAKE OTIS PARKWAY, ANCHORAGE, AK  
 99507, 344-2015

SUBJECT: SB 140, RIGHTS OF THE TERMINALLY ILL.

I URGE YOUR SUPPORT OF AN AMENDED VERSION OF SB 140. DELETE THE PROVISIONS FOR A JUDGES SIGNATURE AND THE FORCED FEEDING CLAUSE. THESE TWO PROVISIONS NULLIFY THE EFFECTIVENESS OF AND THE ORIGINAL INTEND OF THE BILL AND THEREFORE SHOULD BE OMITTED.

\*\*\*\*\*

TO: ALL LEGISLATORS

FROM: PATRICIA ARMSTRONG  
 16506 DAVIS STREET, SR BOX 92  
 EAGLE RIVER, AK 99577 PHONE: 694-5101 *me*

SUBJECT: CABOOSE BILL - HB 438 AND SB 313

LET'S KEEP SAFETY ON THE RAILS. PLEASE SAVE THE CABOOSE.

\* SUBJECT: FOR  
\* PRINT DATE: 02/19/86 TIME: 16:07

FEB 20 1986

TO: ALL LEGISLATORS

FROM: MARION HISLOP, 4206 NEEDLE CIRCLE, ANCHORAGE, AK 99508,  
562-5607

SUBJECT: HB 436 AND SB 313, REQUIRING CABOOSES ON CERTAIN TRAINS

I WANT YOU TO SUPPORT HB 436 AND SB 313. IT IS VERY IMPORTANT TO  
KEEP CABOOSES AS A MATTER OF SAFETY.

TO: ALL LEGISLATORS

FROM: CHARLES WELLONG, 1344 WEST 25TH, ANCHORAGE, AK 99503,  
277-5268

SUBJECT: HB 436 AND SB 313, REQUIRING CABOOSES ON CERTAIN TRAINS

I WORK FOR THE MUNICIPALITY OF ANCHORAGE, CODE ENFORCEMENT, IN  
CONJUNCTION WITH THE ENVIRONMENTAL PROTECTION AGENCY ON HAZARDOUS  
MATERIALS. THE RAILWAYS CARRY THIS MATERIAL AND I AM VERY MUCH  
IN FAVOR OF THE CABOOSE AND THE CONDUCTORS ON THE REAR OF THE  
TRAINS TO WATCH FOR BROKEN WHEELS AND HOT BOXES TO NOTIFY THE  
ENGINEER.

TO: ALL LEGISLATORS

FROM: FATHER EUGENE BURNS, 7528 STANLEY DRIVE, ANCHORAGE 99518,  
349-2947

SUBJECT: SB 140, RIGHTS OF THE TERMINALLY ILL

I AM AMAZED AT THE FACT THAT THIS BILL HAS NOT HAD A PUBLIC  
HEARING. I WANT A PUBLIC HEARING ON THIS MATTER.

TO: ALL LEGISLATORS

FROM: FRANCIS NEVENHEIM, 1535 G. ANCHORAGE, 99501, HM, 272-0046

RE: SB 140, TERMINALLY ILL

I AM EXTREMELY OPPOSED TO SB 140, AND I WOULD REQUEST A STATEWIDE  
PUBLIC HEARING ON THE BILL.

\* SENT: 02/19/86 TIME: 12:56  
\* FROM: JEAN MILLER  
\* SUBJECT: FOM  
\* PRINT DATE: 02/19/86 TIME: 12:56  
\*  
\*\*\*\*\*

TO: ALL LEGISLATORS

FROM: PAT BERKLEY  
1861 EAST TUDOR ROAD UNIT D-201  
ANCHORAGE, AK 99507 PHONE: 563-5897

FEB 19 1986

SUBJECT: JB 475 AND SB 329 - SOUTH AFRICA

SOUTH AFRICA IS NOT GETTING ANY BETTER AND WON'T. LET US, AS ALASKANS, GET ON WITH THE JOB OF DISINVESTMENT. PLEASE SUPPORT HB 465 AND SB 328. THE PEOPLE CAN'T HURT ANY MORE THAN THEY DO NOW AND YOU ARE AWARE OF THE FACT AS I AM.

TO: ALL LEGISLATORS

FROM: POLLY ROBERTS  
420 EAST 14TH, NO. 6  
ANCHORAGE, AK 99501 PHONE: 272-4708

SUBJECT: HB 436 AND SB 313 - CABOOSES ON TRAINS

I STRONGLY URGE ALL OUR SENATORS AND REPRESENTATIVES TO SUPPORT THE PASSING OF HB 436 AND SB 313 FOR REASON OF SAFETY AND ENVIRONMENTAL PROTECTION.

TO: ALL LEGISLATORS

FROM: TERRI BURRELL, 3716 WESLEYAN DRIVE, ANCHORAGE 99508  
PHONE: 333-2774

RE: LEGISLATIVE RETIREMENT

AMEND THE LEGISLATIVE PENSION SYSTEM TO BACK OFF THE 3 YEAR PAY RAISE SO THAT THE RETIREMENT WILL NOT INCLUDE THE 83, 84, 85 PAY RAISE WHICH DOUBLES RETIREMENT BENEFITS FOR SOME. CONSIDER THESE PAYMENTS AS A BONUS AND NOT AS A BASE FOR RETIREMENT.

TO: ALL LEGISLATORS

FROM: PETER AND MARTHA ELSON  
8840 RENDON DRIVE  
ANCHORAGE, AK 99507-3973 PHONE: 344-0498

SUBJECT: SENATE BILL 140 - RIGHTS OF TERMINALLY ILL

I REQUEST STATE-WIDE PUBLIC HEARINGS ON SB 140, THE EUTHANASIA BILL. I WOULD LIKE TO DEMAND A NO VOTE ON REQUIRING DESTRUCTION OF PREGNANT WOMEN OR THE STARVATION OF PATIENTS OR DENIAL OF OXYGEN BY MEDICAL PERSONNEL. THANK YOU FOR YOUR ATTENTION. I REQUEST A REPLY.

MAR 3 1986

\*\*\*\*\*  
 \*  
 \* DELIVER TO: JPOM  
 \*  
 \*  
 \* ORIGINAL  
 \* SENT: 03/03/86 TIME: 09:37  
 \* FROM: LIOFBX  
 \* SUBJECT: POM/FBX/MW  
 \* PRINT DATE: 03/03/86 TIME: 09:42  
 \*  
 \*\*\*\*\*

16

TO: HOUSE STATE AFFAIRS COMMITTEE

REPS: HURLEY, NAVARRE, CATO, BOUCHER, M.M. MILLER, COLLINS,  
 JENKINS

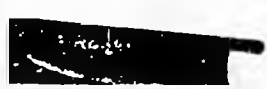
ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD, DAVIS  
 SENS FAHRENKAMP, COGHILL, BENNETT

FROM: MERIDITH LESLEY  
 5121 FOUTS  
 FAIRBANKS 99709

PH: 479-8456

RE: HB 436 TRAIN CABOOSES

MSG: AS A CONDUCTOR ON THE ALASKA RAILROAD THE CABOOSE IS  
 CRUCIAL TO PUBLIC SAFETY FOR ALL THE REASONS THAT HAVE BEEN  
 PRESENTED TO BOTH COMMITTEES.



TO: ALL LEGISLATORS

FROM: MARGERY SHORTHILL  
P.O. BOX 670250  
CHUGIAK, AK 99567

PHONE: 688-3435

SUBJECT: TELECONFERENCE ON TORT REFORM, FEBRUARY 17

AFTER COMMUTING OVER 50 MILES TO THE TELECONFERENCE I WAS NOT GIVEN THE OPPORTUNITY TO SPEAK. I WOULD URGE YOU TO MAKE IMMEDIATE ACCESS TO THE CONCERNED CITIZENS OF CHUGIAK/EAGLE RIVER AREA. WE NEED TO HAVE A VOICE IN THESE IMPORTANT ISSUES.

\*\*\*\*\*

TO: ALL LEGISLATORS

FROM: HENRY W. PECK, 12305 WILDERNESS, ANCHORAGE, AK 99516,  
345-3207

SUBJECT: SB 416, USED VEHICLE WARRANTIES

OPPOSE IT. WOULD SERIOUSLY LOWER VEHICLE TRADE-IN APPRAISALS. DEALERS WOULD NEED TO DEDUCT COST OF ANY FORCED WARRANTIES FROM THE VALUE OF TRADED VEHICLE. CONSUMERS WOULD BE THE LOSERS. CONSUMERS NEED PROTECTION FROM LEGISLATORS, NOT FROM THE PRIVATE SECTOR.

@@\*\*POM\*\*

TO ALL SENATORS AND REPRESENTATIVES

FROM VONI LYNCHARD  
BOX 3979  
KENAI, AK 99611  
283-3417

RE: STATE TROOPERS

MESSAGE: I FEEL A GOOD LOOK SHOULD BE TAKEN AT HOW MANY WORKING TROOPERS ARE ON THE ROAD EACH DAY. THIS ORGANIZATION IS TOP HEAVY WITH ADMINISTRATORS WHILE THE GENERAL PUBLIC SUFFERS. IT IS MY OPINION THIS IS WRONGLY DONE ON PURPOSE FOR THE GENERAL PUBLIC TO FEEL THE BUDGET CRUNCH. EOM

FEB 19 1986

TO: ALL LEGISLATORS

FROM: JENNIFER AUSTIN, P.O. BOX 1303, SEWARD, 99664, HM,  
224-3749, WK, 224-3138

RE: HB 436 AND SB 313, CABOOSES

I AM IN FAVOR OF THESE BILLS AND WOULD VERY MUCH LIKE TO SEE THEM PASSED.

MAR 3 1986

\*\*\*\*\*  
 \*  
 \* DELIVER TO: JFOM \*  
 \* \*  
 \* \*  
 \* ORIGINAL \*  
 \* SENT: 03/03/86 TIME: 09:29 \*  
 \* FROM: MAXINE WALTON \*  
 \* SUBJECT: POM/FBX/MW \*  
 \* PRINT DATE: 03/03/86 TIME: 09:29 \*  
 \* \*  
 \*\*\*\*\*

16

TO: HOUSE STATE AFFAIRS COMMITTEE

REPS: HURLEY, NAVARRE, CATO, BOUCHER, M.M. MILLER, COLLINS,  
 JENKINS

ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD, DAVIS  
 SENS FAHRENKAMP, COGHILL, BENNETT

FROM: ELIZABETH HOLL  
 5121 FOUTS  
 FAIRBANKS 99709

PH: 479-8456

RE: HB 436 CABOOSES ON TRAINS

MSG: I SUPPORT HB 436 FOR OBVIOUS REASONS OF PUBLIC SAFETY AND I  
 HOPE FOR YOUR SUPPORT AND PASSAGE.

HOUSE  
COMMITTEE REPORT

(7)  
Date referred: 3/7

FURTHER REFERRALS:

DATE: 4-2-86

The RULES Committee has considered HB 436

"An Act requiring a properly equipped and staffed caboose on certain trains."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 436 (Rules)  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

M.W. Miller

Gar Jule

Ben S. [unclear]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Terry Martin - no rec.

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\_\_\_\_\_

M.W. Miller

Chairman



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

WEDNESDAY, APRIL 2, 1986

8:00 A.M. - CAPITOL, ROOM 208

#### AGENDA:

- HB 436 - "An Act requiring a properly equipped and staffed caboose on certain trains."  
(By Representative Cato)

#### I N D E X

- I. PROPOSED VERSION - CSHB 436 (RULES)
- II. ORIGINAL VERSION HB 436
- III. LETTER DATED MARCH 14, 1986 WHICH EXPLAINS CHANGES MADE IN CSHB 436 (RULES)
- IV. BACK-UP ON HB 436

I.

# Proposed Rules CS

Original sponsors: Cato, Hurley,  
Koponen, et al.

1 IN THE HOUSE

. BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 436 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring a properly equipped and staffed  
7 caboose on certain trains."

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

9 \* Section 1. AS 42.30 is amended by adding new sections to read:

10 ARTICLE 6. CABOOSE REQUIRED.

11 Sec. 42.30.250. CABOOSE REQUIRED. (a) A train that exceeds  
12 1,000 feet in length including locomotives shall have a properly  
13 added:  
maintained and equipped caboose, that is staffed by a qualified train  
14 conductor or brakeman, attached as the rear car while the train is  
15 moving over tracks outside a yard or terminal.

16 (b) This section applies to a railroad that transports goods or  
17 passengers for a fee.

18 Sec. 42.30.260. EXCEPTIONS. (a) AS 42.30.250 does not apply

19 (1) to a train composed only of locomotives and passenger  
20 coaches;

21 added New Section:  
22 (2) to a train not exceeding 1,825 feet in length, includ-  
23 ing locomotives, composed only of trailer on flat car equipment or  
24 container on flat car equipment provided that any hazardous or toxic  
25 materials on the train are located in the first 1,000 feet of the  
26 train as measured from the lead locomotive; or

27 changed from (2) to (3)  
(3) if an emergency occurs in route that prevents compli-  
28 ance with that section.

29 (b) Notwithstanding AS 42.30.250, a defective car that cannot be  
entrained except behind the caboose may be attached as the rear car on

1 a train and moved to the nearest terminal where it can be repaired.

2 Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an of-  
3 fense punishable by a fine of not less than \$500 and not more than  
4 \$1,000. Each violation is a separate offense.  
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II.  
original version

Introduced: 5/9/85  
Referred: State Affairs  
and Transportation

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO. 436

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act requiring a properly equipped and staffed  
caboose on certain trains."

7

8

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

9

\* Section 1. AS 42.30 is amended by adding new sections to read:

10

ARTICLE 6. CABOOSE REQUIRED.

11

Sec. 42.30.250. CABOOSE REQUIRED. (a) A train that exceeds

12

1,000 feet in length including locomotives shall have a properly  
*add: maintained and*  
equipped caboose, that is staffed by a qualified train conductor or

13

14

brakeman, attached as the rear car while the train is moving over  
tracks outside a yard or terminal.

15

16

(b) This section applies to a railroad that transports goods or  
passengers for a fee.

17

18

Sec. 42.30.260. EXCEPTIONS. (a) AS 42.30.250 does not apply

19

(1) to a train composed only of locomotives and passenger  
coaches; or *\* see new section (2) below*

20

21

*\* Changed from (2) to (3)*  
(2) if an emergency occurs in route that prevents compli-  
ance with that section.

22

23

(b) Notwithstanding AS 42.30.250, a defective car that cannot be  
entrained except behind the caboose may be attached as the rear car on  
a train and moved to the nearest terminal where it can be repaired.

24

25

26

Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an  
offense punishable by a fine of not less than \$500 and not more than  
\$1,000. Each violation is a separate offense.

27

28

*new section (2)*

*\* added:*

*(2) to a train not exceeding 1,825 feet in length, includ-  
ing locomotives, composed only of trailer on flat car equipment or  
container on flat car equipment provided that any hazardous or toxic  
materials on the train are located in the first 1,000 feet of the  
train as measured from the lead locomotive, or*

HB 436

III

Wagstaff, Pope & Rogers  
Lawyers

Robert K. Wagstaff & Associates  
912 West Sixth Avenue  
Anchorage, Alaska 99501  
(907) 277-8611

Affiliated with:  
Robbs, Straus, Dean & Wilder  
1819 K Street, N.W., Suite 800  
Washington, D.C. 20006  
(202) 733-5100

Douglas Pope  
David S. Rogers  
124 West 5th Street  
Juneau, Alaska 99801  
(907) 586-1161

March 14, 1986

The Honorable Representative Cato  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Cato:

I am writing of behalf of the United Transportation Union, Local 1826 regarding proposed amendments to HB436, An Act requiring a properly equipped and staffed caboose on certain trains. My clients have asked me to advise you that they intend to propose, through Representative Pignalberi and the House Rules Committee, the following amendments:

1) Line 12, after "property", add the words maintained and. This section would then read:

"(1) A train that exceeds 1,000 feet in length including locomotives shall have a properly maintained and equipped caboose...."

This amendment should help assure that cabooses are used for their full useful lives and are not taken out of service prematurely due to lack of normal preventive maintenance.

2) An additional exception in 42.30.260 offered in the spirit of compromise which effectively would exempt the "FOX" from the requirements of 42.30.250 to read as follows:

"3) to a train composed exclusively of TOFC (Trailer on Flat Car)/COFC (Container on Flat Car) equipment not exceeding 1825 feet in length including locomotives, provided that hazardous or toxic materials are located in the first 1,000 feet of the train as measured from the lead locomotive."

If you have any questions or comments, please give me a call.

Thanks.

Yours truly,  
  
David Rogers

H B

4 6 3

4/15/86

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99011  
907-465-3800

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/15/86, 8:05 am

A M E N D M E N T

OFFERED IN THE HOUSE:

By: REP. GRUENBERG

To: CS HOUSE BILL No. 463 (RULES)

SENATE BILL No. \_\_\_\_\_

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Page 1, line 20 strike present language and insert

"(A) the spouse of the defendant, unless the court finds that a divorce is pending between the individuals, that a restraining order against further assaultive behavior has been issued, and that there will be no danger to the spouse if the crime is compromised;

"(B) the former spouse of the defendant;"

Renumber succeeding subsections.



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE MEETING

TUESDAY, APRIL 15, 1986

8:30 A.M. - CAPITOL, ROOM 208

A G E N D A

HB 463 - "An Act relating to criminal trials and restitution."  
(By Representative Thompson)

I N D E X

- I. PROPOSED VERSION CSHB 463 (RULES)
- II. LETTER DATED APRIL 14, 1986 FROM REPRESENTATIVE THOMPSON
- III. ORIGINAL VERSION HB 463
- IV. CSHB 463 (JUD)
- V. BILL HISTORY HB 463
- VI. Fiscal notes with analysis



Official Business

**COMMITTEE:**

4/15/86

**DATE:**

# SIGN-IN

**Subject of meeting:**

HB 463

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?



Original sponsors: Thompson, Jenkins,  
Uehling, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 463 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 *New Title* A BILL

6 For an Act entitled: "An Act relating to the authority to compromise  
7 certain misdemeanors and to the payment of restitu-  
8 tion."

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

10 \* Section 1. AS 12.45.120 is amended to read:

11 Sec. 12.45.120. AUTHORITY TO COMPROMISE MISDEMEANORS FOR WHICH  
12 VICTIM HAS CIVIL ACTION. When a defendant is held to answer on a  
13 charge of misdemeanor for which the person injured by the act consti-  
14 tuting the crime has a remedy by a civil action, the crime may be  
15 compromised except when it was committed

16 (1) by or upon a peace officer, judge, or magistrate while  
17 in the execution of the duties of that office;

18 (2) riotously;

19 (3) with an intent to commit a felony;

20 (4) larcenously;

21 (5) by assault against

22 (A) a spouse or a former spouse of the defendant;

23 (B) a parent, grandparent, child, or grandchild of the  
24 defendant;

25 (C) a member of the social unit comprised of those  
26 living together in the same dwelling as the defendant; or

27 (D) a person who is not a spouse or former spouse of  
28 the defendant but who previously lived in a spousal relationship  
29 with the defendant.

1 \* Sec. 2. AS 12.55.045(a) is amended to read:

2 (a) The court may order a defendant convicted of an offense to  
3 make restitution as provided in this section, including restitution to  
4 a public or private nonprofit organization that has provided counsel-  
5 ing, medical, or shelter services to the victim, or as otherwise au-  
6 thorized by law. <sup>added:</sup> ~~Before an order of restitution is entered~~ <sup>upon request,</sup> ~~the defen-~~  
7 ~~dant may have an opportunity to establish, by a preponderance of the~~  
8 ~~evidence, the inability to pay restitution during the term of the~~  
9 ~~sentence~~ [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF RESTITU-  
10 TION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE  
11 DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE].

12 \* Sec. 3. AS 12.55.051(a) is amended to read:

13 (a) If the defendant defaults in the payment of a fine or any  
14 installment or of restitution or any installment, the court may order  
15 the defendant to show cause why the defendant should not be sentenced  
16 to imprisonment for nonpayment. If the defendant fails to establish  
17 [COURT FINDS] by a preponderance of the evidence that the defendant  
18 did not intentionally refuse or fail [DEFAULT WAS ATTRIBUTABLE TO AN  
19 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the  
20 fine or restitution, the court may order the defendant imprisoned  
21 until the order of the court is satisfied. A term of imprisonment  
22 imposed under this section may not exceed one day for each \$50 of the  
23 unpaid portion of the fine or restitution or one year, whichever is  
24 shorter. Credit shall be given toward satisfaction of the order of  
25 the court for every day a person is incarcerated for nonpayment of a  
26 fine or restitution.

*IV*

Original sponsors: Thompson, Jenkins,  
Uehling, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 463 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

*New Title*

6 For an Act entitled: "An Act relating to the authority to compromise  
7 certain misdemeanors and to the payment of restitu-  
8 tion."

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

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11 Sec. 12.45.120. AUTHORITY TO COMPROMISE MISDEMEANORS FOR WHICH  
12 VICTIM HAS CIVIL ACTION. When a defendant is held to answer on a  
13 charge of misdemeanor for which the person injured by the act consti-  
14 tuting the crime has a remedy by a civil action, the crime may be  
15 compromised except when it was committed

16 (1) by or upon a peace officer, judge, or magistrate while  
17 in the execution of the duties of that office;

18 (2) riotously;

19 (3) with an intent to commit a felony;

20 (4) larcenously;

21 (5) by assault against

22 (A) a spouse or a former spouse of the defendant;

23 (B) a parent, grandparent, child, or grandchild of the  
24 defendant;

25 (C) a member of the social unit comprised of those  
26 living together in the same dwelling as the defendant; or

27 (D) a person who is not a spouse or former spouse of  
28 the defendant but who previously lived in a spousal relationship  
29 with the defendant.

1 \* Sec. 2. AS 12.55.045(a) is amended to read:

2 (a) The court may order a defendant convicted of an offense to  
3 make restitution as provided in this section, including restitution to  
4 a public or private nonprofit organization that has provided counsel-  
5 ing, medical, or shelter services to the victim, or as otherwise au-  
6 thorized by law. Before an order of restitution is entered the defen-  
7 dant may have an opportunity to establish, by a preponderance of the  
8 evidence, the inability to pay restitution during the term of the  
9 sentence [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF RESTITU-  
10 TION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE  
11 DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE].

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14 installment or of restitution or any installment, the court may order  
15 the defendant to show cause why the defendant should not be sentenced  
16 to imprisonment for nonpayment. If the defendant fails to establish  
17 [COURT FINDS] by a preponderance of the evidence that the defendant  
18 did not intentionally refuse or fail [DEFAULT WAS ATTRIBUTABLE TO AN  
19 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the  
20 fine or restitution, the court may order the defendant imprisoned  
21 until the order of the court is satisfied. A term of imprisonment  
22 imposed under this section may not exceed one day for each \$50 of the  
23 unpaid portion of the fine or restitution or one year, whichever is  
24 shorter. Credit shall be given toward satisfaction of the order of  
25 the court for every day a person is incarcerated for nonpayment of a  
26 fine or restitution.

Representative M. W. Miller  
Chairman, House Rules Committee

April 14, 1986

465-3678

Representative David Thompson *DWT*

Compromise language  
for HB 463

The new language contained in Section 2 of the proposed Rules Committee Substitute for HB 463 is a compromise structured to take care of concerns expressed by Representative Clocksin while retaining my intent in the original version.

As originally drafted, Section 2 was intended to eliminate the requirements that a court first determine an offender's earning capacity and then find the offender has the ability to pay before ordering restitution. Representative Clocksin raised a legitimate concern for indigent offenders who would be unable to pay restitution. This language permits an offender to raise the issue at sentencing and to show the inability to pay, while retaining my intent of creating a presumption in favor of the ability to pay restitution.

I wholeheartedly support this version of my bill and urge favorable action by your committee on it.

BILL HB0463  
PAGE 01781  
DATE 01/13/86  
CHAMBER HOUSE  
TEXT HOUSE BILL NO. 463 by Thompson, entitled:  
"An Act relating to criminal trials and  
restitution."  
was read the first time and referred to the Judiciary and  
Finance Committees.

BILL HB0463  
PAGE 01791  
DATE 01/14/86  
CHAMBER HOUSE  
TEXT Representative Jenkins added his name as co-sponsor to HOUSE  
BILL NO. 463 (relating to criminal trials and restitution).

BILL HB0463  
PAGE 01801  
DATE 01/15/86  
CHAMBER HOUSE  
TEXT Representatives Taylor and Uehling added their names as  
co-sponsors to HOUSE BILL NO. 463 (relating to criminal  
trials and restitution).

BILL HB0463  
PAGE 01809  
DATE 01/16/86  
CHAMBER HOUSE  
TEXT Representative Goll added his name as co-sponsor to HOUSE  
BILL NO. 463 (relating to criminal trials and restitution).

BILL HB0463  
PAGE 01834  
DATE 01/20/86  
CHAMBER HOUSE  
TEXT Representative Wallis added her name as co-sponsor to HOUSE  
BILL NO. 463 (relating to criminal trials and restitution).

BILL HB0463  
PAGE 01908  
DATE 01/27/86  
CHAMBER HOUSE  
TEXT Representative Davis added his name as co-sponsor to HOUSE  
BILL NO. 463 (relating to criminal trials and restitution).

BILL HB0463  
 PAGE 02438  
 DATE 03/21/86  
 CHAMBER HOUSE  
 TEXT The Judiciary Committee has considered HOUSE BILL NO. 463 (relating to criminal trials and restitution), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 463 (Judiciary):

"An Act relating to the authority to compromise certain misdemeanors and to the payment of restitution."

and reports it back as follows: M.M. Miller (Chairman) and Clocksin recommend do pass; Taylor recommends do not pass; Sund, Gruenberg, Pettyjohn and Phillips have no recommendation. A zero fiscal note was attached.

A zero fiscal note with analysis appears in House Journal Supplement No. 100.

HB 463 was referred to the Finance Committee.

BILL HB0463  
 PAGE 02568  
 DATE 04/04/86  
 CHAMBER HOUSE  
 TEXT The Finance Committee has considered HOUSE BILL NO. 463 (relating to criminal trials and restitution) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Uehling, Rieger, Frank, Binkley and Cotten recommend do pass; Pourchot has no recommendation. HB 463 was referred to the Rules Committee for placement on the calendar.

Misdemeanor Crimes (assault) HOUSE BILL NO. 463, by Rep. Thompson. Amends AS 12.45.120 (Authority to compromise misdemeanors for which victim has civil action) to provide that when a defendant is held to answer on a misdemeanor charge for which the person injured by the act constituting the crime has a remedy by a civil action, the crime may be compromised except when it was committed by assault against the spouse or former spouse; a parent, grandparent, child or grandchild; or a member of the social unit comprised of those living in the same dwelling as the defendant.

Also provides that a defendant accused of a crime may be ordered by a court to make restitution to a public or private non-profit organization that has provided services to the defendant.

Introduced Jan. 13, and referred to the Judiciary and Finance Committees.

Misdemeanor Crimes HOUSE BILL NO. 463, (see page 27). On January 20 Rep. Wallis added her name as co-sponsor.

Misdemeanor  
Crimes  
(assault)      HOUSE BILL 463, see pages 27,76. 1986 Report. On /27/86  
Rep. Davis added his name as co-sponsor.

Misdemeanor  
Crimes  
(assault)      HOUSE BILL NO. 463, (see pages 27, 76 and 128). Reported  
back to the House by Judiciary March 21 with a committee  
substitute and individual recommendations. M.M. Miller  
(chair) and Clocksin recommended do pass; Sund, Gruenberg, Phillips  
and Pettyjohn had no recommendation. Taylor recommended do not  
pass. To Finance.

The substitute bill rewrites the title and adds new language saying  
that a criminal misdemeanor may not be compromised when it was  
committed by assault against the spouse of the defendant unless the  
court finds that a divorce is pending between the individuals and a  
restraining order has been issued against further assaultive  
behavior. It would also restore language in existing law saying  
that the court shall take into account the financial resources of  
the defendant and the nature of the burden its payment will impose  
in determining the amount and method of payment and restitution.

Misdemeanor  
Crimes  
(assault)      HOUSE BILL NO. 463, (see pages 27;76;128;368). Reported  
back to the House April 4, 1986 with by Finance with a do  
pass recommendation. Concurring were Adams (chair), Ringstad,  
Szymanski, Duncan, Larson, Uehling, Rieger, Frank, Binkley and  
Cotten. Not concurring was Pourchot who had no recommendation. To  
Rules.

HB 463 (page 1 of 2)

HB 463 (page 2 of 2)

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

**REQUEST**

Bill Resolution No.: HB 463  
 Title: "An Act relating to criminal trials and restitution."  
 Sponsor: Repr. Thompson  
 Requestor: Repr. Thompson  
 Date of Request: February 7, 1986

**FISCAL DETAIL**

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: \_\_\_\_\_

For Bill/Resolution No. HB 463

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
REVENUE						

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

- Please see attached analysis. -

Prepared by: Richard I. Pevrus Phone: 465-3672  
 Division: Administrative Services Division Date: 2/12/86  
 Approved by Commissioner: Richard J. Brown Date: 2/12/86  
 Agency: Department of Law

This bill expands the exceptions to the authority to compromise misdemeanors for which a victim has a civil action, under AS 12.45.120, to except certain family members and certain others having a past or present living relationship with a defendant. The bill also provides that a court may order restitution to a public or nonprofit organization that has provided counseling, medical or shelter services to the victim. Neither of these new provisions will have a fiscal impact on the Department of Law.

HB 463 (page 1 of 2)

HB 463 (page 2 of 2)

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

**REQUEST**  
 Bill/Resolution No.: HB 463  
 Title: "An Act relating to criminal trials and restitution."  
 Sponsor: Repr. Thompson  
 Requirer: Repr. Thompson  
 Date of Request: February 7, 1986

**FISCAL DETAIL**  
 Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: \_\_\_\_\_

For Bill/Resolution No. HB 463

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

CAPITAL						
REVENUE						

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

-Please see attached analysis.-

Prepared by: Richard J. Perula Phone: 465-3672  
 Division: Administrative Services Division Date: 2/12/86  
 Approved by Commissioner: Richard J. Brown Date: 2/12/86  
 Agency: Department of Law  
 Approved by: Harold B. Brown, Attorney General

This bill expands the exceptions to the authority to compromise misdemeanors for which a victim has a civil action, under AS 12.45.120, to except certain family members and certain others having a past or present living relationship with a defendant. The bill also provides that a court may order restitution to a public or nonprofit organization that has provided counseling, medical or shelter services to the victim. Neither of these new provisions will have a fiscal impact on the Department of Law.

VI

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : HB463

Title : "An Act Relating to Criminal Trials and Restitution"

Sponsor : Rep. David Thompson

Requestor : HOUSE JUDICIARY

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

**FISCAL DETAIL**

Agency Affected : Public Safety

BRU : Council on Domestic Violence and Sexual Assault

Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*K.M.*

Prepared by : Barbara Miklos, Exec. Dir.

Division : Council on DV and SA

Phone : 465-4356

Date : 1/31/86

Approved by Commissioner : *[Signature]*

Agency : Dept. of Public Safety

Date : 2/3/86

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST 10/10/85  
 Bill/Resolution No.: HR 463  
 Title: "An Act relating to criminal trials and restitution."  
 Sponsor: Repr. Thompson  
 Requestor: Repr. Thompson  
 Date of Request: February 7, 1986

Revision Date: \_\_\_\_\_  
 FISCAL DETAIL  
 Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

-Please see attached analysis.-

Prepared by: Richard I. Pegues Phone: 465-3672  
 Division: Administrative Services Division Date: 2/12/85  
 Approved by Commissioner: Richard I. Pegues (for) Date: 2/12/86  
 Agency: Harold M. Brown, Attorney General  
Department of Law

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 463 #2

Page 2 of 2

This bill expands the exceptions to the authority to compromise misdemeanors for which a victim has a civil action, under AS 12.45.120, to except certain family members and certain others having a past or present living relationship with a defendant. The bill also provides that a court may order restitution to a public or nonprofit organization that has provided counseling, medical or shelter services to the victim. Neither of these new provisions will have a fiscal impact on the Department of Law.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 463

January 31, 1986

Support

HB 463 - "An Act relating to criminal trials and restitution."

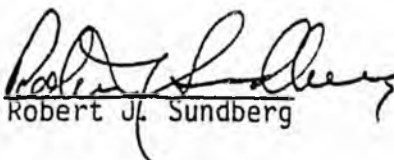
The Council on Domestic Violence and Sexual Assault supports HB 463. Following are comments about the bill.

Section I. Adds domestic violence to the list of exceptions to remedy by a civil compromise.

Many battered women do not have the money to obtain legal counsel to protect their rights under Alaska statute. They may be unknowingly led to believe that a civil compromise is the answer to "the problem" by a perpetrator's attorney. The victim believes that this is the appropriate course of action because a lawyer says so. Civil compromise gives the batterer the message that it is acceptable to use violence to solve problems with anger and frustration, because there are no long term consequences. Domestic violence cases should not be compromised in this manner.

Section II. Allows providing restitution to an organization that has provided counseling, medical or shelter services to a victim of an offense.

Since many agencies that provide services to victims have inadequate funding, additional financial support is needed. It is difficult to determine if this provision will engender much money for domestic violence programs because its use may not be appropriate in most cases. Domestic violence programs cannot reveal clients' identities without the express permission of the victim and guarantee for the victim's safety. However, there may be instances where this could be accomplished and the batterer should be held accountable to the victim and pay for harm done to her as well as services received.

  
Robert J. Sundberg

HOUSE  
COMMITTEE REPORT

(7)

Date referred: 4/14/86

(Returned from Cal. 4/14)

FURTHER REFERRALS:

DATE: 4-15-86

The RULES Committee has considered HB 463

"An Act relating to criminal trials and restitution."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

M.W. Miller

Kay Welles

Ben S. ...

Larry ...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

John Fuller ...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
Chairman

Original sponsors: Thompson, Jenkins,  
Uehling, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 463 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 *New Title* A BILL  
6 For an Act entitled: "An Act relating to the authority to compromise  
7 certain misdemeanors and to the payment of restitu-  
8 tion."

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

10 \* Section 1. AS 12.45.120 is amended to read:

11 Sec. 12.45.120. AUTHORITY TO COMPROMISE MISDEMEANORS FOR WHICH  
12 VICTIM HAS CIVIL ACTION. When a defendant is held to answer on a  
13 charge of misdemeanor for which the person injured by the act consti-  
14 tuting the crime has a remedy by a civil action, the crime may be  
15 compromised except when it was committed

16 (1) by or upon a peace officer, judge, or magistrate while  
17 in the execution of the duties of that office;

18 (2) riotously;

19 (3) with an intent to commit a felony;

20 (4) larcenously;

21 (5) by assault against

22 (A) a spouse or a former spouse of the defendant;

23 (B) a parent, grandparent, child, or grandchild of the  
24 defendant;

25 (C) a member of the social unit comprised of those  
26 living together in the same dwelling as the defendant; or

27 (D) a person who is not a spouse or former spouse of  
28 the defendant but who previously lived in a spousal relationship  
29 with the defendant.

1 \* Sec. 2. AS 12.55.045(a) is amended to read: .

2 (a) The court may order a defendant convicted of an offense to  
3 make restitution as provided in this section, including restitution to  
4 a public or private nonprofit organization that has provided counsel-  
5 ing, medical, or shelter services to the victim, or as otherwise au-  
6 thorized by law. Before an order of restitution is entered, <sup>upon request,</sup>  
7 the defen-  
8 dant may have an opportunity to establish, by a preponderance of the  
9 evidence, the inability to pay restitution during the term of the  
10 sentence [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF RESTITU-  
11 TION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE  
12 DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE].

13 \* Sec. 3. AS 12.55.051(a) is amended to read:

14 (a) If the defendant defaults in the payment of a fine or any  
15 installment or of restitution or any installment, the court may order  
16 the defendant to show cause why the defendant should not be sentenced  
17 to imprisonment for nonpayment. If the defendant fails to establish  
18 [COURT FINDS] by a preponderance of the evidence that the defendant  
19 did not intentionally refuse or fail [DEFAULT WAS ATTRIBUTABLE TO AN  
20 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the  
21 fine or restitution, the court may order the defendant imprisoned  
22 until the order of the court is satisfied. A term of imprisonment  
23 imposed under this section may not exceed one day for each \$50 of the  
24 unpaid portion of the fine or restitution or one year, whichever is  
25 shorter. Credit shall be given toward satisfaction of the order of  
26 the court for every day a person is incarcerated for nonpayment of a  
27 fine or restitution.

HB

587

PROPOSED CSHB 587 (RULES), GENERAL GRANT LAND ENTITLEMENTS

CHANGES TO CSHB 587 (FINANCE)

1. CLEARS A CONFLICT BETWEEN SEC. 29.65.040 (a) and (b) PRESENTED BY THE FINANCE COMMITTEE SUBSTITUTE. RETURNS LANGUAGE IN (a) TO ITS ORIGINAL VERSION. (SEC. 3, pg. 2)
2. REENACTS AS 29.65.060 (a) and (b) AND ADDS THE WORD LAND AFTER THE WORDS SCHOOL AND UNIVERSITY IN EACH INSTANCE WHERE THEY OCCUR. THE EFFECT OF THIS ADDITION IS ONLY TO MAKE SCHOOL LANDS, UNIVERSITY LANDS, AND MENTAL HEALTH LANDS DISTINCT. (SEC. 4 and 5, pg. 2-3)
3. CREATES A NEW SUBSECTION AFFIRMING A MUNICIPALITY'S LEGAL RIGHT TO HAVE SELECTED SCHOOL LANDS OR MENTAL HEALTH LANDS ON OR BEFORE JUNE 1, 1986 AND RESTRICTS A MUNICIPALITY'S ABILITY TO SELECT FROM THESE LANDS TO FULFILL THEIR ENTITLEMENT AFTER JUNE 1, 1986. (SEC. 6(g), pg. 3)
4. CREATES A "JUST COMPENSATION" PROVISION FOR THOSE FUTURE SITUATIONS IN WHICH MUNICIPAL SELECTIONS PENDING OR UNDER APPEAL CANNOT BE CONVEYED BECAUSE OF JUDICIAL OR LEGISLATIVE ACTION. STIPULATES THAT ANY "COMPENSATION" MAY BE IN LAND OR OTHER PAYMENT AND THAT IT BE CREDITED AGAINST THE MUNICIPALITY'S REMAINING ENTITLEMENT. (SEC. 6(h), pg. 3)
5. MAKES MINOR ADJUSTMENTS TO SECTION PROVIDING FOR A NEGOTIATED AGREEMENT BETWEEN THE COMMISSIONER OF NATURAL RESOURCES AND MUNICIPALITIES SEEKING FULFILLMENT OF THEIR ENTITLEMENTS. THE CHANGES ALLOW FOR THE CONVEYANCE OF LANDS OUTSIDE OF A MUNICIPALITY'S BOUNDARIES; RESTRICT THE COMMISSIONER'S ABILITY TO CONVEY LAND OWNED BY ANOTHER STATE AGENCY WITHOUT THAT AGENCY'S CONSENT; AND PROVIDE THAT RESTRICTIONS OR CONDITIONS, NOT IMPOSED BY LAW, BE MUTUALLY AGREED UPON BY ALL PARTIES TO THE AGREEMENT. (SEC. 15, pg. 7)

4

# Alaska State Legislature

## House of Representatives

WHILE IN SESSION  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615



Official Business

Al Adams  
Chairman  
Committee on Finance

April 18, 1986

### MEMORANDUM

TO: Members of the House Rules Committee  
FROM: Representative Al Adams *APA*  
SUBJ: HB 587

This bill will increase the land base of many communities by increasing their entitlement to state general grant land.

It has six major parts:

1. It allows communities to either receive a land entitlement or increase an existing entitlement if additional state land is now available. In addition to the proposed Northwest Arctic Borough and the existing North Slope Borough in my district, the Matsu, Fairbanks North Star, Haines, and Bristol Bay Boroughs may benefit. Additionally, the cities of Anderson, Yakutat, Seward, and others who have not yet identified all the state land within their boundaries, are also expected to benefit.
2. The new entitlement formula is pegged at 10% of vacant, unappropriated and unreserved land within the community. Some boroughs will be eligible for the new entitlement or their old entitlement under existing law (AS 29.65.010). Such a borough would only be allowed to receive the larger of the old entitlement allowed under .010 or the new entitlement provided for under the 10% formula in this bill (proposed AS 29.65.015). In no event, however, can any community select more than 400,000 acres.
3. A community can continue to receive land until two years after the state's land selection rights expire (1996). Existing law allowed for entitlement selection only until 1978.
4. The types of land that can be selected are reclassified to reflect the types of land that are currently available.

5. Community input to the selection and classification process is assured.

6. Authority is provided for the commissioner of DNR and the Municipality of Anchorage to finalize negotiations for settlement of Anchorage's land entitlement.

I request that you consider adoption of the attached proposed Rules Committee Substitute for HB 587. The proposed C.S. makes changes to the language in the bill regarding item #6 above. Rep. Pourchot will be testifying on this language but I am fully supportive of it.

Thank you for your prompt consideration of this legislation. Pertinent backup materials are attached.

Attachments

cc: Representative Pourchot

ESTIMATED MINERAL ENTITLEMENT ADVANCE UNDER SSSB 414

Based on March, 1986 Land Status

	KETCHIKAN GATEWAY	SITKA	JUNEAU	VALDES	BRISTOL BAY	KODIAK ISLAND	KENAI PENINSULA	ANCHORAGE	WATKINS SUSITNA	FAIRBANKS NORTH STAR	NORTH SLOPE	W/ ARCTIC (PROPOSED)
Total 6(a) and 6(b) Statehold Land Conveyed to State	26,900	15,600	25,000	165,000	51,500	402,000	2,019,000	521,000	9,331,000	3,231,000	7,513,000	2,300,000
Less: Legislatively Designated Units	0	0	800	27,500	0	11,200	580,000	403,000	2,603,600	614,600	7	0
Less: Non-Selectable Classifications	0	0	0	27	0	0	267,000	0	956,000	110,700	7,031	0
Less: Previous Conveyances												
- Borough	11,402	10,500	19,504	2,800	2,519	58,787	99,393	20,676	355,703	90,572	0	0
- City	0	0	0	0	0	1	806	0	406	15	0	0
- Disposals	750	200	300	2,000	0	415	17,000	200	262,800	175,000	0	0
- Land Ex/Agmt.	0	0	0	0	0	0	292,965	0	105,500	0	0	0
Total Land Unavailable	12,200	10,700	20,700	32,000	2,500	70,000	1,257,000	501,000	4,364,000	999,000	7,000	0
Available Selectable Land	14,700	4,900	4,300	133,000	49,000	412,000	762,000	17,000	4,970,000	2,232,000	7,506,000	2,300,000
WSSB/SSSB 414 Entitlement (10% of WU)	1,470	490	430	13,300	4,900	41,200	76,200	1,700	400,000*	223,200	400,000*	230,000
1970 Entitlement	11,593	10,500	19,584	2,800	2,890	58,787	155,780	44,893	355,210	112,000	89,857**	n.a.

\* Entitlement not to exceed 400,000 acres under SSSB 414.

\*\* Received zero entitlement pursuant to election of benefits in AS 29.65.110.

Oil Division of Land and Water Management  
Land Management Section  
March 19, 1986

111

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 4/10/86

## REQUEST

Bill/Resolution No. : CSHB 587 (Fin)  
Title : Municipal land entitlements

Sponsor : Adams  
Requestor : House Finance Committee  
Date of Request : 4/10/86

## FISCAL DETAIL

Agency Affected : DNR  
BRU : Land & Water Management

Components : \_\_\_\_\_

## EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		34.6	---	---	---	---
TRAVEL		5.0	---	---	---	---
CONTRACTUAL		10.0	---	---	---	---
SUPPLIES		0	---	---	---	---
EQUIPMENT		0	---	---	---	---
LAND & STRUCTURES		0	---	---	---	---
GRANTS, CLAIMS		0	---	---	---	---
MISCELLANEOUS		0	---	---	---	---
TOTAL OPERATING		49.6	---	---	---	---

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

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

## FUNDING : (Thousands of Dollars)

GENERAL FUND		49.6	---	---	---	---
FEDERAL FUNDS			---	---	---	---
OTHER			---	---	---	---
TOTAL		49.6	---	---	---	---

## POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attached Analysis

APA

Prepared by : Al Adams, Chair Phone : 465-3706  
Division : House Finance Committee Date : 4/10/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

ANALYSIS OF CS HB 537 (FIN) FISCAL NOTE

FY 87:

Personal Services

Natural Resources Technician I -- 12 months \$ 34.6  
(To coordinate duties associated with  
selecting and determining entitlements)

Travel

To meet with communities to facilitate \$ 5.0  
determination and conveyance of entitlements

Contractual

To cover cost of notification process, maps, \$ 10.0  
plats, etc. required to adjudicate land  
selections and determine entitlements

TOTAL \$ 49.6

In addition to the \$50.6 provided here, adjustments may be made to the FY 87 DNR budget. Positions that currently do land conveyance only, may also participate in the entitlement process provided for in this bill.

FUTURE FISCAL YEARS:

There will be diminishing costs in future years. The actual amount needed each year will depend on the pace of selection, determination, conveyance, etc. These costs will be determined in the annual budget process.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 21, 1986

8:30 A.M. - CAPITOL, ROOM 208

#### I N D E X

- I. PROPOSED VERSION CSHB 587 (RULES)
- II. MEMO FROM REPRESENTATIVE ADAMS RE: HB 587
- III. FISCAL NOTE
- IV. CSHB 587 (FINANCE)
- V. HB 587 (C&RA)
- VI. HB 587

Cook  
4/19/86

Original sponsor: Adams

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 587 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to general grant land entitlements;  
7 and providing for an effective date."

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

9 \* Section 1. AS 29.65 is amended by adding a new section to read:

10 Sec. 29.65.015. DETERMINATION OF ENTITLEMENTS FOR MUNICIPAL-  
11 ITIES. The general grant land entitlement of a municipality is 10  
12 percent of the maximum total acreage of vacant, unappropriated, unre-  
13 served land within its boundaries at any time between the date of its  
14 incorporation and two years after the expiration of the state's right  
15 to make selections under sec. 6(a) or (b) of the Alaska Statehood Act.  
16 By December 31 of each year the director shall determine or update the  
17 unfulfilled entitlement for each municipality under this section and  
18 certify that entitlement to that municipality.

19 \* Sec. 2. AS 29.65 is amended by adding a new section to read:

20 Sec. 29.65.025. LIMITATIONS ON ENTITLEMENTS. (a) A municipal-  
21 ity is eligible for only one general grant land entitlement. A munic-  
22 ipality that qualifies for an entitlement under AS 29.65.010 and  
23 29.65.015 shall receive the larger of the two entitlements.

24 (b) A municipality may not receive a general grant land en-  
25 titlement under AS 29.65.010 or 29.65.015 that exceeds 400,000 acres.

26 (c) The following shall be credited toward fulfillment of the  
27 general grant land entitlement of a municipality:

28 (1) conveyances of legal title to land by the state to the  
29 municipality before January 1, 1987, under a former law;

1 (2) payments for land before January 1, 1987, under former  
2 AS 29.18.208;

3 (3) conveyances of legal title to land before January 1,  
4 1987, and thereafter under AS 29.65.010;

5 (4) payments for land before January 1, 1987, and there-  
6 after under AS 29.65.080;

7 (5) disposals of land to the municipality before January 1,  
8 1987, and thereafter under AS 38.05.810 for which the state receives  
9 no consideration.

10 (d) Land classified under AS 38.05.300 for wildlife habitat only  
11 may not be selected or conveyed in fulfillment of a general grant land  
12 entitlement.

13 (e) In each conveyance of land in fulfillment of a general grant  
14 land entitlement, the state shall reserve the right to explore, enter,  
15 develop, and occupy the surface as reasonably necessary for access to  
16 the mineral estate in accordance with AS 38.05.125.

17 \* Sec. 3. AS 29.65.040 is repealed and reenacted to read:

18 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After January 1,  
19 1987, a general grant land entitlement under AS 29.65.010 is a vested  
20 property right that must be fulfilled in accordance with AS 29.65.025,  
21 29.65.060, and 29.65.080.

22 (b) A general grant land entitlement under AS 29.65.015 is a  
23 property right that vests on the date of incorporation of the munici-  
24 pality. The entitlement must be fulfilled in accordance with AS 29.-  
25 65.025.

26 \* Sec. 4. AS 29.65.060(a) is amended to read:

27 (a) If an entitlement determined under AS 29.65.010 or 29.65.015  
28 [29.65.020] results in a per capita entitlement for the municipality  
29 of less than one and one-half acres, the entitlement shall

1 school land or mental health land in the municipality in partial  
2 fulfillment of its land entitlement under this chapter. School land  
3 or mental health land may be selected notwithstanding the fact that  
4 this land is not unappropriated and unreserved within the meaning of  
5 this chapter and under former AS 29.18.190 and 29.18.200, but each  
6 selection of school land or mental health land by a municipality must  
7 be vacant, unappropriated, or unreserved land as defined in this  
8 chapter, except that it need not be general grant land.

9 \* Sec. 5. AS 29.65.060(b) is amended to read:

10 (b) ~~The~~ acreage of school land, university land or mental health  
11 land, if any, in a municipality may not be included in the determina-  
12 tion of entitlement under AS 29.65.010 or 29.65.015 [29.65.020].

13 \* Sec. 6. AS 29.65.060 is amended by adding new subsections to read:

14 (g) Notwithstanding (a) of this section, a municipality may not  
15 select school land or mental health land after June 1, 1986. Nothing  
16 in this subsection affects the legal rights of any person with regard  
17 to selections of school land or mental health land made by a munic-  
18 ipality on or before June 1, 1986.

19 (h) A municipality is entitled to just compensation in the form  
20 of land or other payment for a selection made by it under this section  
21 or former AS 29.18.206 that is pending or on timely appeal on April 1,  
22 1986, and that cannot be conveyed to the municipality as a result of  
23 final judicial action or law, except that no compensation is required  
24 for a selection of land by a municipality within a special use area  
25 under AS 16 or AS 41 or for a selection of land not qualified to be  
26 selected under this section or former AS 29.18.206. Compensation  
27 under this subsection shall be credited against the municipality's  
28 remaining land entitlement under this chapter.

29 \* Sec. 7. AS 29.65.080(b) is amended to read:

1 (b) A municipality shall receive payment for its land deficiency  
2 from the municipal land account. A municipality is eligible to re-  
3 ceive payment for land deficiency if, after July 1, 1980, the amount  
4 of land selected by a municipality that is physically suitable for  
5 residential, commercial, or industrial purposes amounts to less than  
6 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
7 less than one-third acre per capita will, for the purposes of this  
8 subsection, be considered a land deficiency. An unselected remaining  
9 entitlement will, for the purpose of deficiency payment under this  
10 subsection, be considered as land physically suitable for residential,  
11 commercial, or industrial purposes. A municipality eligible under  
12 this subsection is entitled to receive a payment for land deficiency  
13 equal to \$1,000 per acre for a number of acres equal to the difference  
14 between one-third of the population of the municipality less the  
15 number of acres physically suitable for residential, commercial or  
16 industrial purposes that has been selected by the municipality. For  
17 the purpose of this subsection, the population of the municipality  
18 shall be the population determined by the commissioner under former  
19 AS 43.18.010 for the program year beginning July 1, 1978, for a munic-  
20 ipality whose entitlement was determined under former AS 29.18.201 [IN  
21 ACCORDANCE WITH AS 29.65.060(f)]. No payment may be made to a munic-  
22 ipality under this subsection in excess of \$9,000,000.

23 \* Sec. 8. AS 29.65.080(g) is amended to read:

24 (g) Payments authorized by this section may only [NOT] be made  
25 to a municipality [ELIGIBLE] for an entitlement under AS 29.65.010  
26 [AS 29.65.020 OR 29.65.030].

27 \* Sec. 9. AS 29.65.080 is amended by adding a new subsection to read:

28 (i) Payment under this section shall be made into a municipal  
29 land bank or trust account created by ordinance with the purpose of

1 applying the payments toward the acquisition of land necessary for  
2 public purposes that may be otherwise unavailable to the municipality.

3 \* Sec. 10. AS 29.65.130(3) is amended to read:

4 (3) "general grant land"

5 (A) means land patented or tentatively approved to the  
6 state from the United States under sec. 6(a) or (b) of the Alaska  
7 Statehood Act;

8 (B) does not include mental health land, school land,  
9 or university land;

10 \* Sec. 11. AS 29.65.130(10) is amended to read:

11 (10) "vacant, unappropriated, unreserved land" means  
12 general grant land as defined in (3) of this section, excluding miner-  
13 als as required by sec. 6(i) of the Alaska Statehood Act, that

14 (A) has not been set aside by statute for one or more  
15 particular uses or purposes;

16 (B) has not been approved for patent to a municipal-  
17 ity under this chapter or former AS 29.18.190 and 29.18.200; or

18 (C) is unclassified or, if classified under AS 38.-  
19 05.300, is classified for agricultural, grazing, material, public  
20 recreation, resource management, settlement, transportation  
21 corridor, forestry, or wildlife habitat [COMMERCIAL, INDUSTRIAL,  
22 PRIVATE RECREATIONAL, RESIDENTIAL, UTILITY, OR OPEN-TO-ENTRY  
23 PURPOSES,] or is classified in accordance with an agreement  
24 between a municipality and the state providing for state manage-  
25 ment of land of the municipality.

26 \* Sec. 12. AS 38.05.321(b) is amended to read:

27 (b) State land classified as agricultural land that has been  
28 selected by a municipality under former AS 29.18.190 - 29.18.200 or  
29 former AS 29.18.205(e) may be approved by the director for patent

1 under AS 29.65 [AS 29.65.050(c)]; however, only rights in the land for  
2 agricultural purposes may be transferred and all other interests in  
3 the land will remain with the state. Agricultural land approved for  
4 patent to a municipality shall be credited, acre for acre, toward  
5 fulfillment of that municipality's entitlement under AS 29.65 [AS-29.-  
6 65.010 - 29.65.030] or former AS 29.18.201 - 29.18.203. If the direc-  
7 tor later determines it to be in the best interests of the state to  
8 transfer some or all of the additional rights in that approved or  
9 patented agricultural land, those rights shall pass without considera-  
10 tion to the municipality in which the land is located. The notice and  
11 review provisions of AS 38.05.945 are applicable to conveyance of  
12 rights under this section.

13 \* Sec. 13. AS 38.05.321(c) is amended to read:

14 (c) The provisions of this section do not apply to

15 (1) state land classified as agricultural land that has  
16 been selected by a municipality under the provisions of former AS 29.-  
17 18.190 - 29.18.200 if the selection is an approved selection before  
18 April 1, 1978 and is otherwise valid under former AS 29.65.050(b) or  
19 former AS 29.18.205(b); or

20 (2) a quitclaim of the interest of the state to the federal  
21 government under AS 38.05.035(b)(9).

22 \* Sec. 14. Before January 1, 1987, the Department of Natural Resources  
23 shall consult with each municipality affected by this Act regarding classi-  
24 fications of state land within its boundaries and may assist the munic-  
25 ipality in identifying land suitable for selection in fulfillment of its  
26 general grant land entitlement.

27 \* Sec. 15. The commissioner of natural resources may negotiate with and  
28 enter into an agreement to convey state land to a borough or unified munic-  
29 ipality whose entitlement under AS 29.65.010 in the commissioner's

1 determination cannot be fulfilled by January 1, 1987, if the borough or  
2 unified municipality elects in writing before January 1, 1987, to pursue a  
3 settlement of that existing entitlement. The commissioner has authority  
4 under this section to convey state land without regard as to whether the  
5 land is vacant, unappropriated, unreserved land as defined under AS 29.65.-  
6 130(10) if the commissioner determines, after public notice, that the land  
7 lies outside the smallest practicable tract of land actually used in con-  
8 nection with the administration of a state function on July 1, 1987, except  
9 the commissioner may not convey land owned by another state agency without  
10 its consent. Land conveyed to a borough or a unified municipality under an  
11 agreement entered into under this section may constitute complete fulfill-  
12 ment of the municipality's general grant land entitlement as specified in  
13 the agreement and agreed to by both parties. Conveyances under an agree-  
14 ment entered into under this section may contain no restrictions or con-  
15 ditions that are not required to be imposed by law, except those restric-  
16 tions or conditions mutually agreed upon by the parties.

17 \* Sec. 16. AS 29.65.010(b), 29.65.020, 29.65.030, 29.65.050, 29.65.090  
18 and 29.65.110 are repealed.

19 \* Sec. 17. Sections 6, 14, and 15 of this Act take effect immediately  
20 in accordance with AS 01.10.070(c).

21 \* Sec. 18. Sections 1 - 5, 7 - 13, and 16 of this Act take effect  
22 January 1, 1987.

H B

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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

*House Rules 4-7-86 8:33am*

**HOUSE  
COMMITTEE REPORT**

(7)  
Date referred: 4/1/86

FURTHER REFERRALS:

*(waived from HESS 4/1/86)*

DATE: April 7, 1986

The RULES Committee has considered HB 627

"An Act relating to the use of water."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 627 (Rules)  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

M.W. Miller  
Jan Brown  
Terry Winters  
Ben Sawyer  
Mike Davis  
\_\_\_\_\_  
\_\_\_\_\_  
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M.W. Miller  
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

*4/10*  
*4/10*

Revision Date : 4/08/86

REQUEST Page 1 of 3  
 Bill/Resolution No. : CSHB 647 (Fin)  
 Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."  
 Sponsor : Representative Hurley  
 Requestor : House Finance  
 Date of Request : 4/08/86

FISCAL DETAIL  
 Agency Affected : Public Safety  
 BRU : Fire Prevention  
 Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8

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

REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

*K. V. [unclear]*

Prepared by : Gordon E. Brunton  
 Division : Fire Prevention

Phone : 465-4331  
 Date : 4/08/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 4/13/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. DRAFT CSHB 647 (Fin)

Page 2 of 3

## ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

## CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 4 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0

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Total Contractual \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. DRAFT CSHB 647 (Fin)

Page 3 of 3

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
	Total Supplies	<hr/> 9.9

REVENUE

5,000 placards per year X \$10.00	50.0
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Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 7, 1986

8:30 A.M. - CAPITOL, ROOM 208

HB 627 - "An Act relating to the use of water."  
(Rep. Mike W. Miller)

#### I N D E X

- I. Memo dated April 7, 1986 regarding HB 627, with applicable statutes attached.
- II. Proposed version CSHB 627(RULES)
- III. CSHB 627(RESOURCES)
- IV. Memo dated 4/5/86 re: Analysis of CSHB 627(RULES)
- V. Memo dated 3/12/86 re: Current statutory and regulatory references allowing the small scale use of water.
- VI. Fiscal note



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules


Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

I

MEMORANDUM

DATE: APRIL 7, 1986

To: House Rules Committee Members  
From: Rep. Mike W. Miller, Chairman   
Subject: HB 627 - "An Act relating to the use of water."

THE PROPOSED CSHB 627(RULES) WE HAVE MADE THE FOLLOWING CHANGES TO THE CSHB 627(RESOURCES) VERSION:

\*\*ON PAGE 1, LINE 11:

AFTER THE WORD DETERMINES, ADDED: under AS 46.15.080(b)  
(IN REFERRING TO THE attached ALASKA STATUTE Sec. 46.15.080(b) - this requires the commissioner to take into consideration (8) specified criteria in determining public interest.

\*\*ON PAGE 1, LINE 12, AFTER THE WORD WATER:

\*\*ON PAGE 1, LINE 14, BEFORE THE WORD ACQUIRES:

ADDED: without a permit

(this clarifies that we are talking about the insignificant use of water without a permit - as opposed to an insignificant use of water for which a permit has been received.)

\*\*ON PAGE 1, LINE 24:

ADDED: except that the commissioner shall notify the Department of Fish and Game of each application to appropriate water from a stream designated under AS 16.05.870.

(IN REFERRING TO THE attached ALASKA STATUTE Sec. 16.05.080, this directs the Commissioner of DNR to notify Dept. of Fish and Game of all applications to appropriate water from anadromous fish streams. (Streams where fish go up to spawn.)

ATTACHMENT

**Sec. 46.15.080. Criteria for issuance of permit.** (a) The commissioner shall issue a permit if he finds that

- (1) rights of a prior appropriator will not be unduly affected;
- (2) the proposed means of diversion or construction are adequate;
- (3) the proposed use of water is beneficial; and
- (4) the proposed appropriation is in the public interest.

(b) In determining the public interest, the commissioner shall consider

(1) the benefit to the applicant resulting from the proposed appropriation;

(2) the effect of the economic activity resulting from the proposed appropriation;

(3) the effect on fish and game resources and on public recreational opportunities;

(4) the effect on public health;

(5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation;

(6) harm to other persons resulting from the proposed appropriation;

(7) the intent and ability of the applicant to complete the appropriation; and

(8) the effect upon access to navigable or public waters. (§ 1 ch 50 SLA 1966)

**Sec. 16.05.870. Protection of fish and game.** (a) The commissioner shall, in accordance with the Administrative Procedure Act (AS 44.62), specify the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish.

II

WORK DRAFT

WORK DRAFT

WORK DRAFT

Bradley  
4/4/86

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RULES COMMITTEE  
 2 CS FOR HOUSE BILL NO. 627 (Rules)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 FOURTEENTH LEGISLATURE - SECOND SESSION  
 5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 \* Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less  
 10 than a significant amount of water without a permit unless the commis-  
 11 sioner determines <sup>add:</sup> under AS 46.15.080(b) that the use of less than a  
 12 significant amount of water <sup>add:</sup> without a permit is not in the public  
 13 interest. A person using less than a significant amount of water  
 14 <sup>add:</sup> without a permit acquires no water right or priority unless an appli-  
 15 cation is filed and a permit or certificate is issued under AS 46.15.-  
 16 030 - 46.15.185.

17 \* Sec. 2. AS 46.15.133(f) is amended to read:

18 (f) The commissioner may, by regulation, designate additional  
 19 types of appropriations that [WHICH] are exempt from this section and  
 20 provide simplified procedures for ruling on the applications.

21 \* Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

22 (g) An application to appropriate not more than 1,000 gallons of  
 23 water a day is exempt from the notice provisions of this section  
 24 <sup>add:</sup> except that the commissioner shall notify the Department of Fish and  
 25 Game of each application to appropriate water from a stream designated  
 26 under AS 16.05.870. Notwithstanding this subsection, the commissioner  
 27 may require public notice under this section

28 (1) on a determination that the total amount of water  
 29 available in an area is limited considering the number of potential

1 users from the source of the water; or

2 (2) on request of the municipality in which the area is  
3 located.

4 \* Sec. 4. AS 46.15.260 is amended to read:

5 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the  
6 context otherwise requires,

7 (1) "appropriate" means

8 (A) to divert, impound, or withdraw a quantity of  
9 water from a source of water, for a beneficial use; or

10 (B) to reserve water under [IN ACCORDANCE WITH]  
11 AS 46.15.145;

12 (2) "appropriation" means

13 (A) the diversion, impounding, or withdrawal of a  
14 quantity of water from a source of water for a beneficial use; or

15 (B) the reservation of water under [IN ACCORDANCE  
16 WITH] AS 46.15.145;

17 (3) "beneficial use" means a use of water for the benefit  
18 of the appropriator, other persons or the public, that is reasonable  
19 and consistent with the public interest, including, but not limited  
20 to, domestic, agricultural, irrigation, industrial, manufacturing,  
21 fish and shellfish processing, navigation and transportation, mining,  
22 power, public, sanitary, fish and wildlife, recreational uses, and  
23 maintenance of water quality;

24 (4) "source of water" means a substantial quantity of water  
25 capable of being put to beneficial use;

26 (5) "water" means all water of the state, surface and  
27 subsurface, occurring in a natural state, except mineral and medicinal  
28 water;

29 (6) "commissioner" means the commissioner of natural

1 resources;

2 (7) "director" means the director of land and water manage-  
3 ment [THE DIVISION OF LANDS], Department of Natural Resources;

4 (8) "person" includes an individual, partnership, asso-  
5 ciation, public or private corporation, state agency, municipality  
6 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

7 (9) "mineral and medicinal water" means

8 (A) water of a hot spring or spring with curative  
9 properties that [WHICH] has been reserved by the federal govern-  
10 ment under Public Land Order No. 399; and

11 (B) geothermal fluid, as [THE TERM IS] defined in  
12 AS 41.06.060;

13 (10) "significant amount of water" means

14 (A) a use of more than 5,000 gallons of water in a  
15 single day from a single source; or

16 (B) the regular daily or recurring seasonal use of  
17 more than 500 gallons of water a day for 10 days or more a year  
18 from a single source; or

19 (C) a water use that may adversely affect the water  
20 rights of another appropriator or the public interest.

Offered: 3/21/86  
Referred: Health, Education &  
Social Services

III

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 627 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the use of water."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less  
10 than a significant amount of water without a permit unless the commis-  
11 sioner determines <sup>add: UNDER AS 46.15.080(B)</sup> that the use of less than a significant amount of  
12 water <sup>add: WITHOUT A PERMIT</sup> is not in the public interest. A person using less than a  
13 significant amount of water <sup>add: WITHOUT A PERMIT</sup> acquires no water right or priority unless  
14 an application is filed and a permit or certificate is issued under  
15 AS 46.15.030 - 46.15.185.

16 \* Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional  
18 types of appropriations that [WHICH] are exempt from this section and  
19 provide simplified procedures for ruling on the applications.

20 \* Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of  
22 water a day is exempt from the notice provisions of this section. <sup>add</sup>  
23 Notwithstanding this subsection, the commissioner may require public <sup>SEE BELOW</sup>  
24 notice under this section

25 (1) on a determination that the total amount of water  
26 available in an area is limited considering the number of potential  
27 users from the source of the water; or

28 (2) on request of the municipality in which the area is  
29 located.

EXCEPT THAT THE COMMISSIONER SHALL NOTIFY THE DEPT. OF  
FISH AND GAME OF EACH APPLICATION TO APPROPRIATE WATER  
FROM A STREAM DESIGNATED UNDER AS 16.05.870

1 \* Sec. 4. AS 46.15.260 is amended to read:

2 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the  
3 context otherwise requires,

4 (1) "appropriate" means

5 (A) to divert, impound, or withdraw a quantity of  
6 water from a source of water, for a beneficial use; or

7 (B) to reserve water under [IN ACCORDANCE WITH]  
8 AS 46.15.145;

9 (2) "appropriation" means

10 (A) the diversion, impounding, or withdrawal of a  
11 quantity of water from a source of water for a beneficial use; or

12 (B) the reservation of water under [IN ACCORDANCE  
13 WITH] AS 46.15.145;

14 (3) "beneficial use" means a use of water for the benefit  
15 of the appropriator, other persons or the public, that is reasonable  
16 and consistent with the public interest, including, but not limited  
17 to, domestic, agricultural, irrigation, industrial, manufacturing,  
18 fish and shellfish processing, navigation and transportation, mining,  
19 power, public, sanitary, fish and wildlife, recreational uses, and  
20 maintenance of water quality;

21 (4) "source of water" means a substantial quantity of water  
22 capable of being put to beneficial use;

23 (5) "water" means all water of the state, surface and  
24 subsurface, occurring in a natural state, except mineral and medicinal  
25 water;

26 (6) "commissioner" means the commissioner of natural re-  
27 sources;

28 (7) "director" means the director of land and water  
29 management [THE DIVISION OF LANDS], Department of Natural Resources;

1 (8) "person" includes an individual, partnership, asso-  
2 ciation, public or private corporation, state agency, municipality  
3 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

4 (9) "mineral and medicinal water" means

5 (A) water of a hot spring or spring with curative  
6 properties that [WHICH] has been reserved by the federal govern-  
7 ment under Public Land Order No. 399; and

8 (B) geothermal fluid, as [THE TERM IS] defined in  
9 AS 41.06.060;

10 (10) "significant amount of water" means

11 (A) a use of more than 5,000 gallons of water in a  
12 single day from a single source; or

13 (B) the regular daily or recurring seasonal use of  
14 more than 500 gallons of water a day for 10 days or more a year  
15 from a single source; or

16 (C) a water use that may adversely affect the water  
17 rights of another appropriator or the public interest.

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff *Jene*

DATE: 4/5/86

RE: Analysis of CSHB 627 (RULES)

Section 1

amends the Water Use Act (AS 46.15) by stating that a water use permit is not necessary for an individual who wishes to use an insignificant amount of water unless, such a use is against the public interest as determined by the Commissioner of DNR. A person using less than a significant amount of water, without a water use permit, who decides not to apply for a permit for the use, does not acquire a right or priority to the water resource.

Section 2

allows the Commissioner of DNR to promulgate regulations to exempt public notice of applications for water rights in addition to the exemption outlined in Section 3 of this bill.

Section 3

allows the Commissioner of DNR to issue a water use permit for up to 1000 gallons of water per day without providing public notice as outlined in AS 46.15.133. However, notice is given to DF&G of all applications to appropriate water from anadromous fish streams. The Commissioner of DNR may disregard this subsection if:

- (1) he or she determines the total amount of water available to an area is limited for the total number of possible users; or,
- (2) the application being filed is for an area that lies within the boundary of a municipality that has requested notification of all water appropriation within its boundaries.

Section 4

(I) rewrites the current statutory language of AS 46.15.260. definitions (1)-(9) to make technical language modifications as requested by the Division of Legal Services. These changes do not alter the affect of the current statutory language.

(II) adds an additional definition number 10 which defines "significant amount of water" as:

- a) a use of more than 5,000 gallons of water in one day from a single source; or,
- b) the recurring daily use of more than 500 gallons of water for 10 or more days, in a year, from a single source; or,
- c) a use that may adversely affect the water rights of others users or the public interest.

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff

DATE: 3/12/86

RE: Current statutory and regulatory references allowing the small scale use of water

The current statutory references pertaining to the use of water are found in Title 46 of the Alaska Statutes and Title 11 of the Alaska Administrative Code.

AS 46.15.040. Right to appropriate. (a) A right to appropriate water can be acquired only as provided in this chapter. No right to use of water either appropriated or unappropriated shall be acquired by adverse use or possession.

(b) A right to appropriate water shall be obtained by first making application to the commissioner for a permit to appropriate. The commissioner shall by regulation prescribe the form and contents of the application and the procedure for filing the application. If a permit is granted and the means of appropriation is constructed, a certificate of appropriation may be obtained.

The Alaska Administrative Codes speak to the appropriation of water in 11 AAC 93.

11 AAC 93.040. APPLICATION FOR A PERMIT TO APPROPRIATE WATER.

(a) Unless exempted by sec. 920 of this chapter, no person may lawfully appropriate water of the state without first obtaining a permit under the provisions of secs. 40-120, 210-220, or 260 of this chapter.

11 AAC 93.920. EXEMPTIONS. Any person using less than a significant amount of water as defined in sec. 970 of this chapter is not guilty of a misdemeanor for appropriating water without a permit. However, any person using less than a significant amount of water acquires no water right or priority unless an application is filed and a permit or certificate is issued in accordance with secs. 40-140 of this chapter. Water used without a permit or certificate is subject to appropriation by others and the use of water without a water right is subject to curtailment in order to supply water to lawful appropriators of record.

11 AAC 93.970. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(14) "significant amount of water" means any use of 5,000 or more gallons of water in a single day from a single source, or the regular daily or recurring seasonal use of 500 or more gallons of water per day for 10 days or more per year from a single source, or any water

use that may adversely affect the water rights of other appropriators or the public interest.

With regard to the public notice requirements when a person applies for a water use permit, 11 AAC 93.100 allows the following exemption for individuals applying for water rights for domestic use.

11 AAC 93.100 EXEMPTIONS TO NOTICE. An application to appropriate no more than 1000 gallons of water per day for single family domestic purposes is exempt from the notice provisions of sec. 80 of this chapter. However, in areas where the total amount of water available appears to the department to be limited with respect to the number of potential users of the same source, or upon the request of a municipality as defined by AS 29, the commissioner will, in his discretion, require public notice as provided by sec, 80 of this chapter.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No. : HB 627  
Title : Use of Water Without Appropriation

Sponsor : M.W. Miller  
Requestor House Resources  
Date of Request : 3-18-86

FISCAL DETAIL

Agency Affected : Natural Resources  
BRU : Minerals Management, Land & Water Mgmt.

Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Gary Johnson Phone : 762-4346  
Division : Land & Water Management Date : 03-18-86

Approved by Commissioner : Neil Folan Date : 03-18-86  
Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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

HCR

15

4/18/85

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 4/18/85 8:30 am

# COMMITTEE REPORT

## HOUSE

(7)

4/8/85

FURTHER:

Date: APRIL 18, 1985

The Committee on RULES has had HCR 15

Relating to the control of wolf predation.

under consideration and recommends:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for HCR 15 (Rules)  same title  new title

and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation  Zero Fiscal Note Attached

referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

### MEMBERS HAVING OTHER RECOMMENDATIONS:

Miller	<u>M.W. Miller</u>	Fuller	<u>Jan Fuller</u>
Wallis	<u>F. Kay Wallis</u>	Grussendorf	<u>[Signature]</u>
		Davis	<u>Mike Davis NO REC.</u>
		Pignalbert	<u>[Signature] NO REC.</u>
		Martin	<u>Terry Martin No Rec.</u>

M.W. Miller  
CHAIRMAN

CALL MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE  
THURSDAY, APRIL 18, 1985

T I M E: \_\_\_\_\_

INDICATE MEMBERS PRESENT AND ABSENT:

Cmte. Members Chairman M.W. Miller  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

THE COMMITTEE CALENDAR TODAY IS: HCR 15 - by Rep. Shultz - Relating to  
the control of wolf predation.

Request motion to adopt CS HCR 15 (Rules) and bring it before the committee  
for discussion.

Rules CS makes one change to original resolution:

On Page 2, Lines 12 and 13, DELETE: EQUAL IN SCALE TO THOSE NOW BEING  
SPONSORED BY WOLF PROTECTIONIST GROUPS:

Into the deleted section, insert: and the need for wolf management

This section will read: FURTHER RESOLVED that the legislature urges the  
Governor to direct the commissioner of fish and game to implement a  
public education program on wolf behavior and the need for wolf manage-  
ment;

OPEN FOR DISCUSSION

(DAVE STANCLIFF OR REP. SHULTZ WILL BE AVAILABLE IF THERE ARE ANY  
QUESTIONS.)

REQUEST APPROVAL OF THE MOTION TO PASS CS HCR 15 (RULES) FROM COMMITTEE  
WITH INDIVIDUAL RECOMMENDATIONS.



Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

RULES COMMITTEE MEETING  
THURSDAY, APRIL 18, 1985

## A G E N D A

HCR 15 - Relating to the control of wolf predation.  
(by Rep. Shultz)

## I N D E X

- I. Proposed CS HCR 15 (RULES)
- II. Original Version HCR 15

Hein  
4/15/85

Original sponsor: Shultz

1 IN THE HOUSE BY THE RULES COMMITTEE  
 2  
 3 CS FOR HOUSE CONCURRENT RESOLUTION NO. 15 (Rules)  
 4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 Relating to the control of wolf preda-  
 7 tion.

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

9 WHEREAS sound management of fish and game is critical to those state  
 10 residents who are most dependent on subsistence resources; and

11 WHEREAS wolf predation has a direct affect on ungulate populations  
 12 such as moose, caribou, and sheep; and

13 WHEREAS many of the animals that state residents customarily and  
 14 traditionally depend on for subsistence are preyed upon by wolves; and

15 WHEREAS wolf protectionist groups have distributed a great deal of  
 16 information to the public concerning wolf behavior; and

17 WHEREAS professional wildlife managers in the Department of Fish and  
 18 Game are knowledgeable on wolf behavior; and

19 WHEREAS state residents should be able to rely heavily upon the  
 20 expertise of state wildlife managers for information; and

21 WHEREAS state residents need reliable, accurate, unemotional informa-  
 22 tion on which to base a decision concerning wolf control; and

23 WHEREAS state residents who are incorrectly informed or emotionally  
 24 sensitized may oppose wolf control to the detriment of the moose, caribou,  
 25 and sheep populations; and

26 WHEREAS the destruction of moose, caribou, and sheep resulting from  
 27 lack of management of wolves may severely jeopardize subsistence <sup>+ sport hunting</sup> hunting  
 28 opportunities for local area residents; and

29 WHEREAS Article VIII, sec. 4, Constitution of the State of Alaska,  
 mandates that our game resources be managed on a "sustained yield basis,

1 subject to preferences among beneficial uses"; and

2 WHEREAS state subsistence laws state that subsistence use of game  
3 animals is the highest and best use; and

4 WHEREAS state residents depend more heavily on moose, caribou, and  
5 sheep than on wolves for subsistence;

6 BE IT RESOLVED that the Alaska State Legislature urges the Governor to  
7 direct the commissioner of fish and game and the Board of Game to manage  
8 moose, caribou, and sheep stocks so that customary and traditional subsis-  
9 tence activities <sup>→ sports hunting activities.</sup> are not diminished due to wolf predation; and be it

10 FURTHER RESOLVED that the legislature urges the Governor to direct the  
11 commissioner of fish and game to implement a public education program on  
12 wolf behavior <sup>add:</sup> ~~and the need for wolf management;~~ <sup>del: [equal in scale to those now being</sup> and be it

13 FURTHER RESOLVED that the legislature, <sup>sponsored by wolf protection groups]</sup> in recognition of the harmful  
14 effects that wolves may have on subsistence lifestyles, <sup>→ sports hunting activities</sup> encourages members  
15 of local rural communities to work together to help solve wolf control  
16 problems in their areas.

Introduced: 3/1/85  
Referred: Resources

1 IN THE HOUSE

BY SHULTZ

2

HOUSE CONCURRENT RESOLUTION NO. 15

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the control of wolf preda-

6

tion.

7

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

8

WHEREAS sound management of fish and game is critical to those state residents who are most dependent on subsistence resources; and

10

WHEREAS wolf predation has a direct affect on ungulate populations such as moose, caribou, and sheep; and

12

WHEREAS many of the animals that state residents customarily and traditionally depend on for subsistence are preyed upon by wolves; and

14

WHEREAS wolf protectionist groups have distributed a great deal of information to the public concerning wolf behavior; and

16

WHEREAS professional wildlife managers in the Department of Fish and Game are knowledgeable on wolf behavior; and

18

WHEREAS state residents should be able to rely heavily upon the expertise of state wildlife managers for information; and

20

WHEREAS state residents need reliable, accurate, unemotional information on which to base a decision concerning wolf control; and

22

WHEREAS state residents who are incorrectly informed or emotionally sensitized may oppose wolf control to the detriment of the moose, caribou, and sheep populations; and

25

WHEREAS the destruction of moose, caribou, and sheep resulting from lack of management of wolves may severely jeopardize subsistence hunting opportunities for local area residents; and

28

WHEREAS Article VIII, sec. 4, Constitution of the State of Alaska, mandates that our game resources be managed on a "sustained yield basis,

29

1 subject to preferences among beneficial uses"; and

2 WHEREAS state subsistence laws state that subsistence use of game  
3 animals is the highest and best use; and

4 WHEREAS state residents depend more heavily on moose, caribou, and  
5 sheep than on wolves for subsistence;

6 BE IT RESOLVED that the Alaska State Legislature urges the Governor to  
7 direct the commissioner of fish and game and the Board of Game to manage  
8 moose, caribou, and sheep stocks so that customary and traditional subsis-  
9 tence activities are not diminished due to wolf predation; and be it

10 FURTHER RESOLVED that the legislature urges the Governor to direct the  
11 commissioner of fish and game to implement a public education program on  
12 wolf behavior, <sup>delete:</sup> equal in scale to those now being sponsored by wolf protec-  
13 tionist groups; <sup>add: and the need for wolf management</sup> and be it

14 FURTHER RESOLVED that the legislature, in recognition of the harmful  
15 effects that wolves may have on subsistence lifestyles, encourages members  
16 of local rural communities to work together to help solve wolf control  
17 problems in their areas.



HCR

26

4/11/85

HCR 26 - see 5/02/85



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

2nd CS HCR 26 (Rules)

CURRENT VERSION  
RULE 23(a)

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

PROPOSED VERSION

\* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legislature is amended to read:

\* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 23. COMMITTEE MEETINGS. (a) At least five days before the meeting, written [WRITTEN] notice of the time, place and subject matter of all meetings of standing, special, and joint committees [DURING A WEEK] shall be provided by the person who chairs the committee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day notice is given if the legislature is in session. If the legislature is not in session the notice shall be provided to a Legislative Information Office. The office to which the notice is provided shall distribute the notice to each other Legislative Information Office or Legislative Teleconference Center that is open during the interim [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEARING].

(b) The notice requirement of (a) of this section [HOWEVER, THIS REQUIREMENT] may be waived by motion of the person who chairs the committee to which a bill or resolution is [FIRST] referred if concurred in by majority vote of the full membership of the house.

(c) The chief clerk or secretary shall publish and distribute each day the house is in session a [COPIES OF THE WEEKLY] schedule of committee meetings scheduled for the next seven days [AND OF THE FIVE-DAY NOTICE OF HEARING].

#### Section 1

This proposed resolution would break Rule 23(a) into three parts (a) (b) and (c).

Rule 23(a) proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

Rule 23(a) is amended to require that the daily notice be supplied to the Chief Clerk by 3:00 p.m. This makes it more workable for the print shop and Chief Clerk's Office.

Rule 23(a) is amended in the 2nd CS HCR 26 (RULES) and requires that standing, special and joint committees shall provide 5-day notification to a Legislative Information Offices when the legislature is not in session. The Legislative Information Offices will then notify each other Leg. Info. Office and Leg. Teleconference Center during the interim.

Rule 23(b) - previously included in current version of Rule 23(a), relates to waiver requirements and states that notice requirements may be waived by a motion if concurred in by a majority vote of the full membership of the house. This provision previously related to bills of first referral only.

Rule 23(c) - previously included in current version of Rule 23(a), provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

ANALYSIS

CURRENT VERSION  
RULE 23(b)

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

PROPOSED VERSION

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(d) If the time or place of a committee meeting is changed from that shown in the schedule of committee meetings, the [(b) THE] person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change. Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting [BY THE CHIEF CLERK OR SECRETARY] and published as a notice in the journal of the house.

ANALYSIS

Rule 23(d) previously 23(b), rewrites this section to comply with the proposed 5-day notice of meetings. This requires that changes in time or place of committee meetings shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. This change strengthens current policy. The requirement of announcing changes of subject matter has been deleted from this provision.

(LEGAL OPINIONS ON THIS INDICATE THAT TO FULLY INTERPRET THIS PROVISION, IT MUST BE READ TOGETHER WITH RULE 23(a). THEREFORE, INTRODUCTION OF A NEW SUBJECT MATTER WOULD DEFEAT NOTICE REQUIREMENTS IN RULE 23(a). LEGAL SERVICES DID NOT FEEL THAT IT WAS THE ORIGINAL INTENT OF THE CURRENT WORDING TO ALLOW ADDITION OF A NEW SUBJECT MATTER.)

CURRENT VERSION  
RULE 23(c)

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

PROPOSED VERSION

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(e) [(c)] A scheduled meeting of a standing, special, or joint committee may be cancelled or consideration of the scheduled subject matter may be postponed or cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (d) [(b)] of this rule.

ANALYSIS

Rule 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

21 (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 not apply to a standing, special, or joint committee meeting scheduled  
23 after the date a conference committee has been chosen to consider  
24 amendments to or differences between versions of the general appro-  
25 priation act. However, a person who chairs a standing, special, or  
26 joint committee shall post written notice of the time, place and  
27 subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

Rule 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b) (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

CURRENT VERSION  
RULE 23(e)

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

28 (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 apply to meetings of

PROPOSED VERSION

1 (1) the Rules Committee when it meets for the purpose of  
2 preparing the daily calendar;

3 (2) the Committee on Committees referred to in Rule 1(e):  
4 or

5 (3) standing, special, or joint committees during a special  
6 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 SIONS].

Rule 23(g) - Reflects the breakdown of Rule 23(a) into 3 sections. The provisions of (a) - (d) now relate to (a) - (f). Rule 23(g) is changed to show that the provisions of 23(a) to 23(f) do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

Rule 23(g) - (3) originally stated that the provisions in (a) - (f) of the original version of HCR 26 would not apply to standing, special, or joint committees during the interim between sessions. In the proposed CS HCR 26(RULES), we have created a new policy contained in Rule 23(a) to require that these committees must meet the notice requirements, however, they shall provide notice to a Legislative Information Office.

CURRENT VERSION  
RULE 23(f)

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

PROPOSED VERSION

(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

Rule 23(h) - changes from (f) to (h), Rule 23(h) (4) amends current version to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

RULE 23(i) - PROVIDES FOR AN EFFECTIVE DATE: THE CONVENING OF THE SECOND SESSION OF THE 14th ALASKA STATE LEGISLATURE.

+EFFECTIVE DATE

Alaska State Legislature  
House of Representatives

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

Committee on Rules

2nd CS HCR 26(Rules)



Official Business

CURRENT VERSION  
RULE 23(a)

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

PROPOSED VERSION

\* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 23. COMMITTEE MEETINGS. (a) At least five days before the meeting, written [WRITTEN] notice of the time, place and subject matter of all meetings of standing, special, and joint committees [DURING A WEEK] shall be provided by the person who chairs the committee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day notice is given if the legislature is in session. If the legislature is not in session the notice shall be provided to a Legislative Information Office. The office to which the notice is provided shall distribute the notice to each other Legislative Information Office that is open <sup>delete</sup> [full-time] during the interim [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEARING].

add: " or Legislative  
teleconference Center

(b) The notice requirement of (a) of this section [HOWEVER, THIS REQUIREMENT] may be waived by motion of the person who chairs the committee to which a bill or resolution is [FIRST] referred if concurred in by majority vote of the full membership of the house.

(c) The chief clerk or secretary shall publish and distribute each day the house is in session a [COPIES OF THE WEEKLY] schedule of committee meetings scheduled for the next seven days [AND OF THE FIVE-DAY NOTICE OF HEARING].

Section 1  
This proposed resolution would break Rule 23(a) into three parts (a) (b) and (c).

Rule 23(a) proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

Rule 23(a) is amended to require that the daily notice be supplied to the Chief Clerk by 3:00 p.m. This makes it more workable for the print shop and Chief Clerk's Office.

Rule 23(a) is amended in the CS HCR 26(RULES) and requires that standing, special and joint committees shall provide 5-day notification to a Legislative Information Offices when the legislature is not in session. The Legislative Information Offices will then notify each other Legislative Information Office open full-time during the interim.

Rule 23(b) - previously included in current version of Rule 23(a), relates to waiver requirements and states that notice requirements may be waived by a motion if concurred in by a majority vote of the full membership of the house. This provision previously related to bills of first referral only.

Rule 23(c) - previously included in current version of Rule 23(a), provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

ANALYSIS

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

CURRENT VERSION  
RULE 23(b)

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(d) If the time or place of a committee meeting is changed from that shown in the schedule of committee meetings, the ((b) THE person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change. Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting [BY THE CHIEF CLERK OR SECRETARY] and published as a notice in the journal of the house.

PROPOSED VERSION

Rule 23(d) previously 23(b), rewrites this section to comply with the proposed 5-day notice of meetings. This requires that changes in time or place of committee meetings shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. This change strengthens current policy. The requirement of announcing changes of subject matter has been deleted from this provision.

ANALYSIS

(LEGAL OPINIONS ON THIS INDICATE THAT TO FULLY INTERPRET THIS PROVISION, IT MUST BE READ TOGETHER WITH RULE 23(a). THEREFORE, INTRODUCTION OF A NEW SUBJECT MATTER WOULD DEFEAT NOTICE REQUIREMENTS IN RULE 23(a). LEGAL SERVICES DID NOT FEEL THAT IT WAS THE ORIGINAL INTENT OF THE CURRENT WORDING TO ALLOW ADDITION OF A NEW SUBJECT MATTER.)

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

CURRENT VERSION  
RULE 23(c)

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(e) ((c) A scheduled meeting of a standing, special, or joint committee may be cancelled or consideration of the scheduled subject matter may be postponed or cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (d) ((b) of this rule.

PROPOSED VERSION

Rule 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject.

ANALYSIS

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

21 (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 not apply to a standing, special, or joint committee meeting scheduled  
23 after the date a conference committee has been chosen to consider  
24 amendments to or differences between versions of the general appro-  
25 priation act. However, a person who chairs a standing, special, or  
26 joint committee shall post written notice of the time, place and  
27 subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

Rule 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b) (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

CURRENT VERSION  
RULE 23(e)

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

28 (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 apply to meetings of

PROPOSED VERSION

1 (1) the Rules Committee when it meets for the purpose of  
2 preparing the daily calendar;

3 (2) the Committee on Committees referred to in Rule 1(e);  
4 or

5 (3) standing, special, or joint committees during a special  
6 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 SIONS].

Rule 23(g) - Reflects the breakdown of Rule 23(a) into 3 sections. The provisions of (a) - (d) now relate to (a) - (f). Rule 23(g) is changed to show that the provisions of 23(a) to 23(f) do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

Rule 23(g) - (3) originally stated that the provisions in (a) - (f) of the original version of HCR 26 would not apply to standing, special, or joint committees during the interim between sessions. In the proposed CS HCR 26(RULES), we have created a new policy contained in Rule 23(a) to require that these committees must meet the notice requirements, however, they shall provide notice to a Legislative Information Office.

CURRENT VERSION  
RULE 23(f)

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

PROPOSED VERSION

Rule 23(h) - changes from (f) to (h), Rule 23(h) (4) amends current version to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

RULE 23(i) - PROVIDES FOR AN EFFECTIVE DATE: THE CONVENING OF THE SECOND SESSION OF THE 14th ALASKA STATE LEGISLATURE.

+EFFECTIVE DATE



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

### 2nd CS HCR 26 (Rules)

CURRENT VERSION  
RULE 23(a)

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

11 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
12 ture is amended to read:

13 10 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
14 11 ture is amended to read:  
15 12 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
16 13 meeting, written [WRITTEN] notice of the time, place and subject  
17 14 matter of all meetings of standing, special, and joint committees  
18 15 [DURING A WEEK] shall be provided by the person who chairs the commit-  
19 16 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
20 17 notice is given if the legislature is in session. If the legislature  
21 18 is not in session the notice shall be provided to a Legislative  
22 19 Information Office. The office to which the notice is provided shall  
23 20 distribute the notice to each other Legislative Information Office or  
24 21 Legislative Teleconference Center that is open during the interim  
25 22 [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A  
26 23 BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK  
27 24 OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC  
28 25 HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEAR-  
29 26 ING].

27 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
28 REQUIREMENT] may be waived by motion of the person who chairs the  
29 committee to which a bill or resolution is [FIRST] referred if con-  
curred in by majority vote of the full membership of the house.

1 (c) The chief clerk or secretary shall publish and distribute  
2 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
3 committee meetings scheduled for the next seven days [AND OF THE  
4 FIVE-DAY NOTICE OF HEARING].

Section 1  
This proposed resolution would break Rule 23(a) into three parts (a) (b) and (c).

Rule 23(a) proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

Rule 23(a) is amended to require that the daily notice be supplied to the Chief Clerk by 3:00 p.m. This makes it more workable for the print shop and Chief Clerk's Office. <sup>2nd</sup>

Rule 23(a) is amended in the 2nd CS HCR 26 (RULES) and requires that standing, special and joint committees shall provide 5-day notification to a Legislative Information Offices when the legislature is not in session. The Legislative Information Offices will then notify each other Leg. Info. Office and Leg. Teleconference Center during the interim.

Rule 23(b) - previously included in current version of Rule 23(a), relates to waiver requirements and states that notice requirements may be waived by a motion if concurred in by a majority vote of the full membership of the house. This provision previously related to bills of first referral only.

Rule 23(c) - previously included in current version of Rule 23(a), provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

PROPOSED VERSION

ANALYSIS

CURRENT VERSION  
RULE 23(b)

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

PROPOSED VERSION

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(d) If the time or place of a committee meeting is changed from that shown in the schedule of committee meetings, the [(b) THE] person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change. Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting [BY THE CHIEF CLERK OR SECRETARY] and published as a notice in the journal of the house.

ANALYSIS

Rule 23(d) previously 23(b), rewrites this section to comply with the proposed 5-day notice of meetings. This requires that changes in time or place of committee meetings shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. This change strengthens current policy. The requirement of announcing changes of subject matter has been deleted from this provision.

(LEGAL OPINIONS ON THIS INDICATE THAT TO FULLY INTERPRET THIS PROVISION, IT MUST BE READ TOGETHER WITH RULE 23(a). THEREFORE, INTRODUCTION OF A NEW SUBJECT MATTER WOULD DEFEAT NOTICE REQUIREMENTS IN RULE 23(a). LEGAL SERVICES DID NOT FEEL THAT IT WAS THE ORIGINAL INTENT OF THE CURRENT WORDING TO ALLOW ADDITION OF A NEW SUBJECT MATTER.)

CURRENT VERSION  
RULE 23(c)

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

PROPOSED VERSION

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(e) [(c)] A scheduled meeting of a standing, special, or joint committee may be cancelled or consideration of the scheduled subject matter may be postponed or cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (d) [(b)] of this rule.

ANALYSIS

Rule 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

21 |        (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 | not apply to a standing, special, or joint committee meeting scheduled  
23 | after the date a conference committee has been chosen to consider  
24 | amendments to or differences between versions of the general appro-  
25 | priation act. However, a person who chairs a standing, special, or  
26 | joint committee shall post written notice of the time, place and  
27 | subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

Rule 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b) (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

CURRENT VERSION  
RULE 23(e)

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

28 |        (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 | apply to meetings of

PROPOSED VERSION

1 |           (1) the Rules Committee when i meets for the purpose of  
2 | preparing the daily calendar;

3 |           (2) the Committee on Committees referred to in Rule 1(e);  
4 | or

5 |           (3) standing, special, or joint committees during a special  
6 | session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 | SIONS].

Rule 23(g) - Reflects the breakdown of Rule 23(a) into 3 sections. The provisions of (a) - (d) now relate to (a) - (f). Rule 23(g) is changed to show that the provisions of 23(a) to 23(f) do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

Rule 23(g) - (3) originally stated that the provisions in (a) - (f) of the original version of HCR 26 would not apply to standing, special, or joint committees during the interim between sessions. In the proposed CS HCR 26(RULES), we have created a new policy contained in Rule 23(a) to require that these committees must meet the notice requirements, however, they shall provide notice to a Legislative Information Office.

CURRENT VERSION  
RULE 23(f)

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

PROPOSED VERSION

(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

Rule 23(h) - changes from (f) to (h), Rule 23(h) (4) amends current version to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

RULE 23(i) - PROVIDES FOR AN EFFECTIVE DATE: THE CONVENING OF THE SECOND SESSION OF THE 14th ALASKA STATE LEGISLATURE.

+EFFECTIVE DATE



Alaska State Legislature  
House of Representatives

Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

CS HCR 26 (Rules)

CURRENT VERSION  
RULE 23(a)

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

PROPOSED VERSION

\* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 23. COMMITTEE MEETINGS. (a) At least five days before the meeting, written [WRITTEN] notice of the time, place and subject matter of all meetings of standing, special, and joint committees [DURING A WEEK] shall be provided by the person who chairs the committee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day notice is given if the legislature is in session. If the legislature is not in session the notice shall be provided to a Legislative Information Office. The office to which the notice is provided shall distribute the notice to each other Legislative Information Office that is open full-time during the interim [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEARING].

(b) The notice requirement of (a) of this section [HOWEVER, THIS REQUIREMENT] may be waived by motion of the person who chairs the committee to which a bill or resolution is [FIRST] referred if concurred in by majority vote of the full membership of the house.

(c) The chief clerk or secretary shall publish and distribute each day the house is in session a [COPIES OF THE WEEKLY] schedule of committee meetings scheduled for the next seven days [AND OF THE FIVE-DAY NOTICE OF HEARING].

Section 1  
This proposed resolution would break Rule 23(a) into three parts (a) (b) and (c).

ANALYSIS

Rule 23(a) proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

Rule 23(a) is amended to require that the daily notice be supplied to the Chief Clerk by 3:00 p.m. This makes it more workable for the print shop and Chief Clerk's Office.

Rule 23(a) is amended in the CS HCR 26(RULES) and requires that standing, special and joint committees shall provide 5-day notification to a Legislative Information Offices when the legislature is not in session. The Legislative Information Offices will then notify each other Legislative Information Office open full-time during the interim.

Rule 23(b) - previously included in current version of Rule 23(a), relates to waiver requirements and states that notice requirements may be waived by a motion if concurred in by a majority vote of the full membership of the house. This provision previously related to bills of first referral only.

Rule 23(c) - previously included in current version of Rule 23(a), provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

CURRENT VERSION  
RULE 23(b)

5            (d) If the time or place of a committee meeting is changed from  
7            that shown in the schedule of committee meetings, the [(b) THE]  
8            person who chairs a standing, special, or joint committee shall  
9            provide the chief clerk or secretary written notice of the change.  
10           Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
11           NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
12           be announced if a regular floor session occurs between the time the  
13           meeting was scheduled and the time of the changed meeting [BY THE  
14           CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
15           the house.

PROPOSED VERSION

Rule 23(d) previously 23(b), rewrites this section to comply with the proposed 5-day notice of meetings. This requires that changes in time or place of committee meetings shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. This change strengthens current policy. The requirement of announcing changes of subject matter has been deleted from this provision.

ANALYSIS

(LEGAL OPINIONS ON THIS INDICATE THAT TO FULLY INTERPRET THIS PROVISION, IT MUST BE READ TOGETHER WITH RULE 23(a). THEREFORE, INTRODUCTION OF A NEW SUBJECT MATTER WOULD DEFEAT NOTICE REQUIREMENTS IN RULE 23(a). LEGAL SERVICES DID NOT FEEL THAT IT WAS THE ORIGINAL INTENT OF THE CURRENT WORDING TO ALLOW ADDITION OF A NEW SUBJECT MATTER.)

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

CURRENT VERSION  
RULE 23(c)

16           (e) [(c)] A scheduled meeting of a standing, special, or joint  
17           committee may be cancelled or consideration of the scheduled subject  
18           matter may be postponed or cancelled at any time. If possible, notice  
19           of the cancellation shall be given in the same manner as provided for  
20           notice of change in (d) [(b)] of this rule.

PROPOSED VERSION

Rule 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject.

ANALYSIS

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

21 |        (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 | not apply to a standing, special, or joint committee meeting scheduled  
23 | after the date a conference committee has been chosen to consider  
24 | amendments to or differences between versions of the general appro-  
25 | priation act. However, a person who chairs a standing, special, or  
26 | joint committee shall post written notice of the time, place and  
27 | subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

Rule 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b) (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

CURRENT VERSION  
RULE 23(e)

- (1) the Rules Committee when it meets for the purpose of preparing the daily calendar;
- (2) the Committee on Committees referred to in Rule 1(e); or
- (3) standing, special, or joint committees when the committee meets during the interim between sessions.

28 |        (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 | apply to meetings of

PROPOSED VERSION

- 1 |               (1) the Rules Committee when it meets for the purpose of
- 2 | preparing the daily calendar;
- 3 |               (2) the Committee on Committees referred to in Rule 1(e);
- 4 | or
- 5 |               (3) standing, special, or joint committees during a special
- 6 | session (WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-
- 7 | SIONS).

Rule 23(g) - Reflects the breakdown of Rule 23(a) into 3 sections. The provisions of (a) - (d) now relate to (a) - (f). Rule 23(g) is changed to show that the provisions of 23(a) to 23(f) do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

Rule 23(g) - (3) originally stated that the provisions in (a) - (f) of the original version of HCR 26 would not apply to standing, special, or joint committees during the interim between sessions. In the proposed CS HCR 26 (RULES), we have created a new policy contained in Rule 23(a) to require that these committees must meet the notice requirements, however, they shall provide notice to a Legislative Information Office.

CURRENT VERSION  
RULE 23(f)

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

PROPOSED VERSION

(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment.

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

Rule 23(h) - changes from (f) to (h), Rule 23(h) (4) amends current version to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

RULE 23(i) - PROVIDES FOR AN EFFECTIVE DATE: THE CONVENING OF THE SECOND SESSION OF THE 14th ALASKA STATE LEGISLATURE.

+EFFECTIVE DATE



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

April 19, 1985

TO: Majority Members

FROM: Mike W. Miller, Chairman  
House Rules Committee

SUBJ: HCR 26

Attached is an analysis of HCR 26 by Rules; "Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date", which appears on the House Calendar for Monday, April 22.

If you have any questions, please do not hesitate to contact my office and ask for Jeannie at 3764-3765.

Thank you.

# COMMITTEE REPORT

## HOUSE

FURTHER:

Date: 4/11/85

The Committee on Rules has had HCR 26  
Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State  
Legislature relating to committee meetings; and providing for an effective date.

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HCR 26 (Rules)  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Fuller Jack Fuller

Grussendorf Ben Grussendorf

Davis Michael Davis

Miller M.W. Miller

Wallis F. Kay Wallis

### MEMBERS HAVING OTHER RECOMMENDATIONS:

Meisig no rec. *Signalbe*

Terry Martin - Will be a good *Martin*  
for one year experiment.

M.W. Miller  
CHAIRMAN

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

House Rules 4-11-85 8:30am  
~~4-11-85~~

HOUSE CALENDAR: Monday April 22, 1985

BILL HCR0026  
 PAGE 00800  
 DATE 04/03/85  
 CHAMBER HOUSE  
 TEXT HOUSE CONCURRENT RESOLUTION NO. 26 by the Rules Committee:  
 Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date.  
 was read the first time and referred to the Rules Committee.

HCR0026  
 00881  
 04/11/85  
 HOUSE

The Rules Committee has considered HOUSE CONCURRENT RESOLUTION NO. 26 (proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 26 (Rules) (same title) and reports it back as follows: M.W. Miller (Chairman), Fuller, Grussendorf, Davis and Wallis recommend do pass; Pignalberi has no recommendation; Martin signed "Will be good for a one year experiment."

HCR 26 was returned to the Rules Committee for placement on the calendar.

Committee  
Meetings  
 (Unif. Rules  
 changes)

HOUSE CONCURRENT RESOLUTION-NO.-26, by the Rules Committee.  
 Would require that at least five days before the meeting, written notice of the time, place and subject matter of all committee meetings be provided by the committee chair to the chief clerk or senate secretary by 3 p.m. the day the notice is given (currently written notice of the time, place and subject matter of all committee meetings must be given to the chief clerk or secretary by 4 p.m. on the preceding Thursday, but the five day notice requirement only applies to the first public hearing of a bill or resolution).

Would require the clerk and secretary to publish a weekly committee schedule. If the time or place of a meeting is changed the committee chair is required to provide written notice of the change. Would require announcement of the change if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting and that it be published as a notice in the journal of the house. Consideration of the scheduled subject matter may be postponed or cancelled at any time. Meeting notice provisions would not apply during a special session.

Would require each standing, special and joint committee to make all committee meeting minutes available to the Legislative Affairs Agency (currently not required - changes "may" to "shall").

The proposed amendments would take effect on convening of the second session of the Fourteenth Alaska Legislature (January 1986).

Introduced April 3 and referred to Rules.

HOUSE CONCURRENT RESOLUTION NO. 26, (see page 567). Reported back to the House April 11 by Rules recommending it be replaced with a substitute and that it do pass. Concurring: M. W. Miller (Chair), Fuller, Grussendorf, Davis and Wallis. Not concurring: Pignalberi has no recommendation. Martin signed "will be good for a one year experiment." To Rules.

The Rules substitute would require five day written notice of all committee meetings be given to the clerk or secretary by 3 p.m. of the day notice is given, as did the original version, but adds "if the legislature is in session. If the legislature is not in session the notice shall be provided to a Legislative Information Office. The office to which the notice is provided shall distribute the notice to each other Legislative Information Office that is open full-time during the interim."

The meeting notice requirements would not apply to committee meetings during a special session. Deletes requirement currently in the Rules that exempts meetings of committees during the interim from notice requirements.

COMMITTEE REPORT

HOUSE

FURTHER:

Date: 4/11/85

The Committee on Rules has had HCR 26 Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date.

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HCR 26 (Rules) same title and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

Fuller *Quinn-Jackson*

Grussendorf *Grussendorf*

Davis *Davis*

Miller *M.W. Miller*

Wallis *Wallis*

MEMBERS HAVING OTHER RECOMMENDATIONS:

*Martin*

*Leary*

*Pignalberi*

*for one year experiment*

*M.W. Miller* CHAIRMAN

Offered: 5/2/85  
Referred: Rules

Original sponsor: Rules Committee

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 2d CS FOR HOUSE CONCURRENT RESOLUTION NO. 26 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to Rule 23 of the  
6 Uniform Rules of the Alaska State Legis-  
7 lature relating to committee meetings;  
8 and providing for an effective date.

① took out  
pledge allegiance  
amendment

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
11 ture is amended to read:

12 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
13 meeting, written [WRITTEN] notice of the time, place and subject  
14 matter of all meetings of standing, special, and joint committees  
15 [DURING A WEEK] shall be provided by the person who chairs the commit-  
16 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
17 notice is given if the legislature is in session. If the legislature  
18 is not in session the notice shall be provided to a Legislative  
19 Information Office. The office to which the notice is provided shall  
20 distribute the notice to each other Legislative Information Office or  
21 Legislative Teleconference Center that is open during the interim  
22 [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A  
23 BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK  
24 OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC  
25 HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEAR-  
26 ING].

27 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
28 REQUIREMENT] may be waived by motion of the person who chairs the  
29 committee to which a bill or resolution is [FIRST] referred if

1 concurred in by majority vote of the full membership of the house.

2 (c) The chief clerk or secretary shall publish and distribute  
3 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
4 committee meetings scheduled for the next seven days [AND OF THE  
5 FIVE-DAY NOTICE OF HEARING].

6 (d) If the time or place of a committee meeting is changed from  
7 that shown in the schedule of committee meetings, the [(b) THE]  
8 person who chairs a standing, special, or joint committee shall  
9 provide the chief clerk or secretary written notice of the change.  
10 Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
11 NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
12 be announced if a regular floor session occurs between the time the  
13 meeting was scheduled and the time of the changed meeting [BY THE  
14 CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
15 the house.

16 (e) [(c)] A scheduled meeting of a standing, special, or joint  
17 committee may be cancelled or consideration of the scheduled subject  
18 matter may be postponed or cancelled at any time. If possible, notice  
19 of the cancellation shall be given in the same manner as provided for  
20 notice of change in (d) [(b)] of this rule.

21 (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 not apply to a standing, special, or joint committee meeting scheduled  
23 after the date a conference committee has been chosen to consider  
24 amendments to or differences between versions of the general appro-  
25 priation act. However, a person who chairs a standing, special, or  
26 joint committee shall post written notice of the time, place and  
27 subject matter of a meeting at least 24 hours before the meeting.

28 (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 apply to meetings of

1 (1) the Rules Committee when it meets for the purpose of  
2 preparing the daily calendar;

3 (2) the Committee on Committees referred to in Rule 1(e);  
4 or

5 (3) standing, special, or joint committees during a special  
6 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 SIONS].

8 (h) [(f)] Each standing, special, and joint committee

9 (1) shall record its meetings electronically and prepare a  
10 log of the recording adequate to locate specific testimony;

11 (2) shall prepare minutes of each meeting of the committee  
12 on a standard form prescribed jointly by the Rules Committees of the  
13 house and the senate; the minutes shall include

14 (A) a list of the names of each member present during  
15 the meeting;

16 (B) a list of the name and affiliation of each witness  
17 testifying before the committee;

18 (C) a brief statement of the position of the witness  
19 on the subject testified upon; and

20 (D) each amendment formally considered by the commit-  
21 tee, the name of the member moving adoption of the amendment, the  
22 action taken on the amendment, and the yeas and nays if a com-  
23 mittee member has requested a roll call vote on adoption of an  
24 amendment;

25 (3) shall maintain a chronological file of minutes, copies  
26 of which shall be made available upon request to committee members and  
27 the public; committee minutes, tapes and other materials of research  
28 value shall be delivered by the committee at the end of each session  
29 or each legislature to the legislative reference library for

1 appropriate disposition;

2  
3 (4) shall [MAY] make available to the Legislative Affairs  
4 Agency a copy of all minutes of committee meetings during the session  
5 for entry of the minutes as a data base on the legislative computer  
6 system.

7 \* Sec. 2. The amendments proposed by this resolution take effect on  
8 convening of the Second Session of the Fourteenth Alaska Legislature.  
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Offered: 4/11/85  
Referred: Rules

Original sponsor: Rules Committee

1 IN THE HOUSE BY THE RULES COMMITTEE  
2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 26 (Rules)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 Proposing amendments to Rule 23 of the  
6 Uniform Rules of the Alaska State Legis-  
7 lature relating to committee meetings;  
8 and providing for an effective date.  
9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
11 ture is amended to read:  
12 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
13 meeting, written [WRITTEN] notice of the time, place and subject  
14 matter of all meetings of standing, special, and joint committees  
15 [DURING A WEEK] shall be provided by the person who chairs the commit-  
16 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
17 notice is given if the legislature is in session. If the legislature  
18 is not in session the notice shall be provided to a Legislative  
19 Information Office. The office to which the notice is provided shall  
20 distribute the notice to each other Legislative Information Office  
21 that is open full time during the interim [PRECEDING THURSDAY. THE  
22 PERSON WHO CHAIRS THE COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST  
23 REFERRED SHALL PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE  
24 OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR  
25 RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEARING].  
26 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
27 REQUIREMENT] may be waived by motion of the person who chairs the  
28 committee to which a bill or resolution is [FIRST] referred if con-  
29 curred in by majority vote of the full membership of the house.

1           (c) The chief clerk or secretary shall publish and distribute  
2 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
3 committee meetings scheduled for the next seven days [AND OF THE  
4 FIVE-DAY NOTICE OF HEARING].

5           (d) If the time or place of a committee meeting is changed from  
6 that shown in the schedule of committee meetings, the [(b) THE]  
7 person who chairs a standing, special, or joint committee shall  
8 provide the chief clerk or secretary written notice of the change.  
9 Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
10 NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
11 be announced if a regular floor session occurs between the time the  
12 meeting was scheduled and the time of the changed meeting [BY THE  
13 CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
14 the house.

15           (e) [(c)] A scheduled meeting of a standing, special, or joint  
16 committee may be cancelled or consideration of the scheduled subject  
17 matter may be postponed or cancelled at any time. If possible, notice  
18 of the cancellation shall be given in the same manner as provided for  
19 notice of change in (d) [(b)] of this rule.

20           (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
21 not apply to a standing, special, or joint committee meeting scheduled  
22 after the date a conference committee has been chosen to consider  
23 amendments to or differences between versions of the general appro-  
24 priation act. However, a person who chairs a standing, special, or  
25 joint committee shall post written notice of the time, place and  
26 subject matter of a meeting at least 24 hours before the meeting.

27           (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
28 apply to meetings of

29           (1) the Rules Committee when it meets for the purpose of

1 preparing the daily calendar;

2 (2) the Committee on Committees referred to in Rule 1(e);  
3 or

4 (3) standing, special, or joint committees during a special  
5 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
6 SIONS].

7 (h) [(f)] Each standing, special, and joint committee

8 (1) shall record its meetings electronically and prepare a  
9 log of the recording adequate to locate specific testimony;

10 (2) shall prepare minutes of each meeting of the committee  
11 on a standard form prescribed jointly by the Rules Committees of the  
12 house and the senate; the minutes shall include

13 (A) a list of the names of each member present during  
14 the meeting;

15 (B) a list of the name and affiliation of each witness  
16 testifying before the committee;

17 (C) a brief statement of the position of the witness  
18 on the subject testified upon; and

19 (D) each amendment formally considered by the commit-  
20 tee, the name of the member moving adoption of the amendment, the  
21 action taken on the amendment, and the yeas and nays if a com-  
22 mittee member has requested a roll call vote on adoption of an  
23 amendment;

24 (3) shall maintain a chronological file of minutes, copies  
25 of which shall be made available upon request to committee members and  
26 the public; committee minutes, tapes and other materials of research  
27 value shall be delivered by the committee at the end of each session  
28 or each legislature to the legislative reference library for appro-  
29 priate disposition;

1           (4) shall [MAY] make available to the Legislative Affairs  
2 Agency a copy of all minutes of committee meetings during the session  
3 for entry of the minutes as a data base on the legislative computer  
4 system.

5       \* Sec. 2. The amendments proposed by this resolution take effect on  
6 convening of the Second Session of the Fourteenth Alaska Legislature.

Introduced: 4/3/85  
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

HOUSE CONCURRENT RESOLUTION NO. HCR 26

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Proposing amendments to Rule 23 of the

6

Uniform Rules of the Alaska State Legis-

7

lature relating to committee meetings;

8

and providing for an effective date.

9

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

10

\* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-

11

ture is amended to read:

12

RULE 23. COMMITTEE MEETINGS. (a) At least five days before the

13

meeting, written [WRITTEN] notice of the time, place and subject

14

matter of all meetings of standing, special, and joint committees

15

[DURING A WEEK] shall be provided by the person who chairs the commit-

16

tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day

17

notice is given [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE

18

COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST REFERRED SHALL

19

PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE OF THE TIME AND

20

PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR RESOLUTION AT LEAST

21

FIVE DAYS BEFORE THE HEARING].

22

(b) The notice requirement of (a) of this section [HOWEVER, THIS

23

REQUIREMENT] may be waived by motion of the person who chairs the

24

committee to which a bill or resolution is [FIRST] referred if con-

25

curred in by majority vote of the full membership of the house.

26

(c) The chief clerk or secretary shall publish and distribute

27

each day the house is in session a [COPIES OF THE WEEKLY] schedule of

28

committee meetings scheduled for the next seven days [AND OF THE

29

FIVE-DAY NOTICE OF HEARING].

1           (d) If the time or place of a committee meeting is changed from  
2 that shown in the schedule of committee meetings, the [(b) THE]  
3 person who chairs a standing, special, or joint committee shall  
4 provide the chief clerk or secretary written notice of the change.  
5 Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
6 NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
7 be announced if a regular floor session occurs between the time the  
8 meeting was scheduled and the time of the changed meeting [BY THE  
9 CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
10 the house.

11           (e) [(c)] A scheduled meeting of a standing, special, or joint  
12 committee may be cancelled or consideration of the scheduled subject  
13 matter may be postponed or cancelled at any time. If possible, notice  
14 of the cancellation shall be given in the same manner as provided for  
15 notice of change in (d) [(b)] of this rule.

16           (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
17 not apply to a standing, special, or joint committee meeting scheduled  
18 after the date a conference committee has been chosen to consider  
19 amendments to or differences between versions of the general appro-  
20 priation act. However, a person who chairs a standing, special, or  
21 joint committee shall postwritten notice of the time, place and  
22 subject matter of a meeting at least 24 hours before the meeting.

23           (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
24 apply to meetings of

25                   (1) the Rules Committee when it meets for the purpose of  
26 preparing the daily calendar;

27                   (2) the Committee on Committees referred to in Rule 1(e);

28 or

29                   (3) standing, special, or joint committees when the

1 committee meets during the interim between sessions or during a  
2 special session.

3 (h) [(f)] Each standing, special, and joint committee

4 (1) shall record its meetings electronically and prepare a  
5 log of the recording adequate to locate specific testimony;

6 (2) shall prepare minutes of each meeting of the committee  
7 on a standard form prescribed jointly by the Rules Committees of the  
8 house and the senate; the minutes shall include

9 (A) a list of the names of each member present during  
10 the meeting;

11 (B) a list of the name and affiliation of each witness  
12 testifying before the committee;

13 (C) a brief statement of the position of the witness  
14 on the subject testified upon; and

15 (D) each amendment formally considered by the commit-  
16 tee, the name of the member moving adoption of the amendment, the  
17 action taken on the amendment, and the yeas and nays if a com-  
18 mittee member has requested a roll call vote on adoption of an  
19 amendment;

20 (3) shall maintain a chronological file of minutes, copies  
21 of which shall be made available upon request to committee members and  
22 the public; committee minutes, tapes and other materials of research  
23 value shall be delivered by the committee at the end of each session  
24 or each legislature to the legislative reference library for appro-  
25 priate disposition;

26 (4) shall [MAY] make available to the Legislative Affairs  
27 Agency a copy of all minutes of committee meetings during the session  
28 for entry of the minutes as a data base on the legislative computer  
29 system.

1 \* Sec. 2. The amendments proposed by this resolution take effect on  
2 convening of the Second Session of the Fourteenth Alaska Legislature.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

1st draft

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

CURRENT VERSION  
RULE 23(a)

10 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
11 ture is amended to read:

12 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
13 meeting, written [WRITTEN] notice of the time, place and subject  
14 matter of all meetings of standing, special, and joint committees  
15 [DURING A WEEK] shall be provided by the person who chairs the commit-  
16 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
17 notice is given [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE  
18 COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST REFERRED SHALL  
19 PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE OF THE TIME AND  
20 PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR RESOLUTION AT LEAST  
21 FIVE DAYS BEFORE THE HEARING].

22 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
23 REQUIREMENT] may be waived by motion of the person who chairs the  
24 committee to which a bill or resolution is [FIRST] referred if con-  
25 curred in by majority vote of the full membership of the house.

26 (c) The chief clerk or secretary shall publish and distribute  
27 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
28 committee meetings scheduled for the next seven days [AND OF THE  
29 FIVE-DAY NOTICE OF HEARING].

PROPOSED VERSION

#### SECTION 1:

RULE 23. COMMITTEE MEETINGS: This proposed resolution would break Rule 23(a) into three parts (a) (b) (c) outlined below:

Rule 23(a), is amended regarding notification of meetings of standing committees. Section 1 proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

The weekly committee schedule provision which has only been in effect since the convening of the Second Session of the Twelfth Legislature in 1982, has caused numerous problems since its inclusion into the Uniform Rules. This resolution proposes to eliminate the "weekly committee schedule" provision and create one basic notice provision. This change would eliminate constant problems within all standing and special committees, Chief Clerk's Office, Legal Services and at the same time allow the public adequate notification.

It is extremely critical to note that no matter what day of the week the weekly committee schedule would be maintained, it would cause the same problems which have occurred since its inclusion into the Uniform Rules.

Rule 23(a) as amended would allow hearing notification to be given throughout the week on a daily basis.

Rule 23(a) is amended to require that the daily notice should be supplied to the Chief Clerk or Secretary by 3:00p.m. This time is proposed in order to make this workable within the Chief Clerk or Secretary offices and also meet the print shop deadlines. We have found that a 3:00p.m. policy deadline for the weekly committee schedule was a more efficient procedure in the past.

RULE 23(b) relates to the waiver requirement and states that the notice requirement outlined in 23(a) may be waived by motion of the person who chairs the committee to which a bill or resolution is referred if concurred in by majority vote of the full membership of the house. This provision previously related to bills of first referral only.

RULE 23(c) provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

ANALYSIS

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

CURRENT VERSION  
RULE 23(b)

1 (d) If the time or place of a committee meeting is changed from  
2 that shown in the schedule of committee meetings, the [(b) THE]  
3 person who chairs a standing, special, or joint committee shall  
4 provide the chief clerk or secretary written notice of the change.  
5 Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
6 NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
7 be announced if a regular floor session occurs between the time the  
8 meeting was scheduled and the time of the changed meeting [BY THE  
9 CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
10 the house.

PROPOSED VERSION

RULE 23(d) - previously 23(b), rewrites this section to comply with the proposed 5-day notice schedule of committee meetings. If the time or place of a committee meeting is changed from that shown in the schedule of committee meetings, the change must be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. Currently, Rule 23 requires chief clerk or secretary to announce changes. This change strengthens current policy.

ANALYSIS

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

CURRENT VERSION  
RULE 23(c)

11 (e) [(c)] A scheduled meeting of a standing, special, or joint  
12 committee may be cancelled or consideration of the scheduled subject  
13 matter may be postponed or cancelled at any time. If possible, notice  
14 of the cancellation shall be given in the same manner as provided for  
15 notice of change in (d) [(b)] of this rule.

PROPOSED VERSION

RULE 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject. Last sentence in (e) reflects the notice of cancellation change which was previously in (b) and is changed to (d) in proposed resolution.

ANALYSIS

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

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(f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

RULE 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b), and (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

CURRENT VERSION  
RULE 23(e)

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(g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e);  
or

(3) standing, special, or joint committees when the committee meets during the interim between sessions or during a special session.

PROPOSED VERSION

RULE 23(g) - Reflects the breakdown of Rule 23(a) into three separate sections in relation to 23(g) from (a) - (d) to (a) - (f). Rule 23(g) - (3) is changed to show that these provisions do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

CURRENT VERSION  
RULE 23(f)

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

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(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

PROPOSED VERSION

RULE 23(h) - changes from (f) to (h), RULE 23(h) (4) on Page 3, line 24 - amends to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

+EFFECTIVE DATE

RULE 23(i) - provides for an effective date: the convening of the Second Session of the 14th Alaska State Legislature.



HCR

26

5/2/85

HCR 26 - see 4/11/85

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

*House Rules 5-2-85 8:36am*

# COMMITTEE REPORT

## HOUSE

FURTHER:

Date: 5/2/85

The Committee on Rules has had CS HCR 26 (Rules)  
Proposing amendments to Rule 23 of the Uniform Rules of  
the Alaska State Legislature relating to committee meetings  
and providing for an effective date.

under consideration and recommends:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with <sup>2nd</sup> CS for HCR 26 (Rules)  same title  
[ ] new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note
- [ ] reports it back without recommendation [ ] Zero Fiscal Note Attached
- [ ] referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

M.W. Miller  
Ben ...  
Terre ...  
F. I. Kaywallis  
Jim ...

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

M. ...  
Mike ...

M.W. Miller  
CHAIRMAN



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE  
THURSDAY, MAY 2, 1985

HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)

HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)

HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."  
(by the Rules Committee)

(continued from April 30th Rules Meeting:)

HB 237 - "An Act relating to pension reform; and providing for an effective date."

(Rules' Committee by Request of the Governor)

*HB 236 letter of Intent*

A M E N D M E N T #2

Offered in the HOUSE

TO: CSHCR 26(R1s)

By Martin  
Hardley  
Marble  
Watling  
Taylor  
Fitzgerald  
Blythe

Page 1, line 5, following "amendments", insert:

"to Rule 17 of the Uniform Rules of the Alaska State Legislature concerning the daily order of business and"

Page 1, after line 9, insert:

"\* Section 1. Rule 17 of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 17. DAILY ORDER OF BUSINESS. Unless changed by a two-thirds vote of the full membership of the house the daily order of business of each house is as follows:

- (1) roll call;
- (2) invocation or meditation;
- (3) Pledge of Allegiance;
- (4) [(3)] certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or ordered changed;
- (5) [(4)] introduction of guests;
- (6) [(5)] messages from the governor;
- (7) [(6)] messages from the other house;
- (8) [(7)] communications;
- (9) [(8)] reports of standing committees;

Adopted  
2-3-85

QUER  
4/20/85

- (10) [(9)] reports of special committees;
- (11) [(10)] introduction of resolutions;
- (12) [(11)] introduction, first reading and reference of bills;
- (13) [(12)] consideration of daily calendar;
- (A) second reading of bills of house;
  - (B) second reading of bills of other house;
  - (C) third reading of bills of house;
  - (D) third reading of bills of other house;
  - (E) all other matters up for final action in the house;
- (14) [(13)] unfinished business;
- (15) [(14)] announcement of committee meetings;
- (16) [(15)] special orders (not set for a particular hour);
- (17) [(16)] adjournment."

Page 1, line 10:

Delete "\* Section 1." and insert "\* Sec 2."

Renumber remaining section.

I.

Original sponsor: Rules Committee

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 2d CS FOR HOUSE CONCURRENT RESOLUTION NO. 26 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to Rule 23 of the  
6 Uniform Rules of the Alaska State Legis-  
7 lature relating to committee meetings;  
8 and providing for an effective date.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
11 ture is amended to read:

12 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
13 meeting, written [WRITTEN] notice of the time, place and subject  
14 matter of all meetings of standing, special, and joint committees  
15 [DURING A WEEK] shall be provided by the person who chairs the commit-  
16 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
17 notice is given if the legislature is in session. If the legislature  
18 is not in session the notice shall be provided to a Legislative  
19 Information Office. The office to which the notice is provided shall  
20 distribute the notice to each other Legislative Information Office or <sup>add:</sup>  
21 Legislative Teleconference Center that is open ~~delete: full-time~~ during the interim  
22 [PRECEDING THURSDAY. THE PERSON WHO CHAIRS THE COMMITTEE TO WHICH A  
23 BILL OR RESOLUTION IS FIRST REFERRED SHALL PROVIDE TO THE CHIEF CLERK  
24 OR SECRETARY WRITTEN NOTICE OF THE TIME AND PLACE OF THE FIRST PUBLIC  
25 HEARING ON THE BILL OR RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEAR-  
26 ING].

27 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
28 REQUIREMENT] may be waived by motion of the person who chairs the  
29 committee to which a bill or resolution is [FIRST] referred if

1 concurred in by majority vote of the full membership of the house.

2 (c) The chief clerk or secretary shall publish and distribute  
3 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
4 committee meetings scheduled for the next seven days [AND OF THE  
5 FIVE-DAY NOTICE OF HEARING].

6 (d) If the time or place of a committee meeting is changed from  
7 that shown in the schedule of committee meetings, the [(b) THE]  
8 person who chairs a standing, special, or joint committee shall  
9 provide the chief clerk or secretary written notice of the change.  
10 Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE  
11 NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall  
12 be announced if a regular floor session occurs between the time the  
13 meeting was scheduled and the time of the changed meeting [BY THE  
14 CHIEF CLERK OR SECRETARY] and published as a notice in the journal of  
15 the house.

16 (e) [(c)] A scheduled meeting of a standing, special, or joint  
17 committee may be cancelled or consideration of the scheduled subject  
18 matter may be postponed or cancelled at any time. If possible, notice  
19 of the cancellation shall be given in the same manner as provided for  
20 notice of change in (d) [(b)] of this rule.

21 (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 not apply to a standing, special, or joint committee meeting scheduled  
23 after the date a conference committee has been chosen to consider  
24 amendments to or differences between versions of the general appro-  
25 priation act. However, a person who chairs a standing, special, or  
26 joint committee shall post written notice of the time, place and  
27 subject matter of a meeting at least 24 hours before the meeting.

28 (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 apply to meetings of

1 appropriate disposition;

2  
3 (4) shall [MAY] make available to the Legislative Affairs  
4 Agency a copy of all minutes of committee meetings during the session  
5 for entry of the minutes as a data base on the legislative computer  
6 system.

7 \* Sec. 2. The amendments proposed by this resolution take effect on  
8 convening of the Second Session of the Fourteenth Alaska Legislature.  
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1 (1) the Rules Committee when it meets for the purpose of  
2 preparing the daily calendar;

3 (2) the Committee on Committees referred to in Rule 1(e);  
4 or

5 (3) standing, special, or joint committees during a special  
6 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 SIONS].

8 (h) [(f)] Each standing, special, and joint committee

9 (1) shall record its meetings electronically and prepare a  
10 log of the recording adequate to locate specific testimony;

11 (2) shall prepare minutes of each meeting of the committee  
12 on a standard form prescribed jointly by the Rules Committees of the  
13 house and the senate; the minutes shall include

14 (A) a list of the names of each member present during  
15 the meeting;

16 (B) a list of the name and affiliation of each witness  
17 testifying before the committee;

18 (C) a brief statement of the position of the witness  
19 on the subject testified upon; and

20 (D) each amendment formally considered by the commi-  
21 tee, the name of the member moving adoption of the amendment, the  
22 action taken on the amendment, and the yeas and nays if a com-  
23 mittee member has requested a roll call vote on adoption of an  
24 amendment;

25 (3) shall maintain a chronological file of minutes, copies  
26 of which shall be made available upon request to committee members and  
27 the public; committee minutes, tapes and other materials of research  
28 value shall be delivered by the committee at the end of each session  
29 or each legislature to the legislative reference library for

CURRENT VERSION:

COMMITTEE MEETINGS

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.



# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 485-3784  
485-3785

# 2nd CS HCR 26(Rules)

CURRENT VERSION  
RULE 23(a)

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

PROPOSED VERSION

11 \* Section 1. Rule 23 of the Uniform Rules of the Alaska State Legisla-  
12 ture is amended to read:

13 RULE 23. COMMITTEE MEETINGS. (a) At least five days before the  
14 meeting, written [WRITTEN] notice of the time, place and subject  
15 matter of all meetings of standing, special, and joint committees  
16 [DURING A WEEK] shall be provided by the person who chairs the commit-  
17 tee to the chief clerk or secretary by 3:00 [4:00] p.m. on the day  
18 notice is given if the legislature is in session. If the legislature  
19 is not in session the notice shall be provided to a Legislative  
20 Information Office. The office to which the notice is provided shall  
21 distribute the notice to each other Legislative Information Office  
22 that is open [full-time] during the interim [PRECEDING THURSDAY. THE  
23 PERSON WHO CHAIRS THE COMMITTEE TO WHICH A BILL OR RESOLUTION IS FIRST  
24 REFERRED SHALL PROVIDE TO THE CHIEF CLERK OR SECRETARY WRITTEN NOTICE  
25 OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BILL OR  
26 RESOLUTION AT LEAST FIVE DAYS BEFORE THE HEARING].

add: "or Legislative  
teleconference Center

27 (b) The notice requirement of (a) of this section [HOWEVER, THIS  
28 REQUIREMENT] may be waived by motion of the person who chairs the  
29 committee to which a bill or resolution is [FIRST] referred if con-  
curred in by majority vote of the full membership of the house.

1 (c) The chief clerk or secretary shall publish and distribute  
2 each day the house is in session a [COPIES OF THE WEEKLY] schedule of  
3 committee meetings scheduled for the next seven days [AND OF THE  
4 FIVE-DAY NOTICE OF HEARING].

#### Section 1

This proposed resolution would break Rule 23(a) into three parts (a) (b) and (c).

Rule 23(a) proposes to eliminate the "weekly committee schedule" entirely and instead maintain a 5-day written notice on all legislation.

ANALYSIS

Rule 23(a) is amended to require that the daily notice be supplied to the Chief Clerk by 3:00 p.m. This makes it more workable for the print shop and Chief Clerk's Office.

Rule 23(a) is amended in the CS HCR 26(RULES) and requires that standing, special and joint committees shall provide 5-day notification to a Legislative Information Offices when the legislature is not in session. The Legislative Information Offices will then notify each other Legislative Information Office open full-time during the interim.

Rule 23(b) - previously included in current version of Rule 23(a), relates to waiver requirements and states that notice requirements may be waived by a motion if concurred in by a majority vote of the full membership of the house. This provision previously related to bills of first referral only.

Rule 23(c) - previously included in current version of Rule 23(a), provides that the chief clerk or secretary publish and distribute each day the house is in session a schedule of committee meetings scheduled for the next seven days.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

CURRENT VERSION  
RULE 23(b)

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(d) If the time or place of a committee meeting is changed from that shown in the schedule of committee meetings, the [(b) THE] person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change. Notice [IN THE TIME, PLACE OR SUBJECT MATTER OF A MEETING. AT THE NEXT DAILY LEGISLATIVE SESSION, NOTICE] of the schedule change shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting [BY THE CHIEF CLERK OR SECRETARY] and published as a notice in the journal of the house.

PROPOSED VERSION

Rule 23(d) previously 23(b), rewrites this section to comply with the proposed 5-day notice of meetings. This requires that changes in time or place of committee meetings shall be announced if a regular floor session occurs between the time the meeting was scheduled and the time of the changed meeting. This change strengthens current policy. The requirement of announcing changes of subject matter has been deleted from this provision.

ANALYSIS

(LEGAL OPINIONS ON THIS INDICATE THAT TO FULLY INTERPRET THIS PROVISION, IT MUST BE READ TOGETHER WITH RULE 23(a). THEREFORE, INTRODUCTION OF A NEW SUBJECT MATTER WOULD DEFEAT NOTICE REQUIREMENTS IN RULE 23(a). LEGAL SERVICES DID NOT FEEL THAT IT WAS THE ORIGINAL INTENT OF THE CURRENT WORDING TO ALLOW ADDITION OF A NEW SUBJECT MATTER.)

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

CURRENT VERSION  
RULE 23(c)

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(e) [(c)] A scheduled meeting of a standing, special, or joint committee may be cancelled or consideration of the scheduled subject matter may be postponed or cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (d) [(b)] of this rule.

PROPOSED VERSION

Rule 23(e) - previously 23(c), defines actual intent of this section to currently understood policy. Previously, this section only allowed for a meeting to be cancelled; 23(e) adds provisions for cancellation or postponement of a single subject.

ANALYSIS

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

CURRENT VERSION  
RULE 23(d)

21 (f) [(d)] The provisions of (a) - (d) [AND (b)] of this rule do  
22 not apply to a standing, special, or joint committee meeting scheduled  
23 after the date a conference committee has been chosen to consider  
24 amendments to or differences between versions of the general appro-  
25 priation act. However, a person who chairs a standing, special, or  
26 joint committee shall post written notice of the time, place and  
27 subject matter of a meeting at least 24 hours before the meeting.

PROPOSED VERSION

Rule 23(f) - Reflects the breakdown of Rule 23(a) into (a), (b) (c) into three separate sections and shows that the provisions now relate to (a) - (d).

ANALYSIS

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

CURRENT VERSION  
RULE 23(e)

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

28 (g) [(e)] The provisions of (a) - (f) [(d)] of this rule do not  
29 apply to meetings of

PROPOSED VERSION

1 (1) the Rules Committee when it meets for the purpose of  
2 preparing the daily calendar;

3 (2) the Committee on Committees referred to in Rule 1(e);  
4 or

5 (3) standing, special, or joint committees during a special  
6 session [WHEN THE COMMITTEE MEETS DURING THE INTERIM BETWEEN SES-  
7 SIONS].

Rule 23(g) - Reflects the breakdown of Rule 23(a) into 3 sections. The provisions of (a) - (d) now relate to (a) - (f). Rule 23(g) is changed to show that the provisions of 23(a) to 23(f) do not apply to special sessions which in reality could make it impossible to comply with the previous and proposed notice requirements.

ANALYSIS

Rule 23(g) - (3) originally stated that the provisions in (a) - (f) of the original version of HCR 26 would not apply to standing, special, or joint committees during the interim between sessions. In the proposed CS HCR 26(RULES), we have created a new policy contained in Rule 23(a) to require that these committees must meet the notice requirements, however, they shall provide notice to a Legislative Information Office.

CURRENT VERSION  
RULE 23(f)

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

PROPOSED VERSION

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(h) [(f)] Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

Rule 23(h) - changes from (f) to (h), Rule 23(h) (4) amends current version to state that committees shall rather than may, make their minutes available to LAA for entry into the state's computer system. This is consistent with present practice.

ANALYSIS

RULE 23(i) - PROVIDES FOR AN EFFECTIVE DATE: THE CONVENING OF THE SECOND SESSION OF THE 14th ALASKA STATE LEGISLATURE.

+EFFECTIVE DATE



HCR

31

5/2/85

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 5/2/85, 8:36 am.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

HOUSE RULES STANDING COMMITTEE  
T H U R S D A Y, M A Y 2, 1 9 8 5

HB 21 - "An Act relating to homesites for veterans."  
(by Rep. Goll)

HCR 31 - Proposing an amendment to the Uniform Rules of the Alaska State legislature to include the Pledge of Allegiance as part of the daily order of business.  
(by the Rules Committee)

HCR 26 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings; and providing for an effective date."  
(by the Rules Committee)

(continued from April 30th Rules Meeting:)

HB 237 - "An Act relating to pension reform; and providing for an effective date."  
(Rules Committee by Request of the Governor)

*HB 238 letter of Intent*

A M E N D M E N T #2

Offered in the HOUSE

TO: CSHCR 26(R1s)

By Martin  
Hardley  
Mason  
Ueterson  
Taylor  
Fitzgerald  
Blythe

Page 1, line 5, following "amendments", insert:

"to Rule 17 of the Uniform Rules of the Alaska State Legislature concerning the daily order of business and"

Page 1, after line 9, insert:

"\* Section 1. Rule 17 of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 17. DAILY ORDER OF BUSINESS. Unless changed by a two-thirds vote of the full membership of the house the daily order of business of each house is as follows:

- (1) roll call;
- (2) invocation or meditation;
- (3) Pledge of Allegiance;
- (4) [(3)] certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or ordered changed;
- (5) [(4)] introduction of guests;
- (6) [(5)] messages from the governor;
- (7) [(6)] messages from the other house;
- (8) [(7)] communications;
- (9) [(8)] reports of standing committees;

*Adopted  
2-3-15*

OVER  
4/20/85

- (10) [(9)] reports of special committees;
- (11) [(10)] introduction of resolutions;
- (12) [(11)] introduction, first reading and reference of bills;
- (13) [(12)] consideration of daily calendar;
- (A) second reading of bills of house;
  - (B) second reading of bills of other house;
  - (C) third reading of bills of house;
  - (D) third reading of bills of other house;
  - (E) all other matters up for final action in the house;
- (14) [(13)] unfinished business;
- (15) [(14)] announcement of committee meetings;
- (16) [(15)] special orders (not set for a particular hour);
- (17) [(16)] adjournment."

Page 1, line 10:

Delete "\* Section 1." and insert "\* Sec 2."

Renumber remaining section.



BILL HISTORY

HCR 31

HOUSE CALENDAR:

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BILL HCR0031  
PAGE 01039  
DATE 04/23/85  
CHAMBER HOUSE  
TEXT HOUSE CONCURRENT RESOLUTION NO. 31 by the Rules Committee:

Proposing an amendment to the Uniform Rules of the Alaska State Legislature to include the Pledge of Allegiance as part of the daily order of business.  
was read the first time and referred to the Rules Committee.

HOUSE CONCURRENT RESOLUTION NO. 31, by the Rules Committee.  
Would make the Pledge of Allegiance part of the daily order of business in the House and Senate (see SCR 15, pages 476;605, identical). Would amend the Uniform Rules to include the Pledge.

Introduced April 23 and referred to Rules.



HCR

62

5/5/86

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

*House Rules 5-5-86 8:30am*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### I N D E X

- I. MEMO DATED MAY 5, 1986 TO HOUSE RULES COMMITTEE MEMBERS
- II. PROPOSED VERSION HCS CSHB 402 (RULES)
- III. SENATE PASSED VERSION CSSB 402 (FINANCE)
- IV. HCR 62 - PROPOSING TITLE CHANGE TO SENATE BILL.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### MEMORANDUM

MAY 5, 1986

TO: Rules Committee Members

FROM: Rep. Mike W. Miller, Chairman  
House Rules Committee

SUBJECT: HCS CSSB 402(RULES) AND HCR 62

#### HCS CSSB 402(RULES)

Proposed HCS CSSB 402(RULES) is identical to CSHB 503(FINANCE) - "An Act relating to games of chance." CSHB 503(FINANCE) recently passed House Finance and is currently in the House Rules Committee.

The Senate passed over two separate bills relating to classics which were contained within CSHB 503(FINANCE). Therefore, we have combined the classics bills into one final version, HCS CSSB 402(RULES).

#### HCR 62

HCR 62 would allow for the change of title for HCS CSSB 402(RULES), from the current title, "An Act relating to ice classics." to "An Act relating to games of chance."

Utermohle  
5/1/86 ✓

II

Original sponsor: Sackett

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 402 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to games of chance."

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

8 \* Section 1. AS 05.15.100(a) is amended to read:

9 (a) The commissioner of revenue may issue a permit to a munic-  
10 ipality or qualified organization. The permit gives the municipality  
11 or organization the privilege of conducting bingo, raffles and lot-  
12 teries, ice classics, rain classics, goose classics, mercury classics,  
13 dog mushers' contests, fish derbies, and contests of skill.

14 \* Sec. 2. AS 05.15.180(b) is amended to read:

15 (b) With the exception of raffles, lotteries, rain classics,  
16 goose classics, mercury classics, and other activities authorized  
17 under AS 05.15.100(b), an activity may not be licensed under this  
18 chapter unless it existed in the state in substantially the same form  
19 and was conducted in substantially the same manner before January 1,  
20 1959.

21 \* Sec. 3. AS 05.15.210(12) is amended to read:

22 (12) "ice classic" means a game of chance where a prize of  
23 money is awarded for the closest guess of the time the ice moves in a  
24 body of water or watercourse in the state and is limited to the Nenana  
25 and Chena Ice Pools in the same manner as they were conducted in 1959  
26 and previous years, [AND] a Kuskokwim Ice Classic to be operated and  
27 administered by Bethel Social Services, Inc., a Kenai River Ice  
28 Classic to be operated and administered by the Kenai and Soldotna  
29 Rotary Clubs jointly or by either the Kenai Rotary Club or the

1 Soldotna Rotary Club, and a Yukon River Ice Classic to be operated and  
2 administered by the City of Fort Yukon;

3 \* Sec. 4. AS 05.15.210 is amended by adding new paragraphs to read:

4 (24) "goose classic" means a game of chance where a prize  
5 of money is awarded for the closest guess of the time of the arrival  
6 of the first goose in spring to Creamer's Field in Fairbanks and is  
7 limited to the goose classic operated and administered by the  
8 Fairbanks Montessori Association;

9 (25) "mercury classic" means a game of chance where a prize  
10 of money is awarded for the closest guess of the time the temperature  
11 reaches a certain degree and is limited to the mercury classic  
12 operated and administered by the Greater Fairbanks Chamber of Com-  
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Offered: 3/25/86  
Referred: Rules

III

Original sponsor: Sackett

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 CS FOR SENATE BILL NO. 402 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to ice classics."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 \* Section 1. AS 05.15.210(12) is amended to read:  
9 (12) "ice classic" means a game of chance where a prize of  
10 money is awarded for the closest guess of the time the ice moves in a  
11 body of water or watercourse in the state and is limited to the Nenana  
12 and Chena Ice Pools in the same manner as they were conducted in 1959  
13 and previous years, [AND] a Kuskokwim Ice Classic to be operated and  
14 administered by Bethel Social Services, Inc., and a Yukon River Ice  
15 Classic;

IV

Introduced: 5/1/86  
Referred: Rules

1 IN THE HOUSE BY THE RULES COMMITTEE  
2 HOUSE CONCURRENT RESOLUTION NO. 62  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 Suspending Uniform Rules 41(b), 24(c),  
6 and 35 of the Alaska State Legislature  
7 concerning Senate Bill No. 402.  
8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-  
10 ture the provisions of Rule 41(b), Rule 24(c), and Rule 35 of the Uniform  
11 Rules, regarding changes to the title of a bill, are suspended in  
12 consideration of Senate Bill No. 402, relating to ice classics.

HJR

74

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

*House Rules 4-23-86 8:30am*

BILL HISTORY

HOUSE CALENDAR: 4-23-86

HJR 74

BILL  
PAGE  
DATE  
CHAMBER  
TEXT

HJR0074  
02799  
04/21/86  
HOUSE  
HOUSE JOINT RESOLUTION NO. 74 by the Rules Committee by  
Request of the Governor:  
Relating to friendship between  
Heilongjiang Province and the State of  
Alaska.

was read the first time and referred to the Rules Committee  
for placement on the calendar.

The Governor's transmittal letter, dated April 21, 1986,  
appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska  
Constitution, I am transmitting a resolution regarding  
Alaska's special relationship with Heilongjiang Province of  
the People's Republic of China. You will recall last year's  
Legislative Resolve No. 2 on the friendship and cooperation  
between Heilongjiang and Alaska. I am also forwarding to  
you a translation of a letter that I received from Chen Lei,  
former governor of Heilongjiang Province, along with a copy  
of the envelope bearing Governor Chen's calligraphy.

As you remember, Governor Chen visited Alaska in February of  
1985, at which time he and I signed an agreement estab-  
lishing a special friendship relationship between the State  
of Alaska and Heilongjiang Province. Chen Lei retired from  
his position as governor in 1985 and is presently the  
chairman of the Provincial Advisory Council for Heilongjiang  
Province.

Governor Chen is a renowned poet and calligrapher. The  
letter is written in classical format and poetic style as  
you can see from the accompanying translation by Linda  
Dwyer. I have also been informed that Governor Chen has  
composed a series of poems about Alaska drawn from the  
experiences of his historic visit. The poetry is still in  
manuscript form.

I ask the Alaska State Legislature to join with me in ex-  
tending warm greetings to Governor Chen. Furthermore, I  
urge that we join together in requesting Governor Chen to  
provide Alaska with a copy of his poetry so that it can be  
translated into English, to be more readily understood by  
the people of this country.

Sincerely,  
/s/  
Bill Sheffield  
Governor"

BILL HJR0074  
PAGE 02800  
DATE 04/21/86  
CHAMBER HOUSE  
TEXT

A copy of the letter to Governor Sheffield from Chen Lieu, former governor of Heilongjiang Province of the People's Republic of China, appears below:

"'Ten thousand li apart are the boundaries of the ocean. Long the time since receiving a letter.' Thinking of you at this time, I hope that you are in good health and experiencing good fortune.

Presently, Mr. Coti from your esteemed state visited Harbin and once again we spent some time together. This caused me to instantly recall the time last year that I visited your esteemed state and received the boundless hospitality and cordial reception afforded by you and the friends in your esteemed state. In my eyes, I see again and again the beautiful scenery of your honorable state. From the occasion in which we established the sister state relationship, our two states have passed an entire year.

I extend to you my most sincere greetings, respectfully wish that the friendly exchange between our two states develops continuously.

I hope that in this new year, you experience outstanding achievements in your career and success in ten thousand endeavors."

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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

House Rules 5-10-85 8:37 AM

COMMITTEE REPORT

HOUSE

(7)

4/15/85

FURTHER:

Date: 5-10-85

The Committee on RULES has had CSSB 29(Jud)am  
"An Act relating to domestic violence and domestic sexual offenses."

under consideration and recommends:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with <sup>H</sup>CS for CS SB 29(Rules)  same title  
[ ] new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note
- [ ] reports it back without recommendation [ ] Zero Fiscal Note Attached
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Fuller Josh Fuller

M.W. Miller M.W. Miller

Gruessendorf Ben Gruessendorf

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Terry Martin - No rec. Martin

Noty - No rec Pignalberi

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller

CHAIRMAN



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

CALL THE MEETING TO ORDER:  
HOUSE RULES STANDING COMMITTEE  
FRIDAY, MAY 10, 1985  
T I M E: \_\_\_\_\_

INDICATE MEMBERS PRESENT: Chairman M.W. Miller  
V.-Chair Wallis  
Speaker Grussendorf  
Rep. Fuller  
Rep. Martin  
Rep. Davis  
Rep. Pignalberi

COMMITTEE CALENDAR FOR TODAY:

CSSB 29 (JUD) am - "An Act relating to domestic violence and domestic sexual offenses."

(by Senator Faiks)

In the packets is a memo from Representative Gruenberg and Senator Faiks regarding the changes we have proposed in the House Rules CS.

NOTE: ELIZABETH HICKERSON, FROM SENATE ADVISORY COUNCIL WILL BE HERE TO DISCUSS CHANGES ALSO DEBRA NEIDERMEYER IS AVAILABLE TO ANSWER ANY QUESTIONS.

*Move - "HCS CSSB 29 (Rules)"*  
MOVE BILL FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

*\* Indicate time Adjourned*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE

FRIDAY, MAY 10, 1985

#### A G E N D A

CSSB 29(Judiciary)am - "An Act relating to domestic violence and domestic sexual offenses."  
(By Senator Faiks)

- I. Proposed HCS CSSB 29(RULES)
- II. Memo dated May 8, 1985 regarding changes on CS(RULES)
- III. Senate Passed Version - CSSB 29(Judiciary)am
- IV. Bill History

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence and domestic  
7 sexual offenses."

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

9 \* Section 1. AS 11.41 is amended by adding a new section to read:

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prose-  
11 cution under AS 11.41.410 or 11.41.420, it is not a defense that the  
12 victim was, at the time of the alleged offense, the legal spouse of  
13 the defendant.

14 \* Sec. 2. AS 11.41.445(a) is amended to read:

15 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS 11.41.-  
16 410 - 11.41.440] it is an affirmative defense that, at the time of the  
17 alleged offense, the victim was the legal spouse of the defendant  
18 unless the offense was committed without the consent of the victim

19 [(1) THE SPOUSES WERE LIVING APART; OR

20 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

21 \* Sec. 3. AS 12.25.030(b) is amended to read:

22 (b) In addition to the authority granted under (a) of this  
23 section, a peace officer without a warrant may arrest a person when  
24 the peace officer has reasonable cause for believing that the person  
25 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120  
26 when the victim is a spouse or former spouse of the person who commit-  
27 ted the crime; a parent, grandparent, child, or grandchild of the  
28 person who committed the crime; [,] a member of the social unit com-  
29 prised of those living together in the same dwelling as the person who

1 committed the crime; [,] or another person who is not a spouse or  
2 former spouse of the person who committed the crime but who previously  
3 lived in a spousal relationship with the person who committed the  
4 crime.

5 \* Sec. 4. AS 18.66.900(3) is amended to read:

6 (3) "domestic violence" means a crime specified in AS 11.41  
7 when the victim is a spouse or a former spouse of the defendant; a  
8 parent, grandparent, child, or grandchild of the defendant; [, OR] a  
9 member of the social unit comprised of those living together in the  
10 same dwelling as the defendant; or a person who is not a spouse or  
11 former spouse of the defendant but who previously lived in a spousal  
12 relationship with the defendant;

13 \* Sec. 5. AS 25.35.010(a) is amended to read:

14 (a) A person who is subjected to domestic violence may petition  
15 a superior court for injunctive relief restraining the infliction of  
16 further domestic violence against the petitioner by the respondent.  
17 The court may appoint a guardian ad litem or attorney to represent a  
18 minor who is subject to this chapter in the same manner as an attorney  
19 may be appointed under AS 25.24.310.

20 \* Sec. 6. AS 25.35.060 is amended to read:

21 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-  
22 lence" means a crime under AS 11.41 when the victim is a spouse or a  
23 former spouse of the respondent; a parent, grandparent, child, or  
24 grandchild of the respondent; [,] a member of the social unit com-  
25 prised of those living together in the same dwelling as the respon-  
26 dent; [,] or a person who is not a spouse or former spouse of the  
27 respondent but who previously lived in a spousal relationship with the  
28 respondent.

# State of Alaska

## COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
(Co-Chairman)  
HOUSE JUDICIARY  
HOUSE COMMUNITY AND  
REGIONAL AFFAIRS



FOURTH  
FLOOR, JUNEAU, ALASKA 99801  
(907) 465-2908

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

## MEMORANDUM

TO: REPRESENTATIVE MIKE MILLER, CHAIR  
HOUSE RULES COMMITTEE

FROM: SENATOR JAN FAIKS, CO-CHAIR *Jan Fais*  
SENATE FINANCE COMMITTEE

REPRESENTATIVE MAX GRUENBERG, CO-CHAIR *Max*  
HOUSE HESS COMMITTEE

DATE: MAY 8, 1985

RE: SB 29, RELATING TO DOMESTIC VIOLENCE AND DOMESTIC SEXUAL  
OFFENSES

The purpose of this memo is to request that the House Rules Committee hold a hearing on SB 29 this Friday for the purpose of considering the attached amendments. This is a very important bill which has received widespread support in the Senate and House, and should be brought to the House for a vote.

Thank you for your consideration.

AMENDMENTS

IN THE HOUSE

FOR CSSB 29 - AN ACT RELATING TO DOMESTIC VIOLENCE AND DOMESTIC  
SEXUAL OFFENSES.

BY: FAIKS AND GRUENBERG

1. Page 1, line 27:

after "grandparent," DELETE "or", and after "child" ADD:  
"or grandchild".

2. Page 2, line 7:

after "grandparent," DELETE "or", and after "child" ADD:  
"or grandchild".

3. Page 2, lines 15-17:

DELETE the sentence "a minor child seeking relief available  
under this chapter must petition the court by or through a parent,  
guardian or legal custodian."

And ADD in its place the following language: "The court may  
appoint a guardian ad litem or attorney to represent a minor who is  
subject to this chapter in the same manner as an attorney may be  
appointed under AS 25.24.310."

4. Page 2, line 21:

After "grandparent," DELETE "or", and after "child" ADD:  
"or grandchild".

Offered: 3/13/85  
Referred: Rules

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 29 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence and domestic  
7 sexual offenses."

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

9 \* Section 1. AS 11.41 is amended by adding a new section to read.

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prose-  
11 cution under AS 11.41.410 or 11.41.420, it is not a defense that the  
12 victim was, at the time of the alleged offense, the legal spouse of  
13 the defendant.

14 \* Sec. 2. AS 11.41.445(a) is amended to read:

15 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS  
16 11.41.410 - 11.41.440] it is an affirmative defense that, at the time  
17 of the alleged offense, the victim was the legal spouse of the defend-  
18 ant unless the offense was committed without the consent of the victim

19 [(1) THE SPOUSES WERE LIVING APART; OR

20 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

21 \* Sec. 3. AS 12.25.030(b) is amended to read:

22 (b) In addition to the authority granted under (a) of this  
23 section, a peace officer without a warrant may arrest a person when  
24 the peace officer has reasonable cause for believing that the person  
25 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120  
26 when the victim is a spouse or former spouse of the person who commit-  
27 ted the crime; a parent, ~~grandparent~~ <sup>delete</sup> [or] ~~child~~ <sup>adding grandchild</sup> of the person who  
28 committed the crime; [,] a member of the social unit comprised of  
29 those living together in the same dwelling as the person who committed

1 the crime; [,] or another person who is not a spouse or former spouse  
2 of the person who committed the crime but who previously lived in a  
3 spousal relationship with the person who committed the crime.

4 \* Sec. 4. AS 18.66.900(3) is amended to read:

5 (3) "domestic violence" means a crime specified in AS 11.41  
6 when the victim is a spouse or a former spouse of the defendant; a  
7 parent, grandparent <sup>delete</sup> or child <sup>add or grandchild</sup> of the defendant; [, OR] a member of the  
8 social unit comprised of those living together in the same dwelling as  
9 the defendant; or a person who is not a spouse or former spouse of the  
10 defendant but who previously lived in a spousal relationship with the  
11 defendant;

12 \* Sec. 5. AS 25.35.010(a) is amended to read:

13 (a) A person who is subjected to domestic violence may petition  
14 a superior court for injunctive relief restraining the infliction of  
15 further domestic violence against the petitioner by the respondent. <sup>delete</sup> A  
16 minor child seeking relief available under this chapter must petition  
17 the court by or through a parent, guardian, or legal custodian. <sup>\* Add</sup>

18 \* Sec. 6. AS 25.35.060 is amended to read:

19 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-  
20 lence" means a crime under AS 11.41 when the victim is a spouse or a  
21 former spouse of the respondent; a parent, grandparent, or child of  
22 the respondent; [,] a member of the social unit comprised of those  
23 living together in the same dwelling as the respondent; [,] or a  
24 person who is not a spouse or former spouse of the respondent but who  
25 previously lived in a spousal relationship with the respondent.

\* Add

The court may appoint a guardian ad litem or attorney to represent a minor who is subject to this chapter in the same manner as an attorney may be appointed under AS 25.24.310.

## BILL HISTORY

SB 29HOUSE CALENDAR:

BILL SB0029  
 PAGE 00016  
 DATE 01/14/85  
 CHAMBER SENATE  
 TEXT SENATE BILL NO. 29 by Senators Faiks, Sturgulewski, Halford, Kelly, DeVries, Josephson and Kerttula, entitled:  
 "An Act relating to domestic violence."  
 was read the first time and referred to the Health, Education and Social Services Committee and Judiciary Committee.

BILL SB0029  
 PAGE 00194  
 DATE 02/01/85  
 CHAMBER SENATE  
 TEXT The Health, Education and Social Services Committee considered SENATE BILL NO. 29 (domestic violence) and recommended it be replaced with  
 CS FOR SENATE BILL NO. 29 (HESS)  
 and do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson, Sturgulewski, DeVries and Paul Fischer.  
 SENATE BILL NO. 29 was referred to the Judiciary Committee.

BILL SB0029  
 PAGE 00529  
 DATE 03/13/85  
 CHAMBER SENATE  
 TEXT The Judiciary Committee considered SENATE BILL NO. 29 (domestic violence) and recommended it be replaced with  
 CS FOR SENATE BILL NO. 29 (JUD)  
 with a majority do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford, Faiks and Kelly.  
 SENATE BILL NO. 29 was referred to the Rules Committee.

BILL SB0029  
 PAGE 00590  
 DATE 03/20/85  
 CHAMBER SENATE  
 TEXT SENATE BILL NO. 29 (domestic violence) was read the second time.  
 Senator Rodey moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 529. Without objection, SCS FOR SENATE BILL NO. 29 (JUD) ¶ was adopted.  
 CS FOR SENATE BILL NO. 29 (JUD) was read the second time.  
 Senator Halford offered Amendment No. 1:  
 Page 1, line 6 : after "violence" insert "and domestic sexual offenses"  
 Page 1, following line 7: Insert new section to read:  
 "\*Section 1. AS 11.41 is amended by adding a new section to read:  
 Sec. 11.41.443. SPCUSAL RELATIONSHIP NO DEFENSE. In a prosecution under AS 11.41.410

or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

\*Sec. 2. AS 11.41.445(a) is amended to read:

(a) In a prosecution under §AS 11.41.434 - §11.41.440 ¶-AS 11.41.410 - 11.41.440- it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless §the offense was committed¶ without the consent of the victim¶

BILL SB0029  
PAGE 00591  
DATE 03/20/85  
CHAMBER SENATE

TEXT - (1) THE SPOUSES WERE LIVING APART; OR  
(2) THE DEFENDANT CAUSE PHYSICAL INJURY TO THE VICTIM-

Renumber succeeding sections accordingly  
Senator Halford moved and asked unanimous consent that Amendment No. 1 be adopted. Senator Ray objected. The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:  
CS SB 29 JUD AM 1

Yeas: 18 Abood, Bennett, Coghill, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler

Nays: 2 DeVries, Fischer Paul

and so, Amendment No. 1 was adopted.

Senator Halford moved and asked unanimous consent that the title change be adopted. Without objection, the title change was adopted.

Senator Halford moved and asked unanimous consent that §CS FOR SENATE BILL NO. 29 (JUD) am ¶be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 29 (JUD) am was read the third time. The question being: "Shall CS FOR SENATE BILL NO. 29 (JUD) am (domestic violence and domestic sexual offenses) pass the Senate?" The roll was taken with the following result:

CS SB 29 JUD AM 3RD

Yeas: 19 Abood, Bennett, Coghill, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler

Nays: 1 DeVries

and so, CS FOR SENATE BILL NO. 29 (JUD) am passed the Senate and was referred to the Secretary for engrossment.

BILL SB0029  
 PAGE 00595  
 DATE 03/20/85  
 CHAMBER SENATE  
 TEXT SCS FOR SENATE BILL NO. 29 (JUD) am [was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

BILL SB0029  
 PAGE 00659  
 DATE 03/22/85  
 CHAMBER HOUSE  
 TEXT COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended, by the Judiciary Committee, entitled:  
 "An Act relating to domestic violence and domestic sexual offenses."  
 was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

BILL SB0029  
 PAGE 00898  
 DATE 04/12/85  
 CHAMBER HOUSE  
 TEXT The Health, Education & Social Services Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended (relating to domestic violence and domestic sexual offenses) and reports it back as follows: Koponen and Gruenberg (Co-chairs), Hurley and Thompson recommend do pass; Taylor has no recommendation.  
 CSSB 29(Jud)am was referred to the Judiciary Committee.

BILL SB0029  
 PAGE 00917  
 DATE 04/15/85  
 CHAMBER HOUSE  
 TEXT The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended (relating to domestic violence and domestic sexual offenses) and reports it back as follows: M.M. Miller (Chairman), Clocksin, Sund and Gruenberg recommend do pass; Phillips and Taylor have no recommendation.  
 CSSB 29(Jud)am was referred to the Rules Committee for placement on the calendar.

Domestic  
Violence  
(definition)

SENATE BILL NO. 29, by Senators Faiks, Sturgulewski, Halford, Kelly, DeVries, Josephson and Kerttula. Expands definition of domestic violence under AS 25.35 (Domestic Violence) to include assault against a "parent, grandparent, or child" of the offender. Presently it only includes violence against "a spouse or a former spouse of the respondent, a member of the social unit comprised of those living together in the same dwelling as the respondent, or a person who is not a spouse or former spouse of the respondent but who previously lived in a spousal relationship with the respondent." Would make it easier to obtain restraining orders against offenders in cases involving children and old people. (Amends AS 25.35.060--Definitions.) Does not provide for an effective date.

Introduced January 14 and referred to Health, Education & Social Services and Judiciary.

SENATE BILL NO. 29, (see page 12). Reported back to the Senate on February 1 by Health, Education & Social Services with the committee recommending it be replaced with a HESS CS and that it do pass. Concurring: Fahrenkamp (Chairman), Josephson, Sturgulewski, DeVries and Paul Fischer. To Judiciary.

The HESS CS adds new Secs. 1 - 2 which conform other laws relating to domestic violence to the revised definition:

--AS 12.25.030(b) (grounds for arrest without a warrant; peace officer may arrest without a warrant if officer has reasonable cause for believing it to be a case of domestic violence).

--AS 18.66.900(3) (definition of "domestic violence" under AS 18.66, Council on Domestic Violence & Sexual Assault.

New Sec. 3 amends AS 25.35.010(a) (Injunctive Relief in Cases Involving Domestic Violence) by adding: "A child seeking relief available under this chapter must petition the court by or through a parent, guardian, or legal custodian."

SENATE BILL NO. 29, (see pages 12;177). Reported back to the Senate on March 12 by Judiciary with the committee recommending it be replaced with a Judiciary CS and that it do pass. Concurring: Rodey (Chairman), Halford, Faiks and Kelly. To Rules.

The Judiciary CS makes one change to the HESS version (p. 177). Under new Sec. 3, language added to AS 25.35.010(a) reads: "A minor child seeking relief available under this chapter must petition the court by or through a parent, guardian, or legal custodian." "Minor" added.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435;494).  
Before the Senate on March 20. The Judiciary CS was adopted.

Amendment No. 1 by Sen. Rodey was adopted, 18-2 (DeVries & P. Fischer, Nay).

The amendment adds new Secs. 1 & 2 which repeal the spousal defense to rape. Sec. 1 adds new AS 11.41.443: "In a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant."

Sec. 2 amends AS 11.41.445(a), the existing spousal defense. Presently it is an affirmative defense to rape that, at the time of the offense, the victim was the legal spouse of the defendant "unless (1) the spouses were living apart; or (2) the defendant caused physical injury to the victim." Amended to provide that it is an affirmative defense that the victim was the legal spouse "unless the offense was committed without the consent of the victim."

Amends title to read: "An Act relating to domestic violence and domestic sexual offenses." The title change was adopted.

The bill then passed, 19-1. Nays: DeVries.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482). Received in the House March 22 and referred to Health, Education & Social Services, Judiciary.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482;494). Reported back to the House April 12 by Health, Education & Social Services recommending it do pass. Concurring: Koponen and Gruenberg (Co-Chairs), Hurley and Thompson. Not concurring: Taylor has no recommendation. To Judiciary.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482;494;617). Reported back to the House April 15 by Judiciary recommending it do pass. Concurring: M. M. Miller (Chair), Clocksin, Sund and Gruenberg. Not concurring: Phillips and Taylor have no recommendation. To Rules.



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1986

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Jeanie Henry

House Rules Committee, 5/11/85, 5:30 pm

R

COMMITTEE REPORT

5/11

HOUSE

Rules

(7)

FURTHER:

4/11/85

Date: 5/11/85

The Committee on RULES has had CSSB 115(Res)

"An Act relating to land use and disposal near a highway right-of-way; and providing for an effective date."

under consideration and recommends:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for CSSB 115 Rules [X] same title new title

and recommends do pass

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation [ ] Zero Fiscal Note Attached

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO/PASS

Mr. Miller

Ben ...

F. Koywalli

Larry ...

MEMBERS HAVING OTHER RECOMMENDATIONS:

Mr. Miller

CHAIRMAN

Bradley  
5/8/85 ✓

Original sponsor: Resources Committee

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IN THE SENATE

BY THE RULES COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 115 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to land use and disposal near a highway right-of-way; and providing for an effective date."

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

\* Section 1. AS 19.40.200 is amended by adding new subsections to read:

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal necessary for

(1) an oil and gas lease under AS 38.05.180;

(2) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(3) a state lease or materials sale for exploration, development, production, or transportation of oil and gas or reconstruction or maintenance of the highway north of 68 degrees north latitude.

(c) Before the sale of materials under (b)(3) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

\* Sec. 2. AS 19.40.210 is amended to read:

Sec. 19.40.210. PROHIBITION OF OFF-ROAD VEHICLES. Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to off-road vehicles necessary for oil and gas exploration, development, production, or transportation or to a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the

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right-of-way of the highway to gain access to the [HIS] mining claim.

\* Sec. 3. This Act is retroactive to October 5, 1980.

\* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
10.070(c).

## HOUSE CALENDAR:

BILL SB0115  
PAGE 00185  
DATE 01/31/85  
CHAMBER SENATE  
TEXT SENATE BILL NO. 115 by the Resources Committee, entitled:  
"An Act relating to oil and gas exploration  
along highway rights-of-way."  
was read the first time and referred to the Resources Committee  
and the Transportation Committee.

SB0115  
00264  
02/11/85  
SENATE  
The Resources Committee considered SENATE BILL NO. 115 (oil  
and gas exploration along highway rights-of-way) and  
recommended it be replaced with  
CS FOR SENATE BILL NO. 115 (RES), entitled:  
"An Act relating to land use and disposal  
near a highway right-of-way; and providing  
for an effective date."  
and do pass. The report was signed by Senator Sturgulewski,  
Chairman and concurred in by Senators Coghill, Fahrenkamp,  
Zharoff, Eliason, Vic Fischer and Halford.

"Letter of Intent  
It is the intent of the Senate Resources Committee that leases  
necessary for communication equipment or facilities related to  
oil or gas activity is included as allowable under Section  
1(b)(2) of CS SB 115 (Resources)."  
SENATE BILL NO. 115 was referred to the Transportation  
Committee.

SB0115  
00328  
02/19/85  
SENATE  
The Transportation Committee considered SENATE BILL NO. 115  
(oil and gas exploration along highway rights-of-way) and rec-  
ommended the Resources Committee Substitute be adopted with a  
majority do pass. The report was signed by Senator Coghill,  
Chairman and concurred in by Senators Faiks, Abood and Paul  
Fischer.  
SENATE BILL NO. 115 was referred to the Rules Committee.

SB0115  
00346  
02/21/85  
SENATE  
The Rules Committee considered SENATE BILL NO. 115 (oil and  
gas exploration along highway rights-of-way) and recommended  
calendar February 21. The report was signed by Senator Kelly,  
Chairman and concurred in by Senators Coghill and Faiks.  
SENATE BILL NO. 115 appears on today's calendar.

SENATE BILL NO. 115 (oil and gas exploration along highway rights-of-way) was read the second time.

Senator Sturgulewski moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 264. Without objection §CS FOR SENATE BILL NO. 115 (RES) ¶(land use and disposal near a highway right-of-way; efd) was adopted.

CS FOR SENATE BILL NO. 115 (RES) was read the second time.

SB0115

00353

02/21/85

SENATE

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 115 (RES) be considered engrossed, advanced to third reading and placed on final passage. Senator Ray objected, then withdrew his objection. There being no further objection, it was so ordered.

CS FOR SENATE BILL NO. 115 (RES) was read the third time.

Senator Halford moved and asked unanimous consent that the title change be adopted. Without objection, the new title was adopted.

The question being: "Shall CS FOR SENATE BILL NO. 115 (RES) (land use and disposal near a highway right-of-way; efd) pass the Senate?" The roll was taken with the following result:

CSSB 115 RES 3RD

Yeas:	20	Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler
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Nays: 0

and so, CS FOR SENATE BILL NO. 115 (RES) passed the Senate.

Senator Halford moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

Senator Ziegler made a parliamentary inquiry, asking at what stage a letter of intent is adopted.

President Bennett stated that hereafter letters of intent would be adopted prior to the vote on a bill.

Senator Halford moved and asked unanimous consent that the Resources Committee Letter of Intent offered on page 264 be adopted as a Senate Letter of Intent. Without objection, the Senate Letter of Intent was adopted.

CS FOR SENATE BILL NO. 115 (RES) was referred to the Secretary for engrossment.

§CS FOR SENATE BILL NO. 115 (RES) ¶was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

SB0115  
00408  
02/22/85  
HOUSE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 115 (Resources) by the Resources Committee, entitled:

"An Act relating to land use and disposal near a highway right-of-way; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil and Gas, Resources and Transportation Committees.

SB0115  
00493  
03/01/85  
HOUSE

The Speaker waived the House Special Committee on Oil & Gas referral on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 115 (Resources) (land use and disposal near a highway right-of-way; effective date) at the request of the Chairman.

CSSB 115(Res) was sent to the Resources Committee with a further referral to the Transportation Committee.

SB0115  
00509  
03/04/85  
HOUSE

The Speaker waived the Resources Committee referral on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 115 (Resources) (relating to land use and disposal near a highway right-of-way; effective date) at the request of the Co-Chairman. CSSB 115(Res) was sent to the Transportation Committee.

SB0115  
00881  
04/11/85  
HOUSE

The Transportation Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 115 (Resources) (relating to land use and disposal near a highway right-of-way; effective date) and reports it back as follows: Cato (Chairman), Pignalberi, Furnace, Davis, Marrou and Shultz recommend do pass; Herrmann has no recommendation. The Committee supports the Senate Letter of Intent (page 264, Senate Journal).

CSSB 115(Res) was referred to the Rules Committee for placement on the calendar.

Oil & Gas SENATE BILL NO. 115, by the Resources Committee. Identical  
Activities to HB 143, page 190, this report. Does not provide for an  
(haul road effective date (becomes law 90 days after signed by the  
rights-of way) Governor).

Introduced January 31 and referred to Resources and Transportation.

SENATE BILL NO. 115, (see page 169). Reported back to the Senate February 11 from Resources with the committee recommending it be replaced with a Resources CS and that it do pass. Concurring: Sturgulewski (Chairman), Coghill, Fahrenkamp, Zharoff, Eliason, Vic Fischer and Halford. To Transportation.

The committee submitted a letter of intent, which states: "It is the intent of the Senate Resources Committee that leases necessary for communication equipment or facilities related to oil or gas activity is included as allowable under Section 1(b)(2) of CS SB 115 (Resources)."

The Resources CS changes amendment to AS 19.40.200 (Prohibition on Disposal of Land Within Five Miles of the Highway). Adds new subsection (b) which states that the prohibition does not apply to "(1) disposal necessary for an oil and gas lease under AS 38.05.180; (2) a state lease or materials sale necessary for exploration, development, production, or transportation of oil and gas or reconstruction or maintenance of the highway."

Also adds new (c): "Before the sale of materials under (b)(2) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed."

Makes bill retroactive to October 5, 1980 and effective immediately.

CS FOR SENATE BILL NO. 115 (RESOURCES), (see pages 169; 272; 320). Reported back to the Senate on February 19 by Transportation with the committee recommending the Resources CS do pass. Concurring: Coghill (Chmn.), Faiks, Abood and Paul Fischer. To Rules.

Before the Senate on February 21. The Resources CS was adopted and the bill passed, 20-0. The effective date was adopted. The Resources letter of intent was adopted.

CS FOR SENATE BILL NO. 115 (RES), (see pages 169;306). Received in the House and referred to House Oil & Gas, Resources, Transportation.

CS SENATE BILL NO. 115 (RES), (see pages 169;272;306;320). On March 1 the Speaker waived the Oil & Gas referral. To Resources, then Transportation.

HOUSE BILL NO. 115, (see pages 144; 249). On March 6 the Speaker waived the Judiciary referral. To Rules.

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CS FOR SENATE BILL NO. 115 (RES), (see pages 169;272;306; 320;383;422). Reported back to the House April 11 by Transportation recommending it do pass. Concurring: Cato (Chair), Pignalberi, Furnace, Davis, Marrou and Shultz. Not concurring: Herrmann has no recommendation. The Committee supports the Senate letter of intent (see page 272). To Rules.



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May, 1988

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Mary Van Nimwegen

*House Rules 5-5-86 8:30am*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### I N D E X

- I. MEMO DATED MAY 5, 1986 TO HOUSE RULES COMMITTEE MEMBERS
- II. PROPOSED VERSION HCS CSSB 204 (RULES)
- III. HCS CSSB 204 (JUDICIARY)
- IV. SENATE PASSED VERSION - CSSB 204 (FINANCE)
- V. POSITION PAPER CSSB 204 - FROM DEPARTMENT OF ADMINISTRATION



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### MEMORANDUM

DATE: MAY 5, 1986  
TO: Rules Committee Members  
FROM: Rep. Mike W. Miller, Chairman  
House Rules Committee  
SUBJECT: HCS CSSB 204(Rules)

Enclosed in your packets is the proposed HCS CSSB 204(RULES). This version makes only one change to the version which passed out of the House Judiciary Committee.

In reference to the HCS CSSB 204(JUDICIARY), ON PAGE 2, LINES 19 - 20, it reads, "(1) proximity to the project site of the office of the firm or person; and"

It was felt that the above wording could prohibit federal funding considerations.

In the proposed HCS CSSB 204(RULES), ON PAGE 2, LINES 19 -20 now read: "proximity to the project site of the office of the firm or person ADD: unless federal law prohibits this factor from being considered in the awarding of the contract; and

II

Barnister ✓  
5/2/86

Original sponsors: Sturgulewski and Rodey

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 204 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to contracts for architectural,  
7 engineering, and land surveying services; and provid-  
8 ing for an effective date."

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

10 \* Section 1. AS 36.90 is amended by adding a new section to read:

11 Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-  
12 TRATION REQUIREMENTS. The state or a municipality may not award a  
13 contract for architectural, engineering, or land surveying services to

14 (1) an individual who is not registered under AS 08.48 to  
15 perform the architectural, engineering, or land surveying services  
16 required by the contract;

17 (2) a partnership that is not qualified under AS 08.48.251  
18 to provide the architectural, engineering, or land surveying services  
19 required by the contract; or

20 (3) a corporation that is not authorized under AS 08.48.241  
21 to offer the architectural, engineering, or land surveying services  
22 required by the contract.

23 \* Sec. 2. AS 36.98.010 is amended to read:

24 Sec. 36.98.010. APPLICATION OF CHAPTER. Except as otherwise  
25 provided in AS 36.98.043, this [THIS] chapter applies to contracts for  
26 professional services provided to a state agency unless

27 (1) the total amount of the contract does not exceed  
28 \$25,000;

29 (2) the contract is an employment contract for services to

1 be performed under direct supervision regardless of the existence of  
2 an employer-employee relationship and a written justification signed  
3 by the person responsible for awarding the contract is filed with the  
4 commissioner;

5 (3) the contract is awarded based on competitive bids  
6 obtained under the procedure provided in AS 37.05.230.

7 \* Sec. 3. AS 36.98 is amended by adding a new section to read:

8 Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING  
9 CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and  
10 36.98.040, a state agency shall negotiate a contract with the most  
11 qualified and suitable firm or person of demonstrated competence for  
12 architectural, engineering, or land surveying services. The state  
13 agency shall award a contract for those services at fair and reason-  
14 able compensation as determined by the state agency, after considera-  
15 tion of the estimated value of the services to be rendered, and the  
16 scope, complexity, and professional nature of the services. When  
17 determining the most qualified and suitable firm or person, the state  
18 agency shall consider the

19 (1) proximity to the project site of the office of the firm  
20 or person <sup>added:</sup> unless federal law prohibits this factor from being con-  
21 sidered in the awarding of the contract; and

22 (2) employment practices of the firm or person with regard  
23 to women and minorities.

24 (b) If negotiations with the most qualified and suitable firm or  
25 person under (a) of this section are not successful, the state agency  
26 shall negotiate a contract with other qualified persons or firms of  
27 demonstrated competence, in order of public ranking. The state agency  
28 may reject all or part of a proposal.

29 (c) This section does not apply to contracts awarded in a

1 situation of public necessity if the person responsible for execution  
2 of the contract on behalf of the state agency certifies in writing that  
3 a situation of public necessity exists.

4 (d) Notwithstanding the other provisions of this section, a  
5 state agency may include price as an added factor in selecting archi-  
6 tectural, engineering, and land surveying services when, in the judg-  
7 ment of the state agency, the services required are repetitious in  
8 nature, and the scope, nature, and amount of services required are  
9 thoroughly defined by measurable and objective standards to reasonably  
10 enable firms and individuals making proposals to compete with a clear  
11 understanding and interpretation of the services required. In order  
12 to include price as a factor in selection, a majority of the members  
13 of the state agency selection committee involved in the evaluation of  
14 the proposals must be persons who are registered in the state to  
15 perform architectural, engineering, or land surveying services.

16 (e) The consideration of price under (d) of this section as a  
17 factor in the selection of architectural, engineering, and land sur-  
18 veying services may not exceed 20 percent of the scoring formula used  
19 in evaluating proposals. The state agency shall base the evaluation  
20 of price on a previously established schedule that objectively corre-  
21 lates price with points scored.

22 (f) This section does not apply to a contract that incorporates  
23 both design services and construction.

24 \* Sec. 4. This Act applies to requests for bids or proposals for archi-  
25 tectural, engineering, and land surveying services issued after the effec-  
26 tive date of this Act.

27 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).

29

Offered: 4/30/86  
Referred: Rules



Original sponsors: Sturgulewski and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 204 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to contracts for architectural,  
7 engineering, and land surveying services; and provid-  
8 ing for an effective date."

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

10 \* Section 1. AS 36.90 is amended by adding a new section to read:

11 Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-  
12 TRATION REQUIREMENTS. The state or a municipality may not award a

13 contract for architectural, engineering, or land surveying services to  
14 (1) an individual who is not registered under AS 08.48 to  
15 perform the architectural, engineering, or land surveying services  
16 required by the contract;

17 (2) a partnership that is not qualified under AS 08.48.251  
18 to provide the architectural, engineering, or land surveying services  
19 required by the contract; or

20 (3) a corporation that is not authorized under AS 08.48.241  
21 to offer the architectural, engineering, or land surveying services  
22 required by the contract.

23 \* Sec. 2. AS 36.98.010 is amended to read:

24 Sec. 36.98.010. APPLICATION OF CHAPTER. Except as otherwise  
25 provided in AS 36.98.043, this [THIS] chapter applies to contracts for  
26 professional services provided to a state agency unless

27 (1) the total amount of the contract does not exceed  
28 \$25,000;

29 (2) the contract is an employment contract for services to

1 be performed under direct supervision regardless of the existence of  
2 an employer-employee relationship and a written justification signed  
3 by the person responsible for awarding the contract is filed with the  
4 commissioner;

5 (3) the contract is awarded based on competitive bids  
6 obtained under the procedure provided in AS 37.05.230.

7 \* Sec. 3. AS 36.98 is amended by adding a new section to read:

8 Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING  
9 CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and  
10 36.98.040, a state agency shall negotiate a contract with the most  
11 qualified and suitable firm or person of demonstrated competence for  
12 architectural, engineering, or land surveying services. The state  
13 agency shall award a contract for those services at fair and reason-  
14 able compensation as determined by the state agency, after considera-  
15 tion of the estimated value of the services to be rendered, and the  
16 scope, complexity, and professional nature of the services. When  
17 determining the most qualified and suitable firm or person, the state  
18 agency shall consider the

19 (1) proximity to the project site of the office of the firm  
20 add: unless federal law prohibits this factor from being considered in the  
or person; and awarding of the contract.

21 (2) employment practices of the firm or person with regard  
22 to women and minorities.

23 (b) If negotiations with the most qualified and suitable firm or  
24 person under (a) of this section are not successful, the state agency  
25 shall negotiate a contract with other qualified persons or firms of  
26 demonstrated competence, in order of public ranking. The state agency  
27 may reject all or part of a proposal.

28 (c) This section does not apply to contracts awarded in a situa-  
29 tion of public necessity if the person responsible for execution of

1 the contract on behalf of the state agency certifies in writing that a  
2 situation of public necessity exists.

3 (d) Notwithstanding the other provisions of this section, a  
4 state agency may include price as an added factor in selecting archi-  
5 tectural, engineering, and land surveying services when, in the judg-  
6 ment of the state agency, the services required are repetitious in  
7 nature, and the scope, nature, and amount of services required are  
8 thoroughly defined by measurable and objective standards to reasonably  
9 enable firms and individuals making proposals to compete with a clear  
10 understanding and interpretation of the services required. In order  
11 to include price as a factor in selection, a majority of the members  
12 of the state agency selection committee involved in the evaluation of  
13 the proposals must be persons who are registered in the state to  
14 perform architectural, engineering, or land surveying services.

15 (e) The consideration of price under (d) of this section as a  
16 factor in the selection of architectural, engineering, and land sur-  
17 veying services may not exceed 20 percent of the scoring formula used  
18 in evaluating proposals. The state agency shall base the evaluation  
19 of price on a previously established schedule that objectively corre-  
20 lates price with points scored.

21 (f) This section does not apply to a contract that incorporates  
22 both design services and construction.

23 \* Sec. 4. This Act applies to requests for bids or proposals for archi-  
24 tectural, engineering, and land surveying services issued after the effec-  
25 tive date of this Act.

26 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.--  
27 10.070(c).

28

IV

Offered: 2/4/86  
Referred Rules

Original sponsors: Sturgulewski and Rodey

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 204 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to contracts for architectural,  
7 engineering, and land surveying services; and provid-  
8 ing ' - an effective date."

9

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

10

\* Section 1. AS 36.90 is amended by adding a new section to read:

11

Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-

12

TRATION REQUIREMENTS. The state or a political subdivision of the  
13 state may not award a contract for architectural, engineering, or land  
14 surveying services to

15

(1) an individual who is not registered under AS 08.48 to

16

perform the architectural, engineering, or land surveying services  
17 required by the contract;

18

(2) a partnership that is not qualified under AS 08.48.251

19

to provide the architectural, engineering, or land surveying services  
20 required by the contract; or

21

(3) a corporation that is not authorized under AS 08.48.241

22

to offer the architectural, engineering, or land surveying services  
23 required by the contract.

24

\* Sec. 2. AS 36.98 is amended by adding a new section to read:

25

Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING

26

CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and  
27 36.98.040, a state agency shall negotiate a contract with the most  
28 qualified and suitable firm or person of demonstrated competence for  
29 architectural, engineering, or land surveying services. The state

1 agency shall award a contract for those services at fair and reason-  
2 able compensation as determined by the state agency, after considera-  
3 tion of the estimated value of the services to be rendered, and the  
4 scope, complexity, and professional nature of the services.

5 (b) If negotiations with the most qualified and suitable firm or  
6 person under (a) of this section are not successful, the state agency  
7 shall negotiate a contract with other qualified persons or firms of  
8 demonstrated competence, in order of public ranking. The state agency  
9 may reject all or part of a proposal.

10 (c) This section does not apply to contracts awarded in a situa-  
11 tion of public necessity if the person responsible for execution of  
12 the contract on behalf of the state agency certifies in writing that a  
13 situation of public necessity exists.

14 (d) Notwithstanding the other provisions of this section, a  
15 state agency may include price as a factor in selecting architectural,  
16 engineering, and land surveying services when, in the judgment of the  
17 state agency, the services required are repetitious in nature, and the  
18 scope, nature, and amount of services required are sufficiently de-  
19 fined by measurable and objective standards to reasonably enable firms  
20 and individuals making proposals to compete with a clear understanding  
21 and interpretation of the services required. In order to include  
22 price as a factor in selection, the state agency shall involve in the  
23 evaluation of the proposals at least one person who is registered in  
24 the state to perform the architectural, engineering, or land surveying  
25 services that are the primary services to be provided by the contract.

26 (e) This section does not apply to a contract that incorporates  
27 both design and construction services.

28 \* Sec. 3. This Act applies to requests for bids or proposals for archi-  
29 tectural, engineering, and land surveying services issued after the

1 effective date of this Act.

2 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.--

3 10.070(c).

4



Position Paper  
CSSB 204

1

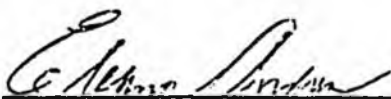
The Department of Administration supports this bill.

This legislation would require the State to award contracts for architectural, engineering and surveying services in compliance with AS 36.98.043 and 36.90.100.

Except under the specified conditions, when seeking the services of an architectural, engineering, or land surveying firm, the requesting agency would rank competing firms. They would then negotiate with the highest ranked firm. If they did not feel the proposed contract price was fair they could move on to the next most qualified firm. If the price were made a consideration it could not be given a weight greater than 20%. For the selection of professional services contractors other than architects, engineers or land surveyors, the requesting agency would have no restrictions when considering price in making their ranking and selections.

   
\_\_\_\_\_  
Robert J. Link, Director  
Division of General Services & Supply  
Department of Administration

2/3/86  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Commissioner Eleanor Andrews  
Department of Administration

2/14/86  
\_\_\_\_\_  
Date

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SENATE LETTER OF INTENT

CSSB 232 (FIN)

It is the intent of the Senate that the discretionary authority granted in this legislation not be used to extend the term of the minimum work commitment in any situation where constitutional constraints dictate otherwise.

Adopted by the Senate May 9, 1985.

SENATE PASSED

Moen  
5/8/85 ✓

Original sponsor: Rules/Governor

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IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 232 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to minimum work commitments in oil and gas leases; and providing for an effective date."

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

\* Section 1. AS 38.05.180(h) is amended to read:

(h) The commissioner may include terms in any oil and gas lease imposing a minimum work commitment on the lessee. These terms shall be made public before the sale, and may include appropriate penalty provisions to take effect in the event the lessee does not fulfill the minimum work commitment. If [SHOULD] it is [BE] demonstrated that a lease has been proven unproductive by actions of adjacent lease holders, the commissioner may set aside a work commitment. If a minimum work commitment is not fulfilled because conditions preventing drilling or exploration were not reasonably foreseeable by the lessee or were beyond the lessee's control, the commissioner may waive for two years any term of the minimum work commitment.

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

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Rules Committee, 5/11/85, 5:30 pm

A

COMMITTEE REPORT  
HOUSE

5/11  
Rules

(7)

FURTHER:

5/10/85

Date: 5/11/85

The Committee on RULES has had SB 232

"An Act relating to minimum work commitments in oil and gas leases; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>H</sup>CS for SB 232 (Rules)  same title  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without ~~individual~~ recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

M.W. Miller

Terry Marshall

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Ben [unclear] (No Rec)

F. Koyballis (No Rec)

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
CHAIRMAN

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 232 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to minimum work commitments in oil  
7 and gas leases; and providing for an effective date."

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

9 \* Section 1. AS 38.05.180(h) is amended to read:

10 (h) The commissioner may include terms in any oil and gas lease  
11 imposing a minimum work commitment on the lessee. These terms shall  
12 be made public before the sale, and may include appropriate penalty  
13 provisions to take effect in the event the lessee does not fulfill the  
14 minimum work commitment. If [SHOULD] it is [BE] demonstrated that a  
15 lease has been proven unproductive by actions of adjacent lease hold-  
16 ers, the commissioner may set aside a work commitment. The commis-  
17 sioner may waive for two years any term of a minimum work commitment  
18 if conditions preventing drilling or exploration were not reasonably  
19 foreseeable by the lessee or were beyond the lessee's control or if  
20 the lessee demonstrates through good faith efforts an intent and  
21 ability to drill or develop the lease during the term of the waiver.

22 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

**DEPARTMENT OF NATURAL RESOURCES**

OFFICE OF THE COMMISSIONER

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

May 11, 1985

The Honorable Mike W. Miller  
Chairman, House Rules Committee  
Alaska State House  
Pouch V  
Juneau, Alaska 99811

Dear Representative Miller:

The Department of Natural Resources supports the amendment to AS 38.05.180(h) proposed in House CS for Senate Bill 232 (Rules). The bill would give the commissioner the discretion to waive for two years an oil and gas lease work commitment if the lessee demonstrates through good faith efforts the intent and ability to drill or develop the lease during the term of the waiver.

I believe that, on balance, the additional flexibility will further the state's goal of early exploration and development of state lands.

Sincerely,

  
Esther C. Wunnicke  
Commissioner

cc: Senator Fahrenkamp  
Kay Brown

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: May 10, 1985

**REQUEST**

Bill/Resolution No. HCSSSB 232 (Kyles)  
 Title: Work Commitments in Oil and Gas Leases  
 Sponsor: Rules Committee  
 Requestor: Rules Committee  
 Date of Request: 5/10/85

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: Minerals and Energy Management

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

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

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared By: Carol Wilson Phone: 465-2400  
 Division: Commissioner's Office Date: 5/10/85  
 Approved by Commissioner: Arthur C. Wunniche Date: \_\_\_\_\_  
 Agency: Natural Resources

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

7/1/84

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STATE OF ALASKA  
THE LEGISLATURE

FOUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

House Rules 5-11-86 12:08pm

Offered: 2/28/86

~~IV~~

Original sponsors: Faiks, Kelly  
and V.Fischer

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 309 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to royalty gas contracts; and providing for an effective date."

7

8

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

9

\* Section 1. FINDINGS. (a) The legislature finds that the best interest of the state will be served if the commissioner of natural resources is authorized to establish the in-value royalty for gas sold to a gas or electric utility by using the contract price between the lessee of the state and the utility, whether or not the gas lease establishes a different standard for the valuation and if the lessee and the utility are not related to each other. The legislature finds that this authorization should apply prospectively and does not intend the authorization to apply to the valuation for royalty purposes of gas sold by a lessee under a gas sales contract entered into before the effective date of this Act.

19

(b) The legislature finds that it is also in the best interest of the state to give the commissioner explicit discretionary authority to sell royalty gas received in kind by the state to gas or electric utilities at a price that is below market value.

23

(c) The legislature finds that the proper exercise of the discretion conferred on the commissioner by this Act would support and complement the other programs that assist the citizens of the state with their long-term gas and electrical needs, including the power cost equalization program under AS 44.83.162 - 44.83.165 and hydroelectric and other programs for the generation of electricity.

29

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(d) The legislature finds that the state should adopt a policy for

1 the sale of royalty gas to gas or electric utilities for in-state consumer  
2 use and in-state generation of electricity that is fundamentally different  
3 from the policies of the state for the sale of royalty oil and for the sale  
4 of royalty gas for export from the state or for uses other than in-state  
5 consumer use and in-state generation of electricity.

6 (e) The legislature finds it is in the state's best interest to  
7 facilitate the financing and construction of a pipeline and increased gas  
8 production from the Prudhoe Bay reservoir by establishing a procedure by  
9 which the state could commit itself to a royalty valuation methodology for  
10 as long as the state takes its royalty share of gas production in value.

11 \* Sec. 2. AS 38.05.180 is amended by adding new subsections to read:

12 (aa) Within 90 days after the written request of a lessee of a  
13 lease issued under this section, unless the commissioner makes a  
14 written finding based on clear and convincing evidence that the con-  
15 tract price is unreasonably low and that a prospective reduction in  
16 royalty receipts would not be balanced by increased benefits to in-  
17 state gas and electric consumers, the commissioner shall enter into an  
18 agreement with the lessee to use the price for the gas established in  
19 the contract between the lessee and a gas or electric utility, if the  
20 lessee and the utility are not related in management, ownership, or  
21 other aspect, as the value of the state's royalty share of gas produc-  
22 tion sold by the lessee under the contract to the utility. In this  
23 subsection

24 (1) "gas or electric utility" includes an electric coopera-  
25 tive organized under AS 10.25, a municipal utility, and a gas or  
26 electric utility regulated under AS 42.05; and

27 (2) "price for the gas established in the contract" in-  
28 cludes tax reimbursement amounts, deliverability and other charges,  
29 and other forms of consideration paid by the gas or electric utility

1 under the contract.

2 (bb) In the event of a contract between parties that are unrelat-  
3 ed in management, ownership, or other aspect for the sale of gas from  
4 Prudhoe Bay reservoir gas leases by means of delivery of the gas  
5 through a pipeline for export out of the state, and within 90 days  
6 after the written request of a lessee of a lease issued under this  
7 section, unless the commissioner makes a written finding that the  
8 contract price does not assure the maximum benefits to the people of  
9 the state in return for the state's gas resources, the commissioner  
10 shall enter into an agreement with the lessee to use the price for the  
11 gas established in the gas sales contract as the value of the state's  
12 royalty share of gas production sold by the lessee under the gas sales  
13 contract. The lessee shall have the burden of providing all informa-  
14 tion necessary for the commissioner to make an informed decision, and  
15 shall provide clear and convincing evidence that the value of the gas  
16 is reflected by the gas sales contract price rather than being attri-  
17 buted to transportation, marketing, or other profit or cost centers.  
18 In this subsection, "price for the gas established in the gas sales  
19 contract" includes tax reimbursement amounts, deliverability and other  
20 charges, and other forms of consideration received by the lessee under  
21 the gas sales contract.

22 \* Sec. 3. AS 38.05.183 is amended by adding a new subsection to read:

23 (h) The commissioner may enter into a contract to sell royalty  
24 gas taken in kind by the state to a gas or electric utility at less  
25 than the market value of the royalty gas if the commissioner, after  
26 considering the consumer benefits, other benefits, and detriments of  
27 the sale, makes a written finding that the sale is in the best inter-  
28 est of the state. In this subsection, "gas or electric utility"  
29 includes an electric cooperative organized under AS 10.25, a municipal

1 utility, and a gas or electric utility regulated under AS 42.05.

2 \* Sec. 4. AS 38.05.810(a) is amended to read:

3 (a) Except as otherwise provided in AS 38.05.183(h), the [THE]  
4 lease, sale, or other disposal of state land or resources may be made  
5 to a state or federal agency or political subdivision, or the lease,  
6 sale, or disposal of coal deposits suitable for mining may be made to  
7 a utility owned and operated by a government agency or nonprofit  
8 cooperative association organized to participate under the Federal  
9 Rural Electrification Act for the purpose of generating electric power  
10 and energy or the production of process steam, or both, for less than  
11 the appraised value as determined by the director and approved by the  
12 commissioner to be fair and proper and in the best interests of the  
13 public, with due consideration given to the nature of the public  
14 services or function rendered by the agency, subdivision, or utility  
15 making application, and of the terms of the grant under which the land  
16 was acquired by the state.

17 \* Sec. 5. AS 38.05.180(aa), enacted by sec. 2 of this Act, applies to  
18 agreements to establish for a lease issued under AS 38.05.180 the in-value  
19 royalties on gas production that is sold under a contract entered into on  
20 or after the effective date of this Act between the state's lessee and a  
21 gas or electric utility.

22 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

II

LETTER OF INTENT

TO HCS CS SB 309 (Rules)

HCS CS SB 309 (Rules) sets out the circumstances under which the Commissioner of Natural Resources is required to use the contract price as the value of the state's royalty gas share, when the contract involves a regulated gas or electric utility. The bill, is intended to specify only those circumstances under which the Commissioner "shall" accept the contract price. It is not intended, in any way, to limit the Commissioner's discretion to use the price term of a contract entered into by entities other than gas or electric utilities.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

III

Revision Date: 5-9-86

**REQUEST** page 1 of 4  
 Bill/Resolution No. HCSCSSB 309 (Finance)  
 Title: An Act relating to royalty gas contracts  
 Sponsor: Faiks  
 Requestor: House Finance  
 Date of Request: 5-9-86

**FISCAL DETAIL**  
 Agency Affected: Natural Resources  
 BRU: Petroleum Management  
 Components: \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

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

<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The fiscal impact of this proposal is indeterminate. For explanation, see attached Supplemental Information.

Prepared by: Kay Brown Phone: 762-4241  
 Division: Oil and Gas Date: 5-9-86

Approved by Commissioner: *Esther A. Wrenn* Date: 5-9-86  
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

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

SUPPLEMENTAL INFORMATION

Fiscal Note page 2 of 4  
proposed House CS for CS for SB 309 (Finance)

Alaska Department of Natural Resources

The potential fiscal impact of the proposed House CS for CS for SB 309 (Finance) cannot be precisely specified, because it is unknown at this time how often the new valuation mechanism would be applied in the future and to what extent future contract prices would deviate from market value.

The impact of the proposed House Finance CS is limited to gas sold to regulated gas and electric utilities. The royalty share of gas sold to regulated gas and electric utilities would be valued using solely the contract price, unless the commissioner finds, based on clear and convincing evidence, that the price is unreasonably low, the prospective reduction in royalty receipts would not be balanced by increased benefits to in-state gas and electric consumers, the lessee and the utility are related to each other, and the contract price is not in the best interest of the state. (All four conditions would have to clearly and convincingly exist in order not to use the contract price.) Thus, the contract price would be used in virtually all foreseeable instances involving sales to regulated gas or electric utilities.

The fiscal impact of Section 2 of the bill would depend on the extent to which contract prices differ from value in the future. Gas that will be sold to regulated gas and electric utilities is likely to come primarily from Cook Inlet, at least in the near term. The state's royalty share of Cook Inlet gas reserves not presently committed to a contract is about 190 billion cubic feet (BCF), of which some portion would likely be sold for local consumer uses. If value is higher than contract price by 10¢, 25¢ and \$1.00 per mcf for half of the state's share of Cook Inlet royalty gas not presently committed to a contract, then state revenues would be reduced by \$9.5 million, \$23.75 million and \$95 million, respectively, as a result of basing the royalty payment on the contract price rather than on the market value of the gas. Any royalty income lost to the state as a result of using solely the contract price to determine the royalty payment would go directly to benefit local gas and electric consumers.

Sections 3 and 4 of the bill give the commissioner authority, upon legislative approval, to enter into an in kind royalty gas sale to a gas or electric utility "at a negotiated price." It is implied but not expressly stated that the sale may be at a price below market value. The fiscal impact of these sections would be considered by future legislatures reviewing an in kind sale proposed by the commissioner. If the commissioner proposed to sell royalty gas at a price below market value, and the legislature approved it, future royalty income would be reduced.

The proposed House Finance CS would allow implementation of the department's preliminary settlement agreement with Chugach Electric, which would value Beluga field production purchased by Chugach under existing contracts at 75¢/mcf, subject to the passage of the legislation. This value is one-half the state's January offer to settle the pricing dispute at \$1.50/mcf, which was rejected by the Beluga producers who sell to Chugach. If the dispute had been settled at \$1.50/mcf under existing law, the state would have received \$1.9 million/year in new royalty income from the Beluga field. Settlement at 75¢/mcf, as will occur if the proposed House Finance CS is adopted, will increase state royalty revenues from Beluga production by about \$810,000/year, because the state's share of this production is currently valued at 21¢/mcf by the producers. This increase in state royalty revenues is less than would have been expected if 1) the state's \$1.50/mcf settlement offer had been accepted, or 2) the state had successfully pursued its legal arguments regarding the value of the state's royalty share under the existing lease terms and existing law.

SUPPLEMENTAL INFORMATION

Fiscal Note for Amendment #1 page 4 of 4  
of proposed House CS for CS for SB 309 (Finance)

Alaska Department of Natural Resources

The potential fiscal impact of Amendment #1 (related to valuation of North Slope royalty gas) of the proposed House CS for CS for SB 309 (Finance) cannot be precisely specified, because it is unknown at this time how often the new valuation mechanism would be applied in the future and to what extent future contract prices would deviate from market value.

The proposed amendment provides that, for North Slope gas that will be exported out of state, the commissioner may enter into an agreement with the lessee to use a contract price if the commissioner makes a written finding that the contract price assures the receipt of maximum benefits to the people of the state in return for the state's resources. The lessee must demonstrate by clear and convincing evidence that the value of the gas is reflected by the gas sales contract rather than being attributable to transportation, marketing, manufacturing, or other profit or cost centers.

The standard articulated above (maximum benefits to the people of the state) could allow the commissioner to purposely forgo potential royalty income in return for other benefits to the people of the state.

Under the proposed amendment, the commissioner would have the discretion to use a contract price rather than relying on the standards in the lease form to establish value. To the extent that a contract price differs from market value over time, or from the value established in other sales from the field, royalty income would be reduced.

The state's royalty share of North Slope gas reserves is about 4.5 trillion cubic feet (TCF). Assuming value is higher than contract price by 10¢, 25¢ and \$1.00 per mcf for the entire North Slope royalty share, royalty revenues to the state would be reduced by \$450 million, \$1.1 billion and \$4.5 billion, respectively, as a result of basing the royalty payment on the contract price rather than the market value of the gas.

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STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

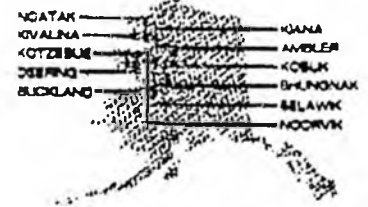
Jeanie Henry

House Rules Committee, 5/11/86, 12:08 pm

I

SD 415

Northwest Arctic School District  
BOX 51  
KOTZEBUE, ALASKA 99752  
(907) 442-3472



May 2, 1986

Senator Frank R. Ferguson  
Alaska State Senate  
Box V  
Juneau, Ak 99811

Dear Frank:

The purpose of this letter is to thank you for introducing SB 415 and to reconfirm the school boards support for the passage of this legislation.

The vote to determine if we will become a first class borough is scheduled for May 20, 1986, and, if the voters approve of the borough status, this would reduce composition of the school board from the present eleven (11) members to five (5) or seven (7) members. This would greatly reduce the representation of the region on the school board.

It is the board's position, therefore, that it is important to get SB 415 passed this session to maintain the same level of representation we have now. Any further assistance you can give to ensure the passage of SB 415 would be greatly appreciated.

Sincerely yours,

*Bobby Schaeffer*

Bobby Schaeffer  
President of the  
Board

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No. : SB 415  
Title : School Board Composition  
  
Sponsor : Ferguson by Request  
Requestor : House Rules  
Date of Request : 5/10/86

FISCAL DETAIL

Agency Affected : DOE  
BRU : \_\_\_\_\_  
  
Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact.

Prepared by : Mike Miller, Chair Phone : \_\_\_\_\_  
Division : House Rules Committee Date : \_\_\_\_\_

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

S B

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SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIELOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Representative John Sundt  
Chairman - House Special Committee on Loans

FROM: Senator Fred F. Zharoff

DATE: May 9, 1986

RE: SB 453, "An Act relating to memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; and providing for an effective date."

The State of Alaska currently has four memorial scholarship loan accounts inside its Memorial Scholarship Revolving Loan Fund. The purpose of the memorial scholarships is to pay tribute to the memory of distinguished Alaskans by allowing Alaskans to pursue educations in specific professions.

SB 453 would establish a new memorial scholarship account specifically for Alaskan residents who wish to participate in a certificate or degree program in fisheries, fishery science, fishery management, seafood processing, food technology, or other closely related field (Sec. 4). The bill would help encourage Alaskans to pursue careers in the management and production of our fisheries resource.

The Brindle scholarship account would be set up differently than the other memorial scholarship accounts. Repayments of loans made from the Brindle account would be deposited into the regular student loan program (Sec. 2).

SB 453 is tied closely to House Bill 58, "An Act relating to the fisheries business tax...." The main funding mechanism for the Brindle scholarship is in the Senate Finance CS for HB 58, which would allow fisheries businesses to obtain limited tax credits for donations to the Brindle scholarship account.

If HB 453 were to pass without HB 58, the Brindle account still would be established and would be open to anyone who wished to make donations to it.

II

Introduced: 2/18/86  
Referred: Health, Education and  
Social Services and Finance

1 IN THE SENATE

BY ZHAROFF

2

SENATE BILL NO. 453

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to memorial scholarship revolving  
7 loans, creating the A. W. (Winn) Brindle memorial  
8 scholarship loan; and providing for an effective  
9 date."

10

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

11

\* Section 1. AS 14.43.250(b) is amended by adding a new paragraph to  
12 read:

13

(5) the A. W. (Winn) Brindle memorial scholarship loan  
14 perpetuates the memory of A. W. (Winn) Brindle, who was the president  
15 of the Wards Cove Packing Company and Columbia-Wards Fisheries and  
16 whose death July 4, 1977, terminated a distinguished career dedicated  
17 to the development of the Alaska seafood industry.

18

\* Sec. 2. AS 14.43.255(a) is amended to read:

19

(a) There is created a memorial scholarship revolving loan fund.  
20 The fund shall be used to provide educational scholarship loans to  
21 students selected under AS 14.43.250 - 14.43.325. Repayments [ALL  
22 REPAYMENTS] of loans made under AS 14.43.250(b)(1) - (4) [PRINCIPAL]  
23 shall be deposited [PAID] into the memorial scholarship revolving loan  
24 fund and repayments of loans made under AS 14.43.250(b)(5) shall be  
25 deposited into the scholarship revolving loan fund created under  
26 AS 14.43.090. Repayments shall be used to make new [SCHOLARSHIP]  
27 loans.

28

\* Sec. 3. AS 14.43.300(a) is amended to read:

29

(a) A scholarship loan to a recipient under AS 14.43.250(b)(1) -

1       (4) [AS 14.43.250 - 14.43.325] may not exceed \$2,500 a school year for  
2       an undergraduate student or \$5,000 a school year for a graduate stu-  
3       dent, and [. LOANS] may not be made to a student for more than six  
4       years. A scholarship loan to a recipient under AS 14.43.250(b)(5) may  
5       not exceed the cost of tuition and required fees, books and education-  
6       al supplies, room and board, and transportation for two round trips  
7       between the recipient's home and school each year. A loan under  
8       AS 14.43.250(b)(5) may not be made for more than five years of under-  
9       graduate study, five years of graduate study, or a combined maximum of  
10       eight years of study.

11       \* Sec. 4. AS 14.43.300(b) is amended by adding a new paragraph to read:

12               (5) a A. W. (Winn) Brindle memorial scholarship loan may be  
13       used only to pursue a certificate or degree program in an accredited  
14       school, college, or university in fisheries, fishery science, fishery  
15       management, seafood processing, food technology, or other closely  
16       related field.

17       \* Sec. 5. AS 14.43.300(c) is amended to read:

18               (c) The recipient of a memorial scholarship loan shall be a  
19       resident of Alaska and [EITHER

20                       (1)] enrolled or eligible for enrollment as a full-time  
21       [UNDERGRADUATE OR GRADUATE] student in a certificate or [LEADING TO AN  
22       ASSOCIATE, BACCALAUREATE OR GRADUATE] degree program in a field listed  
23       in (b) of this section that is appropriate to the memorial scholarship  
24       loan received [;

25                       (2) A GRADUATE OF A HIGH SCHOOL, OR SCHEDULED FOR GRADUA-  
26       TION FROM A HIGH SCHOOL WITHIN SIX MONTHS, WITH SUFFICIENT ACADEMIC  
27       CREDITS TO BE ADMITTED TO A COLLEGE OR UNIVERSITY INTENDING TO PURSUE  
28       A COURSE OF STUDY LEADING TO A DEGREE IN ONE OF THE FIELDS LISTED IN  
29       (b) OF THIS SECTION THAT IS APPROPRIATE TO THE MEMORIAL SCHOLARSHIP

1 LOAN RECEIVED; OR

2 (3) AN OFFICER OR EMPLOYEE OF A DEPARTMENT, AGENCY OR  
3 MUNICIPALITY IN THE STATE WHO INTENDS TO PURSUE A COURSE OF STUDY IN  
4 THE OFFICER'S OR EMPLOYEE'S PROFESSIONAL FIELD LEADING TO A DEGREE IN  
5 ONE OF THE FIELDS LISTED IN (b) OF THIS SECTION APPROPRIATE TO THE  
6 MEMORIAL SCHOLARSHIP LOAN RECEIVED].

7 \* Sec. 6. AS 14.43.305(a) is amended to read:

8 (a) Memorial scholarship loans under AS 14.43.250(b)(1) - (4)  
9 shall be noninterest-bearing and security for the loan may not be  
10 required. However, the note signed by the recipient shall provide for  
11 the payment of attorney fees, costs of court and skip-tracing fees if  
12 any are incurred in collection of the unpaid amount owed on the loan.

13 \* Sec. 7. AS 14.43.305(e) is amended to read:

14 (e) A recipient of a memorial scholarship loan under AS 14.43.-  
15 250(b)(1) - (4) [AS 14.43.250 - 14.43.325] who graduates from a degree  
16 program shall receive forgiveness of one-fifth of loan indebtedness  
17 for each one-year period the recipient is employed full time in Alaska  
18 in

19 (1) law-enforcement or related fields, if a recipient of a  
20 Michael Murphy memorial scholarship loan;

21 (2) criminal law, criminal justice or other closely related  
22 fields, if a recipient of a Carroll L. "Butch" Swartz memorial schol-  
23 arship loan;

24 (3) a recognized branch of the engineering profession or  
25 other closely related fields, if a recipient of a Harvey Golub mem-  
26 orial scholarship loan; or

27 (4) education or public administration, or other closely  
28 related field, if a recipient of a Robert L. Thomas memorial scholar-  
29 ship loan.

1 \* Sec. 8. AS 14.43.305(g) is amended to read:

2 (g) A recipient who does not qualify for forgiveness of all or a  
3 part of the loan made under AS 14.43.250(b)(1) - (4) [AS 14.43.250 -  
4 14.43.325] shall begin repayment of the unforgiven portion within six  
5 months after leaving employment, or terminating studies, in

6 (1) law enforcement or related fields, if a recipient of a  
7 Michael Murphy memorial scholarship loan;

8 (2) criminal law, criminal justice or other closely related  
9 fields, if a recipient of a Carroll L. "Butch" Swartz memorial schol-  
10 arship loan;

11 (3) a recognized branch of the engineering profession or  
12 other closely related fields, if a recipient of a Harvey Golub memori-  
13 al scholarship loan; or

14 (4) education or public administration, or other closely  
15 related field, if a recipient of a Robert L. Thomas memorial scholar-  
16 ship loan.

17 \* Sec. 9. AS 14.43.305 is amended by adding a new subsection to read:

18 (i) To the extent they are not in conflict with terms and con-  
19 ditions under AS 14.43.250 - 14.43.325, the terms and conditions of a  
20 memorial scholarship loan made under AS 14.43.250(b)(5) are the same  
21 as the terms and conditions for a scholarship loan under AS 14.43.-  
22 090 - 14.43.160.

23 \* Sec. 10. AS 14.43.310 is amended by adding a new subsection to read:

24 (c) In selecting from among eligible applicants for award of a  
25 memorial scholarship loan under AS 14.43.250(b)(5), the administering  
26 authority shall give preference to applicants nominated by private  
27 donors to the A. W. (Winn) Brindle memorial scholarship loan account  
28 in the memorial scholarship revolving loan fund.

29 \* Sec. 11. This Act takes effect July 1, 1986.

II

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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

### REQUEST

Bill/Resolution No. : SB 453  
 Title : RE: A.W. "Winn" Brindle  
Memorial Scholarships  
 Sponsor : Zharoff  
 Requestor : Senate HESS  
 Date of Request : March 3, 1986

### FISCAL DETAIL

Agency Affected : Education  
 BRU : Postsecondary Education  
 Components : Memorial Scholarship  
Loans

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

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

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

### FUNDING : (Thousands of Dollars)

GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	N.A.	-0-	-0-	-0-	-0-	-0-

### POSITIONS :

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

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

No fiscal impact within the time of this note, since all funds are contributions, and repayments begin after schooling.

Prepared by: Kerry D. Romesburg, Deputy Director Phone: 465-2854  
 Division: Alaska Commission on Postsecondary Education Date: March 3, 1986

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

*Fiscal note*

# Dedication



This year's Annual Report is dedicated to A. W. "Winn" Brindle, who passed away July 4, 1977, at Red Salmon Packing Company in Naknek. This dedication reflects our sincerest gratitude for the valuable contributions Winn made to Alaska's fishing industry and for his wise counsel and keen interest in the affairs of the bank.

Winn served the bank as a director for over 40 years. He first became a director of the Miners and Merchants Bank of Ketchikan in 1934. When that bank and five others consolidated as the National Bank of Alaska in 1960, he was elected to the original Board of Directors, a position held until his death.

Winn came to Alaska as a young child in the early 1900's and was educated in the Ketchikan school system, and attended the University of Washington. Although Winn was noted primarily for his contributions to and accomplishments in the fishing industry, he had a diversity of other business interests. Together with other business associates he developed the Northland Transportation Company, a marine transportation company, which served the major ports of Southeastern Alaska and which was eventually purchased by the Alaska Steamship Company. In the 1930's he was involved with a tugboat and mining venture on Prince of Wales Island. In 1934 he was named director of the Miners and Merchants Bank of Ketchikan. Shortly thereafter he became a major stockholder and became active in the operation of the Tongass Trading Company of Ketchikan.

Winn first became actively involved in the fishing industry when as a young man, with his brother Harold, he purchased a seine boat. In 1928 he and Harold bought the Wards Cove Cannery. From that beginning he expanded to cannery operations throughout Alaska. In 1977 Winn and his associated companies had fishing operations in Ketchikan, Excursion Inlet, Port Bailey, Allak, Naknek, Chignik, Hoonah, Kenai, Kodiak, Ekuk, Egegik, Koggiung, Libbyville, Craig, Moser Bay, Petersburg, George Inlet, Port Otto, and Ouzinkie, comprising the largest salmon processing organization in Alaska.

In 1969 the Alaska State Chamber of Commerce named him the "Outstanding Alaskan." In further recognition of his diversity of interests the Holy Catholic Church of Ketchikan named one of their school buildings Brindle Hall.

During World War II, Winn was awarded the Legion of Merit while serving in the Aleutian campaign and attained the rank of Major in the U. S. Army.

His wisdom and experience contributed much to the development of all of his associates. The success of Alaska's fishing industry to which he dedicated his career, are monuments to his strength of character, his dedication and personal integrity. The country that he served, the fishing industry that he loved, and his associated companies share a distinguished heritage. He will be sorely missed.

BILL HISTORY

V

HOUSE CALENDAR:

BILL SB0453  
 PAGE 01863  
 DATE 02/18/86  
 CHAMBER SENATE  
 TEXT SENATE BILL NO. 453 by Senator Zharoff, entitled:  
 "An Act relating to memorial scholarship revolving loans, creating the A. W. (Winn) Brindle memorial scholarship loan; and providing for an effective date."  
 was read the first time and referred to the Health, Education and Social Services Committee and the Finance Committee.

BILL SB0453  
 PAGE 02011  
 DATE 03/07/86  
 CHAMBER SENATE  
 TEXT The Health, Education and Social Services Committee considered SENATE BILL NO. 453 (memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; efd) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson, Sturgulewski and DeVries. Senator Paul Fischer signed "no recommendation".  
 SENATE BILL NO. 453 was referred to the Finance Committee.

BILL SB0453  
 PAGE 02572  
 DATE 05/02/86  
 CHAMBER SENATE  
 TEXT The Finance Committee considered SENATE BILL NO. 453 (memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; efd). Senator Faiks, Co-Chairman and Senators Kerttula, Halford, Paul Fischer and Eliason signed "no recommendation". Senator Ferguson signed "do pass".  
 Fiscal note is zero.

BILL SB0453  
 PAGE 02573  
 DATE 05/02/86  
 CHAMBER SENATE  
 TEXT Analysis from Postsecondary Education Commission: "No fiscal impact within the time of this note, since all funds are contributions, and repayments begin after schooling."  
 SENATE BILL NO. 453 was referred to the Rules Committee.  
 fiscal impact within the time of this note, since all funds are contributions, and repayments begin after schooling."  
 SENATE BILL NO. 453 was referred to the Rules Committee.

BILL SB0453  
PAGE 02685  
DATE 05/08/86  
CHAMBER SENATE  
TEXT SENATE BILL NO. 453 (memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; efd) was read the second time.  
Senator Ziegler moved and asked unanimous consent that he be shown as a co-sponsor on SENATE BILL NO. 453. Without objection, it was so ordered.  
Senator Halford moved and asked unanimous consent that SENATE BILL NO. 453 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.  
SENATE BILL NO. 453 was read the third time.  
The question being: "Shall SENATE BILL NO. 453 (memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; efd) pass the Senate?"  
The roll was taken with the following result:  
SB 453 3RD

Yeas: 19 Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sturgulewski, Zharoff, Ziegler

Nays: 0  
Absent: 1 Sackett

and so, SENATE BILL NO. 453 passed the Senate.  
Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.  
SENATE BILL NO. 453 was referred to the Secretary for engrossment.

The Rules Committee considered SENATE BILL NO. 453 (memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; efd) and a majority of the committee recommended calendar May 8. The report was signed by Senator Kelly, Chairman and concurred in by Senators Josephson and Coghill.  
SENATE BILL NO. 453 is on the calendar.

BILL SB0453  
PAGE 03253  
DATE 05/09/86  
CHAMBER HOUSE  
TEXT SENATE BILL NO. 453 by Zharoff and Ziegler, entitled:  
"An Act relating to memorial scholarship revolving loans, creating the A.W. (Winn) Brindle memorial scholarship loan; and providing for an effective date."  
was read the first time and referred to the House Special Committee on State Loans and the Rules Committee.

Scholarship  
Loan Program  
 (Winn Brindle  
 memorial)

SENATE BILL NO. 453, by Sen. Zharoff. Sets up the Winn Brindle memorial scholarship loan to perpetuate the memory of Mr. Brindle who was president of Wards Cove Packing Company and Columbia-Wards Fisheries and "whose death July 4, 1977, terminated a distinguished career dictated to the development of the Alaska seafood industry."

Repayments of loans under the Brindle memorial would be made back into the regular student loan program instead of the memorial scholarship loan program, and loans would be subject to same terms and conditions. Loans to recipients could be used only to pursue a certificate or degree program in an accredited school, college, or university in fisheries, fishery science, management, seafood processing, food technology or other closely related field. Loans could not exceed the cost of tuition, fees, books and supplies, room and board, and transportation for two round trips between home and school each year. Loans could not be made for more than five years of undergrad study, five years of graduate study or a combined maximum of eight years study.

Changes entire memorial scholarship loan program so that recipient would have to be a resident and enrolled or eligible for enrollment as a full-time student in a certificate or degree program. Deletes requirements that student be a high school graduate or scheduled for graduation within six months, with sufficient credits to be admitted to a college or university, or an officer or employee of a department, agency, or municipality who intends to pursue a course of study leading to a professional degree.

In selecting from among eligible applicants for the Brindle scholarship loan the administering authority would be required to give preference to applicants nominated by private donors to the loan account. Provides Act takes effect July 1, 1986.

Introduced February 18 and referred to Health, Education & Social

Scholarship  
Loan Program  
 (Winn Brindle  
 memorial)

SENATE BILL NO. 453, (see page 227). Reported back to the Senate March 7 by HESS recommending it do pass. Concurring: Fahrenkamp (Chair), Josephson, Sturgulewski and DeVries. Not concurring: P. Fischer had no recommendation. To Finance.

Scholarship  
Loan Program  
 (Winn Brindle  
 memorial)

SENATE BILL NO. 453, (see pages 227;297). Reported back to the Senate April 2 by Finance recommending as follows: Faiks (Co-Chair), Kerttula, Halford, P. Fischer and Eliason had no recommendation. Ferguson signed do pass. To Rules.

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STATE OF ALASKA  
THE LEGISLATURE

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

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May, 1988

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Mary Van Nimwegen

*House Rules 5-9-86 8:38am*



Official Business

**COMMITTEE:**

5-9-86

**DATE:**

# SIGN-IN

**Subject of meeting:**

SB 456

**NAME                      ADDRESS                      PHONE                      REPRESENTING                      DO YOU WANT TO TESTIFY?**

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?





Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## HOUSE RULES STANDING COMMITTEE MEETING

FRIDAY, MAY 9, 1986

8:30 A.M. - CAPITOL, ROOM 208

### A G E N D A

SB 456 - "An Act relating to the Board of Nursing Home Administrators."  
(HESS Committee)

### I N D E X

- I. SB 456
- II. BRIEF ANALYSIS
- III. SENATE PASSED LETTER OF INTENT
- IV. FISCAL NOTE SB 456
- V. BILL HISTORY SB 456

I.

Introduced: 2/21/86  
Referred: Health, Education and  
Social Services and  
Finance

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 456

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Board of Nursing Home Admini-  
7 strators; and providing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(9) is amended to read:

10 (9) Board of Nursing Home Administrators (AS 08.70.010) --  
11 June 30, 1990 [1986].

12 \* Sec. 2. AS 08.70.020(a) is amended to read:

13 (a) The board consists of three [FIVE] members: one [TWO] nurs-  
14 ing home administrator [ADMINISTRATORS] licensed under this chapter  
15 and practicing in the state, a registered nurse licensed in the state  
16 and having no direct financial interest in any nursing home, and one  
17 person [TWO PERSONS] from the general public.

18 \* Sec. 3. AS 08.70.040 is amended to read:

19 Sec. 08.70.040. BOARD MEETINGS: QUORUM. The board shall meet at  
20 least annually [SEMIANNUALLY]. A majority of the board constitutes a  
21 quorum.

22 \* Sec. 4. TRANSITION. Notwithstanding the provisions of AS 08.70.-  
23 020(a) as amended by sec. 2 of this Act, the members of the Board of Nurs-  
24 ing Home Administrators on the effective date of this Act remain on the  
25 board until their terms expire or the positions otherwise become vacant.

26 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
27 10.070(c).

Federal law requires that nursing homes be administered by licensed administrators in order to receive federal Medicaid funds. In response to this requirement, the Board of Nursing Home Administrators was established in 1975. Qualifications for licensure include work experience, educational requirements, and passage of a national exam.

The Legislative Audit report recommends continuation of the Board, but recommends reducing the cost of regulating nursing home administrators. In response to this recommendation, the board will be proposing a reduction in the number of board members from five to three.

SB 456, Relating to the Board of Nursing Home Administrators.

SB 456 extends the Board of Nursing Home Administrators another four years. During the committee's sunset review of the board, recommendations were made to reduce the board's operating costs. To this effect, SB 456 would reduce the board membership from five to three and the number of annual meetings from two to one.

A letter of intent requesting the Department of Commerce to set license fees to cover the cost of board operations is attached.

# Alaska State Legislature

III.

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P O BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3234  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### LETTER OF INTENT FOR SB 456, AN ACT RELATING TO THE BOARD OF NURSING HOME ADMINISTRATORS.

During fiscal year 1985, operating costs of the Board of Nursing Home Administrators exceeded \$3,000. These costs were partially offset by the \$1,818 collected in license fees. SB 456 is intended to reduce the board's operating costs through reducing the membership of the board from 5 to 3 and reducing the minimum number of board meetings to one a year.

In addition, AS 08.70.150 and AS 08.01.065 authorize the Department of Commerce to establish license fees administratively with the concurrence of the board, and require that the fees reflect to the extent possible the actual costs to the Department of the board.

It is the intent of the Senate Committee on Health, Education and Social Services that the Department set fees for the Board of Nursing Home Administrators that are sufficient to cover the costs of its operations, and do so in a timely manner.

IV.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/18/86

REQUEST

Bill/Resolution No.: SB 456  
Title: An Act relating to the Board of  
Nursing Home Administrators;

Sponsor: Senate HESS  
Requester: Senate HESS  
Date of Request: 3/14/86

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing

Components:

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	[.5]	[.5]
CONTRACTUAL		[.3]	[.3]	[.3]	[.3]	[.3]
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		[.3]	[.3]	[.3]	[.8]	[.8]

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

REVENUE		**				
---------	--	----	--	--	--	--

FUNDING: (Thousands of dollars)

GENERAL FUND		[.3]	[.3]	[.3]	[.8]	[.8]
FEDERAL FUNDS						
OTHER						
TOTAL		[.3]	[.3]	[.3]	[.8]	[.8]

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

The bill provides for continuation of the Board of Nursing Home Administrators and reduces the number of board members from five to three by attrition. The bill also reduces the required number of meetings from semiannually to annually. The board usually conducts one face-to-face meeting and one teleconference each year.

(see attached for continuation)

Prepared by: Jennifer Strickler, Management Analyst  
Division: Occupational Licensing

Phone: 465-2144  
Date: 3-18-86

Approved by Commissioner: [Signature]  
Agency: Commerce and Economic Development

Date: 3/18/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 456

The reduction in contractual expenditures is a result of eliminating the teleconference meeting using the Alascom system.

Reduction in travel is a result of members being reduced by attrition. One Anchorage member would attend only one meeting in FY 87, therefore, per diem cost of \$80 would be eliminated for FY 88 - 91. This cost is not reflected as it is under \$100 annually.

The reduction of travel cost in FY 90 and FY 91 reflects the elimination of one Juneau member whose term expires October 1, 1988. This member would attend the face to face meeting in FY 89 but travel and per diem cost of \$512.00 in FY 90 and FY 91 would be eliminated.

Reason for Revised Fiscal Note: Reduction in contractual expenditures is based on teleconference costs using the Alascom System versus the Legislative Teleconference Network. The teleconference meeting routinely occurs during the second half of each fiscal year while the Legislature is still in session therefore rendering the LTN as unavailable for use by other agencies. The reduction is also based on a three hour teleconference meeting as determined to be all that is necessary by the board.

BILL SB0456  
 PAGE 01898  
 DATE 02/21/86  
 CHAMBER SENATE  
 TEXT SENATE BILL NO. 456 by the Health, Education and Social Services Committee, entitled:  
 "An Act relating to the Board of Nursing Home Administrators; and providing for an effective date."  
 was read the first time and referred to the Health, Education and Social Services Committee and the Finance Committee.

## &lt;MEMORANDUM&gt;

TO: Senator Bennett, Senate President  
 FROM: Senator Fahrenkamp, Chairman  
 Senate Committee on Health, Education and Social Services

RE: Board of Nursing Home Administrators

DATE: February 20, 1986

Pursuant to your referral under AS 44.66.050 and AS 08.03.010, the Senate Committee on Health, Education and Social Services had under review the Board of Nursing Home Administrators.

As required by statute, a public hearing was held on the review of this board. The committee considered the findings and recommendations of the Legislative Audit Division and has examined the proposed budget for the board.

After careful analysis, the committee will be introducing legislation that would extend the Board of Nursing Home Administrators for another four year period. In an effort to reduce the board's operational costs, the legislation will also propose to reduce the number of members on the board and the annual number of board meetings.

The report was signed by Senator Fahrenkamp, Chairman and Senators Sturgulewski, Josephson, DeVries and Paul Fischer.

BILL SB0456  
 PAGE 02108  
 DATE 03/19/86  
 CHAMBER SENATE  
 TEXT The Health, Education and Social Services Committee considered SENATE BILL NO. 456 (Board of Nursing Home Administrators; efd) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson and DeVries.

Fiscal note is in Senate Supplement No. 58.

LETTER OF INTENT  
 FOR SB 456

It is the intent of the Senate Committee on Health, Education and Social Services that the Department set fees for the Board of Nursing Home Administrators that are sufficient to cover the costs of its operations, and do so in a timely manner.

SENATE BILL NO. 456 was referred to the Finance Committee.

BILL SB0456  
PAGE 02592  
DATE 05/04/86  
CHAMBER SENATE  
TEXT

The Finance Committee considered SENATE BILL NO. 456 (Board of Nursing Home Administrators; efd) and a majority of the committee recommended do pass and the Health, Education and Social Services Committee Letter of Intent be adopted. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Kerttula, Paul Fischer, Ferguson and Sackett.

SENATE BILL NO. 456 was referred to the Rules Committee.

BILL SB0456  
PAGE 02628  
DATE 05/06/86  
CHAMBER SENATE  
TEXT

The Rules Committee considered SENATE BILL NO. 456 (Board of Nursing Home Administrators; efd) and a majority of the committee recommended calendar May 6. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Josephson and Faiks.

SENATE BILL NO. 456 is on the calendar.

SENATE BILL NO. 456 (Board of Nursing Home Administrators; efd) was read the second time.

Senator Halford moved and asked unanimous consent that SENATE BILL NO. 456 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE BILL NO. 456 was read the third time.

Senator Fahrenkamp moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Letter of Intent offered on page 2108. Without objection, the Senate Letter of Intent was adopted.

The question being: "Shall SENATE BILL NO. 456 (Board of Nursing Home Administrators; efd) pass the Senate?" The roll was taken with the following result:

Yeas: 20 Abood, Bennett, Coghill, DeVries,  
Eliason, Fahrenkamp, Faiks,  
Ferguson, Fischer Paul,  
Fischer Vic, Halford, Josephson,  
Kelly, Kerttula, Ray, Rodey,  
Sackett, Sturgulewski, Zharoff,  
Ziegler

Nays: 0

and so, SENATE BILL NO. 456 passed the Senate with a Senate Letter of Intent.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

SENATE BILL NO. 456 was referred to the Secretary for engrossment

and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

BILL SB0456  
 PAGE 03160  
 DATE 05/07/86  
 CHAMBER HOUSE  
 TEXT SENATE BILL NO. 456, by the Health, Education & Social Services Committee, entitled:

"An Act relating to the Board of Nursing Home Administrators; and providing for an effective date."

was read the first time and referred to the Rules Committee. The Senate adopted a Senate Letter of Intent which appears on page 2108 of the Senate Journal.

Bd. of Nursing Home Examiners (extending/ membership/ meetings) SENATE BILL NO. 456, by the Health, Education & Social Services Committee. Would extend the Board of Nursing Home Examiners until June 30, 1990 (currently set to terminate June 30, 1986). Would reduce number of members from five to three, one of whom must be a nursing home administrator, one registered nurse, and one member of the general public. The board would be required to meet at least annually (currently only has to meet semi-annually). Provides Act takes effect immediately.

Introduced February 21 and referred to Health, Education & Social Services, Finance.

Bd. of Nursing Home Examiners (extending/ membership/ meetings) SENATE BILL NO. 456, (see page 228). Reported back to the Senate March 19 by HESS recommending it do pass. Concurring: Fahrenkamp (Chair), Josephson, DeVries. To Finance. The committee attached the following letter of intent:

SB 457 provides for the continuation of the State Physical Therapy Board for three years. It also repeals those statutes that regulate the supervision of physical therapists by other medical professionals. It is the intent of the committee that the board present to the Legislature at its next sunset review, a report evaluating the performance of physical therapists practicing without referral. The report should include information indicating the number of physical therapists in the state practicing without referral, their qualifications, including education and the number of years licensed and practicing, the number of clients served with and without referral, the number of complaints filed, effects on the cost of medical malpractice insurance, and a recommendation on the continued independent practice of licensed physical therapists.

It is also the intent of the committee that the board adopt regulations requiring licensed physical therapists to complete at least 25 hours of continued medical education every two years.

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May, 1988

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Mary Van Nimwegen

*House Rules 5-12-86 8:35am*



Official Business

**COMMITTEE:**

5-12-86

**DATE:**

**Subject of meeting:**

HB 473

# SIGN-IN

**NAME**

**ADDRESS**

**PHONE**

**REPRESENTING**

**DO YOU WANT  
TO TESTIFY?**

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?



BILL HISTORY

HOUSE CALENDAR: 5-12-86

II

SB 473

BILL SB0473  
PAGE 02283  
DATE 04/09/86  
CHAMBER SENATE  
TEXT SENATE BILL NO. 473 by the Labor and Commerce Committee, entitled:

"An Act extending the termination date of the Real Estate Commission; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee and the Finance Committee.

BILL SB0473  
PAGE 02593  
DATE 05/04/86  
CHAMBER SENATE  
TEXT The Labor and Commerce Committee considered SENATE BILL NO. 473 (extending the termination date of the Real Estate Commission; efd) and a majority of the committee recommended do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Ray and Eliason. SENATE BILL NO. 473 was referred to the Finance Committee.

BILL SB0473  
PAGE 02649  
DATE 05/07/86  
CHAMBER SENATE  
TEXT The Finance Committee considered SENATE BILL NO. 473 (extending the termination date of the Real Estate Commission; efd) and a majority of the committee recommended do pass. The report was signed by Senator Faiks, Co-Chairman and concurred in by Senators Halford, Paul Fischer, Eliason, Ferguson and Sackett. Fiscal note is zero.

SENATE BILL NO. 473 was referred to the Rules Committee.

BILL SB0473  
PAGE 02684  
DATE 05/08/86  
CHAMBER SENATE  
TEXT Senator Kelly moved and asked unanimous consent that SENATE BILL NO. 473 (extending the termination date of the Real Estate Commission; efd) (fourth item on the calendar) be returned to the Rules Committee. Without objection, the bill was returned to Rules.

BILL SB0473  
PAGE 02753  
DATE 05/10/86  
CHAMBER SENATE  
TEXT The Rules Committee considered SENATE BILL NO. 473 (extending the termination date of the Real Estate Commission; efd) and a majority of the committee recommended first supplemental calendar May 10. The report was signed by Senator Kelly, Chairman and concurred in by Senators Josephson, Bennett and Faiks.  
SENATE BILL NO. 473 is on the first supplemental calendar.

Real Estate SENATE BILL NO. 473, by the Labor & Commerce Committee.  
Commission Would extend the Real Estate Commission until June 30, 1987  
(extending) (currently set to terminate June 30, 1986). Provides Act takes effect immediately.

Introduced April 9, 1986 and referred to Labor & Commerce, Finance.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : SB 473  
Title : Extending Real Estate  
Commission; efd  
Sponsor : L&C Committee  
Requestor : \_\_\_\_\_  
Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Dept/Commerce & Economic  
BRU: Development  
Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

Prepared by : Senator Jan Faiks, Co-chairman Phone : 465-4523  
Division : Senate Finance Committee Date : 5/6/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

SCR

19

4/30/85

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907-465-3800

1986

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Jeanie Henry

House Rules Committee, 4/30/1985, 8:34am

CALL THE MEETING TO ORDER:

HOUSE RULES STANDING COMMITTEE

TUESDAY, APRIL 30, 1985

T I M E:

INDICATE MEMBERS PRESENT AND ABSENT:

Cmte. Members	Chairman M.W. Miller
	V. Chair. Wallis
	Speaker Grussendorf
	Rep. Fuller
	Rep. Martin
	Rep. Davis
	Rep. Pignalberi

SCHEDULED ON THE COMMITTEE CALENDAR TODAY ARE:

CS SCR 19 (FINANCE) - Establishing a Joint Special Committee on  
Legislative Salaries  
(by the Finance Committee)

HB 237 - "An Act relating to pension reform; and providing for an  
effective date."  
(Rules Committee by Request of the Governor)

The first item on today's agenda is CS SCR 19 (FINANCE) which resolves to establish a Joint Special Committee on Legislative Salaries. This committee would be represented by three members of the Senate and three members of the House. This special committee will report its recommendations and findings on the first day of the 2nd Session of the 14th Legislature and is terminated at that time also. \*\* NOTE CS SCR 19 (FINANCE) is identical to CS HCR 28 (FINANCE), which is currently in the House Rules Committee.

OPEN FOR DISCUSSION.

Move that CS SCR 19 (FINANCE) be moved from the Rules Committee with individual recommendations.

.....  
The second item on today's agenda is HB 237 - The proposed Rules CS makes technical corrections which were not spotted previously within the committee process. HB 237 AMENDS STATUTES PERTAINING TO THE STATE'S RETIREMENT SYSTEMS TO INCLUDE PROVISIONS SIMILAR TO THOSE ENACTED BY THE U.S. CONGRESS RETIREMENT EQUITY ACT OF 1984.

Move to adopt CSHB 237 (RULES) FOR PURPOSE OF DISCUSSION

NOTE: LEGISLATIVE DRAFTING ATTORNEY TERRY CRAMER IS HERE TO GIVE A LINE BY LINE ANALYSIS. VIRGINIA RAGLE, ASSISTANT ATTORNEY GENERAL IS ALSO HERE TO ANSWER QUESTIONS. Ken Humphreys, Director, Div. of Retirement or his deputy director will be here to answer questions also.

FURTHER DISCUSSION?

Move CSHB 237 (RULES) FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

*Terry Cramer*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE

#### I N D E X

CS SCR 19 (FINANCE) - Establishing a Joint Special Committee on  
Legislative Salaries  
(by the Finance Committee)

- I. Senate passed version CS SCR 19 (Finance)
- II. Bill History SCR 19
- III. Original Version SCR 19

**I.**

Offered: 4/22/85  
Referred: Rules

Original sponsor: Rules Committee

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 Establishing a Joint Special Committee  
6 on Legislative Salaries.  
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 WHEREAS there exists considerable public concern over the issues of  
9 legislative salaries, per diem, and allowances; and  
10 WHEREAS the legislature desires to encourage confidence in the legis-  
11 lative process and to streamline expenditures and reduce operating costs of  
12 the legislature;  
13 BE IT RESOLVED by the Alaska State Legislature that under Uniform Rule  
14 21 a Joint Special Committee on Legislative Salaries is established con-  
15 sisting of three members of the Senate appointed by the President of the  
16 Senate and three members of the House of Representatives appointed by the  
17 Speaker of the House to examine legislative salaries, per diem, and allow-  
18 ances; and be it  
19 FURTHER RESOLVED that the committee, when constituted, be directed to  
20 compare the approach taken by the state regarding salaries with the ap-  
21 proach taken by other states and to develop recommendations for reducing  
22 operating expenses; and be it  
23 FURTHER RESOLVED that the committee is authorized to meet during and  
24 between sessions of the legislature and is to report its recommendations  
25 and findings on the first day of the Second Session of the Fourteenth  
26 Legislature and is terminated on the first day of the Second Session of the  
27 Fourteenth Legislature.

# II.

## BILL HISTORY

SCR 19

### HOUSE CALENDAR:

BILL SCR0019  
PAGE 00766  
DATE 04/11/85  
CHAMBER SENATE  
TEXT SENATE CONCURRENT RESOLUTION NO. 19 by the Rules Committee,  
Relating to establishing a Joint Special  
Committee on Legislative Salaries,  
was read the first time and referred to the Finance Committee.

SCR0019  
00870  
04/22/85  
SENATE  
The Finance Committee considered SENATE CONCURRENT RESOLUTION  
NO. 19 (Joint Special Committee on Legislative Salaries) and  
recommended it be replaced with  
CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (FIN)  
Senator Faiks, Co-Chairman and Senators Eliason and Sackett  
signed "do pass". Senators Kerttula, Halford, Paul Fischer  
and Ferguson signed "no recommendation".  
Fiscal note is zero.  
SENATE CONCURRENT RESOLUTION NO. 19 was referred to the Rules  
Committee.

SCR0019  
00890  
04/23/85  
SENATE  
The Rules Committee considered SENATE CONCURRENT RESOLUTION  
NO. 19 (Relating to establishing a Joint Special Committee on  
Legislative Salaries). Senator Kelly, Chairman and Senator  
Coghill recommended calendar April 23. Senator Josephson  
signed "do other things".  
SENATE CONCURRENT RESOLUTION NO. 19 appears on the calendar.

SENATE CONCURRENT RESOLUTION NO. 19 (Relating to establishing  
a Joint Special Committee on Legislative Salaries) was read  
the second time.  
Senator Faiks moved and asked unanimous consent for the adop-  
tion of the Finance Committee Substitute and new title offered  
on page 870. Without objection, SCS FOR SENATE CONCURRENT RES-  
OLUTION NO. 19 (FIN) ¶ (Establishing a Joint Special Committee  
on Legislative Salaries) was adopted.  
CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (FIN) was read the  
second time.

CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (FIN) was before  
the Senate on final passage.

The question being: "Shall CS FOR SENATE CONCURRENT RESOLU-  
TION NO. 19 (FIN) (Establishing a Joint Special Committee on  
Legislative Salaries) pass the Senate?" The roll was taken  
with the following result:

CS SCR 19 FIN

Yeas:	13	Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Halford, Kelly, Kerttula, Ray, Zharoff, Ziegler
Nays:	4	Fischer Paul, Fischer Vic, Josephson, Rodey
Absent:	3	Ferguson, Sackett, Sturgulewski

and so, CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (FIN) passed the Senate and was referred to the Secretary for engrossment.

SCS FOR SENATE CONCURRENT RESOLUTION NO. 19 (FIN) was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SCR0019  
01051  
04/24/85  
HOUSE

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 19 (Finance), by the Finance Committee:

Establishing a Joint Special Committee  
on Legislative Salaries.

was read the first time and referred to the Rules Committee.

Joint Commit.  
on Legislative  
Salaries

SENATE CONCURRENT RESOLUTION NO.-19, by the Rules Committee.  
Establishes a Joint Special Committee on Legislative Salaries to examine legislative salaries, per diem, and allowances, as well as the functions and staffing levels of legislative personal staff, and legislative service agencies.

The committee would be directed to compare the approach taken by the state regarding salaries and staffing with the approach taken by other states and to develop recommendations for reducing operating expenses, increasing effectiveness and productivity of staff and service agencies, and to streamline service agencies.

The Committee would consist of three senators appointed by the President of the Senate and three representatives appointed by the Speaker of the House, and would be authorized to meet during and between sessions of the legislature. A report would be due on the first day of the 1986 session, and the committee would be terminated on that day.

Introduced April 11 and referred to Finance. Identical to HCR 28.



Introduced: 4/11,85  
Referred: Finance

1 IN THE SENATE BY THE RULES COMMITTEE

2 SENATE CONCURRENT RESOLUTION NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Relating to establishing a Joint Special  
6 Committee on Legislative Salaries.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS there exists considerable public concern over the issues of  
9 legislative salaries, per diem, and allowances; and

10 WHEREAS there has been significant change in legislative employment  
11 over the past few years such that a comprehensive review is needed; and

12 WHEREAS the legislature desires to encourage confidence in the legis-  
13 lative process and to streamline expenditures and reduce operating costs of  
14 the legislature;

15 BE IT RESOLVED by the Alaska State Legislature that under Uniform Rule  
16 21 a Joint Special Committee on Legislative Salaries is established con-  
17 sisting of three members of the Senate appointed by the President of the  
18 Senate and three members of the House of Representatives appointed by the  
19 Speaker of the House to examine legislative salaries, per diem, and allow-  
20 ances, as well as the functions and staffing levels of legislative personal  
21 staff, and legislative service agencies; and be it

22 FURTHER RESOLVED that the committee, when constituted, be directed to  
23 compare the approach taken by the state regarding salaries and staffing  
24 with the approach taken by other states and to develop recommendations for  
25 reducing operating expenses, increasing effectiveness and productivity of  
26 staff and service agencies, and to streamline service agencies; and be it

27 FURTHER RESOLVED that the committee is authorized to meet during and  
28 between sessions of the legislature and is to report its recommendations  
29 and findings on the first day of the Second Session of the Fourteenth

- 1 Legislature and is terminated on the first day of the Second Session of the
- 2 Fourteenth Legislature.



SCR

27

5/13/85

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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Mary Van Nimwegen

*House Rules 5-13-85 12:00pm*

COMMITTEE REPORT

HOUSE

FURTHER:

(7)

5/11/85

Date: 5/12/85

The Committee on RULES has had SCR 27

Relating to monetary terms of collective bargaining agreements with state employee bargaining organizations.

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

M.W. Miller

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

M.W. Miller  
CHAIRMAN

Introduced: 5/10/85  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE CONCURRENT RESOLUTION NO. 27

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Relating to monetary terms of collective  
6 bargaining agreements with state em-  
7 ployee bargaining organizations.

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

9 WHEREAS state revenue has declined substantially because of the unex-  
10 pected decline in the price of oil and this downward trend is expected to  
11 continue for several years; and

12 WHEREAS this reduction will require a significant curtailment of the  
13 operating and capital budgets for the next fiscal year and for several  
14 years thereafter; and

15 WHEREAS the legislature is seeking ways to reduce the state budget  
16 without reducing necessary services to the people of the state and without  
17 laying off state employees; and

18 WHEREAS the legislature recognizes and supports the rights granted in  
19 the Public Employment Relations Act to state employees to share in the  
20 decision-making process affecting wages and working conditions; and

21 WHEREAS the state and public employee bargaining organizations have  
22 entered into collective bargaining agreements that establish salaries and  
23 benefits to be paid to state employees in fiscal year 1985 and fiscal year  
24 1986 and future years; and

25 WHEREAS the parties negotiated these contracts in good faith, but  
26 unfortunately using assumptions about future state revenue that are no  
27 longer valid; and

28 WHEREAS the legislature is in the process of fully funding the fiscal  
29 year 1985 and fiscal year 1986 monetary terms of the contracts;

1           BE IT RESOLVED that the Alaska State Legislature will not fund the  
2 monetary terms of the existing contracts for future years; and be it

3           FURTHER RESOLVED that the parties to the contracts should renegotiate  
4 the monetary terms of those contracts for fiscal year 1987 and subsequent  
5 years; and be it

6           FURTHER RESOLVED that the Governor is requested to report to the  
7 legislature by January 13, 1986, on the results of these renegotiations.  
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50457

SCR

28

5/12/85

STATE OF ALASKA  
THE LEGISLATURE

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

May, 1988

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Mary Van Nimwegen

*House Rules 5-12-85 8:30 pm*

COMMITTEE REPORT

HOUSE

*To have 3rd page  
Calendar*

FURTHER:

(7)

5/12/85

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

The Committee on RULES has had SCR 28

Suspending Uniform Rule 41(b) of the Alaska State Legislature concerning House Bill No. 122.

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*F. K. ...*  
*Terry ...*  
*Carl ...*  
*Ben ...*  
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*M.W. Miller*  
 \_\_\_\_\_  
 CHAIRMAN

Introduced: 5/12/85  
Referred: Rules

1 IN THE SENATE BY THE RULES COMMITTEE  
2 SENATE CONCURRENT RESOLUTION NO. 28  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 Suspending Uniform Rule 41(b) of the  
6 Alaska State Legislature concerning  
7 House Bill No. 122.  
8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-  
10 ture the provisions of Rule 41(b) of the Uniform Rules are suspended in the  
11 consideration of House Bill No. 122.

Offered: 5/12/85

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

SENATE CS FOR HOUSE BILL NO. 122 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act extending the termination date of the Board  
of Pharmacy; and providing for an effective date."

7

8

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

9

\* Section 1. AS 08.03.010(c)(4) is amended to read:

10

(4) Board of Pharmacy (AS 08.80.010) -- June 30, 1985

11

[1984].

12

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

13

10.070(c).

Suspending  
Unif. Rules  
for HB 122

SENATE CONCURRENT RESOLUTION NO. 28, by the Rules Committee.  
Suspends Rule 41(b) in the consideration of HB 122.  
Rule 41(b) prohibits a title change in the second house.

Introduced May 12 and referred to Rules. Passed—see page 856.

SENATE CONCURRENT RESOLUTION NO. 28. (see pages 819;872;895).  
Passed the Senate on May 12, 20-0. Passed again on reconsideration the same day, 20-0.

SENATE CONCURRENT RESOLUTION NO. 28. (see pages 819;856;895).  
Received in the House May 12 and referred to Rules.

SENATE CONCURRENT RESOLUTION NO. 28. (see pp. 819;856;872).  
Reported back to the House May 12 by Rules recommending it do pass. Concurring: M. W. Miller (Chair), Wallis, Martin, Fuller and Grussendorf.

Passed the House May 12, 31-9. Nays: Boucher, Collins, Furnace, Hanley, Jenkins, Marrou, Phillips, Pignalberi, Szymanski. Passed again on reconsideration, 29-9-2. Nays: Boucher, Collins, Furnace, Hanley, Jenkins, Marrou, Pearce, Phillips, Pignalberi. Absent: Fuller, Wallis.

SENATE CONCURRENT RESOLUTION NO. 28. (see pages 819;856;872;895). Read by the Governor June 2, Legislative Resolve No. 20 (Suspending Uniform Rule 41(b) of the Alaska State Legislature concerning House Bill No. 122).

SCR

42

5/10/86

STATE OF ALASKA  
THE LEGISLATURE

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

May, 1988

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Mary Van Nimwegen

House Rules 5-10-86 8:31am



Official Business

COMMITTEE:

5-10-86

DATE:

**SIGN-IN**

Subject of meeting:

SCR 42

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?





Official Business

# Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

## HOUSE RULES STANDING COMMITTEE MEETING

SATURDAY, MAY 10, 1986

8:30 A.M. - CAPITOL, ROOM 208

### A G E N D A

SCR 42 - Relating to a legislative committee to study the state's tax policy.

(State Affairs Committee)

### I N D E X

I. SCR 42

II. FISCAL NOTE

III. BILL HISTORY \*analysis on page 2 of bill history

II

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 5-9-86

**REQUEST**

Bill Resolution No.: SCR 42  
 Title: legislative committee to study state's tax policy  
 Sponsor: Senate State Affairs  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: LAA  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>		0	0	0	0	0
<b>REVENUE</b>		0	0	0	0	0

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Funding for this committee appears in the reappropriation bill.

Prepared by: House Rules Phone: \_\_\_\_\_  
 Division: \_\_\_\_\_ Date: 5-9-86  
 Approved by Chairman Mike W. Sullivan Commissioner+ \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: House Rules

Distribution (by Agency preparing fiscal note):

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

BILL SCR0042  
 PAGE 02448  
 DATE 04/23/86  
 CHAMBER SENATE  
 TEXT SENATE CONCURRENT RESOLUTION NO. 42 by the State Affairs Committee,  
 Relating to a legislative committee to study the state's tax policy,  
 was read the first time and referred to the State Affairs Committee.

BILL SCR0042  
 PAGE 02461  
 DATE 04/24/86  
 CHAMBER SENATE  
 TEXT The State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 42 (legislative committee to study the state's tax policy). Senator Abood, Chairman and Senators Kelly, Ray and DeVries signed "no recommendation". Senator Vic Fischer signed "do pass".  
 SENATE CONCURRENT RESOLUTION NO. 42 was referred to the Rules Committee.

BILL SCR0042  
 PAGE 02680  
 DATE 05/08/86  
 CHAMBER SENATE  
 TEXT The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 42 (legislative committee to study the state's tax policy) and a majority of the committee recommended calendar May 8. The report was signed by Senator Kelly, Chairman and concurred in by Senators Josephson and Coghill.  
 SENATE CONCURRENT RESOLUTION NO. 42 is on the calendar.  
 SENATE CONCURRENT RESOLUTION NO. 42 (legislative committee to study the state's tax policy) was read the second time.  
 SENATE CONCURRENT RESOLUTION NO. 42 was before the Senate on final passage.  
 The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 42 (legislative committee to study the state's tax policy) pass the Senate?" The roll was taken with the following result:  
 SCR 42  
 Yeas: 17 Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kerttula, Ray, Rodey, Sturgulewski, Zharoff, Ziegler  
 Nays: 2 Abood, Kelly  
 Absent: 1 Sackett  
 Senator Kerttula changed from "nay" to "yea".  
 and so, SENATE CONCURRENT RESOLUTION NO. 42 passed the Senate and was referred to the Secretary for engrossment.  
 SENATE CONCURRENT RESOLUTION NO. 42 was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

State Tax  
Policy  
(creation of  
jt. committee)

SENATE CONCURRENT RESOLUTION NO. 42. by the State Affairs Committee. Would establish a joint special committee on tax policy, consisting of three members of the House, three members of the Senate, three ex-officio members from the private sector appointed by the governor, and one ex-officio member each from the Office of Management & Budget and the Dept. of Revenue. The committee would conduct research, hold public hearings and take testimony and collect data on the state's tax policy. The committee would submit a written report to the legislature that addresses the merits of and makes recommendations concerning a long-term, broad-based and stable tax policy to minimize taxes and foster economic growth.

Introduced April 23 and referred to State Affairs.

State Tax  
Policy  
(committee to  
study)

SENATE CONCURRENT RESOLUTION NO. 42. (see page 514, this report). Reported back to the Senate April 24 by State Affairs having no recommendation. Concurring: Abood (Chair), Kelly, Ray and DeVries. Not concurring: V. Fischer recommended it do not pass. To Rules.

SCR

47

417186



STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

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Mary Van Nimwegen

House Rules 4-23-86 8:30 am  
4-7-86 8:33 am

HOUSE  
COMMITTEE REPORT

4/7

Rules

(7)

Date referred: 4/1/86

FURTHER REFERRALS:

DATE: April 7, 1986

The RULES \_\_\_\_\_ Committee has considered SJR 47

Proposing additional action by the United States to reduce high seas interception of Alaska-bound salmon.

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- replace with \_\_\_\_\_  new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_

*Terry Martin*

\_\_\_\_\_

*Ben Brunsdon*

\_\_\_\_\_

*Jim Miller*

\_\_\_\_\_

*M.W. Miller*

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*Mike Dan*

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*M.W. Miller*

\_\_\_\_\_

Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : SJR 47/HJR 68  
Title : High Seas Interception  
of Salmon  
Sponsor Senate Resources/Rules by request  
Requestor : Senate Resources  
Date of Request : March 24, 1986

**FISCAL DETAIL**

Agency Affected : Fish and Game  
BRU : \_\_\_\_\_  
Components : \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by : Roland Shanks  
Division : Commissioner's Office

Phone : 465-4100  
Date : March 26, 1986

Approved by Commissioner : Donnell Callaway  
Agency : Department of Fish and Game

Date : 3-26-86

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

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK LOGHILL  
DICK ELIASON  
VIC FISCHER  
RICK HALFORD  
FRED ZHAROFF

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4907



## Senate Committee on Resources

MEMORANDUM

March 24, 1986

TO: All Members  
Senate Resources Committee

FROM: Staff, Senate Resources Committee

RE: SJR 47 Requesting additional action by the  
United States to reduce high seas  
interception of Alaska-bound salmon

SJR 47 expresses disappointment with the terms of the recent agreement with Japan regarding the high seas interception of Alaska salmon. The resolution further urges the State Department to continue to pursue reductions in the interception of Alaska-bound salmon by high seas fleets. In addition, the Coast Guard is requested to station one cutter to patrol the abstention line, and Congress is urged to provide the funding for research and monitoring in order to gather adequate data for future negotiations.

Enclosures:

Joint press release by Senator Sturgulewski  
and Representatives Goll and Binkley  
UFA press release supporting HJR 47  
Fact sheet by Dept. of Fish and Game



Official Business

# Alaska State Legislature

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 21, 1986  
For More Information Contact:  
Rodger Painter 465-4925

## F O R I M M E D I A T E R E L E A S E

Legislation has been introduced in the House and Senate expressing the state's disappointment with the terms of the recent agreement with Japan regarding the high seas interceptions of Alaska salmon.

Three key lawmakers today released a joint statement criticizing the agreement as not adequately responding to Alaska's concerns over the interception issue. The three legislators--Rep. Peter Goll, chairman of the House Special Committee on Fisheries, Sen. Arliss Sturgulewski, chairman of the Senate Resources Committee and Rep. John Binkley, a member of the U.S. negotiating team--also called upon their colleagues to act quickly upon the resolutions.

The identical resolutions (HJR 68 originating in the House Special Committee on Fisheries and SJR 47 by the Senate Resources Committee) also ask the federal government to provide funding for the posting of a Coast Guard cutter to patrol the new high seas abstention line, place observers on Japanese vessels and perform critical research.

"I am very disappointed in the agreement," Goll said. "The State Department failed to push hard enough on several critical issues of concern to Alaskans. The agreement fails to provide adequate enforcement provisions, does not reduce the level of Japanese salmon fishing in our 200-mile zone, takes eight years to phase out the Bering Sea fishery, leaves the issue of abandoned nets on the high seas unaddressed and only moves the the land-based fleet back one degree."

Binkley, who participated in the negotiating sessions as a U.S. representative, was particularly critical of the small reduction in the interception rates provided by the agreement.

-- more --

High Seas Salmon Interceptions  
March 21, 1986  
Page Two

"Our scientists estimate the Japanese interception rates will be reduced by only 18 to 20 percent by the agreement," Binkley said. "This means the Japanese will still be catching nearly \$20 million worth of our salmon each year. The loss of these salmon will continue to cause severe impacts on the economy of Western Alaska where average annual incomes fall below poverty guidelines."

Sturgulewski stressed that the agreement will be meaningless unless Congress acts to provide funding for implementation.

"The agreement calls for a multi-year research program by both the United States and Japan to provide better scientific information on the interception problem," Sturgulewski said. "Negotiations on the closure line for the land-based fleet will be reopened in 1991 if the research indicates the interception rates are still too high. We also need funding to place observers on the research and Japanese enforcement vessels."

The resolutions also ask the U.S. Coast Guard to post a cutter on the closure line for the land-based fleet to patrol during the entire high seas fishery. The Department of Fish and Game and fishermen's organizations contend the land-based fleet has chronically violated the closure line, and that regular patrols by the Coast Guard would significantly reduce interceptions.

-- end --



# UNITED FISHERMEN OF ALASKA

Jack Cadigan  
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## POLICY OF UFA RE: SALMON INTERCEPTION ON THE HIGH SEAS

THE UFA TOTALLY SUPPORTS HJR 68 AND SJR 47, AND HERE'S WHY!

The recent developments towards final agreement between the Japanese and United States over the dispute of High-seas salmon interception is both "good news" and "bad news". The "good news" is that there has been an agreement reached. The "bad news" is that it only achieves in very small part what the UFA, believed to be both necessary and achievable.

Salmon is a highly valuable, highly renewable, resource. The tentative agreement between the U.S. and Japan concerning the matter of high seas fisheries is one which accomplishes little and accomplishes it too slowly. It is from that level of disappointment that any basis for optimism or rays of encouragement must be sought. It is from being realistic that the position of UFA is one whereby although we cannot endorse the agreement or sing its praises, we realize that the miniscule gains made overall are nonetheless gains. That is why UFA does do not endorse or support any efforts being made by environmental or other groups who may seek to pressure the U.S. or Canada into refusal to sign the tentative agreement. One slice of bread off the loaf is better than no bread at all.

What does the agreement include which provides any encouragement to UFA? The agreement moves the land based fisheries one degree (a little less than 60 miles) further west. Specifically, no salmon fishing by the land-based fleet will take place east of 174 degrees East longitude. This will help - maybe not much - but it will help. More importantly, the agreement includes provision for U.S. Coast Guard enforcement of that line. This is an important feature which United Fishermen of Alaska consider critical. We now seek to insure that in a climate of shrinking dollars in Washington D.C. we don't find that feature moot by virtue of the Coast Guard not getting the fuel money it needs to do the job. That may seem a remote possibility only to those unaware of how ridiculously restricted the service is in that regard. The Japanese have agreed to assign six of their own enforcement vessels in the area, and to permit a U.S. observer aboard. We think there should be a U.S. observer on each Japanese enforcement vessel, and that observer should be a Coast Guard officer, not a summer employment collegian. However, since the agreement requires the fishing vessels to report by radio if they are within 50 miles of the line, and assuming there will be a high endurance U.S. Coast Guard cutter on scene, plus U. S. air surveillance, as provided for in the agreement, we do not foresee difficulties in the enforcement aspects.

Another very critical part of the agreement is the increase in tagging and biological samplings by Japanese Research ships in critical fishing areas, as well as the presence of U.S. scientists aboard to insure concurrence between the two countries of the scientific data achieved. This feature, as well as the onboard observer aspects, must be fully funded by the federal government for the next three to five years to provide the needed basis for renegotiations called for in 1990 under the terms of the agreement.

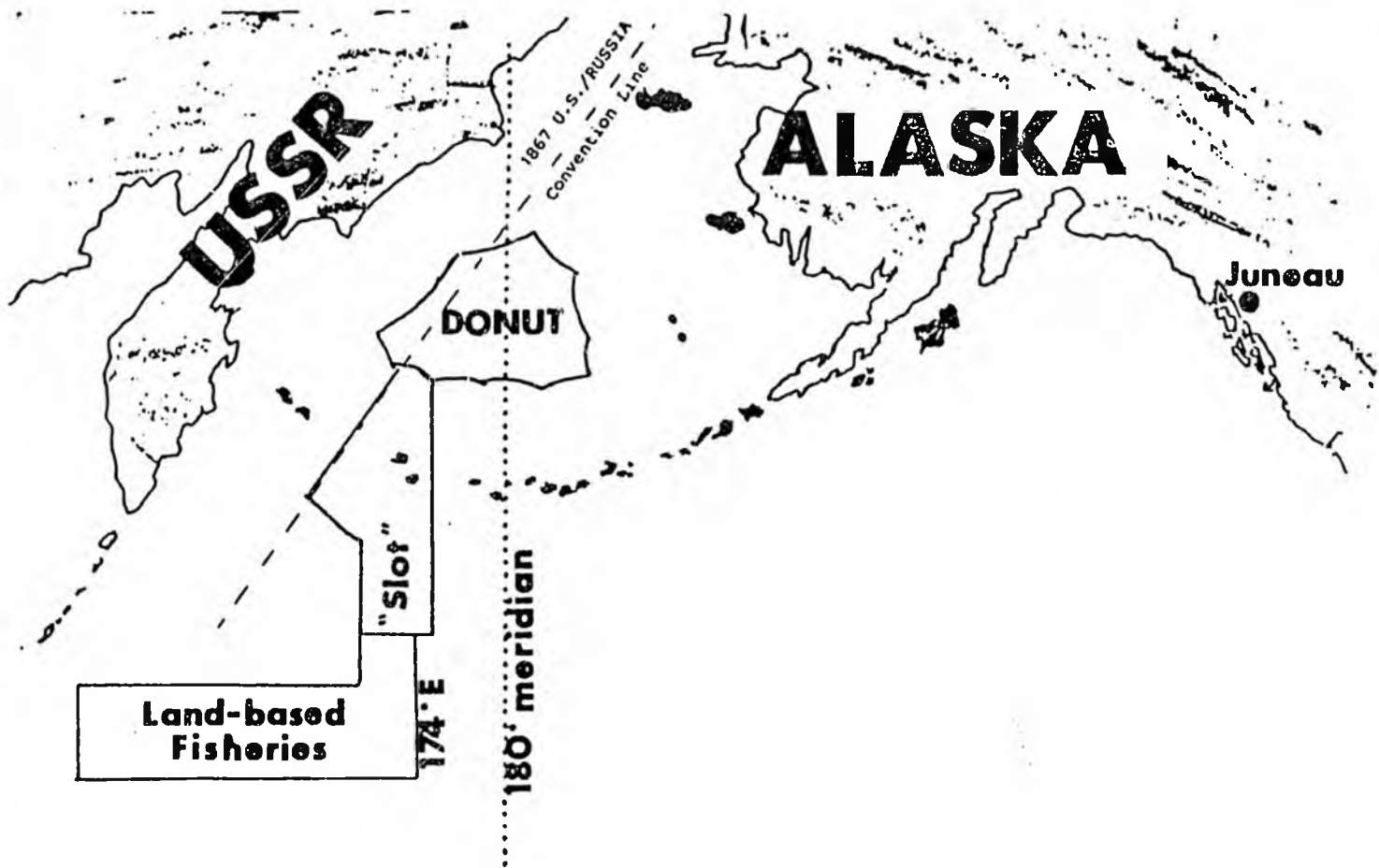
Thus the most critical parts of the agreement are those that provide the data base needed by this country for meaningful negotiations to take place in five years. Without good solid enforcement by the Coast Guard, without the presence of U.S. scientists and observers, we will be right where we were in the talks preceding this agreement - unable even to agree on the data base!

There are other features of the agreement which are both complex and accomplish less than expected by UFA. Specifically, there is an area commonly called "the donut" which is in the central Bering Sea and encircled by U.S. and Soviet 200 mile limits. This fairly circular region is split by the 180th meridian (International Date Line, and essentially lies within the 1867 U.S.-Russia Convention Line. The current agreement would incrementally phase out all Japanese High Seas salmon fishing on this side of 180th meridian by 1988, and all fishing in the entire "donut" by 1994. UFA certainly had hoped for a speedier timetable than that, but again, at least it is a phase out!

The area of really no movement at all is in the "Slot" which runs near Attu (which is 173 degrees East longitude), at the end of the Aleutian Chain. This is also the area of primary concern to environmentalists. In this area fishing will continue, essentially unabated, indefinitely.

The Japanese salmon fleets are large and efficient. There are four "High Seas" companies, each owning a mothership and servicing 40 to 50 gillnetters or a total of 172 catcherboats. The land-based fleet numbers over 200 medium and nearly 700 small driftnetters. There is also a fleet of 125 driftnetters and 171 longliners which fish salmon in the Sea of Japan. The total crew of these fisheries totals over 17,000 persons. UFA concern centers upon the impact these Japanese Salmon fisheries have on North American salmon, not Asian salmon. The crux of the dispute has been over the numbers of returning Alaskan salmon caught by these fisheries, and how the treaties can be re-defined to reduce that number reasonably close to zero. Since data supported by the U.S. did not even remotely resemble the data provided by the Japanese, there was scant foundation to even begin talks. The area in which we take heart focuses on the enforcement, research, and on-board observer aspects of the agreement. Even though we also consider the on-board observer arrangement weaker than it should be, we believe that if the U.S. fully uses its ability under the agreement to police the effort and achieve the necessary data for renegotiation in five years, we will have the potential capability at that time to accomplish our most reasonable goals. As the strongest voice of the fishing industry in Alaska, we now can only say: "This agreement is better than nothing...but not by much!"

UFA considers it important that Alaskan legislators fully understand what this issue is about, and why it is **IMPERATIVE** that a united position be established. We must all try to insure that the federal government provide the required law enforcement and scientific support needed, or else the agreement is useless!



U.S./Japanese Bilateral Salmon Talks  
Alaska Department of Fish and Game  
March 13, 1986

An agreement was concluded between the U.S. State Department and Japanese negotiators in Tokyo on March 8 after nine months of bilateral talks.

The U.S. objective has been to eliminate significant interception of North American salmon and steelhead by these fisheries. The U.S. had proposed elimination of their fishery in the central Bering Sea, reduction of their effort in our fisheries conservation zone (FCZ) and substantial movement to the west of their landbased fishery. The State Department was not able to accomplish all of these objectives in this current round of negotiations. The agreement falls well short of our original objective to eliminate all significant interceptions.

The agreement does not:

1. Reduce interceptions in the U.S. FCZ.
2. Move the landbased fishery ten degrees farther west, which current data indicates would be required to eliminate significant interceptions.
3. Get them out of the Bering Sea immediately.

The agreement only moves us part way to our objective and should not be viewed as an acceptable end point to the interception issue, although it is an improvement over the present situation and gives us some directions to pursue in further reducing the interceptions.

The agreement does:

1. Phase-out their fishery in the central Bering Sea over an eight year period of time. This has long been a U.S. goal since the chinook salmon caught in this area are nearly all from western Alaska and since this area is outside our zone, we have had serious doubts that we can adequately tell what they are catching in this area. Actually, they will have to end their fishery in the eastern part of this area after only two more years and there are provisions to prevent transfer of their effort to other areas as these fisheries close.
2. Limit their fishery in our FCZ. Currently, there is no effort limit in this area. The agreement will keep them from increasing their fishery from current levels. The agreement also specifies an improved monitoring program in this area to better verify the Japanese catch data.

3. Move their landbased fishery one degree of longitude (45 miles) farther west. We had wanted more movement in this fishery, but the Japanese maintained that this movement, plus enforcement would eliminate most interceptions. We know the fleet has chronically violated the current eastern closure line and we do not know how much of the current interceptions are due to these violations as opposed to fishing in legal areas. The agreement for the first time has provisions for specific agreed enforcement and catch monitoring measures with annual review of their adequacy and change if needed.
4. The agreement provides for a three to five year research and monitoring program to determine if these regulations really do the job. By the 1991 season, the closure line in the landbased fishery will be renegotiated if necessary.

Involved parties must see that pressure is maintained to keep moving toward elimination of interceptions. The federal government must provide the funding for research, observers and enforcement. The state is writing to Secretary of State Shultz and our Congressional delegation to request this support.

The state will continue to press for elimination of interceptions. We are dealing with a problem that has existed for more than 30 years. Significant reductions in interceptions occurred in 1978 when the International North Pacific Fisheries Convention was renegotiated to move the Japanese fisheries farther west. Now eight years later, this agreement is another step in this process and provides for further negotiations within the next five years. The state will make every effort to keep the process going.

# US/Japan Salmon



MFD - 1 maturing fishery day

Current Limit  
31 MFD  
Actual Use  
2 - 19 MFD  
Average  
12 MFD

## Central Bering Sea

EoF 150	
1986	12 MFD
1987	8 MFD
1988	0 MFD

WoF 150	
1986	18 MFD
87	18
88	18
89	12
90	12
91	12
92	8
93	8
94	0

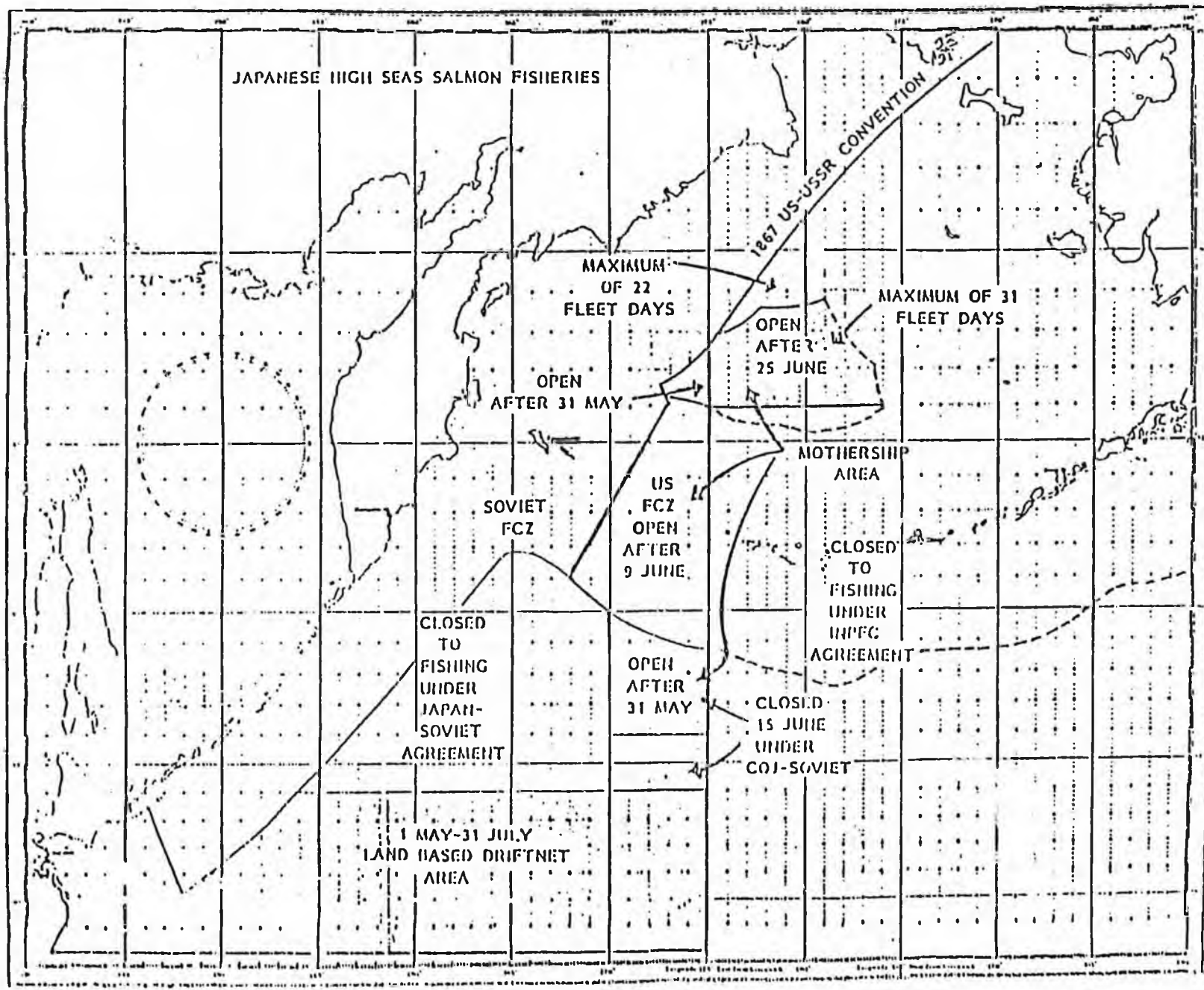
Current Limit  
21 MFD  
Actual Use  
12-23 MFD  
Average 16 MFD

Landbased

Landbased  
1986 more eastern boundary  
From 175 E. to 174 E.  
Research, enforcement, monitoring provisions.

## US FCZ

1986-93	140 MFD	} equal to
June 10 - July 31		
1994 -	144 MFD	} increase
June 10 - July 31		



BILL SJR0047  
 PAGE 02119  
 DATE 03/20/86  
 CHAMBER SENATE  
 TEXT SENATE JOINT RESOLUTION NO. 47 by the Resources Committee,  
 Requesting additional action by the United States  
 to reduce high seas interception of Alaska-bound  
 salmon,  
 was read the first time and referred to the Resources  
 Committee.

BILL SJR0047  
 PAGE 02150  
 DATE 03/25/86  
 CHAMBER SENATE  
 TEXT The Resources Committee considered SENATE JOINT RESOLUTION  
 NO. 47 (Requesting additional action by the United States to  
 reduce high seas interception of Alaska-bound salmon) and a  
 majority of the committee recommended do pass. The report  
 was signed by Senator Sturgulewski, Chairman and concurred  
 in by Senators Coghill, Fahrenkamp and Vic Fischer. Senator  
 Eliason signed "do pass; go for it!!".  
 Fiscal note is zero.  
 SENATE JOINT RESOLUTION NO. 47 was referred to the Rules  
 Committee.

BILL SJR0047  
 PAGE 02163  
 DATE 03/26/86  
 CHAMBER SENATE  
 TEXT The Rules Committee considered SENATE JOINT RESOLUTION NO.  
 47 (Requesting additional action by the United States to  
 reduce high seas interception of Alaska-bound salmon) and a  
 majority of the committee recommended calendar March 26.  
 The report was signed by Senator Kelly, Chairman and  
 concurred in by Senators Bennett and Coghill.  
 SENATE JOINT RESOLUTION NO. 47 is on the calendar.

SENATE JOINT RESOLUTION NO. 47 (Requesting additional action  
 by the United States to reduce high seas interception of  
 Alaska-bound salmon) was read the second time.  
 Senator Halford moved and asked unanimous consent that  
 SENATE JOINT RESOLUTION NO. 47 be considered engrossed,  
 advanced to third reading and placed on final passage.  
 Without objection, it was so ordered.  
 SENATE JOINT RESOLUTION NO. 47 was read the third time.  
 The question being: "Shall SENATE JOINT RESOLUTION NO. 47  
 (Requesting additional action by the United States to reduce  
 high seas interception of Alaska-bound salmon) pass the  
 Senate?" The roll was taken with the following result:

Yeas: 19 Abood, Bennett, Coghill, DeVries,  
Eliason, Fahrenkamp, Faiks,  
Ferguson, Fischer Paul,  
Fischer Vic, Halford, Josephson,  
Kelly, Kerttula, Ray, Rodey,  
Sackett, Sturgulewski, Ziegler

Nays: 0

Excused: 1 Zharoff

and so, SENATE JOINT RESOLUTION NO. 47 passed the Senate and was referred to the Secretary for engrossment.

SENATE JOINT RESOLUTION NO. 47 was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

BILL SJR0047  
PAGE 02518  
DATE 04/01/86  
CHAMBER HOUSE  
TEXT SENATE JOINT RESOLUTION NO. 47, by the Resources Committee:  
Requesting additional action by the  
United States to reduce high seas  
interception of Alaska-bound salmon.  
was read the first time and referred to the Rules Committee.

BILL HISTORY

HOUSE CALENDAR:

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Alaska-bound  
Salmon  
(high seas  
interception)

SENATE JOINT RESOLUTION NO. 47, by the Resources Committee. Express the extreme disappointment of the Alaska Legislature to a recently completed agreement that calls for only a very gradual phase out of the Japanese mother-ship fishery in international waters of the Bering Sea. Asks the Alaska Congressional delegation to urge the State Department to aggressively pursue continued efforts to obtain further reductions from Japan in the interception rates of Alaska salmon by high seas fleets. Requests the U.S. Coast Guard to station a cutter to patrol the abstention line for the Japanese land-based fleet during the entire fishing season. Requests Congress to provide funding for the three-to-five year research and monitoring program, including on-board observers, in support of the renegotiations called for in 1990 under the terms of the agreement.

Introduced March 20 and referred to Resources.

Alaska-bound  
Salmon  
(high seas  
interception)

SENATE JOINT RESOLUTION NO. 47, (see page 346). Reported back to the Senate 3/25/86 by Resources recommending it do pass. Concurring: Sturgulewski (Chair), Coghill, Fahrenkamp, V. Fischer. Sen. Eliason signed "do pass - go for it."

Passed the senate March 26, 19-0-1. Excused: Zharoff.