

HB

48

Work session

2-2-89

Present: Nonley
Collins: ~~Members~~
Lemar
Boyer
Boucher
Spohnholz

~~Absent: [unclear]~~

000

Jim Fisher
6645 H. Douglas
Juneau AK

AK. Legal Services

Supports

HB 48: Concept Lower rates for lower income
parties

094 Dave Hutchins Ex Dir REC

HB 72 submitted amendments

Limited Competition

Fixed Overhead

Continuing Property Rights

add subsection

disc: Supp'd. be tax exempt
due to Lobbying

Comments of Lee Num:

exclude Liberally Constructed

Object to fees chgd to Utilities & passed
on to Consumer.

Funding for PUC go through normal process

Teleconference

APUC
#72

Mike Downs Wasilla

① Commercial Refuse license

② Unable to obtain till Sunset Bill

deregulate reviewed.

③ Suggest APUC check into persons wishing to allow open competition

336 Leman: Concern of APUC regulation of solid waste disposal

APUC felt one way to reduce costs - disallow having to regulate solid waste at all.

Mr. Downs felt some control was needed. Didn't think state should control who can obtain license & who can't. Should be put out to a competitive bid process.

370 Paul Robinson Valley Refuse
Would like deregulated so there could be competitive bidding.

Incl. ^{refuse} Bus. regulated to size of building by APUC.

PUC Ties hands of om. Business.

409 Leman responded which company has monopoly? Inquired about their ^{one business} area for service

Wasilla refuse 20%

Brough Landfill used for dumping

Leman: Are rates you're charged same for everyone?

No charge to anyone - Limits on what you can dump.

Number 457 Case against APUC

Private carrier could not be carrier of last resort.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 27, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/7/89

The LABOR & COMMERCE Committee recommends that:

HOUSE BILL NO. 48 [LIFELINE PHONE RATES]

"An Act relating to reduced rates and discounted service for certain low-income telecommunication customers."

[] be replaced with CS HB 48 (LTC) [] the same title
[X] a new title

[] have attached amendment(s)

- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Dave Donley

Chairman's signature

GUIDE TO ALASKA'S PUBLIC ASSISTANCE



PROGRAMS

Alaska Department of Health and Social Services
Division of Public Assistance

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

- Citizenship: U.S. citizen or legally-admitted alien.
- State Residency: Present in Alaska with intent to remain.
- Age: The adult relative receiving payment may be of any age. Dependent children must be under 18. Pregnant women with no other AFDC children can receive payments in last trimester.
- Enumeration: Must have or apply for a Social Security Number.
- Work Requirements: In Fairbanks, Anchorage, Wasilla, Kenai, and Juneau, any otherwise-eligible adult whose youngest child is 6 or older (and who doesn't meet other exemption criteria) must register for the work programs and pursue employment.
- "Categorical" Requirements: One or both parents of a child under 18 must be absent from the child's home, or one must be incapacitated. The child(ren) must be living in the home of a parent or any federally-specified relative (including first cousins, aunts, uncles grandparents, step parents). Non-parent specified relatives may be included in the AFDC grant if they are "needy", i.e., meet income and resource tests below.
- Resources:
- a. House, personal belongings, identifiable Alaska Native Claims Settlement Act savings, and Limited Entry Fishing Permits in use do not count as resources. Resources of a step-parent do not count if he or she is not included in the AFDC grant.
 - b. "Motor Vehicle" (car, boat, snowmachine, etc.) equity value over \$1500 counts against resource limit, as does value of any stock, bond, savings account, non-home real property, etc.
 - c. Resource limit is \$1,000 per AFDC family unit.
- Income:
- a. Portions of student loans used for tuition, fees, and books is disregarded.

- b. The first \$2,000 per person per year of Native corporation dividends do not count as income. Most costs of doing business for self-employed are deductible. Earned income disregards are \$75 of gross, actual child care costs up to \$160 per month per child, an additional \$30, plus an additional 1/3 of the remainder. (Last two are given only for federally-limited number of months.) If new applicant's gross earned and unearned income does not exceed 185% of appropriate income limit below, disregards are applied to earned income gross to determine if income is under the limits below.
- c. Child support is counted against the standard. Recipients whose absent spouse makes current child support payments receive up to \$50 in a "pass-through" AFDC check which does not reduce the regular AFDC grant. Step-parents income counts after certain personal disregards are given.
- d. Qualifying Limits:

Pregnant woman	\$437
Needy adult plus one child	\$692
\$ 87 added for each additional child	
\$162 added for incapacitated spouse	
No needy specified relative, first two children	\$275 each
\$87 added for each additional child	

Other Factors:

- a. One-time "windfall" payments (inheritances, legal settlements, bingo winnings, etc.) are divided by need standards, and family is ineligible for resulting number of months.
- b. Must cooperate with Child Support Enforcement Division in identifying and locating absent parent(s).
- c. Cannot be on strike on last day of month.
- d. Must pursue entitlement program benefits (unemployment, social security, etc.).
- e. Must file a mandatory report of last month's income and other circumstances between 1st and 5th of each month.

Payment Levels:

Maximum payment for families with no countable income is the same as qualifying limit (above). First month benefits are prorated from day application is filed. After first two months, payment is computed based on income received two months earlier (e.g., June 1 payment is based on April's income). No payment is made if AFDC benefits are less than \$10.

Effects of
Counting PFD:

If PFD-Hold Harmless coverage were to end, each AFDC case receiving one or more dividends would be suspended from AFDC two months later. Eligibility in subsequent months would depend upon how quickly the household spent the dividends down below the \$1,000 resource limit.

Cross-Program
Effects:

- a. Cannot receive SSI, Adult Public Assistance or General Relief while receiving AFDC.
- b. AFDC payment counts as income for Food Stamps, ASHA and Section 8 housing.
- c. AFDC eligibility for \$1 or more results in automatic eligibility for Medicaid. Medicaid continues for varying periods of time after AFDC eligibility ends as a result of increase in child support, increase in earned income, or loss of earned income disregards.

ADULT PUBLIC ASSISTANCE (APA)

Old Age Assistance
Aid to the Disabled
Aid to the Blind

- Citizenship: U.S. Citizen or alien admitted for permanent residence.
- State Residency: Present in Alaska with intent to remain.
- Age: Must be at least age 18 for Aid to the Disabled or Aid to the Blind; age 65 or older for Old Age Assistance.
- Enumeration: Not required for Adult Public Assistance. However, the benefit package includes Medicaid assistance, which requires a social security number.
- Work Requirements: None. Individuals referred for Vocational Rehabilitation services must participate.
- "Categorical" Requirements: For Aid to the Blind, must be legally blind. For Aid to the Disabled, must be unable to perform substantial gainful activity because of a physical or mental impairment expected to result in death or to be of at least 12 months' duration. No categorical requirement except age for Old Age Assistance. These requirements are identical to federal SSI program.
- Resources:
- a. Home, household goods and personal effects, certain property necessary for self-support, identifiable Alaska Native Claims Settlement Act savings, Limited Entry Fishing permits which are in use, and one necessary motor vehicle do not count as resources.
 - b. Additional vehicles, non-home real property, stocks, bonds, savings accounts, mortgage contracts, life insurance over \$1500 face value per individual, other saleable assets count against resource limit.
 - c. 24-month disqualification for disposal of excess resources to make oneself eligible.

- d. Resources of a spouse living in the same home count as available resources. Resource limit is \$1900 for an individual, \$2850 for a couple; will increase to \$2000/\$3000 on 1-1-89. Resource standards are identical to SSI program.

Income:

- a. Native corporation dividends do not count as income, up to \$2,000 per person per year. Most costs of doing business for self-employed are deductible. Work expenses of the blind are deductible. Impairment related work expenses, (e.g., special equipment or prostheses) of disabled are also deductible. Standard monthly disregard of \$65 plus 1/2 of the remainder is applied to gross earned income. The first \$20 per month of all income except SSI or VA pension is also disregarded. Income after disregards is compared to limits below to determine eligibility and calculate payment.

- b. Qualifying limits:

Individual, independent living	\$659
Couple, both eligible, independent living	976
Couple, one eligible, independent living	791
Independent, in another's household	545
Couple, both eligible, another's household	811
Couple, one eligible, another's household	625

Other Factors:

- a. Adult Public Assistance is Alaska's state-funded supplement to the federal SSI program, which covers the same categorical groups.
- b. Must pursue entitlement program benefits (Supplemental Security Income (SSI), Social Security, Veterans' Administration, as well as private pensions, annuities, disability benefits).
- c. Interim Assistance benefits (\$280 per month) available to individuals applying for SSI benefits, pending the SSI eligibility decision.
- d. Longevity Bonus payments to individuals not grandfathered into exempt category by October 1985 are treated as countable income by SSI and Medicaid programs. Lost SSI benefits are replaced by Adult Public Assistance funds. Individuals who lose Medicaid due to counting ALB receive 100% state-funded medical coverage.

Payment
Levels:

Maximum payment is the same as qualifying limit (above). Few individuals or couples are paid at maximum level. The program is essentially supplemental to other entitlement programs. Most recipients receive SSI and/or Social Security benefits, along with state payment to bring total monthly income up to Adult Public Assistance payment level.

Maximum payment level for nursing home residents is \$70 per month.

Effects of
Counting PFD:

If PFD Hold-harmless were to end, recipients could lose Medicaid eligibility for the month of dividend receipt. SSI recipients would lose eligibility for SSI payment for the month of receipt. Current statutory language prohibits counting PFD payments as income for state-funded assistance; were this to change, Adult Public Assistance recipients would lose eligibility for the month of receipt.

Cross-program
Effects:

- a. Cannot be included in AFDC grant while receiving Adult Public Assistance, but dependent children may receive AFDC. Cannot receive General Relief while receiving Adult Public Assistance.
- b. Adult Public Assistance counts as income for Food Stamps, ASHA and Section 8 housing.
- c. Adult Public Assistance eligibility for \$1 or more results in automatic eligibility for Medicaid. Medicaid continues for certain individuals who lose eligibility due to increased earnings, if SSI puts them into special protected status.

GENERAL RELIEF ASSISTANCE (GRA)

- Citizenship: U.S. citizen or a legally admitted alien.
- State Residency: Must be physically present within the State of Alaska at the time of application.
- Age: Must be an adult or eligible minor.
- Enumeration: No requirement.
- Work Requirements: Implementation of this criterion is pending an agreement with the state Department of Labor. Currently, applicant households are not required to register for work.

Categorical Requirements: Must have an immediate and specific need for such items as food, clothing, utilities, shelter, or burial and lack the financial means to meet the need(s).

- Resources:
- a. The following resources do not count:
1. Applicant's residence and land on which it stands, property actively up for sale, producing income, or essential to employment.
 2. Identifiable Alaska Native Claims Settlement Act savings and Permanent Fund Dividend savings.
 3. A Limited Entry Fishing permit (if used during the most recent season)
 4. One motor vehicle (two if applicant resides in an area which requires an alternative means of transportation). e.g., a car and a boat, or a boat and a snowmachine.

- Resources:
- a. All personal and real property (not listed in (a. above) such as, cash on hand, savings, stocks, bonds, excess motor vehicles, and non-home real property will count against the resource limit.
- b. Resource limit is \$500.

Income:

- a. Permanent Fund Dividends, Alaska Native Claims Settlement Act distributions, and certain allowable deductions from earned income and student loans do not count as income.
- b. All other money received in the month of application is considered as income.
- c. Qualifying Limits: The net adjusted income and household size is compared to the following need standard chart:

<u>Number of Persons</u>	<u>Maximum Need Standard</u>
1	\$300
2	400
3	500

\$100 is added for each additional household member.

Payment Levels:

Amount of the specific need(s) up to a limit of \$120 per household member.

Effects of
Counting PFD:

PFD is exempt as income or a resource.

Cross-Program
Effects:

Clients are required to apply for any other benefits for which they are eligible before applying for General Relief Assistance. Vendor payments made under the General Relief assistance program are generally not countable as income in other programs, except Food Stamps.

FOOD STAMP PROGRAM

- Citizenship: U.S. citizens, legally permanent aliens, and certain other legal aliens are eligible.
- State Residency: Must live in the state to receive coupons from that state.
- Age: No specific age limits; if minor applies, must be emancipated.
- Enumeration: Must provide SSN for every household member. If a member does not have one, must apply for one. While waiting for the SSN, members may participate.
- Work Requirements: With certain exceptions, able-bodied people between 18 and 60 must register for work, participate in training programs if offered in their area, accept an offer of suitable employment, and not quit a job without good cause.
- Categorical Requirements.
- a. In most circumstances, the income and resources of each person in the household are included in the food stamp determination.
 - b. The following items are required to be provided at time of application: ID showing name and address; SSN; proof of monthly earnings, proof of unearned income - SSI, SSA, pension; if not a citizen, proof of legal alien status; bank book or current bank statement; receipts of child care costs; utility and rent receipts.
- Resources:
- a. Disregarded resources - home and surrounding property, household goods, burial plot, cash value of life insurance, property which annually produces income consistent with its fair market value, irrevocable trust funds, real property that is for sale, ANCSA dividends (up to \$2,000 per year).
 - b. Countable resources - cash on hand, money in checking/savings accounts, certificates, stocks, bonds, IRA's, lump sum payments, vehicles valued over \$4,500, some property.
 - c. Limits - resources cannot exceed \$2,000 for most households; resources cannot exceed \$3,000 for households containing a member who is 60 years or older.

Income:

- a. Disregarded income - educational loans and scholarships used for tuition and mandatory school fees, loans for specific purposes, reimbursements, earnings of students under 18, Native dividends (up to \$2,000 per year).
- b. Countable income - earned income from all members, other money received on a regular or irregular basis, public assistance grants, child support, pensions, social security, SSI, ALB.
- c. Limits - Two income tests for most households:

Income Test A

For Households that do not have
Elderly or Disabled Members

Monthly Gross Income Limits

<u>Household Size</u>	<u>Monthly Gross Income</u>
1	\$ 744
2	1,001
3	1,259
4	1,517

Eff: July 1987
(Changes Annually)

Income Test B

For all Households

Monthly Net Income Limits

<u>Household Size</u>	<u>Monthly Net Income</u>
1	\$ 572
2	770
3	969
4	1,167

Eff: July 1987
(Changes Annually)

Other Factors:

Strikers - Households with persons who are on strike are not eligible unless they were eligible the day prior to the strike.

Students - Most college students are not eligible to receive food stamps. Able-bodied students between 18-60 enrolled at least half time are eligible only if they are: a) receiving AFDC; b) working at least 20 hours a week or participating in a federal work-study program; c) caring for a dependent under age 6; or d) caring for a dependent between age 6 and 12 where adequate child care is not available.

Benefit Levels:

Benefit levels for all households depend on the number of people in the household and the household's net income.

Generally, the more people, the larger the benefit; the lower the net income, the larger the benefit. Benefit levels in Alaska also depend on location. Households in rural areas receive higher allotments than like households in urban areas.

Below is a chart of the maximum amount a household can receive per month. This is based on a net income of zero.

<u>HH Size</u>	<u>Urban</u>	<u>Rural I</u>	<u>Nenana</u>	<u>Rural II</u>
1	113	144	158	176
2	207	265	290	322
3	297	379	415	462
4	378	482	527	586

Effective:
Oct 1987

Each Additional Member: + 85 Urban
 + 108 Rural I
 + 132 Rural II
 + 119 Nenana

Effects of Counting PFD:

The PFD counts as a resource. When the PFD plus any other countable resources exceed the Food Stamp Program's resource limit, the household is placed on a state-only hold harmless program for up to four months.

Cross-Program Effects

Receipt of food stamps does not count as income or a resource in any state or federal program.

ENERGY ASSISTANCE PROGRAM

- Citizenship: Not a requirement.
- State Residency Must live in Alaska and be vulnerable to energy expenses.
- Age No age restriction.
- Enumeration Social Security Number is requested.
- Work Requirements: No requirement.
- Categorical Requirements: Must be vulnerable to energy expenses. Both homeowners and renters can apply.
- Resources: Do not count resources.
- Income: Eligibility will be based on the applicant's average gross monthly income for the last 90 days. Applicants with income at or below the appropriate level will be eligible for energy assistance:

<u>Household Size</u>	<u>Average Gross Monthly Income</u>	<u>Gross Income For Past 90 Days</u>
1	\$ 994	\$2,982
2	1,300	3,900
3	1,606	4,818
4	1,912	5,736
5	2,218	6,654
6	2,524	7,572

For each additional member add approximately \$57, or \$171 for 90 days.

Households containing an individual receiving Aid to Families with Dependent Children (AFDC), Food Stamps, Supplemental Security Income (SSI), or certain income-tested VA benefits are automatically eligible for energy assistance benefits upon application.

Energy Assistance Program:

EAP is 100% Federally funded.

Households eligible for or receiving benefits from a tribal organization administering a Low Income Home Energy Assistance Program will not be eligible for benefits under the State EAP, except where an agreement to the contrary exists between the State and tribal organization.

EAP pays most benefits to the household's home energy supplier.

Eligible households with home energy crises can be served in an expedited manner.

Payment or
Benefit Levels

The benefits given to an eligible household are based on the family's gross monthly income, home heating costs, housing type, and the geographic region in which it lives. Maximum grant amounts will vary in different regions of the state, ranging from \$200 to \$840. EAP grants are given once per program year per household. The program year runs from November 1, 1987 through June 30, 1988.

PFD Impact:

None

Cross-
Program Effects:

EAP does not count as income for any other assistance program, except in those few instances where cash is granted, rather than a vendor payment.

EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT)

Program Purpose

This part of the Medicaid program is a preventive health program for children of eligible low-income families. Health problems left untreated or not treated early may lead to permanent disability and greater medical costs in the future. The earlier they are found, the easier they are to correct or stop from becoming serious problems. This program encourages regular health checkups for children in low-income families.

Requirements for Eligibility

All children and young people under the age of 21 who are eligible for Medicaid may have health screening (checkups) as part of their medical coverage under the EPSDT program. EPSDT services may be requested at any time as long as their eligibility continues.

Health screening is provided by Public Health Nurses, and any doctor or dentist who will accept Medicaid patients. The Public Health Nurse will help make appointments and arrange transportation for checkups and/or treatment if necessary.

Benefits

EPSDT offers all of the coverage available under Medicaid as well as the following special services:

1. screening services -- including a complete health, developmental and nutritional history; a "head to toe" examination; vision and hearing tests; measurement of height and weight; urine, blood, and TB tests; immunizations if needed; other tests as necessary and a separate dental check for all children three years of age and older,
2. dental care, and
3. health and nutrition counseling.

Babies may be screened five times during the first year, and then once a year thereafter until age 4. Children and youth age 4 and over receive a health screening every three years up to age 21. Assistance will be provided in obtaining medical and dental care needed for any problems which are found. There will be no charge for treatment when the services are covered under Medicaid or GRM.

More information about EPSDT is available at all Division of Public Assistance offices. Office addresses are listed on page 3 of this booklet, or you may contact the Public Health Nurse in your area.

MEMO

RE: CS for HB48, Lifeline Rates

Both HB 48 as written and the CS allow telephone utilities to provide DISCOUNTED SERVICES and/or REDUCED RATES.

HB 48 does it by adding two new subsections to existing statute. The first subsection is added the existing Rate Discrimination section of the statute. The second subsection adds language that is identical to the first subsection to the Service Discrimination section of the statute. Summarily, HB 48 adds identical paragraphs to two different sections in the statutes.

Gruenberg's CS does the same thing in a different way. Instead of adding two new subsections like HB 48 does, it adds one new section that combines the Discounted Service and Reduced Rate provisions. (See CS Sec 2). This new section is designated 42.05.306.

The other two sections of the CS simply add the referral phrase, "except as provided in AS 42.05.306, " to the existing Rate Discrimination and Service Discrimination sections.

In addition, the Gruenberg CS makes several changes in the wording of the operative portion of the bill, as indicated below.

A public utility may provide [PROPOSE] a discounted service or a reduced rate for essential telecommunication services for the benefit of its [LOW-INCOME] customers who receive benefits from [QUALIFY FOR] a means test social services assistance program administered by the local, state or federal government. The commission may not require a utility to provide a discounted service or reduced rate [UNDER THIS SUBSECTION. THE COMMISSION MAY NOT REQUIRE A TELEPHONE UTILITY] or to incur uncompensated costs or administrative burdens [THAT ARE NOT RECOVERABLE THROUGH AN APPROVED TARIFF IF THE UTILITY PROVIDES A DISCOUNTED SERVICE OR REDUCED RATE APPROVED BY THE COMMISSION] for services provided under this section.

STANDARDS AND MAXIMUM PAYMENTS - Revised Edition

AFDC	11/2% 7/1/81	7.4% 7/1/82	STDS. CHG. 1/1/83	3.5% 1/1/84	3.5% 1/1/85	3.1% 1/1/86	7/1/86	1.3% 1/1/87	4.2% 1/1/88	4.0% 1/1/89
A1 2	508	546	597	617	638	657	657	665	692	719
3	571	614	674	696	719	740	740	749	779	809
4	634	682	751	775	800	823	823	833	866	899
5	697	750	828	854	881	906	906	917	953	989
6	760	818	905	933	962	989	989	1001	1040	1079
7	823	886	986	1012	1043	1072	1072	1085	1127	1169
EA ADD	63	68	77	79	81	83	83	84	87	90
ANI 1	222	238	238	246	254	261	261	264	275	286
2	445	476	476	492	508	522	522	528	550	572
3	508	544	553	571	589	605	605	612	637	662
4	571	612	630	650	670	688	688	696	724	752
5	634	680	707	729	751	771	771	780	811	842
6	697	748	784	808	832	854	854	864	898	932
7	760	816	861	887	913	937	937	948	985	1022
EA ADD	63	68	77	79	81	83	83	84	87	90
SINGLE ADULT/ PREGNANT WOMAN* 11/1783	286	308	*359 *382	*391	404	416	416	421	437	453
**ADDITIONAL INCREMENT FOR INCAP. SPOUSE				**145	**150	**154	**154	**156	**162	**168
APA							WASKY SUIT			
INDIV. -35	426	426	546	566	586	605	624	632	659	685
+35	526	526								
COUPLE -35	638	638	802	830	859	867	925	937	976	1015
+35	773	773								
N.H.P. NEEDS:	35	70	70	70	70	70	70	70	70	75 75
-INDIV. B			451	466	482	497	516	523	545	567
-B ELIG. COUPLE			660	683	707	730	768	778	811	843
-A COUPLE, 1 INELIGIBLE			660	683	707	730	749	759	791	823
-B COUPLE, 1 INELIGIBLE			518	536	555	573	592	600	625	650
-NURSING HOME 300% CASES				942	975	1008	1020	1020	1062	1104
SSI STANDARDS:										
-INDIV. "A" LVC. ARR.				314	325	336	336	340	354	360
-INDIV. "B" LVC. ARR.				209.34	216.67	224	224	226.67	236	245.34
-COUPLE "A"				472	488	504	504	510	532	553
-COUPLE "B"				314.67	325.34	336	336	340	354.67	368.67
-SSI - LONG TERM N.H.									25 30	30
APA-SSI RESOURCE LIMITS										
- INDIVIDUAL				1500	1600	1700	1700	1800	1900	2000
- COUPLE				2250	2400	2550	2550	2700	2850	3000
100% of Federal Poverty Level - Alaska Monthly Standard							HH		2/12/86	
							1		600	
							2		805	
							3		1009	
							4		1213	
							5		1417	
							6		1621	
							7		1825	
							8		2030	
							Each AD		204	

HOUSE COMMITTEE REPORT

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: LABOR & COMMERCE
FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 48 [LIFELINE PHONE RATES]

"An Act relating to reduced rates and discounted service for certain low-income telecommunication customers."

- [] be replaced with _____ [] the same title
[] a new title
- [] have attached amendment(s)
- [X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
[X] zero fiscal note
[] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:

[] zero fiscal notes(s) published:

SIGNING DO PASS:

W.A. Bush

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Deeley NO REC
George NO REC
C. H. [unclear] - NR
Chim [unclear] - NO REC
Richard P. MacLean - NO REC

W.A. Bush
Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
707 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 23, 1989

SUBJECT: Sectional analysis of HB 48
(Reduced rates and discounted service for
low-income customers)

TO: Representative H. A. "Red" Boucher

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above de-
scribed 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 best
statement of its contents.

Section 1 permits a public utility to grant discounted
service to low-income customers for essential telecommunica-
tion services. Participation by a public utility is volun-
tary. The commission must allow a utility providing reduced
rates or discounted service to include the costs and admin-
istrative burdens of the program in the tariffs it charges.

Sec. 2 permits a public utility to grant reduced rates to
low-income customers for essential telecommunication ser-
vices. Participation by a public utility is voluntary. The
commission must allow a utility providing reduced rates or
discounted service to include the costs and administrative
burdens of the program in the tariffs it charges.

If I may be of further assistance, please advise.

TBC:kb
wkk1/068

Alaska Telephone Association

201 E. 56th Avenue / Suite 280
Anchorage, Alaska 99518
(907)563-4000 / FAX (907)562-3776

W. D. Pyron
President

Gordon Parker
Executive Director

January 24, 1989

Hon. H.A. Boucher
House of Representatives
102 Capitol Building, Pouch V
Juneau, Alaska 99811

Dear Representative Boucher:

I understand that a hearing on HB 48 is being held. Unfortunately a previous commitment prevents my attendance. I did, however, want to advise you and your Committee that the Alaska Telephone Association supports HB 48.

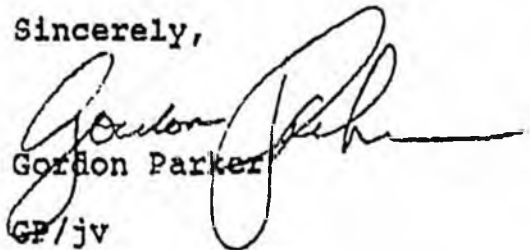
As you know, ATA worked with you in drafting this legislation originally. We continue our support because we believe it represents a step toward providing assistance to those among us who need it while protecting the interests of our remaining customer base.

We support this legislation because it allows utilities, in conjunction with the APUC, to develop lifeline rates desirable to the customer base of individual companies.

The legislation also presents a clear definition of eligible recipients. We support this provision as it presents a clear target population, will serve to prevent abuse and takes away the threat of the utility being placed in the position of establishing arbitrary qualifications.

We commend you for your continued support of this legislation. Upon my return, I will be available to participate in future hearings as the bill makes its way through the legislative process.

Sincerely,


Gordon Parker

GP/jv

Item 4

STEVE COWPER, GOVERNOR

ALASKA PUBLIC UTILITIES COMMISSION
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

420 L STREET
SUITE 100
ANCHORAGE, ALASKA 99501
(907) 276-6222

December 23, 1988

Ms. Kathy Anders
Office of Representative Red Boucher
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Kathy:

Per your request, I am writing to provide you the Commission's preliminary comments on two bills which Representative Boucher is considering reintroducing.

The Commission continues to support HB5, the universal service bill. A minor suggestion we would offer is that it may be desirable to add a clause such as "at a minimum" or "at least" after "further" so as not to limit the criteria to be considered in assuring universal service.

With respect to HB23, the lifeline bill, the Commission has two independent comments. First, based on its consideration of a related subject (namely, economic development incentive rates), the Commission believes that it is preferable to approach discounted or reduced rates generically rather than through specific legislation by type of rate or utility. Thus, we would recommend this approach rather than the one used in HB23, and I have attached the sample language previously provided to you for illustration purposes.

Second, if specific telephone lifeline legislation is preferred nonetheless, then we would offer the following editorial suggestions on HB23:

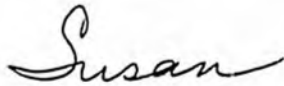
(1) The second sentence of sections 1 and 2 should be eliminated. It is sound, if not fundamental, public policy to give regulators at least the same level of discretion which is provided to the regulated to evaluate whether or not discounted or reduced rates are in the public interest. This important initiative should not be limited to utilities, particularly if the universal service bill passes. In addition, utilities are financially protected by any actions the Commission may take by the third sentence insulating them from the financial burdens of such rates.

Kathy Anders
December 23, 1988
Page 2 of 2

(2) The last clause of sections 1 and 2 should be changed from "if the utility provides a discounted service or reduced rate" to "if the commission approves a discounted service or reduced rate" to clarify the language and the respective roles of the utility and the commission in the process.

I hope that these comments are helpful. We look forward to working with Representative Boucher on these bills and on any alternate operator services legislation that may be proposed. Please give me a call if you have any questions. Thanks.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan".

Susan M. Knowles
Chairman

Enclosure

Sample general language authorizing reduced or
discounted rates

Nothing in this section prevents a public utility from charging reduced rates upon such terms as are just and reasonable to any potential or present customer which are designed to encourage or maintain the customer as a consumer of the utility's services, provided the Commission finds that allowing the reduced rate is in the public interest, that the customer would not subscribe or continue to subscribe to the utility's services without the reduced rate, and that the reduced rate will not result in higher rates to other customers of the utility than would result if the customer did not subscribe to the utility's services, unless the reduced rate will either enhance the value of the utility's services to other customers or produce a public benefit to other customers that is greater than any higher rates.

6-0188P ✓
Chenoweth
2/7/89

Original sponsors: Donley, Gruenberg,
Boucher, et al.

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 36 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights, entitlements, and
7 services that are due to victims of crime, and to
8 ~~survivors~~ service of process on prisoners; and amending Rules
9 32 and 35 of the Alaska Rules of Criminal Procedure."

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

11 * Section 1. AS 09.05 is amended by adding a new section to read:

12 Sec. 09.05.050. SERVICE OF PROCESS ON STATE PRISONERS. (a) In
13 a civil action to which a person committed to the custody of the
14 commissioner of corrections is a party or witness, service of process
15 shall be made by delivering a copy of the summons and the complaint or
16 pleadings, together with a form for affidavit of proof of service, to
17 the shift supervisor of the correctional facility in which the person
18 is housed. The shift supervisor shall

19 (1) immediately hand deliver the summons and complaint or
20 pleadings to the person whose name appears on the summons; and

21 (2) promptly complete the affidavit of proof of service on
22 the form provided and return it to the party requesting service of
23 process.

24 (b) A party requesting service of process under this section may
25 locate a person committed to the custody of the commissioner of cor-
26 rections by contacting the chief classification officer of the Depart-
27 ment of Corrections during that officer's regular hours of work.

28 * Sec. 2. AS 12.47 is amended by adding a new section to read:

29 Sec. 12.47.095. NOTICE TO VICTIMS. (a) If an offender has been

1 committed to the custody of the commissioner of health and social
2 services under AS 12.47.090, the victim of that crime is entitled to
3 notice of a pending change in the status of the offender. The commis-
4 sioner of health and social services shall give notice as required by
5 this section if

6 (1) the offender has been continued in commitment following
7 expiration of the maximum term of imprisonment under AS 12.47.090(f)
8 and the commissioner gives notice of release of the offender;

9 (2) the court is to consider modification of an order of
10 conditional release for the offender under AS 12.47.092(e);

11 (3) a court is to consider conditional release of the
12 offender under AS 12.47.090(k) and 12.47.092(a); or

13 (4) the offender petitions for discharge under AS 12.47.-
14 092(f).

15 (b) If a victim desires notice under this section, the victim
16 shall maintain a current, valid mailing address on file with the
17 commissioner of health and social services. The commissioner shall
18 send the notice required by this section to the victim's last known
19 address. The victim's address may not be disclosed to the offender or
20 offender's attorney.

21 (c) The commissioner of health and social services is required
22 to give notice of a change in the status of an offender under this
23 section to any victim who has requested notice.

24 (d) If more than one person who qualifies as a victim under
25 AS 12.55.185 desires notice, the commissioner of health and social
26 services shall designate one person for purposes of receiving any
27 notice required and exercising the rights granted by this section.

28 (e) In this section

29 (1) "offender" has the meaning given in AS 12.61.020;

1 (2) "victim" has the meaning given in AS 12.55.185.

2 * Sec. 3. AS 12.55 is amended by adding a new section to read:

3 Sec. 12.55.023. PARTICIPATION BY VICTIM IN SENTENCING. (a) If
4 a victim requests, the prosecuting attorney shall provide the victim
5 with a copy of the following portions of the presentence report:

6 (1) the summary of the offense prepared by the Department
7 of Corrections;

8 (2) the defendant's version of the offense;

9 (3) all statements and summaries of statements of the
10 victim; and

11 (4) the sentence recommendation of the Department of Cor-
12 rections.

13 (b) A victim may submit to the sentencing court a written state-
14 ment that the victim believes is relevant to the sentencing decision.

15 * Sec. 4. AS 12.55.088 is amended by adding new subsections to read:

16 (d) A victim has the right to comment in writing to the court on
17 a motion to modify or reduce a sentence filed by the person who perpe-
18 trated the offense against the victim.

19 (e) If a motion is filed to modify or reduce a sentence by a
20 defendant who perpetrated a crime against a person, the court shall,
21 if feasible, send a copy of the motion to the Department of Correc-
22 tions sufficiently in advance of any scheduled hearing or briefing
23 deadline to enable the department to notify the victim of that crime.
24 If that victim has earlier requested to be notified, the Department of
25 Corrections shall send the victim a copy of the motion and inform the
26 person of that person's rights under this section, the deadline for
27 receipt of written comments, the hearing date, and the court's ad-
28 dress.

29 (f) The court shall provide copies of the victim's comments to

1 the prosecuting attorney, the person filing the motion to reduce or
2 modify a sentence, and that person's attorney

3 (g) In deciding whether to modify or reduce a sentence, the
4 court shall consider the victim's ~~written~~ comments, when relevant, and
5 any response by the prosecuting attorney and the person filing the
6 motion.

7 (h) If a victim desires notice under this section, the victim
8 shall maintain a current, valid mailing address on file with the
9 commissioner of corrections. The commissioner shall send the notice
10 to the victim's last known address. The victim's address may not be
11 disclosed to the offender or to the offender's attorney.

12 * Sec. 5. AS 12.55 is amended by adding a new section to read:

13 Sec. 12.55.172. DESIGNATION OF REPRESENTATIVE. If more than one
14 person who qualifies as a victim under AS 12.55.185 desires notice
15 under AS 12.55.088, the prosecuting attorney shall designate one
16 person to represent all victims for purposes of receiving the notice
17 required and exercising the rights granted under this chapter.

18 * Sec. 6. AS 12.55.185 is repealed and reenacted to read:

19 Sec. 12.55.185. DEFINITIONS. In this chapter, unless the con-
20 text requires otherwise,

21 (1) "crime against a person" has the meaning given in
22 AS 33.30.901;

23 (2) "dangerous instrument" has the meaning given in AS 11.-
24 81.900;

25 (3) "firearm" has the meaning given in AS 11.81.900;

26 (4) "first felony conviction" means that the defendant has
27 not been previously convicted of a felony;

28 (5) "judicial officer" has the meaning given in AS 11.56.-
29 900;

1 (6) "pecuniary gain" means the amount of money or value of
2 property at the time of commission of the offense derived by the
3 defendant from the commission of the offense, less the amount of money
4 or value of property returned to the victim of the offense or seized
5 by or surrendered to lawful authority before sentence is imposed;

6 (7) "second felony conviction" means that the defendant
7 previously has been convicted of a felony;

8 (8) "serious physical injury" has the meaning given in
9 AS 11.81.900;

10 (9) "third felony conviction" means that the defendant has
11 been at least twice previously convicted of a felony;

12 (10) "unconditional discharge" means that a defendant is
13 released from all disability arising under a sentence, including
14 probation and parole;

15 (11) "victim" means

16 (A) a person against whom an offense has been perpe-
17 trated;

18 (B) one of the following, not the perpetrator, if the
19 person specified in (A) of this paragraph is a minor, incompe-
20 tent, or incapacitated:

21 (i) an individual living in a spousal relation-
22 ship with the person specified in (A) of this paragraph; or

23 (ii) a parent, adult child, guardian, or custodian
24 of the person;

25 (C) one of the following, not the perpetrator, if the
26 person specified in (A) of this paragraph is dead:

27 (i) a person living in a spousal relationship
28 with the deceased before the deceased died;

29 (ii) an adult child, parent, brother, sister,

1 grandparent or grandchild of the deceased; or

2 (iii) any other interested person, as may be des-
3 ignated by a person having authority in law to do so.

4 * Sec. 7. AS 12.61.010 is amended to read:

5 Sec. 12.61.010. RIGHTS OF CRIME VICTIMS. (a) Victims of crimes
6 have the following rights:

7 (1) the right to be informed by the appropriate law en-
8 forcement agency or the prosecuting attorney of the date of trial and
9 the date of sentencing of the case in which the victim is involved;

10 (2) the right to be notified that a sentencing hearing or a
11 court proceeding to which the victim has been subpoenaed will not
12 occur as scheduled;

13 (3) the right to receive protection from harm and threats
14 of harm arising out of cooperation with law enforcement and prosecu-
15 tion efforts, and to be provided with information as to the protection
16 available;

17 (4) the right to be informed of the procedure to be fol-
18 lowed to apply for and receive any [VICTIM] compensation under AS 18.-
19 67;

20 (5) at the request of the prosecution or a law enforcement
21 agency, the right to cooperate with the criminal justice process
22 without loss of pay and other employee benefits except as authorized
23 by AS 12.61.017 and without interference in any form by the employer
24 of the victim of crime; [AND]

25 (6) the right to obtain access to immediate medical assis-
26 tance and not to be detained for an unreasonable length of time by a
27 law enforcement agency before having medical assistance administered;
28 however, an employee of the law enforcement agency may, if necessary,
29 accompany the person to a medical facility to question the person

1 about the criminal incident if the questioning does not hinder the
2 administration of medical assistance;

3 (7) the right to make a written or oral statement for use
4 in preparation of the presentence report of a felony defendant;

5 (8) if the crime for which the defendant was convicted was
6 a felony or a domestic violence assault, the right to appear person-
7 ally at the defendant's sentencing hearing to present a written or
8 oral statement; and

9 (9) the right to be informed by the prosecuting attorney,
10 at any time after the defendant's conviction, about the complete
11 record of the defendant's convictions.

12 (b) Law [VICTIMS' EMPLOYERS, LAW] enforcement agencies, prosecu-
13 tors, and the courts shall make every reasonable effort to ensure that
14 victims of crimes have the rights set out in (a) of this section.
15 However, a failure to ensure these rights does not give rise to a
16 separate cause of action against [VICTIMS' EMPLOYERS,] law enforcement
17 agencies, other agencies of the state, or a political subdivision of
18 the state.

19 * Sec. 8. AS 12.61 is amended by adding new sections to read:

20 Sec. 12.61.015. DUTIES OF PROSECUTING ATTORNEY. (a) If a
21 victim of a felony or a domestic violence assault requests, the pros-
22 ecuting attorney shall make a reasonable effort to

23 (1) confer with the person against whom the offense has
24 been perpetrated about that person's testimony before the defendant's
25 trial;

26 (2) in a manner reasonably calculated to give prompt actual
27 notice, notify the victim

28 (A) of the victim's right in a case that is a felony
29 to make a written or oral statement for use in preparation of the

(A)
reinsert

1 defendant's presentence report, and to appear personally at the
2 defendant's sentencing hearing to present a written or oral
3 statement;

4 (B) of the address and telephone number of the office
5 that will prepare the presentence report; and

6 (C) of the time and place of the sentencing proceed-
7 ing;

8 (3) notify the victim in writing of the final disposition
9 of the case within 30 days after final disposition of the case.

10 (b) The notice given under (a)(2) of this section must inform
11 the victim that the statement of the victim may contain any relevant
12 information including

13 (1) an explanation of the nature and extent of physical,
14 psychological, or emotional harm or trauma suffered by the victim;

15 (2) an explanation of the extent of economic loss or prop-
16 erty damage suffered by the victim;

17 (3) an opinion of the need for and extent of restitution
18 and whether the victim has applied for or received compensation for
19 loss or damage; and

20 (4) the recommendation of the victim for an appropriate
21 sentence.

22 (c) The state and the prosecuting attorney may not be held
23 liable in damages for any failure to comply with the requirements of
24 this section.

25 Sec. 12.61.017. INTERFERENCE BY VICTIM'S EMPLOYER. (a) An
26 employer may not penalize or threaten to penalize a victim because the
27 victim is subpoenaed or requested by the prosecuting attorney to
28 attend a court proceeding for the purpose of giving testimony. In
29 this section, "penalize" means to take action affecting the employment

1 status, wages, and benefits payable to the victim, including:

2 (1) demotion or suspension;

3 (2) dismissal from employment; and

4 (3) loss of pay or benefits, except pay and benefits that
5 are directly attributable to the victim's absence from employment to
6 attend the court proceeding.

7 (b) A person who violates (a) of this section is guilty of a
8 violation.

9 (c) A victim who suffers a pecuniary loss as a result of an
10 employer's act prohibited by this section may bring a civil action to
11 recover actual damages and punitive damages of three times the actual
12 damages sustained.

13 * Sec. 9. AS 12.61 is amended by adding a new section to read:

14 Sec. 12.61.030. DESIGNATION OF REPRESENTATIVE. If more than one
15 person who qualifies as a victim under AS 12.55.185 makes a request
16 under this chapter, the prosecuting attorney shall designate one
17 person for purposes of receiving the notice required and exercising
18 the rights granted under this chapter.

19 * Sec. 10. AS 12.61 is amended by adding a new section to read:

20 Sec. 12.61.900. DEFINITIONS. In this chapter

21 (1) "domestic violence assault" means an assault under
22 AS 11.41.200 - 11.41.230 or 11.41.410 - 11.41.425 constituting a
23 domestic violence offense under AS 25.35.060;

24 (2) "victim" has the meaning given in AS 12.55.185.

25 * Sec. 11. AS 33.16.120(a) is repealed and reenacted to read:

26 (a) If the victim of a crime against a person requests notice of
27 a scheduled hearing to review or consider discretionary parole for a
28 prisoner convicted of that crime, the board shall send notice of the
29 hearing to the victim at least 30 days before the hearing. The notice

1 must be accompanied by a copy of the prisoner's application for parole
2 submitted under AS 33.16.130(a). However, the copy of the application
3 sent to the victim may not include the prisoner's proposed residence
4 and employment addresses.

5 * Sec. 12. AS 33.16.120(b) is repealed and reenacted to read:

6 (b) A victim who requests notice under this section shall main-
7 tain a current, valid mailing address on file with the board. The
8 board shall send the notice required by this section to the last known
9 address of the victim. The victim's address may not be disclosed to
10 the prisoner or the prisoner's attorney.

11 * Sec. 13. AS 33.16.120(c) is amended to read:

12 (c) The victim has a right to attend meetings of the parole
13 board in which ^{the status} ~~parole~~ of the prisoner convicted of the crime against
14 that victim is considered and to comment, in writing or in person, on
15 the proposed action of the board. Copies of any written [THE] com-
16 ments shall be provided to the prisoner and the prisoner's attorney
17 before action by the board.

18 * Sec. 14. AS 33.16.120(e) is repealed and reenacted to read:

19 (e) If the victim requests, the board shall make every reason-
20 able effort to notify the victim as soon as practicable in writing of
21 its decision to grant or deny discretionary parole or to release the
22 prisoner under AS 33.16.010(c). The notice under this subsection must
23 include the expected date of the prisoner's release, the geographic
24 area in which the prisoner is required to reside, and other pertinent
25 information concerning the prisoner's conditions of parole that may
26 affect the victim.

27 * Sec. 15. AS 33.16.150(b) is amended to read:

28 (b) The board may require as a condition of discretionary or
29 mandatory parole that a prisoner released on parole

- 1 (1) meet family obligations;
- 2 (2) pursue employment, education, counseling, or training;
- 3 (3) remain within stated geographic limits unless written
4 permission to depart from the stated limits is granted the parolee;
- 5 (4) report upon release to the parole officer assigned to
6 the parolee;
- 7 (5) report as required to the parole officer assigned to
8 the parolee;
- 9 (6) reside at a stated place and notify the board of any
10 change in place of residence;
- 11 (7) not possess or control firearms or other dangerous
12 weapons;
- 13 (8) refrain from possessing or consuming alcoholic beverages;
14
- 15 (9) submit to reasonable searches and seizures by a parole
16 officer, or a peace officer acting under the direction of a parole
17 officer;
- 18 (10) submit to appropriate medical, mental health, or controlled
19 substance or alcohol examination, treatment, or counseling;
- 20 (11) submit to periodic examinations designed to detect the
21 use of alcohol or controlled substances;
- 22 (12) make restitution ordered by the court [TO A VICTIM OF
23 THE PRISONER'S CRIME,] according to a schedule established by the
24 board;
- 25 (13) refrain from opening, maintaining, or using a checking
26 account or charge account;
- 27 (14) refrain from entering into a contract other than a
28 prenuptial contract or a marriage contract;
- 29 (15) refrain from operating a motor vehicle;

1 (16) refrain from entering an establishment where alcoholic
2 beverages are served, sold, or otherwise dispensed;

3 (17) refrain from participating in any other activity or
4 associating with any other person that the board determines is rea-
5 sonably likely to diminish the rehabilitative goals of parole, or that
6 may endanger the public.

7 * Sec. 16. AS 33.16 is amended by adding a new section to read:

8 Sec. 33.16.260. DESIGNATION OF REPRESENTATIVE. If more than one
9 person who qualifies as a victim under AS 12.55.185 requests notice
10 under this chapter, the commissioner shall designate one person for
11 purposes of receiving the notice required and exercising the rights
12 granted by this chapter.

13 * Sec. 17. AS 33.20.080 is amended to read:

14 Sec. 33.20.080. BOARD OF PAROLE TO INVESTIGATE APPLICATIONS FOR
15 EXECUTIVE CLEMENCY. The governor may refer applications for executive
16 clemency to the board of parole. The board shall investigate each
17 case and submit to the governor a report of the investigation, to-
18 gether with all other information the board has regarding the appli-
19 cant. When the report or investigation is submitted, the board shall
20 also transmit to the governor the comments it has received under (b)
21 of this section.

22 * Sec. 18. AS 33.20.080 is amended by adding new subsections to read:

23 (b) If requested by the victim of a crime against a person, the
24 board shall send notice of an application for executive clemency
25 submitted by the state prisoner who was convicted of that crime. The
26 victim may comment in writing to the board on the application for
27 executive clemency.

28 (c) If the victim desires notice under (b) of this section, the
29 victim shall maintain a current, valid mailing address on file with

1 the board. The board shall send the notice required under this sec-
2 tion to the victim's last known address. The victim's address may not
3 be disclosed to the applicant for executive clemency or the appli-
4 cant's attorney.

5 (d) In this section,

6 (1) "crime against a person" has the meaning given in
7 AS 33.30.901;

8 (2) "victim" has the meaning given in AS 12.55.185.

9 * Sec. 19. AS 33.30 is amended by adding a new section to read:

10 Sec. 33.30.013. COMMISSIONER TO NOTIFY VICTIMS. (a) The com-
11 missioner shall notify the victim if the offender

12 (1) escapes from custody;

13 (2) is released to the community on a furlough; or

14 (3) is released on an early release program.

15 (b) The commissioner is required to give notice of a change in
16 the status of an offender under this section only if the victim has
17 requested notice of the change.

18 (c) A victim who has requested notice under (b) of this section
19 shall maintain a current, valid mailing address on file with the
20 commissioner. The commissioner shall send the notice from the depart-
21 ment required by this section to the victim's last known address. The
22 victim's address may not be disclosed to the offender or the offend-
23 er's attorney.

24 (d) The state may not be held liable in damages for the failure
25 of the commissioner to comply with the requirements of this section.

26 * Sec. 20. AS 33.30.111(f) is repealed and reenacted to read:

27 (f) If the commissioner considers a prisoner convicted of a
28 crime against a person for a prerelease furlough and the victim has
29 requested notice under AS 33.30.013, the commissioner shall send

1 notice of intent to consider the prisoner for a prerelease furlough to
2 the victim. The victim may comment in writing on the commissioner's
3 intent to release the prisoner on prerelease furlough status. The
4 commissioner shall consider the victim's comments before making a
5 final decision to release a prisoner on a prerelease furlough. The
6 commissioner shall make a reasonable effort to notify the victim of an
7 intent to release the prisoner on a prerelease furlough. The notice
8 must contain the expected date of the prisoner's release, the geo-
9 graphic area in which the prisoner will reside, and other pertinent
10 information concerning the prisoner's release that may affect the
11 victim.

12 * Sec. 21. AS 33.30 is amended by adding a new section to read:

13 Sec. 33.30.292. DESIGNATION OF REPRESENTATIVE. If more than one
14 person who qualifies as a victim under AS 12.55.185 requests notice
15 under this chapter, the commissioner shall designate one person for
16 purposes of receiving the notice required and of exercising the rights
17 granted by this chapter.

18 * Sec. 22. AS 44.23.020(b) is amended by adding a new paragraph to
19 read:

20 (9) establish and maintain an assistance program to ensure
21 that crime victims receive information about the rights, entitlements,
22 and services that are provided by law.

23 * Sec. 23. AS 47.10 is amended by adding a new section to read:

24 Sec. 47.10.072. ACCESS TO HEARING BY VICTIM. (a) If a crime
25 was committed by a minor who is scheduled for a hearing under AS 47.-
26 10.070, the victim may request from the court permission to attend the
27 hearing. If the victim requests, the department shall provide techni-
28 cal assistance to the victim in preparing a written submission to the
29 court requesting access to the hearing. The department shall make

1 reasonable efforts to inform victims of the availability of this
2 assistance.

3 (b) If more than one person who qualifies as a victim under
4 AS 12.55.185 makes a request, the commissioner of health and social
5 services shall designate one person for purposes of receiving the
6 notice and exercising the rights granted by this section.

7 (c) In this section, "victim" has the meaning given in AS 12.-
8 55.185.

9 * Sec. 24. AS 12.61.020(e)(2) is repealed.

10 * Sec. 25. Rule 32(d)(1), Alaska Rules of Criminal Procedure, is amend-
11 ed to read:

12 (1) WHEN MADE. The probation service shall make a presen-
13 tence investigation and report before the court imposes sentence or
14 grants probation. The presentence investigation and report shall be
15 completed and made available to the court. The report shall not be
16 disclosed to any one except counsel unless the defendant has tendered
17 a plea of guilty or nolo contendere or has been found guilty. If the
18 crime for which the person is to be sentenced is a felony, the con-
19 tents shall be disclosed to counsel for the parties before the time of
20 the hearing on the aggravator and mitigator factors and sentencing.
21 The court may utilize the report in determining if a bargained sen-
22 tence recommendation will be followed pursuant to Rule 11. In the
23 event the attorneys for the parties request the preparation of a
24 presentence report to aid them in plea bargaining the court may order
25 such report to be made prior to the time stated in this rule.

26 * Sec. 26. Rule 32, Alaska Rules of Criminal Procedure, is amended by
27 adding new paragraphs to read:

28 (g) WRITTEN STATEMENT SUBMITTED BY VICTIM OR VICTIM'S REPRESENTATIVE.
29 If a written statement is prepared and submitted by the

1 victim of a felony offense or a domestic violence assault under
2 AS 12.55.023, the trial court

3 (1) shall take the content of the written statement into
4 consideration

5 (A) when preparing those elements of the sentencing
6 report required by AS 12.55.025 that relate to the effect of the
7 offense on the victim;

8 (B) when considering the need for restitution under
9 AS 12.55.045; and

10 (2) may take the content of the written statement into
11 consideration in any other circumstance that the court believes neces-
12 sary.

13 (h) In (g) of this rule,

14 (1) "domestic violence assault" has the meaning given in
15 AS 12.61.900;

16 (2) "victim" has the meaning given in AS 12.55.185.

17 * Sec. 27. Rule 35, Alaska Rules of Criminal Procedure, is amended by
18 adding new paragraphs to read:

19 (c) The victim may comment on motions made under this rule as
20 follows:

21 (1) When an individual convicted of a crime against a
22 person files a motion to modify or reduce a sentence, the court shall,
23 if feasible, send a copy of the motion to the Department of Correc-
24 tions sufficiently in advance of any scheduled hearing or briefing
25 deadline to enable the department to notify the victim, as directed by
26 AS 12.55.088(e).

27 (2) The court shall provide copies of the victim's comments
28 to the prosecuting attorney and to the person filing the motion to
29 reduce or modify a sentence, or the person's attorney.

1 (3) The court shall consider the comments of the victim
2 when relevant, and any response offered by the prosecuting attorney or
3 the person filing the motion, in deciding whether to reduce or modify
4 a sentence.

5 (4) If more than one person who qualifies as a victim under
6 paragraph (d)(2) of this rule requests the opportunity to exercise
7 rights under this paragraph, the court shall allow the person
8 designated under AS 12.55.172 to exercise those rights, or if a person
9 has not been designated under AS 12.55.172, the court shall designate
10 one person for purposes of exercising rights under this paragraph.

11 (d) In this rule,

12 (1) "crime against a person" has the meaning given in
13 AS 33.30.901;

14 (2) "victim" has the meaning given in AS 12.55.185.

15 * Sec. 28. APPLICABILITY. The provisions of this Act prescribing the
16 rights of a crime victim and of a crime victim's relative or survivor
17 during the course of criminal, civil, and administrative proceedings apply
18 to proceedings against defendants initiated on or after the effective date
19 of this Act.
20
21
22
23
24
25
26
27
28
29