

HB

17

HFIN

FILE



SPONSOR STATEMENT

HB 13

"An Act relating to marine safety training and education programs."

January 20, 1997

The Alaska Marine Safety Education Association (AMSEA) has been operating in the State of Alaska for 12 years. The primary purpose of this organization is to reduce the loss of life and injury in the Alaskan marine environment by providing education through a statewide network of qualified marine safety instructors.

AMSEA provides the safety training required by the Commercial Fishing Vessel Safety Act of 1988 to communities throughout Alaska. The Act, which took effect in 1991, requires a minimum in safety training and equipment for commercial fishing vessels.

AMSEA also helps Alaskans by providing marine safety instructor training some of whom teach drill instructor courses. Other marine safety instructors also train the Alaska boating and fishing public, including many children and adults, in marine safety. Of the 7300 people AMSEA trained in 1995, 2000 were from the commercial fishing industry, 3700 were children.

According to a study conducted in 1995 by the Native Health Service, AMSEA training significantly reduced fatalities among commercial fishermen. This coincides with a 50 percent drop in fishing fatalities in Alaska in the prior four years.

AMSEA is a nonprofit, community-based information and training network, supported by many volunteers. Its annual budget has ranged from \$100,000 to \$250,000 in the past five years. It has been receiving 100 percent of its funding from federal grants but last year's funding fell to \$50,000 and the number of people training fell to an all time low. This organization deserves our intervention to ensure long-term funding source stability.

The Fishermen's Fund (AS 23.35.060) was created before statehood. One hundred percent of the fishermen's fund is funded by commercial fishing license fees. Sixty percent of license fees are dedicated to this fund. Since commercial fishermen are often the beneficiaries of the required marine safety training, it is appropriate to allow part of the interest on the fund to be used to fund some of AMSEA's marine safety programs.

It is estimated that the Fishermen's Fund generates approximately \$450,000 in interest a year. By way of this legislation, AMSEA is requesting up to approximately \$225,000 a year. If this bill passes budgeted, AMSEA will increase its efforts in boating safety in interior regions of the state, as well as sponsor training to State Troopers and Village Public Safety Officers who are in a position to enhance water and boating safety in areas where they operate.

that it was due to causes and conditions characteristic and peculiar thereto and was therefore compensable. Women's Div. of Christian Serv. of Bd. of Missions & Church Extension of Methodist Church v. Alaska Indus. Bd., 13 Alaska 166 (1951).

Diseases contracted prior to coverage of Act. — Compensation was denied to plaintiff for disability resulting from silicosis contracted while in the employ of the defendant for several years antedating 1932, as the coverage of the Workmen's Compensation Act was not extended to occupational disease until after 1948 and the disease did not manifest itself until 1954. Cropley v. Alaska Juneau Gold Mining Co., 16 Alaska 831, 131 F. Supp. 34 (D. Alaska 1955).

Unnecessary to determine whether disease is injury by accident or occupational disease. — Where both injury by accident and occupational disease are compensable, as they are in Alaska, it is unnecessary to determine whether the disease complained of is one or the other. A finding either way supports an award. Board of Nat'l Missions of Presbyterian Church v. Alaska Indus. Bd., 14 Alaska 453, 116 F. Supp. 825 (D. Alaska 1953).

Compensation is not to be barred because the risk is not generally recognized or because only those unusually susceptible or predisposed to a given disease will contract it. Alautian Homes v. Fischer, 418 P.2d 769 (Alaska 1966).

VIII. MEDICAL AND RELATED BENEFITS.

Paragraphs (8) and (30) mutually exclusive. — See note under same catchline under analysis line IV, "Compensation."

IX. PARENT.

Dependency of parents. — That a servant gave his wages to his parents, and such wages were devoted to the support of the family, is sufficient to afford a legal basis for the finding of actual dependency, within the Workmen's Compensation Act. Ketchikan

Collateral references. — 53 Am. Jur. 2d, Master and Servant, § 139 et seq.; 82 Am. Jur. 2d, Workers' Compensation, § 1 et seq.

99 C.J.S., Workmen's Compensation, § 1 et seq. Status, under workmen's compensation act, of gasoline and oil distributor or dealer as agent, employee, independent dealer. 33 ALR2d 1290.

Posthumous children and children born after accident as dependents. 18 ALR3d 900.

Injury sustained while attending employer-sponsored social affair arising out of and in the course of employment. 47 ALR3d 566.

Sexual assaults as compensable under workers'

Sec. 23.30.400. Short title. This chapter may be cited as Alaska Workers' Compensation Act. (§ 1 ch 193 SLA 1959)

Revisor's notes. — Formerly AS 23.30.270. Renumbered in 1996.

NOTES TO DECISIONS

Cited in State v. Wien Air Alaska, Inc., 619 P.2d 719 (Alaska 1980).

Lumber & Shingle Co. v. Bishop, 24 P.2d 69 (8th Cir. 1928).

X. MARRIED.

Divorced wife can be "married" for purpose of this chapter. — It is clear under the statutory definition of "married" that a decedent, though divorced, is "married" for the purpose of the Workmen's Compensation Act, where the divorce decree required him to contribute to the support of his former wife. Burgess Constr. Co. v. Lindley, 504 P.2d 1023 (Alaska 1972).

XI. WAGES.

"Wages". — Where one sustains an injury in Alaska, and then removes to another state, the amount of the award of compensation is determined by the wage rate of the state to which the claimant has removed. Hanson v. Benson, 179 F. Supp. 130 (D. Alaska 1959).

The law does not contemplate the payment of compensation in addition to the payment of wages. Hanson v. Benson, 179 F. Supp. 130 (D. Alaska 1959).

Including readily identifiable and calculable value of fringe benefits. — The readily identifiable and calculable value of fringe benefits paid by the employer on the employee's behalf should be considered "wages" for the purpose of computing the employee's average weekly wage. Ragland v. Morrison-Knudsen Co., 724 P.2d 519 (Alaska 1986).

XII. WIDOW, WIDOWER.

A divorced wife qualifies as a "widow" where she was living with decedent husband, who was required by the divorce decree to support her, at the time of his death and was dependent upon him for support. Burgess Constr. Co. v. Lindley, 504 P.2d 1023 (Alaska 1972).

Construction of term "widower". — See Admiralty-Alaska Gold Mining Co. v. Benson, 17 Alaska 727 (1958).

compensation. 82 ALR4th 731.

Workers' compensation: student athlete as "employee" of college or university providing scholarship or similar financial assistance. 58 ALR4th 1259.

Workers' compensation: injuries incurred during labor activity. 61 ALR4th 196.

Injuries incurred while traveling to or from work with employer's receipts. 63 ALR4th 263.

Breach of assumed duty to inspect property as ground for liability to third party. 13 ALR5th 289.

Employee's reimbursement for travel expenses incurred in obtaining treatment of work-related injury. 36 ALR5th 225.

Chapter 35. Commercial Fishermen's Fund.

10. Creation of Fishermen's Fund Advisory and Appeals Council	90. Associates after death of
20. Appointment and composition of council	100. Transportation, hospital, nursing, medical, and surgical expenses
30. Commissioner or designee as chair	110. Contracts for care
40. Duties of commissioner and council	120. Cooperation with other agencies
50. Regulations	130. Duration of care
60. Creation and administration of fishermen's fund	140. Limitation on benefits
70. Benefits	150. Definitions
80. Emergency treatment for cardio-vascular disease	

Collateral references. — 53 Am. Jur. 2d, Master and Servant, §§ 123, 124; 82 Am. Jur. 2d Workers' Compensation, §§ 1, 2, 247-327. 99 C.J.S., Workmen's Compensation, §§ 163-169.

Sec. 23.35.010. Creation of Fishermen's Fund Advisory and Appeals Council. There is within the Department of Labor a Fishermen's Fund Advisory and Appeals Council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.020. Appointment and composition of council. The council is composed of the commissioner of labor or a person designated by the commissioner and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

- District 1: Wrangell and areas south;
- District 2: Areas north of Wrangell to include Yakutat;
- District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;
- District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;
- District 5: Areas north of Cape Newenham, including Kivukwim, Yukon, Kotzebue, and the Arctic. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 175 SLA 1976)

Sec. 23.35.030. Commissioner or designee as chair. The commissioner of labor or the person designated by the commissioner serves as the chair of the council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.040. Duties of commissioner and council. The commissioner shall consult with the council before the commissioner makes a negative decision on an appeal filed with the commissioner in relation to the care of a sick and disabled fisherman. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.050. Regulations. The department may adopt regulations to carry out the purposes of this chapter, including those that are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The regulations must be uniform in application. (§ 2 ch 100 SLA 1951)

Opinions of attorney general. — The Department of Labor may not adopt a regulation requiring that a reasonable deductible amount be satisfied on each claim before the Fund pays benefits. Marr' 4, 1985 Op. Att'y Gen. The Department of Labor could adopt regulations limiting the availability of benefits under AS 23.35 to persons who have no insurance, as this would accord with the department's interpretation of the purpose of the Fund. March 4, 1985 Op. Att'y Gen.

Sec. 23.35.060. Creation and administration of fishermen's fund. There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the

custodian of the fund and the Department of Labor shall administer it. The fund shall be composed of 60 per cent of the money derived by the state from all commercial fishermen's licenses and money appropriated to carry out the purpose of this chapter. (§ 4 ch 100 SLA 1951; am § 1 ch 99 SLA 1955; am § 16 ch 105 SLA 1977; am § 11 ch 123 SLA 1978)

Sec. 23.35.070. Benefits. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after the fisherman sustains an injury or disability arising out of an accident directly connected with operations as a fisherman, either ashore in the state or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care, and hospitalization. In this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by 16 U.S.C. 1811 (§ 101, Fisheries Conservation and Management Act of 1976). (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957; am § 1 ch 15 SLA 1979)

Opinions of attorney general. — Chiropractors render medical services and are entitled to recover payment under the Fishermen's Fund. August 23, 1971, Op. Att'y Gen.

The Department of Labor may not adopt a regulation requiring that a reasonable deductible amount be satisfied on each claim before the Fund pays benefits. March 4, 1986, Op. Att'y Gen.

It is not required that an injury or accident be "directly caused" by the fishing endeavor; if the legislature had intended that interpretation, it seems likely that it would have said "directly caused by" rather than "directly connected with." March 4, 1986, Op. Att'y Gen.

The cost of treatment by acupuncture is an expense that is covered by the Fishermen's Fund. June 18, 1985, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in *Hutcherson v. State, Dep't of Labor*, 812 P.2d 1017 (Alaska 1980).

Sec. 23.35.080. Emergency treatment for cardio-vascular diseases. The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care, and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor. (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.090. Assistance after discharge. A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund. (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.100. Transportation, hospital, nursing, medical, and surgical expenses. The department may pay out of the fund all reasonable transportation charges incurred under AS 23.35.080 and 23.35.090, including cost of returning the fisherman to the boat or home of the fisherman or to another place that reasonably meets with the fisherman's convenience, and the reasonable hospital, nursing, medical, and surgical expenses incurred in the examination, treatment, and care of the fisherman. (§ 6 ch 100 SLA 1951)

Opinions of attorney general. — Money cannot be expended from the sick and disabled fishermen's fund for the payment of charges for medicine prescribed by chiropractors. 1961 Op. Att'y Gen., No. 23.

It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23.

Chiropractors render medical services and are entitled to recover payment under the Fishermen's Fund. August 23, 1971 Op. Att'y Gen.

For discussion of the Fund's power to seek reimbursement from claimants' insurance carriers or medical providers where insurance has paid part or all of a claim, see March 4, 1985, Op. Att'y Gen.

Absent an assignment of the claim from the injured person, the Fishermen's Fund may not sue third parties for negligence which caused or contributed to the injury, and even with an assignment, it would not be advised. March 4, 1985, Op. Att'y Gen.

The Fishermen's Fund may recover overpayments made by mistake. March 4, 1985, Op. Att'y Gen.

The Department of Labor could adopt regulations limiting the availability of benefits under AS 23.35 to persons who have no insurance, as this would accord with the department's interpretation of the purpose of the Fund. March 4, 1985, Op. Att'y Gen.

The cost of treatment by acupuncture is an expense that is covered by the Fishermen's Fund. June 18, 1985, Op. Att'y Gen.

Sec. 23.35.110. Contracts for care. In carrying out this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. Contracting under this section is governed by AS 36.30 (State Procurement Code). (§ 6 ch 100 SLA 1951; am § 22 ch 106 SLA 1986)

Sec. 23.35.120. Cooperation with other agencies. In providing care the department shall provide the type and quality of treatment that will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen. (§ 7 ch 100 SLA 1951)

Sec. 23.35.130. Duration of care. Except for compelling reasons, compensation may not be paid for the care of any one person involving a single injury or disability beyond a period of one year from the date of initial allowance. (§ 7 ch 100 SLA 1951)

Opinions of attorney general. — The legislature intended a relatively liberal interpretation of the act. 1969 Op. Att'y Gen., No. 5.

For scope of term "compelling reasons", see 1959 Op. Att'y Gen., No. 5.

With respect to a pre-existing injury, that is, one for

which benefits have been paid under the Act, if subsequent aggravation is attributable strictly to that injury, and does not amount to a new injury, then, as with a recurring disability, the Act does not appear to confer benefits, for it remains a "single injury." March 4, 1985, Op. Att'y Gen.

Sec. 23.35.140. Limitation on benefits. (a) Except for compelling reasons, (1) compensation may not be paid for medical care or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease; (2) the total allowance for any one injury or disablement is \$2,500. (b) The total allowance for any one heart attack is \$2,500. (§ 7 ch 100 SLA 1951; am § 1 ch 103 SLA 1965; am § 1 ch 166 SLA 1968)

Opinions of attorney general. — There might be many very "compelling reasons" to raise the benefits above \$2,500 under some circumstances. 1969 Op. Att'y Gen., No. 5.

With respect to a pre-existing injury, that is, one for which benefits have been paid under the Act, if

subsequent aggravation is attributable strictly to that injury, and does not amount to a new injury, then, as with a recurring disability, the Act does not appear to confer benefits, for it remains a "single injury." March 4, 1985, Op. Att'y Gen.

Sec. 23.35.150. Definitions. In this chapter

(1) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner of chiropractic licensed by the state under AS 08.20;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(4) "fund" means the Fishermen's Fund;

(5) "occupational disease" means hernia; varicose veins of the leg; the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure self or another. (§§ 4, 6, 8 ch 100 SLA 1951; am §§ 1, 2, ch 99 SLA 1955; am § 1 ch 59 SLA 1957; am § 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 77 SLA 1962; am § 1 ch 51 SLA 1972; am § 17 ch 105 SLA 1977; am § 38 ch 168 SLA 1990)

Revisor's notes. — This section was reorganized in 1984 to place the defined terms in alphabetical order and in 1996 to delete repealed paragraphs.

Opinions of attorney general. — Persons who are primary fish buyers and packers are "commercial fishing" under AS 16.05.940(5) so as to qualify them as "fishermen" under paragraph (5) (now (3)) of this section to receive benefits from the Fishermen's Fund.

March 8, 1986 Op. Att'y Gen.

This section does not preclude the payment to a fisherman who holds a valid Alaska commercial fishing license or gear license, but chooses to commercial fish in Metlakatla waters where a special permit only is required to authorize such fishing. March 30, 1988 Op. Att'y Gen.

Chapter 40. Labor Organizations.

Article

1. Local Organizations and Ferry System Employees (§§ 23.40.020 — 23.40.040)
2. Public Employment Relations Act (§§ 23.40.070 — 23.40.260)

Article 1. Local Organizations and Ferry System Employees.

Section

20. Enforcement of certain contracts only if union registers
30. Definition of labor organization

Section

40. Collective bargaining agreement

Sec. 23.40.010. *Union contracts with state and political subdivisions. [Repealed, § 5 ch 113 SLA 1972.]*

Sec. 23.40.020. **Enforcement of certain contracts only if union registers.** A labor contract executed in this state by a labor organization that has no local in this state or which contract is not to be executed by one or more of its locals in this state may not be enforced in the courts of this state unless the labor organization has registered with the department and complied with all regulations adopted by it. (§ 4 ch 108 SLA 1959)

Sec. 23.40.030. **Definition of labor organization.** For the purpose of AS 23.40.020 — 23.40.040 "labor organization" includes an organization constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms, or conditions of employment or other mutual aid or protection in connection with employees. (§ 1 ch 108 SLA 1959; am § 32 ch 53 SLA 1973)

NOTES TO DECISIONS

Quoted in *Alaska Int'l Constructors v. State, Sec-ond Injury Fund*, 755 P.2d 1090 (Alaska 1988)

Collateral references. — 48 Am. Jur. 2d, Labor and Labor Relations, § 19.

51 C.J.S., Labor Relations, §§ 43-48.
Rights and remedies of workmen blacklisted by labor union. 46 ALR2d 1124.
Combination of separate plants or units of the same

employer as single bargaining unit. 12 ALR3d 787.
Right of labor union to exclude applicants for membership and remedy of applicant so excluded. 33 ALR3d 1305.

Sec. 23.40.040. **Collective bargaining agreement.** The commissioner of transportation and public facilities or an authorized representative, in accordance with AS 23.40.020 — 23.40.030, may negotiate and enter into collective bargaining agreements concerning wages, hours, working conditions, and other employment benefits with the employees of the division of marine transportation engaged in operating the state ferry system as masters or members of the crews of vessels or their bargaining agent. A collective bargaining agreement is not final without the concurrence of the commissioner of transportation and public facilities. The commissioner of transportation and public facilities may make provision in the collective bargaining agreement for the settlement of labor disputes by arbitration. (§ 1 ch 93 SLA 1962; am E.O. No. 39, § 11 (1977))

NOTES TO DECISIONS

This section was not repealed by implication by the enactment of the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Nor is it an exception to that act. — This section cannot be read as an implied exception to the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

The Public Employment Relations Act, AS 23.40.070 et seq., was intended to incorporate existing collective bargaining agreements rather than exempt them. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Construed in pari materia. — Since this section cannot be treated as an implied exception to the Public Employment Relations Act, AS 23.40.070 et seq., and since the Public Employment Relations Act did not repeal this section by implication, the statutes are construed in pari materia. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

This section and Public Employment Relations Act can be harmonized. — The Public Employment Relations Act, AS 23.40.070 et seq., and this section can be effectively harmonized to further the legislative purpose of establishing uniform procedures for public employee collective bargaining to protect the policies the legislature intended in enacting the Public Employment Relations Act. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Any possible conflict between this section and the Public Employment Relations Act is neither severe nor irreconcilable, particularly in light of AS 23.40.240 which incorporates existing agreements. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Collateral references. — 48 Am. Jur. 2d, Labor and Labor Relations, §§ 324-802; 48A Am. Jur. 2d, Labor and Labor Relations, §§ 2963-3630.

51 C.J.S., Labor Relations, §§ 148-218.

The most reasonable construction, consistent with the implied exception rule, is that the legislature was aware of this section and saw no inconsistency in enacting the Public Employment Relations Act, AS 23.40.070 et seq., to provide guidelines and procedures for public employee collective bargaining. The Public Employment Relations Act does nothing to undercut the authorization of collective bargaining under this section. Rather, it gives it additional content. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

This section was comprehensive when it was enacted. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

But it was further defined by the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

The Public Employment Relations Act, AS 23.40.070, et seq., contains far more detailed provisions than this section. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Public Employment Relations Act, AS 23.40.070 et seq., applies to employees of the state division of marine transportation. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

If there is no implied exemption for ferry personnel under the Public Employment Relations Act, AS 23.40.070, et seq., it cannot be said that the two acts do not cover the same people. This section is a subset of the broader Public Employment Relations Act coverage and was likely left intact deliberately to designate the commissioner of public works as the state's representative in bargaining with the ferry unions. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Validity of union procedures for fixing and reviewing agency fees of nonunion employees under public employee representation contract — post-Hudson cases. 92 ALR Fed. 893.

amended 9/10

*(1) adopted
(2) failed 3/5*

HOUSE BILL NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES AUSTERMAN, Ivan, Grussendorf, Dyson

Introduced: 1/13/97

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to marine safety training and education programs."

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

3 * **Section 1.** INTENT. (a) It is the intent of this Act to identify a source of funds that
4 may be used to fund marine safety training and education programs to protect commercial
5 fishermen, mariners, and the public from injury or death arising from accidents at sea.

6 (b) This Act does not create a dedicated fund.

7 * **Sec. 2.** AS 23.35.060 is amended by adding a new subsection to read:

8 (b) The legislature may appropriate up to ~~50 percent~~ ^{50 percent} of the interest income *(2)*
9 earned by the state on the balance of the fishermen's fund for grants to the Alaska *(1)*
10 Marine Safety Education Association] for marine safety training and education
11 programs.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: January 31, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/19/97

The FINANCE Committee considered:

HB 17

HOUSE BILL NO. 17

DNR APPROVAL OF PLATS IN UNORG BOROUGH

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

recommends it be replaced with the following committee substitute (S HB 17 (RES)) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DNR 1/31/97

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Therriault	X			
<i>Mark Kraly</i>	Hanley	X			
<i>Edon Wild</i>	Murphy	X			
<i>Terry Martin</i>	Martin	X			
<i>Phil Kohring</i>	Kohring	X			
<i>John Davies</i>	Davies	X			
<i>Ben Grossman</i>	Grossman	X			
<i>Carl Mises</i>	Mises			X	
<i>Harry Davis</i>	Davis	X			
<i>Richard Foster</i>	Foster	X			

CO-CHAIR'S SIGNATURE

Gene Theriault *Mark Kraly*

Therriault

Kraly

FISCAL NOTE

Bill Number: 1
 Version: HB 17
 (H) Publish Date: 1/31/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RE5) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

Alaska State Legislature

REPRESENTATIVE
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While In Juneau
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House Of Representatives

House District 34

SPONSOR STATEMENT

HB 17 DNR APPROVAL OF PLATS 1/18/97

Last year this was HB 80, the Bill died in the rush of adjournment. HB 17 is a good bill that has been in the process for many Legislative sessions. I believe the work over the last several years has molded the bill into one that has no opposition and is supported by the DNR, surveyors and all impacted classes of people.

Essentially HB 17 brings all of the unorganized Boroughs under the purview of DNR as pertains to platting of real estate. For example there is currently no control over anyone creating landlocked subdivisions with no possible access in the unorganized Boroughs.

The bill also cleans up some definition problems by defining the word subdivision so all agencies use the same terminology.

Please contact me or Walt Wilcox if you have any questions or concerns.

FISCAL NOTE

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Version: HB 17

(H) Publish Date: 1/31/97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources