

BILLS 1981 - 1982

HB 414 - SSHB 437

Len. F. ...

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Funding Information  
General Fund \$3,425,000  
Other Funds -0-  
\$3,425,000

Introduced: 3/26/81  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY DUNCAN, SMITH, GARDINER,  
BROWN AND HAYES

2 HOUSE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education, Alaska State Council on the Arts,  
8 for grants for Alaskan culture and arts programs and  
9 projects; and providing for an effective date."

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

11 \* Section 1. The sum of \$3,425,000 is appropriated from the general fund  
12 to the Department of Education, Alaska State Council on the Arts, for grants  
13 for Alaskan culture and arts programs and projects.

14 \* Sec. 2. The unexpended and unobligated portions of the appropriation  
15 made by this Act lapse into the general fund June 30, 1982.

16 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
17 070(c).



COMMITTEE REPORT

HOUSE

4/21

3/26/81

FURTHER: FINANCE

(5)

Date: April 20, 1981

Mr. Speaker: HEALTH, EDUCATION & SOCIAL SERVICES The Committee on SOCIAL SERVICES has had HB 414

"An Act making a special appropriation to the Department of Education, Alaska State Council on the Arts, for grants for Alaskan culture and arts programs and projects; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING DO PASS

Handwritten signatures: Betty Cato, Dan Clocher, J. W. Wines

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signature: Mike Benin - none

Handwritten signature: Dan Clocher CHAIRMAN

*Pegues/Zebon*  
*12-1133*

Funding Information  
General Fund \$3,425,000  
Other Funds -0-  
\$3,425,000

Introduced: 3/26/81  
Referred: Health, Education &  
Social Services and Finance

BY DUNCAN, SMITH, GARDINER,  
BROWN AND HAYES

BY DUNCAN

1 IN THE HOUSE

2 HOUSE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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**ALASKA STATE LEGISLATURE**

TWELFTH Legislature FIRST Session

HOUSE BILL..... NO. 414..

By ..DUNCAN, SMITH, GARDNER,  
BROWN AND HAYES

"An Act making a special appropriation to the Department of Education, Alaska State Council on the Arts, for grants for Alaskan culture and arts programs and projects; and providing for an effective date."

Spec. appro. Ak State Council on the Arts

Introduced in the House .3/26...., 19...81

**HISTORY IN THE HOUSE**

19 81	Read first time and referred to Committee on										
Mar 26	HESS and Finance										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
	CHIEF CLERK OF THE HOUSE										

**HISTORY IN THE SENATE**

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
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	Read third time and										
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Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
	SECRETARY OF THE SENATE										

**HISTORY IN THE HOUSE**

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....



COMMITTEE REPORT  
SENATE

5/26/81

FURTHER:

Finance

Date: 4/9/82

Mr. President:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had HB 421 (efd failed) exemption of residential property from the property tax

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for SB HB 421 (CVRA)  same title  new title

and recommends As follows

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

1 Ferguson  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

✓ Curtis Tompkins no Rec  
✓ Collette Moore  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 Don Gilman no Pass  
CHAIRMAN

Offered: 3/12/82  
Referred: Finance

Original sponsor: Malone

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 SENATE CS FOR HOUSE BILL NO. 421 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to optional exemptions and exclusions  
7 from municipal property taxation; and providing for an  
8 effective date."

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

10 \* Section 1. AS 29.53.025(a) is amended to read:

11 (a) Municipalities may exclude or exempt or partially exempt  
12 residential property from taxation by ordinance ratified by the voters  
13 at a regular or special election. An exclusion or exemption authorized  
14 by this section may not exceed \$50,000 [\$10,000] for any one residence.

15 \* Sec. 2. AS 29.53.025(b)(2) is amended by adding new subparagraphs to  
16 read:

17 (E) business inventories and supplies;

18 (F) business equipment, machinery, furniture and fix-  
19 tures;

20 (G) vehicles used for transportation on land, water or  
21 in air other than for commercial purposes.

22 \* Sec. 3. AS 29.45.050(a) is amended to read:

23 (a) A municipality may exclude exempt or partially exempt resi-  
24 dential property from taxation by ordinance ratified by the voters at an  
25 election. An exclusion or exemption authorized by this section may not  
26 exceed the assessed value of \$50,000 [\$10,000] for any one residence.

27 \* Sec. 4. AS 29.45.050(b)(2) is amended by adding new subparagraphs to  
28 read:

29 (D) business inventories and supplies;

1 (E) business equipment, machinery, furniture and fix-  
2 tures;

3 (F) vehicles used for transportation on land, water or  
4 in air for other than commercial purposes.

5 \* Sec. 5. Exemptions or exclusions authorized in AS 29.45.050(a) as  
6 amended by sec. 3 of this Act and exemptions authorized in AS 29.45.050(b)(2)  
7 as amended by sec. 4 of this Act may be granted beginning January 1, 1983.

8 \* Sec. 6. Sections 1 and 2 of this Act are repealed.

9 \* Sec. 7. Sections 1 and 2 of this Act take effect January 1, 1983.

10 \* Sec. 8. Sections 3 - 6 of this Act take effect on the effective date of  
11 a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.

Introduced: 3/30/81  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 421 (efd failed)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the exemption of residential  
7 property from the property tax."

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

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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. HB 421  
Title "...exemption of residential property...effective date."  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
Agency Affected None  
Program Category Affected None  
BRU, Program, or Subprogram(s) Affected None  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Fiscal impact on municipalities would vary greatly depending on the kind of language adopted into local law. Apparently, communities would have the latitude to exempt, or partially exempt, literally any type of residential property, i.e. single family, apartment, residential portion of commercial, owner occupied only, etc.

The cost to the municipality could range from virtually nothing, to extremely high depending on the above variables.

*Michael Worley*

IV. DATE 4/2/81 PREPARED BY Michael Worley, Assistant State Assessor  
AGENCY C&RA, LGAD  
PHONE 465-4787  
Original: Legislative Finance  
cc: Budget and Management

ALASKA STATE LEGISLATURE

TWELFTH Legislature FIRST Session

HOUSE BILL NO. 421

By MALONE

"An Act relating to the exemption of residential property from the property tax; (and) providing for an effective date."

Exempt./residential property from property tax

Introduced in the House .. 3/30... 19. 81

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on
Mar 30	C & RA and Finance
Apr 16	Reported back with recommendation that C & RA, 3 days, 270 rec to Finance
May 18	Finance, 5 days to Rules
May 21	Read second time and adv
May 21	Read third time and
May 22	held until 5/25
May 25	Reconsideration taken up
May 21	PASS Effective Date Yeas 26 Nays 2 Absent 2 not voting Excused
May 21	Reconsideration FAILED
May 25	PASS Effective Date Yeas 28 Nays 11 Absent 1 not voting Excused 1 not voting
5/21	Reported correctly engrossed
5/21	Signed by Speaker
5/21	Sent to Senate
CHIEF CLERK OF THE HOUSE	

HISTORY IN THE SENATE

19 81	Read first time and referred to Committee on
5/30	C & RA - Fin
1981	Reported back with C & RA recommendation that SCS be adv, via title, 2 do pass, 2 do rec, to fin
3/12	Read second time and
	Read third time and
	PASS Effective Date Yeas Nays Absent Excused
	Reconsideration
	PASS Effective Date Yeas Nays Absent Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
SECRETARY OF THE SENATE	

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling
	Reported correctly enrolled
	Sent to Governor
	..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

Introduced: 3/30/81  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 421 (efd failed)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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Offered: 3/12/82  
Referred: Finance

Original sponsor: Malone

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2

SENATE CS FOR HOUSE BILL NO. 421 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to optional exemptions and exclusions  
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\* Sec. 2. AS 29.53.025(b)(2) is amended by adding new subparagraphs to  
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(F) business equipment, machinery, furniture and fix-

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7 as amended by sec. 4 of this Act may be granted beginning January 1, 1983.

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9 \* Sec. 7. Sections 1 and 2 of this Act take effect January 1, 1983.

10 \* Sec. 8. Sections 3 - 6 of this Act take effect on the effective date of  
11 a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 421

Title "...exemption of residential property...effective date."

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected None

Program Category Affected None

BRU, Program, or Subprogram(s) Affected None

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
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700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Fiscal impact on municipalities would vary greatly depending on the kind of language adopted into local law. Apparently, communities would have the latitude to exempt, or partially exempt, literally any type of residential property, i.e. single family, apartment, residential portion of commercial, owner occupied only, etc.

The cost to the municipality could range from virtually nothing, to extremely high depending on the above variables.

IV. DATE 4/2/81

PREPARED BY Michael Worley, Assistant State Assessor

AGENCY C&RA, LG&D

PROJECT EXEMPTION

Introduced: 3/27/81  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 416

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing advance funding to retire in due  
7 course outstanding municipal general obligation bonds  
8 for schools; and providing for an effective date."

9

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

10

\* Section 1. Subject to the availability of appropriations made by law,  
11 the commissioner of revenue is authorized to provide advance funding to re-  
12 tire in due course the outstanding general obligation bonds issued by muni-  
13 cipalities for schools.

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\* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
15 10.070(c).

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March 25, 1981

The Honorable Jim Duncan  
Speaker of the House  
Alaska State Legislature  
Pouch V Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to accompany HB 311. That bill appropriates money for advance funding to retire in due course outstanding municipal general obligation bonds for schools.

Under existing law, the commissioner's general powers do not include the power to provide for advance funding to retire municipal bonds. An appropriation bill does not create substantive law, and therefore, this bill must be enacted to give the commissioner the power to perform the function for which the appropriation in HB 311 is being made.

Sincerely,

S/SSH

Jay S. Hammond  
Governor



# COMMITTEE REPORT

## HOUSE

4/14

3/27/81

FURTHER: FINANCE

(7)

Date: April 10, 1981

Mr. Speaker:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HB 416

"An Act authorizing advance funding to retire in due course outstanding municipal general obligation bonds for schools; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Ben [Signature]

Larry [Signature]

John [Signature]

Robert [Signature]

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Ben [Signature]  
CHAIRMAN

*Letter  
7. note*

Introduced: 3/27/81  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 416

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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15 10.070(c).

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COMMITTEE COPY

March 25, 1981

The Honorable Jim Duncan  
Speaker of the House  
Alaska State Legislature  
Pouch V Juneau, AK 99811

Dear Mr. Speaker:

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Under existing law, the commissioner's general powers do not include the power to provide for advance funding to retire municipal bonds. An appropriation bill does not create substantive law, and therefore, this bill must be enacted to give the commissioner the power to perform the function for which the appropriation in HB 311 is being made.

Sincerely,

S/SSH

Jay S. Hammond  
Governor

**ALASKA STATE LEGISLATURE**

TWELFTH Legislature FIRST Session

HOUSE ..BILL..... NO. ...416.

By THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

"An Act authorizing advance funding to retire in due course outstanding municipal general obligation bonds for schools; and providing for an effective date."

Munic. gen. oblig. bonds for schools

Introduced in the House ...3/27..., 19...81

**HISTORY IN THE HOUSE**

19	21	Read first time and referred to Committee on C &RA and Finance										
Mar	27	Reported back with recommendation that										
		Read second time and										
		Read third time and										
		<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
<b>PASS</b>	<b>Effective Date</b>											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		<p>Reconsideration</p> <table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
<b>PASS</b>	<b>Effective Date</b>											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		Reported correctly engrossed Signed by Speaker Sent to Senate										

CHIEF CLERK OF THE HOUSE

**HISTORY IN THE SENATE**

19		Read first time and referred to Committee on										
		Reported back with recommendation that										
		Read second time and										
		Read third time and										
		<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
<b>PASS</b>	<b>Effective Date</b>											
Yeas	Yeas											
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		<p>Reconsideration</p> <table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
<b>PASS</b>	<b>Effective Date</b>											
Yeas	Yeas											
Nays	Nays											
Absent	Absent											
Excused	Excused											
		Reported correctly engrossed Signed by President Returned to House										

SECRETARY OF THE SENATE

**HISTORY IN THE HOUSE**

19		Received from Senate
		Concurred in Senate amendment thus adopting: <b>VOTE</b>
		Failed to concur in Senate amendment; asked Senate to recede <b>VOTE</b>
		Senate receded from amendment <b>VOTE</b>
		Senate failed to recede from amendment <b>VOTE</b>
		CC appointed by House
		CC appointed by Senate
		CC adopted by House <b>VOTE</b>
		CC adopted by Senate <b>VOTE</b>
		To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
		Filed with Lt. Governor
		Chapter No. ....

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 416  
 Title Authorizing advance funding to retire in due course outstanding municipal GO  
Request for bonds for schools Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Revenue  
 Program Category Affected Revenue Collection and Management  
 BRU, Program, or Subprogram(s) Affected Treasury Management  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						

FUNDING (Thousands of Dollars)

<u>GENERAL FUND</u>						
<u>FEDERAL FUNDS</u>						
<u>OTHER (Specify Fund Source)</u>						

POSITIONS

<u>FULL TIME</u>						
<u>PART TIME</u>						
<u>TEMPORARY</u>						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill is in the form for authorizing legislation that gives the Commissioner of Revenue powers to provide for advance funding (defeasance) of municipal GO bonds related to school construction.

The appropriation to accomplish such advance funding is contained in a companion bill HB 311. The total fiscal impact contained in that bill \$266,411,000.

*Anselm C. Staack*

IV. DATE March 26, 1981 PREPARED BY Anselm C. Staack, Treasury Comptroller  
 AGENCY Dept. of Revenue / Treasury Division  
 PHONE 465-2351

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Fis. note rec'd 3/13/82  
 After bill R/S HFC.

THE LEGISLATURE OF THE STATE OF ALASKA  
 TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 421  
 Title "...exemption of residential property...effective date."  
 Requested by Senate Community & Regional Affairs Com. Date March 1, 1982

II. FISCAL DETAIL  
 Agency Affected None  
 Program Category Affected None  
 BRU, Program, Or Subprogram(s) Affected None  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Fiscal impact on municipalities would vary greatly depending on the kind of language adopted into local law. Apparently, communities would have the latitude to exempt, or partially exempt, literally any type of residential property, i. e. single family, apartment, residential portion of commercial, owner occupied only, etc.

The cost to the municipality could range from virtually nothing, to extremely high depending on the above variables.

IV. DATE March 1, 1982 PREPARED BY Michael W. Worley  
 AGENCY Community & Regional Affairs  
 Original: Legislative Finance PHONE 465-4787  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



Introduced: 3/30/81  
Referred: Community & Regional  
Affairs and Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 421

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the exemption of residential  
7 property from the property tax; and providing for an  
8 effective date."

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

10 \* Section 1. AS 29.53.025(a) is amended to read:

11 (a) Municipalities may exclude or exempt or partially exempt  
12 residential property from taxation by ordinance ratified by the voters  
13 at a regular or special election. [AN EXCLUSION OR EXEMPTION AUTHORIZED  
14 BY THIS SECTION MAY NOT EXCEED \$10,000 FOR ANY ONE RESIDENCE.]

15 \* Sec. 2. This Act takes effect January 1, 1982.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 421

Title "...exemption of residential property...effective date."

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected None

Program Category Affected None

BRU, Program, or Subprogram(s) Affected None

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Fiscal impact on municipalities would vary greatly depending on the kind of language adopted into local law. Apparently, communities would have the latitude to exempt, or partially exempt, literally any type of residential property, i.e. single family, apartment, residential portion of commercial, owner occupied only, etc.

The cost to the municipality could range from virtually nothing, to extremely high depending on the above variables.

IV. DATE 4/2/81

PREPARED BY Michael Worley, Assistant State Assessor  
AGENCY C&RA, LGAD  
PHONE 465-2777

Original sponsors: Cato, Moss  
and Grussendorf

Offered: 4/24/81  
Referred: Finance

Funding Information  
General Fund \$226,000  
Other Funds -0-  
\$226,000

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 424 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for a fire training program; and  
8 providing for an effective date."

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

10 \* Section 1. The sum of \$226,000 is appropriated from the general fund  
11 to the Department of Education for a fire department officer training and  
12 development program and for fire service training.

13 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
14 made by this Act lapses into the general fund June 30, 1982.

15 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
16 070(c).

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Funding Information  
General Fund \$226,000  
Other Funds -0-  
\$226,000

Introduced: 3/30/81  
Referred: Community &  
Regional Affairs and Finance

1 IN THE HOUSE

BY CATO, MOSS AND GRUSSENDORF

2 HOUSE BILL NO. 424

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for a fire training program; and  
8 providing for an effective date."

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

10 \* Section 1. The sum of \$226,000 is appropriated from the general fund  
11 to the Department of Education for a fire department officer training and  
12 development program.

13 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
14 made by this Act lapses into the general fund June 30, 1982.

15 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
16 070(c).

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COMMITTEE REPORT

HOUSE

4/24

3/30/81

FURTHER: FINANCE

(7)

Date: April 24, 1981

Mr. Speaker:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HB 424

"An Act making a special appropriation to the Department of Education for a fire training program; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass [ ] do not pass

[ ] do pass with attached amendments(s)

replace with CS for HB 424 (C&RA)  same title [ ] new title

and recommends it do pass

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

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

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

*[Handwritten signatures]*

\_\_\_\_\_

*[Handwritten signature]*  
CHAIRMAN

Original sponsors: Cato, Moss  
and Grussendorf

Offered: 4/24/81  
Referred: Finance

Funding Information

General Fund	\$226,000
Other Funds	-0-
	<u>\$226,000</u>

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 424 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for a fire training program; and  
8 providing for an effective date."

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

10 \* Section 1. The sum of \$226,000 is appropriated from the general fund  
11 to the Department of Education for a fire department officer training and  
12 development program and for fire service training.

13 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
14 made by this Act lapses into the general fund June 30, 1982.

15 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
16 070(c).

*Request Juggle*  
*12-1222*

Funding Information  
General Fund     \$226,000  
Other Funds         -0-  
                       \$226,000

Introduced: 3/30/81  
Referred: Community &  
Regional Affairs and Finance

1 IN THE HOUSE

BY CATO, MOSS AND GRUSSENDORF

2 HOUSE BILL NO. 424

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Education for a fire training program; and  
8 providing for an effective date."

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

10 \* Section 1. The sum of \$226,000 is appropriated from the general fund  
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12 development program.

13 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
14 made by this Act lapses into the general fund June 30, 1982.

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16 070(c).

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**ALASKA STATE LEGISLATURE**

TWELFTH Legislature FIRST Session

HOUSE ..BILL..... NO. ...424.

By .CATO..MOSS.AND.GRUSSENDORF

"An Act making a special appropriation to the Department of Education for a fire training program; and providing for an effective date."

Spec. appro./fire training program

Introduced in the House .3/30....., 19..81

**HISTORY IN THE HOUSE**

19 81	Read first time and referred to Committee on												
Mar 30	C &RA and Finance												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
Yeas	Yeas												
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	<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												
CHIEF CLERK OF THE HOUSE													

**HISTORY IN THE SENATE**

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
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Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
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Absent	Absent												
Excused	Excused												
	Reported correctly engrossed												
	Signed by President												
	Returned to House												
SECRETARY OF THE SENATE													

**HISTORY IN THE HOUSE**

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 426  
 Title An act making special appropriation to the Dept. of Public Safety for fire training.  
 Requested by Walt Lawson, Legislative Liaison Date 4/27/81

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected ~~Multi-Life and Property Protection~~  
 BRU, Program, or Subprogram(s) Affected Fire Safety  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES			50.9	55.0	59.4	64.1
200 TRAVEL			51.5	57.7	64.6	72.4
300 CONTRACTUAL			10.0	10.8	11.7	12.6
400 COMMODITIES			5.7	6.2	6.7	7.2
500 EQUIPMENT						2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>			<b>118.1</b>	<b>129.7</b>	<b>142.4</b>	<b>158.3</b>

FUNDING (Thousands of Dollars)

GENERAL FUND			118.1	129.7	142.4	158.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

One Time Costs (Capital Project)

It is estimated the construction costs of the fire investigation training building will be \$72,000. Section 2 of the bill provides for this amount.

Recurring Costs (Operating Costs)

Section 1 of the bill would appropriate \$108,400 which is intended to cover operating expenses for one year (FY82) of an intended full three year concentrated training and certification program. Included in this figure are the personal services costs for one new position. The Training and Certification Officer position will be Range 19, located in Anchorage.

Inflation for the projected cost figure is calculated at 8% except for travel, to which a 12% inflation factor has been applied.

IV. DATE 4/29/81

PREPARED BY Gary Crouse, Deputy Director  
 AGENCY Public Safety, Division of Fire Prevention  
 PHONE 272-2406 (Anchorage)

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Comments, Fiscal Note CSHB 426

The funds appropriated under Section 1 of the bill would be needed and used in FY 82 as follows:

100	\$47.1
200	46.0
300	9.3
400	2.0
500	<u>4.0</u>
Total	\$108.4

Continued funding will be needed in the subsequent years (beyond FY 84, if the program is proved successful) for operating costs; and the projected figures are presented in the appropriate FY columns.

# COMMITTEE REPORT

## HOUSE

4/23/81

FURTHER:

(11)

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

Mr. Speaker:

The Committee on FINANCE has had HB 426

"An Act making special appropriations to the Department of Public Safety for a fire and arson investigation and prevention training program and fire investigation training building; and providing for an effective date."

under consideration and reports it back as follows:

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

COMMITTEE REPORT

HOUSE

4/23

3/30/81

FURTHER: FINANCE

(7)

Date: April 22, 1981

Mr. Speaker:

The Committee on COMMUNITY & REGIONAL AFFAIRS has had HB 426

"An Act making special appropriations to the Department of Public Safety for a fire and arson investigation and prevention training program and fire investigation training building; and providing for an effective date." under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 426 (C+RA)  same title  
 new title
- and recommends it do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Signature]  
 CHAIRMAN

*Paguer*  
12-1223

Original sponsors: Cato and Moss

Offered: 4/23/81  
Referred: Finance

Funding Information

General Fund	\$180,400
Other Funds	-0-
	<u>\$180,400</u>

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 426 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Department  
7 of Public Safety for a fire and arson investigation  
8 and prevention training program and fire investigation  
9 training building; and providing for an effective  
10 date."

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

12 \* Section 1. The sum of \$108,400 is appropriated from the general fund  
13 to the Department of Public Safety, division of fire prevention, for a  
14 three-year fire and arson prevention and investigation training program.

15 \* Sec. 2. The sum of \$72,000 is appropriated from the general fund to  
16 the Department of Public Safety, division of fire prevention, for a fire  
17 investigation training building in Anchorage.

18 \* Sec. 3. The unexpended and unobligated portion of the appropriation  
19 made by sec. 1 of this Act lapses into the general fund June 30, 1984.

20 \* Sec. 4. The appropriation made by sec. 2 of this Act is for a capital  
21 project and is subject to AS 37.25.020.

22 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
23 070(c).

DeGuer/Joggle  
12-1223

Funding Information  
General Fund \$344,500  
-0-  
\$344,500

Introduced: 3/30/81  
Referred: Community &  
Regional Affairs and Finance

1 IN THE HOUSE BY CATO AND MOSS

2 HOUSE BILL NO. 426

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Department  
7 of Public Safety for a fire and arson investigation  
8 and prevention training program and fire investigation  
9 training building; and providing for an effective  
10 date."

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

12 \* Section 1. The sum of \$304,500 is appropriated from the general fund  
13 to the Department of Public Safety, division of fire prevention, for a  
14 three-year fire and arson prevention and investigation training program.

15 \* Sec. 2. The sum of \$40,000 is appropriated from the general fund to  
16 the Department of Public Safety, division of fire prevention, for a fire  
17 investigation training building in Anchorage.

18 \* Sec. 3. The unexpended and unobligated portion of the appropriation  
19 made by sec. 1 of this Act lapses into the general fund June 30, 1984.

20 \* Sec. 4. The appropriation made by sec. 2 of this Act is for a capital  
21 project and is subject to AS 37.25.020.

22 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
23 070(c).

**ALASKA STATE LEGISLATURE**

TWELFTH Legislature FIRST Session

HOUSE BILL NO. 426.  
By CATO AND MOSS

"An Act making a special appropriations to the Department of Public Safety for a fire and arson investigation and prevention training building; and providing for an effective date."

Spec. appro./fire & arson investigation & prevention training

Introduced in the House ... 3/30, 1981

**HISTORY IN THE HOUSE**

19 81	Read first time and referred to Committee on												
Mar. 30	C&RA and Finance												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Excused	Excused												
	Reported correctly engrossed												
	Signed by Speaker												
	Sent to Senate												
	CHIEF CLERK OF THE HOUSE												

**HISTORY IN THE SENATE**

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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<b>PASS</b>	<b>Effective Date</b>												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed												
	Signed by President												
	Returned to House												
	SECRETARY OF THE SENATE												

**HISTORY IN THE HOUSE**

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

HB 426

Department Public Safety	Sponsor (Principal) Rep. Cato and Moss	Bill Number HB 426
Department Position Support with amendment		
Division Director Ronald A. Hendrie	Date 4/8/81	Commissioner William R. Nix
By: <i>Gay Cruise</i>		Date 4/13/81

GOVERNOR'S OFFICE USE

Comments:

Position Noted      By \_\_\_\_\_      Date \_\_\_\_\_

SUMMARY

1. a) Related Bills (Similar or Conflicting) Unknown	1. b) Other Agencies Affected by Bill None
2. a) Organizational Support for Bill Alaska Municipal League Alaska Fire Chiefs' Association	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill Section 1. If the sum of \$304,500 is appropriated the immediate program effect would be that the Division of Fire Prevention would have the necessary resources to plan, develop and implement three (3) comprehensive three-year training and certification programs for state and local building and fire code compliance officials and fire investigators. The three training and certification programs envisioned are (1) building and fire code compliance, (2) construction plan reviews and (3) fire and arson investigation. It is our understanding that the intent of section 1 is that a portion of the monies is to be used to provide for one (1) new full time position within the Division of Fire Prevention. The new position would plan, develop and implement the training and certification programs.

4. Fiscal Impact:       None       Fiscal Note Attached

5. Amendments Proposed: Section 1. Amend section 1 to appropriate the sum of \$356,200. This would provide for full funding through FY84. Refer to fiscal note.  
Section 2. Amend section 2 to appropriate the sum of \$72,000. Refer to fiscal note.

6. Comments: (continuation) #3 Section 1. Historically the Division has had neither the manpower nor funding to provide the training and certification services envisioned. The need for programs of this type has been recognized, for a considerable number of years, by various state and local fire officials, fire service associations and design professionals. The long term effect on the Divisions overall program, if the training and certification program were implemented, would be the reduction of the states involvement in direct fire code compliance, plan review and fire investigation activities at the local level which would allow our Division's resources to be directed at those programs and services best addressed at the state level.  
Note: It is anticipated that should the programs prove successful we would request continuation funding for FY85 and beyond.

Bill Analysis  
HB 426  
Page 2..

#3 Section 2. No direct program effect anticipated. It is intended that the fire investigation building will be located at the Regional Fire Training Center in Anchorage.

#6 Comments: Reference section 2. The sum of \$40,000 for the fire investigation training building may be short of what will be needed to complete the project, i.e. it is estimated that it will cost approximately \$65,000 to construct a 1,000 sq. ft. structure of the type envisioned. In addition to the structural costs a water line to the site, costing approximately \$7,000, is needed.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 426  
 Title An Act making special appropriations to the Department of Public Safety for fire training  
 Requested by Representative Cato Date 4-8-81  
House Community & Regional Affairs Committee 4-9-81

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Life and Property Protection  
 BRU, Program, or Subprogram(s) Affected Fire Safety  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES				21.9	59.4	64.1
200 TRAVEL				23.0	64.6	72.4
300 CONTRACTUAL				4.3	11.7	12.6
400 COMMODITIES				2.5	6.7	7.2
500 EQUIPMENT						2.0
600 LAND & STRUCTURES		32.0				
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>32.0</b>		<b>51.7</b>	<b>142.4</b>	<b>158.3</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		32.0		51.7	142.4	158.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

One Time Costs (Capital Project)

It is estimated the building will cost \$65,000 to construct and that a water line to the site will cost an additional \$7,000. Section 2 of the bill would only provide \$40,000 for the building. An additional \$32,000 will be needed in FY82 for construction of the fire investigation training building.

Recurring Costs (Operating Costs)

Section 1 of the bill would appropriate a total of \$304,500 which is intended to cover operating expenses for a full three year concentrated training and certification program. Included in this figure are the personal services costs for one new position. The Training and Certification Officer position will be Range 19, located in Anchorage. This position will plan, develop and implement the training and certification program.

(continued on page 2)

IV. DATE 4-9-81 PREPARED BY Gary Crouse  
 AGENCY Public Safety, Division of Fire Prevention  
 PHONE 272-2406 (Anchorage)  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

III Analysis (continued)

It is our projection that the full three year program operating costs will be \$356,200. Thus the program will be underfunded by \$51,700 (approximately five months funding) in the third year. This amount would be needed for a full three year program through FY84.

The following are the estimated costs of a three year program beginning in FY82. Inflation is calculated at 8% except for travel, to which a 12% inflation factor has been applied.

100 Personal Services	\$153.0
200 Travel	155.2
New position; non employee students/instructors; honorarium	
300 Contractural	30.1
office and instructional space rent	
400 Commodities	13.9
stationery, other office supplies, postage and printing building materials (beginning FY83)	
500 Equipment (one time purchase)	4.0
Basic office equipment for new position and audio-visual aids to be used in training	
	<u>\$356.2</u>

It is anticipated that should the program prove successful we would request continuation funding in our regular operating budget beginning with FY85.

Original sponsors: Cato and Moss

Offered: 4/23/81  
Referred: Finance

Funding Information

General Fund	\$180,400
Other Funds	-0-
	<u>\$180,400</u>

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 426 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making special appropriations to the Department  
7 of Public Safety for a fire and arson investigation  
8 and prevention training program and fire investigation  
9 training building; and providing for an effective  
10 date."

11

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

12

\* Section 1. The sum of \$108,400 is appropriated from the general fund  
13 to the Department of Public Safety, division of fire prevention, for a  
14 three-year fire and arson prevention and investigation training program.

15

\* Sec. 2. The sum of \$72,000 is appropriated from the general fund to  
16 the Department of Public Safety, division of fire prevention, for a fire  
17 investigation training building in Anchorage.

18

\* Sec. 3. The unexpended and unobligated portion of the appropriation  
19 made by sec. 1 of this Act lapses into the general fund June 30, 1984.

20

\* Sec. 4. The appropriation made by sec. 2 of this Act is for a capital  
21 project and is subject to AS 37.25.020.

22

\* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
23 070(c).

24

25

26

27

28

29

Funding Information  
General Fund \$344,500  
-0-  
\$344,500

Introduced: 3/30/81  
Referred: Community &  
Regional Affairs and Finance

1 IN THE HOUSE

BY CATO AND MOSS

2 HOUSE BILL NO. 426

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Department  
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17 investigation training building in Anchorage.

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21 project and is subject to AS 37.25.020.

22 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
23 070(c).

24  
25  
26  
27  
28  
29

**COMMITTEE REPORT**  
**SENATE**

FURTHER: None

6/19/81

Date: 6/22/81

Mr. President:

The Committee on FINANCE has had CSHB 434 (Jud) am

merging the Alaska Pipeline Commission with the Alaska Public Utilities Commission

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>S</sup>CS for CSHB 434 (Jud)  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
CHAIRMAN

AMENDMENT

OFFERED IN THE SENATE:

By: Senate Finance Committee

To: SCS CS SENATE BILL No. \_\_\_\_\_

HOUSE BILL No. 434 (Res)

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Page 5, line 15:

after "section," insert "or prohibited from disclosure  
under state or federal law,"

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 434. An act relating to pipelines and merging the  
Title Alaska Pipeline Commission w/the Alaska Public Utilities Commission  
Requested by Governor Date 6/22/81

II. FISCAL DETAIL

Agency Affected Department of Commerce and Economic Development  
Program Category Affected Public Protection  
BRU, Program, or Subprogram(s) Affected Alaska Public Utilities Comm./Alaska Pipeline Comm.  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 COMMODITIES			0			
500 EQUIPMENT			0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			0			

FUNDING (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			0			
PART TIME			0			
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 6/22/81 PREPARED BY Senator Don Bennett  
AGENCY CU-Chairman, Senate Finance Committee  
PHONE 465-3714  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Original sponsor: Rules/Governor

Offered: 6/19/81  
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 434 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pipelines and merging the Alaska  
7 Pipeline Commission with the Alaska Public Utilities  
8 Commission; and providing for an effective date."

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

10 \* Section 1. AS 31.15.050(1) is amended to read:

11 (1) "commission" means the Alaska Public Utilities [PIPELINE]  
12 Commission;

13 \* Sec. 2. AS 38.35.120(a)(5) is amended to read:

14 (5) it will provide connections, as determined by the Alaska  
15 Public Utilities [PIPELINE] Commission under AS 42.06.340, to facili-  
16 ties on the pipeline subject to the lease, both on state land and other  
17 land in the state, for the purpose of delivering crude oil or natural  
18 gas, depending on the kind of pipeline involved, to persons (including  
19 the state and its political subdivisions) contracting for the purchase  
20 at wholesale of crude oil or natural gas transported by the pipeline  
21 when required by the public interest;

22 \* Sec. 3. AS 38.35.120(a)(7) is amended to read:

23 (7) it will construct and operate the pipeline in accordance  
24 with applicable state laws and lawful regulations and orders of the  
25 Alaska Public Utilities [PIPELINE] Commission;

26 \* Sec. 4. AS 39.25.120(10) is amended to read:

27 (10) the executive director, [AND] deputy director, hearing  
28 officers, and administrative law judges of the Alaska Public Utilities  
29 Commission;

1 \* Sec. 5. AS 42.05.121(a) is amended to read:

2 (a) The commission may employ an executive director who shall  
3 have had at least five years of experience in public utility management  
4 or regulation, law, accounting, engineering, or an allied field. The  
5 executive director is responsible for directing the administrative  
6 functions of the commission and carrying out the policies as set by the  
7 commission. The commission may employ engineers, hearing officers,  
8 administrative law judges to the extent provided by AS 42.05.121(c),  
9 experts, clerks, accountants, and other agents and assistants it  
10 considers necessary. Employees [THE EXECUTIVE DIRECTOR AND HIS DEPUTY  
11 ARE IN THE PARTIALLY EXEMPT SERVICE UNDER AS 39.25.120. ALL OTHER  
12 EMPLOYEES] and agents of the commission who are not partially exempt  
13 under AS 39.25.120, other than legal counsel, are in the classified  
14 service under AS 39.25.100.

15 \* Sec. 6. AS 42.05.121 is amended by adding a new subsection to read:

16 (c) The commission may assign a qualified, unbiased, and impartial  
17 administrative law judge, with experience in the general practice of  
18 law, to conduct hearings under AS 42.06. The administrative law judge  
19 may perform other duties in connection with the administration of  
20 AS 42.06 and other laws. An administrative law judge hired to conduct  
21 hearings under AS 42.06 shall have been admitted to practice law for at  
22 least five years immediately before his appointment.

23 \* Sec. 7. AS 42.05.171 is amended to read:

24 Sec. 42.05.171. FORMAL HEARINGS. A formal hearing which the  
25 commission has power to hold may be held by or before three or more  
26 commissioners, a hearing officer, or an administrative law judge desig-  
27 nated for the purpose by the commission. The testimony and evidence in  
28 a formal hearing may be taken by the commissioners, by the hearing  
29 officer, or by the administrative law judge to whom the hearing has

1        been assigned. A commissioner who has not heard or read the testimony,  
2        including the argument, may not participate in making a decision of the  
3        commission. In determining the place of a hearing the commission shall  
4        give preference to holding the hearing at a place most convenient for  
5        those interested in the subject of the hearing.

6        \* Sec. 8. AS 42.05.671 is repealed and reenacted to read:

7                Sec. 42.05.671. PUBLIC RECORDS. (a) Except as provided in (b)  
8        of this section, records that are in the possession of the commission  
9        are open to public inspection at reasonable times.

10                (b) The commission may, by regulation, classify the records  
11        submitted to it by regulated utilities as privileged records that are  
12        not open to the public for inspection. However, if a record involves  
13        an application or tariff filing pending before the commission, the  
14        commission shall release the record for the purpose of preparing for or  
15        making a presentation to the commission in the proceeding if the record  
16        or information derived from the record will be used by the commission  
17        in the proceeding.

18                (c) A person may make written objection to the public disclosure  
19        of information contained in a record under the provisions of this  
20        chapter or of information obtained by the commission under the pro-  
21        visions of this chapter, stating the grounds for the objection. When  
22        an objection is made, the commission may not order the information  
23        withheld from public disclosure unless the information adversely  
24        affects the interest of the person making written objection and  
25        disclosure is not required in the interest of the public.

26                (d) In this section, "record" means a report, file, book, account,  
27        paper, or application, and the facts and information contained in it.

28        \* Sec. 9. AS 42.06.150 is amended to read:

29                CHAPTER 06. [ALASKA] PIPELINE [COMMISSION] ACT.

1           Sec. 42.06.150. POWERS AND DUTIES WITH RESPECT TO FEDERALLY REGU-  
2 LATED CARRIERS. AS 42.06.140 applies to oil and gas pipeline carriers  
3 regulated under federal law [THE INTERSTATE COMMERCE ACT OF 1906, OR  
4 THE NATURAL GAS ACT OF 1938,] only to the extent not preempted by  
5 [UNDER THOSE] federal law [ACTS].

6 \* Sec. 10. AS 42.06.230 is amended to read:

7           Sec. 42.06.230. JURISDICTION OF COMMISSION. Except [AS OTHERWISE  
8 PROVIDED IN THIS CHAPTER OR HEREAFTER OTHERWISE EXPRESSLY PROVIDED BY  
9 LAW, EXCEPT AS TO ANY CONCURRENT JURISDICTION WITH THE ALASKA PUBLIC  
10 UTILITIES COMMISSION UNDER AS 42.05 AS TO A PUBLIC UTILITY DESCRIBED IN  
11 AS 42.05.701(2)(D) AND (E), AND EXCEPT] as to jurisdiction of the  
12 Department of Law as provided by AS 42.06.140(10), the jurisdiction and  
13 authority over the subject matter of this chapter is exclusively in the  
14 commission. To the extent that the performance of any duties of the  
15 commission affects [AFFECT] a pipeline carrier or a pipeline subject to  
16 regulation under federal law [THE INTERSTATE COMMERCE ACT OR THE  
17 NATURAL GAS ACT], the performance of its duties shall not, as to that  
18 pipeline carrier or pipeline, conflict with applicable federal laws,  
19 regulations, rules, orders, or other requirements.

20 \* Sec. 11. AS 42.06.240(e) is amended to read:

21           (e) The requirement for a certificate does [SHALL] not operate to  
22 impose state regulation which has been preempted under federal law [THE  
23 INTERSTATE COMMERCE ACT OF 1906 OR THE NATURAL GAS ACT OF 1938]. When  
24 federal law has preempted state regulation the commission shall accept  
25 the findings made under the federal scheme of regulation.

26 \* Sec. 12. AS 42.06.245 is amended to read:

27           Sec. 42.06.245. FEDERALLY REGULATED CARRIERS. The requirements  
28 of this chapter pertaining to permits and certificates of public con-  
29 venience and necessity do not apply to the construction of a pipeline

1 facility exclusively subject to federal [THE] jurisdiction [OF THE  
2 INTERSTATE COMMERCE ACT OR THE NATURAL GAS ACT] or to the interstate  
3 portion of the business of a pipeline or pipeline carrier exclusively  
4 subject to federal [THE] jurisdiction [OF THE INTERSTATE COMMERCE ACT  
5 OR THE NATURAL GAS ACT]; however, the requirements of this chapter for  
6 permits and certificates of public convenience and necessity do apply  
7 to all the intrastate portion of the business of a pipeline or pipeline  
8 carrier subject to federal jurisdiction [THE INTERSTATE COMMERCE ACT  
9 AND THE NATURAL GAS ACT] whenever they engage in intrastate commerce;  
10 [PROVIDED,] however, nothing limits the powers of the commission set  
11 out in this chapter except to the extent they are preempted by federal  
12 law [THE INTERSTATE COMMERCE ACT OR THE NATURAL GAS ACT].

13 \* Sec. 13. AS 42.06.510 is repealed and reenacted to read:

14 Sec. 42.06.510. PUBLIC RECORDS. (a) Except as provided in (b)  
15 and (c) of this section, records that are in the possession of the  
16 commission are open to public inspection at reasonable times.

17 (b) The commission may, by regulation, classify records submitted  
18 to it by regulated pipeline carriers or pipelines as privileged records  
19 that are not open to the public for inspection. However, if a record  
20 involves an application or tariff filing pending before the commission,  
21 the commission may release the record for the purpose of preparing for  
22 or making a presentation to the commission in the proceeding if the  
23 record or information derived from the record is considered by the  
24 commission to be relevant to an issue in the proceeding, and if the  
25 record or information will be used by the commission in the proceeding.  
26 A record or information that the commission releases under this subsection  
27 may be released only after giving to the party that filed the  
28 record or information reasonable notice of its intention to release the  
29 record or information and opportunity to object to that release.

1 (c) A document filed with the commission that relates to the  
2 finances or operations of a pipeline subject to federal jurisdiction  
3 and that is in addition to or other than the copy of a document required  
4 to be filed with the appropriate federal agency is open to inspection  
5 only by an appropriate officer or official of the state for relevant  
6 purposes of the state.

7 (d) A person may make written objection to the public disclosure  
8 of information contained in a record filed under the provisions of this  
9 chapter or of information obtained by the commission under the provi-  
10 sions of this chapter, stating the grounds for the objection. When an  
11 objection is made, the commission shall order the information withheld  
12 from public disclosure if the information adversely affects the interest  
13 of the person making written objection and disclosure is not required  
14 in the interest of the public.

15 (e) A commissioner, and the executive director, may certify as to  
16 all official records of the commission under this section and may  
17 certify as to all official acts of the commission under this chapter.

18 (f) In this section, "record" means a report, file, book, account,  
19 paper, or application, and the facts and information contained in it.

20 \* Sec. 14. AS 42.06.630(1) is amended to read:

21 (1) "commission" means the Alaska Public Utilities [PIPE-  
22 LINE] Commission;

23 \* Sec. 15. AS 42.06.630(6) is amended to read:

24 (6) "municipality" means a home rule or general law borough  
25 or city, including a municipality unified under AS 29.68 [AN ORGANIZED  
26 BOROUGH OR INCORPORATED CITY];

27 \* Sec. 16. AS 42.06.640 is amended to read:

28 Sec. 42.06.640. SHORT TITLE. This chapter may be cited as the  
29 [ALASKA] Pipeline [COMMISSION] Act.

1 \* Sec. 17. AS 43.56.210(6)(B)(iii) is amended to read:

2 (iii) oil and gas pipeline systems owned and  
3 operated by a [CERTIFICATED] public utility that is  
4 certificated under AS 42.05.221 and is regulated by the  
5 Alaska Public Utilities Commission; and

6 \* Sec. 18. TRANSITION. (a) All orders, determinations, regulations,  
7 contracts, certificates, decisions, and privileges that have been issued,  
8 made, adopted, granted, or allowed to become effective by the Alaska Pipe-  
9 line Commission or by a court of competent jurisdiction, in the performance  
10 of functions or in the conduct of proceedings that are transferred by this  
11 Act, continue in effect according to their terms until modified, terminated,  
12 superseded, set aside, or revoked in accordance with law by the Alaska  
13 Public Utilities Commission or other authorized officials, a court of com-  
14 petent jurisdiction, or by operation of law.

15 (b) The provisions of this Act do not affect a tariff proceeding or an  
16 application for a certificate that is pending before the Alaska Pipeline  
17 Commission on the effective date of this Act, but these proceedings and the  
18 processing of applications continue under the Alaska Public Utilities Com-  
19 mission. Orders shall be issued in these proceedings, and appeals may be  
20 taken from them, as if this Act had not been enacted; and orders issued in  
21 these proceedings continue in effect until modified, terminated, superseded,  
22 or revoked by an authorized official, or by a court of competent jurisdic-  
23 tion or by operation of law. Nothing in this subsection prohibits the  
24 discontinuance or modification of these proceedings under the same terms and  
25 conditions and to the same extent that these proceedings could have been  
26 discontinued or modified if this Act had not been enacted.

27 (c) The Alaska Public Utilities Commission, with the advice of the  
28 Alaska Pipeline Commission, shall provide for the orderly transfer of pro-  
29 ceedings from the Alaska Pipeline Commission to the Alaska Public Utilities

1 Commission.

2 (d) Except as provided in this subsection, the personnel employed in  
3 connection with, and the personnel positions, assets, liabilities, contracts,  
4 property, records, and unexpended balances of appropriations, authorizations,  
5 allocations, and other funds employed, held, used, arising from, available  
6 to or to be made available with, the functions and programs transferred by  
7 this Act are transferred from the Alaska Pipeline Commission to the Alaska  
8 Public Utilities Commission for appropriate allocation in accordance with  
9 law. The positions of commissioner and of executive director of the Alaska  
10 Pipeline Commission are abolished.

11 \* Sec. 19. REFERENCES TO PIPELINE COMMISSION. All other references in  
12 the Alaska Statutes to the Alaska Pipeline Commission, or to the commis-  
13 sioners of the Alaska Pipeline Commission, not expressly amended by or  
14 referred to in this Act shall be read as the Alaska Public Utilities Commis-  
15 sion, or the commissioners of the Alaska Public Utilities Commission, re-  
16 spectively, in order to implement this Act.

17 \* Sec. 20. AS 39.50.209(b)(22); AS 42.06.010 - 42.06.120, 42.06.160 -  
18 42.06.200, 42.06.490 - 42.06.500, 42.06.630(5) and (7); AS 44.62.330(a)(37);  
19 and AS 44.66.010(a)(5) are repealed.

20 \* Sec. 21. Sections 1 - 17, 18(a), (b), and (d), 19 and 20 of this Act  
21 take effect July 1, 1981.

22  
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# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 485-3834  
(907) 485-3835

Senate

## Committee on Resources

### MEMORANDUM

TO: SENATOR ED DANKWORTH  
CO-CHAIRMAN, SENATE FINANCE COMMITTEE

SENATOR DON BENNETT  
CO-CHAIRMAN, SENATE FINANCE COMMITTEE

THRU: SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, SENATE RESOURCES COMMITTEE

FROM: JIM PALMER  
SENATE RESOURCES COMMITTEE STAFF

RE: DRAFTING ERROR IN RESOURCES COMMITTEE SUBSTITUTE FOR SB 434

DATE: JUNE 19, 1981

-----

On page 5 of the SCS for CS for House Bill No. 434 (Resources), additional wording was left out on line 15 which was intended to be included in the committee substitute. This missing language was intended to be included after the word "section" and is "or prohibited from disclosure under state or federal law".

Please insert this language when this measure comes before you for committee consideration.

Original sponsor: Rules/Governor

Offered: 5/19/81  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 434 (Judiciary) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to pipelines and merging the Alaska

7

Pipeline Commission with the Alaska Public Utilities

8

Commission; and providing for an effective date."

9

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

10

\* Section 1. AS 31.15.050(1) is amended to read:

11

(1) "commission" means the Alaska Public Utilities [PIPELINE]

12

Commission;

13

\* Sec. 2. AS 38.35.120(a)(5) is amended to read:

14

(5) it will provide connections, as determined by the Alaska

15

Public Utilities [PIPELINE] Commission under AS 42.06.340, to facili-

16

ties on the pipeline subject to the lease, both on state land and other

17

land in the state, for the purpose of delivering crude oil or natural

18

gas, depending on the kind of pipeline involved, to persons (including

19

the state and its political subdivisions) contracting for the purchase

20

at wholesale of crude oil or natural gas transported by the pipeline

21

when required by the public interest;

22

\* Sec. 3. AS 38.35.120(a)(7) is amended to read:

23

(7) it will construct and operate the pipeline in accordance

24

with applicable state laws and lawful regulations and orders of the

25

Alaska Public Utilities [PIPELINE] Commission;

26

\* Sec. 4. AS 39.25.120(10) is amended to read:

27

(10) the executive director, [AND] deputy director, hearing

28

officers, and administrative law judges of the Alaska Public Utilities

29

Commission;

1 \* Sec. 5. AS 42.05.121(a) is amended to read:

2 (a) The commission may employ an executive director who shall  
3 have had at least five years of experience in public utility management  
4 or regulation, law, accounting, engineering, or an allied field. The  
5 executive director is responsible for directing the administrative  
6 functions of the commission and carrying out the policies as set by the  
7 commission. The commission may employ engineers, hearing officers,  
8 administrative law judges to the extent provided by AS 42.05.121(c),  
9 experts, clerks, accountants, and other agents and assistants it  
10 considers necessary. Employees [THE EXECUTIVE DIRECTOR AND HIS DEPUTY  
11 ARE IN THE PARTIALLY EXEMPT SERVICE UNDER AS 39.25.120. ALL OTHER  
12 EMPLOYEES] and agents of the commission who are not partially exempt  
13 under AS 39.25.120, other than legal counsel, are in the classified  
14 service under AS 39.25.100.

15 \* Sec. 6. AS 42.05.121 is amended by adding a new subsection to read:

16 (c) The commission may assign a qualified, unbiased, and impartial  
17 administrative law judge, with experience in the general practice of  
18 law, to conduct hearings under AS 42.06. The administrative law judge  
19 may perform other duties in connection with the administration of  
20 AS 42.06 and other laws. An administrative law judge hired to conduct  
21 hearings under AS 42.06 shall have been admitted to practice law for at  
22 least five years immediately before his appointment.

23 \* Sec. 7. AS 42.05.171 is amended to read:

24 Sec. 42.05.171. FORMAL HEARINGS. A formal hearing which the  
25 commission has power to hold may be held by or before three or more  
26 commissioners, a hearing officer, or an administrative law judge desig-  
27 nated for the purpose by the commission. The testimony and evidence in  
28 a formal hearing may be taken by the commissioners, by the hearing  
29 officer, or by the administrative law judge to whom the hearing has

1       been assigned. A commissioner who has not heard or read the testimony,  
2       including the argument, may not participate in making a decision of the  
3       commission. In determining the place of a hearing the commission shall  
4       give preference to holding the hearing at a place most convenient for  
5       those interested in the subject of the hearing.

6       \* Sec. 8. AS 42.05.671 is repealed and reenacted to read:

7               Sec. 42.05.671. PUBLIC RECORDS. (a) Except as provided in (b)  
8       of this section, records which are in the possession of the commission  
9       are open to public inspection at reasonable times.

10              (b) The commission may, by regulation, classify the records  
11       submitted to it by regulated utilities as privileged records which are  
12       not open to the public for inspection. However, if a record involves  
13       an application or tariff filing pending before the commission, the  
14       commission shall release the record for the purpose of preparing for or  
15       making a presentation to the commission in the proceeding if the record  
16       or information derived from the record will be used by the commission  
17       in the proceeding.

18              (c) A person may make written objection to the public disclosure  
19       of information contained in a record under the provisions of this  
20       chapter or of information obtained by the commission under the pro-  
21       visions of this chapter, stating the grounds for the objection. When  
22       an objection is made, the commission may not order the information  
23       withheld from public disclosure unless the information adversely  
24       affects the interest of the person making written objection and  
25       disclosure is not required in the interest of the public.

26              (d) In this section, "record" means a report, file, book, account,  
27       paper, or application, and the facts and information contained in it.

28       \* Sec. 9. AS 42.06.150 is amended to read:

29               CHAPTER 06. [ALASKA] PIPELINE [COMMISSION] ACT.

1           Sec. 42.06.150. POWERS AND DUTIES WITH RESPECT TO FEDERALLY REGU-  
2 LATED CARRIERS. AS 42.06.140 applies to oil and gas pipeline carriers  
3 regulated under federal law [THE INTERSTATE COMMERCE ACT OF 1906, OR  
4 THE NATURAL GAS ACT OF 1938,] only to the extent not preempted by  
5 [UNDER THOSE] federal law [ACTS].

6 \* Sec. 10. AS 42.06.230 is amended to read:

7           Sec. 42.06.230. JURISDICTION OF COMMISSION. Except [AS OTHERWISE  
8 PROVIDED IN THIS CHAPTER OR HEREAFTER OTHERWISE EXPRESSLY PROVIDED BY  
9 LAW, EXCEPT AS TO ANY CONCURRENT JURISDICTION WITH THE ALASKA PUBLIC  
10 UTILITIES COMMISSION UNDER AS 42.05 AS TO A PUBLIC UTILITY DESCRIBED IN  
11 AS 42.05.701(2)(D) AND (E), AND EXCEPT] as to jurisdiction of the  
12 Department of Law as provided by AS 42.06.140(10), the jurisdiction and  
13 authority over the subject matter of this chapter is exclusively in the  
14 commission. To the extent that the performance of any duties of the  
15 commission affects [AFFECT] a pipeline carrier or a pipeline subject to  
16 regulation under federal law [THE INTERSTATE COMMERCE ACT OR THE  
17 NATURAL GAS ACT], the performance of its duties shall not, as to that  
18 pipeline carrier or pipeline, conflict with applicable federal laws,  
19 regulations, rules, orders, or other requirements.

20 \* Sec. 11. AS 42.06.240(e) is amended to read:

21           (e) The requirement for a certificate does [SHALL] not operate to  
22 impose state regulation which has been preempted under federal law [THE  
23 INTERSTATE COMMERCE ACT OF 1906 OR THE NATURAL GAS ACT OF 1938]. When  
24 federal law has preempted state regulation the commission shall accept  
25 the findings made under the federal scheme of regulation.

26 \* Sec. 12. AS 42.06.245 is amended to read:

27           Sec. 42.06.245. FEDERALLY REGULATED CARRIERS. The requirements  
28 of this chapter pertaining to permits and certificates of public con-  
29 venience and necessity do not apply to the construction of a pipeline

1 facility exclusively subject to federal [THE] jurisdiction [OF THE  
2 INTERSTATE COMMERCE ACT OR THE NATURAL GAS ACT] or to the interstate  
3 portion of the business of a pipeline or pipeline carrier exclusively  
4 subject to federal [THE] jurisdiction [OF THE INTERSTATE COMMERCE ACT  
5 OR THE NATURAL GAS ACT]; however, the requirements of this chapter for  
6 permits and certificates of public convenience and necessity do apply  
7 to all the intrastate portion of the business of a pipeline or pipeline  
8 carrier subject to federal jurisdiction [THE INTERSTATE COMMERCE ACT  
9 AND THE NATURAL GAS ACT] whenever they engage in intrastate commerce;  
10 [PROVIDED,] however, nothing limits the powers of the commission set  
11 out in this chapter except to the extent they are preempted by federal  
12 law [THE INTERSTATE COMMERCE ACT OR THE NATURAL GAS ACT].

13 \* Sec. 13. AS 42.06.510 is repealed and reenacted to read:

14 Sec. 42.06.510. PUBLIC RECORDS. (a) Except as provided in (b)  
15 and (c) of this section, records which are in the possession of the  
16 commission are open to public inspection at reasonable times.

17 (b) The commission may, by regulation, classify records submitted  
18 to it by regulated pipeline carriers or pipelines as privileged records  
19 which are not open to the public for inspection. However, if a record  
20 involves an application or tariff filing pending before the commission,  
21 the commission shall release the record for the purpose of preparing  
22 for or making a presentation to the commission in the proceeding if the  
23 record or information derived from the record will be used by the  
24 commission in the proceeding.

25 (c) A document filed with the commission which relates to the  
26 finances or operations of a pipeline subject to federal jurisdiction  
27 and which is in addition to or other than the copy of a document  
28 required to be filed with the appropriate federal agency is open to  
29 inspection only by an appropriate officer or official of the state for

1 relevant purposes of the state.

2 (d) A person may make written objection to the public disclosure  
3 of information contained in a record filed under the provisions of this  
4 chapter or of information obtained by the commission under the provi-  
5 sions of this chapter, stating the grounds for the objection. When an  
6 objection is made, the commission may not order the information  
7 withheld from public disclosure unless the information adversely  
8 affects the interest of the person making written objection and disclo-  
9 sure is not required in the interest of the public.

10 (e) A commissioner, and the executive director, may certify as to  
11 all official records of the commission under this section and any  
12 certify as to all official acts of the commission under this chapter.

13 (f) In this section, "record" means a report, file, book, account,  
14 paper, or application, and the facts and information contained in it.

15 \* Sec. 14. AS 42.06.630(1) is amended to read:

16 (1) "commission" means the Alaska Public Utilities [PIPE-  
17 LINE] Commission;

18 \* Sec. 15. AS 42.06.630(6) is amended to read:

19 (6) "municipality" means a home rule or general law borough  
20 or city, including a municipality unified under AS 29.68 [AN ORGANIZED  
21 BOROUGH OR INCORPORATED CITY];

22 \* Sec. 16. AS 42.06.640 is amended to read:

23 Sec. 42.06.640. SHORT TITLE. This chapter may be cited as the  
24 [ALASKA] Pipeline [COMMISSION] Act.

25 \* Sec. 17. AS 43.56.210(6)(B)(iii) is amended to read:

26 (iii) oil and gas pipeline systems owned and  
27 operated by a [CERTIFICATED] public utility which is  
28 certificated under AS 42.05.221 and is regulated by the  
29 Alaska Public Utilities Commission; and

1 \* Sec. 18. TRANSITION. (a) All orders, determinations, regulations,  
2 contracts, certificates, decisions, and privileges which have been issued,  
3 made, adopted, granted, or allowed to become effective by the Alaska Pipe-  
4 line Commission or by a court of competent jurisdiction, in the performance  
5 of functions or in the conduct of proceedings which are transferred by this  
6 Act, continue in effect according to their terms until modified, terminated,  
7 superseded, set aside, or revoked in accordance with law by the Alaska  
8 Public Utilities Commission or other authorized officials, a court of com-  
9 petent jurisdiction, or by operation of law.

10 (b) The provisions of this Act do not affect a tariff proceeding or an  
11 application for a certificate which is pending before the Alaska Pipeline  
12 Commission on the effective date of this Act, but these proceedings and the  
13 processing of applications continue under the Alaska Public Utilities Com-  
14 mission. Orders shall be issued in these proceedings, and appeals may be  
15 taken from them, as if this Act had not been enacted; and orders issued in  
16 these proceedings continue in effect until modified, terminated, superseded,  
17 or revoked by an authorized official, or by a court of competent jurisdic-  
18 tion or by operation of law. Nothing in this subsection prohibits the  
19 discontinuance or modification of these proceedings under the same terms and  
20 conditions and to the same extent that these proceedings could have been  
21 discontinued or modified if this Act had not been enacted.

22 (c) The Alaska Public Utilities Commission, with the advice of the  
23 Alaska Pipeline Commission, shall provide for the orderly transfer of pro-  
24 ceedings from the Alaska Pipeline Commission to the Alaska Public Utilities  
25 Commission.

26 (d) Except as provided in this subsection, the personnel employed in  
27 connection with, and the personnel positions, assets, liabilities, contracts,  
property, records, and unexpended balances of appropriations, authorizations,  
allocations, and other funds employed, held, used, arising from, available

1 to or to be made available with, the functions and programs transferred by  
2 this Act are transferred from the Alaska Pipeline Commission to the Alaska  
3 Public Utilities Commission for appropriate allocation in accordance with  
4 law. The positions of commissioner and of executive director of the Alaska  
5 Pipeline Commission are abolished.

6 \* Sec. 19. REFERENCES TO PIPELINE COMMISSION. All other references in  
7 the Alaska Statutes to the Alaska Pipeline Commission, or to the commis-  
8 sioners of the Alaska Pipeline Commission, not expressly amended by or  
9 referred to in this Act shall be read as the Alaska Public Utilities Commis-  
10 sion, or the commissioners of the Alaska Public Utilities Commission, re-  
11 spectively, in order to implement this Act.

12 \* Sec. 20. AS 39.50.200(b)(22); AS 42.06.010 - 42.06.120, 42.06.160 -  
13 42.06.200, 42.06.490 - 42.06.500, 42.06.630(5) and (7); AS 44.62.330(a)(37);  
14 and AS 44.66.010(a)(5) are repealed.

15 \* Sec. 21. Sections 1 - 17, 18(a), (b), and (d), 19 and 20 of this Act  
16 take effect July 1, 1981.

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HOUSE JOURNAL

COMMITTEE LETTER TO ACCOMPANY  
CSHB 434 (JUDICIARY)

May 19, 1981

The Honorable Jim Duncan  
Speaker of the House  
Room 214, Capitol

Dear Mr. Speaker:

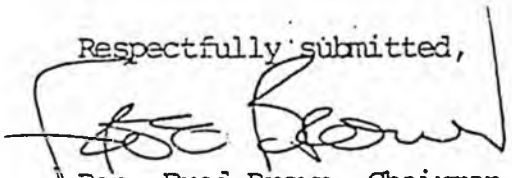
Your Judiciary Committee has had under consideration HB 434 which would cause a merger between the Alaska Pipeline Commission and the Alaska Public Utilities Commission, and address certain matters involving the powers of the Alaska Public Utilities Commission following the merger.

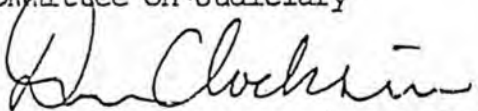
We have limited the ability of the Public Utilities Commission to use administrative law judges, as proposed in the original legislation, only to those cases directly involving the jurisdiction of the old Pipeline Commission.

In addition, we have made several minor technical amendments to the legislation.


The committee is of the opinion that there have been some negotiations and considerations relating to appointments following possible passage of this legislation that should be more carefully examined by the executive. For this reason, we are sending a letter to the Governor of Alaska relating to the legislation and to the appointments. A copy of that letter is enclosed with this letter for your information and for inclusion in the House Journal along with this committee letter.

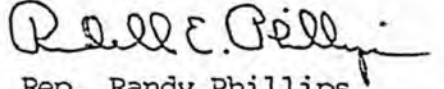
Respectfully submitted,

  
Rep. Fred Brown, Chairman  
Committee on Judiciary

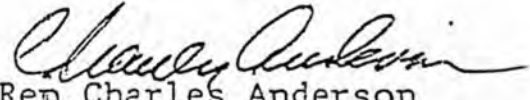
  
Rep. Don Clocksin, Vice Chairman  
Committee on Judiciary

  
Rep. Mike Miller

  
Rep. Joe Chuckruk

  
Rep. Randy Phillips

  
Rep. Pat O'Connell

  
Rep. Charles Anderson

# HOUSE JOURNAL

May 19, 1981

The Honorable Jay Hammond  
Governor of Alaska  
Third Floor, Capitol  
Pouch A  
Juneau, Alaska 99811

Dear Governor Hammond:

The Committee on Judiciary in the House of Representatives has considered House Bill 434, sought by your administration, which would merge the functions of the Alaska Pipeline Commission with those of the Alaska Public Utilities Commission, and provide for the use of administrative law judges in some cases.

We are taking a rather unusual step in communicating directly to you in a letter which is also an enclosure with our Committee Letter, both to be printed in the House Journal.

While the committee has passed the bill to the Rules Committee, and the bill may well become law, we are concerned about some matters that came before us during consideration of the legislation.

Particularly, at least one view of the testimony in our committee is that certain arrangements have been made to assure appointments of all persons presently active in the Pipeline Commission and the Public Utilities Commission following the merger of these commissions.

While we do not presume to question the qualifications of any one member, we are concerned about the methods of appointments of public officials generally.

It is strongly the view of the members of the Committee on Judiciary in the House of Representatives that appointments to boards and commissions, particularly ones which have a tremendous impact upon the economy of the State of Alaska and its industrial organizations, be made based upon the qualifications, experience and integrity of the prospective appointees and upon the most enlightened view of the public interest, without regard to issues of personalities or so-called "job security".

The committee wishes to believe that the executive authority would appoint persons based upon their qualifications and upon the public interest. The committee is concerned that persons who sit on the Alaska Public Utilities Commission should have the benefit of at least one commissioner who has some experience in the operations of the utility. Also, the committee believes that an understanding of the problems peculiar to Alaska's rural areas is important in the qualifications of any candidate for a regulatory commission in Alaska, particularly this one.

HOUSE JOURNAL

Page two  
Governor Hammond  
May 19, 1981

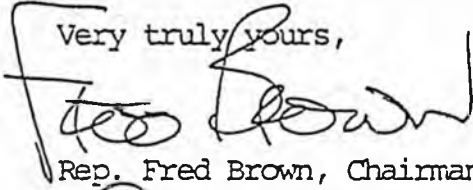
It may well be that after consideration of the above remarks and consideration of other matters relating to the qualifications of prospective appointees, legal requirements for experience of appointees, and the most enlightened view of the public interest, the appointing authority may appoint the same persons now in responsible positions of the Pipeline Commission and the Public Utilities Commission to the various slots available after the merger in the event of passage of the legislation.

However, the appearances derived from the testimony before the committee were that a game of "musical chairs" was being played, relating to those positions.

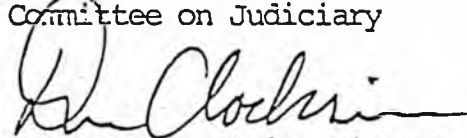
We are sure that you understand our concerns.

Thank you very much for taking these matters into account in your considerations that relate to possible passage of this legislation.

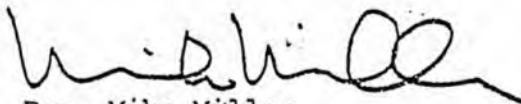
Very truly yours,



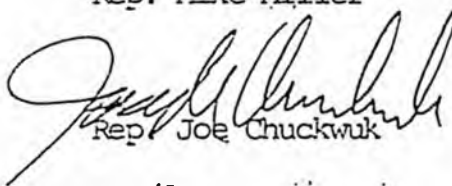
Rep. Fred Brown, Chairman  
Committee on Judiciary



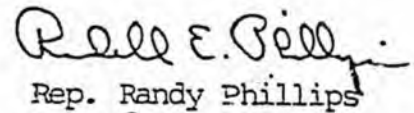
Rep. Don Clocksin, Vice Chairman  
Committee on Judiciary



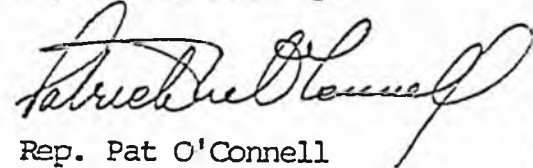
Rep. Mike Miller



Rep. Joe Chuckwuk



Rep. Randy Phillips



Rep. Pat O'Connell



Rep. Charles Anderson

FEB/cmm

A M E N D M E N T

OFFERED IN THE SENATE:

By: Senate Finance Committee

To: SCS CS SENATE BILL No. \_\_\_\_\_

HOUSE BILL No. 434 (Res)

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Page 5, line 15:

after "section," insert "or prohibited from disclosure  
under state or federal law,"



143434

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 31, 1981

The Honorable Jim Duncan  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill transferring the authority for the administration of the Alaska Pipeline Commission (APC) Act (AS 42.06) to the Alaska Public Utilities Commission (APUC -- AS 42.05), effective July 1, 1981.

In response to "sunset" audits by the legislature, I directed the commissioners of the APC and the APUC to study the feasibility of merger. On the assumption that a seven-member commission would be recommended, I did not fill the currently vacant APC seat. The present APC commissioners recommended the elimination of their positions and the transfer of their statutory responsibilities to the APUC as presently constituted. The APUC concurred with their recommendation.

I believe that enactment of this bill will result in a more efficient method of regulating both public utilities and pipelines.

After merger, the APUC will thoroughly study any actual or potential conflicts between AS 42.05 and AS 42.06. The attached bill makes a number of amendments to make those two chapters compatible with each other. But time and experience will probably disclose other desirable changes.

The bill contains six major groups of provisions. First, sec. 13 of the bill effects a merger of the APC with the APUC by transferring to the APUC responsibility for the administration of the Pipeline Act, while sec. 15 of the bill establishes the new title for AS 42.06. Section 17 of the bill provides for the orderly transfer of the functions, powers and duties of the pending proceedings before, as well as the personnel, appropriations, and property of, the APC to the APUC.

In secs. 1, 2, and 3 of the bill, the APUC would be substituted for references to the APC in the statute governing common purchasers of oil (AS 31.15) and in the applicable provisions of the Right-of-Way Leasing Act (AS 38.35). Also, sec. 18 of the bill authorizes the substitution of the APUC for other references to the APC elsewhere in the Alaska Statutes. Additionally, secs. 8 -- 12 of the bill update references to relevant federal law. Since enactment of AS 42.06 in 1972, other federal legislation has been enacted that, arguably, affects the APC's jurisdiction. To avoid the necessity of making continual amendments to this state statute to reflect changes in federal law, substitution of general for specific references to applicable federal law is more appropriate and keeps the Alaska Statutes current. Section 14 clarifies the definition of "municipality" and conforms it to the more contemporary definition employed elsewhere in the Alaska Statutes.

Second, sec. 5 of the bill clarifies the authority of the APUC to employ an individual as executive director who possesses a professional background in engineering. This corrects an oversight in the 1978 legislation (sec. 2, ch. 103, SLA 1978). As a general rule, engineering is not considered a field "allied" to law or accounting. However, both the APC and the APUC employ engineers on their respective staffs, and a well-qualified engineer should not be precluded from applying for, or serving in the capacity of the commission's executive director.

Third, secs. 5 and 6 of the bill also authorize employment of administrative law judges to conduct proceedings subject to APUC jurisdiction. This is a position widely employed by comparable regulatory agencies in other states. Here it is designed primarily to permit an exceptionally well-qualified individual to serve as co-presiding officer in the joint hearings with the Federal Energy Regulatory Commission (FERC) which is considering the various phases of the Trans-Alaska Pipeline System tariff case that is subject to both federal and state jurisdiction. It is important that an individual selected to represent the State of Alaska be of equivalent stature to the FERC administrative law judge assigned to preside over this unique concurrent proceeding. To this end, secs. 4 and 5 classify the positions of hearing officer and administrative law judge in the partially exempt service -- a step employed by the Alaska Transportation Commission at the last legislative session. Sec. 22, ch. 115, SLA 1980.

Fourth, to facilitate commission consideration of the record where hearings are being conducted by a hearing officer or an administrative law judge, sec. 7 of the bill would permit commissioners serving on the decision-

making panel to read the hearing record rather than to require that they hear the evidence and argument in person. This amendment conforms to the existing practice and procedure both before the APUC, under 3 AAC 48.150(b), and the APC by stipulation, when less than a quorum of commissioners hears a case. The same rationale I advanced in my letter of transmittal with respect to sec. 1 of House Bill 81 (1981 H.J., p. 154 [Feb. 4, 1981]) is applicable here.

Fifth, sec. 16 of the bill makes clear that when the APC's regulatory authority over pipelines is transferred to the APUC, the exemption from the pipeline transportation property tax, specified in AS 43.56.210(6)(B)(iii), does not apply to such entities as the Trans-Alaska Pipeline System.

Finally, sec. 19 of the bill eliminates existing administrative provisions relating to the APC that no longer are necessary in a merged organization or that are covered by virtually identical provisions in AS 42.05. Two sections governing the filing and consideration of complaints (AS 42.06.490 -- 42.06.500) also are repealed. These are the two sections of AS 42.06 most seriously in conflict with existing APUC procedure. Compare AS 42.06.490 -- 42.06.500 with 3 AAC 48.130.

I am pleased to say that the members of both the APC and the APUC endorse this legislation.

Sincerely,

*S/SSH*

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. House Bill No. 434 An act relating to pipelines and merging  
Title the Alaska Pipeline Commission w/the Alaska Public Utilities Commission  
Requested by Governor Date \_\_\_\_\_

II. FISCAL DETAIL  
Agency Affected Department of Commerce and Economic Development  
Program Category Affected Public Protection  
BRU, Program, or Subprogram(s) Affected Alaska Public Utilities Commission/Alaska Pipeline Commission  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		2128.7				
200 TRAVEL		89.0				
300 CONTRACTUAL		742.6				
400 COMMODITIES		15.9				
500 EQUIPMENT		5.4				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		2981.6				

FUNDING (Thousands of Dollars)

GENERAL FUND		2952.6				
FEDERAL FUNDS		29.0				
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		48				
PART TIME		2				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The budgets of the Alaska Public Utilities Commission and the Alaska Pipeline Commission are combined deleting the Alaska Pipeline Commission's Executive Director position and salary.

The salary of one commissioner will be allocated for the Administrative Law Judge (ALJ) and the monies allocated for the two remaining commissioner positions will be used for staff for the ALJ. It is contemplated that a law clerk or paralegal, clerical support and office space, supplies and equipment will be funded from these monies.

IV. DATE 3/31/81 PREPARED BY Caroline A. Duss  
AGENCY ADPC  
PHONE 276-6222  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

Introduced: 3/26/82  
Referred: Finance

1 IN THE HOUSE

BY MALONE, ROGERS,  
MILLER AND BEIRNE

2 2d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 437

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for permanent fund dividends; and  
7 providing for an effective date."

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

9 \* Section 1. POLICY, PURPOSES, AND FINDINGS. (a) It is the policy of  
10 the state to promote the concept of government that derives its just powers  
11 from the people it serves by placing a substantial portion of Alaska's  
12 commonly owned natural resource wealth into the hands of individual Alaskans.

13 (b) The purposes of this Act are to

14 (1) share a portion of the state's income derived from the develop-  
15 ment and production of the natural resources of the state directly and equit-  
16 ably with state residents; and

17 (2) encourage increased awareness and involvement by the residents  
18 of the state in the management and expenditure of the Alaska permanent fund  
19 (art. IX, sec. 15, Constitution of the State of Alaska).

20 (c) The legislature finds that

21 (1) equitable distribution of a portion of state wealth directly  
22 to the people of the state is in the public interest and serves a public  
23 purpose;

24 (2) distribution of a portion of state mineral resource revenues  
25 directly to state residents will maximize efficiency, promote individual  
26 freedom of choice, and stimulate private sector development through indivi-  
27 dual consumer choice;

28 (3) the costs for energy and housing paid by residents of the  
29 state are far higher than those paid by most citizens of the United States

1 and it is in the public interest to return to state residents a portion of  
2 the state's income from oil, gas, and other mineral production to help offset  
3 rising costs for energy and housing; and

4 (4) the search for additional mechanisms for a permanent program  
5 of equitable direct distribution of Alaska's wealth is important and should  
6 be continued.

7 \* Sec. 2. AS 43 is amended by adding a new chapter to read:

8 CHAPTER 24. PERMANENT FUND DIVIDENDS.

9 Sec. 43.24.010. ELIGIBILITY FOR PERMANENT FUND DIVIDEND. (a) An  
10 individual is eligible to receive a permanent fund dividend in the  
11 amount of \$1,000 in 1982 if that individual

12 (1) was a state resident for a period of at least six months  
13 immediately preceding the effective date of this Act; and

14 (2) applies to the Department of Revenue on a form prescribed  
15 by the department.

16 (b) An individual is eligible to receive a permanent fund dividend  
17 each year after 1982 in an amount determined under AS 43.24.030 if that  
18 individual

19 (1) applies to the department on a form prescribed by the  
20 department; and

21 (2) was a state resident for a period of at least six months  
22 immediately preceding the date he applies.

23 (c) A parent or guardian may claim a permanent fund dividend on  
24 behalf of a minor or incompetent individual who is eligible to receive a  
25 payment under this section.

26 Sec. 43.24.020. PROOF OF ELIGIBILITY. (a) The commissioner shall  
27 adopt regulations for determining eligibility under this chapter as  
28 emergency regulations under AS 44.62.250. The commissioner may require  
29 an individual to provide proof of eligibility, or may use other informa-

1 tion available from other departments or agencies of the state to deter-  
2 mine eligibility under this chapter.

3 (b) The department shall prescribe and furnish an application form  
4 for claiming a permanent fund dividend in 1982 that contains a statement  
5 of eligibility and a certification of residency in substantially the  
6 following form:

7 I certify that I am a state resident and have been a  
8 state resident since (the date that is six months before  
9 the effective date of this Act). I also understand that a  
10 false claim of residency to obtain a permanent fund dividend  
11 payment is a criminal offense and that if convicted I must  
12 repay all payments that have been paid to me. I understand  
13 that this penalty is in addition to any criminal penalties  
14 imposed.

15  
16 \_\_\_\_\_  
17 (signature of individual  
18 or parent or guardian)

19 (c) The department shall prescribe and furnish an application form  
20 for claiming a permanent fund dividend after 1982 that contains a state-  
21 ment of eligibility and a certification of residency in substantially  
22 the following form:

23 I certify that I am a state resident on the date of this  
24 application and that I have been a state resident for at  
25 least six months immediately preceding the date of this  
26 application. I also understand that a false claim of res-  
27 idency to obtain a permanent fund dividend is a criminal  
28 offense and that if convicted I will forfeit all perman-  
29 ent fund dividends and that I must repay all permanent  
fund dividends which have been paid to me. I understand

1 that this penalty is in addition to any criminal penalties  
2 imposed.

3  
4 \_\_\_\_\_  
(signature of individual)

5 Sec. 43.24.030. AMOUNT OF DIVIDEND. By August 1 of each year  
6 beginning with 1983 the commissioner shall give public notice of the  
7 value of each permanent fund dividend for that year. The commissioner  
8 shall determine the value of a permanent fund dividend by

9 (1) determining the amount of income of the Alaska permanent  
10 fund transferred to the dividend fund under AS 43.24.050(b) during the  
11 current year;

12 (2) determining the number of permanent fund dividends pay-  
13 able to eligible individuals for the current year; and

14 (3) dividing the amount determined in (1) of this section by  
15 the amount determined in (2) of this section.

16 Sec. 43.24.040. PENALTIES AND ENFORCEMENT. (a) In addition to  
17 any criminal penalties imposed by law, if an individual is convicted of  
18 a crime in connection with a false statement made in a certification of  
19 residency for purposes of claiming a payment under this chapter, and the  
20 conviction is not reversed, that individual is not eligible for a perma-  
21 nent fund dividend and must pay back any permanent fund dividend re-  
22 ceived.

23 (b) If a final determination is made that a payment has been  
24 improperly made to an individual, the commissioner may use the collec-  
25 tion procedures or remedies set out in AS 43 to recover the permanent  
26 fund dividend.

27 Sec. 43.24.050. DIVIDEND FUND ESTABLISHED. (a) The dividend fund  
28 is established as a separate fund in the state treasury. The dividend  
29 fund shall be administered by the commissioner and may be invested by

1 the commissioner in the same manner as provided in AS 37.10.070. Money  
2 in the dividend fund shall be used to pay permanent fund dividends annu-  
3 ally.

4 (b) Each year the commissioner shall transfer to the dividend fund  
5 50 percent of the income of the Alaska permanent fund which was earned  
6 during the fiscal year ending on June 30 of the current year and which  
7 is available for distribution under AS 37.13.130.

8 Sec. 43.24.060. DUTIES OF THE DEPARTMENT. (a) The department  
9 shall

10 (1) annually pay permanent fund dividends from the dividend  
11 fund;

12 (2) adopt regulations under the Administrative Procedure Act  
13 (AS 44.62) that establish procedures and time limits for claiming a  
14 permanent fund dividend after 1982;

15 (b) The department shall set the time limit for applications for  
16 permanent fund dividends so that the number of eligible applicants is  
17 determined by August 1 and permanent fund dividends for a year are paid  
18 before December 31 of that year.

19 (c) The department shall assist residents of rural areas who  
20 because of language, illness, old age, or inaccessibility need assis-  
21 tance to establish eligibility and to apply for the permanent fund  
22 dividend provided under this Act.

23 Sec. 43.24.070. EXEMPTIONS OF PERMANENT FUND DIVIDENDS. Fifty  
24 percent of a permanent fund dividend that is payable to or has been paid  
25 to an individual under this chapter is exempt from levy, execution,  
26 garnishment, and other remedy for the collection of a debt. An exemp-  
27 tion under this section may be claimed by an individual whether or not  
28 the payment has been commingled with other money.

29 Sec. 43.24.080. ELIGIBILITY FOR STATE PUBLIC ASSISTANCE PAYMENTS.

1 In determining the eligibility of an individual for general relief  
2 medical assistance under AS 47, the Department of Health and Social  
3 Services may not consider a permanent fund dividend as income.

4 Sec. 43.24.099. DEFINITIONS. In this chapter

5 (1) "commissioner" means the commissioner of revenue;

6 (2) "department" means the department of Revenue;

7 (3) "individual" means a natural person;

8 (4) "state resident" means an individual who is physically  
9 present in the state with the intent to remain permanently in the state  
10 or, if he is not physically present in the state, intends to return to  
11 the state and is absent for any of the following reasons:

12 (A) vocational, professional, or other special education  
13 for which a comparable program was not reasonably available in the  
14 state;

15 (B) postsecondary education;

16 (C) military service;

17 (D) medical treatment;

18 (E) service in Congress; or

19 (F) other reasons that the commissioner may establish by  
20 regulation under the Administrative Procedure Act (AS 44.62).

21 \* Sec. 3. The department shall adopt as emergency regulations under  
22 AS 44.62.250 procedures and time limits for claiming a permanent fund dividend  
23 under AS 43.24.010(a). The deadline for claiming a permanent fund dividend  
24 under AS 43.24.010(a) may not be later than 120 days after the effective date  
25 of this Act. Payments shall be made as soon as possible after the department  
26 determines that an applicant is eligible for the payment.

27 \* Sec. 4. AS 43.23 and secs. 1, 3, and 4, ch. 21, SLA 1980, as amended by  
28 sec. 1, ch. 60, SLA 1980, are repealed.

29 \* Sec. 5. AS 43.23.010(b) is amended to read:

1 (b) For each year, an individual is eligible to receive payment of  
2 the permanent fund dividends for which he is entitled under this section  
3 if he

4 [(1) IS AT LEAST 18 YEARS OF AGE; AND

5 (2)] is a state resident during all or part of the year for  
6 which the permanent fund dividend is paid.

7 \* Sec. 6. AS 43.23.010 is amended by adding a new subsection to read:

8 (g) A parent or guardian may claim a permanent fund dividend on  
9 behalf of a minor or incompetent individual who is eligible to receive a  
10 payment under this section.

11 \* Sec. 7. Section 4, ch. 21, SLA 1980, is repealed.

12 \* Sec. 8. Sections 5 - 7 of this Act take effect immediately in accor-  
13 dance with AS 01.10.070(c).

14 \* Sec. 9. Sections 1 - 4 of this Act take effect upon the date of a deci-  
15 sion by the United States Supreme Court that invalidates any portion of  
16 AS 43.23 or secs. 1, 3, and 4, ch. 21, SLA 1980, as amended by sec. 1, ch. 60,  
17 SLA 1980, or on July 10, 1982, whichever is earlier.

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

3/26/82

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

Mr. Speaker:

The Committee on FINANCE has had 2d SSHB 437

"An Act providing for permanent fund dividends; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN