

LEG. FINANCE - BILLS 1983 - 1984 , 1835
HB 110 - HB 118

1835

P.O. Box 432
Douglas, Alaska 9982

May 6, 1983

Representative Mitch Abood, Chairman
House State Affairs Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Representative Albert P. Adams, Chairman
House Finance Committee
Alaska State Legislature

COPY

Dear Representative _____

This letter is in support of the enclosed House Bill No. 110, sponsored and introduced in the present session on 1/24/83 by Representative Mike Miller. It has been referred to State Affairs and Finance, where it now sits.

This bill is an amendment to legislation passed in 1979 pertaining to an avalanche warning system for Alaska. It is primarily a housekeeping measure, with word changes that recognize the scientific forecasting value of the system rather than implying scare tactics through emphasizing warnings. However, should extreme avalanche danger develop, then of course appropriate warnings would be disseminated to the public. It also recognizes the associated value of the fire weather forecasting part of the overall system, and the nomenclature of the project therefore becomes the Alaska Avalanche and Fire Weather Forecasting System (AA/FWFS).


Probably the most significant change in the statute is a proposed shifting of responsibility from the Department of Public Safety to the Department of Natural Resources, in representing the state for operation of the system. Experience to date has shown this to be a more practical approach, since DNR now plays the major role in conducting the public education and prevention aspects of the program. Technical avalanche awareness workshops are offered throughout the state by DNR. In other words, DNR is closer to an on-the-ground application in a working mode than is DPS. By prior agreement between the two Departments, this change appeared to be needed. The change should therefore not meet with any opposition, from the standpoint of the Departments involved.

While employed by the U.S. Forest Service, I was personally helping to formulate the original legislation which was sponsored by Representative Mike Miller to get the system going on a statewide basis. Although I have recently retired from that agency, I still maintain a personal interest in the AA/FWFS for its most effective operation.

I urge you to schedule this bill on the calendar at the earliest possible time, to enable possible passage during the current session. In this way, DNR would be in a position to followup with regular program planning and a budgetary request for Fiscal Year 1985. DPS has already submitted a budget request for Fiscal Year 1984 which is presently under routine review. This bill therefore does not

involve any new fiscal impacts from the standpoint of any needed special supplemental appropriations.

Sincerely,


Robert C. Jones

Enclosure

cc: Representative Mike Miller
House State Affairs Committee

Representative Jim Duncan
House Finance Committee

Wallace Watts, USFS Anchorage
Program Director AA/FWFS

Gary Morrison, USFS Juneau
Division of Recreation

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

MAINTENANCE AND OPERATIONS

Box 3-1000 Juneau, Alaska
99802
PHONE: 907 789-0841

April 6, 1983

Honorable Mike Miller
Alaska House of Representatives
Alaska State Capitol
Pouch V
Juneau, Alaska 99811

Dear Sir:

Basic organizational and operational concerns need to be dealt with to insure public and employee safety.

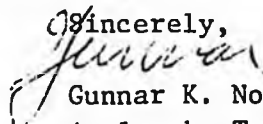
The current avalanche forecast and control organization is undefined and has no written procedures and is very fragmented. Communication and line of command is cumbersome and confusing. No one is responsible or in charge of the whole safety program.

Snow avalanche problems are just attached to regular ongoing DOT/PF superintendents, maintenance and operational duties. Consequently, concern is only expressed and addressed when a serious snow related problem exists. After snow is removed from the highways, avalanche safety becomes a forgotten and minor issue.

Snow mountain weather in Alaska is a very dynamic system. The monitoring of snow avalanche conditions is a six to nine month, seven days a week, twenty-four hours a day, and under some high hazardous conditions an hourly requirement. Specialists trained and directly involved in forecasting and evaluating snow avalanche hazard must concentrate, collect and assimilate weather and snow information throughout the winter snow season, November thru April.

In Juneau, the immediate concerns are construction and maintenance of climatological stations at Eaglecrest and Salmon Creek. These two stations are now constructed but need to be maintained. Also, the positioning of meteor burst data collection station, (wind speed, direction, relative humidity, temperature, water content of snow). When all these stations are operational we can then base our avalanche advisories on hard data. The Alaska Avalanche/Fire Warning System is now in it's toddler stage, there will be some growing pains. Hopefully all instrumentation will be completed before the 1983-84 avalanche season is upon us.

A draft is being compiled on specific recommendations that I feel would help this cooperative system flow smoother, a copy of this will be made available to you.

Sincerely,

Gunnar K. Noreen
Avalanche Technician

FOGGY MOUNTAIN SHOP

Scott Fischer • Betsy Flood

171 SHATTUCK WAY

JUNEAU, ALASKA 99801

PHONE (907) 586-6780

March 4, 1983

The Honorable Mike Miller
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mike,

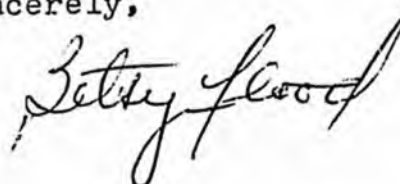
I recently completed a four day avalanche workshop in Juneau sponsored by the Alaska Avalanche School, Division of Parks, Dept. of Natural Resources. As a backcountry skier, I was very impressed with many aspects of this citizen education program subsidized in part by our state government.

All the instructors were experienced, knowledgeable and professional in their efforts to educate a varied group of over thirty students in avalanche evaluation, safety and rescue. The workshop schedule was well arranged for maximum classroom instruction and field work and very proficiently run by coordinator Doug Fesler.

I strongly support continued use of state money for programs such as the Alaska Avalanche School. Many Alaskans are involved, or have friends and family involved, in winter backcountry travel. The Alaska Avalanche School is a rare opportunity to educate these citizens in safe winter travel and thus help avoid the comparatively high costs of state funded rescue efforts in the backcountry. Doug Fesler should be commended for his tremendous efforts in this direction.

Thanks for your attention, Mike.

Sincerely,



March 21, 1983

Representative Mike Miller
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Miller:

We were fortunate enough to be able to attend the Alaska Avalanche School, Juneau Workshop in February 17-20. I don't believe we are alone in stating that the workshop was very well organized, instructed and very, very valuable in terms of public education.

We have both been involved in backcountry recreational guiding for the past two years in Alaska and have seen, even in that short time, a significant increase in wintertime backcountry use. With sophisticated modern equipment and techniques, this trend is sure to continue. With this in mind, public avalanche education is imperative. Also, with the lack of zoning restrictions at either the state or local level, knowledge of potential avalanche hazards to housing developments and individual homesites could avoid major losses of life and property.

We are taking the point of view that prevention is the best cure. Not only are avalanche accidents often tragic, and organized rescue efforts (often merely body recoveries) very expensive, but they are in most cases, avoidable if people possess the proper knowledge for basic evaluation of avalanche hazards.

True, public education in this area is expensive, but the returns are high in terms of public safety and avoidance of expensive rescue efforts. In the past, the State of Alaska has been able to offer avalanche education to the public at a cost affordable to most people. We strongly support the continuance of public avalanche education through the Alaska Avalanche School workshops.

It is encouraging to see more and more people enjoying Alaska's wintertime backcountry, but they should have the opportunity to approach backcountry activities armed with the necessary knowledge to avoid potential hazards or, if they are involved in an avalanche incident, to effect rescue efforts for those caught in a slide (buried victims' best chances for survival are the members of the party who were not caught in the slide).

The Alaska Avalanche School workshops are well managed, instructed, and provide an essential public service. They deserve to be continued. Thank you for your time and attention to this matter.

Sincerely,

William Ross Hardwick

Gloria Griffith Hardwick

William Ross Hardwick

Gloria Griffith Hardwick

Box 534

Douglas, AK 99824

cc: Neil Johannsen

City of Delta Junction

Box 229

Delta Junction, Alaska 99737

907 - 895 - 4656

The North End of the Alaska Highway

March 3, 1983

Representative Mike Miller (D)
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

The City Council of Delta Junction reviewed pending legislation at their March 1, 1983 meeting. They voted unanimously to endorse and provide their support on the following bills:

- HB42 An Act relating to the determination of population for purposes of calculating amounts of state aid; and providing for an effective date.
- HB100 An Act relating to an avalanche and fire weather forecasting system; and providing for an effective date.
- HB119 An Act making a special appropriation for payment as a grant to the community of TOK for a rescue ambulance apparatus; and providing for an effective date.
- HB136 An Act making an appropriation to the Department of Revenue for financial assistance to municipalities; and providing for an effective date.
- HB153 An Act making a supplemental appropriation to the Department of Revenue for financial assistance to municipalities; and providing for an effective date.
- HB162 An Act authorizing general law municipalities to limit the number of consecutive full terms certain municipal officials may serve.
- HB172 An Act relating to municipal government; and providing for an effective date. (Title 29 rewrite).

House Bill 164 was also reviewed by the Council and they voted four to two against endorsing and supporting this legislation.

Sincerely,

Lou Heinbockel

Louis E. Heinbockel, Mayor
City of Delta Junction

Offered: 5/20/83
Referred: Finance

Original sponsor: M.M.Miller

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 110 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to an avalanche and fire weather
7 forecasting system; and providing for an effective
8 date."

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

10 * Section 1. AS 18.76.010 is amended to read:

11 CHAPTER 76. ALASKA AVALANCHE
12 AND FIRE WEATHER FORECASTING [WARNING] SYSTEM.

13 Sec. 18.76.010. PARTICIPATION IN ALASKA [STATEWIDE] AVALANCHE
14 AND FIRE WEATHER FORECASTING [WARNING] SYSTEM. The Arctic Environ-
15 mental Information and Data Center, University of Alaska [DEPARTMENT
16 OF PUBLIC SAFETY], acting in cooperation with a municipality, [OR
17 WITH] an agency of the federal government, or with a private entity,
18 shall participate in the development and implementation of a statewide
19 avalanche and fire weather forecasting [WARNING] system, and shall
20 represent the state in the operation of that system. The [STATEWIDE]
21 system shall

22 (1) establish and maintain a service center and primary and
23 supplementary field stations to gather information and data concerning

24 (A) [GROUND] weather conditions indicating avalanche
25 danger and wild land fire danger; [,]

26 (B) snow pack; [,] and

27 (C) avalanche activity;

28 (2) forecast [SNOW] avalanche conditions throughout the
29 state;

1 (3) coordinate a public awareness program on avalanche
2 danger;

3 (4) catalog a comprehensive atlas of avalanche paths and
4 slide occurrences; [AND]

5 (5) assist local governments and state agencies in identi-
6 fying hazardous avalanche zones and in developing [SNOW] avalanche
7 zoning regulations; and

8 (6) forecast fire weather conditions throughout the state.

9 * Sec. 2. AS 18.76 is amended by adding a new section to read:

10 Sec. 18.76.100. DEFINITION. In this chapter, "avalanche" means
11 a snow avalanche, and does not include a rockslide or a mud slide.

12 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

Introduced: 1/24/63
Referred: State Affairs and Finance

1 IN THE HOUSE

BY M.M.MILLER

2

HOUSE BILL NO. 110

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to an avalanche and fire weather forecasting system; and providing for an effective date."

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

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* Section 1. AS 18.76.010 is amended to read:

11

CHAPTER 76. ALASKA AVALANCHE

12

AND FIRE WEATHER FORECASTING [WARNING] SYSTEM.

13

Sec. 18.76.010. PARTICIPATION IN ALASKA [STATEWIDE] AVALANCHE

14

AND FIRE WEATHER FORECASTING [WARNING] SYSTEM. The Department of

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Natural Resources [PUBLIC SAFETY], acting in cooperation with a munic-

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ipality, [OR WITH] an agency of the federal government, or with a

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private entity, shall participate in the development and implementa-

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tion of a statewide avalanche and fire weather forecasting [WARNING]

19

system, and shall represent the state in the operation of that system.

20

The [STATEWIDE] system shall

21

(1) establish and maintain a service center and primary and

22

supplementary field stations to gather information and data concerning

23

(A) [GROUND] weather conditions indicating avalanche

24

danger and wild land fire danger; [,]

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(B) snow pack; [,] and

26

(C) avalanche activity;

27

(2) forecast [SNOW] avalanche conditions throughout the

28

state;

29

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2 (4) catalog a comprehensive atlas of avalanche paths and
3 slide occurrences; [AND]

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5 fying hazardous avalanche zones and in developing [SNOW] avalanche
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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 11/9/83

I. REQUEST

Bill/Resolution No.: HB 116
Title: An Act relating to bank examination
Sponsor: House Rules Committee
Requestor: Governor
Date of Request: _____

II. FISCAL DETAIL

Agency Affected: Commerce and Economic Dev.
Program Category Affected: Consumer Protect
fees. BRU, Program of Subprogram(s) Affected: Banking and Securities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE	12.0	12.0	12.0	12.0	12.0	12.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Willis F. Kirkpatrick Phone: 465-2521
Division: Banking and Securities Date: 11/9/83
Approved by Commissioner: _____ Date: 12/29/83
Department: Commerce and Economic Development

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
Copy to Department (for Governor introduced bills)
Copy to Sponsor
Copy to Requestor (if different from Sponsor)

9/14/83

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 116 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to financial institution examina-
7 tions and examination fee assessments; and providing
8 for an effective date."

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

10 * Section 1. AS 06.01.010(b) is amended to read:

11 (b) The commissioner shall assess every financial institution,
12 and every applicant to establish a financial institution, a fee for
13 the actual expenses incurred by the department in connection with any
14 examination or investigation, whether regular or special. The fee
15 shall include the proportionate part of the salaries and cost of em-
16 ployee benefits of the examiners while conducting examinations or in-
17 vestigations and while preparing reports of them, and transportation
18 costs and per diem of each examiner while away from the examiner's
19 [HIS] duty station. However, the cost to the financial institution in
20 connection with an examination may not exceed \$12,000 [\$7,500] per
21 examination. The assessment shall be made by the commissioner as soon
22 as feasible after the examination or investigation has been completed.
23 All assessments shall be paid to and must be received by the depart-
24 ment [BY EACH INSTITUTION] within 30 days after the financial institu-
25 tion receives [RECEIPT OF] notice of the assessment.

26 * Sec. 2. AS 06.05.025(c) is amended to read:

27 (c) Banks regulated under this chapter are subject to [AT LEAST
28 ONE EXAMINATION A YEAR. ADDITIONAL] examinations [MAY BE CONDUCTED]
29 at the discretion of the commissioner.

1 * Sec. 3. The \$12,000 maximum assessment for examinations of financial
2 institutions enacted in sec. 1 of this Act applies to examinations or in-
3 vestigations commenced on or after the effective date of this Act.

4 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).
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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 9, 1984

REQUEST

Bill/Resolution No.: CSHB 116
 Title: An Act relating to bank examination fees
 Sponsor: House Finance Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Development
 Program Category Affected: _____
Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
Banking, Securities and Corporations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	8.0	8.0	8.0	8.0	8.0	8.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	30.0	30.0	30.0	30.0	30.0	30.0
FEDERAL FUNDS						
OTHER Pgm. Receipts	[30.0]	[30.0]	[30.0]	[30.0]	[30.0]	[30.0]
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

If this bill is passed, the FY '85 financial institution's budget would have to reflect a change in funding from program receipts to general fund in the amount of \$30,000. Please see attached Fiscal Note Analysis.

ANALYSIS: Attach a separate page for analysis

Prepared By: Willis F. Kirkpatrick, Director Phone: 465-2521
 Division: Banking, Securities and Corporations Date: _____

Approved by Commissioner: Richard A. Lvon Date: 2/16/84
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

FISCAL NOTE ANALYSIS
CSHB 116

The committee substitute of House Bill 116 deletes the provisions that state chartered banks shall be examined at least once each year. The amendment leaves the frequency of the examination to the discretion of the commissioner. Therefore, giving the commissioner greater latitude to concentrate on problem banks without being required to examine every bank every 12 months regardless of their condition.

The original purpose of this bill was to increase the limit, from \$7,500 to \$12,000, the department can charge financial institutions for expenses incurred as a result of examinations and investigations. The amendment may result in more examinations where the cost would exceed the \$12,000 limit. This may, in some instances, cause a reduction in program receipts. If more attention is given problem banks, which I feel is necessary, then there may be fewer examinations which, in turn, would reduce revenues from examinations.

Banks are rated based upon several criteria. A bank rated as a problem bank should be given more attention over those who have better ratings. In a situation where two problem banks, in excess of \$100 million in assets, could extend the examination process for an additional three to four weeks would, in turn, cost this agency approximately \$15,000 for each. This additional expense would not be covered by assessed fees. In this instance, the two problem banks could increase expense to the general fund \$30,000 (\$15,000 from each problem bank) and reduce a like amount of \$30,000 from uncollectable funds that would have otherwise been considered program receipts.

In some instances, program receipts could be counterproductive to public protection. It is the purpose of an examination to determine safety and soundness of banks to protect the public's deposits and financial confidence within the community. Examinations should not be a means by which to produce revenues just to obtain program receipts.

(2)
Fay - Finance
d. x/ra

AMENDMENT

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY: Furnace

TO: _____ HOUSE BILL NO. 116

SENATE BILL NO. _____

PAGE: 2 LINE: 2

Add a section to read:

Sec:06.05.025 (c) is amended to read:

Banks regulated under this chapter are subject to [at least one examination a year. Additional] examinations [may be conducted] at the discretion of the commissioner.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2500

January 24, 1984

Honorable Al Adams, Chairman
House Finance Committee
Pouch V
Juneau, Alaska 99811

Attention Lou Ann Cutler

Dear Representative Adams:

Re: Comments on HB 116


HB 116 will raise this limit the State can recover from actual expenses as a result of the examination and investigation responsibilities under title AS 06. This includes banks, bankholding companies, trust companies, savings and loans, mutual savings bank, credit unions, small loan companies and premium finance companies. Increases in wage and other expenses have badly outdated the \$7,500 limit.

Section 1, at line 20, deletes the \$7,500 limit and sets a new limit of \$12,000. This new ceiling will not only help pick up the increases in cost, but also spread some of the expense to larger financial institutions. As an example, a financial institution with \$100 million in assets may pay \$7,500 for an examination that costs \$17,000, or 44% of the cost of the exam, while a financial institution with only \$27 million in assets will have to pay close to 95-100% when the cost of examination is \$7,800 and they also have to pay \$7,500.

The language changes on lines 23, 24 and 25 are technical amendments and do not change the meaning of the sentence.

Sections 2 and 3 provide for effective dates of the Act.

Sincerely,



Richard A. Lyon
Commissioner

RAL/mc2/12
12484a

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 24, 1983

The Honorable Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which increases the fee that the commissioner of commerce and economic development may assess a financial institution for investigation and examination costs. It raises the existing maximum of \$7,500 to a maximum of \$12,000 per examination. The fee increase is necessary because costs associated with these examinations have risen more than 50 percent since 1978 when the \$7,500 maximum fee was first established. An additional, technical amendment is included, rewriting but not changing the substance of the last sentence of AS 06.01.010(b).

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

RECEIVED

JAN 26 1983

LEGISLATIVE FINANCE

HB 116

HB 116

Introduced: 1/24/83
Referred: Labor & Commerce and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to financial institution examination
7 fees and assessments; and providing for an effective
8 date."

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

10 * Section 1. AS 06.01.010(b) is amended to read:

11 (b) The commissioner shall assess every financial institution,
12 and every applicant to establish a financial institution, a fee for
13 the actual expenses incurred by the department in connection with any
14 examination or investigation, whether regular or special. The fee
15 shall include the proportionate part of the salaries and cost of em-
16 ployee benefits of the examiners while conducting examinations or in-
17 vestigations and while preparing reports of them, and transportation
18 costs and per diem of each examiner while away from his duty station.
19 However, the cost to the financial institution in connection with an
20 examination may not exceed \$12,000 [\$7,500] per examination. The as-
21 sessment shall be made by the commissioner as soon as feasible after
22 the examination or investigation has been completed. All assessments
23 shall be paid to and must be received by the department [BY EACH IN-
24 STITUTION] within 30 days after the financial institution receives
25 [RECEIPT OF] notice of the assessment.

26 * Sec. 2. The \$12,000 maximum assessment for examinations of financial
27 institutions enacted in sec. 1 of this Act applies to examinations or in-
28 vestigations commenced on or after the effective date of this Act.

29 * Sec. 3. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

Offered: 5/30/83
Referred: Finance

Original sponsors: Pestinger, Cowdery,
Barnes and Lindauer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 117 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure;
8 extending the time limitation for prosecution of
9 sexual offenses; and amending AS 01.05.031(c) and
10 sec. 4, ch. 58, SLA 1982."

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

12 * Section 1. AS 01.05.031(c) is amended to read:

13 (c) Except in AS 11 and AS 12, the [THE] revisor shall edit and
14 revise the laws as they are enacted by the legislature, without
15 changing the meaning of any law, so as to avoid the use of pronouns
16 denoting masculine or feminine gender.

17 * Sec. 2. Section 4, ch. 58, SLA 1982 is amended to read:

18 Sec. 4. Except in AS 11 and AS 12, the [THE] revisor of statutes
19 is directed to avoid the use of pronouns denoting masculine or
20 feminine gender in the printed pamphlets of the Alaska Statutes as
21 they are scheduled for reprinting.

22 * Sec. 3. AS 11.41.420 is repealed and reenacted to read:

23 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
24 person commits the crime of sexual assault in the second degree if he
25 engages in

26 (1) sexual contact with another person without consent of
27 that person; or

28 (2) sexual penetration with a person who he knows
29 (A) is suffering from a mental disorder or defect

1 which renders the person incapable of appraising the nature of
2 the conduct under circumstances in which a person who is capable
3 of appraising the nature of the conduct would not engage in
4 sexual penetration; or

5 (B) is incapacitated.

6 (b) Sexual assault in the second degree is a class B felony.

7 * Sec. 4. AS 11.41 is amended by adding new sections to read:

8 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

9 (a) A person commits the crime of sexual abuse of a minor in the
10 first degree if

11 (1) being 16 years of age or older, he engages in sexual
12 penetration with a person who is under 13 years of age or aids,
13 induces, causes, or encourages a person who is under 13 years of age
14 to engage in sexual penetration with another person; or

15 (2) being 18 years of age or older, he engages in sexual
16 penetration with a person who is under 18 years of age and who

17 (A) is entrusted to his care by authority of law; or

18 (B) is his son or daughter, including an illegitimate
19 or adopted child, or a stepchild.

20 (b) Sexual abuse of a minor in the first degree is an unclassi-
21 fied felony and is punishable as provided in AS 12.55.

22 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

23 (a) A person commits the crime of sexual abuse of a minor in the
24 second degree if

25 (1) being 16 years of age or older, he engages in sexual
26 penetration with a person who is 13, 14, or 15 years of age and at
27 least three years younger than he, or aids, induces, causes or
28 encourages a person who is 13, 14, or 15 years of age and at least
29 three years younger than he to engage in sexual penetration with

1 another person;

2 (2) being 16 years of age or older, he engages in sexual
3 contact with a person who is under 13 years of age or aids, induces,
4 causes, or encourages a person under 13 years of age to engage in
5 sexual contact with another person;

6 (3) being 18 years of age or older, he engages in sexual
7 contact with a person who is under 18 years of age and who

8 (A) is entrusted to his care by authority of law; or

9 (B) is his son or daughter, including an illegitimate
10 or adopted child, or a stepchild; or

11 (4) being 16 years of age or older, he aids, induces,
12 causes, or encourages a person who is under 16 years of age to engage
13 in conduct described in AS 11.41.455(a)(2) - (6).

14 (b) Sexual abuse of a minor in the second degree is a class B
15 felony.

16 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

17 (a) A person commits sexual abuse of a minor in the third degree if,
18 being 16 years of age or older, he engages in sexual contact with a
19 person who is 13, 14, or 15 years of age and at least three years
20 younger than he.

21 (b) Sexual abuse of a minor in the third degree is a class C
22 felony.

23 * Sec. 5. AS 11.41.440 is repealed and reenacted to read:

24 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

25 (a) A person commits sexual abuse of a minor in the fourth degree if,
26 being under 16 years of age, he engages in sexual penetration or
27 sexual contact with a person who is under 13 years of age and at least
28 three years younger than he.

29 (b) Sexual abuse of a minor in the fourth degree is a class A

1 misdemeanor.

2 * Sec. 6. AS 11.41 is amended by adding a new section to read:

3 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
4 crime of indecent exposure if he intentionally exposes his genitals,
5 buttock, anus, or female breast to another person with reckless
6 disregard for the offensive, insulting, or frightening effect the act
7 may have on that person.

8 (b) Indecent exposure before a person under 16 years of age is a
9 class A misdemeanor. Indecent exposure before a person 16 years of
10 age or older is a class B misdemeanor.

11 * Sec. 7. AS 11.41.470 is amended to read:

12 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
13 11.41.470, unless the context requires otherwise,

14 (1) "incapacitated" means that a person is temporarily
15 incapable of appraising the nature of his conduct and is physically
16 unable to express unwillingness to act;

17 (2) "victim" means the person alleged to have been sub-
18 jected to sexual assault in any degree or sexual abuse of a minor in
19 any degree;

20 (3) "without consent" means that a person

21 (A) with or without resisting, is coerced by the use
22 of force against a person or property, or by the express or
23 implied threat of [IMMINENT] death, imminent physical injury, or
24 [IMMINENT] kidnapping to be inflicted on anyone; or

25 (B) is incapacitated as a result of an act of the
26 defendant.

27 * Sec. 8. AS 12.10.020 is amended by adding a new subsection to read:

28 (c) Even if the general time limitation has expired, a prosecu-
29 tion under AS 11.41.410 - 11.41.455 for an offense committed against a

1 person under the age of 16 may be commenced within one year after the
2 crime is reported to a peace officer or the person reaches the age of
3 16, whichever occurs first. This provision does not extend the period
4 of limitation by more than five years.

5 * Sec. 9. AS 12.55.125(i) is amended to read:

6 (i) A defendant convicted of sexual assault in the first degree
7 or sexual abuse of a minor in the first degree may be sentenced to a
8 definite term of imprisonment of not more than 30 years, and shall be
9 sentenced to the following presumptive terms, subject to adjustment as
10 provided in AS 12.55.155 - 12.55.175:

11 (1) if the offense is a first felony conviction and does
12 not involve circumstances described in (2) of this subsection, eight
13 years;

14 (2) if the offense is a first felony conviction, and the
15 defendant possessed a firearm, used a dangerous instrument, or caused
16 serious physical injury during the commission of the offense, 10
17 years;

18 (3) if the offense is a second felony conviction, 15 years;

19 (4) if the offense is a third felony conviction, 25 years.

20 * Sec. 10. AS 18.66.900(6) is amended to read:

21 (6) "sexual assault" means a crime specified in AS 11.41.-
22 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

23 * Sec. 11. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)-
24 (4), and AS 11.61.110(a)(7) are repealed.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 117 (Judiciary)
 Title Sexual Abuse of a Minor
 Requested by House Finance Committee Date 6/17/83

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Division of Corrections
 BRU, Program, Or Subprogram(s) Affected _____
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		325.6				
700 GRANTS, CLAIMS, ETC.						
TOTAL		\$325.6				

FUNDING (Thousands of Dollars)

GENERAL FUND		325.6				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS -----

FULL TIME						
PART TIME						
TEMPORARY						

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

The legislature wishes to fund only the design of any additional beds that may be necessary due to passage of this legislation. The funding provided represents 10% of total construction costs, as estimated by Corrections. The legislature prefers to appropriate funds for capital improvements on the basis of clearly delineated plans and cost estimates, instead of this initial total construction cost estimate.

Inasmuch as operational costs such as additional personnel, contractual services, commodities and the like are closely linked to decisions on capital construction, the legislature declines to endorse any estimates of those costs at this time. When actual construction plans are presented to the legislature, the need for additional operating funds will be addressed.

IV. DATE June 17, 1983

PREPARED BY Al Adams, Chair *APA*
 AGENCY House Finance Committee

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

PHONE 465-3706

Legislator Named)

The following individuals may testify on HB 117:

Representative Sam Pestinger, prime sponsor

A representative of the Division of Corrections, Department of Health and Social Services

Gail Huretsky, Office of the Chief Prosecutor, Department of Law

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSHB 117 (Jud.)
 Title: Sexual abuse of a minor
 Sponsor: Pestinger
 Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				396.0	419.8	445.0
200 TRAVEL				1.8	1.9	2.0
300 CONTRACTUAL			14.0	50.0	53.0	56.2
400 COMMODITIES			45.9	48.7	51.6	54.7
500 EQUIPMENT				2.0		
600 LAND & STRUCTURES		3255.8				
700 GRANTS, CLAIMS, ETC			4.2	6.3	6.6	7.0
TOTAL OPERATING			64.1	504.8	532.9	564.9
CAPITAL		3255.8				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			64.1	504.8	532.9	564.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME				9.0	9.0	9.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: William W. Ladwig *William W. Ladwig*

Division: Adult Corrections

Phone: 465-3376

Date: 06/02/83

Approved by Commissioner: Robert Loren Smith, Ph.D.
 Department: Health & Social Services

Date: 6/7/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

FISCAL NOTE

CS for House Bill No. 117 (Judiciary)

Page 2

IV. ANALYSIS:

The enactment of CS for House Bill No. 117 would result in changing the penalties for sexual abuse of a minor.

For purposes of this fiscal analysis, the following information was used:

1. Section 1 raises the present offense from a Class C felony to Class B. It is estimated that one person per year is convicted for this offense and the proposed provision would add one additional year to the sentence length requiring the need to provide one additional man year of confinement.
2. Section 2 raises all current sexual assault/abuse of a minor provisions from Class C felonies to Class B felonies which would add an additional year of incarceration for those sentenced to serve jail time. It is expected that approximately 30 convictions per year result from violations of this provision of the law. Of these 30 convictions, it is estimated that 10 persons would be released to probation rather than incarcerated. This would add the requirement for another 20 man years of confinement.
3. Section 3 raises the penalty for contributing to delinquency of a minor from Class A misdemeanor to Class C felony which adds approximately one-half year to the penalty for violation of this provision of law. It is estimated that there are two cases per year as a result of conviction for violating this provision of the statute; therefore, an additional one-man year of incarceration would be required.
4. Section 5 raises the penalty for disorderly conduct charges (indecent exposure) from Class B misdemeanor to Class A misdemeanor dependent upon the age of the witness to the exposure. It is estimated that there is currently one case per year of a person being committed for violation of this provision of the law. The modification would add an additional sentence length resulting in an additional 0.3 man years of incarceration.

Sections 4 and 6 of CS H.B. No. 117 have no impact upon the Division of Adult Corrections.

The impact of the above proposed modifications on the state correctional system will be the need for approximately 22.3 additional beds. The cost of these additional beds is estimated to be: $22.3 \times \$146,000$ (medium security bed cost) = \$3,255,800.

Because of construction time, the additional beds would not be available for occupancy until FY 1986. Personal services costs are not identified until that time. In estimating personal services cost, it is assumed one staff person will be required for every 2.5 inmates. Twenty-two beds would require nine positions. An average FY '84 position cost of \$44,000 (plus inflation) was used to project personal services cost. The final staffing of a correctional facility cannot be determined until it has been designed, and the staffing would be influenced by such factors as total bed capacity, floor plan for security, and programs to be provided as a part of rehabilitation.

Offered: 5/30/83
Referred: Finance

Original sponsors: Pestinger, Cowdery,
Barnes and Lindauer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 117 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure;
8 extending the time limitation for prosecution of
9 sexual offenses; and amending AS 01.05.031(c) and
10 sec. 4, ch. 58, SLA 1982."

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

12 * Section 1. AS 01.05.031(c) is amended to read:

13 (c) Except in AS 11 and AS 12, the [THE] revisor shall edit and
14 revise the laws as they are enacted by the legislature, without
15 changing the meaning of any law, so as to avoid the use of pronouns
16 denoting masculine or feminine gender.

17 * Sec. 2. Section 4, ch. 58, SLA 1982 is amended to read:

18 Sec. 4. Except in AS 11 and AS 12, the [THE] revisor of statutes
19 is directed to avoid the use of pronouns denoting masculine or
20 feminine gender in the printed pamphlets of the Alaska Statutes as
21 they are scheduled for reprinting.

22 * Sec. 3. AS 11.41.420 is repealed and reenacted to read:

23 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
24 person commits the crime of sexual assault in the second degree if he
25 engages in

26 (1) sexual contact with another person without consent of
27 that person; or

28 (2) sexual penetration with a person who he knows
29 (A) is suffering from a mental disorder or defect

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1 which renders the person incapable of appraising the nature of
2 the conduct under circumstances in which a person who is capable
3 of appraising the nature of the conduct would not engage in
4 sexual penetration; or

5 (B) is incapacitated.

6 (b) Sexual assault in the second degree is a class B felony.

7 * Sec. 4. AS 11.41 is amended by adding new sections to read:

8 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

9 (a) A person commits the crime of sexual abuse of a minor in the
10 first degree if

11 (1) being 16 years of age or older, he engages in sexual
12 penetration with a person who is under 13 years of age or aids,
13 induces, causes, or encourages a person who is under 13 years of age
14 to engage in sexual penetration with another person; or

15 (2) being 18 years of age or older, he engages in sexual
16 penetration with a person who is under 18 years of age and who

17 (A) is entrusted to his care by authority of law; or

18 (B) is his son or daughter, including an illegitimate
19 or adopted child, or a stepchild.

20 (b) Sexual abuse of a minor in the first degree is an unclassi-
21 fied felony and is punishable as provided in AS 12.55.

22 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

23 (a) A person commits the crime of sexual abuse of a minor in the
24 second degree if

25 (1) being 16 years of age or older, he engages in sexual
26 penetration with a person who is 13, 14, or 15 years of age and at
27 least three years younger than he, or aids, induces, causes or
28 encourages a person who is 13, 14, or 15 years of age and at least
29 three years younger than he to engage in sexual penetration with

1 another person;

2 (2) being 16 years of age or older, he engages in sexual
3 contact with a person who is under 13 years of age or aids, induces,
4 causes, or encourages a person under 13 years of age to engage in
5 sexual contact with another person;

6 (3) being 18 years of age or older, he engages in sexual
7 contact with a person who is under 18 years of age and who

8 (A) is entrusted to his care by authority of law; or

9 (B) is his son or daughter, including an illegitimate
10 or adopted child, or a stepchild; or

11 (4) being 16 years of age or older, he aids, induces,
12 causes, or encourages a person who is under 16 years of age to engage
13 in conduct described in AS 11.41.455(a)(2) - (6).

14 (b) Sexual abuse of a minor in the second degree is a class B
15 felony.

16 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

17 (a) A person commits sexual abuse of a minor in the third degree if,
18 being 16 years of age or older, he engages in sexual contact with a
19 person who is 13, 14, or 15 years of age and at least three years
20 younger than he.

21 (b) Sexual abuse of a minor in the third degree is a class C
22 felony.

23 * Sec. 5. AS 11.41.440 is repealed and reenacted to read:

24 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

25 (a) A person commits sexual abuse of a minor in the fourth degree if,
26 being under 16 years of age, he engages in sexual penetration or
27 sexual contact with a person who is under 13 years of age and at least
28 three years younger than he.

29 (b) Sexual abuse of a minor in the fourth degree is a class A

731

1 misdemeanor.

2 * Sec. 6. AS 11.41 is amended by adding a new section to read:

3 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
4 crime of indecent exposure if he intentionally exposes his genitals,
5 buttock, anus, or female breasts to another person with reckless
6 disregard for the offensive, insulting, or frightening effect the act
7 may have on that person.

8 (b) Indecent exposure before a person under 16 years of age is a
9 class A misdemeanor. Indecent exposure before a person 16 years of
10 age or older is a class B misdemeanor.

11 * Sec. 7. AS 11.41.470 is amended to read:

12 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
13 11.41.470, unless the context requires otherwise,

14 (1) "incapacitated" means that a person is temporarily
15 incapable of appraising the nature of his conduct and is physically
16 unable to express unwillingness to act;

17 (2) "victim" means the person alleged to have been sub-
18 jected to sexual assault in any degree or sexual abuse of a minor in
19 any degree;

20 (3) "without consent" means that a person

21 (A) with or without resisting, is coerced by the use
22 of force against a person or property, or by the express or
23 implied threat of [IMMINENT] death, imminent physical injury, or
24 [IMMINENT] kidnapping to be inflicted on anyone; or

25 (B) is incapacitated as a result of an act of the
26 defendant.

27 * Sec. 8. AS 12.10.020 is amended by adding a new subsection to read:

28 (c) Even if the general time limitation has expired, a prosecu-
29 tion under AS 11.41.410 - 11.41.455 for an offense committed against a

1 person under the age of 16 may be commenced within one year after the
2 crime is reported to a peace officer or the person reaches the age of
3 16, whichever occurs first. This provision does not extend the period
4 of limitation by more than five years.

5 * Sec. 9. AS 12.55.125(i) is amended to read:

6 (i) A defendant convicted of sexual assault in the first degree
7 or sexual abuse of a minor in the first degree may be sentenced to a
8 definite term of imprisonment of not more than 30 years, and shall be
9 sentenced to the following presumptive terms, subject to adjustment as
10 provided in AS 12.55.155 - 12.55.175:

11 (1) if the offense is a first felony conviction and does
12 not involve circumstances described in (2) of this subsection, eight
13 years;

14 (2) if the offense is a first felony conviction, and the
15 defendant possessed a firearm, used a dangerous instrument, or caused
16 serious physical injury during the commission of the offense, 10
17 years;

18 (3) if the offense is a second felony conviction, 15 years;

19 (4) if the offense is a third felony conviction, 25 years.

20 * Sec. 10. AS 18.66.900(6) is amended to read:

21 (6) "sexual assault" means a crime specified in AS 11.41.-
22 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

23 * Sec. 11. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)-
24 (4), and AS 11.61.110(a)(7) are repealed.

HB 117

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 117 Date on Bill: 1/26/83
Title: An Act Relating to sexual abuse of a minor
Sponsor: Representative Pestinger
Requestor: House HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83
Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSHB 117 (Judiciary)
 Title: "...laws relating to sexual abuse..."
 Sponsor: House Judiciary (Orig.-Pestinger)
 Requestor: House Finance Committee

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		27.0	34.1	36.1	38.3	40.6
100 PERSONAL SERVICES		2.5	3.2	3.4	3.6	3.8
200 TRAVEL		4.0	4.3	4.6	4.9	5.2
300 CONTRACTUAL		2.8	1.0	1.1	1.2	1.3
400 COMMODITIES		1.5				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	37.8	42.5	45.2	48.0	50.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	37.8	42.5	45.2	48.0	50.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: June 2, 1983
 Approved by Commissioner: Richard I. Pegues/for Date: June 2, 1983
 Department: Department of Law

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

L11117

CSHB 117 (Judiciary)
Fiscal Note
Analysis

This bill is a comprehensive revision of current law regarding sexual assault and sexual abuse of a minor. Current laws dealing with sexual offenses against children appear in several different areas of the criminal code. Depending upon the age of the child victim, current law authorizes vastly different penalties for acts which are similar in nature or on the part of the offender. Some conduct which is extremely harmful to children is not covered at all.

Sexual offenses against children include many types of conduct. This bill groups all of this conduct in one area of the code and labels most of it "Sexual Abuse of a Minor." The conduct is divided into four degrees of seriousness, and penalties appropriate to the classification of the crime are attached.

In most instances the penalties which may be imposed upon conviction for conduct constituting sexual abuse of a minor are raised. These increases in the possible penalties for offenders are needed to protect children from sexual abuse, and to punish and isolate offenders, but will not have any appreciable effect upon the costs of prosecution. Radical impact will occur only in those limited areas where a new crime is created to prohibit conduct which is not included under current law. It is estimated that the additional coverage in these limited areas will require an increase in prosecution resources equivalent to .5 of an attorney position.

Fiscal Analysis - CSHB 117 (Judiciary)

The impact of CSHB 117 is expected to result in the addition of one-half the time of an Attorney IV on a statewide basis. Actual placement of cumulative positions and costs can only be determined after the Legislature has acted and we know what bills and fiscal notes have been approved. For purposes of the analysis, salary schedule A has been used.

The first year of the analysis is FY 84 and costs have been calculated on a 10 month basis to account for the time required to establish new positions and the time it takes to get a new program underway. The costs after FY 84 are on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>Atty IV (PPT)</u>	<u>Total</u>
Personal Services	27.0	27.0
Travel	2.5	2.5
Contractual	4.0	4.0
Commod. - ongoing	.8	.8
Commod. - single time	2.0	2.0
Equipment - single time	1.5	1.5
		<hr/>
		37.8

2nd Year (12 months + 6% annual inflation)

Personal Services	34.1	34.1
Travel	3.2	3.2
Contractual	4.3	4.3
Commodities	1.0	1.0
		<hr/>
		42.5

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	2,215 X 10 mos.	21,250							
6.	Benefits		3,278							
7.	Supplemental Benefits		1,303							
8.	Fixed Benefits		1,200							
9.	TOTAL PERSONAL SERVICES		01	27,031						
10.	Travel		02	2,500						
11.	Contractual		03	4,000						
12.	Commodities		04	2,800						
13.	Equipment		05	1,500						
14.	Other									
15.	TOTAL COST			37,831						
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004		37,831			
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

Enactment of the revisions to the current law regarding sexual assault and sexual abuse of a minor, contained in this bill, will require the services of an Attorney IV, on a part time basis. The additional workload occurs in a few limited areas where a new crime is created to prohibit conduct that is not included under current law. Because sexual assault and abuse offenses are difficult to try, a skilled litigator, at the full working level of Attorney IV, will be required.

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM ADMINISTRATION OF JUSTICE
BRU PROSECUTION
COMPONENT THIRD JUDICIAL DISTRICT

FY 84

Page 1 of 1
Revised Date _____

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSHB 117 (Jud.)
 Title: Sexual abuse of a minor
 Sponsor: Pestinger
 Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				396.0	419.8	445.0
200 TRAVEL				1.8	1.9	2.0
300 CONTRACTUAL			14.0	50.0	53.0	56.2
400 COMMODITIES			45.9	48.7	51.6	54.7
500 EQUIPMENT				2.0		
600 LAND & STRUCTURES		3255.8				
700 GRANTS, CLAIMS, ETC			4.2	6.3	6.6	7.0
TOTAL OPERATING			64.1	504.8	532.9	564.9
CAPITAL		3255.8				
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			64.1	504.8	532.9	564.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME				9.0	9.0	9.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source not identified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: William W. Ladwig
 Division: Adult Corrections

Phone: 465-3376
 Date: 6/7/83

Approved by Commissioner: Robert Gordon Smith, Ph.D.
 Department: Health & Social Services

Date: 6/7/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

IV. ANALYSIS:

The enactment of CS for House Bill No. 117 would result in changing the penalties for sexual abuse of a minor.

For purposes of this fiscal analysis, the following information was used:

1. Section 1 raises the present offense from a Class C felony to Class B. It is estimated that one person per year is convicted for this offense and the proposed provision would add one additional year to the sentence length requiring the need to provide one additional man year of confinement.
2. Section 2 raises all current sexual assault/abuse of a minor provisions from Class C felonies to Class B felonies which would add an additional year of incarceration for those sentenced to serve jail time. It is expected that approximately 30 convictions per year result from violations of this provision of the law. Of these 30 convictions, it is estimated that 10 persons would be released to probation rather than incarcerated. This would add the requirement for another 20 man years of confinement.
3. Section 3 raises the penalty for contributing to delinquency of a minor from Class A misdemeanor to Class C felony which adds approximately one-half year to the penalty for violation of this provision of law. It is estimated that there are two cases per year as a result of conviction for violating this provision of the statute; therefore, an additional one-man year of incarceration would be required.
4. Section 5 raises the penalty for disorderly conduct charges (indecent exposure) from Class B misdemeanor to Class A misdemeanor dependent upon the age of the witness to the exposure. It is estimated that there is currently one case per year of a person being committed for violation of this provision of the law. The modification would add an additional sentence length resulting in an additional 0.3 man years of incarceration.

Sections 4 and 6 of CS H.B. No. 117 have no impact upon the Division of Adult Corrections.

The impact of the above proposed modifications on the state correctional system will be the need for approximately 22.3 additional beds. The cost of these additional beds is estimated to be: 22.3 x \$146,000 (medium security bed cost) = \$3,255,800.

Because of construction time, the additional beds would not be available for occupancy until FY 1986. Personal services costs are not identified until that time. In estimating personal services cost, it is assumed one staff person will be required for every 2.5 inmates. Twenty-two beds would require nine positions. An average FY '84 position cost of \$44,000 (plus inflation) was used to project personal services cost. The final staffing of a correctional facility cannot be determined until it has been designed, and the staffing would be influenced by such factors as total bed capacity, floor plan for security, and programs to be provided as a part of rehabilitation.

Rec'd 5/23/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST CS for HB
Bill/Resolution No.: #109 (Jud.) a.m.
Title:..persons 16 or 17 yrs. old..amend.
Sponsor: Rep. Pestinger
Requestor: _____

II. FISCAL DETAIL
Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected:
Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				985.2	1044.3	1106.9
200 TRAVEL			2.0	6.4	6.8	7.2
300 CONTRACTUAL		14.4	43.9	184.0	195.0	206.7
400 COMMODITIES		24.8	75.4	187.0	198.2	210.1
500 EQUIPMENT				5.9		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		2.5	9.5	30.0	31.8	32.0
TOTAL OPERATING	-0-	41.7	130.8	1398.5	1476.1	1562.9
CAPITAL	-0-	9052.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	9093.7	130.8	1398.5	1476.1	1562.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	23	23	23
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill have not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: May 11, 1983
 Approved by Commissioner: *Robert London Smith, Ph.D.* Date: 5/16/83
 Department: Health & Social Services

Distribution:

Original to Legislative Finance
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3/8/83

IV. ANALYSIS

A. Assumptions

1. If CSHB 109 (Judiciary) am is implemented, there will be a requirement for 62.25 beds. The calculation for this follows:

<u>Annual Frequency of Convictions</u>	<u>Presumptive Sentence</u>	<u>Est. Avg. Sent. for 16-17 Yr. Olds Convicted As An Adult</u>	<u>Actual Time to Serve w/Credit For Good Time</u>
1 unclassified felony	20 Years	15 Years	11.25 x 1 = 11.25
5 Class A felonies (w/firearm)	7 Years	6 Years	4.5 x 4 = 18.0 Yrs. 1 probation
8 Class A felonies (w/o firearm)	5 Years	4 Years	3 x 8 = 18.0 Yrs. 2 probation
1 sexual assault 1st (w/firearm)	10 Years	7 Years	5.25 x 1 = 5.25 Yrs.
3 sexual assault 1st (w/o firearm)	8 Years	5 Years	3.75 x 2 = 7.5 Yrs. 1 probation
	<u>Non-Presumptive</u>		
2 Class B felonies	0-10 Years	2 Years	1.5 x 1 = 1.5 Yrs. 1 probation
2 Class C felonies	0-5 Years	1 Year	.75 x 1 = .75 Yrs. 1 probation
			Total 62.25 Man Years

2. Inflation of 6% for all expenditure object groups was assumed calculating subsequent fiscal years.

B. Program Summary

1. Positions

It is estimated that 23 positions will be required to provide security and supervision for the 62 additional bed spaces. The positions are:

- 1 - Correctional Officer III
- 20 - Correctional Officers II
- 2 - Probation Officers II

These positions would be needed July 1, 1985, the estimated opening date for the new beds.

2. Other Expenditures

- a. Capital Expenditures: Because of the serious nature of the offenses, construction of maximum security beds were originally considered appropriate at \$162,000 per bed. However, because of the age of the offenders, it is now assumed they will be placed in medium security beds, but separate from older inmates. The number of beds was also rounded to 62, at a cost of \$146,000 per bed.

62 beds @ \$146,000 per bed
62 x \$146,000 = \$9,052,000

- b. Incremental cost will be incurred for 16 and 17-year-olds beginning in FY 1984. These costs include:

Contractual Services: Medical costs at \$1800 per inmate year for 8 full time equivalent inmates. 8 x \$1800 = \$14,400
Commodities: Food, clothing, bedding, etc. for 8 full time equivalent inmates at \$8.48 per day. 8 x \$8.48 x 365 = \$24,762
Grants: Inmate gratuities paid for work crew participants.
Estimated need \$2,500.

FY 1986 Costs - Adult Confinement

Personal Services	\$ 985,200
Travel	6,400
Contractual Services	184,000
Commodities	187,000
Equipment	5,900
Inmate Gratuities	<u>30,000</u>
TOTAL	\$1,398,500

D. Economic Impact:

Passage of this bill will have effect on the state budget, but little impact on the State's economy.

E. Impact on Local Governments:

Passage of this bill will not have impact on local government units.

1.	POSITION TITLE Probation Officer II (2)			RANGE/STEP 16/A	WARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PCN NUMBER	DRU PRIORITY	LOCATION	ELECTION DISTRICT	LEC.	

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	61,752	
6.	Benefits	10,554	
7.	Supplemental Benefits	3,786	
8.	Fixed Benefits	5,760	
9.	TOTAL PERSONAL SERVICES	01	81,852
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other		
15.	TOTAL COST		81,852

JUSTIFICATION

Single Position Cost

Salary 2573/Mo.	\$30,876
Variable Benefits	5,277
SBS	1,893
Health Insurance	2,880
	<u>\$38,046</u>
	40,926

These positions would provide counseling, pre-release planning and preparation for Parole Board Applications.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	81,852
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR NEW POSITION

AGENCY Department of Corrections

PROGRAM Offender Confinement, Reformation & Supervision

BRU Adult Confinement

COMPONENT _____

FY 84

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Correctional Officer II (20)			RANGE/STEP 13/B	DARG. UNIT G	FORM 12 PAGE/LINE	COV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 240	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.	

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	519,840	O.T. 76,000
6.	Benefits	156,660	Shift
7.	Supplemental Benefits	35,920	Diff 10,000
8.	Fixed Benefits	57,600	
9.	TOTAL PERSONAL SERVICES	01	856,020
10.	Travel	02	
11.	Contractual	03	
12.	Commodities	04	
13.	Equipment	05	
14.	Other		
15.	TOTAL COST		856,020

JUSTIFICATION	
Single Position Cost	
Salary 2166/Mo.	\$25,992
Overtime	3,800
Shift Differential	500
	<u>\$30,292</u>
Peace Officer Retirement	2,827
Variable Benefits	5,006
SBS	1,796
Health Insurance	2,880
	<u>\$42,801</u>

These positions would provide security coverage for prisoners.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	856,020
19.		I-A Receipts 1005	
20.		Program Receipts 1020	
21.		Other	

FOR O&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR NEW POSITION

AGENCY: Department of Corrections
 PROGRAM: Offender Confinement, Reformation & Supervision
 BRU: Adult Confinement
 COMPONENT: _____

Page _____ of _____
 Revised Date _____

FY 84

1.	POSITION TITLE Correctional Officer III				RANGE/STEP 15/A	DARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	2398	28,776		O.T. 4,118					
6.	Benefits		8,956*		Shift					
7.	Supplemental Benefits		2,040		Diff. 600					
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		47,370					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				47,370					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			47,370					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR D&M USE ONLY										
4A KEY NUMBER _____										

This position would provide supervision for Correctional Officer II staff as well as security for prisoners.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
PROGRAM Offender Confinement, Reformation & Supervision
BRU Adult Confinement
COMPONENT _____

Page _____ of _____
Revised Date _____

FY 84

COMMENTARY AND SECTIONAL ANALYSIS
FOR CSHB 117 (JUDICIARY)

Sections 1 and 2. AS 01.05.031(c), Use of Personal Pronouns.

In 1982 the legislature passed ch. 58, SLA 1982, which required the revisor of statutes to alter the language of statutes to avoid the use of personal pronouns denoting masculine or feminine gender. These changes are to be made both when new laws are enacted, and when the printed pamphlets of statutes are scheduled for reprinting. This directive, as it applies to the criminal code, is merely a matter of form, as all criminal laws, including those relating to sexual assault and sexual abuse of a minor, are "sex neutral." See AS 01.10.-050 and the Legislative Commentary to the Criminal Code.

In many criminal statutes, including some amended in this bill, the complete elimination of the use of personal pronouns cannot be accomplished without rewriting the statutes. This rewriting raises the potential for unintentional alteration of the meaning of a provision and a change in the way the law is interpreted by a court. There is a well established rule of statutory interpretation (called the "rule of lenity") which establishes that any ambiguity in a criminal statute must be construed against the state and in favor of the defendant. Criminal statutes are also subject to constitutional challenge of the statutory language is vague, or fails to give clear notice of what conduct is prohibited.

Because the elimination of personal pronouns accomplishes no substantive purpose (the code is already sex neutral), and may cause obscurity or ambiguity in the statutory language which could hamper the effective enforcement of the laws, sections 7 and 8 of the bill amend the law to allow the continued use of personal pronouns in Titles 11 and 12, the Criminal Law and Criminal Procedure Codes.

Section 3. AS 11.41.420, Sexual Assault in the Second Degree.

This section does two things. It amends the current Sexual Assault in the Second Degree statute to define the crime as "sexual contact with another person without consent of that person." The amended language is consistent with that used in the Sexual Assault in the First Degree statute, which prohibits sexual penetration without consent. Under the current Sexual Assault in the Second Degree law the prosecutor must prove that the victim was "coerced" to submit to the sexual contact by the express or implied threat of imminent death, imminent physical injury, or imminent kidnapping. Technically, if a defendant physically forces a person to have sexual contact with him, rather than coercing the victim through the use of threats, the defendant has not committed Sexual Assault in the Second Degree. The amended language establishes that any sexual contact with a person without that person's consent is a class B felony.

The second change which this section makes is to raise the current class C felony offense of Sexual Assault in the Third Degree, penetration with a person who is suffering from a mental defect or is incapacitated, to Sexual Assault in the Second Degree, a class B felony (punishable by up to ten years in prison). The language describing the crime has not been altered.

Section 4. This section adds three new statutes to the Criminal Code, as described below.

AS 11.41.434, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. The section prohibits a person 16 years of age or older from engaging in sexual penetration with a person who is under the age of 13. It also prohibits a person 18 years of age or older from engaging in sexual penetration with a person under 18 who is entrusted to the adult's care by authority of law or is his son or daughter, including illegitimate or adopted children and step-children.

Basically, this provision takes conduct which is currently labelled Sexual Assault in the First Degree (subsections (a)(3) and (a)(4) of present AS 11.41.410) and moves it to a new section entitled Sexual Abuse of a Minor in the First Degree. The conduct continues to be punishable as an unclassified felony, which carries a maximum sentence of up to 30 years in prison and a presumptive term of eight years upon conviction for a first offense. Forcible sexual penetration of any person, including a child, would continue to be punishable as Sexual Assault in the First Degree, an unclassified felony.

AS 11.41.436, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. It includes all three types of conduct now prohibited in the Sexual Abuse of a Minor statute (AS 11.41.440), but raises the classification of the crime from a C to a B felony level. In subsection (a)(1) the requirement that the defendant be at least three years older than the victim has been added. This language would exempt from prosecution those teenagers who have consensual sexual relations with other teens near their own age (a 17-year-old boy and his 15-year-old girlfriend, for example).

Paragraph 3 creates a new offense to address an omission in existing law. Under current law, sexual contact by a parent or guardian with his own child is a crime only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of a more serious assault. Existing law in this area is not sufficiently serious nor comprehensive. This provision extends the protection of the law to all children under age 18, and raises the classification of the conduct to a B felony level, punishable by up to ten years in prison.

AS 11.41.438, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute (AS 11.51.130(a)(4)) raised from its present classification as an A misdemeanor to a class C felony level. Class C felonies are punishable by up to five years in prison.

The contributing statute now applies to defendants who are 19 years of age or older. The threshold age in this provision has been dropped to 16 to be consistent with the other sexual abuse provisions, but the requirement that there be at least a three year age difference between the defendant and the victim excludes consensual sexual contact between teenagers of approximately the same age.

Section 5. AS 11.41.440, Sexual Abuse of a Minor in the Fourth Degree.

This section creates a new provision to address a problem which has arisen under the present sexual assault laws. Virtually all of the statutes which deal with sexual offenses against children require that the actor be 16 years of age or older. Unfortunately, prosecutors and social workers have discovered numerous instances where an older child has sexually mistreated a much younger child, often while "babysitting" the younger child. This section prohibits all sexual contact or penetration between a child under 16 and another child who is three or more years younger, and makes such contact a class A misdemeanor.

The three year age difference requirement is included to ensure that a child who engages in sexual play with another child of approximately the same age may not be charged with a crime. Such behavior may, in some circumstances, be cause for parental concern, but it is not generally considered appropriate or useful to classify it as a crime. The purpose of making it a misdemeanor for a child to prey upon a much younger child is to establish the violation of a law which would allow intervention by the juvenile courts or social service workers. This intervention could be important; studies of adult sexual offenders indicate that many convicted offenders began to commit sexual assaults in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders.

Section 6. AS 11.41.460, Indecent Exposure.

This section creates a new crime entitled Indecent Exposure, which is the intentional exposure of a person's genitals, buttock, anus or female breast to another person with reckless disregard for the offensive, insulting or frightening effect that the exposure that might have on the other person. Under current law this conduct is Disorderly Conduct, a class B misdemeanor offense with a maximum penalty of ten days in jail.

Some recent studies indicate that it is not uncommon for sex offenders to begin their assaultive behavior by exposing themselves to young children, and to gradually increase the seriousness of their conduct to sexual contact or penetration. Current law treats sexual exposure, especially to young children, much too leniently. This section raises the classification of Indecent Exposure to an A misdemeanor level (maximum sentence of one year) if the object of the exposure is a child under the age of 16. The offense remains a B misdemeanor (maximum sentence of 90 days in jail) if the witness to the exposure is an adult.

Section 7. AS 11.41.470, Definitions.

This section amends the definition of "without consent" to remove the requirement that the death or kidnapping with which the defendant threatens the victim be "imminent". Threats to inflict harm of this magnitude are inherently coercive, and the prosecution should not have to prove exactly when the defendant intended to cause the death or kidnapping. A threatened physical injury must still be "imminent" to fit within the definition.

Section 8. AS 12.10.020, Specific Time Limitation.

This section creates an exception to the general five year statute of limitations for prosecution for a crime (AS 12.10.010). If the five year limitation period has expired, this provision would allow prosecution for a sexual offense against a child to be commenced within one year after the child reaches the age of 16, or reports the crime to a law enforcement officer, whichever occurs first. In no case will the period of limitation be extended by more than five years, however.

This change is necessary because sexual offenses against young children (especially intrafamilial abuse) are frequently not discovered until the child reaches sufficient maturity to realize the wrongfulness of the conduct and to identify those adults to whom the conduct may safely be reported. A child of 12, 13 or 14 will often report for the first time sexual abuse which has been occurring since he or she was 4 or 5 years old. While the most recent assaults may be prosecuted, these offenses may be classified as less serious than the earlier ones, because of the child's older age. In those situations where the sexual abuse has been a continuing course of conduct which spans several years of a child's life the trier of fact should be entitled to reach and consider all aspects of the adult's conduct.

Section 9. AS 12.55.125(i), Sentences of Imprisonment for Felonies.

This section amends existing penalty provisions to conform to the change in the title of the offense described in new AS 11.41.434, Sexual Abuse of a Minor in the First Degree. Under current law this conduct is labelled Sexual Assault in the First Degree and is included in AS 11.41.410(a)(3) and (4).

Section 10. AS 18.66.900(6), Definitions

This section amends the definition of "sexual assault" as used in the violent crimes compensation law to include the crime of Unlawful Exploitation of a Minor (making child pornography). It also deletes a reference to AS 11.51.-130(a)(4), which is repealed by this bill. The content of that statute has been included in the new AS 11.41.438.

Section 11. Repealed sections.

This section repeals those statutes whose content has been incorporated into the provisions discussed above.

Introduced: 1/26/83
Referred: Health, Education and
Social Services,
Judiciary and Finance

BY PESTINGER, COWDERY,
AND BARNES

1 IN THE HOUSE

2 HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sexual abuse of a minor."

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

8 * Section 1. AS 11.41.440 is amended to read:

9 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR. (a) A person commits
10 the crime of sexual abuse of a minor in the first degree if, being 16
11 years of age or older, that person [HE]

12 (1) [ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS
13 UNDER 16 YEARS OF AGE BUT 13 YEARS OF AGE OR OLDER OR AIDS, INDUCES,
14 CAUSES OR ENCOURAGES A PERSON UNDER 16 YEARS OF AGE BUT 13 YEARS OF
15 AGE OR OLDER TO ENGAGE IN SEXUAL PENETRATION WITH ANOTHER PERSON;]

16 (2) engages in sexual contact with a person who is under 13
17 years of age or aids, induces, causes or encourages a person under 13
18 years of age to engage in sexual contact with another person; or

19 (3) aids, induces, causes or encourages a person who is
20 under 16 years of age to engage in conduct described in AS 11.41.455-
21 (a)(2) - (6).

22 (b) Sexual abuse of a minor in the first degree is a class B [C]
23 felony.

24 * Sec. 2. AS 11.41 is amended by adding a new section to read:

25 Sec. 11.41.442. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the
27 second degree if, being 16 years of age or older, that person engages
28 in sexual penetration with a person who is under 16 years of age but
29 13 years of age or older or aids, induces, causes, or encourages a

1 person under 16 years of age but 13 years of age or older to engage in
2 sexual penetration with another person.

3 (b) Sexual abuse of a minor in the second degree is a class C
4 felony.

Offered: 4/7/83
Referred: Judiciary
and Finance

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 117 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor."

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

9 * Section 1. AS 11.41 is amended by adding a new section to read:

10 Sec. AS 11.41.435. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

11 (a) A person commits the crime of sexual abuse of a minor in the
12 first degree if

13 (1) that person engages in sexual penetration with a person
14 who is under 13 years of age and at least three years younger than the
15 offender or aids, induces, causes, or encourages a person who is under
16 13 years of age and at least three years younger than the offender to
17 engage in sexual penetration with another person; or

18 (2) being 18 years of age or older, that person engages in
19 sexual penetration with a person who is under 18 years of age and who

20 (A) is entrusted to that person's care by authority of
21 law; or

22 (B) is that person's son or daughter, including an
23 illegitimate or adopted child, or a stepchild.

24 (b) Sexual abuse of a minor in the first degree is a class A
25 felony.

26 * Sec. 2. AS 11.41.440 is repealed and reenacted to read:

27 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

28 (a) A person commits the crime of sexual abuse of a minor in the
29 second degree if

1 (1) that person engages in sexual contact with a person who
2 is under 13 years of age and at least three years younger than the
3 offender, or aids, induces, causes, or encourages a person under 13
4 years of age and at least three years younger than the offender to
5 engage in sexual contact with another person;

6 (2) that person engages in sexual penetration with a person
7 who is aged 13, 14, or 15, and at least three years younger than the
8 offender, or aids, induces, causes, or encourages a person who is aged
9 13, 14, or 15, and at least three years younger than the offender to
10 engage in sexual penetration with another person;

11 (3) being 18 years of age or older, that person engages in
12 sexual contact with a person who is under 18 years of age and who

13 (A) is entrusted to that person's care by authority of
14 law; or

15 (B) is that person's son or daughter, including an
16 illegitimate or adopted child or stepchild; or

17 (4) that person aids, induces, causes, or encourages a
18 person who is 16 years of age or younger to engage in conduct de-
19 scribed in AS 11.41.455(a)(2) - (6).

20 (b) Sexual abuse of a minor in the second degree is a class B
21 felony.

22 * Sec. 3. AS 11.41.410(a)(4) is repealed.

Offered: 5/30/83
Referred: Finance

Original sponsors: Pestinger, Cowdery,
Barnes and Lindauer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 117 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure;
8 extending the time limitation for prosecution of
9 sexual offenses; and amending AS 01.05.031(c) and
10 sec. 4, ch. 58, SLA 1982."

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

12 * Section 1. AS 01.05.031(c) is amended to read:

13 (c) Except in AS 11 and AS 12, the [THE] revisor shall edit and
14 revise the laws as they are enacted by the legislature, without
15 changing the meaning of any law, so as to avoid the use of pronouns
16 denoting masculine or feminine gender.

17 * Sec. 2. Section 4, ch. 58, SLA 1982 is amended to read:

18 Sec. 4. Except in AS 11 and AS 12, the [THE] revisor of statutes
19 is directed to avoid the use of pronouns denoting masculine or
20 feminine gender in the printed pamphlets of the Alaska Statutes as
21 they are scheduled for reprinting.

22 * Sec. 3. AS 11.41.420 is repealed and reenacted to read:

23 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
24 person commits the crime of sexual assault in the second degree if he
25 engages in

26 (1) sexual contact with another person without consent of
27 that person; or

28 (2) sexual penetration with a person who he knows

29 (A) is suffering from a mental disorder or defect

1 which renders the person incapable of appraising the nature of
2 the conduct under circumstances in which a person who is capable
3 of appraising the nature of the conduct would not engage in
4 sexual penetration; or

5 (B) is incapacitated.

6 (b) Sexual assault in the second degree is a class B felony.

7 * Sec. 4. AS 11.41 is amended by adding new sections to read:

8 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

9 (a) A person commits the crime of sexual abuse of a minor in the
10 first degree if

11 (1) being 16 years of age or older, he engages in sexual
12 penetration with a person who is under 13 years of age or aids,
13 induces, causes, or encourages a person who is under 13 years of age
14 to engage in sexual penetration with another person; or

15 (2) being 18 years of age or older, he engages in sexual
16 penetration with a person who is under 18 years of age and who

17 (A) is entrusted to his care by authority of law; or

18 (B) is his son or daughter, including an illegitimate
19 or adopted child, or a stepchild.

20 (b) Sexual abuse of a minor in the first degree is an unclassi-
21 fied felony and is punishable as provided in AS 12.55.

22 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

23 (a) A person commits the crime of sexual abuse of a minor in the
24 second degree if

25 (1) being 16 years of age or older, he engages in sexual
26 penetration with a person who is 13, 14, or 15 years of age and at
27 least three years younger than he, or aids, induces, causes or
28 encourages a person who is 13, 14, or 15 years of age and at least
29 three years younger than he to engage in sexual penetration with

1 another person;

2 (2) being 16 years of age or older, he engages in sexual
3 contact with a person who is under 13 years of age or aids, induces,
4 causes, or encourages a person under 13 years of age to engage in
5 sexual contact with another person;

6 (3) being 18 years of age or older, he engages in sexual
7 contact with a person who is under 18 years of age and who

8 (A) is entrusted to his care by authority of law; or

9 (B) is his son or daughter, including an illegitimate
10 or adopted child, or a stepchild; or

11 (4) being 16 years of age or older, he aids, induces,
12 causes, or encourages a person who is under 16 years of age to engage
13 in conduct described in AS 11.41.455(a)(2) - (6).

14 (b) Sexual abuse of a minor in the second degree is a class B
15 felony.

16 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

17 (a) A person commits sexual abuse of a minor in the third degree if,
18 being 16 years of age or older, he engages in sexual contact with a
19 person who is 13, 14, or 15 years of age and at least three years
20 younger than he.

21 (b) Sexual abuse of a minor in the third degree is a class C
22 felony.

23 * Sec. 5. AS 11.41.440 is repealed and reenacted to read:

24 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

25 (a) A person commits sexual abuse of a minor in the fourth degree if,
26 being under 16 years of age, he engages in sexual penetration or
27 sexual contact with a person who is under 13 years of age and at least
28 three years younger than he.

29 (b) Sexual abuse of a minor in the fourth degree is a class A

1 misdemeanor.

2 * Sec. 6. AS 11.41 is amended by adding a new section to read:

3 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
4 crime of indecent exposure if he intentionally exposes his genitals,
5 buttock, anus, or female breast to another person with reckless
6 disregard for the offensive, insulting, or frightening effect the act
7 may have on that person.

8 (b) Indecent exposure before a person under 16 years of age is a
9 class A misdemeanor. Indecent exposure before a person 16 years of
10 age or older is a class B misdemeanor.

11 * Sec. 7. AS 11.41.470 is amended to read:

12 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
13 11.41.470, unless the context requires otherwise,

14 (1) "incapacitated" means that a person is temporarily
15 incapable of appraising the nature of his conduct and is physically
16 unable to express unwillingness to act;

17 (2) "victim" means the person alleged to have been sub-
18 jected to sexual assault in any degree or sexual abuse of a minor in
19 any degree;

20 (3) "without consent" means that a person

21 (A) with or without resisting, is coerced by the use
22 of force against a person or property, or by the express or
23 implied threat of [IMMINENT] death, imminent physical injury, or
24 [IMMINENT] kidnapping to be inflicted on anyone; or

25 (B) is incapacitated as a result of an act of the
26 defendant.

27 * Sec. 8. AS 12.10.020 is amended by adding a new subsection to read:

28 (c) Even if the general time limitation has expired, a prosecu-
29 tion under AS 11.41.410 - 11.41.455 for an offense committed against a

1 person under the age of 16 may be commenced within one year after the
2 crime is reported to a peace officer or the person reaches the age of
3 16, whichever occurs first. This provision does not extend the period
4 of limitation by more than five years.

5 * Sec. 9. AS 12.55.125(i) is amended to read:

6 (i) A defendant convicted of sexual assault in the first degree
7 or sexual abuse of a minor in the first degree may be sentenced to a
8 definite term of imprisonment of not more than 30 years, and shall be
9 sentenced to the following presumptive terms, subject to adjustment as
10 provided in AS 12.55.155 - 12.55.175:

11 (1) if the offense is a first felony conviction and does
12 not involve circumstances described in (2) of this subsection, eight
13 years;

14 (2) if the offense is a first felony conviction, and the
15 defendant possessed a firearm, used a dangerous instrument, or caused
16 serious physical injury during the commission of the offense, 10
17 years;

18 (3) if the offense is a second felony conviction, 15 years;

19 (4) if the offense is a third felony conviction, 25 years.

20 * Sec. 10. AS 18.66.900(6) is amended to read:

21 (6) "sexual assault" means a crime specified in AS 11.41.-
22 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

23 * Sec. 11. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)-
24 (4), and AS 11.61.110(a)(7) are repealed.

COMMITTEE REPORT

HOUSE

FURTHER:

2/7/83

Date: 2/11/83

Mr. Speaker:

The Committee on FINANCE has had HB 118

An Act relating to the brown and grizzly bear tag requirement for Alaska residents; 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 118 (FIN) same title
 new title
- and recommends to pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached ϕ
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

 CHAIRMAN

Original sponsors: Shultz and Liska

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 118 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee
7 for a resident; and providing for an effective date."

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

9 * Section 1. AS 16.05.340(a)(18)(A) is amended to read:

10 (A) Bear, brown or grizzly, each.....25

11 The Board of Game may, by regulation effective for not more than
12 one year, reduce or eliminate the fee for a resident brown or
13 grizzly bear big game tag for a game management unit.

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

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THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 118
 Title Brown and Grizzly bear tag fee for residents
 Requested by House Resources Date 2/04/83

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Game Resource Conservation, NRMEC
 BRU, Program, Or Subprogram(s) Affected Division of Game
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		0	0	0	0	0
200 TRAVEL		0	0	0	0	0
300 CONTRACTUAL		0	0	0	0	0
400 COMMODITIES		0	0	0	0	0
500 EQUIPMENT		0	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

This proposal would result in a reduction of fish and game tag receipt revenues ranging from zero to \$4,000. No other fiscal impact.

At Resources Committee meeting of 2/04/83, ADF&G indicated the impact would be zero.

IV. DATE February 4, 1983 PREPARED BY John Ringstad, Chairman
 AGENCY _____

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

The following individual is expected to testify on CS HB 118
(Resources):

Bob Hinman, Acting Director
Division of Game
Department of Fish & Game

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD GOVERNOR
ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

January 31, 1983

Rec'd
Feb 4 1983

Representative John Ringstad
Chairman, House Resources Committee
State Capitol
Pouch V
Juneau, AK 99811


Dear Representative Ringstad:

I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to House Bill 118 under proposal:

HB 118 - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,


Robert J. Sundberg
Commissioner

P. O. Box 28
Glennallen, AK 99588
December 30, 1982

The Honorable Richard Shultz
District 17 Representative
Pouch V
Juneau, AK 99801

Dear Representative Shultz:

At the December 7, 1982 Copper Basin Fish and Game Advisory Committee meeting held in Glennallen, an in-depth discussion was held by the committee and a number of local citizens.

At that time, the focal subject of much of this discussion was of brown bear and grizzly bear predation problems and their effects on local game, people and property.

As Unit 11 and 13, in the Copper Basin, are by far the most hunted for caribou and moose, our game numbers are constantly under pressure from hunters. In addition, recent studies have shown that these two units harbor the heaviest concentration of brown bear in the state and per capita possibly the world.

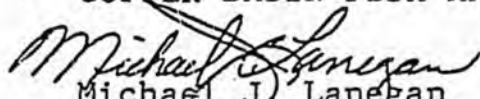
As you may know, we have many adverse confrontations between people and bears each year in our area. Within a half mile of the community of Glennallen, as many as twelve bears wander freely to and from the local garbage dump at all times of the day and night. Some residents have found it necessary to maintain an all-night watch to keep their houses from entry by bears.

In view of the many problems involved with these bears, and their tremendous predation on game animals, this committee and these citizens would like to solicit your aid in the temporary removal of the required \$25 brown bear tag fees. As most residents here cannot justify the \$25 expenditure, we feel that the removal of these fees would allow the taking of many local bears, which are not removed because of the cost of these tags.

On behalf of the people of this community, please consider our request an urgent one and worthy of your efforts to help us in the removal of this required expenditure, which many cannot afford. Thank you for your help in this matter.

Sincerely,

COPPER BASIN FISH AND GAME ADVISORY BOARD


Michael J. Lanegan
Secretary

ML/11

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 380
Gakona, Alaska 99586
907/822-3426

Amendment

To HB 118 (Finance)

by: Zaroff

Line 11

after "regulation" add - effective

for not more than one year...

Offered: 2/7/83
Referred: Finance

Original sponsors: Shultz and Liska

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 118 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee
7 for a resident; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 16.05.340(a)(18)(A) is amended to read:
10 (A) Bear, brown or grizzly, each.....25
11 The Board of Game may by regulation reduce or eliminate the fee
12 for a resident brown or grizzly bear big game tag for a game
13 management unit.
14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Introduced: 1/16/83
Referred: Resources and
Finance

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 118

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the brown and grizzly bear tag
7 requirement for Alaska residents; and providing for
8 an effective date."

9

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

10

* Section 1. AS 16.05.340(a)(18)(A) is amended to read:

11

(A) Bear, brown or grizzly, each, except in game

12

management units where, in order to help assure the conservation

13

and development of bear resources on the sustained yield princi-

14

ple, the Board of Game may by regulation, exempt a resident from

15

paying the fee.....25

16

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-

17

10.070(c).