

LEG. FINANCE - BILLS 1983 - 1984 1893

CSHB 339 - SSB 346 1893

Offered: 4/26/83
Referred: Finance

Original sponsors: Lacher, Fritz,
Martin, et al

Funding Information
General Fund \$55,000
Other Funds -0-
\$55,000

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 339 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Community and Regional Affairs for payment as a grant to the Joseph P. Kennedy Foundation for conducting the 1984 Alaska Special Olympics; 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. The sum of \$55,000 is appropriated from the general fund to the Department of Community and Regional Affairs for payment as a grant to the Joseph P. Kennedy Foundation for conducting the 1984 Alaska Special Olympics.

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* Sec. 2. The appropriation made by this Act shall be disbursed in accordance with AS 37.05.315 - 37.05.319.

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

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STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 339
Title: Appropriation to JPKennedy Foundation
Sponsor: Representative Lacher
Requestor: House Community & Regional Affairs

II. FISCAL DETAIL

Agency Affected: Community & Regional Affairs
Program Category Affected: development
BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Sponsor did not indicate.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Terry L. Earley *[Signature]* Phone: 465-4730
Division: Local Government Assistance Date: 4/22/83
Approved by Commissioner: *[Signature]* Date: 4/22/83
Department: Community & Regional Affairs

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)

Alaska State Legislature

Barbara Lacher, Chairman
Mae Tischer, Vice-Chairman
Randy Phillips
Milo Fritz
Don Clocksin
Jack McBride
Mike Szymanski



Room 104
State Capitol
Juneau, Alaska 99811

Pouch V
Juneau, Alaska 99811

House of Representatives Committee on Community & Regional Affairs

M E M O R A N D U M

To: Committee on Community and Regional Affairs
From: Staff
Date: April 22, 1983
Re: HB 339

The purpose of HB 339 is to provide funding for the conduct of the 1984 Alaska Special Olympic games. The activities to be funded include a State Bowling Tourney, State Winter Games and State Summer Games. These activities serve citizens from communities statewide who share the special needs of the mentally retarded.

Background information on the Special Olympic programs and FY 84 budget data are included in your file.



ALASKA SPECIAL OLYMPICS

Post Office Box 6955
Anchorage, Alaska 99502
(907) 277-2242

PROFOSAL FY'84 /
ALASKA SPECIAL OLYMPICS

Alaska Special Olympics is beginning its 11th year of service to our Mentally Retarded Citizens through year-round sports training, conditioning, and competition.

Currently we are training more than 400 athletes in 17 areas of our State by 200 volunteer coaches and coordinators. The entire program is achieved by volunteers. There is one paid Professional who acts as the Director for the State.

We are a community based program with all 17 areas actively campaigning for community funds. Our efforts are devoted but volunteer contributions are not keeping up with the increasing demands.

Of our enclosed FY'84 budget we are requesting from you; \$45,000 funding for State Games Competition. Please refer to our enclosed Budget. The Budget reflects the needs and efforts of the State Office. In addition to our State Office efforts, our 17 areas themselves raise in excess of \$80,000 for area travel, equipment, and partial uniforms.

We want to raise community funds and keep community involvement. It is vital to the overall experience of our athletes.

Of the \$132,000 needed by the State and the \$80,000 needed by our local areas, our request of \$45,000 for Games is less than 25% needed to run our program.

Please feel free to contact me at 277-2242 anytime for further information.

Sincerely,

Claudia Sayles
Executive Director



ALASKA SPECIAL OLYMPICS

Post Office Box 6955
Anchorage, Alaska 99502
(907) 277-2242

ALASKA STATE SPECIAL OLYMPICS

1984 FY PROPOSED BUDGET

Administrative Expenses:

Office Expenses:

Office Rent	\$ 3,000.00	
Telephone	\$ 3,600.00	
Office Supplies	\$ 1,000.00	
Office Equipment	\$ 500.00	
Postage	\$ 1,000.00	
Banking	\$ 100.00	
Petty cash fund	\$ 1,200.00	
	\$10,400.00	\$10,400.00

Personnel:

Directors Salary	\$32,000.00	
Insurance	\$ 864.00	
Corporate Insurance	\$ 800.00	
Workers Compensation	\$ 900.00	
Professional Liability	\$ 400.00	
Mileage	\$ 2,400.00	
Travel expense	\$ 2,000.00	
Staff Travel	\$13,000.00	
Area Coordinators Conference	\$ 2,800.00	
Directors Conference	\$ 1,300.00	
National Conference	\$ 1,000.00	
	\$57,464.00	\$57,464.00



ALASKA SPECIAL OLYMPICS

Post Office Box 8955
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Page 2

Promotions:

Printing	\$ 3,000.00	
Advertisement	\$ 8,000.00	
Run for S.O.M.E.	\$ 7,000.00	
Sponsor An Athlete	\$ 1,000.00	
Appreciation Awards	<u>\$ 300.00</u>	
	\$19,300.00	\$19,300.00

Games:

1984 State Bowling Tourney	\$ 6,000.00	
1984 State Winter Games	\$ 9,000.00	
1984 State Summer Games	<u>\$30,000.00</u>	
	\$45,000.00	\$45,000.00
		<u>\$132,164.00</u>

Proposed Procurement of funds:

Community contributions	\$ 62,164.00
Governors Office request	\$ 25,000.00 —
Legislative request	<u>\$ 45,000.00 —</u>
Total Budget:	\$132,164.00



ALASKA SPECIAL OLYMPICS

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Anchorage, Alaska 99502
(907) 277-2242

POSITION PAPER

ALASKA SPECIAL OLYMPICS

In 1968, the Joseph P. Kennedy, Jr. Foundation created Special Olympics. Since then, it has become the largest program of sports training and athletic competition for mentally retarded children and adults in the world. For mentally retarded individuals, sports and physical activity are the quickest, surest road to health, growth and self-confidence. Mentally retarded individuals have always been told, "You can't do it." Special Olympics says: You can do it. All you need is a chance.

Creation, Purpose & Sponsors

The Alaska Chapter of Special Olympics was created eleven years ago under the guidance of Special Olympics, Inc. Created by The Joseph P. Kennedy Jr. Foundation. It was created to serve the mentally retarded citizens of our State through year-around sports training, conditioning and competition. The Alaska Chapter serves 17 areas within the state (see attached List) with over 400 athletes currently competing at State and local area games. This group is augmented by an equal number of voluntary coaches, trainers and coordinators who plan, organize and implement the year-around training and the conduction of the State Games.

The Alaska Special Olympics is directed by a voluntary board of directors whose background includes business, medical and education. The Board provides direction and management of all the State and local programs as well as attendance of our athletes at the International Special Olympics. Each area is managed by an Area Coordinator who sees to the development of the athletes and coaches, the conduct of all local games and the raising of funds for their local area.

Financial support for Alaska Special Olympics comes from the individual communities. Funds from the annual Special Olympics Mileage Event (S.O.M.E.) sponsored by the Alaska State Troopers, Sponsor an Athlete program and various community fund raising events provide the majority of the State and area monies. An additional amount is received from a direct appropriation from the Governor.

The involvement of the community in providing the bulk of Special Olympics funding is the underlying concept of the program. Community participation and funding makes the Special Olympics a community experience and is vital to the athletes development.

All funds collected by the areas are expended on behalf of the athletes in that area. Funds administered by the State Chapter are disbursed on behalf of all 17 areas athletes. The majority of the funds are used to provide transportation, food and lodging for athletes, coaches and coordinators at the Winter and Summer Games. Additionally, funds will be expended to send 36 athletes and 13 coaches to the International Games this July in New Orleans, Louisiana. The International Games occur once every four years and athletes are chosen based on their performance during the State Summer Games.

The State Chapter employee is a full time Executive Director to oversee all area coordination involvement and assist in the development and implementation of area and State Games. Remaining expenditures by the Alaska Chapter are for necessary administrative expenditures.

The requested funding from the Alaska Legislature would be used in direct association with the State Winter and Summer Games and the State Bowling Tourney. Funds would be used to provide transportation, food and lodging for area athletes who are selected to attend these games. The requested funds would only provide a portion of the funds necessary for these activities. The seventeen areas are responsible for providing the remaining funds.

By requesting only a small portion of Special Olympics funding from the Alaska Legislature. Community involvement will remain the cornerstone of Alaska Chapter program.

Athletes per area

Fairbanks	75
Nome	1
Kodiak	12
Glennallen	4
Valdez	70
Anchorage	150
Mat-Su	14
Kake	1
Bethel	14
Dillingham	1
Tok	1
Kenai	17
Seward	4
Sitka	7
Juneau	11
Ketchikan	12
Kuskokwim	8



ALASKA SPECIAL OLYMPICS

Post Office Box 6955
Anchorage, Alaska 99502
(907) 277-2242

Working Copy

ALASKA SPECIAL OLYMPICS
PROPOSAL TO THE
GOVERNORS OFFICE
AUGUST 1982

In 1975 the Governor's Office was most generous in assisting Alaska Special Olympics with a line item appropriation. This item of \$27,000 was appropriated towards the travel of our 1975 delegation of Special Olympians to travel to Michigan for International competition. In addition, \$5,000 was appropriated towards the operation of Alaska Special Olympics on a year round basis. Through the years, our operational appropriation has grown to \$15,000 annual and in 1979, the next "International Year", we were appropriated \$25,000 for our delegations travel to New York.

Alaska Special Olympics exists solely on donations and public assistance. The appropriation from the Governors Office forms our solid base to insure the continuation of Special Olympics for our mentally retarded citizens. Our areas continue to gain community support and supplemental financial aid toward increased training opportunities for their athletes. In 1982, it took Alaska Special Olympics 100,000 dollars to operate a year round training and competitive sports program for 414 athletes in 17 areas of our State.

Since the inception of the Governors Line Item Appropriation, we have grown

- from less than 100 athletes, to 414 current, with 100 new athletes expected to register
- from 7 areas to 17 areas, with 3 more known to join this year
- to add 7 new sports totaling 11 currently taught
- to conduct the year-round program with 600 volunteers
- to clinic 200 coaches
- to form a State Board of Directors
- to have a full time Executive Director, effective Feb. 15, 1982

The Executive Director;

- assists all 17 areas administratively
- acquires new areas, orients them, performs evaluations
- does all Fund Raising & Public Relations
- does all clerical work, writes grants
- trains/clinics the coaches
- researches new sports, techniques, theories
- acts as liason with the parent organization & our State areas
- and whatever else it takes to make the program run, with quality & professionalism

Our competitions include an annual Local Meet in every area and all are eligible to go on to a State Games meet. In March of 1982, we held our 1st Winter State Games so now we offer both Summer & Winter Sports, Annual State Competitions. Every 4 years, there is International Summer competition and every 2 years after the Summer International competition there is Winter International competition. Now that we are actively training in Winter Sports, we will be eligible to go to International Winter Games in 1985.

July 1983, will be the Summer International Games in Baton Rouge, Louisiana. There will be all 50 States represented and 50 foreign countries. Alaska will take a delegation of 49. We plan to use a theme of "49 from the 49th". Research from the airlines concludes that travel will cost \$1,000 per person.

We respectfully request:

\$ 49,000 for International Games travel

\$ 25,000 for our operational program

Included is our Proposed Budget for FY '83.

For FY 84
for Governors
Sp. Approp?

The State support money from the Governors Office would continue to be a real foundation for the success of Alaska Special Olympics. Many, many States are partially, if not fully, funded by their State Government and we appreciate our State Governments interest in us.

Monthly, our office receives calls from outlying areas of our State requesting information on Special Olympics, criteria, eligibility etc. Financially, we are only able to accomodate a few areas. It takes a full week in each new community to establish Special Olympics in the community and to insure it has



had the proper orientation to conduct a quality program.

Your continued operational support would allow us to reach more communities, better provide public education, reach more athletes, train more coaches.

Thank you for considering our fast growing program for the Mentally Retarded. The latest DVR report indicates that we still have approximately 800-1200 eligible athletes to reach. It just takes money, time and people. Your support will help us reach farther each year.

I would be happy to answer any questions at any time. Thank you again. We look forward to your response.

Claudia Sayles
Executive Director

A Special Time

By Empire Staff

It was a special day for special people, as the Alaska Winter Olympics took to the slopes of the Eaglecrest Ski Area.

Proving that everyone can be a winner, 60 mentally retarded athletes from across the state and the Yukon Territory competed Saturday.

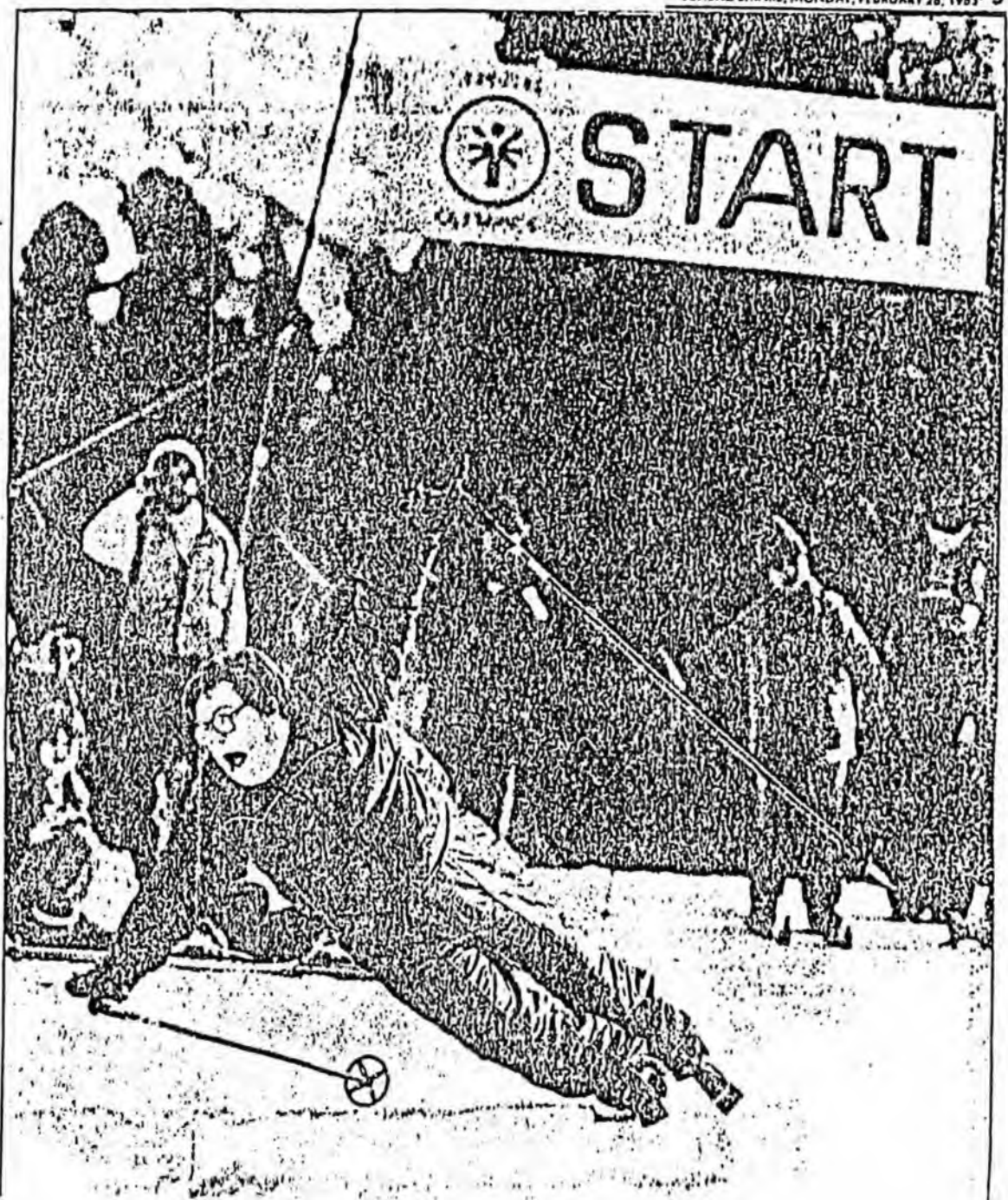
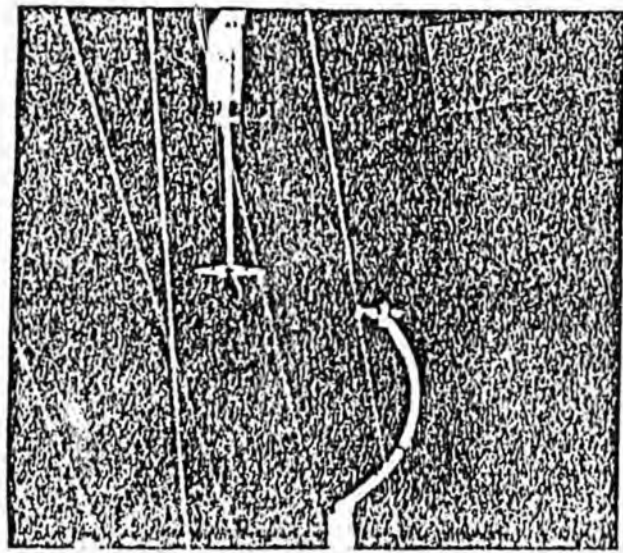
The full day of events provided plenty of smiles and tender moments for competitors, coaches, volunteers and parents. And it provided confidence for the athletes, in themselves and in their athletic prowess.

Champions all, the athletes made new friends, competed in a variety of cross-country and downhill ski events and had the opportunity to see Juneau, many for the first time.

The games were so successful that Special Olympics Executive Director Claudia Sayles said the games will probably be in Juneau again next year.

The games added meaning to the Special Olympic oath, which each athlete professed:

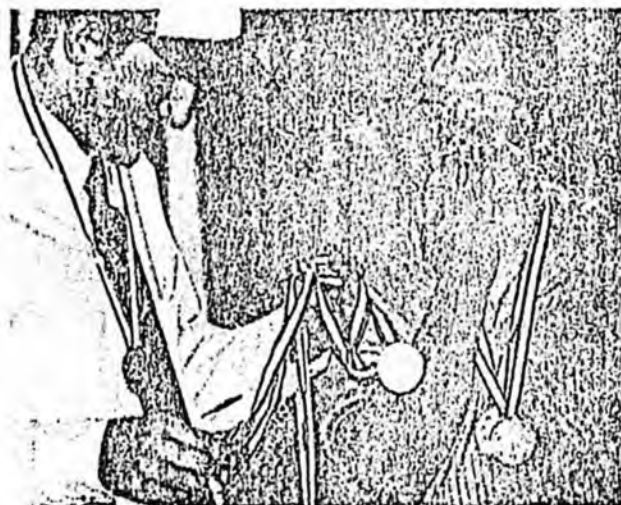
"Let me win, but if I don't, let me be brave and be a champ."



ALASKA SPECIAL OLYMPICS



"Let me win, but if I cannot win, let me be brave in the attempt"



**SPONSOR AN
ALASKA SPECIAL
OLYMPIAN**

In Alaska we have over 500 athletes involved in 15 areas of the State. Our State-wide program is conducted almost totally by volunteers and funded by contributions.

Your support is necessary to continue the Alaska Special Olympics program.



"Enos" came from Hazzard County to share a New Kind of Joy

*Special thanks to Phototech
for the printing of this brochure.*

(Photo courtesy of Soho)



QUESTIONS AND ANSWERS

WHAT IS SPECIAL OLYMPICS?

It is the world's largest sports training and competition program for the mentally retarded.

DO SPORTS TRULY HELP THE RETARDED?

Yes, scientific research has proven that it improves both body and mind.

WHO RUNS SPECIAL OLYMPICS?

Volunteers! This means your sponsorship goes to benefit your athlete — not to pay excessive overhead expenses.

WILL I SEE MY ATHLETE COMPETE?

You will receive his/her name and when and where he/she will compete.

IS MY CONTRIBUTION TAX DEDUCTIBLE?

Yes! A receipt of your donation will be sent to you for your records.

MAY GROUPS OR ORGANIZATIONS SPONSOR ATHLETES?

Yes, they may want to sponsor more than one. Or, they may wish to sponsor an event at one of the games — such as the 50 meter dash or the 25 meter backstroke. If you know of an organization which is interested, please ask for more information.

Created by
Joseph P. Kennedy Jr. Foundation

HOW TO SPONSOR

PARTIAL SPONSORSHIP - \$50.00

For each sponsorship you will receive the name, area, and age of your athlete, a certificate of appreciation and a picture of your athlete. In late June you will receive a follow-up letter stating the results of your athlete from the State Games.

FULL SPONSORSHIP - \$250.00

For each sponsorship you will receive the name, area and age of your athlete and a photo plaque commemorating your generosity. In late June a follow-up letter will be sent stating your athletes results from State Games.

YES, I wish to sponsor an
Alaskan Special Olympian!

Name/Organization _____

Address _____

Phone _____

Partial Sponsorship (\$50) _____

Full Sponsorship (\$250) _____

Olympian _____
(for office use only)

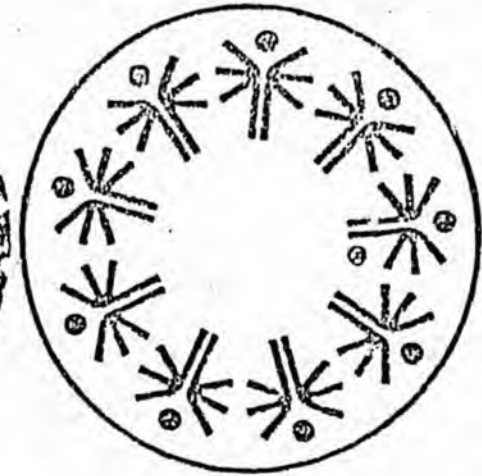
PLEASE MAKE CHECK PAYABLE TO:

Alaska Special Olympics
Box 6955
Anchorage, Alaska 99507
(907) 277-2242



SPECIAL OLYMPICS
INFORMATION GUIDE FOR

Parents and Guardians



What is Special Olympics?

- The mission of Special Olympics is to provide year round sports training and athletic competition in a variety of well-coached Olympic-type sports for mentally retarded individuals by providing them with continuing opportunities to develop physical fitness, prepare for entry into school and community sports programs, express courage, experience joy and participate in the sharing of gifts, skills and friendship with their families, other Special Olympians and the community.
- Special Olympics offers sports training to mentally retarded people in the United States and 40 foreign countries.
- Special Olympics began in 1968 with a national meet of 1,000 athletes. Today nearly 1 million mentally retarded persons participate in some phase of Special Olympics sports training and competition.
- Special Olympics offers 16 official sports:

Winter Sports
Alpine Skiing

Cross Country Skiing
Ice Skating

Summer Sports
Basketball
Bowling
Diving
Floor Hockey
Frisbee Disc
Gymnastics

Poly Hockey
Softball
Soccer
Swimming
Track & Field
Volleyball
Wheelchair Events

Special Olympics provides a way for special people to:

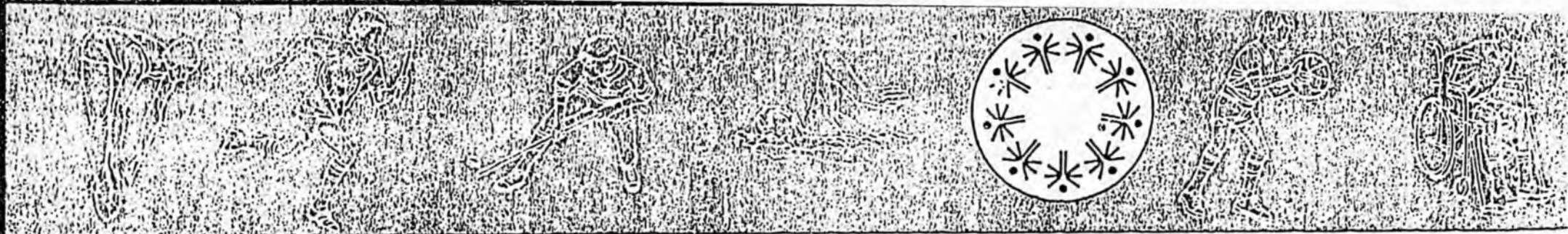
- Participate in a year round sports training program
- Achieve and do the best they can
- Meet Challenges . . . try something new . . . do more than expected
- Demonstrate abilities and skills through competition
- Learn to work with people . . . be a part of a team
- Share winning and losing with friends . . . experience sportsmanship
- Develop with their family sports skills important now and later in life



Special Olympics, Inc.

Created and Sponsored by the
Joseph P. Kennedy, Jr. Foundation

"Let me win, but if I cannot win, Let me be brave in the attempt."



Who are Special Olympians?

They are people who:

- are 8 years of age or older
- have been assigned by school systems or human services agencies to programs to meet the needs of the mentally retarded
- live at home or in residential facilities
- attend public or private schools, activity centers, workshops, or are employed
- may or may not receive physical education services
- are presently not a member of any interscholastic or other team organized to participate in competitive sports



How to become a Special Olympian

If you are helping a prospective athlete, here is how you can enroll him/her in Special Olympics

- *complete an application to participate in Special Olympics*
- suggest the sport(s) in which the athlete would like to train
- record the athlete's address and phone number
- *Special Olympics requires a physical examination before an athlete is allowed to begin training.*
- be sure to take the physical/entry form to the doctor's appointment
- be sure the doctor, nurse, practitioner or paramedical person completes and signs the exam portion of the form after the examination
- be sure to return the completed application and medical form to the athlete's coach by date he/she has requested
- *join a Sports Training Program*
- training programs can take place at:
 - schools
 - recreation departments
 - workshops
 - residential facilities
 - home

Special Olympics sports training program

When Special Olympics athletes participate in a Sports Training Program they are expected to:

- follow instructions from their coach
- attend practices. **SPECIAL OLYMPIANS MUST TAKE PART IN SPORTS TRAINING SESSIONS.**
- practice at home with their parents, brothers, sisters or friends
- learn to cooperate with other team members
- take part in Special Olympics Games and competition

As Parents, Guardians or Friends you can:

- assist with training at home
- volunteer as a coach
- work on a Special Olympics Committee
- help raise funds
- come to the Games and cheer your Special Olympian on to victory

The Spirit of Special Olympics For great world athletes, the contest may last only minutes—then it is over, and they have won or lost. But for Special Olympics athletes, the contest begins each day. What they win by their courageous efforts is far greater than any game. They are winning life itself, and in doing so they give to the world the spirit of the human spirit.

B. Il Sheffield, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

April 22, 1983

POSITION PAPER

RE: HB 339

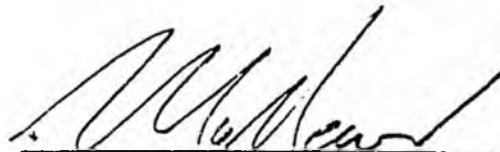
SPONSOR: Representative Lacher

Program Effects of the Bill

This bill appropriates \$55,000 through the Department of Community and Regional Affairs to the Joseph P. Kennedy Foundation for the 1984 Special Olympics.

Comments

The Department feels that the Special Olympics is a worthwhile program and can administer the appropriation without additional administrative costs.



Mark Lewis, Commissioner

COMMITTEE REPORT

SENATE

FURTHER:

3/15/84

Date 5/14/84

Mr. President

The Committee on FINANCE considered CSHB 345 (Jud)

victim's rights; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 345 (Fin)
- new title
- same title and recommends Do Pass w/ S. Jud. Letter of Intent
- and attached a "LETTER OF INTENT"
- reports it back without recommendation
- recommends referral to _____

NEW FISCAL NOTE
- Dept. Corrections 3/19/84
- Note Dept. of Law accompanied bill into committee 4/25/84
Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]

Chairman

Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 19, 1984

REQUEST:

Bill/Resolution No.: SCS CSHB 345 (Jud)
 Title: "An Act relating to victims' rights...."
 Sponsor: Judiciary Committee
 Requestor: Senate Finance
 Date of Request: March 19, 1984

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Northern, Southcentral & Southeastern Regional Corrections, Admin. & Support

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.						
800 MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

* See Analysis

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

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

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange
 Division: Administrative Services

Phone: 465-3376
 Date: March 19, 1984

Approved by Commissioner: [Signature]
 Department: DEPARTMENT OF CORRECTIONS

Date: March 21, 1984

Distribution:

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

ANALYSIS

A. Assumptions

1. Section 1

There may be some impact on Probation/Parole staff with increased requirements in content of the pre-sentence reports. It is difficult to measure the impact as some of the information required is currently included in the pre-sentence reports.

2. Section 2

No impact on the Department of Corrections; the requirements are for the court to include information addressed in Section 1 of the bill.

3. Section 3

No impact. This section adds a definition of "victim."

4. Section 4

No impact. This new chapter specifies the rights available to victims of crimes.

5. Sections 5, 6, 8 and 9.

These sections have the potential of causing an inmate to serve a longer period of incarceration than present policy dictates, as the victim or surviving family of a victim may provide comment to either the parole board or Commissioner when parole or furlough/work release are being considered. It is not possible to estimate the fiscal impact, however, with the given data, but is considered to be minimal.

6. Section 7 and 10

No impact. These sections add the definitions of "crime against a person" and "victim" as referenced in the statute.

7. Section 11

No impact on the Department of Corrections.

9. Summary

If Senate Committee Substitute for Committee Substitute for House Bill No. 345 (Judiciary) is enacted, there will be some impact on the Department of Corrections, both in inmate census and on probation officer staff preparing pre-sentence reports for the courts. It is assumed that the impact will be minimal.

B. Program Summary

An estimate for additional operating costs cannot be made without more quantifiable data.

C. Economic Impact

Passage of this bill should have little impact on the State's economy.

D. Impact on Local Governments

This bill should have no fiscal impact on local governments.

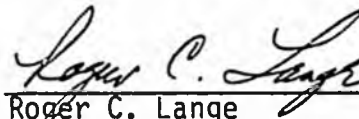
DEPARTMENT OF CORRECTIONS
Pouch T
Juneau, Alaska 99811

POSITION PAPER
SCS CS House Bill No. 345 (Judiciary)

"An Act relating to victim's rights; and amending Rule 32 (d)(2) of the Alaska Rules of Criminal Procedures."

The Department of Corrections supports the concept of evidence and statements of the victim being included for consideration in sentencing, parole hearings and furlough determinations. The Senate Committee substitute has text changes in several of the sections which appear to clarify the intent of the legislation without changing the level of either the victim's or offender's rights as established in the previous committee substitute. The victim, or their family, will be able to present comments for consideration by the sentencing judge, parole board and/or commissioner. The final determination of the felony offender's status can then be made taking all known facts into consideration.

Prepared by:

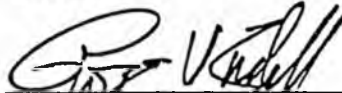


Roger C. Lange
Internal Management Administrator

Date:

March 20, 1984

Approved by:



Roger N. Endell
Commissioner
Department of Corrections

Date:

March 21, 1984

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

(Page 1 of 2)

I. REQUEST

Bill/Resolution No.: HB 345
 Title: "Victim's rights in sentencing..."
 Sponsor: Representative Flood
 Requestor: House Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Adm. of 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						
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						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues
 Division: Administrative Services Division
 Approved by Commissioner: Norman C. Gorsuch, Attorney General
 Department: Department of Law

Phone: 465-3672
 Date: April 25, 1983

Date: April 25, 1983

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)

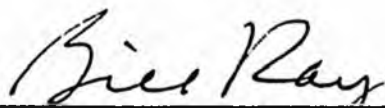
HB 345 (Page 2 of 2)
Fiscal Note
Analysis

This bill provides an opportunity for the victim of a felony offense to present evidence and express opinions at sentencing and parole hearings and furlough determinations of the person convicted of the felony. Except in unusual circumstances, the Department of Law is not normally represented at parole hearings or furlough determinations. On the other hand, the department is routinely represented at sentencing hearings. Whether the Department of Law makes an unusual appearance at a parole hearing or furlough determination, or a routine appearance at a sentencing hearing, this bill imposes no additional responsibilities upon the Department of Law. In addition, the appearance of a victim is voluntary; therefore, no significant fiscal impact is anticipated for the Department of Law as a result of this bill.

Senate Judiciary Committee
Letter of Intent

SCS CSHB 345 (Judiciary)

It is the intent of the Senate Judiciary Committee that the court system provide written transcripts of the sentencing proceedings for all offenders who are parole eligible, or who have been convicted of unclassified or Class A felonies, and for other offenders when a transcript is requested by the Department of Corrections or the Alcohol Beverage Control Board. In preparing transcripts on unclassified or Class A felony offenders, the court system should prepare these transcripts as soon as possible in order to allow the Department of Corrections to make prompt and informed classification decisions.



Senator Bill Ray, Chairman
Senate Judiciary Committee

Offered: 3/15/84
Referred: Finance

Original sponsors: Flood, Clocksin,
Grussendorf, et al

1 IN THE HOUSE

BY THE ^{Finance}JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 345 (^{Finance}Judiciary)

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 victims' rights; and amending
7 Rule 32(d)(2) of the Alaska Rules of Criminal Proce-
8 dure."

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

10 * Section 1. AS 12.55 is amended by adding a new section to read:

11 Sec. 12.55.022. VICTIM IMPACT STATEMENT. As part of the presen-
12 tence report prepared on each felony offender, the probation officer
13 shall prepare a victim impact statement reporting the following infor-
14 mation:

15 (1) the financial, emotional, and medical effects of the
16 offense on the victim;

17 (2) the need of the victim for restitution; and

18 (3) any other information required by the court.

19 * Sec. 2. AS 12.55.025(a) is amended to read:

20 (a) When imposing a sentence for conviction of a felony offense
21 or a sentence of imprisonment exceeding 90 days or upon a conviction
22 of a violation of AS 04, a regulation adopted under AS 04, or an
23 ordinance adopted in conformity with AS 04.21.010, the court shall
24 prepare, as a part of the record, a sentencing report which includes
25 the following:

26 (1) a verbatim record of the sentencing hearing and any
27 other in-court sentencing procedures;

28 (2) findings on material issues of fact and on factual
29 questions required to be determined as a prerequisite to the selection

1 of the sentence imposed;

2 (3) a clear statement of the terms of the sentence imposed;

3 [AND]

4 (4) any recommendations as to the place of confinement or
5 the manner of treatment; and

6 (5) in the case of a conviction for a felony offense,
7 information assessing

8 (A) the financial, emotional, and medical effects of
9 the offense on the victim;

10 (B) the need of the victim for restitution; and

11 (C) any other information required by the court.

12 * Sec. 3. AS 12.55.185 is amended by adding a new paragraph to read:

13 (11) "victim" means the victim of the offense or, if the
14 victim has died, is a minor, or is incapacitated the term includes a
15 spouse, parent, child, brother, sister or legal guardian of the vic-
16 tim.

17 * Sec. 4. AS 12 is amended by adding a new chapter to read:

18 CHAPTER 61. RIGHTS OF VICTIMS.

19 Sec. 12.61.010. RIGHTS OF VICTIMS. (a) Victims of crimes have
20 the following rights:

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

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

27 (3) the right to receive protection from harm and threats
28 of harm arising out of cooperation with law enforcement and prosecu-
29 tion efforts, and to be provided with information as to the protection

1 available;

2 (4) the right to be informed of the procedure to be fol-
3 lowed to apply for and receive any victim compensation under AS 18.67;

4 (5) at the request of the prosecution or a law enforcement
5 agency, the right to cooperate with the criminal justice process
6 without loss of pay and other employee benefits and without interfer-
7 ence in any form by the employer of the victim of crime; and

8 (6) the right to obtain access to immediate medical
9 assistance and not to be detained for an unreasonable length of time
10 by a law enforcement agency before having medical assistance
11 administered; however, an employee of the law enforcement agency may,
12 if necessary, accompany the person to a medical facility to question
13 the person about the criminal incident if the questioning does not
14 hinder the administration of medical assistance.

15 (b) Victims' employers, law enforcement agencies, prosecutors,
16 and the courts shall make every reasonable effort to ensure that
17 victims of crimes have the rights set out in (a) of this section.
18 However, a failure to ensure these rights does not give rise to a
19 separate cause of action against victims' employers, law enforcement
20 agencies, other agencies of the state, or a political subdivision of
21 the state. *Add - Amendment*



22 * Sec. 5. AS 33.15.060(a) is amended to read:

23 (a) In considering a prisoner, the board shall consider the
24 presentence report made to the sentencing court, comments received
25 from the victim under AS 33.15.065, the recommendations by the sen-
26 tencing court and the prosecuting attorney, the report from the proper
27 officers of the institution where the prisoner is incarcerated, the
28 record of the prisoner and all pertinent information that will enable
29 the board to make a determination.

1 * Sec. 6. AS 33.15 is amended by adding a new section to read:

2 Sec. 33.15.065. RIGHT OF VICTIM TO COMMENT ON PAROLE OF PRIS-
3 ONER. (a) Upon request of the victim, notice of a hearing to review
4 or consider the parole eligibility or the setting of a parole date for
5 a prisoner in a state prison who is convicted of a crime against a
6 person shall be sent to the victim of the crime at least 30 days
7 before the scheduled hearing.

8 (b) It shall be the responsibility of the victim to keep the
9 board apprised of the victim's most current mailing address. If the
10 board has not been kept apprised of the victim's most current mailing
11 address, the board shall send the notice required under (a) of this
12 section to the last known address of the victim. The address of the
13 victim may not be disclosed to the prisoner or the prisoner's attor-
14 ney.

15 (c) The victim has a right to comment in writing on the proposed
16 action of the board. Copies of the comments shall be provided to the
17 prisoner and the prisoner's attorney.

18 (d) The board shall consider the comments presented under (c) of
19 this section in deciding whether to release the prisoner on parole.

20 (e) Upon request of the victim, if the board decides to release
21 on parole a prisoner who is convicted of a crime against a person, the
22 board shall make every reasonable effort to notify the victim before
23 the prisoner's release date. Notification under this subsection shall
24 include the expected date of the prisoner's release, the geographic
25 area in which the prisoner is required to reside, and other pertinent
26 information concerning the prisoner's conditions of parole that may
27 affect the victim.

28 (f) Upon request of the victim, if a prisoner is released under
29 AS 33.20.040(a), the board shall make every reasonable effort to

1 notify the victim before the prisoner's release date. Notification
2 under this subsection shall include the expected date of the prison-
3 er's release, the geographic area in which the prisoner is required to
4 reside, and other pertinent information concerning the prisoner's
5 conditions of parole that may affect the victim.

6 * Sec. 7. AS 33.15.260 is amended by adding new paragraphs to read:

7 (5) "crime against a person" has the meaning given in
8 AS 33.30.900;

9 (6) "victim" has the meaning given in AS 12.55.185.

10 * Sec. 8. AS 33.30.250 is amended by adding a new subsection to read:

11 (h) Upon request of the victim, in the case of a prisoner con-
12 victed of a crime against a person, notice of the commissioner's
13 intent to consider the prisoner for release under (a) of this section
14 shall be sent to the victim. The victim may comment in writing on the
15 intent of the commissioner to release the prisoner on work furlough
16 status. The commissioner shall consider the comments of the victim
17 before making a final decision to release a prisoner under (a) of this
18 section. The victim shall keep the commissioner apprised of the
19 victim's current mailing address. If the victim requests to be noti-
20 fied, the commissioner shall make every reasonable effort to notify
21 the victim of an intent to consider a release of a prisoner under (a)
22 of this section. The notice shall contain the expected date of the
23 prisoner's release and the geographic area in which the prisoner will
24 reside and other pertinent information concerning the prisoner's
25 release that may affect the victim.

26 * Sec. 9. AS 33.30.260 is amended by adding a new subsection to read:

27 (b) In the case of a prisoner convicted of a crime against a
28 person, notice of the commissioner's intent to consider the prisoner
29 for release under (a) of this section shall be sent upon request to

1 the victim. The victim may comment in writing on the intent of the
2 commissioner to release the prisoner in rehabilitation furlough sta-
3 tus. The commissioner shall consider the comments of the victim
4 before making a final decision to release a prisoner under (a) of this
5 section. The victim shall keep the commissioner apprised of the
6 victim's current mailing address. If the victim requests to be noti-
7 fied, the commissioner shall make every reasonable effort to notify
8 the victim of an intent to release a prisoner under (a) of this sec-
9 tion. The notice shall contain the expected date of the prisoner's
10 release and the geographic area in which the prisoner will reside and
11 other pertinent information concerning the prisoner's release that may
12 affect the victim.

13 * Sec. 10. AS 33.30.900 is amended by adding new paragraphs to read:

14 (8) "crime against a person" means a crime as set out in
15 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-
16 330; or a crime against a person in this or another jurisdiction
17 having elements substantially identical to those of a crime as set out
18 in AS 11.41, except custodial interference under AS 11.41.320 and 11.-
19 41.330;

20 (9) "victim" has the meaning given in AS 12.55.185.

21 * Sec. 11. The effect of sec. 1 of this Act is to amend Rule 32(d)(2)
22 of the Alaska Rules of Criminal Procedure by adding a requirement for a
23 Victim Impact Statement as part of a court ordered presentence report.

5/14/84
SFC

A M E N D M E N T

Offered in the SENATE

By Josephson

To: SCS CSHB 345(Judiciary)

Page 3, following line 21, insert the following new section to read:

"Sec. 12.61.020. MONEY RECEIVED AS THE RESULT OF THE COMMISSION OF A CRIME. (a) Every person contracting with an offender with respect to the reenactment of the offender's crime by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of the offender's thoughts, feelings, opinions or emotions regarding the crime, shall pay to the state any money that would otherwise be owing to the offender.

(b) A claim by a victim arising out of an order of restitution under AS 12.55.045, or a judgment in a civil action against an offender for damages resulting from a crime is a superior claim for money that would otherwise be paid to the state under (a) of this section.

(c) Notwithstanding other statutory limitations, a civil action by a victim against an offender for damages resulting from the commission of the crime, must be commenced within 10 years of the date of the crime, or the date of the discovery of the perpetrator of the crime if the perpetrator is unknown on the date of the commission of the crime.

(d) For the purposes of this section, if the offender has not been convicted, proof of the commission of a crime must be established by a preponderance of the evidence.

(e) In this section

(1) "offender" means a person who has committed a crime in this state, whether or not the person has been convicted of the crime, or that person's representative or assignee;

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

Page 6, following line 20, insert a new bill section to read:

* Sec. 11. AS 18.67.165 is repealed.

Renumber remaining section accordingly.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

*Copies provided
to Co. Chairman
& Sen. Thompson
his date
5/14/84*

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

MEMORANDUM

May 14, 1984

SUBJECT: Royalties from commission of crime
(CSHB 345 (Finance))

TO: Senator Don Bennett
Chairman, Senate Finance Committee

FROM: Keith B. Levy *KB*
Legislative Counsel

Enclosed is a final draft of CSHB 345 (Fin) including an amendment providing that any royalties from publications that are due to an individual who has committed a crime are to be paid to the state. The amendment applies to anyone that has committed a crime, whether or not the person is convicted, if the state can show by a preponderance of the evidence that the person committed the crime. There are a number of constitutional problems with this amendment. Due to time limitations, this memo only briefly summarizes these problems.

The first problem with the amendment pertains to the free speech clause of the First Amendment to the United States Constitution, and Art. I, sec. 5, of the Alaska State Constitution. Since the amendment takes all profit away from certain people for asserting their First Amendment rights, including people who have not been convicted of a crime, it places a serious burden on those rights. The courts are unlikely to uphold such a burden on free speech, particularly with respect to individuals who have not been convicted of a crime.

The second problem with the amendment relates to the provisions of the state and federal constitutions that prohibit the state from passing any law impairing the obligations of contracts. With respect to contracts entered into after the effective date of the amendment, it could be argued that the "contracts clause" doesn't apply, since the law predated the

Senator Don Bennett
Page 2
May 14, 1984

contract, and thus becomes a part of the terms of the contract. However, with respect to contracts entered into before the effective date of the amendment, there probably would be an impairment of contractual obligations.

A third problem relates to due process rights under the state and federal constitutions, which prohibit the state from taking property without due process of law, as well as just compensation. At least insofar as the amendment applies to persons who have not been convicted of a crime, it amounts to a taking without just compensation.

A fourth problem relates to the application of the amendment to persons that have already committed a crime. Both the state and federal constitutions prohibit the legislature from enacting an "ex post facto" law, which includes a law that increases the penalty for a crime over and above what the penalty was at the time the crime was committed. If the amendment is applied to a person who committed a crime before the effective date of the amendment, it will have the unconstitutional effect of increasing the penalty for the crime after the crime is committed.

Finally, the amendment may amount to a bill of attainder, which is prohibited by both the state and federal constitutions. A bill of attainder is a law that punishes identifiable individuals legislatively without the full protections of a criminal trial. Since the amendment may be used to take property from persons who have not been convicted of a crime on a showing "by a preponderance of the evidence" that the crime was committed, it punishes such persons without requiring the usual criminal standard, "beyond a reasonable doubt." As such, the amendment may amount to an unconstitutional bill of attainder.

In conclusion, there are a number of troubling constitutional problems with this amendment. While later research may prove some of these concerns unfounded, there is at least serious doubt as to the constitutionality of the amendment.

KBL:ojb
J7/061

Original sponsors: Flood, Clocksin,
Grussendorf, et al

IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 345 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to victims' rights; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure."

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

* Section 1. AS 12.55 is amended by adding a new section to read:

Sec. 12.55.022. VICTIM IMPACT STATEMENT. As part of the presentence report prepared on each felony offender, the probation officer shall prepare a victim impact statement reporting the following information:

- (1) the financial, emotional, and medical effects of the offense on the victim;
- (2) the need of the victim for restitution; and
- (3) any other information required by the court.

* Sec. 2. AS 12.55.025(a) is amended to read:

(a) When imposing a sentence for conviction of a felony offense or a sentence of imprisonment exceeding 90 days or upon a conviction of a violation of AS 04, a regulation adopted under AS 04, or an ordinance adopted in conformity with AS 04.21.010, the court shall prepare, as a part of the record, a sentencing report which includes the following:

- (1) a verbatim record of the sentencing hearing and any other in-court sentencing procedures;
- (2) findings on material issues of fact and on factual questions required to be determined as a prerequisite to the selection

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION PRETRIAL DIVERSION PROGRAM

May 10, 1984

The Honorable Joe Josephson
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Distribution of money received
as a result of the commission
of a crime, AS 18.67.165
Our file number: J-088-84

Dear Senator Josephson:

You have requested our review of AS 18.67.165 as to whether this statute would allow the interception of any proceeds that Robert Hansen might realize if he were to write a book about his criminal career. A cursory examination of this statute illustrated significant loopholes which would allow Hansen to profit significantly from any memoirs on his criminal career.

Briefly, some of the problem areas we have identified are:

- 1) payment of royalties to a victim necessarily requires a law suit by the victim;
- 2) if no victim sues the offender within five years, the offender receives all the money;
- 3) the offender must be "convicted of the crime" for a victim to recover. In the Hansen case, although there were 17 admitted victims, Hansen was only "convicted" of 4, therefore precluding recovery in the remaining 13 cases; and
- 4) this statute allows recovery only for the victim [see AS 18.67.180(5)], thus, in the case of murder where the victim is dead, recovery by the victim's estate would be questionable, and recovery by the victim's family would be altogether precluded.

5/14/84
JFC

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- POUCH KT
JUNEAU, ALASKA 99811
PHONE: (907) 465-3678
- 941 W 4th ST.
ANCHORAGE, ALASKA 99501
PHONE: (907) 278-3508
- 733 7th AVE.
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-7713

The Honorable Joe Josephson
Alaska State Senate
File No. J-088-84

May 10, 1984
Page 2

As you can see, even a cursory review demonstrates a number of loopholes. If time were not of the essence in regards to your inquiry, I am certain that other problems with the existing law could be ascertained with a thorough analysis.

You have also requested our suggestions on corrective legislation that would fulfill your intentions in the Hansen matter. In this regard, I have attached a rough draft of possible legislation for your consideration. However, there is a practical consideration that should be addressed if you decide to introduce such legislation.

The major concern that should be recognized is the matter of timing. If Hansen were to sign a contract with a publisher or other production organization prior to enactment of new legislation, the new legislation would most probably run afoul of the proscription in article 1, section 10 of the United States Constitution against laws impairing the obligation of contracts.

In closing, let me apologize for not providing lengthy, indepth analyses on this issue. However, in that the legislative session is quickly approaching an end, the normal level of analysis generally provided would certainly preclude any action on the measure this year. If you desire to go forward with this proposal, we will accomplish the requisite standard of review during the interim.

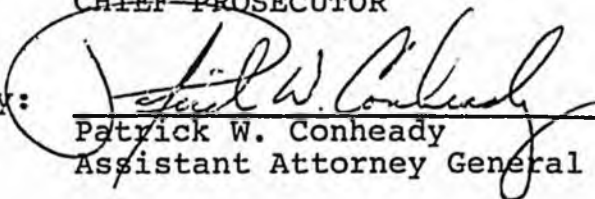
If I can be of further assistance in this matter, do not hesitate to contact me.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By:


Patrick W. Conheady

Assistant Attorney General

Attachment

Offered: 5/26/83
Referred: Rules

Original sponsors: Flood, Clocksin,
Grussendorf, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 345 (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 relating to victim's rights; and amending

7

Rule 32(d)(2) of the Alaska Rules of Criminal Proce-

8

dure."

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

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14

nonargumentative style the following verified information:

15

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16

offense on the victim;

17

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2 (3) a clear statement of the terms of the sentence imposed;

3 [AND]

4 (4) recommendations as to the place of confinement or the
5 manner of treatment; and

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8 (A) the financial, emotional, and medical impact of
9 the offense on the victim;

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11 (C) any other information required by the court.

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13 (11) "victim" means the victim of the offense or, in the
14 case in which the victim has died, is a minor, or is incapacitated to
15 the extent that the victim is unable to take advantage of the victim's
16 rights under this chapter, the term includes a spouse, parent, child,
17 brother, sister or legal guardian of the victim.

18 * Sec. 4. AS 12 is amended by adding a new chapter to read:

19 CHAPTER 61. RIGHTS OF VICTIMS.

20 Sec. 12.61.010. RIGHTS OF VICTIMS. (a) Victims of crimes have
21 the following rights:

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

25 (2) the right to be notified that a sentencing hearing or a
26 court proceeding to which the victim has been subpoenaed will not
27 occur as scheduled, in order to save the person an unnecessary trip to
28 court;

29 (3) the right to receive protection from harm and threats

1 of harm arising out of cooperation with law enforcement and prosecu-
2 tion efforts, and to be provided with information as to the protection
3 available;

4 (4) the right to be informed of the procedure to be fol-
5 lowed to apply for and receive any victim compensation to which the
6 person may be entitled;

7 (5) the right to cooperate with the criminal justice pro-
8 cess without loss of pay and other employee benefits and without
9 interference in any form by the employer of the victim of crime; and

10 (6) the right to access to immediate medical assistance and
11 not to be detained for an unreasonable length of time by a law en-
12 forcement agency before having medical assistance administered; how-
13 ever, an employee of the law enforcement agency may, if necessary
14 accompany the person to a medical facility to question the person
15 about the criminal incident if the questioning does not hinder the
16 administration of medical assistance.

17 (b) Law enforcement agencies, prosecutors, and the courts shall
18 make every reasonable effort to assure that victims of crimes have the
19 rights set out in (a) of this section. However, a failure to assure
20 these rights does not give rise to a separate cause of action against
21 law enforcement agencies, or other agencies of the state, or a
22 political subdivision of the state.

23 * Sec. 5. AS 18.66.060 is amended to read:

24 Sec. 18.66.060. QUALIFICATIONS. A local community entity is
25 qualified to receive a grant or contract under this chapter if it
26 agrees to provide services approved by the council to victims of
27 domestic violence or sexual assault or their families or to perpetra-
28 tors of domestic violence or sexual assault without regard to ability
29 to pay. The local community entity may not condition provision of

1 services to a victim on the victim's cooperation with a prosecuting
2 attorney in the filing of criminal charges.

3 * Sec. 6. AS 33.15.060(a) is amended to read:

4 (a) In considering a prisoner, the board shall consider the
5 presentence report made to the sentencing court, comments received
6 from the victim under AS 33.15.065, the recommendations by the sen-
7 tencing court and the prosecuting attorney, the report from the proper
8 officers of the institution where the prisoner is incarcerated, the
9 record of the prisoner and all pertinent information that will enable
10 the board to make a determination.

11 * Sec. 7. AS 33.15 is amended by adding a new section to read:

12 Sec. 33.15.065. RIGHT OF VICTIM TO COMMENT ON PAROLE OF PRIS-
13 ONER. (a) Upon request of the victim, as defined in AS 12.55.185-
14 (11), notice of a hearing to review or consider the parole eligibility
15 or the setting of a parole date for a prisoner in a state prison who
16 is convicted of a crime against a person as defined in AS 33.30.900(8)
17 shall be sent to the victim of the crime at least 30 days before the
18 scheduled hearing.

19 (b) It shall be the responsibility of the victim to keep the
20 board apprised of the person's most current mailing address. If the
21 board has not been kept apprised of the person's most current mailing
22 address, the board shall send the notice required under (a) of this
23 section to the last known address of the victim. The address of the
24 victim may not be disclosed to the prisoner or the prisoner's attor-
25 ney.

26 (c) The victim has a right to comment in writing on the proposed
27 action of the board. Copies of the comments shall be provided to the
28 prisoner and the prisoner's attorney.

29 (d) The board shall consider the comments presented under (c) of

1 this section in deciding whether to release the prisoner on parole.

2 (e) Upon request of the victim, if the board decides to release
3 on parole a prisoner who is convicted of a crime against a person as
4 defined in AS 33.30.900(8), the board shall notify the victim before
5 the prisoner's release date. Notification under this subsection shall
6 include the expected date of the prisoner's release, the geographic
7 area in which the prisoner is required to reside, and other pertinent
8 information concerning the prisoner's conditions of parole that may
9 impact the victim. The board shall make every reasonable effort to
10 notify the victim of the pending parole of the prisoner unless the
11 victim does not wish to be notified.

12 * Sec. 8. AS 33.30.250 is amended by adding a new subsection to read:

13 (h) Upon request of the victim, as defined in AS 12.55.185(11),
14 in the case of a prisoner convicted of a crime against a person as
15 defined in AS 33.30.900(8), notice of the commissioner's intent to
16 consider the prisoner for release under (a) of this section shall be
17 sent to the victim. The victim may comment in writing on the intent
18 of the commissioner to release the prisoner on work furlough status.
19 The commissioner shall consider the comments of the victim before
20 making a final decision to release a prisoner under (a) of this sec-
21 tion. The victim shall keep the commissioner apprised of the person's
22 current mailing address. The commissioner shall make every reasonable
23 effort to notify the victim of an intent to consider a release of a
24 prisoner under (a) of this section, unless the victim does not wish to
25 be notified. The notice shall contain the expected date of the pris-
26 oner's release and the geographic area in which the prisoner will
27 reside.

28 * Sec. 9. AS 33.30.260 is amended by adding a new subsection to read:

29 (b) In the case of a prisoner convicted of a crime against a

1 person as defined in AS 33.30.900(8) notice of the commissioner's
2 intent to consider the prisoner for release under (a) of this section
3 shall be sent upon request to the victim as defined in AS 12.55.185-
4 (11). The victim may comment in writing on the intent of the commis-
5 sioner to release the prisoner in rehabilitation furlough status. The
6 commissioner shall consider the comments of the victim before making a
7 final decision to release a prisoner under (a) of this section. The
8 victim shall keep the commissioner apprised of the person's current
9 mailing address. The commissioner shall make every reasonable effort
10 to notify the victim of an intent to release a prisoner under (a) of
11 this section, unless the victim does not wish to be notified. The
12 notice shall contain the expected date of the prisoner's release and
13 the geographic area in which the prisoner will reside.

14 * Sec. 10. AS 33.30.900 is amended by adding a new paragraph to read:

15 (8) "crime against a person" means a crime as set out in
16 AS 11.41, except custodial interference under AS 11.41.320 and AS 11.-
17 41.330, or a crime against a person in this or another jurisdiction
18 having elements substantially identical to those of a crime as set out
19 in AS 11.41, except custodial interference under AS 11.41.320 and
20 AS 11.41.330.

21 * Sec. 11. The effect of sec. 1 of this Act is to amend Rule 32(d)(2)
22 of the Alaska Rules of Criminal Procedure by adding a requirement for a
23 Victim Impact Statement as part of a court ordered presentence report.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

Senate CS for CS for House Bill 345

"An Act relating to victims' rights; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure"

It is very important to consider the effects of crimes upon victims and delineate victims' rights, so the Council on Domestic Violence and Sexual Assault supports CS for HB 345. This legislation will promote a consistent focus on victims' rights throughout the state. A victim impact statement should make the courts aware of the trauma caused by crimes and make them more sensitive to the problems encountered by victims. It should also assist courts in determining appropriate restitution to victims. Consideration of a victim's input will promote her/his safety and assist in empowering the victim. Victim input needs to be considered in many instances, particularly for parole and furlough of an offender who has committed a violent crime.

The delineation of victims' rights is very important. Often the victim feels overwhelmed or further victimized by the criminal justice system. Victims' needs should be considered. Of particular importance to the Council are the rights to protection from harm and threats arising out of cooperation with law enforcement and to access immediate medical assistance.



Jana Varrati
Vice-Chair
Council on Domestic Violence
and Sexual Assault



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Members of the Senate Finance Committee
FROM: Senator Joe P. Josephson
DATE: May 4, 1985

RE: Senate CS for CS for HB 345 (Judiciary)
An Act relating to victim's rights; and amending Rule
32(d) (2) of the Alaska Rules of Criminal Procedure

The sponsors of this bill are Flood, Clocksin, Grussendorf, Abood, Hurlbert, Pestinger, Ward, Wendte, Hayes and Lacher. In addition, the attached sheet lists the many other sponsors of the bill.

The purpose of this bill is to establish and protect the rights of victims of violent crimes. In addition to providing a new chapter on the rights of victims, the bill requires that the probation officer shall prepare a victim impact statement and that the court shall prepare a sentencing report which also includes information about the victim. The bill also establishes that the victim shall have the right to comment on the parole of the prisoner.

Attached to the bill are fiscal notes (both are zero) from the Department of Law and the Department of Corrections; position papers from Department of Corrections, the Council on Domestic Violence and Sexual Assault, and the Alaska Network on Domestic Violence and Sexual Assault; and a letter of intent from the Senate Judiciary Committee.

Attachment

HOUSE ROLL CALL

19

SUBJECT:

345
VICTIMS REGISTRATION

	Yea	Nay	Absent
ABOOD			
ADAMS			
BARNES			
BETTISWORTH			
BUSSELL			
CATO			
CLOCKSIN			
COWDERY			
DAVIS			
DUNCAN			
FLOOD			
FRITZ			
FULLER			
FURNACE			
GOLL			
GRUSSENDORF			
HERRMANN			
HURLBERT			
KOPONEN			
LACHER			
LARSON			
LINDAUER			
LISKA			
MALONE			
MARTIN			
MCBRIDE			
MILLER (D)			
MILLER (R)			
PESTINGER			
PHILLIPS			
RINGSTAD			
SHULTZ			
SZYMANSKI			
TISCHER			
UEHLING			
VASKA			
WARD			
WENDTE			
ZHAROFF			
HAYES			

30 TOTAL

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/7/84

Date March 14, 1984

Mr. President

The Committee on JUDICIARY considered CSHB 345(Jud)

victim's rights; and amending Rule 32(d)(2) of the Alaska Rules of Criminal Procedure.

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

- do pass
- do pass with attached amendment(s)
- replace with/~~or~~ adopt 5 CS for CSHB 345 (Jud)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]

1 Bice Ray
Chairman
DO PASS
Chairman recommendation

C O R R E C T I O N

Discard HB 345
and retain this corrected version.

Introduced: 4/11/83
Referred: Judiciary

BY FLOOD, CLOCKSIN
AND GRUSSENDORF

1 IN THE HOUSE

2 HOUSE BILL NO. 345

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 victim's rights in the sentenc-
7 ing and parole hearings and furlough determinations
8 of a person convicted of a felony; and making changes
9 in sentencing procedures."

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

11 * Section 1. AS 12.55.025(a) is amended to read:

12 (a) When imposing a sentence for conviction of a felony offense
13 or a sentence of imprisonment exceeding 90 days or upon a conviction
14 of a violation of AS 04, a regulation adopted under AS 04, or an
15 ordinance adopted in conformity with AS 04.21.010, the court, shall
16 prepare, as a part of the record, a sentencing report which includes
17 the following:

18 (1) a verbatim record of the sentencing hearing and any
19 other in-court sentencing procedures;

20 (2) findings on material issues of fact and on factual
21 questions required to be determined as a prerequisite to the selection
22 of the sentence imposed;

23 (3) a clear statement of the terms of the sentence imposed;
24 and

25 (4) recommendations as to the place of confinement or the
26 manner of treatment; and

27 (5) in the case of a conviction for a felony offense,
28 evidence and opinions expressed by the victim or, if the victim has
29 died as a result of the defendant's conduct, the victim's immediate

1 family, as provided for in AS 12.55.155 concerning the physical,
2 emotional, or financial harm caused the victim or the victim's immedi-
3 ate family and other factors relating to the crime, the defendant,
4 disposition of the defendant upon sentencing, and the need for resti-
5 tution.

6 * Sec. 2. AS 12.55.155(c) is amended by adding a new paragraph to read:

7 (27) the defendant's conduct caused substantial physical,
8 emotional, or financial harm to the victim or, if the victim has died
9 as a result of the defendant's conduct, to the victim's immediate
10 family.

11 * Sec. 3. AS 12.55.155(f) is amended to read:

12 (f) If the state seeks to establish a factor in aggravation at
13 sentencing or if the defendant seeks to establish a factor in mitiga-
14 tion at sentencing, written notice must be served on the opposing
15 party and filed with the court not later than 10 days before the date
16 set for imposition of sentence. If the defendant is convicted of a
17 felony, written notice must also be served within that time by the
18 defendant upon the victim of the defendant or, if the victim has died
19 as a result of the defendant's conduct, the victim's immediate family,
20 indicating that the victim or the victim's immediate family has a
21 right to appear and participate. The victim of a felony or, if the
22 victim has died as a result of the defendant's conduct, the victim's
23 immediate family may appear personally or by counsel at aggravation or
24 mitigation proceedings and sentencing proceedings to present evidence
25 and express opinions concerning the physical, emotional, or financial
26 harm caused to the victim or the victim's immediate family and other
27 factors relating to the crime, the defendant, disposition of the
28 defendant after sentencing, and the need for restitution. The court
29 in imposing sentence shall consider the evidence and opinions

1 presented by the victim or the victim's immediate family at aggra-
2 vation or mitigation proceedings and sentencing proceedings and in the
3 presentence report. Factors in aggravation and factors in mitigation
4 must be established by clear and convincing evidence before the court
5 sitting without a jury. All findings must be set out with specifi-
6 city.

7 * Sec. 4. AS 12.55.155(h) is amended to read:

8 (h) As used in this section,

9 (1) "immediate family" includes a spouse, child, parent,
10 brother, sister, parent-in-law, brother-in-law, or sister-in-law; and

11 (2) "serious provocation" has the meaning ascribed to it in
12 AS 11.41.115(f).

13 * Sec. 5. AS 33.15.060(a) is amended to read:

14 (a) In considering a prisoner, the board shall consider the
15 presentence report made to the sentencing court, the evidence pre-
16 sentenced and opinions expressed by the victim or the victim's immediate
17 family in accordance with AS 33.15.065, the recommendations by the
18 sentencing court and the prosecuting attorney, the report from the
19 proper officers of the institution where the prisoner is incarcerated,
20 the record of the prisoner and all pertinent information that will
21 enable the board to make a determination.

22 * Sec. 6. AS 33.15 is amended by adding a new section to read:

23 Sec. 33.15.065. RIGHT OF VICTIM OF PRISONER OR VICTIM'S IMMEDI-
24 ATE FAMILY TO TESTIFY REGARDING PAROLE OF PRISONER. (a) Upon re-
25 quest, notice of a hearing to review or consider the parole eligi-
26 bility or the setting of a parole date for a prisoner in a state
27 prison who is convicted of a felony shall be sent by the board at
28 least 30 days before the hearing to the victim of the crime or, if the
29 victim has died as a result of the prisoner's conduct, to the victim's

1 immediate family as defined in AS 12.55.155(h). The requesting person
2 shall keep the board apprised of the person's current mailing address.

3 (b) The victim or, if the victim has died as a result of the
4 prisoner's conduct, the victim's immediate family has the right to
5 appear, personally or by counsel, at the hearing and to adequately and
6 reasonably express the person's opinion concerning the crime and the
7 prisoner.

8 (c) The board, in deciding whether to release the prisoner on
9 parole, shall consider the statements presented under (b) of this
10 section.

11 * Sec. 7. AS 33.30.250(g) is amended by adding a new paragraph to read:

12 (8) in the case of a prisoner convicted of a felony, if the
13 victim of the prisoner or, if the victim has died as a result of the
14 prisoner's conduct, the victim's immediate family as defined in
15 AS 12.55.155(h) submits written objections in accordance with (h) of
16 this section.

17 * Sec. 8. AS 33.30.250 is amended by adding a new subsection to read:

18 (h) In the case of a prisoner convicted of a felony, the commis-
19 sioner shall notify the victim of the prisoner or, if the victim has
20 died as a result of the prisoner's conduct, the victim's immediate
21 family as defined in AS 12.55.155(h) of the commissioner's intention
22 to release the prisoner in a work furlough status unless the commis-
23 sioner receives a written statement outlining the objections and
24 supporting evidence, if any, advocated by the victim or the victim's
25 immediate family. The victim or the victim's immediate family shall
26 keep the commissioner apprised of the current mailing address to which
27 notice is to be sent under this subsection.

28 * Sec. 9. AS 33.30.260 is amended to read:

29 Sec. 33.30.260. REHABILITATION FURLOUGHS. The commissioner may

1 authorize a prisoner to participate in educational, training, medical,
2 psychiatric, or other rehabilitation programs approved by the commis-
3 sioner. In the case of a prisoner convicted of a felony, the victim
4 of the prisoner or, if the victim has died as a result of the
5 prisoner's conduct, the victim's immediate family as defined in
6 AS 12.55.155(h) has the right to object to the furlough and the com-
7 missioner shall use the procedure set out in AS 33.30.250(h) before
8 granting a furlough under this section. When the prisoner is not
9 participating in a rehabilitation program, the prisoner shall be
10 confined in the jail unless the commissioner directs otherwise. If
11 the prisoner violates the conditions established for the conduct or
12 custody of the prisoner, the commissioner may order the balance of the
13 prisoner's sentence to be spent in actual confinement. The wilful
14 failure of a prisoner to return to the place of confinement not later
15 than the expiration of any period during which the prisoner is autho-
16 rized to be away from the place of confinement under this section, is
17 an unlawful evasion under AS 11.30.093.

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

4/29/83

Date: 5/23/83

Mr. Speaker:

The Committee on FINANCE has had SSHB 346

"An Act exempting public utility income from the net income tax; 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 SSHB 346 (FIN) same title
- and recommends NO RECOMMENDATION new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

George W. Ward

MEMBERS HAVING
OTHER RECOMMENDATIONS:

James J. ... (No Rec)

Paul ... (No Rec)

John ... (No Rec)

W.P. ... (No Rec)

Robert ... (No Rec)

Terry ... (No Rec)

Albert ...
CHAIRMAN

Original sponsor: Cato

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 346 (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 exempting public utility income from the net
7 income tax; and providing for an effective date."

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

9 * Section 1. The Alaska Public Utilities Commission (AS 42.05) shall
10 ascertain the amount of tax savings of a public utility as a result of the
11 exemption from the corporate net income tax enacted in sec. 2 of this Act
12 at the time of the next tariff filing of the public utility or within one
13 year of the effective date of this Act, whichever occurs first. Exempt
14 public utility income shall be fully calculated and reported on the appro-
15 priate state tax forms just as if it were taxable. The determination of a
16 just and reasonable rate that a public utility may charge under
17 AS 42.05.381 shall reflect the decreased expenses of the public utility as
18 a result of the tax exemption enacted by this Act.

19 * Sec. 2. AS 42.05.381(a) is repealed and reenacted to read:

20 (a) All rates demanded or received by a public utility for the
21 purpose of generating exempt public utility income, or by any two or
22 more public utilities jointly, for a service furnished or to be fur-
23 nished for the purpose of generating exempt public utility income
24 shall be just and reasonable. A rate may not include an allowance for
25 the costs of

- 26 (1) political contributions;
27 (2) lobbying;
28 (3) public relations;
29 (4) advertising;

1 (5) consulting or management fees paid to the owner of the
2 public utility or to a subsidiary or affiliate of the owner;

3 (6) products purchased from the owner of the public utility
4 or from a subsidiary or affiliate of the owner, in excess of the
5 actual value of the products; or

6 (7) services purchased from the owner of the public utility
7 or from a subsidiary or affiliate of the owner.

8 * Sec. 3. AS 43.20.011(e) is amended to read:

9 (e) Except as provided in AS 43.20.018, there [THERE] is imposed
10 for each taxable year upon the entire taxable income of every corpora-
11 tion derived from sources within the state a tax computed as follows:

12 If the taxable income is:	Then the tax is:
13 Less than \$10,000	1 percent of the taxable income
14 \$10,000 but less than \$20,000	\$100 plus 2 percent of the taxable 15 income over \$10,000
16 \$20,000 but less than \$30,000	\$300 plus 3 percent of the taxable 17 income over \$20,000
18 \$30,000 but less than \$40,000	\$600 plus 4 percent of the taxable 19 income over \$30,000
20 \$40,000 but less than \$50,000	\$1,000 plus 5 percent of the tax- 21 able income over \$40,000
22 \$50,000 but less than \$60,000	\$1,500 plus 6 percent of the tax- 23 able income over \$50,000
24 \$60,000 but less than \$70,000	\$2,100 plus 7 percent of the tax- 25 able income over \$60,000
26 \$70,000 but less than \$80,000	\$2,800 plus 8 percent of the tax- 27 able income over \$70,000
28 \$80,000 but less than \$90,000	\$3,600 plus 9 percent of the tax- 29 able income over \$80,000

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 24, 1983

SUBJECT: Exempting income of public utilities from the net income tax (CSSSHB 346 (Finance))

TO: Representative Albert P. Adams
Chairman, House Finance Committee

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

The attached bill draft incorporates the changes which the committee has voted on in SSBH 346. Those changes create several problems for this bill. Foremost among those problems is the inadequacy of the present title after the insertion of the repealer and reenactment of AS 42.-05.381(a). We have inserted the amendment to that section as Sec. 2 of this bill, so that the bill is organized in numerical order. I have not edited the language of the amendment to AS 42.05.381(a) but would observe that the general imperative that all rates of a public utility be just and reasonable seems to have been unnecessarily eroded by the addition of the phrase, "for the purpose of exempt public utility income". While it appears that most public utility income will be indeed exempt if the attached bill is enacted, the above-quoted phrase makes the sentence verbose.

The amendment which now appears in Sec. 8 of the bill draft creates some possible ambiguity. As presently worded that amendment makes it clear that the bill only applies to public utilities which have rates established by the Alaska Public Utilities Commission. That statement is in potential conflict with the definition of public utility income which appears in Sec. 7 of the bill. The definition of public utility income included income of a taxpayer from the ownership or operation of a public utility that is regulated under AS 42.05. There are a number of instances of utilities which are regulated under AS 42.05 which do not have rates established by the public utilities commission. They are regulated by requiring compliance with the provisions of AS 42.05 that deal with certificates of public

Representative Albert P. Adams
Page 2
May 24, 1983

convenience and necessity, AS 42.05.221 - 42.05.281, but they are exempt from economic regulation. A listing of some of those utilities is contained in AS 42.05.711. If it is the desire of the committee to only exempt income from those utilities which must seek approval of their tariffs from the Alaska Public Utilities Commission, then it would be advisable to add a clause to the end of the sentence which appears in Sec. 7 of the bill which would read:

. . . except those utilities which are exempt from the provisions of AS 42.05 other than AS 42.05.221 - 42.05.281.

If I can be of any further assistance to the committee on this matter, please do not hesitate to contact me.

TAS:ljb

Attachment
21/022

STATE OF ALASKA
FISCAL NOTE

Revision Date 5/24, 1983

I. REQUEST

CS
Bill/Resolution No: SS HB 346 (FIN)
Title: Exempting public utility income
Sponsor: Cato
Requestor: State Affairs and Finance

II. FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Rev Coll & Mgmt
BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	(2000)	(2000)	(2000)	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert R. Kessel
Division: Audit Division

Phone: 465-2320
Date: May 24, 1983

Approved by Commissioner: Joseph K. Donahue
Department: Revenue

Date: _____

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)

IV. Analysis

The fiscal note is based on data extracted from returns as filed for tax year 1981 and adjusted for anticipated increases in tax liabilities.

STATE OF ALASKA
FISCAL NOTE

Revision Date 5/24, 1983

I. REQUEST

Bill/Resolution No (SSS HB 346 (Fin))
Title: Exempting public utility income
Sponsor: Cato
Requestor: Finance

II. FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Rev Coll & Mgmt
BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(2000)	(2000)	(2000)	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert R. Kessel
Division: Audit Division

Phone: 465-2320
Date: May 24, 1983

Approved by Commissioner: Joseph K. Donohue
Department: Revenue

Date: 5/24/83

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- Copy to Requestor (if different from Sponsor)

IV. Analysis

The fiscal note is based on data extracted from returns as filed for tax year 1981 and adjusted for anticipated increases in tax liabilities.

The following individuals are expected to testify on SS
HB 346:

Representative Bette Cato, sponsor

A representative of the Department of Revenue

STATE OF ALASKA
FISCAL NOTE

Revision Date . 1983

I. REQUEST

Bill/Resolution No: SS HB 346
Title: Exempting public utility income
Sponsor: Cato
Requestor: State Affairs and Finance

II. FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Rev Coll & Mgmt
BRU, Program of Subprogram(s) Affected:
Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	(500)	(2500)	(2000)	(2000)	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Robert R. Kessel
Division: Audit Division

Phone: 465-2320
Date: April 25, 1983

Approved by Commissioner: [Signature]
Department: Revenue

Date: 7/26/83

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)

IV. Analysis

The fiscal note takes into consideration the retroactive provisions of the bill (1-1-83). Corporations make estimated payments in advance of their filing of a tax return and the fiscal note assumes that the first quarterly payments for 1983 taxes (paid on or before March 15, 1983) would not be refunded until after July 1, 1983. Therefore, the fiscal note for FY84 is greater than subsequent fiscal notes because of that refund carryover.

The fiscal note is based on data extracted from returns as filed for tax year 1981 and adjusted for anticipated increases in tax liabilities.

Revenue Effect
Public Utility Exemption

The effect of exempting public utility income from Alaska corporate income tax can be estimated by the Department of Revenue by reviewing the most recent tax returns of the utility corporations. Loss of tax revenues to the state will likely be significantly less than the \$8,768,000 in book taxes reported to the Alaska Public Utilities Commission in 1981. The variance between financial statement basis taxes and actual taxes paid to the state arises from timing and other differences allowed by accounting rules and consolidated effective tax rates for corporations with other enterprises.

From the consumers' perspective, this Act will reduce utility bills that are now paid for with after-federal-tax income. For this reason, the net effect for most consumers will be greater savings than direct distributions which generally are taxable by the federal government. Rate reductions from this source will be welcome relief from the recent successive rate increases required by many utilities.

The utility revenues and tax expense will be reduced in an equal amount; therefore, there will be no effect on net income. Rolling back rates as a result of this Act should be pleasant news to send to customers. It should also be noted that extraordinary expenses or tax credits from large capital programs resulted in some utilities showing no state income tax or a loss. These same utilities showed a significant tax position in other years, and absent this exemption would be expected to show a positive tax position over time.

An Act exempting public utility income from the net income tax; and providing for an effective date.

Section 1.

The Alaska Public Utilities Commission (APUC) sets rates for utilities based on projected revenues to cover three major categories: (1) operating expenses, (2) returns on debt and equity capital employed, and (3) an allowance for income taxes for corporate utilities. The effect of this section is to direct the APUC to determine the component of rates attributable to state corporate income tax exempted hereunder and reduce rates by that amount. The effect should be a direct flow through of the benefits of this Act to the utility's customers.

Section 2.

Refers to the exemption set forth at the new Sec. 43.20.018 provided in the next section.

Section 3.

Exempts public utility income and removes the apportionment factors related to the public utility from apportionment formulas relevant to the Multistate Tax Compact.

Section 4.

Exempts public utility income from definition of income from sources in the state.

Section 5.

Exempts utilities that transport oil or gas by pipeline from state corporate income tax if they are regulated by the APUC as a defined "public utility". Pipelines defined as "public carriers", such as the pipelines formerly regulated by the Alaska Pipeline Commission, would not be exempted under these amendments.

Section 6.

The effect of this section is to limit the tax exemption to utility income. Other net income of a utility company from unrelated operations would remain subject to state corporate income tax.

Section 7.

Set effective date as January 1, 1983 to coincide with fiscal years of most utilities.

Section 8.

Immediate effective date follows statutory form.

<u>Corporate Utility</u>	<u>Customers Served</u>	<u>State Income Tax Financial Statement Basis Reported to APUC (1981)</u>
Alascom, Inc.	4,189	\$ 6,881,205
Alaska Electric Light & Power Co.	8,434	LOSS
Alaska Power & Telephone Co.	1,223	-0-
Alyeska Utilities, Inc.	363	-0-
Anchorage Refuse, Inc.	17,669	32,158
Aniak Light & Power Co. Inc.	143	-0-
Arctic Utilities, Inc.	38	61,715
Bethel Utilities Corporation	1,401	-0-
Bettles Light & Power, Inc.	29	57
Burton Carver & Company, Inc.	32	-0-
Bush-Tell Incorporated	408	-0-
Central Alaska Utilities, Inc.	11,505	128,006
College Utilities Corporation	870	1,557
Dawn Development Corporation	106	552
Eagle River Heights Utilities, Inc.	395	1,383
Eagle River Refuse, Inc.	2,168	-0-
Eklutna Utilities, Inc.	75	-0-
ENSTAR Natural Gas Company	46,606	491,256
Far North Sanitation Service, Inc.	637	-0-
Fort Yukon Utilities	232	-0-
General Telephone Company of Alaska	8,097	88,649
Glacier State Telephone Company	16,162	611,890
Haines Light & Power Co. Inc.	619	-0-
Interior Telephone Company	1,789	35,530

<u>Corporate Utility</u>	<u>Customers Served</u>	<u>State Income Tax Financial Statement Basis Reported to APUC (1981)</u>
Juneau & Douglas Telephone Company	11,489	\$ 310,040
Kenai Utility Service Corporation	1,380	10,135
Kodiak Sanitation, Inc.	231	-0-
McGrath Light & Power	187	-0-
Mendenhaven Improvement and Maintenance Corporation	178	-0-
Mukluk Telephone Company, Inc.	126	LOSS
National Utilities, Inc.	968	27,472
Norfolk Utilities, Inc.	215	-0-
Northern Power & Engineering Corporation, Inc.	63	-0-
Northway Power & Light Inc.	65	-0-
Pelican Utility Company	74	LOSS
Peninsula Sanitation Company	872	-0-
Settler's Bay Properties, Inc.	25	LOSS
Sitka Telephone Company	3,981	32,200
Tanana Power Company	137	-0-
Telephone Utilities Of Alaska, Inc.	1,579	26,500
United Utilities, Inc.	1,310	27,790
Valley Water Company, Inc.	310	LOSS
Whittier Telephone Company	100	LOSS
Yakutat Power, Inc.	264	-0-
Yukon Telephone Company	232	-0-
Total State Income Tax reported to APUC for 1981 (financial statement basis)		<u>\$8,768,095</u>

<u>Community Served</u>	<u>Corporate Utility</u>	<u>Utility Service</u>
All communities	Alascom, Inc.	Telecommunications
Alakanuk	United Utilities, Inc.	Phone
Anchorage	Anchorage Refuse, Inc. Central Alaska Utilities, Inc. ENSTAR Natural Gas Company Rangeview Utilities	Refuse Water Gas Water & Sewer
Anchor Point	Glacier State Telephone Company	Phone
Angoon	Sitka Telephone Company	Phone
Aniak	Aniak Light & Power Company, Inc. Bush-Tell, Incorporated	Electric Phone
Anvik	Bush-Tell, Incorporated	Phone
Auke Bay	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company	Electric Phone
Barrow	General Telephone Company of Alaska	Phone
Bethel	Bethel Utilities Corporation, Inc. General Telephone Company of Alaska	Electric Phone
Bettles	Bettles Light & Power, Inc.	Electric
Brevig Mission	Mukluk Telephone Company, Inc.	Phone
Chugiak	Dawn Development Corporation Eklutna Utilities, Inc. ENSTAR Natural Gas Company	Water Water Gas
Clam Gulch	Glacier State Telephone Company	Phone
College	College Utilities Corporation	Sewer & Water
Cold Bay	Interior Telephone Company Northern Power & Engineering Corp., Inc.	Phone Electric
Cooper Landing	Burton Carver & Company Inc. Interior Telephone Company	Refuse Phone
Craig	Alaska Power & Telephone Company National Utilities	Electric Phone
Crooked Creek	Bush-Tell, Incorporated	Phone

Deadhorse	Arctic Utilities, Inc.	Electric
Delta Junction	Glacier State Telephone Company	Phone
Dot Lake	Alaska Power & Telephone Company	Electric
Douglas	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company	Electric Phone
Eagle River	Eagle River Heights Utilities, Inc. Eagle River Refuse, Inc. ENSTAR Natural Gas Company Norfolk Utilities	Water Refuse Gas Water
Emmonak	United Utilities, Inc.	Phone
Fairbanks	Far North Sanitation Service, Inc. Valley Water Company, Inc.	Refuse Water
Ft. Wainwright	Telephone Utilities of Alaska, Inc.	Phone
Fort Yukon	Fort Yukon Utilities Interior Telephone Company	Electric Phone
Galena	Interior Telephone Company	Phone
Gambell	United Utilities, Inc.	Phone
Girdwood	Alyeska Utilities, Inc.	Water
Grayling	Bush-Tell, Incorporated	Phone
Gustavus	Sitka Telephone Company	Phone
Haines	General Telephone Company of Alaska Haines Light & Power	Phone Electric
Holy Cross	Bush-Tell, Incorporated	Phone
Homer	Glacier State Telephone Company	Phone
Hoonah	Sitka Telephone Company	Phone
Hooper Bay	United Utilities, Inc.	Phone
Hope	Burton Carver & Company, Inc.	Refuse
Hydaburg	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Hyder	General Telephone Company of Alaska	Phone
Iliamna	Interior Telephone Company	Phone

Indian	Burton Carver & Company, Inc.	Refuse
Juneau	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company Mendenhaven Improvement and Maintenance Corp.	Electric Phone Water
Kake	Sitka Telephone Company	Phone
Kalsag	Bush-Tell Incorporated	Phone
Kasilof	ENSTAR Natural Gas Company Glacier State Telephone Company	Gas Phone
Kenai	Glacier State Telephone Company Kenai Utility Service Corporation Peninsula Sanitation Company	Phone Gas Refuse
Kenai (North)	ENSTAR Natural Gas Company	Gas
King Cove	Interior Telephone Company	Phone
Klawock	Sitka Telephone Company	Phone
Kodiak	Glacier State Telephone Company Kodiak Sanitation	Phone Refuse
McGrath	General Telephone Company of Alaska McGrath Light & Power Company	Phone Electric
Mt. Edgecumbe	Sitka Telephone Company	Phone
Nenana	Glacier State Telephone Company	Phone
Nome	General Telephone Company of Alaska	Phone
North Pole	Glacier State Telephone Company	Phone
Northway	Northway Power & Light, Inc. Sitka Telephone Company	Electric Phone
Pelican	Sitka Telephone Company	Phone
Petersburg	General Telephone Company of Alaska	Phone
Port Lions	Interior Telephone Company	Phone
Red Devil	Bush-Tell Incorporated	Phone
Sand Point	Interior Telephone Company Pelican Utility Company	Phone CATV, Electric
St. Mary's	United Utilities, Inc.	Phone

Savoonga	United Utilities, Inc.	Phone
Settler's Bay	Settler's Bay Properties, Inc.	Sewer & Water
Seward	General Telephone Company of Alaska	Phone
Shageluk	Bush-Tell, Incorporated	Phone
Shishmaref	Mukluk Telephone Company	Phone
Sitka	Sitka Telephone Company	Phone
Skagway	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Sleetmute	Bush-Tell Incorporated	Phone
Sterling	ENSTAR Natural Gas Company	Gas
Stony River	Bush-Tell, Incorporated	Phone
Soldotna	ENSTAR Natural Gas Company Glacier State Telephone Company	Gas Phone
Tanana	Tanana Power Company Yukon Telephone Company	Electric Phone
Tanacross	Alaska Power & Telephone Company	Electric
Tee Harbor	Juneau & Douglas Telephone Company	Phone
Teller	Mukluk Telephone Company	Phone
Tetlin	Alaska Power & Telephone Company	Electric
Thorne Bay	Sitka Telephone Company	Phone
Togiak	United Utilities, Inc.	Phone
Tok	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Unalaska	Interior Telephone Company	Phone
Wales	Mukluk Telephone Company	Phone
Whittier	Whittier Telephone Company	Phone
Wrangell	General Telephone Company of Alaska	Phone
Yakutat	Sitka Telephone Company Yakutat Power, Inc.	Phone Electric

SPONSOR STATEMENT

SSi.B 346.

PUBLIC UTILITY TAX EXEMPTION

MR. CHAIRMAN,

I AM APPEARING TODAY TO TESTIFY IN SUPPORT OF MY SPONSOR SUBSTITUTE FOR HOUSE BILL 346. THIS BILL, IF ENACTED, WILL EXEMPT PUBLIC UTILITY INCOME IN THE STATE FROM ALASKA STATE CORPORATE INCOME TAX. MY SPONSOR SUBSTITUTE FURTHER REQUIRES THAT THE TAX SAVINGS RESULTING FROM THIS EXEMPTION BE PASSED DIRECTLY TO THE CONSUMER IN THE FORM OF RATE REDUCTIONS.

CONSUMERS THROUGHOUT THE STATE HAVE EXPERIENCED INCREASING UTILITY BILLS. IT IS A GROWING CONCERN THAT AFFECTS NEARLY EVERY HOUSEHOLD; BOTH RURAL AND URBAN. UTILITIES ARE BASIC TO THE NEEDS OF OUR PEOPLE. EACH MONTH A PORTION OF THEIR TELEPHONE, GAS, AND ELECTRIC BILLS CONTAIN A CHARGE TO REIMBURSE UTILITIES FOR ANY CORPORATE TAXES UTILITIES ARE REQUIRED TO PAY. THIS BILL WILL ELIMINATE THESE UNSEEN TAXES AND REDUCE RATES.

I UNDERSTAND THAT THE IMPACT ON STATE REVENUES WILL BE MINIMAL, AND I BELIEVE THAT THE EFFECT OF THIS BILL IS PROPER PUBLIC POLICY FOR THE STATE. I URGE YOUR FAVORABLE ACTION, TODAY.

Amendment #2

add a new section 6 and remember subsequent sections

" This Act only applies to Public Utilities whose rates are established by the public utilities commission "

AMENDMENT

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY: Representative Lindauer

TO: SS HB 346 HOUSE BILL NO. _____

SENATE BILL NO. _____

PAGE: _____ LINE: _____

Page 1, Line 13:

Insert after "first." Exempt public utility income shall be fully calculated and reported on the appropriate state tax forms just as if it is taxable.

Insert after section 3 a new section 4 and renumber subsequent sections:

*Section 4. AS 42.05.381(a) is repealed and reenacted to read:

(a) All rates demanded or received by a public utility, or by any two or more public utilities jointly, for a service furnished or to be furnished for THE PURPOSE OF GENERATING EXEMPT PUBLIC UTILITY INCOME shall be just and reasonable. For THE PURPOSE of generating exempt Pub utility in ~~such a~~ rate may not include an allowance for the costs of

- (1) political contributions;
- (2) lobbying;
- (3) public relations;
- (4) advertising;
- (5) consulting or management fees paid to the owner of the public utility or to a subsidiary or affiliate of the owner;
- (6) products purchased from the owner of the public utility or from a subsidiary or affiliate of the owner, in excess of the actual value of the products; or
- (7) services purchased from the owner of the public utility or from a subsidiary or affiliate of the owner.

Introduced: 4/22/83
Referred: Labor and Commerce
and Finance

1 IN THE HOUSE

BY CATO

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 346

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting public utility income from the net
7 income tax; and providing for an effective date."

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

9 * Section 1. The Alaska Public Utilities Commission (AS 42.05) shall
10 ascertain the amount of tax savings of a public utility as a result of the
11 exemption from the corporate net income tax enacted in sec. 2 of this Act
12 at the time of the next tariff filing of the public utility or within one
13 year of the effective date of this Act, whichever occurs first. The deter-
14 mination of a just and reasonable rate that a public utility may charge
15 under AS 42.05.381 shall reflect the decreased expenses of the public
16 utility as a result of the tax exemption enacted by this Act.

17 * Sec. 2. AS 43.20.011(e) is amended to read:

18 (e) Except as provided in AS 43.20.018, there [THERE] is imposed
19 for each taxable year upon the entire taxable income of every corpora-
20 tion derived from sources within the state a tax computed as follows:

21 If the taxable income is:	Then the tax is:
22 Less than \$10,000	1 percent of the taxable income
23 \$10,000 but less than \$20,000	\$100 plus 2 percent of the taxable 24 income over \$10,000
25 \$20,000 but less than \$30,000	\$300 plus 3 percent of the taxable 26 income over \$20,000
27 \$30,000 but less than \$40,000	\$600 plus 4 percent of the taxable 28 income over \$30,000
29 \$40,000 but less than \$50,000	\$1,000 plus 5 percent of the tax-

1		able income over \$40,000
2	\$50,000 but less than \$60,000	\$1,500 plus 6 percent of the tax-
3		able income over \$50,000
4	\$60,000 but less than \$70,000	\$2,100 plus 7 percent of the tax-
5		able income over \$60,000
6	\$70,000 but less than \$80,000	\$2,800 plus 8 percent of the tax-
7		able income over \$70,000
8	\$80,000 but less than \$90,000	\$3,600 plus 9 percent of the tax-
9		able income over \$80,000
10	\$90,000 or more	\$4,500 plus 9.4 percent of the tax-
11		able income over \$90,000.

12 * Sec. 3. AS 43.20 is amended by adding a new section to read:
 13 Sec. 43.20.018. PUBLIC UTILITY INCOME EXEMPTION. (a) Public
 14 utility income of a taxpayer from utility service provided in the
 15 state is exempt from taxation under this chapter.

16 (b) The property, sales, payroll, production, income, business
 17 income, and federal taxable income of a corporation attributable to
 18 the public utility income of that corporation derived from sources in
 19 the state may not be included in the allocation and apportionment of
 20 net income of a taxpayer under AS 43.20.065 - 43.20.072.

21 * Sec. 4. AS 43.20.040 is amended by adding a new subsection to read:
 22 (d) The provisions of this section do not apply to public
 23 utility income. Public utility income is not income from a source
 24 having a taxable or business situs in the state.

25 * Sec. 5. AS 43.20.072 is amended by adding a new subsection to read:
 26 (h) For the purposes of this section, a taxpayer has not engaged
 27 in the transportation of oil or gas by pipeline in the state if the
 28 taxpayer is a corporation which is regulated as a public utility by
 29 the Alaska Public Utilities Commission under AS 42.05 for the

1 transportation of that oil or gas.

2 * Sec. 6. AS 43.20.340 is amended by adding a new paragraph to read:

3 (18) "public utility income" means income of a taxpayer
4 derived from the ownership or operation of a public utility that is
5 regulated under AS 42.05.

6 * Sec. 7. This Act is retroactive to January 1, 1983.

7 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
8 10.070(c).