

LEG. FINANCE - BILLS 1985 - 1986 2175

CSSB 78 cont. - SB 81

2175

1 commercial harvest of fish under the direction of a limited entry
2 permit holder.

3 (i) If a loan is made to a borrower under AS 16.10.310(a)(1)(A),
4 a subsequent loan may not be made to the borrower [OR AN ASSOCIATE OF
5 THE BORROWER] under AS 16.10.310(a)(1)(B) [OR (C)]. If a loan is made
6 to a borrower under AS 16.10.310(a)(1)(B) [OR (C)], a subsequent loan
7 may be made to the borrower [OR AN ASSOCIATE OF THE BORROWER] under
8 AS 16.10.310(a)(1)(A) if the total of the balances outstanding on
9 loans received by the borrower [OR THE ASSOCIATE] under AS 16.10.310
10 does not exceed \$300,000.

11 * Sec. 4. AS 16.10.333 is amended to read:

12 Ser. 16.10.333. LOANS FOR PURCHASE OF ALASKA LIMITED ENTRY
13 PERMITS. (a) Loans under AS 16.10.310(a) [AS 16.10.320(a)] may be
14 made to an individual commercial fisherman for the purchase of a
15 limited entry permit upon certification by the commission that the
16 fisherman is a person who qualifies as a transferee for the permit
17 under AS 16.43 and the regulations adopted by the commission.

18 (b) Upon approval by the commissioner, the permit to be pur-
19 chased may be pledged as security for a loan under (a) of this sec-
20 tion, if

21 (1) the certificate for the pledged permit lists the com-
22 missioner as the equitable owner of the permit;

23 (2) the certificate for the pledged permit lists the debtor
24 as the equitable owner of the permit;

25 (3) all annual permit cards issued under the pledged permit
26 list the name of the debtor;

27 (4) all obligations and responsibilities of a permit owner
28 are assumed by the debtor;

29 (5) co-signers or other sureties for performance under the

1 note are not vested with any rights in the pledged permit and their
2 obligation is limited to satisfaction of the note and payment of costs
3 directly incurred by the department in administering the loan.

4 (c) The commissioner is not liable for any act or omission
5 resulting from permit ownership nor will that act or omission affect
6 the commissioner's title to the permit or the commissioner's rights
7 under it.

8 (d) Upon satisfaction of the note by the debtor, the commission-
9 er shall certify to the commission that the note has been satisfied.

10 (e) Upon certification as provided in (d) of this section, the
11 commission shall amend the permit certificate to list the debtor as
12 the legal owner.

13 (f) [IN DETERMINING WHETHER AN INDIVIDUAL COMMERCIAL FISHERMAN
14 IS REASONABLY LIKELY TO BE ABLE TO REPAY A LOAN MADE UNDER THIS SEC-
15 TION, THE COMMISSIONER SHALL CONSIDER THE INDIVIDUAL COMMERCIAL FISH-
16 ERMAN'S INCOME FROM COMMERCIAL FISHING AND FROM ALL OTHER SOURCES.]

17 * Sec. 5. AS 16.10.335 is amended to read:

18 Sec. 16.10.335. DEFAULT AND FORECLOSURE. (a) If the debtor
19 defaults upon a note for which a limited entry permit has been pledged
20 as security under AS 16.10.333 or [UNDER AS] 16.10.338, the commis-
21 sioner shall provide the debtor, by both [REGISTERED OR] certified and
22 first class mail sent to the debtor's last known address on file with
23 the commissioner, with a notice of default that [WHICH] includes

24 (1) a description of the security given for the note in-
25 cluding the number assigned to the pledged permit by the commission;

26 (2) the date upon which the default occurred;

27 (3) the amount of arrearages as of the date of the notice,
28 the total amount remaining on the note less unearned interest, and the
29 amount of daily interest;

1 (4) a statement that the debtor may, within 15 days after
2 [OF] the postmark date of the notice, request a hearing to submit
3 evidence showing the debtor has not defaulted;

4 (5) a statement that the note may be reinstated if brought
5 current within 60 days after [FROM] the postmark date of the notice;

6 (6) a statement that the note may be paid in full less
7 unearned interest within 120 days after [FROM] the postmark date of
8 the notice;

9 (7) the place where reinstatement or payment in full may be
10 made; and

11 (8) a notice in at least 10-point bold type stating:
12 "IMPORTANT: YOUR FAILURE TO REINSTATE OR PAY THIS NOTE IN FULL BY THE
13 DATE SPECIFIED WILL RESULT IN A FORFEITURE OF ALL RIGHTS TO THE PERMIT
14 AND THE POSSIBILITY OF LEGAL ACTION BEING INSTITUTED AGAINST YOU."

15 (b) In each case of a limited entry permit being pledged as
16 security under AS 16.10.333 or 16.10.338, the debtor shall maintain on
17 file with the department an address where notice of default is to be
18 sent, if necessary, and where that notice will be timely received by
19 the debtor.

20 (c) Upon presentation of evidence of mailing in accordance with
21 (a) of this section, the receipt of the notice of default by the
22 debtor will be presumed for all purposes. This presumption is rebut-
23 table by presentation of evidence sufficient to demonstrate lack of
24 receipt of notice through no fault of the debtor. Upon presentation
25 of evidence sufficient to prove lack of receipt of notice through no
26 fault of the debtor, the notice is a nullity.

27 (d) Upon good cause shown, the commissioner may waive any of the
28 time limits in (a) of this section, if the department receives from
29 the debtor or the debtor's representative a request for the waiver

1 before the expiration of the time limit for which the waiver is
2 sought.

3 (e) Except as otherwise provided in (c) and (d) of this section,
4 upon [UPON] the debtor's failure to satisfy the note within the time
5 specified in (a)(6) of this section, the debtor's interest in the
6 permit is terminated by operation of law without further notice. Any
7 entry permit card issued to the debtor under the permit must [SHALL]
8 be cancelled immediately upon receipt by the commission of a certifi-
9 cate of termination containing a copy of the notice required by (a) of
10 this section issued by the commissioner.

11 * Sec. 6. AS 16.10.339 is amended to read:

12 Sec. 16.10.339. REGULATIONS. The [COMMISSION, WITH THE APPROVAL
13 OF THE] department[,] shall adopt regulations to implement AS 16.10.-
14 333 -- 16.10.337.

15 * Sec. 7. AS 16.10 is amended by adding a new section to read:

16 Sec. 16.10.355. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR FORE-
17 CLOSURE. The department shall dispose of property acquired through
18 default or foreclosure of a loan made under AS 16.10.300 -- 16.10.370
19 or the former AS 16.10.650 -- 16.10.720. Disposal must be made in a
20 manner that serves the best interests of the state, and may include
21 the amortization of payments over a period of years, but may not be by
22 lease.

23 * Sec. 8. AS 16.10 is amended by adding new sections to read:

24 Sec. 16.10.507. SPECIAL ACCOUNT ESTABLISHED. (a) There is
25 established as a special account within the fisheries enhancement
26 revolving loan fund the foreclosure expense account. This account is
27 established as a reserve from fund equity.

28 (b) The commissioner may expend money credited to the foreclo-
29 sure expense account when necessary to protect the state's security

1 interest in collateral on loans granted under AS 16.10.520 or to
2 defray expenses incurred during foreclosure proceedings after a de-
3 fault by an obligor.

4 Sec. 16.10.555. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
5 FORECLOSURE. The Department of Commerce and Economic Development
6 shall dispose of property acquired through default or foreclosure of a
7 loan made under AS 16.10.500 -- 16.10.620. Disposal must be made in a
8 manner that serves the best interests of the state, and may include
9 the amortization of payments over a period of years, but may not be by
10 lease.

11 * Sec. 9. AS 26.15 is amended by adding new sections to read:

12 Sec. 26.15.085. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
13 FORECLOSURE. The Department of Commerce and Economic Development
14 shall dispose of property acquired through default or foreclosure of a
15 loan made under this chapter. Disposal must be made in a manner that
16 serves the best interests of the state, and may include the amortiza-
17 tion of payments over a period of years, but may not be by lease.

18 Sec. 26.15.095. SPECIAL ACCOUNT ESTABLISHED. (a) There is
19 established as a special account within the Alaska World War II veter-
20 ans' revolving fund the foreclosure expense account. This account is
21 established as a reserve from fund equity.

22 (b) The commissioner of commerce and economic development may
23 expend money credited to the foreclosure expense account when neces-
24 sary to protect the state's security interest in collateral on loans
25 granted under AS 26.15.040 or to defray expenses incurred during
26 foreclosure proceedings after a default by an obligor.

27 * Sec. 10. AS 27.09 is amended by adding new sections to read:

28 Sec. 27.09.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
29 established as a special account within the mining loan fund the

1 foreclosure expense account. This account is established as a reserve
2 from fund equity.

3 (b) The commissioner of commerce and economic development may
4 expend money credited to the foreclosure expense account when neces-
5 sary to protect the state's security interest in collateral on loans
6 granted under AS 27.09.010 or to defray expenses incurred during
7 foreclosure proceedings after a default by an obligor.

8 Sec. 27.09.055. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
9 FORECLOSURE. The department shall dispose of property acquired
10 through default or foreclosure of a loan made under this chapter.
11 Disposal must be made in a manner that serves the best interests of
12 the state, and may include the amortization of payments over a period
13 of years, but may not be by lease.

14 * Sec. 11. AS 44.33 is amended by adding new sections to read:

15 Sec. 44.33.242. SPECIAL ACCOUNT ESTABLISHED. (a) There is
16 established as a special account within the child care facility re-
17 volving loan fund the foreclosure expense account. This account is
18 established as a reserve from fund equity.

19 (b) The commissioner of commerce and economic development may
20 expend money credited to the foreclosure expense account when neces-
21 sary to protect the state's security interest in collateral on loans
22 granted under AS 44.33.245 or to defray expenses incurred during
23 foreclosure proceedings after a default by an obligor.

24 Sec. 44.33.272. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
25 FORECLOSURE. The department shall dispose of property acquired
26 through default or foreclosure of a loan made under AS 44.33.240 --
27 44.33.275. Disposal must be made in a manner that serves the best
28 interests of the state, and may include the amortization of payments
29 over a period of years, but may not be by lease.

1 * Sec. 12. AS 45.87 is amended by adding new sections to read:

2 Sec. 45.87.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
3 established as a special account within the bulk fuel revolving loan
4 fund the foreclosure expense account. This account is established as
5 a reserve from fund equity.

6 (b) The commissioner of commerce and economic development may
7 expend money credited to the foreclosure expense account when neces-
8 sary to protect the state's security interest in collateral on loans
9 granted under this chapter or to defray expenses incurred during
10 foreclosure proceedings after a default by an obligor.

11 Sec. 45.87.040. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
12 FORECLOSURE. The department shall dispose of property acquired
13 through default or foreclosure of a loan made under this chapter.
14 Disposal must be made in a manner that serves the best interests of
15 the state, and may include the amortization of payments over a period
16 of years, but may not be by lease.

17 Sec. 45.87.060. REGULATIONS. The department shall adopt regu-
18 lations to implement this chapter.

19 * Sec. 13. AS 45.88 is amended by adding new sections to read:

20 Sec. 45.88.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
21 established, as a special account within the revolving loan fund
22 established under AS 45.88.010, the foreclosure expense account. This
23 account is established as a reserve from fund equity.

24 (b) The commissioner of commerce and economic development may
25 expend money credited to the foreclosure expense account when neces-
26 sary to protect the state's security interest in collateral on loans
27 granted under AS 45.88.020 or to defray expenses incurred during
28 foreclosure proceedings after a default by an obligor.

29 Sec. 45.88.050. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR

1 FORECLOSURE. The Department of Commerce and Economic Development
2 shall dispose of property acquired through default or foreclosure of a
3 loan made under this chapter. Disposal must be made in a manner that
4 serves the best interests of the state, and may include the amortiza-
5 tion of payments over a period of years, but may not be by lease.

6 Sec. 14. AS 45.89 is amended by adding new sections to read:

7 Sec. 45.89.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
8 established as a special account within the residential energy conser-
9 vation and the foreclosure expense account. This account is estab-
10 lished as a reserve from fund equity.

11 (b) The commissioner may expend money credited to the foreclo-
12 sure expense account when necessary to protect the state's security
13 interest in collateral on loans granted under AS 45.89.030 or to
14 defray expenses incurred during foreclosure proceedings after a de-
15 fault by an obligor.

16 Sec. 45.89.050. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
17 FORECLOSURE. The department shall dispose of property acquired
18 through default or foreclosure of a loan made under this chapter.
19 Disposal must be made in a manner that serves the best interests of
20 the state, and may include the amortization of payments over a period
21 of years, but may not be by lease.

22 Sec. 45.89.070. REGULATIONS. The department shall adopt regu-
23 lations to implement this chapter.

24 * Sec. 15. AS 45.90 is amended by adding new sections to read:

25 Sec. 45.90.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
26 established as a special account within the tourism revolving fund the
27 foreclosure expense account. This account is established as a reserve
28 from fund equity.

29 (b) The commissioner of commerce and economic development may

1 expend money credited to the foreclosure expense account when neces-
2 sary to protect the state's security interest in collateral on loans
3 granted under AS 45.90.020 or to defray expenses incurred during
4 foreclosure proceedings after a default by an obligor.

5 Sec. 45.90.050. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
6 FORECLOSURE. The Department of Commerce and Economic Development
7 shall dispose of property acquired through default or foreclosure of a
8 loan made under this chapter. Disposal must be made in a manner that
9 serves the best interests of the state, and may include the amortiza-
10 tion of payments over a period of years, but may not be by lease.

11 * Sec. 16. AS 45.95 is amended by adding new sections to read:

12 Sec. 45.95.055. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
13 FORECLOSURE. The Department of Commerce and Economic Development
14 shall dispose of property acquired through default or foreclosure of a
15 loan made under this chapter. Disposal must be made in a manner that
16 serves the best interests of the state, and may include the amortiza-
17 tion of payments over a period of years, but may not be by lease.

18 Sec. 45.95.065. SPECIAL ACCOUNT ESTABLISHED. (a) There is
19 established as a special account within the small business revolving
20 loan fund the foreclosure expense account. This account is estab-
21 lished as a reserve from fund equity.

22 (b) The commissioner may expend money credited to the foreclo-
23 sure expense account when necessary to protect the state's security
24 interest in collateral on loans granted under AS 45.95.020 or to
25 defray expenses incurred during foreclosure proceedings after a de-
26 fault by an obligor.

27 * Sec. 17. AS 45.98 is amended by adding a new section to read:

28 Sec. 45.98.015. SPECIAL ACCOUNT ESTABLISHED. (a) There is
29 established as a special account within the historical district

1 revolving loan fund the foreclosure expense account. This account is
2 established as a reserve from fund equity.

3 (b) The commissioner of commerce and economic development may
4 expend money credited to the foreclosure expense account when neces-
5 sary to protect the state's security interest in collateral on loans
6 granted under this chapter, or to defray expenses incurred during
7 foreclosure proceedings after a default by an obligor.

8 * Sec. 18. AS 45.98.020 is amended to read:

9 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
10 plan approval by a local historical district commission established
11 under AS 29.48.108 and the recommendation of a majority of the members
12 of the Historic Sites Advisory Committee, the Department of Commerce
13 and Economic Development may make loans to a person, firm, business or
14 municipality subject to applicable laws for the restoration, improve-
15 ment, rehabilitation, or maintenance of

16 (1) a structure which is [(1)] within the boundaries of a
17 historical district established under AS 29.48.110 and [;]

18 [(2)] identified as important in state or national history as
19 provided for in AS 29.48.110(b); or [AND]

20 (2) a [(3) ANOTHER] building or structure within a histor-
21 ical district which is [AND] suitable for superficial modification so
22 that it can conform to the period or motif of the surrounding build-
23 ings or structures that are the reason for the area's designation as a
24 historical district.

25 * Sec. 19. AS 45.98 is amended by adding a new section to read:

26 Sec. 45.98.055. DISPOSAL OF PROPERTY ACQUIRED BY DEFAULT OR
27 FORECLOSURE. The Department of Commerce and Economic Development
28 shall dispose of property acquired through default or foreclosure of a
29 loan made under this chapter. Disposal must be made in a manner that

1 serves the best interests of the state, and may include the amortiza-
2 tion of payments over a period of years, but may not be by lease.
3 * Sec. 20. This Act takes effect July 1, 1985.

COMMITTEE REPORT
SENATE

FURTHER:

1/22/86

Date 2/4/86

Mr. President

The Committee on FINANCE considered SB 80

number of psychiatrists or psychologists appointed to examine a criminal defendant; efd.

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 CS for SB 80 (HESS)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 20 FN (AB)
(Jan-1/86 ds)
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Rick Halford

Paul Fieble

W. G. ...

Jerome ...

John ...

MEMBERS HAVING
OTHER RECOMMENDATIONS

Jan Fieble
Chairman

I do pass
Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE
FISCAL NOTE

2/6/86

New & fiscal notes prepared after bill was reported out of Committee.

REQUEST

Bill/Resolution No. : CSSB 80 (HESS)
 Title : Number of psychiatrists to examine a criminal defendant
 Sponsor : Senate HESS
 Requestor : _____
 Date of Request : _____

FISCAL DE

Agency Affecte
 BRU : Soc
 Divisio
 Develop
 Components :
 Institi

New & notes simply meet statutory require-ments for 5-yr. projection and reference to version of the bill passed from committee

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY		
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Parks, Co-Chairman Date : 2/6/86
Senate Finance Committee
 Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 80 (HESS)
 Title : Number of psychiatrists to examine a criminal defendant
 Sponsor : Senate HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Health and Social Services
 BRU : Social Services
Division of Mental Health & Developmental Disabilities API
 Components : Mental Health Institutions and Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Senator Jan Faiks, Co-Chairman Phone : 465-4523
 Division : Senate Finance Committee Date : 2/6/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 80 (HESS)
 Title : Number of psychiatrists to
 examine a criminal defendant
 Sponsor : Senate HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept of Law
 BRU : Prosecution - Administration
 of Justice
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

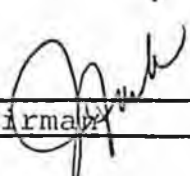
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : _____
 Division : Senator Jan Faiks, Co-Chairman
Senate Finance Committee



Phone : 465-4523
 Date : 2/6/86

Approved by Commissioner : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

116

Revision Date: _____

REQUEST

Bill/Resolution No.: SL 80
 Title: "...the number of psychiatrists...to examine a crim. defendant."
 Sponsor: Senate Rules/Governor
 Requestor: Governor's Ofc./OMB
 Date of Request: 12/18/84

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill would allow a criminal defendant and the prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain defendants. If that requirement is waived, the court would only have to appoint one psychiatrist or psychologist, saving considerable expense on the part of the Division of Mental Health and Developmental Disabilities. This bill will not have a fiscal impact on the Department of Law's operations.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Norman C. Gorsuch Date: 12/19/84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

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

APB

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 80
 Title: An Act relating to the number of psychiatrists appointed
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: January 28, 1985

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health and Developmental Disabilities & API
 BRU, Program or Subprogram(s) Affected: Mental Health Institutions and Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)


GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: James L. Scoles 
 Division: Mental Health & Developmental Disabilities

Phone: 465-3370
 Date: 1-28-85

Approved by Commissioner: John P. P.
 Agency: Health & Social Services

Date: 1/30/85 *JCC*

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

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The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.

Offered: 4/11/85
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 80 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the number of psychiatrists or
8 psychologists appointed to examine a criminal defen-
9 dant; and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 12.47.070(a) is amended to read:
12 (a) If a defendant has filed a notice of intention to rely on
13 the affirmative defense of insanity under AS 12.47.010 or has filed
14 notice under AS 12.47.020(a), or there is reason to doubt the defen-
15 dant's fitness to proceed, or there is reason to believe that a mental
16 disease or defect of the defendant will otherwise become an issue in
17 the case, the court shall appoint at least two qualified psychiatrists
18 or two forensic psychologists certified by the American Board of
19 Forensic Psychology to examine and report upon the mental condition of
20 the defendant. However, if both the defendant and the prosecuting
21 attorney waive the requirement for the appointment of at least two
22 psychiatrists or psychologists, the court shall appoint one psychia-
23 trist or psychologist. If the court appoints a psychiatrist [PSYCHIA-
24 TRISTS], the psychiatrist [PSYCHIATRISTS] may select a psychologist
25 [PSYCHOLOGISTS] to provide assistance. If the defendant has filed
26 notice under AS 12.47.090(a), the report shall consider whether the
27 defendant can still be committed under AS 12.47.090(c). The court may
28 order the defendant to be committed to a secure facility for the
29 purpose of the examination for not more than 60 days or such longer
period as the court determines to be necessary for the purpose and may

1 direct that a qualified psychiatrist retained by the defendant be
2 permitted to witness and participate in the examination.

3 * Sec. 2. AS 12.47.100(b) is amended to read:

4 (b) When, after arrest and before the imposition of sentence or
5 before the expiration of any period of probation, the attorney gener-
6 al, the prosecuting attorney, or the attorney for the accused has
7 reasonable cause to believe that a person charged with a crime may be
8 presently suffering from a mental disease or defect or is otherwise so
9 mentally incompetent that the accused is unable to understand the
10 proceedings or to properly assist in the accused's own defense, the
11 attorney general, prosecuting attorney, or the attorney for the
12 accused may file a motion for a judicial determination of the mental
13 competency of the accused. Upon that motion or upon a similar motion
14 on behalf of the accused, or upon its own motion, the court shall
15 appoint at least two qualified psychiatrists to examine and report
16 upon the mental condition of the defendant. However, if both the
17 defendant and the prosecuting attorney waive the requirement for the
18 appointment of at least two psychiatrists, the court shall appoint one
19 psychiatrist [HAVE THE ACCUSED, WHETHER OR NOT PREVIOUSLY ADMITTED TO
20 BAIL, EXAMINED BY AT LEAST ONE QUALIFIED PSYCHIATRIST, WHO SHALL
21 REPORT TO THE COURT CONCERNING THE MENTAL CONDITION OF THE ACCUSED].
22 For the purpose of the examination the court may order the accused
23 committed for a reasonable period as the court may determine to a
24 suitable hospital or other facility to be designated by the court. If
25 the report of the psychiatrist indicates a state of present mental
26 disease or defect or of other mental incompetency in the accused, the
27 court shall hold a hearing, upon due notice, at which evidence as to
28 the mental condition of the accused may be submitted, including that
29 of the reporting psychiatrist, and make a finding with respect to the

1 mental condition of the accused. No statement made by the accused in
2 the course of an examination into the mental competency of the accused
3 provided for by this section, whether the examination is with or
4 without the consent of the accused, may be admitted in evidence
5 against the accused on the issue of guilt in a criminal proceeding
6 unless the accused later relies on a defense under AS 12.47.010 or
7 12.47.020. A finding by the judge that the accused is mentally compe-
8 tent to stand trial in no way prejudices the accused in a defense
9 based on insanity; the finding may not be introduced in evidence on
10 that issue or otherwise be brought to the notice of the jury.

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

SECTIONAL ANALYSIS FOR SENATE BILL 80

An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant and providing for an effective date

Section 1

Amends Title 12, (Code of Criminal Procedure) Chapter 47, having to do with Psychiatric Examinations. Under current law, when a defendant that files a notice of intent to rely on the defense of insanity, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. This bill would establish a waiver process whereby only one psychiatrist or psychologist would have to be appointed if both the defense and prosecution agreed.

Section 2

This section also amends Chapter 47, Incompetency to Proceed. When the prosecution or defense attorneys determine that a defendant is mentally incapable of assisting in his or her own defense, the court must appoint at least two psychiatrists or psychologists to examine the defendant. This section would amend that requirement by and allow only one psychiatrist or psychologist to examine the defendant if both the defense and prosecution agreed.

Section 3

Immediate effective date.

Fiscal Impact

There is no fiscal impact because the Division of Mental Health "does not foresee any decrease in personnel services expenditures." However, they do say that passage of this legislation will result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute.

POSITION PAPER

CS for Senate Bill No. 80 (HESS)

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

The Committee Substitute for Senate Bill 80 does not alter the language or intent of Section 1 in the original version of Senate Bill 80. Thus our earlier Position Paper, dated January 30, 1985 (copy attached), accurately reflects our analysis and position with regard to Section 1 of the Committee Substitute.

The CS for SB 80 adds a new Section 2. This section, which amends A.S. 12.47.100, would tend to make this statute consistent with A.S. 12.47.070 by requiring the court to appoint two psychiatrists to examine a criminal defendant for competency to stand trial unless the defendant and the prosecuting attorney waive this requirement. In our opinion, it is indeed appropriate that these two statutes be consistent with respect to the number and types of examiners that are required to perform examinations on defendants undergoing criminal proceedings when mental disease or defect may become an issue.

Accordingly, we recommend that the same language that is in Section 1, line 16 through line 24 regarding the number and types of examiners under A.S. 12.47.070 should be repeated in Section 2 which refers to examinations under A.S. 12.47.100 and replace the language currently on line 15 through line 19. The existing language in Section 2 only requires that two qualified psychiatrists be appointed. This change will permit the court the option of appointing two qualified psychiatrists or two forensic psychologists to perform these exams. It will also authorize the psychiatrists that are appointed the opportunity to select psychologists to provide assistance in completing the examinations under A.S. 12.47.100.

The Department of Health and Social Services supports passage of the Committee Substitute for Senate Bill 80 with the recommended change that is noted above.

Recommended by: PPH for Mel Henry
Mel Henry, Ph.D., M.P.A.

Date: 4/18/85

Approved by: John Pugh
John Pugh, Commissioner

Date: 4/23/85

POSITION PAPER

SENATE BILL 80

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

In October, 1982, Chapter 143, SLA 1982 became effective. That Act, among other things, revised Alaska's criminal laws relating to insanity and competency to stand trial. One revision that was contained in the Act requires that two psychiatrists or two forensic psychologists must be appointed to examine defendants under A.S. 12.47.070. Prior to the 1982 revision only one psychiatrist was required by statute to perform these examinations. The amendment proposed in Senate Bill 80 would give the court the option of appointing only one psychiatrist or forensic psychologist if the requirement under A.S. 12.47.070 that two psychiatrists or forensic psychologists examine the defendant is waived by both the defendant and the prosecuting attorney.

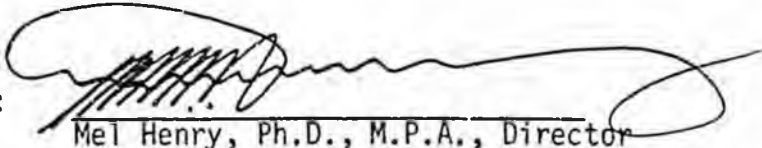
We believe that many, if not most, of these examinations can be adequately performed by utilizing only one psychiatrist or forensic psychologist. A large percentage of these exams are currently being done by the Forensic Services Team from Alaska Psychiatric Institute. The exams are performed in the Anchorage area correctional centers. If the court is required to routinely appoint two psychiatrists or forensic psychologists to examine these defendants, and Alaska Psychiatric Institute is ordered to perform the exam, a second psychiatrist that has in-hospital responsibilities must be detailed to the correctional center in order to perform the second psychiatric examination.

According to the staff at Alaska Psychiatric Institute, approximately 170 defendants per year are ordered by the courts to undergo psychiatric examinations by the Forensic Services Team. Of those that are referred to the Forensic Team, approximately 30 specifically require two psychiatrists to perform the same psychiatric examination. After completing the first psychiatric examination by the Forensic Team, if the second psychiatric examination is deemed to be unnecessary or would needlessly duplicate the findings of the first examination, the court is notified. In about half of these cases, the court agrees to limit the number of psychiatric examinations to one rather than two conducting the examinations as specified in A.S. 12.47.070. Basically, what is currently happening in practice is what is being proposed in Senate Bill 80. The amendment will simply codify the existing practice.

POSITION PAPER
Senate Bill 80
Page 2

It is our position that this practice of routinely appointing two psychiatrists or forensic psychologists to examine criminal defendants oftentimes an unnecessary duplication of effort that can be avoided by passage of Senate Bill 80. Accordingly, the Department of Health and Social Services supports the passage of this bill.

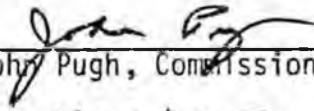
Recommended by:


Mel Henry, Ph.D., M.P.A., Director

Date:

1-28-85

Approved by:


John Pugh, Commissioner

Date:

1/30/85

Introduced: 1/22/85
Referred: Health, Education and Social Services,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 80

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of psychiatrists or
7 psychologists appointed to examine a criminal defen-
8 dant; and providing for an effective date."

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

10 * Section 1. AS 12.47.070(a) is amended to read:

11 (a) If a defendant has filed a notice of intention to rely on
12 the affirmative defense of insanity under AS 12.47.010 or has filed
13 notice under AS 12.47.020(a), or there is reason to doubt the defen-
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15 disease or defect of the defendant will otherwise become an issue in
16 the case, the court shall appoint at least two qualified psychiatrists
17 or two forensic psychologists certified by the American Board of
18 Forensic Psychology to examine and report upon the mental condition of
19 the defendant. However, if both the defendant and the prosecuting
20 attorney waive this requirement for the appointment of at least two
21 such psychiatrists or psychologists, the court shall appoint one such
22 psychiatrist or psychologist. If the court appoints a psychiatrist
23 [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS] may select a
24 psychologist [PSYCHOLOGISTS] to provide assistance. If the defendant
25 has filed notice under AS 12.47.090(a), the report shall consider
26 whether the defendant can still be committed under AS 12.47.090(c).
27 The court may order the defendant to be committed to a secure facility
28 for the purpose of the examination for not more than 60 days or such
29 longer period as the court determines to be necessary for the purpose

1 and may direct that a qualified psychiatrist retained by the defendant
2 be permitted to witness and participate in the examination.

3 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 80
 Title: An Act relating to the number of psychiatrists appointed
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: January 28, 1985

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health and Developmental Disabilities & API
 BRU, Program or Subprogram(s) Affected: Mental Health Institutions and Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)


GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

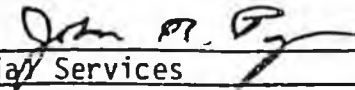
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: James L. Scoles  Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 1-28-85

Approved by Commissioner:  Date: 1/30/85 *JCC*
 Agency: Health & Social Services

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

AV

The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

AB

Revision Date: _____

REQUEST

Bill/Resolution No.: 26 ~~87~~ 80
 Title: "...the number of psychia-
 trists...to examine a crim. defendant."
 Sponsor: Senate Rules/Governor
 Requestor: Governor's Ofc./OMB
 Date of Request: 12/18/84

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill would allow a criminal defendant and the prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain defendants. If that requirement is waived, the court would only have to appoint one psychiatrist or psychologist, saving considerable expense on the part of the Division of Mental Health and Developmental Disabilities. This bill will not have a fiscal impact on the Department of Law's operations.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Richard I. Pegues / FOR Date: 12/19/84
 Agency: Department of Law

- Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows a criminal defendant and prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain criminal defendants. If that requirement is waived, the court would only have to appoint one such psychiatrist or psychologist.

Under present law (AS 12.47.070(a)), if a defendant has filed notice of intent to rely on the defense of insanity or notice of intent to rely on evidence tending to negate a culpable mental state; if there is reason to doubt the defendant's fitness to proceed; or if there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. The waiver authorized by this bill would avoid unnecessary duplication in cases in which the prosecution is satisfied with the appointment of a single psychiatrist, and the defendant does not wish to undergo more than one court-ordered examination. This waiver will be especially helpful in cases in which two state psychiatrists from the Alaska Psychiatric Institute would be appointed to perform the examinations.

Experience has shown that the requirement to appoint two psychiatrists is not always necessary, either to assist the court or to protect the public or the defendant. Experience has also shown that simply reducing this requirement to only one psychiatrist or psychologist would tend to weaken protection of the public since appointment of a prosecution expert would not be assured. This bill, based on that experience, seeks to achieve the most equitable result.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/11/85

Date 1-21-86

Mr. President

The Committee on JUDICIARY considered SB 80

number of psychiatrists or psychologists appointed to examine a criminal defendant; efd.

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 CS for SB80 (HESS)
- 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

James Farber

Tom Kelly

Zig

MEMBERS HAVING
OTHER RECOMMENDATIONS

Robert R. ...

Chairman

Do Pass

Chairman Recommendation

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 4-9-85

Mr. President

The Committee on HESS considered SB 80

number of psychiatrists or psychologist appointed to examine a criminal defendant; eid.

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 CS for SB 80 (HESS)
- ^{new title}
- same title and recommends ~~same~~
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna De Vito
William Sturgis
Joe Joseph
Paul Fisk

MEMBERS HAVING
OTHER RECOMMENDATIONS

Dennis Zukunsky
Chairman
Do Pass
Chairman recommendation

HOUSE
COMMITTEE REPORT

5/9

(7)

Date referred: 4/15/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered CSSB 80 (HESS)

"An Act relating to ~~relating to~~ the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman

HOUSE
COMMITTEE REPORT

JUDICIARY

4/15

(7)

Date referred: 2/7/86

FURTHER REFERRALS: FINANCE

DATE: April 14, 1986

HEALTH, EDUCATION AND
The SOCIAL SERVICES Committee has considered CSSB 80 (HESS)

to
A
"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

W. G. Gumbert

John L. Taylor

Kate Hurley

Allyson

Jarrell W. Thompson

Alvin H. Haskins

W. G. Gumbert

W. G. Gumbert Co-Chairman

W. G. Gumbert Co-Chairman

Offered: 4/11/85
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 80 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of psychiatrists or
7 psychologists appointed to examine a criminal defen-
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15 disease or defect of the defendant will otherwise become an issue in
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17 or two forensic psychologists certified by the American Board of
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20 attorney waive the requirement for the appointment of at least two
21 psychiatrists or psychologists, the court shall appoint one psychia-
22 trist or psychologist. If the court appoints a psychiatrist [PSYCHIA-
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24 [PSYCHOLOGISTS] to provide assistance. If the defendant has filed
25 notice under AS 12.47.090(a), the report shall consider whether the
26 defendant can still be committed under AS 12.47.090(c). The court may
27 order the defendant to be committed to a secure facility for the
28 purpose of the examination for not more than 60 days or such longer
29 period as the court determines to be necessary for the purpose and may

COMMITTEE COPY

1 direct that a qualified psychiatrist retained by the defendant be
2 permitted to witness and participate in the examination.

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4 (b) When, after arrest and before the imposition of sentence or
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8 presently suffering from a mental disease or defect or is otherwise so
9 mentally incompetent that the accused is unable to understand the
10 proceedings or to properly assist in the accused's own defense, the
11 attorney general, prosecuting attorney, or the attorney for the
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13 competency of the accused. Upon that motion or upon a similar motion
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16 upon the mental condition of the defendant. However, if both the
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21 REPORT TO THE COURT CONCERNING THE MENTAL CONDITION OF THE ACCUSED].
22 For the purpose of the examination the court may order the accused
23 committed for a reasonable period as the court may determine to a
24 suitable hospital or other facility to be designated by the court. If
25 the report of the psychiatrist indicates a state of present mental
26 disease or defect or of other mental incompetency in the accused, the
27 court shall hold a hearing, upon due notice, at which evidence as to
28 the mental condition of the accused may be submitted, including that
29 of the reporting psychiatrist, and make a finding with respect to the

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2 the course of an examination into the mental competency of the accused
3 provided for by this section, whether the examination is with or
4 without the consent of the accused, may be admitted in evidence
5 against the accused on the issue of guilt in a criminal proceeding
6 unless the accused later relies on a defense under AS 12.47.010 or
7 12.47.020. A finding by the judge that the accused is mentally compe-
8 tent to stand trial in no way prejudices the accused in a defense
9 based on insanity; the finding may not be introduced in evidence on
10 that issue or otherwise be brought to the notice of the jury.

11 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 80 (HESS)
 Title: Number of psychiatrists
to examine a criminal defendant
 Sponsor: Senate Hess
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
----------------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Prepared By: _____ Phone: 465-4523
 Division: Senator Jan Faiks, Co-Chairman Date: 2/6/86
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

POSITION PAPER

CS for Senate Bill No. 80 (HESS)

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

The Committee Substitute for Senate Bill 80 does not alter the language or intent of Section 1 in the original version of Senate Bill 80. Thus our earlier Position Paper, dated January 30, 1985 (copy attached), accurately reflects our analysis and position with regard to Section 1 of the Committee Substitute.

The CS for SB 80 adds a new Section 2. This section, which amends A.S. 12.47.100, would tend to make this statute consistent with A.S. 12.47.070 by requiring the court to appoint two psychiatrists to examine a criminal defendant for competency to stand trial unless the defendant and the prosecuting attorney waive this requirement. In our opinion, it is indeed appropriate that these two statutes be consistent with respect to the number and types of examiners that are required to perform examinations on defendants undergoing criminal proceedings when mental disease or defect may become an issue.

Accordingly, we recommend that the same language that is in Section 1, line 16 through line 24 regarding the number and types of examiners under A.S. 12.47.070 should be repeated in Section 2 which refers to examinations under A.S. 12.47.100 and replace the language currently on line 15 through line 19. The existing language in Section 2 only requires that two qualified psychiatrists be appointed. This change will permit the court the option of appointing two qualified psychiatrists or two forensic psychologists to perform these exams. It will also authorize the psychiatrists that are appointed the opportunity to select psychologists to provide assistance in completing the examinations under A.S. 12.47.100.

The Department of Health and Social Services supports passage of the Committee Substitute for Senate Bill 80 with the recommended change that is noted above.

Recommended by: PPD for Mel Henry
 Mel Henry, Ph.D., M.P.A.

Date: 4/18/85

Approved by: John Pugh
 John Pugh, Commissioner

Date: 4/23/85

The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

80

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows a criminal defendant and prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain criminal defendants. If that requirement is waived, the court would only have to appoint one such psychiatrist or psychologist.

Under present law (AS 12.47.070(a)), if a defendant has filed notice of intent to rely on the defense of insanity or notice of intent to rely on evidence tending to negate a culpable mental state; if there is reason to doubt the defendant's fitness to proceed; or if there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. The waiver authorized by this bill would avoid unnecessary duplication in cases in which the prosecution is satisfied with the appointment of a single psychiatrist, and the defendant does not wish to undergo more than one court-ordered examination. This waiver will be especially helpful in cases in which two state psychiatrists from the Alaska Psychiatric Institute would be appointed to perform the examinations.

Experience has shown that the requirement to appoint two psychiatrists is not always necessary, either to assist the court or to protect the public or the defendant. Experience has also shown that simply reducing this requirement to only one psychiatrist or psychologist would tend to weaken protection of the public since appointment of a prosecution expert would not be assured. This bill, based on that experience, seeks to achieve the most equitable result.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

HESS
Jvd.
Pm

ALASKA STATE LEGISLATURE

14th Legislature FIRST Session

SENATE BILL..... NO. 80.....

By THE RULES COMMITTEE BY.....
REQUEST OF THE GOVERNOR

An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date.

Introduced in the Senate ..1/22.., 19. 85

HISTORY IN THE SENATE

19 85	1	22	Read first time and referred to Committee on
	4 11		HESS, JUDICIARY & FINANCE
	19 86		Reported back with HESS recommendation that <i>replace w/ps</i>
	1 22		<i>5 do pass to Judiciary</i>
	2 4		<i>CS - to Finance</i>
	2 6		<i>Fin: 6 do pass HESS @'s</i>
	2 6		<i>to Rules</i>
	2 6		Read second time and
			<i>CS HESS adj</i>
			<i>and adj</i>
	2 6		Read third time and
	2 6		PASS Effective Date
			Yeas 20 Yea <i>down</i>
			Nays - 0 Nays
			Absent - Absent
			Excused - 0 Excused
			Reconsideration
			PASS Effective Date
			Yeas Yeas
			Nays Nays
			Absen: Absent
			Excused Excused
	2 6		Reported correctly engrossed
			Signed by President
			Sent to House
			<i>Reggie Mulligan</i> SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 86	Feb 7	Read first time and referred to Committee on
		<i>Hess, Judiciary</i>
		<i>Finance</i>
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
		CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Offered: 4/11/85
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 80 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the number of psychiatrists or
8 psychologists appointed to examine a criminal defen-
9 dant; and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 12.47.070(a) is amended to read:
12 (a) If a defendant has filed a notice of intention to rely on
13 the affirmative defense of insanity under AS 12.47.010 or has filed
14 notice under AS 12.47.020(a), or there is reason to doubt the defen-
15 dant's fitness to proceed, or there is reason to believe that a mental
16 disease or defect of the defendant will otherwise become an issue in
17 the case, the court shall appoint at least two qualified psychiatrists
18 or two forensic psychologists certified by the American Board of
19 Forensic Psychology to examine and report upon the mental condition of
20 the defendant. However, if both the defendant and the prosecuting
21 attorney waive the requirement for the appointment of at least two
22 psychiatrists or psychologists, the court shall appoint one psychia-
23 trist or psychologist. If the court appoints a psychiatrist [PSYCHIA-
24 TRISTS], the psychiatrist [PSYCHIATRISTS] may select a psychologist
25 [PSYCHOLOGISTS] to provide assistance. If the defendant has filed
26 notice under AS 12.47.090(a), the report shall consider whether the
27 defendant can still be committed under AS 12.47.090(c). The court may
28 order the defendant to be committed to a secure facility for the
29 purpose of the examination for not more than 60 days or such longer
period as the court determines to be necessary for the purpose and may

1 direct that a qualified psychiatrist retained by the defendant be
2 permitted to witness and participate in the examination.

3 * Sec. 2. AS 12.47.100(b) is amended to read:

4 (b) When, after arrest and before the imposition of sentence or
5 before the expiration of any period of probation, the attorney gener-
6 al, the prosecuting attorney, or the attorney for the accused has
7 reasonable cause to believe that a person charged with a crime may be
8 presently suffering from a mental disease or defect or is otherwise so
9 mentally incompetent that the accused is unable to understand the
10 proceedings or to properly assist in the accused's own defense, the
11 attorney general, prosecuting attorney, or the attorney for the
12 accused may file a motion for a judicial determination of the mental
13 competency of the accused. Upon that motion or upon a similar motion
14 on behalf of the accused, or upon its own motion, the court shall
15 appoint at least two qualified psychiatrists to examine and report
16 upon the mental condition of the defendant. However, if both the
17 defendant and the prosecuting attorney waive the requirement for the
18 appointment of at least two psychiatrists, the court shall appoint one
19 psychiatrist [HAVE THE ACCUSED, WHETHER OR NOT PREVIOUSLY ADMITTED TO
20 BAIL, EXAMINED BY AT LEAST ONE QUALIFIED PSYCHIATRIST, WHO SHALL
21 REPORT TO THE COURT CONCERNING THE MENTAL CONDITION OF THE ACCUSED].
22 For the purpose of the examination the court may order the accused
23 committed for a reasonable period as the court may determine to a
24 suitable hospital or other facility to be designated by the court. If
25 the report of the psychiatrist indicates a state of present mental
26 disease or defect or of other mental incompetency in the accused, the
27 court shall hold a hearing, upon due notice, at which evidence as to
28 the mental condition of the accused may be submitted, including that
29 of the reporting psychiatrist, and make a finding with respect to the

1 mental condition of the accused. No statement made by the accused in
2 the course of an examination into the mental competency of the accused
3 provided for by this section, whether the examination is with or
4 without the consent of the accused, may be admitted in evidence
5 against the accused on the issue of guilt in a criminal proceeding
6 unless the accused later relies on a defense under AS 12.47.010 or
7 12.47.020. A finding by the judge that the accused is mentally compe-
8 tent to stand trial in no way prejudices the accused in a defense
9 based on insanity; the finding may not be introduced in evidence on
10 that issue or otherwise be brought to the notice of the jury.

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

Offered: 4/11/85
Referred: Judiciary

Original sponsor: Rules/Governor

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 80 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of psychiatrists or
7 psychologists appointed to examine a criminal defen-
8 dant; and providing for an effective date."

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

10 * Section 1. AS 12.47.C70(a) is amended to read:

11 (a) If a defendant has filed a notice of intention to rely on
12 the affirmative defense of insanity under AS 12.47.010 or has filed
13 notice under AS 12.47.020(a), or there is reason to doubt the defen-
14 dant's fitness to proceed, or there is reason to believe that a mental
15 disease or defect of the defendant will otherwise become an issue in
16 the case, the court shall appoint at least two qualified psychiatrists
17 or two forensic psychologists certified by the American Board of
18 Forensic Psychology to examine and report upon the mental condition of
19 the defendant. However, if both the defendant and the prosecuting
20 attorney waive the requirement for the appointment of at least two
21 psychiatrists or psychologists, the court shall appoint one psychia-
22 trist or psychologist. If the court appoints a psychiatrist [PSYCHIA-
23 TRISTS], the psychiatrist [PSYCHIATRISTS] may select a psychologist
24 [PSYCHOLOGISTS] to provide assistance. If the defendant has filed
25 notice under AS 12.47.090(a), the report shall consider whether the
26 defendant can still be committed under AS 12.47.090(c). The court may
27 order the defendant to be committed to a secure facility for the
28 purpose of the examination for not more than 60 days or such longer
29 period as the court determines to be necessary for the purpose and may

1 direct that a qualified psychiatrist retained by the defendant be
2 permitted to witness and participate in the examination.

3 * Sec. 2. AS 12.47.100(b) is amended to read:

4 (b) When, after arrest and before the imposition of sentence or
5 before the expiration of any period of probation, the attorney gener-
6 al, the prosecuting attorney, or the attorney for the accused has
7 reasonable cause to believe that a person charged with a crime may be
8 presently suffering from a mental disease or defect or is otherwise so
9 mentally incompetent that the accused is unable to understand the
10 proceedings or to properly assist in the accused's own defense, the
11 attorney general, prosecuting attorney, or the attorney for the
12 accused may file a motion for a judicial determination of the mental
13 competency of the accused. Upon that motion or upon a similar motion
14 on behalf of the accused, or upon its own motion, the court shall
15 appoint at least two qualified psychiatrists to examine and report
16 upon the mental condition of the defendant. However, if both the
17 defendant and the prosecuting attorney waive the requirement for the
18 appointment of at least two psychiatrists, the court shall appoint one
19 psychiatrist [HAVE THE ACCUSED, WHETHER OR NOT PREVIOUSLY ADMITTED TO
20 BAIL, EXAMINED BY AT LEAST ONE QUALIFIED PSYCHIATRIST, WHO SHALL
21 REPORT TO THE COURT CONCERNING THE MENTAL CONDITION OF THE ACCUSED].
22 For the purpose of the examination the court may order the accused
23 committed for a reasonable period as the court may determine to a
24 suitable hospital or other facility to be designated by the court. If
25 the report of the psychiatrist indicates a state of present mental
26 disease or defect or of other mental incompetency in the accused, the
27 court shall hold a hearing, upon due notice, at which evidence as to
28 the mental condition of the accused may be submitted, including that
29 of the reporting psychiatrist, and make a finding with respect to the

1 mental condition of the accused. No statement made by the accused in
2 the course of an examination into the mental competency of the accused
3 provided for by this section, whether the examination is with or
4 without the consent of the accused, may be admitted in evidence
5 against the accused on the issue of guilt in a criminal proceeding
6 unless the accused later relies on a defense under AS 12.47.010 or
7 12.47.020. A finding by the judge that the accused is mentally compe-
8 tent to stand trial in no way prejudices the accused in a defense
9 based on insanity; the finding may not be introduced in evidence on
10 that issue or otherwise be brought to the notice of the jury.

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

Introduced: 1/22/85
Referred: Health, Education and Social Services,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2

SENATE BILL NO. 80

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the number of psychiatrists or
7 psychologists appointed to examine a criminal defen-
8 dant; and providing for an effective date."

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

10 * Section 1. AS 12.47.070(a) is amended to read:

11 (a) If a defendant has filed a notice of intention to rely on
12 the affirmative defense of insanity under AS 12.47.010 or has filed
13 notice under AS 12.47.020(a), or there is reason to doubt the defen-
14 dant's fitness to proceed, or there is reason to believe that a mental
15 disease or defect of the defendant will otherwise become an issue in
16 the case, the court shall appoint at least two qualified psychiatrists
17 or two forensic psychologists certified by the American Board of
18 Forensic Psychology to examine and report upon the mental condition of
19 the defendant. However, if both the defendant and the prosecuting
20 attorney waive this requirement for the appointment of at least two
21 such psychiatrists or psychologists, the court shall appoint one such
22 psychiatrist or psychologist. If the court appoints a psychiatrist
23 [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS] may select a
24 psychologist [PSYCHOLOGISTS] to provide assistance. If the defendant
25 has filed notice under AS 12.47.090(a), the report shall consider
26 whether the defendant can still be committed under AS 12.47.090(c).
27 The court may order the defendant to be committed to a secure facility
28 for the purpose of the examination for not more than 60 days or such
29 longer period as the court determines to be necessary for the purpose

1 and may direct that a qualified psychiatrist retained by the defendant
2 be permitted to witness and participate in the examination.

3 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).

COMMITTEE REPORT

SENATE

FURTHER:

2/5/85

Date 3/26/85

Mr. President

The Committee on FINANCE considered SB 81

relating to methods for purposes of veterans' employment preference

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 CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
#1.0 3/26/85
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 22, 1985
Page 1 of 1

REQUEST

Bill/Resolution No.: SB 81
Title: Definition of veteran for purposes of employment preference.
Sponsor: Rules at request of Governor
Requestor: Senate State Affairs
Date of Request: January 31, 1985

FISCAL DETAIL

Agency Affected: Administration
Program Category Affected: Centralized Administrative Services
BRU, Program or Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	1.0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	1.0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	1.0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	1.0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Cost of running 2" x 4" display ad in newspapers

around the State to notify applicants of the change. - \$1,017

Assumes an effective date in FY 85.

This revised fiscal note reflects the decision of Forms Management to pay the cost of reprinting the State Employment Application form with current funds.

Prepared By: Frank Raye *Frank Raye J.K.H.* Phone: 465-4430

Division: Personnel

Date: *2/25/85*

Approved by Commissioner: Lisa Rudd *L. Rudd*

Date: *2-26-85*

Agency: Department of Administration *Joe*

Distribution (by Agency preparing fiscal note):

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

Rev. 7/1/84

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

February 26, 1985

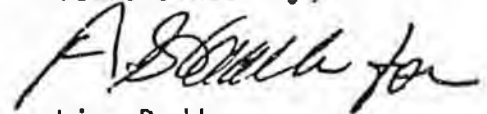
Honorable Jan Faiks
Co-Chairman
Senate Finance Committee
Pouch V
Juneau, AK 99811

Dear Madam Co-Chairman:

I am pleased to transmit a revised Fiscal Note on SB 81, "an act relating to the definition of veteran." The Forms Management Section of the Division of General Services & Supply has determined that funds will be available this fiscal year to pay for the reprinting of the State Employment Application form. Therefore, the Division of Personnel will not need the \$5.0 thousand initially requested for printing costs. The Fiscal Note has been reduced accordingly from \$6.0 to \$1.0. The \$1.0 for display ads in a newspaper is still needed.

I urge your earliest consideration of SB 81 because we are at the point of reordering forms for this program. Prompt legislative action will allow changes to be made immediately and will avoid either the complete consumption of the supply of Applications or the expense of destroying a newly printed supply and reprinting them.

Yours sincerely,



Lisa Rudd
Commissioner

LSR/nms
12/4D1/0222-07
Enclosure

Introduced: 1/22/85
Referred State Affairs
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the definition of veteran for
7 purposes of veterans' employment preference rights."

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

9 * Section 1. AS 39.25.150(19)(A) is amended to read:

10 (A) "veteran" means a person with 181 days or more
11 active service in the armed forces of the United States who has
12 been honorably discharged after having served during any period
13 between April 6, 1917, and December 1, 1919, between September
14 16, 1940, and December 31, 1947, or between June 27, 1950, and
15 October 14, 1976 [NOVEMBER 7, 1975];

ANALYSIS FOR SENATE BILL 81

Under current law, when a veteran applies for a job with the State of Alaska through the registry, he or she is given a preference (5 points/non-disabled and 10 points/disabled) for hire. This bill is a housekeeping measure in that it brings the state into conformity with the federal government in the definition of a veteran. The Alaska statute currently sets November 7, 1975 as the service cut-off date for qualifying as a veteran. This bill would change that date to October 14, 1976.

You may recall that this bill was heard in Senate Finance several weeks ago. At the time, the discussion concerned the Department of Administration's \$6,000 fiscal note which was for the cost of reprinting state employment application forms and running several newspaper ads to notify applicants of the change.

Since that time, the Department has reduced this fiscal note to \$1,000. They now state that the cost of reprinting the state employment application forms can be taken care of in their FY 85 budget.

ANALYSIS FOR SENATE BILL 81

Under current law, when a veteran applies for a job with the State of Alaska through the registry, he or she is given a preference (5 points/non-disabled and 10 points/disabled) for hire. This bill is a housekeeping measure in that it brings the state into conformity with the federal government in the definition of a veteran. The Alaska statute currently sets November 7, 1975 as the service cut-off date for qualifying as a veteran. This bill would change that date to October 14, 1976.

There is a \$6,000 fiscal note attached for the cost of reprinting state employment application forms and running several newspaper ads to notify applicants of the change.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 3581

Title: Veterans Employment Preference

Sponsor: _____

Requestor: Military & Vets Affairs

Date of Request: 30 August 1984

FISCAL DETAIL

Agency Affected: Military & Veterans Affairs

Program Category Affected: Public Protection

BRU, Program or Subprogram(s) Affected: Veterans Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUC.URES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		

CAPITAL						
----------------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Would conform Alaska's definition of veterans to that used by the federal government in the administration of the Veteran's Preference Program.

Prepared By: Richard L. Rountree

Phone: 465-4600

Division: Administrative and Support Services

Date: 8 January 1984

Approved by Commissioner: Major General E. G. Pagano

Date: 8 January 1984

Agency: Military & Veterans Affairs

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 1

REQUEST

Bill/Resolution No.: SB 81
 Title: Definition of veteran for purposes of employment preference.
 Sponsor: Rules at request of Governor
 Requestor: Senate State Affairs
 Date of Request: January 31, 1985

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Centralized Administrative Services
 BRU, Program or Subprogram(s) Affected: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	6.0	0	0	0	0	0
400 SUPPLIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS	0	0	0	0	0	0
800 MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	6.0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	6.0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	6.0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Cost of reprinting State Employment Application form. - \$5,000
 Cost of running 2" x 4" display ad in newspapers
 around the State to notify applicants of the change. - \$1,017
 Assumes an effective date in FY 85.

Prepared By: Frank Raye *FR* Phone: 465-4430
 Division: Personnel Date: 2/1/85

Approved by Commissioner: Lisa Rudd *LR* Date: 2/1/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

Rev. 7/1/84

Position Paper
SB 81

Senate Bill 81 would extend the ending date of employment preference for veterans of the Vietnam Era by approximately eleven months. The ending would be changed from November 7, 1975 to October 14, 1976. This change will conform Alaska's definition of veteran to the federal definition of veteran found in 5 U.S.C. sec. 2108. Alaska had relied on an Executive Order of President Ford in setting the November 7, 1975 date. There is no reason not to conform with the later date established by subsequent federal law.

The Division of Personnel supports Senate Bill 81.

Frank Raye

Frank Raye, Director
Division of Personnel

2/1/85

Date

Lisa Rudd

Commissioner Lisa Rudd
Department of Administration

2/1/85

Date

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

February 26, 1985

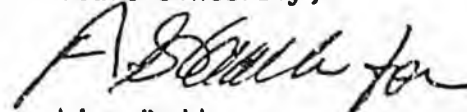
Honorable Jan Faiks
Co-Chairman
Senate Finance Committee
Pouch V
Juneau, AK 99811

Dear Madam Co-Chairman:

I am pleased to transmit a revised Fiscal Note on SB 81, "an act relating to the definition of veteran." The Forms Management Section of the Division of General Services & Supply has determined that funds will be available this fiscal year to pay for the reprinting of the State Employment Application form. Therefore, the Division of Personnel will not need the \$5.0 thousand initially requested for printing costs. The Fiscal Note has been reduced accordingly from \$6.0 to \$1.0. The \$1.0 for display ads in a newspaper is still needed.

I urge your earliest consideration of SB 81 because we are at the point of reordering forms for this program. Prompt legislative action will allow changes to be made immediately and will avoid either the complete consumption of the supply of Applications or the expense of destroying a newly printed supply and reprinting them.

Yours sincerely,



Lisa Rudd
Commissioner

LSR/mms
12/4D1/0222-07
Enclosure

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Handwritten initials and date: 1/22/85

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "veteran" for purposes of veterans' preference rights for state employment. This bill conforms the current definition of veteran found in AS 39.25.150(19)(A) to the federal definition in 5 U.S.C. sec. 2108.

In essence, the bill extends the period of time of active duty in the United States armed forces which qualifies an individual as a veteran for employment preference. The Alaska statute currently sets November 7, 1975 as the service cut-off date for qualifying as a veteran, while federal law establishes October 14, 1976 as the date. The bill amends AS 39.25.150(19)(A) to reflect the October 14, 1976 date, thereby conforming the federal and state periods of service for being considered a veteran to receive employment preference rights.

Sincerely,

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

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

1/22/85

Date

2/5/85

Mr. President

The Committee on STATE AFFAIRS considered SB 81

definition of veteran for purposes of veterans' employment preference rights.

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 CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edu De Vries
Bill Ray
Tom Kelly
W. Fischer

MEMBERS HAVING
OTHER RECOMMENDATIONS

Sen. [Signature]
 Chairman
In Pass
 Chairman recommendation

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

5/11/85

Date:

5/5/86

The Committee on FINANCE has had SB 81

"An Act relating to the definition of veteran for purposes of veterans' employment preference rights."

under consideration and recommends:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Introduced: 1/22/85
Referred: State Affairs
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the definition of veteran for
7 purposes of veterans' employment preference rights."

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

9 * Section 1. AS 39.25.150(19)(A) is amended to read:

10 (A) "veteran" means a person with 181 days or more
11 active service in the armed forces of the United States who has
12 been honorably discharged after having served during any period
13 between April 6, 1917, and December 1, 1919, between September
14 16, 1940, and December 31, 1947, or between June 27, 1950, and
15 October 14, 1976 [NOVEMBER 7, 1975];

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill Resolution No. : SB 81
 Title : Re: to the definition of veteran for purposes of veterans' employment preference rights.
 Sponsor : _____
 Requestor : House Finance Committee
 Date of Request : Feb. 3, 1986

FISCAL DETAIL

Agency Affected : Administration
 BRU : Personnel

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-				
TRAVEL		-0-				
CONTRACTUAL		-0-				
SUPPLIES		-0-				
EQUIPMENT		-0-				
LAND & STRUCTURES		-0-				
GRANTS, CLAIMS		-0-				
MISCELLANEOUS		-0-				
TOTAL OPERATING		-0-				
CAPITAL		-0-				
REVENUE		-0-				

FUNDING : (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		-0-				

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : House Finance Committee - Al Adams - Chairman Phone : 465-3706
 Division : House Finance Committee Date : 2/27/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: Nov. 14, 1985

REQUEST
Bill/Resolution No.: SB 81
Title: Definition of veteran for purposes of employment preference.

FISCAL DETAIL
Agency Affected: Administration
BRU: Personnel

Sponsor: Rules at request of Governor
Requestor: Senate State Affairs
Date of Request: January 31, 1985

Components: Centralized Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	1.7	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	1.7	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	1.7	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	1.7	0	0	0	0	0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Cost of running 2" x 4" display ad in newspapers around the state to notify applicants of the change--\$1,676. Assumes an effective date in FY 86.

This revised fiscal note reflects updated display ad rates as well as advertising in additional sources throughout the state.

Prepared By: Frank Rave *Frank Rave* Phone: 465-4430
 Division: Personnel Date: 12/17/85
 Approved by Commissioner: Eleanor Andrews *Eleanor Andrews* Date: 12/20/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

amendment substituted agency, and of the by in the Depart- n" for "and of the " in paragraph (3)

amendment added

and classified endation of the lly exempt ser- which, in the

ation of policy; ich policies are

susceptible to

exempt service federal require- v federal funds.

ion of the com- ed service to 7 ch 144 SLA

n April 19, 1960" ed service" in the of subsection (a) y exempt service"

onnel officers ation program

a) The director ver of adminis- es for all posi-

(b) The commissioner of administration shall review the amend- ments and submit them to the personnel board.

(c) At least 30 days before the adoption, amendment, or repeal of a personnel rule, the secretary to the personnel board shall provide notice that the personnel board has the proposed action under con- sideration. The notice shall be

(1) posted in public buildings throughout the state;

(2) published in one or more newspapers of general circulation throughout the state;

(3) mailed to each person or group that filed a request for notice of proposed action with the secretary to the personnel board;

(4) furnished to each member of the legislature and to the Legisla- tive Affairs Agency.

(d) The rules may provide for exemptions and modifications that are necessary to assure the continuity of federal grants to agencies sup- ported in whole or in part by federal contributions.

(e) The rules adopted under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act. The rules shall be published in the Alaska Administrative Register and Code for informational purposes.

(f) Failure to mail notice to a person as required in this section does not invalidate an action taken by the personnel board.

(g) An amendment to the personnel rules takes effect 30 days after it is approved by the personnel board. The board, if requested to do so, may hold a public hearing on a proposed amendment. (§ 12 ch 144 SLA 1960; am § 5 ch 5 SLA 1966; am §§ 11-13 ch 112 SLA 1982)

Effect of amendments. — The 1982 amendment rewrote subsection (c), substi- tuted "shall be published" for "may be published" in the second sentence of sub- section (e), and added subsections (f) and (g).

NOTES TO DECISIONS

A right clearly created by statute cannot be taken away by regulation. *Mueller v. Alaska State Bd. of Personnel*, Sup. Ct. Op. No. 396 (File No. 738), 425 P.2d 145 (1967). Stated in *Kelly v. Zamarello*, Sup. Ct.

Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971). Cited in *State v. Bogenrife*, Sup. Ct. Op. No. 918 (File No. 1665), 513 P.2d 13 (1973).

Sec. 39.25.150. Scope of the rules. The personnel rules shall provide for (go to p. 39)

(1) the preparation, maintenance, and revision by the director of personnel, subject to approval of the commissioner of administration and the personnel board, of a position classification plan for all positions in the classified and partially exempt services; the position classification plan shall include

(A) a grouping together of all positions into classes on the basis of duties and responsibilities;

(B) an appropriate title, a description of the duties and responsibilities, training and experience qualifications, and other necessary specifications for each class of positions;

(2) the preparation, maintenance, revision and administration by the director of personnel of a pay plan for all positions in the classified and partially exempt services; the pay plan (A) shall be based upon the position classification plan; (B) shall provide for fair and reasonable compensation for services rendered, and reflect the principle of like pay for like work; (C) may be amended, approved, or disapproved by the legislature in regular or special session; after the pay plan is in effect, a salary or wage payment may not be made to a state employee covered by the plan unless the payment is in accordance with this chapter and the rules adopted under this chapter or unless the payment is in accordance with a valid agreement entered into in accordance with AS 23.40;

(3) the use of employee selection methods, including, when appropriate, competitive examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;

(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;

(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when appropriate;

(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicants' qualifications, performance records, seniority, and conduct shall be evaluated;

(7) a period of probation not to exceed one year before an appointment to a position becomes permanent, except that a permanent employee receiving a promotional appointment retains permanent status in the service and job class from which appointed for the duration of the probationary period and may be demoted to a former class without right of appeal, notwithstanding AS 39.25.170, but if the employee is dismissed from the service the appeal rights under AS 39.25.170 apply;

(8) nonpermanent and emergency appointments to positions in the state service in accordance with AS 39.25.195 — 39.25.200;

(9) provisional appointment without competitive examination when appropriate eligible lists are not available;

(10) transfers from one department to another and from another merit system jurisdiction to the state service;

(11) transfers from one area of the state to another;

(12) the reinstatement of a person who resigns in good standing;

(13) layoffs for reason of lack of money or work, abolition of positions, or material changes in duties or organization; both performance and seniority records shall be considered in the development of layoff orders;

(14) the development, maintenance, and use of employee performance records;

(15) the establishment of disciplinary measures which may include disciplinary suspension without pay;

(16) the procedures for review of disputed personnel actions, for resolving employee and interagency grievances, and for resolving grievances of the general public concerning the operation of the state personnel system;

(17) hours of work for all employees in the state service;

(18) methods and procedures covering overtime work and pay;

(19) the granting of employment preference rights to a veteran not within the area of promotion, when the veteran possesses the necessary qualifications in the job classification applied for under this chapter; in

an examination to determine the qualification of applicants for entrance into the classified service under merit system examination, five additional points shall be added to the passing grade of a veteran and ten additional points shall be added to the passing grade of a disabled veteran, but the additional points may be used only the first time the veteran obtains a position in the classified service; if a position in the classified service is eliminated, employees shall be released in accordance with rules which give due effect to all factors; if all job qualifications are equal, the veteran shall be given preference over the nonveteran and the veteran shall be kept on the job; this paragraph may not be interpreted to amend the terms of a collective bargaining agreement; in this paragraph

(A) "veteran" means a person with 181 days or more active service in the armed forces of the United States who has been honorably discharged after having served during any period between April 6, 1917, and December 1, 1919, between September 16, 1940, and December 31, 1947, or between June 27, 1950, and November 7, 1975;

(B) "disabled veteran" means a veteran who is entitled to compensation under laws administered by the United States Veterans' Administration, or a person who was honorably discharged or released from active duty because of a service-connected disability;

(20) the employment of persons in permanent positions on a part-time basis of 15 hours or more a week, including the employment of two persons to fill one permanent full-time position; these employees shall be designated as permanent part-time employees;

bill changed to 10/14/76

(21) the granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for periods up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;

(22) the establishment of programs facilitating the employment of disadvantaged persons;

(23) the delegation, when feasible, of personnel responsibilities and duties to the principal departments of the executive branch;

(24) the establishment of a transition period of up to 12 months for an employee to be reappointed to a classified position if the employee's position is withdrawn from the partially exempt or exempt service and placed in the classified service;

(25) other rules and administrative regulations, not inconsistent with this chapter, that are necessary for its enforcement. (§ 13 ch 144 SLA 1960; am § 1 ch 130 SLA 1961; am § 1 ch 147 SLA 1962; am § 1 ch 117 SLA 1966; am § 1 ch 33 SLA 1967; am § 3 ch 226 SLA 1970; am § 1 ch 39 SLA 1971; am § 3 ch 42 SLA 1971; am § 1 ch 21 SLA 1973; am § 1 ch 27 SLA 1976; am § 1 ch 4 SLA 1978; am § 2 ch 67 SLA 1979; am § 38 ch 94 SLA 1980; am §§ 1, 2 ch 89 SLA 1982; am § 14 ch 112 SLA 1982)

Revisor's notes. — AS 39.25.150 was also amended by §§ 1 and 2, ch. 89, SLA 1982. That chapter amended former paragraphs (6) and (9). However, ch. 112, SLA 1982 is given effect here since it was enacted later than ch. 89, SLA 1982, has a later effective date than ch. 89, SLA 1982 and is a comprehensive repeal and reenactment of this section.

Cross references. — For the pay plan prepared under (2) of this section, see AS 39.27.011.

Effect of amendments. — The 1980 amendment substituted "November 7, 1975" for "a date to be determined by the legislature which shall be on or about six

months after the termination of hostilities involving forces of the United States in Viet Nam" near the middle of paragraph (23), and substituted a semicolon for a period at the end of paragraph (23).

The first 1982 amendment added "including the granting of employment preference to local residents in accordance with AS 39.25.181 or under appropriate circumstances" to the end of paragraph (6) and "including the granting of employment preference to local residents in accordance with AS 39.25.181" to the end of paragraph (9).

The second 1982 amendment rewrote this section.

NOTES TO DECISIONS

The scope of rules prepared pursuant to AS 39.25.050 is limited severely in this section, leaving the director of personnel very little discretion and virtually no policy-making power.

Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Chapter attempts to ensure most efficient expenditure of public funds.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

2-8-81

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "veteran" for purposes of veterans' preference rights for state employment. This bill conforms the current definition of veteran found in AS 39.25.150(19)(A) to the federal definition in 5 U.S.C. sec. 2108.

In essence, the bill extends the period of time of active duty in the United States armed forces which qualifies an individual as a veteran for employment preference. The Alaska statute currently sets November 7, 1975 as the service cut-off date for qualifying as a veteran, while federal law establishes October 14, 1976 as the date. The bill amends AS 39.25.150(19)(A) to reflect the October 14, 1976 date, thereby conforming the federal and state periods of service for being considered a veteran to receive employment preference rights.

Sincerely,

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

Bill Sheffield
Governor