

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

SB 213 cont. - SB 225 117-122 637 228

1 effect on water quality and the traditional and recreational uses of
2 the land;

3 (6) a statement of the long-term commitments of fish,
4 wildlife, and other natural resources that would be involved in the
5 proposed development;

6 (7) a statement of alternatives to the commitments identi-
7 fied under (6) of this subsection and alternatives or measures that
8 may reduce or eliminate the effects identified under (5) of this
9 subsection;

10 (8) an identification of any studies, including economic
11 feasibility studies, or plans to be required by the commissioner; and

12 (9) for a large project, a preliminary assessment of the
13 project's economic feasibility based on available information.

14 (h) After reviewing the comments received under (g) of this
15 section, the commissioner shall make a final determination whether the
16 proposed lease will serve the best interests of the state. If the
17 commissioner determines that the proposed lease will serve the best
18 interests of the state, the commissioner shall offer the lease to the
19 proposed lessee subject to the terms, conditions, and study require-
20 ments the commissioner determines to be necessary. If a study or plan
21 is required, the potential lessee may be required to provide and pay
22 for the study or plan. For a large project where the commissioner has
23 determined under (g) of this section that there may be significant
24 economic, social, or environmental effects or long-term commitments of
25 fish, wildlife, or other natural resources, the commissioner shall
26 require the potential lessee to prepare and submit a comprehensive
27 economic feasibility study to be completed no later than 18 months
28 after the execution of the lease. State agencies with pertinent
29 expertise or responsibilities shall be involved in the review of

1 required plans and studies. If the plan or study involves fish, game,
2 or customary and traditional use of natural resources, the Department
3 of Fish and Game shall review the methodology and scope of the plan or
4 study. If the Department of Fish and Game determines that the method-
5 ology and scope are appropriate for the plan or study, the methodology
6 and scope may be used for the plan or study.

7 (i) If a potential lessee who was selected under (f) of this
8 section declines the lease offer made under (h) of this section, the
9 commissioner may begin negotiations with the potential lessee who
10 provided the next highest bid under (f) of this section to develop
11 under (f) of this section the terms and conditions for a lease.

12 (j) The commissioner shall require the potential lessee awarded
13 the right to negotiate a lease under (e), (f), or (i) of this section
14 to pay a nonrefundable administrative fee of at least \$250.

15 (k) The commissioner shall reject all proposals or bids for a
16 lease when it is in the best interest of the state.

17 (l) The compensation to be paid to the state for a lease issued
18 under this section may include, in the discretion of the commissioner,

19 (1) a percentage of the annual gross receipts as reported
20 to the United States Internal Revenue Service;

21 (2) a guaranteed annual minimum rent or a percentage of
22 gross receipts, whichever is greater;

23 (3) the fair market rental value;

24 (4) a fixed annual rent that is not less than the fair
25 market rental value of the land;

26 (5) a fee for each user;

27 (6) other compensation acceptable to the commissioner; or

28 (7) a combination of the above.

29 (m) The annual compensation paid to the state for a recreational

1 facilities development lease shall be reevaluated and adjusted at
2 five-year intervals. The annual compensation for each five-year
3 period after the initial five years of the lease shall be calculated
4 by the same method used to establish the compensation for the initial
5 five-year period.

6 (n) Before a lease is issued under this section, the land to be
7 covered by the lease shall be surveyed. The survey must be adequate
8 to describe the land to be covered by the lease.

9 (o) Before entering into a lease under this section, the commis-
10 sioner shall require the lessee to post a performance bond or provide
11 other security acceptable to the commissioner to cover the cost to
12 the department of one or more of the following, as determined by the
13 commissioner:

14 (1) completing the development, including site planning,
15 under the terms and conditions of the lease;

16 (2) maintaining the development under the terms and con-
17 ditions of the lease;

18 (3) restoring the lease site if the lease is abandoned or
19 terminated.

20 (p) The term of the lease may not exceed 55 years. At the
21 expiration of the lease, the commissioner may offer the lessee a right
22 of first refusal on a new lease under this section for the same land
23 if the commissioner determines that leasing the land for an additional
24 term serves the best interests of the state.

25 (q) The lessee's violation of a provision of this section or of
26 a term or provision of a lease issued under this section subjects the
27 lessee to appropriate legal action and penalties, including a forfei-
28 ture of the lease.

29 (r) The commissioner of administration shall separately account

1 for all money collected under this section that the department de-
2 posits in the general fund. The annual estimated balance in the
3 account may be used by the legislature to make appropriations to the
4 department to carry out the purposes of this section.

5 (s) In this section, "recreational facilities development"
6 includes the development of lodges, resorts, and other tourism and
7 recreation-related facilities.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 17, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: SB 213, Commercial Development Leasing

Position: The Department of Natural Resources supports the concept of this new commercial development leasing statute. We believe our existing leasing statutes are inadequate to allow the department to capture a meaningful revenue return for the long-term use of state land and resources for commercial recreational purposes. The department does have some suggested changes to this bill which we believe will enhance its effectiveness.

Background: Under current leasing statutes rental is fixed for a 25-year period. It cannot be adjusted to reflect changes in the lease's fair market value. This makes it impossible to ensure that large commercial developments will bring a fair return to the state. Furthermore, there is no opportunity to employ alternative revenue generation techniques, such as percentage of gross receipts or user fees.

In order to ensure that proposed developments generate a fair return for the resources being utilized, a commercial development lease that allows the department more flexibility in negotiating a greater return would benefit the state. The proposed statute would allow the department to do business in a manner more consistent with private industry, as well as that already being used by many other public land agencies (i.e. U.S. Forest Service).

Recommendations: The department recommends the following modifications to SB 213.

1. Under (a), the commissioner requests the authority to apply AS 38.05.085(c), AS 38.05.085(f) and AS 38.05.095(a) to leases issued under this section.

2. Under (b), the area plan should be adopted prior to soliciting expressions of interest. The process for adopting a plan would require adequate public notice; therefore, (c) is redundant and could be deleted.

3. The commissioner requests the authority to set a minimum bid for the auction or sealed bid for the right of first refusal under (f).

4. Under (g), if the potential developer who is offered the lease declines, the commissioner is forced to begin the negotiations with the second highest bidder, thus requiring another preliminary decision, public notice and final finding. As an alternative, if the potential developer declines the offer, the same offer could be made to subsequent bidders until one of the potential developers accepted the offer.

5. The commissioner requests the authority to reappraise and adjust the annual compensation at five year intervals to ensure a fair return to the state.

6. The justification for a performance bond should be expanded to include the ability to complete and/or maintain a project in the event the lessee defaults on a condition of the lease. The department also needs the ability to cash in the bond for use on the project. In the past, the Department of Law has questioned whether bond proceeds could actually be used for such purposes. If the bond proceeds must be deposited into the general fund and an appropriation sought during the next budget cycle, the attendant delays could result in a great deal of interim damage.

7. Under (j), the lease appears to be renewable. The lease should not be automatically renewable, however. The commissioner should reserve the right to offer the lessee the right of first refusal if the land is going to be offered again as a commercial development lease.

8. The commissioner requires the ability to terminate the lease for a breach of a term or condition of the lease.

9. The income generated from commercial development leases should be accounted for separately by the Commissioner of Administration to allow the Legislature to make appropriations to carry out the purposes of AS 38.05.073.

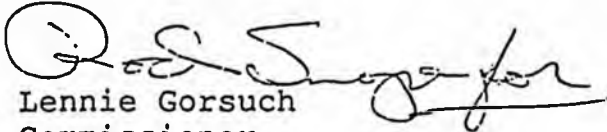
Senator Fahrenkamp

-3-

April 17, 1989

We appreciate the opportunity to work with the committee and offer our continued assistance to the committee and staff on this important piece of legislation.

Sincerely,


Lennie Gorsuch
Commissioner

cc: Bill Sponsor
Committee Members
Denby Lloyd, Special Staff Assistant
Office of the Governor
Bob Evans, Legislative Liaison
Office of the Governor
Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources

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SENATE COMMITTEE REPORT

FURTHER

4/22/89

DATE TURNED INTO OFFICE _____

Mr. President:

_____ Finance _____ Committee considered _____ SB 214

special appropriation to the principal of the permanent fund

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

Bill died in committee.

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chair _____ signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4-13-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FIN

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 4-22-89

3/10/89
Mr. President:

SA _____ Committee considered SB 214

special appropriation to the principal of the permanent fund

+ reports it back as follows

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

approp NO FN

FISCAL NOTE(S) attached zero fiscal impact
 appropriation no FN attached Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

2 Jane Smith

1 Al Adams - no Rec

[Signature]
Chairman signature and recommendation

Committee backup attached

1 IN THE SENATE

BY HALFORD, JONES,
FAIKS AND KERTTULA

2 SENATE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the princi-
7 pal of the permanent fund."

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

9 * Section 1. FINDINGS. The Alaska Permanent Fund Corporation has
10 projected that there will be a shortfall in the earnings of the permanent
11 fund in fiscal years 1990 - 1996 that will require additional investment to
12 adequately inflation-proof the fund, as required by AS 37.13.145.

13 * Sec. 2. The unexpended and unobligated balance in the earnings re-
14 serve account (AS 37.13.145) is appropriated to the principal of the perma-
15 nent fund.

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SENATE COMMITTEE REPORT

FURTHER

3/23/89

DATE TURNED INTO OFFICE

4/5/89

Mr. President:

Finance

Committee considered

SB 219

birth certificates

and recommended

[X] replace with CS SB 219 (Finance) [X] same title
[] or adopt CS [] new title
[] attached amendment(s) and [] technical title change (HB only)
[] letter of intent adopted

[] do pass

[] do not pass

[] no recommendation

[X] individual recommendations

[] further referral to

FISCAL NOTE(S) [] zero [X] DHSS 3.4GF/9.0 rev fiscal impact [] appropriation no FN
[X] new [] updated [] previous
[] same as previous fiscal note(s) published

MEMBERS SIGNING DO PASS

Don FRANK
Paul Fischer FISCHER

OTHER RECOMMENDATIONS

PEARCE me I agree - no rec

UEHLING

Chairman signature and recommendation

Phil Uehling (No Rec)
[Signature] (No Rec)

[] Committee Backup attached Co-

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act Relating To Birth Certifi-
cates
 Sponsor: Kerttula
 Requestor: _____

Agency Affected: Health & Social Services
 BRU: State Health Services

Components: Bureau of Vital Statistics

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		1.8	.9	.9	.9	.9
TRAVEL						
CONTRACTUAL		.6	.3	.3	.3	.3
SUPPLIES		1.0	.5	.5	.5	.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	3.4	1.7	1.7	1.7	1.7

CAPITAL	0	0	0	0	0	0
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REVENUE	0	9.0	4.5	4.5	4.5	4.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	3.4	1.7	1.7	1.7	1.7
FEDERAL FUNDS						
OTHER						
TOTAL	0	3.4	1.7	1.7	1.7	1.7

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

(See Attached)

Prepared by: Elizabeth Ward *Elizabeth Ward* Phone: 465-3090
 Division: Public Health Date: 3/20/89

Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: 3/20/89
 Agency: Department of Health & Social Services

Distribution (by preparer):

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

SFC: 4/5/89

RECEIVED
 MAR 21 1989
 LEGISLATIVE

SB 219 Fiscal Note (Analysis)

Oregon has four years experience with a similar program. Oregon averages approximately 40,000 live births per year. In the first year of the program Oregon issued 1100 displayable certificates. Oregon is currently issuing approximately 600 displayable certificates per year.

Assuming that Alaska (12,000 live births per year) will have experience similar to Oregon we will issue 360 certificates in the first year and then drop off to 180 per year.

Cost of Service Estimate:

Oregon

charge for displayable certificate	\$25.00
cost of service	\$12.00
pass through to child service agencies	\$13.00

Minnesota (new program 6 mo experience)

charge for displayable certificate	\$25.00
cost of service	\$10.00
pass through to children's trust fund	\$15.00

Alaska (estimate)

charge for displayable certificate	\$25.00
cost of service	\$ 9.25
normal certificate processing	\$5.00
calligraphy (contract)	\$1.50
printing, mailing tubes, & postage	\$2.75

Projections:

	volume	revenues (000) (volume x \$25)	costs (000) (volume x \$9.25)
1st year	360	\$9.0	\$3.4
2nd-5th years	180	\$4.5	\$1.7

Original sponsors: Kerttula and
Szymanski

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 219 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to birth certificates."

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

8 * Section 1. AS 18.50 is amended by adding a new section to read:

9 Sec. 18.50.225. BIRTH CERTIFICATES SUITABLE FOR DISPLAY. (a)

10 In addition to another birth certificate issued under this chapter,
11 the state registrar shall issue, on request and payment of a fee of
12 \$25, a birth certificate representing that the birth of the person
13 named on the certificate is recorded in the office of the registrar.
14 The fee required under this subsection is in addition to a fee re-
15 quired under AS 18.50.330 for a copy of a birth certificate.

16 (b) The certificate issued under (a) of this section must be in
17 a form consistent with the need to protect the integrity of vital
18 records and must be suitable for display. It may bear the seal of the
19 state and may be signed by the governor.

20 (c) A certificate issued under (a) of this section has the same
21 status as evidence as an original birth certificate.

22 (d) The state registrar shall deposit fees received under (a) of
23 this section in the general fund. The commissioner of administration
24 shall separately account for money deposited under this subsection.
25 The legislature may use the annual estimated balance of the account to
26 make an appropriation to the Alaska children's trust fund established
27 under AS 37.14.200.

Introduced: 3/13/89
Referred: Health, Education and
Social Services and Finance

4/5/89
6-1013A

Am ADOPTED

*Carol H handling
language question
with legal Svcs*

1 IN THE SENATE

THE FINANCE COMMITTEE
BY KERTTULA AND SZYMANSKI

2

CS FOR SENATE BILL NO. 2. (FINANCE)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to birth certificates."

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

8 * Section 1. AS 18.50 is amended by adding a new section to read:

9 Sec. 18.50.225. BIRTH CERTIFICATES SUITABLE FOR DISPLAY. (a)

10 In addition to another birth certificate issued under this chapter,

11 the state registrar shall issue, on request and payment of a fee of
12 *(over and above/in addition to) the (normal/established) fee for issuing certified birth certificates*
12 a birth certificate representing that the birth of the person

13 named on the certificate is recorded in the office of the registrar.

14 (b) The certificate issued under (a) of this section must be in

15 a form consistent with the need to protect the integrity of vital

16 records and must be suitable for display. It may bear the seal of the

17 state and may be signed by the governor.

18 (c) A certificate issued under (a) of this section has the same

19 status as evidence as an original birth certificate.

20 (d) The state registrar shall deposit fees received under (a) of

21 this section in the general fund. The commissioner of administration

22 shall separately account for money deposited under this subsection.

23 The legislature may use the annual estimated balance of the account to

24 make an appropriation to the Alaska children's trust fund established

25 under AS 37.14.200.



Official Business

Alaska State Legislature

Senate

P.O. BOX V
State Capitol
Juneau, Alaska 9

SPONSOR STATEMENT

SENATE BILL 219

The concept of Senate Bill 219, relating to birth certificates, is to commemorate the birth of a child while at the same time contributing to the fight against child abuse and neglect.

Under the provisions of this legislation, parents would be able to purchase a specially designed birth certificate to commemorate the birth of their child. This would be in addition to the birth certificate which the Bureau of Vital Statistics presently issues.

These heirloom birth certificates would cost \$25 and would be printed on special paper and would be suitable for framing.

The intent of the legislation is that the revenue generated from the sale of these certificates would be appropriated from the general fund into the Alaska Children's Trust Fund which was established - but not funded - last year to aid in the prevention of child abuse and neglect.

Similar programs have been adopted in Washington, Oregon, and Minnesota.

- SPONSOR'S STATEMENT -

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HOUSE COMMITTEE REPORT file

(11)

Date Referred: March 13, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/26/90

The FINANCE Committee considered:

CSSB 219 (FINANCE)

CS SB NO. 219 (Finance)

BIRTH CERTIFICATES/CHILDREN'S TRUST FUND

"An Act relating to birth certificates."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] have attached amendment(s) [] a new title
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact DHSS
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) _____
- [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass No Rec Amend

Lynn Hoffman

Donald J. Larson

C. Swackhammer

A. Koponen

F. Ulmer

RO. E. Phillips

Rieger

Waus

Schultz

Donald J. Larson
CO - Chairman's Signature
Lynn Hoffman

FISCAL NOTE

REQUEST:

Revision Date: March 24, 1990 Agency Affected: Health & Social Services
 Title: An Act Relating to Birth Certificates BRU: State Health Services
 Sponsor: Kerttula and Szymanski Components: Vital Statistics
 Requester: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual	0.9	0.2	0.2	0.2	0.2	0.2
Supplies	0.9	0.2	0.2	0.2	0.2	0.2
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	1.8	0.4	0.4	0.4	0.4	0.4

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	9.0	4.5	4.5	4.5	4.5	4.5
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FUNDING: (Thousands of Dollars)

General Funds	1.8	0.4	0.4	0.4	0.4	0.4
Federal Funds						
Other						
TOTAL	1.8	0.4	0.4	0.4	0.4	0.4

POSITIONS

Full-Time	0	0	0	0	0	0
Part-Time						
Temporary						

ANALYSIS: (attach a separate page if necessary)

See attached

No fiscal impact in FY 90

Prepared By: Katherine Kelley, Dr.P.H.
 Division: Division of Public Health

Phone: 465-3082
 Date: 03/25/90

Approved By Commissioner: Myra M. Munson
 Agency: Department of Health and Social Services

Date: _____

Distribution (by preparer):

Legislative Finance, Legislative Sponsor, Requestor,
 Office of Management & Budget, Impacted Agency(ies)

Offered: 4/5/89
Referred: Rules

6-1013E

Original sponsors: Kerttula and
Szymanski

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 219 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to birth certificates."

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

8 * Section 1. AS 18.50 is amended by adding a new section to read:

9 Sec. 18.50.225. BIRTH CERTIFICATES SUITABLE FOR DISPLAY. (a)

10 In addition to another birth certificate issued under this chapter,
11 the state registrar shall issue, on request and payment of a fee of
12 \$25, a birth certificate representing that the birth of the person
13 named on the certificate is recorded in the office of the registrar.
14 The fee required under this subsection is in addition to a fee re-
15 quired under AS 18.50.330 for a copy of a birth certificate.

16 (b) The certificate issued under (a) of this section must be in
17 a form consistent with the need to protect the integrity of vital
18 records and must be suitable for display. It may bear the seal of the
19 state and may be signed by the governor.

20 (c) A certificate issued under (a) of this section has the same
21 status as evidence as an original birth certificate.

22 (d) The state registrar shall deposit fees received under (a) of
23 this section in the general fund. The commissioner of administration
24 shall separately account for money deposited under this subsection.
25 The legislature may use the annual estimated balance of the account to
26 make an appropriation to the Alaska children's trust fund established
27 under AS 37.14.200.



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Representative Lyman Hoffman, Co-Chairman
House Finance Committee

Representative Ron Larson, Co-Chairman
House Finance Committee

FROM: Senator Jay Kerttula

SUBJ: Senate Bill 219 --
Commemorative Birth Certificates

DATE: March 14, 1990

I would appreciate your scheduling Senate Bill 219, providing for commemorative birth certificates, at your earliest convenience.

Senate Bill 219 is revenue-generating legislation which provides for the sale of a specially-designed birth certificate to celebrate the birth of a child. These commemorative certificates would be in addition to the birth certificate which the Bureau of Vital Statistics presently issues. The revenue generated from the sale of these certificates would fund the Alaska Children's Trust, which was established by the Legislature in 1988 to aid in the prevention of child abuse and neglect.

This legislation is similar to a program which has been successful in Oregon for the past four years, as well as a recently established program in Minnesota.

I appreciate your consideration of my request. I have attached a copy of the fiscal note for your information.

JK:kh

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affects Health & Social Services
 Title: An Act relating to birth certificates BRU: State Health Services
 Sponsor: Karttula Components: Bureau of Vital Statistics
 Requestor: _____

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 91	FY92	FY93	FY94	FY 95	FY 96
PERSONAL SERVICES	1.8	0.9	0.9	0.9	0.9	0.9
TRAVEL						
CONTRACTUAL	0.6	0.3	0.3	0.3	0.3	0.3
SUPPLIES	1.0	0.5	0.5	0.5	0.5	0.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3.4	1.7	1.7	1.7	1.7	1.7

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	9.0	4.5	4.5	4.5	4.5	4.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND	3.4	1.7	1.7	1.7	1.7	1.7
FEDERAL FUNDS						
OTHER						
TOTAL	3.4	1.7	1.7	1.7	1.7	1.7

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

FY 90 impact is "0".
See attached for additional analysis.

Prepared by: Katherine Kelley Phone: 465-3090
 Division: [Signature] / PUBLIC HEALTH Date: 3/9/90
 Approved by Commissioner: Myra M. Murson Date: 3/9/90
 Agency: Department of Health and Social Services

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

CS SB 219 (Fin) FISCAL NOTE (ANALYSIS)

Oregon has four year' experience with a similar program. Oregon averages approximately 40,000 live births per year. In the first year of the program, Oregon issued 1,100 displayable certificates. Oregon is currently issuing approximately 600 displayable certificates per year.

Assuming that Alaska (12,000 live births per year) will have experience similar to Oregon, we will issue 360 certificates in the first year and then drop off to 180 per year.

Cost of Service Estimate:

Oregon

charge for displayable certificate	\$25.00
cost of service	12.00
pass through to child service agencies	13.00

Minnesota (new program with 6 months' experience)

charge for displayable certificate	\$25.00
cost of service	10.00
pass through to children's trust fund	15.00

Alaska (estimate)

charge for displayable certificate	\$25.00
cost of service	9.25
normal certificate processing	\$5.00
calligraphy (contract)	1.50
printing, mailing tubes & postage	2.75

Projections:

	Volume	Revenues (000) (volume * \$25)	Costs (000) (volume * \$9.25)
1st year	360	\$9.0	\$3.4
2nd-5th years	180	\$4.5	\$1.7

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SENATE FINANCE COMMITTEE REPORT

DATE: 3/20/90

FURTHER:

DATE TURNED INTO OFFICE: 3/23/90

The Finance Committee considered

SB 222

"An Act relating to smoking in certain vehicles and indoor places."

and recommended:

- replace with _____ CS _____
- or adopt _____ CS SB 222 (SA)
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S):

- fiscal note(s) _____ Dept/Date: _____
- zero fiscal note(s) _____
- appropriation-no fiscal note

APPROVES PREVIOUS:

- fiscal note(s) _____ Dept/Date: _____
- zero fiscal note(s) 3/27/90 DEC

SIGNING DO PASS:

[Handwritten Signature]

OTHER RECOMMENDATIONS:

[Handwritten Signature] Do Not Pass - to - No Rec

[Handwritten Signature]

[Handwritten Signature] (NO REC)

1. _____

2. _____

Co-Chairs: Signatures and Recommendations

R/O JFC 3-23-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 222 (SA)
PUBLISH DATE: 3/20/90

FISCAL NOTE

REQUEST:

Revision Date: 02-23-90
Title: "An Act relating to smoking in
certain vehicles and places"
Sponsor: Faiks
Requestor: _____

Agency Affected: Environmental Conservation
BRU: Environmental Health
Components: Sanitation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS : (Attach a separate page if necessary)

The fiscal impact of CSSB 222(HESS) will be zero.

Prepared by: Douglas C. Donegan, Director
Division: Environmental Health

Phone: 465-2609
Date: 02-27-90

Approved by Commissioner: _____
Agency: _____

Date: 2/27/90

Distribution (by preparer) :

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

Offered: 3/20/90
Referred: Finance

Original sponsor(s): SEN. FAKS

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 222 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoking in certain vehicles and
7 indoor places."

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

9 * Section 1. AS 18.35.300 is amended to read:

10 Sec. 18.35.300. PLACES WHERE SMOKING IS REGULATED [SMOKING IN
11 CERTAIN VEHICLES AND INDOOR PLACES PROHIBITED]. Smoking in any form
12 is a nuisance and a public health hazard and is prohibited in the
13 following vehicles and indoor places, except as allowed under AS 18.-
14 35.310 [OTHERWISE PROVIDED BY THIS CHAPTER]:

15 (1) a vehicle of public transportation and a waiting or
16 boarding area for a vehicle of public transportation, including a bus,
17 ferry vessel, train, limousine for hire, taxicab, or scheduled inter-
18 state or intrastate aircraft flight when consistent with federal law;

19 (2) [AN ELEVATOR;

20 (3)] a place of employment, a building or other structure,
21 or a portion of them, owned, leased, or operated by the state or a
22 political subdivision of the state, including an office, library,
23 museum, theater, concert hall, convention hall, gymnasium, swimming
24 pool, or other place of entertainment or recreation;

25 (3) [(4)] a public or private post-secondary educational
26 institution [SCHOOL, PRE-SCHOOL,] or adult day care facility;

27 (4) [(5)] a courtroom or jury deliberation room;

28 (5) [(6)] a room, chamber, or other place under the con-
29 trol of the state senate or state house of representatives [A

09-24-8 972 0/9

1 POLITICAL SUBDIVISION OF THE STATE] while a public meeting or public
2 assembly is not in progress;

3 (6) [(7)] a [PATIENTS' OR VISITORS' WAITING ROOM OR REST-
4 ROOM OF A PUBLIC OR PRIVATE LABORATORY OR OFFICE ASSOCIATED WITH
5 DENTAL CARE, HEALTH CARE, OR THE HEALING ARTS, AND A WAITING ROOM,
6 RESTROOM, LOBBY, OR HALLWAY OF A PUBLIC OR PRIVATE HOSPITAL,] nursing
7 home, rest home, or other residential health care institution or
8 facility, or a public or private office or facility that is engaged
9 primarily in providing mental health services;

10 (7) [(8)] a food service establishment that has a seating
11 capacity of at least 50 persons;

12 (8) [(9)] a grocery store or other store maintained primar-
13 ily for the retail sale of food products; [AND]

14 (9) [(10)] a place of employment in which the owner, manag-
15 er, proprietor, or other person who has control of the premises posts
16 a sign stating that smoking is prohibited by law;

17 (10) a correctional facility; and

18 (11) a Pioneers' Home.

19 * Sec. 2. AS 18.35 is amended by adding a new section to read:

20 Sec. 18.35.305. PLACES WHERE SMOKING IS PROHIBITED. Smoking in
21 any form is prohibited in the following indoor places:

22 (1) a public or private elementary or secondary school,
23 preschool, or children's day care facility; if the school, preschool,
24 or day care facility is in a building that is also a private resi-
25 dence, this paragraph applies only during the hours when the residence
26 is being used as an elementary or secondary school, preschool, or
27 children's day care facility; if the school, preschool, or day care
28 facility is in a building that includes more than one private resi-
29 dence or units that are not private residences, this paragraph applies

1 only to the private residence in which the elementary or secondary
2 school, preschool, or children's day care facility is located; the
3 prohibition in this paragraph does not apply to a public or private
4 elementary or secondary school to the extent that a collective bar-
5 gaining agreement covering employees who work in the school contains
6 terms that conflict with this prohibition;

7 (2) a room, chamber, or other place under the control of
8 the state or a political subdivision of the state while a public
9 meeting or public assembly is in progress;

10 (3) a public or private laboratory or office associated
11 with dental care, health care, or the healing arts, and a public or
12 private hospital, or other nonresidential health care institution or
13 facility; this paragraph does not apply to a public or private office
14 or facility that is engaged primarily in providing mental health
15 services;

16 (4) an elevator.

17 * Sec. 3. AS 18.35.310 is amended to read:

18 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-
19 35.300 does not apply to

20 (1) a portion of a place or vehicle that is designated as a
21 smoking section under AS 18.35.320;

22 (2) a limousine for hire or taxicab, if the driver consents
23 and the driver ascertains that all passengers consent to smoking in
24 the vehicle [;

25 (3) SMOKING BY PERFORMERS ON THE STAGE AS PART OF A THEAT-
26 RICAL OR ENTERTAINMENT PRODUCTION].

27 * Sec. 4. AS 18.35.310 is amended by adding a new subsection to read:

28 (b) The prohibitions set out in AS 18.35.300 - 18.35.305 do not
29 apply to smoking by performers on the stage as part of a theatrical

1 entertainment production.

2 * Sec. 5. AS 18.35.320(c) is amended to read:

3 (c) A person who designates a smoking section under this section
4 shall make reasonable accommodations to protect the health of the [FOR
5 THE NEEDS OF THE SMOKERS AND] nonsmokers who use the place or vehicle
6 by separation, partition, or ventilation that ensures that nonsmokers
7 in the place or vehicle are not subject to the active by-products of
8 smoke from smokers in the place or vehicle.

9 * Sec. 6. AS 18.35.330(a) is amended to read:

10 (a) A person in charge of a place or vehicle described in
11 AS 18.35.300 or 18.35.305, except a limousine for hire or taxicab,
12 shall conspicuously display in the place or vehicle a sign that reads
13 "Smoking Prohibited by Law - Maximum Fine \$50" and that includes the
14 international symbol for no smoking.

15 * Sec. 7. AS 18.35.340(a) is amended to read:

16 (a) The commissioner shall develop and maintain a procedure for
17 processing reports of violations of AS 18.35.300, 18.35.305, and
18 18.35.330.

19 * Sec. 8. AS 18.35.340(c) is amended to read:

20 (c) A person who violates AS 18.35.300 or 18.35.305 and against
21 whom the commissioner has filed a civil complaint under this section
22 is punishable by a civil fine of not less than \$10 nor more than \$50.
23 A person who violates AS 18.35.330 and against whom the commissioner
24 has filed a civil complaint under this section is punishable by a
25 civil fine of not less than \$20 nor more than \$300. Each day a viola-
26 tion of AS 18.35.330 continues after a civil complaint for the viola-
27 tion has been filed and served on the defendant constitutes a separate
28 violation.

29 * Sec. 9. AS 18.35.341(a) is amended to read:

1 (a) A peace officer may issue a citation for a violation of
2 AS 18.35.300 or 18.35.305 committed in the officer's presence or for a
3 violation of AS 18.35.330. The provisions of AS 12.25.180(b) and
4 12.25.190 - 12.25.230 apply to the issuance of a citation under this
5 subsection.

6 * Sec. 10. AS 18.35.341(b) is amended to read:

7 (b) An employee of the department designated by the commissioner
8 to enforce the provisions of AS 18.35.300 - 18.35.365 may issue a
9 citation for a violation of AS 18.35.300, 18.35.305, or 18.35.330
10 regardless of whether the violation was committed in the employee's
11 presence. A citation issued under this subsection shall be in the
12 same form and shall be processed in the same manner as a citation
13 issued by a peace officer under (a) of this section. An employee of
14 the department may not arrest a person for a violation of AS 18.35.-
15 300, 18.35.305, or 18.35.330.

16 * Sec. 11. AS 18.35.341(c) is amended to read:

17 (c) A person who violates AS 18.35.300, 18.35.305, or 18.35.330
18 is guilty of a violation as defined in AS 11.81.900(b) and upon con-
19 viction is punishable by a fine of not less than \$10 nor more than \$50
20 for a violation of AS 18.35.300 or 18.35.305 and by a fine of not less
21 than \$20 nor more than \$300 for a violation of AS 18.35.330. Each day
22 a violation of AS 18.35.330 continues after a citation for the viola-
23 tion has been issued constitutes a separate violation.

24 * Sec. 12. AS 18.35.341(d) is amended to read:

25 (d) The supreme court shall establish a schedule of bail amounts
26 for violations of AS 18.35.300, 18.35.305, and 18.35.330, but in no
27 event may the bail amount exceed the maximum fine that may be imposed
28 for the violation under (c) of this section. The bail amount for a
29 violation shall appear on the citation.

1 * Sec. 13. AS 18.35.342 is amended to read:

2 Sec. 18.35.342. MULTIPLE FINES PROHIBITED. A person may not be
3 fined more than once for each violation of AS 18.35.300, 18.35.305, or
4 18.35.330.

5 * Sec. 14. AS 18.35.343 is amended to read:

6 Sec. 18.35.343. INJUNCTIONS. The commissioner or any affected
7 party may institute an action in the superior court to enjoin repeated
8 violations of AS 18.35.300, 18.35.305, or 18.35.330.

SECTIONAL ANALYSIS

CSSB 222 (SA)

Section 1. Makes changes to AS 18.35.300, which lists vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas. New places added to this list include the following:

- an interstate aircraft flight;
- a public or private post-secondary educational institution or adult day care facility;
- a room, chamber or other place under the control of the Senate or House if no public meeting is in progress;
- a residential health care facility, or a public or private office or facility that is engaged primarily in providing mental health services;
- a correctional facility; and
- a Pioneers' Home.

A number of places currently on this list are deleted, and moved to new AS 18.35.305, which prohibits any smoking (see section 2).

Section 2. Adds new AS 18.35.305, which lists places in which smoking is absolutely prohibited. These places include the following:

- a public or private elementary or secondary school, pre-school, or children's day care facility. If the school or day care facility is in a private residence, then the prohibition only applies during the hours when the residence is being used as a school or day care facility. This section does not apply to an elementary or secondary school to the extent that it conflicts with a collective bargaining agreement;
 - a room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress; and
 - a public or private laboratory or office associated with dental care, health care, or the healing arts, and a public or private hospital, or other nonresidential health care institution or facility. This section does not apply to an office or facility engaged primarily in providing mental health services; and
- an elevator.

Sections 3 and 4. Makes a technical change to AS 18.35.310, to provide that smoking on stage as part of a theatrical production is not prohibited by new AS 18.35.305.

Section 5. Amends AS 18.35.320(c). Current law provides that in designating a smoking area, a person shall accommodate the needs of smokers and non-smokers. This section provides that in designating a smoking area, a person shall only consider the health consequences to the non-smokers using the facility.

Sections 6 - 14. These sections make technical changes to the current law to reflect the addition of new AS 18.35.305.

Alaska State Legislature

2/23/90



Senate Judiciary Committee

March 20, 1990

MEMORANDUM

TO: Senator Rick Uehling, Co-Chairman
Senator John Binkley, Co-Chairman
Senate Finance Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: SB 222 "An Act relating to smoking in certain vehicles and indoor places."

Senate Bill 222 has been referred to the Senate Finance Committee for consideration. This bill amends Alaska law relating to smoking in certain public places. It was introduced at the request of the American Lung Association of Alaska, as part of their Tobacco Free Alaska 2000 program.

At the present time, approximately 26% of Americans over the age of 16 smoke cigarettes. Alaskans smoke at a rate 5% greater than the national rate.

According to the Surgeon General, cigarette smoking is the single most important environmental factor contributing to premature mortality in the United States. Each year, smoking causes the deaths of more than 300,000 Americans, principally from heart disease, cancer and chronic obstructive lung disease. In 1985, there were estimated to be 261 smoking attributable deaths in Alaska. This was 14% of the state's mortality that year. The estimated total for medical care due to smoking in Alaska in 1985 was \$52.8 million. This does not take into account lost wages due to illness, or losses to employers because of increased insurance premiums and absenteeism.

The tremendous social harms caused directly or indirectly by cigarette smoking cannot be disputed. In an effort to

encourage people not to smoke, and to protect the health and well being of non-smokers who must breathe secondary smoke, many jurisdictions including Alaska have enacted laws restricting smoking in public places.

At the present time, 42 states and the District of Columbia restrict smoking in some manner in public places. These laws range from simple, limited prohibitions to comprehensive clean indoor air laws that limit or ban smoking in virtually all public places. Alaska's law was enacted in 1984, and was predicated on the following legislative findings:

1. numerous studies have shown second-hand smoke to be a significant health hazard;
2. recent court decisions recognize an emerging right of employees to work in a smoke-free environment; and
3. smoking results in increased costs to employers and the public in the form of more frequent absenteeism by employees who smoke and higher costs for health insurance, fire insurance, life insurance and workers' compensation.

In order to address these findings, current law specifies certain public places and vehicles in which smoking is regulated. In these specified places, smoking and non-smoking areas must be designated. Signs must be posted to accomplish this. Persons who violate the requirement to post signs or who smoke in a designated non-smoking area are subject to civil penalties.

CSSB 222 (State Affairs) revises current law by establishing two categories of public place: those in which smoking is regulated, as with current law, and those in which smoking is absolutely prohibited. The bill takes some of the places currently on the regulated smoking list and moves them to the new smoking prohibited list. It adds several types of places not currently mentioned in the law to the regulated smoking list. Finally, it provides that a person in charge of a place on the regulated smoking list must consider only the health of non-smokers in designating a smoking area, and not the convenience of smokers. A sectional analysis of the bill is attached.

CSSB 222 (State Affairs) will close loopholes in the current law, and more adequately address the findings contained in the 1984 legislation. It protects the health of non-smokers, the prime duty of government in this area, and it moves us one step closer to a smoke-free Alaska.



MAR 10 1990

Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

March 13, 1990

303 K Street
Anchorage, AK 99501
(907) 264-8228

Senator Pat Pourchot
Chair, Senate State Affairs
P.O. Box V
Juneau, Alaska 99811

Re: CSSB 222--An Act relating to smoking in certain vehicles and indoor places

Dear Senator Pourchot:

The Alaska Supreme Court prohibited smoking in court system offices, facilities and courtrooms on September 1, 1987 with one exception. The court permits smoking in jury deliberation rooms. Because smokers who are called for jury service have no choice but to appear, the supreme court was uncomfortable about forcing people into a situation in which they could not smoke.

The court was also concerned that judges might have to excuse prospective jurors who smoke if these citizens asserted that they could not concentrate on the evidence or otherwise participate in the proceedings because they were not allowed to smoke. The jury pool might then be decreased.

For these reasons the court system requests that the phrase "jury deliberation room" be deleted from (4) of Section 1 of CSSB 222.

Thank you for your consideration of these comments. I would be happy to answer any questions you may have on the court system's smoking prohibition.

Sincerely,

Janalee R. Strandberg
Staff Counsel

cc: Senator Jan Faiks
Senator Al Adams
Senator Tim Kelly
Senator Rick Uehling

2/23/90
Faiks

Current Law v. CS Senate Bill 222 (SA)

Current Law	CS SB 222 (SA)
-------------	----------------

Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

- A vehicle of public transportation and a waiting or boarding area for a vehicle of public transportation, including a bus, ferry vessel, train, limousine for hire, taxicab, or scheduled intrastate aircraft flight when consistent with federal law
- A place of employment, a building or other structure, or portion of them, owned, leased or operated by the state or political subdivision of the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation
- A public or private school, pre-school, or day care facility
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A patients' or visitors' waiting room or restroom of a public or private laboratory or office associated with dental care, health care, or the healing arts, and a waiting room, restroom, lobby, or hallway of a public or private hospital

Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

- Adds "interstate" aircraft flights
- Same
- Prohibits all smoking except where the prohibition conflicts with a collective bargaining agreement
- Prohibits all smoking
- Prohibits all smoking except in an office or facility that is engaged primarily in providing mental health services

Current Law	CS SB 222 (SA)
-------------	----------------

- A food service establishment that has a seating capacity of at least 50 persons
- A grocery store or other store maintained primarily for the retail sale of food products
- A place of employment in which the owner, manager, proprietor or other person who has control of the premises posts a sign stating that smoking is prohibited by law
- A nursing home, rest home or other health care institution or facility

- Same
- Same
- Same
- Adds "residential" to describing health care institution or facility

Adds:

- A courtroom or jury deliberation room
- Correctional facilities
- Pioneers Home
- Post secondary educational institutions
- Adult day care facilities

Current Law

CS SB 222 (SA)

Where All Smoking is Prohibited:

- An elevator
- Smoking areas for students in elementary or secondary schools

Where All Smoking is Prohibited:

- Same
- A public or private elementary or secondary school, pre-school or children's day care facility. If the school or day care facility is in a private residence, then the prohibition only applies during the hours when the residence is being used as a school or day care facility. This prohibition does not apply to an elementary or secondary school to the extent that it conflicts with a collective bargaining agreement.
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A public or private laboratory or office associated with dental care, health care, or the healing arts, and a public or private hospital, or other nonresidential health care institution or facility. This prohibition does not apply to an office or facility engaged primarily in providing mental health services.

FISCAL NOTE

APR 19 1989

REQUEST:

Revision Date: _____
Title: "An Act relating to smoking in certain vehicles and indoor places."
Sponsor: FAIKS
Requestor: _____

Agency Affected: Environmental Conservation
BRJ: Environmental Health

Components: Sanitation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	131.8	131.8	131.8	131.8	131.8
TRAVEL		7.5	7.5	7.5	7.5	7.5
CONTRACTUAL		10.5	7.0	7.0	5.0	5.0
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		35.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		181.8	148.8	148.8	146.8	146.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	181.8	148.8	148.8	146.8	146.8
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	181.8	148.8	148.8	146.8	146.8

POSITIONS:

FULL-TIME	-0-	3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The additional educational monitoring and enforcement responsibilities associated with the proposed legislation would require the addition of three full-time sanitarians and associated support costs.

Prepared by: Douglas C. Donegan, Director *DD*
Division: Environmental Health

Phone: 465-2609
Date: 4/18/89

Approved by Commissioner: Dennis D. Kelso *ADK*
Agency: Environmental Conservation

Date: 4/18/89

Distribution (by preparer):

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

S

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L

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4

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE _____

3/17/89

Mr. President:

_____ Finance _____ Committee considered _____ SB 224

making appropriations from the Railbelt energy fund and appropriating federal project matching funds for railbelt economic investment projects; efd

and recommended:

replace with CS _____ same title
 attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

Bill died in committee.

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee backup attached

Introduced: 3/17/89
Referred: Finance

go01099s

Funding Information

General Fund	\$ -0-
Railbelt Energy Fund	150,382,900
Other Funds	2,000,000
	<u>\$152,382,000</u>

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 224

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making appropriations from the Railbelt
7 energy fund and appropriating federal project match-
8 ing funds for railbelt economic investment projects;
9 and providing for an effective date."

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

11 * Section 1. The sum of \$1,000,000 is appropriated from the Railbelt
12 energy fund (AS 37.05.520) to the Department of Education, Alaska Vocation-
13 al Technical Center, for dormitories.

14 * Sec. 2. The sum of \$300,000 is appropriated from the Railbelt energy
15 fund (AS 37.05.520) to the Department of Commerce and Economic Development
16 for promotion of the 1992 Alcan anniversary.

17 * Sec. 3. The sum of \$5,000,000 is appropriated from the Railbelt
18 energy fund (AS 37.05.520) to the Department of Administration for a grant
19 under AS 37.05.315 to the City of Seward for the upgrade of the
20 Seward-Dave's Creek transmission line.

21 * Sec. 4. The sum of \$1,000,000 is appropriated from the Railbelt
22 energy fund (AS 37.05.520) to the Department of Natural Resources for
23 cadastral land surveying in the railbelt region.

24 * Sec. 5. The sum of \$15,000,000 is appropriated from the Railbelt
25 energy fund (AS 37.05.520) to the Department of Transportation and Public
26 Facilities for Hatcher Pass Ski Area access road improvements and associ-
27 ated costs.

28 * Sec. 6. The sum of \$175,000 is appropriated from the Railbelt energy
29 fund (AS 37.05.520) to the Department of Natural Resources for costs

S SB0224a

-1-

SB 224

COMMITTEE COPY

1 associated with Hatcher Pass Ski Area development.

2 * Sec. 7. The sum of \$2,000,000 is appropriated from the Railbelt
3 energy fund (AS 37.05.520) to the Department of Transportation and Public
4 Facilities for improvements to the Glenn Highway between mile post 54 and
5 the proposed Wishbone Hill coal mine access site at mile post 56.

6 * Sec. 8. The sum of \$1,500,000 is appropriated from the Railbelt
7 energy fund (AS 37.05.520) to the Department of Transportation and Public
8 Facilities for the City of Homer harbor float reconstruction.

9 * Sec. 9. The sum of \$6,000,000 is appropriated from the Railbelt
10 energy fund (AS 37.05.520) to the Department of Transportation and Public
11 Facilities to repair or reconstruct the breakwaters at Whittier.

12 * Sec. 10. The sum of \$1,500,000 is appropriated from the Railbelt
13 energy fund (AS 37.05.520) to the Department of Transportation and Public
14 Facilities for roadside facility construction and enhancements.

15 * Sec. 11. The sum of \$25,000,000 is appropriated from the Railbelt
16 energy fund (AS 37.05.520) to the University of Alaska for a sci-
17 ence/research building in Fairbanks.

18 * Sec. 12. The sum of \$34,000,000 is appropriated from the Railbelt
19 energy fund (AS 37.05.520) to the Alaska Permanent Fund Corporation for
20 deposit to the Science and Technology Foundation Endowment.

21 * Sec. 13. The sum of \$3,000,000 is appropriated to the Department of
22 Community and Regional Affairs for a Job Corp Training Center facility
23 renovation and residential housing construction from the following sources:

24	Federal Receipts	\$2,000,000
25	Railbelt Energy Fund (AS 37.05.520)	1,000,000

26 * Sec. 14. The sum of \$800,000 is appropriated from the Railbelt energy
27 fund (AS 37.05.520) to the Department of Transportation and Public Facil-
28 ities for the village of Port Graham dock construction.

29 * Sec. 15. The sum of \$3,200,000 is appropriated from the Railbelt

1 energy fund (AS 37.05.520) to the Department of Environmental Conservation
2 under AS 46.03.030 for a grant to the Municipality of Anchorage for a wa-
3 ter-reservoir and distribution project to service the industrial area at
4 the Anchorage International Airport.

5 * Sec. 16. The sum of \$300,000 is appropriated from the Railbelt energy
6 fund (AS 37.05.520) to the Department of Administration for a grant under
7 AS 37.05.315 to the Municipality of Anchorage for construction of a
8 footbridge at Ship Creek Overlook Park.

9 * Sec. 17. The sum of \$11,400,000 is appropriated from the Railbelt
10 energy fund (AS 37.05.520) to the Department of Administration for a grant
11 under AS 37.05.315 to the Municipality of Anchorage for completion of the
12 Spenard Road upgrade.

13 * Sec. 18. The sum of \$17,000,000 is appropriated from the Railbelt
14 energy fund (AS 37.05.520) to the University of Alaska for a laborato-
15 ry/classroom building in Anchorage.

16 * Sec. 19. The sum of \$20,000,000 is appropriated from the Railbelt
17 energy fund (AS 37.05.520) to the Department of Commerce and Economic
18 Development for matching funds for competitive winter sports facilities.

19 * Sec. 20. The sum of \$100,000 is appropriated from the Railbelt energy
20 fund (AS 37.05.520) to the Department of Natural Resources for grants under
21 AS 41.35.040 for historic preservation projects.

22 * Sec. 21. The sum of \$150,000 is appropriated from the Railbelt energy
23 fund (AS 37.05.520) to the Department of Natural Resources for the opera-
24 tion of the Alaska Conservation Corps program.

25 * Sec. 22. The sum of \$100,000 is appropriated from the Railbelt energy
26 fund (AS 37.05.520) to the Department of Natural Resources for the develop-
27 ment of highway interpretive signs.

28 * Sec. 23. The sum of \$200,000 is appropriated from the Railbelt energy
29 fund (AS 37.05.520) to the Department of Natural Resources for trail heads,
S

1 shelters, and a cabin at the Chena River State Recreation Area.

2 * Sec. 24. The sum of \$300,000 is appropriated from the Railbelt energy
3 fund (AS 37.05.520) to the Department of Natural Resources for facilities
4 rehabilitation and improvements at the Chena River State Recreation Site.

5 * Sec. 25. The sum of \$50,000 is appropriated from the Railbelt energy
6 fund (AS 37.05.520) to the Department of Natural Resources for completion
7 of the Chena Hot Springs Winter Trail.

8 * Sec. 26. The sum of \$250,000 is appropriated from the Railbelt energy
9 fund (AS 37.05.520) to the Department of Natural Resources for payment as a
10 grant under AS 37.05.316 to the Fairbanks Historic Preservation Foundation
11 for the preservation and rehabilitation of the Riverboat Nenana.

12 * Sec. 27. The sum of \$653,500 is appropriated from the Railbelt energy
13 fund (AS 37.05.520) to the Department of Natural Resources for reconstruc-
14 tion and expansion of the Anchor River State Recreation Area and construc-
15 tion of a campground at Bing's Landing.

16 * Sec. 28. The sum of \$114,000 is appropriated from the Railbelt energy
17 fund (AS 37.05.520) to the Department of Administration for payment as a
18 grant under AS 37.05.315 to the City of Homer for design and construction
19 of the Kachemak Bay State Park gateway building and visitor center facil-
20 ities.

21 * Sec. 29. The sum of \$95,000 is appropriated from the Railbelt energy
22 fund (AS 37.05.520) to the Department of Administration for payment as a
23 grant under AS 37.05.315 to the City of Kenai for development of the Old
24 Town Viewing Area.

25 * Sec. 30. The sum of \$137,500 is appropriated from the Railbelt energy
26 fund (AS 37.05.520) to the Department of Administration for payment as a
27 grant under AS 37.05.315 to the City of Soldotna for development of the
28 Kenai River public boat ramp and parking area.

29 * Sec. 31. The sum of \$200,000 is appropriated from the Railbelt energy
S

1 fund (AS 37.05.520) to the Department of Natural Resources for facilities
2 rehabilitation and improvements at the Finger Lake Recreation Site.

3 * Sec. 32. The sum of \$100,000 is appropriated from the Railbelt energy
4 fund (AS 37.05.520) to the Department of Natural Resources for development
5 of road access to the Willow Creek State Recreation Area.

6 * Sec. 33. The sum of \$336,000 is appropriated from the Railbelt energy
7 fund (AS 37.05.520) to the Department of Natural Resources for improvement
8 of access points to the Eagle River Greenbelt.

9 * Sec. 34. The sum of \$300,000 is appropriated from the Railbelt energy
10 fund (AS 37.05.520) to the Department of Natural Resources for facilities
11 rehabilitation and improvements at the Eagle River Visitor Center building.

12 * Sec. 35. The sum of \$150,000 is appropriated from the Railbelt energy
13 fund (AS 37.05.520) to the Department of Natural Resources for Turnagain
14 Arm scenic corridor improvements.

15 * Sec. 36. The sum of \$100,000 is appropriated from the Railbelt energy
16 fund (AS 37.05.520) to the Department of Natural Resources for public
17 toilets and public drinking water systems in Chugach State Park.

18 * Sec. 37. The sum of \$75,000 is appropriated from the Railbelt energy
19 fund (AS 37.05.520) to the Department of Natural Resources for design of
20 the Toilsome Drive By-Pass Road in Chugach State Park.

21 * Sec. 38. The sum of \$100,000 is appropriated from the Railbelt energy
22 fund (AS 37.05.520) to the Department of Natural Resources for joint cost-
23 sharing projects with the U.S. Forest Service in the Chugach National
24 Forest.

25 * Sec. 39. The sum of \$200,000 is appropriated from the Railbelt energy
26 fund (AS 37.05.520) to the Department of Administration for payment as a
27 grant under AS 37.05.315 to the Municipality of Anchorage for stream reha-
28 bilitation projects in the amounts listed:

29 Rehabilitation of Fish, Campbell,
S

1 Chester, and Furrow creek system \$140,000

2 Industrial trash removal 60,000

3 * Sec. 40. The sum of \$109,400 is appropriated from the Railbelt energy
4 fund (AS 37.05.520) to the Department of Fish and Game for the development
5 of tourist-related facilities at the following state hatcheries and in the
6 amounts listed:

7 Fort Richardson Hatchery \$25,000

8 Elmendorf Hatchery 37,200

9 Big Lake Hatchery 25,200

10 Crooked Creek Hatchery 22,000

11 * Sec. 41. The sum of \$20,000 is appropriated from the Railbelt energy
12 fund (AS 37.05.520) to the Department of Administration for payment as a
13 grant under AS 37.05.315 to the Municipality of Anchorage for development
14 of the Government Hill Port Overview Park.

15 * Sec. 42. The sum of \$367,500 is appropriated from the Railbelt energy
16 fund (AS 37.05.520) to the Department of Natural Resources for Chugach
17 State Park access development for the following projects and in the amounts
18 listed:

19 Glen Alps access \$315,500

20 Upper Huffman access 52,000

21 * Sec. 43. The appropriations made by this Act are for capital projects
22 and are subject to AS 37.25.020.

23 * Sec. 44. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 17, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting an appropriation bill to improve the economic well-being of Alaska's railbelt communities. The concept for this legislation was originally outlined in my state of the state address on January 10, 1989. These appropriations were not included in the budget bill because a thorough review of the recommendations of the State Recovery Committee and of other projects was necessary before setting out these uses of the Railbelt Energy Fund and related federal money.

Alaska's railbelt communities have been hard hit by the economic downturn these past two years. Although the state's economy is improving, the state can strengthen that recovery by investing in economic development projects that will lead to stable, long-term activity. The Railbelt Energy Fund was established to assist communities in the railbelt with projects that would spread economic benefits throughout the area over a long period of time. So it is appropriate now to use the fund for the economic development projects described in this bill.

Accordingly, I am proposing that the Railbelt Energy Fund be used as the "Railbelt Investment Fund," and that \$116.4 million be used in FY90 for projects that will provide long-term benefit to the railbelt communities. Additionally, \$34 million is to be deposited in the Alaska Science and Technology Foundation endowment to further promote Alaska's economic development.


Projects included in this legislation have been selected according to the following criteria: The project

1. is in the railbelt area
2. provides a reasonable prospect of supporting or facilitating permanent, long-term economic benefit to the state

3. replaces or rehabilitates an existing infrastructure that supports the state's current economic base
4. eliminates or reduces ongoing maintenance and operation costs currently funded with state money
5. provides for, promotes, or enhances a new or growing primary specific economic activity
6. enhances natural resources to improve the state's competitive position or otherwise stimulate new economic growth
7. shows potential to leverage non-state investment, including local, federal, and private money
8. develops the necessary infrastructure to improve the state's competitive position in international and domestic markets by providing access to resources, lowering transportation costs, or improving essential services
9. enhances the state's competitiveness through education and training of Alaska's work force.

Additional material pertaining to the projects proposed for funding under this bill will be furnished to the legislature by my staff. I urge your favorable consideration of this bill.

Sincerely,



Steve Cowper
Governor

S

B

Q

Q

5

SENATE COMMITTEE REPORT

FURTHER

4/26/89

DATE TURNED INTO OFFICE 1/15/90

Mr. President:

FINANCE Committee considered SB 225

access to criminal records; efd

and recommended

- replace with X CS SB 225 (Finance)) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and _____) technical title change (HB only)
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) ^{DOE; DPS} zero fiscal impact appropriation no FN
 new updated previous ^{DO Law 2/1/89}
 same as previous fiscal note(s) published 4/26/89

MEMBERS SIGNING DO PASS

[Handwritten signatures]

OTHER RECOMMENDATIONS

[Handwritten signature]
 Co-Chair DO PASS
 Committee Backup attached

Chair's signature and recommendation

R/D JFC 1-15-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSC 225 (Fin)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to Criminal Records

Agency Affected: Public Safety
BRU: DPS Statewide Support

Sponsor: Senator Duncan
Requestor: _____

Components: AK Criminal Records & ID

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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
---------	---	---	---	---	---	---

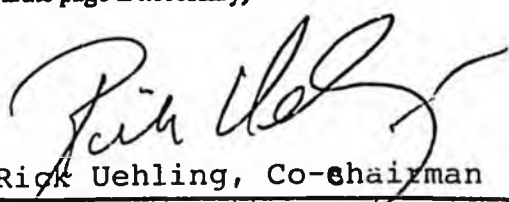
FUNDING: (Thousands of Dollars)

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



Prepared by: Senator Rick Uehling, Co-Chairman
Division: Senate Finance Committee

Phone: 465-4821
Date: 1/15/90

Approved by Commissioner: _____
Agency: _____

Date: _____

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

H/O SPC 1-15-90

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 225 (Fin)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to Criminal Records
Sponsor: Senator Duncan
Requestor: _____

Agency Affected: Education
BRU: Education Finance & Support Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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
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FUNDING: (Thousands of Dollars)

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

Prepared by: Senator Rick Uehling, Co-chairman
Division: Senate Finance Committee

Phone: 465-4821
Date: 1/15/90

Approved by Commissioner: _____
Agency: _____

Date: _____

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act relating to criminal records; and providing for an effective date." BRU: Prosecution
 Sponsor: Senator Duncan Components: Criminal Justice
 Requestor: Senate Judiciary litigation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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)

Please see the attached analysis.

Richard I. Pegues
 Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: April 12, 1989
Richard I. Pegues / FOR
 Approved by Commissioner: Douglas B. Bailly, Attorney General Date: April 12, 1989
 Agency: Department of Law

Distribution (by preparer):

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

Changes in CSSB 225 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/15/90 vaw

And there are no changes in succeeding years. 1/15/90 vaw

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 225

This bill amends AS 12.65.035 to provide that employers may request state records of all criminal convictions of a person who holds or seeks employment in a position in which the person has or would have supervisory or disciplinary power over a minor. The bill also provides that records of criminal convictions may be requested for a person who holds or seeks employment for any position as an employee of a school district or regional educational attendance area.

Current law is limited to criminal records of convictions involving contributing to the delinquency of a minor and any sex crimes, and current law applies only to person who hold or seeks a position in which the person has or would have supervisory or disciplinary power over a minor.

The safekeeping and administration of criminal records are handled by the Department of Public Safety. Consequently, this bill will not have a fiscal impact on the Department of Law. Because the bill provides that the Department of Education shall request and receive records on behalf of school districts and regional educational attendance areas, there might be a fiscal impact on the Department of Education. Existing statute permits school districts and REAA's to request records directly from the Department of Public Safety.

R/O JFC 1-15-90

6-0451J

Ford
1/15/90
Duncan
Adopted

Original sponsor(s): SEN. DUNCAN

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 225 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to access by an interested person to criminal records of all felony convictions and all convictions involving contributing to the delinquency of a minor, misconduct involving a controlled substance, and sex crimes, of certain persons; and providing for an effective date."

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

* Section 1. AS 12.62.035(a) is amended to read:

(a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] interested person [AS DEFINED IN (e) OF THIS SECTION] may request from the Department of Public Safety [COMMISSION] records of all felony convictions and all convictions involving contributing to the delinquency of a minor, misconduct involving a controlled substance, or [AND ANY] sex crimes, of a person who holds or applies for a position of employment in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety [COMMISSION] shall disclose [AUTHORIZE THE DISCLOSURE OF] the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request.

* Sec. 2. AS 12.62.035(e) is amended to read:

(e) As used in this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.-

1 130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another
2 jurisdiction if the offense would have been a crime in this state
3 under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if com-
4 mitted in the state;

5 (2) "dependent adult" means an adult with a physical or
6 mental disability who requires assistance or supervision with the
7 activities of daily living;

8 (3) "interested person" means a corporation, company,
9 partnership, firm, association, organization, business trust, or
10 society, as well as a natural person, that employs or solicits the
11 employment of a person to serve with or without compensation in a
12 position in which the person has or would have supervisory or
13 disciplinary power over a minor or dependent adult;

14 (4) "misconduct involving a controlled substance" means a
15 conviction for a violation or attempted violation of AS 11.71.010 -
16 11.71.070, former AS 17.10.010, or former AS 17.12.010; or the laws of
17 another jurisdiction if the offense would have been a crime in this
18 state under one of the sections listed in this paragraph if committed
19 in the state;

20 (5) [3] "sex crime" means a conviction for a violation or
21 attempted violation of AS 11.41.410 - 11.41.470, AS 11.61.110(a)(7),
22 or AS 11.66.100 - 11.66.130; former AS 11.15.120, 11.15.134, or 11.-
23 15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
24 11.40.420; or the laws of another jurisdiction if the offense would
25 have been a crime in this state under one of the sections listed in
26 this paragraph if committed in the state.

27 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
28
29

JAN 12 1990

BILL NO: CSSB 225 (Jud)

DATE: January 12, 1990

TITLE: An Act relating to access to criminal records; and providing for an effective date.

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

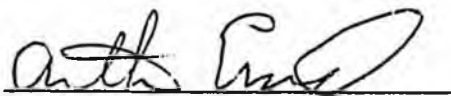
DEPARTMENT OF
PUBLIC SAFETY

The Department of Public Safety supports this bill because it would correct deficiencies in present AS 12.62.035, which significantly limits conviction information which can be released. Under present law, an "interested person" can receive information about limited types of criminal convictions (e.g. contributing to the delinquency of a minor or sex crimes), of individuals employed or seeking employment in a position that would give the person supervisory or disciplinary power over minors. At the present time, many serious criminal convictions such as murder, kidnapping, arson, or drug offenses cannot be reported.

The Department urges the Legislature to consider amending CSSB 225 (Jud) to allow the release of all criminal conviction records to "interested persons." Presently, the Department must review conviction information to determine if it falls within the parameters of existing language; while the types of convictions which can be released have been expanded in CSSB 225 (Jud), screening of criminal history records is still required to determine if a given conviction may be reported.

The Department's position is that an "interested person" should be able to receive the complete criminal history of a person who will be working with minor children. The interested person is then able to carefully review the record to determine whether that criminal history record information should have a bearing on the person's employment, certification, licensing, or other benefit.

In summary, CSSB 225 (Jud) is an improvement to existing law, and is supported by the Department of Public Safety. We urge the Legislature to strengthen the law even further, however.



Arthur English
Commissioner

DPS-POSITION PAPER CS(JUD) 1-11-90

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR --
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

APRIL 26, 1989

TO: SENATOR RICK UEHLING, CO-CHAIR
SENATE FINANCE COMMITTEE

FROM: SENATOR ~~JIM~~ DUNCAN

SUBJECT: CS SENATE BILL 225 (JUD), RELATING TO ACCESS TO
CRIMINAL RECORDS

SB 225 EXPANDS THE CRIMES WHICH CAN BE REPORTED TO SCHOOL DISTRICTS AND OTHER EMPLOYERS TO INCLUDE ALL FELONY CONVICTIONS AND DRUG RELATED CRIMES. PRESENTLY STATE LAW ONLY ALLOWS THE CRIMES OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR AND SEX CRIMES TO BE REPORTED TO POTENTIAL EMPLOYERS. THESE CRIMES CAN BE REVEALED ONLY IF A PERSON WOULD BE HIRED IN A POSITION WITH DIRECT SUPERVISORY OR DISCIPLINARY POWER OVER A MINOR.

I FEEL IT IS APPROPRIATE THAT THE CRIMINAL RECORDS OF ALL POTENTIAL EMPLOYEES BE AVAILABLE FOR REVIEW BY SCHOOL DISTRICTS AND OTHER EMPLOYERS. THIS LEGISLATION ADDRESSES A PROBLEM WHICH RECENTLY BECAME AN ISSUE IN JUNEAU. THE SITUATION DEALT WITH A PERSON WHO WAS HIRED AS A SUBSTITUTE TEACHER EVEN THOUGH THAT PERSON HAD PLED NO CONTEST TO DEALING COCAINE IN KETCHIKAN. IN CHECKING ON THAT PARTICULAR ISSUE, I FOUND A LOT OF AREAS WHICH NEEDED STRENGTHENING IN THE CURRENT SYSTEM OF RECORDS CHECKING.

SB 225 WILL ALLOW SCHOOL DISTRICTS TO CHECK THE CRIMINAL RECORDS ON ALL SCHOOL DISTRICT EMPLOYEES REGARDLESS OF THEIR SUPERVISORY ROLE OVER CHILDREN. I DO NOT FEEL THERE IS ANY REASON FOR US TO TAKE UNNECESSARY RISKS WHEN HIRING SCHOOL PERSONNEL.

SB 225 WILL ALSO REQUIRE THAT THE DEPARTMENT OF EDUCATION REVIEW CRIMINAL RECORDS AS A PART OF THE INITIAL TEACHER CERTIFICATION PROCESS. PRESENTLY, THE TEACHER CERTIFICATION SECTION IN THE DEPARTMENT OF EDUCATION IS RESPONSIBLE FOR REVIEWING AND CERTIFYING A TEACHER'S QUALIFICATIONS, BUT EACH SCHOOL DISTRICT MUST INDEPENDENTLY REQUEST A CHECK OF POTENTIAL TEACHERS' CRIMINAL RECORDS. THE INFORMATION I HAVE FROM THE

SENATE FINANCE COMMITTEE - SB 225
APRIL 26, 1989
PAGE 2

DEPARTMENT OF EDUCATION INDICATES THAT ONLY THE SEVEN LARGER SCHOOL DISTRICTS ROUTINELY DO RECORDS CHECKS ON TEACHERS PRIOR TO EMPLOYMENT.

SINCE IN MANY CASES TEACHERS APPLY FOR CERTIFICATION BY THE DEPARTMENT OF EDUCATION PRIOR TO APPLYING FOR A JOB AT A PARTICULAR SCHOOL DISTRICT THIS BILL ALSO WOULD REQUIRE THE DEPARTMENT OF EDUCATION A RECORDS CHECK AT THAT TIME. I BELIEVE THAT HAVING THE CRIMINAL RECORDS CHECK DONE CENTRALLY WILL ELIMINATE DUPLICATE CHECKS DONE BY SCHOOL DISTRICTS WHEN A TEACHER APPLIES AT MORE THAN ONE DISTRICT. IT WILL BE MORE EFFECTIVE, MORE EFFICIENT, AND LESS HASSLE FOR TEACHERS BECAUSE ONLY ONE RECORDS CHECK WILL BE NECESSARY.

I WOULD APPRECIATE YOUR SCHEDULING SB 225 FOR A HEARING AS SOON AS POSSIBLE.

ATTACHMENTS

January 5, 1989

RECEIVED JAN 16 1989

*Raymond...
attend - Jan...
Legislative*

Dear *Senator Duncan,*

Re: BACKGROUND CHECKS/QUALIFICATIONS OF SUBSTITUTE TEACHERS TO BE DISCUSSED WITH THE JUNEAU SCHOOL DISTRICT ON JANUARY 12, 4:30 P.M., IN THE SCHOOL DISTRICT CONFERENCE ROOM.

We are alarmed at a legal system and a school system which allowed a person who was indicted on three counts of selling cocaine to substitute teach in the classroom during November, 1988, at the Floyd Dryden Middle School.

Mr. Tony Cunningham was indicted for selling cocaine on May 9, 1988, in Ketchikan; he pleaded "no contest" on July 1, 1988; he is now serving time in the Ketchikan Correctional Center. His release agreement allowed him to be employed between his "no contest" plea on July 1, 1988, and his imprisonment on January 4, 1989. Mr. Cunningham's employment should not have involved our children. There is no guarantee to parents that Mr. Cunningham's involvement in cocaine did not extend to our children in the classroom. Our children have been the prime targets of drug dealers.

*→ convicted
misconduct
INV. control
substance
in 3RD
degree
Class B
felony
dismissed
2 counts
pled out to
one.*

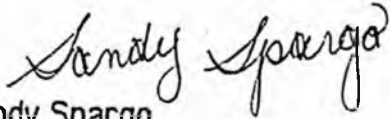
Parents want to have people of good character teaching their children, and a drug dealer does not qualify. The following questions arise:

1. Does the substitute teacher employment application form ask for criminal activity that is pending in our Alaska legal system? Does it ask for past criminal activity for which a sentence has been served? How does the school system treat each of these cases for employment?
2. Is each substitute teacher applicant interviewed? By whom?
3. Is there a background check with the Alaska State Troopers or the Juneau City Police?
4. If a person is hired to substitute teach, is there a clause to allow dismissal if a this person commits a crime during his/her employment?
5. If a child is influenced by a substitute teacher of criminal background, who is liable? How much responsibility does the school district hold for the hiring of its substitute teachers?
6. If a person has committed a drug-related activity, why not make a drug test a part of employment? Greens Creek Mining demands this of their employees for a safe work place. Is the safety of our children as important?

A meeting has been arranged with Dr. Bruce Johnson, Superintendent of Schools/Juneau, on January 12, 4:30 p.m., in the school district conference room at 1208 Glacier Avenue for the purpose of discussing what steps can be taken by the school district and by our legal system to prevent criminals from substitute teaching our children.

You are invited to attend this meeting. Please call me at 586-6122 in the evening to let me know if you will be attending this meeting. Your input would be very valuable to us.

Sincerely,



Sandy Spargo
ALASKANS FOR DRUG-FREE YOUTH/JUNEAU
965 Goldbelt
Juneau, Alaska 99801

Louise Howeter
JUSTICE FOR CHILDREN/JUNEAU
P.O. Box 34285
Juneau, Alaska 99803

BILL NO: SB 225

DATE: April 13, 1989

TITLE: An Act relating to access
to criminal records; and
providing for an effective
date.

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

The Department of Public Safety supports SB 225 because it would allow the Department to report to an "interested person", as defined in AS 12.62.035(e), the existence of any criminal convictions of individuals employed or seeking employment in a position that would give the person supervisory or disciplinary power over minors. Under present law, an "interested person" can receive information about only limited types of criminal convictions. Many serious criminal convictions, including those for murder and kidnapping, cannot be reported under existing AS 12.62.035. As under existing law, it would be up to the employer to decide which criminal convictions disqualify a person from serving in a paid or unpaid position involving responsibility for minors.



Arthur English
Commissioner

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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to criminal records by the
Department of Education
Sponsor: Senate Judiciary
Requestor: Senate Judiciary

Agency Affected: Education
BRU: Education Finance and Support
Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		14.6	14.6	14.6	14.6	14.6
TRAVEL						
CONTRACTUAL		4.0	4.0	3.0	3.0	3.0
SUPPLIES		.5	.5	.5	.5	.5
EQUIPMENT		4.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		23.6	19.1	18.1	18.1	18.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND / PR		23.6	19.1	18.1	18.1	18.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Costs include one part time clerk typist, postage and phone costs, general office supplies, and minimal computer programming costs to upgrade system to integrate background check data into existing teacher certification data base. In the first year, purchase of one word processing terminal and file cabinet storage capacity is necessary.

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 4/19/89

Approved by Commissioner: William G. Demmert Date: 4/19/89
Agency: Education

Distribution (by preparer):

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

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PT	Staff Months 6.0	Location Juneau		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	9.8	The part time clerical position will handle administrative functions associated with implementation of SB 225, insuring that background checks are properly completed by each initial applicant for teacher certification in Alaska.		
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services				
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR			14.6

**Request For
New Position**

Agency Education
 BRU Education Finance & Support Services
 Component District Support

Page 2 of 2
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to Criminal Records
Sponsor: Duncan
Requestor: Senate Judiciary

Agency Affected: Education
BRU: Education Finance and Support Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		67.7	67.7	67.7	67.7	67.7
TRAVEL		.7	.7	.7	.7	.7
CONTRACTUAL		4.0	4.0	4.0	4.0	4.0
SUPPLIES		1.5	1.5	1.5	1.5	1.5
EQUIPMENT		7.1				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	81.0	73.9	73.9	73.9	73.9

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	PR	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
GENERAL FUND	PR	-0-	81.0	73.9	73.9	73.9	73.9
FEDERAL FUNDS							
OTHER							
TOTAL							

POSITIONS:

FULL-TIME	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 4/13/89

Approved by Commissioner: William G. Demmert Date: 4/13/89
Agency: Education

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

DEPARTMENT OF EDUCATION
FISCAL NOTE ANALYSIS
4/13/89

SB 225: Access to criminal records

Personal Services

1 FT Education Associate I, Range 13A	\$37.8
1 FT Clerk Typist III, Range 8B	29.9
Subtotal	----- \$67.7

Travel

Travel reflects one trip to Anchorage to participate in the annual teacher certification workshop which provides information on the certification process and requirements to educators in the state. \$.7

Contractual

Contractual costs include telephone and postage and telefacsimile transmission costs (4.0). \$4.0

Commodities

Supplies for staff positions and functions (stationary, duplication of necessary forms or procedural materials) \$1.5

Equipment

In year one only--two word processing terminals (\$6.0), two desks, chairs and one file cabinet (1.1). \$7.1

TOTAL, year one	=====	\$81.0
TOTAL, subsequent years		\$73.9

The proposed revenue source is GF/Program Receipts generated by teacher certification fees.

Position Title Education Associate I		No. of Positions 1	Range/Step 13A	Barg. Unit GGU
Time Status FT	Staff Months 12	Location Juneau		Election District
Justification				
The Education Associate I will handle transactions related to background criminal checks of school district personnel. Functions include tracking certification applications through steps in the background check process, monitor for clearance and follow up as necessary.				
Type of Expenditure		Amount		
1	2	3		
Salary	26.5			
Benefits	11.3			
Premium Pay				
Other				
Total Personal Services		37.8		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	Program Receipts	37.8		

**Request For
New Position**

Agency Education
 BRU Education Finance and Support
 Component District Support
Teacher Certification Unit

Page 3 of 4
 Revised Date

FY 90

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status FT	Staff Months 12	Location Juneau		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	20.1			
Benefits	9.8			
Premium Pay				
Other				
Total Personal Services				
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		29.9		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	Program Receipts	29.9		

Justification

The Clerk Typist III will be responsible for all clerical support functions related to the background check process. It is estimated that the paper flow and level of inquiry as to the state requirements will be substantial, necessitating a full time clerical position. This position will also perform data entry functions, updating data within the teacher certification computerized data base related to background checks.

**Request For
New Position**

Agency Education
 BRU Education Finance and Support
 Component District Support
Teacher Certification Unit

FY 90

Page 4 of 4
 Revised Date

FISCAL NOTE

REQUEST:

Revision Date: 01/11/90 Agency Affected: Public Safety
Title: Access to Criminal Records BRU: DPS Statewide Support
Sponsor: Senator Duncan Component: AK Criminal Records & ID
Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	13.3	13.3	13.3	13.3	13.3	13.3
TRAVEL						
CONTRACTUAL	1.8	.3	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	22.1	13.6	13.6	13.6	13.6	13.6

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

GENERAL FUND	22.1	13.6	13.6	13.6	13.6	13.6
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	22.1	13.6	13.6	13.6	13.6	13.6

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies. Because of the complexity of the research required to
(Analysis continued on attached)

Prepared by: M.J. Clemens Phone: 465-4336
Division: Administrative Services Date: 01/11/90

Approved by Commissioner: A.H. English Date: 1-11-90
Agency: Department of Public Safety Page 1 of 4

M.J. Clemens
1/11/90

FISCAL NOTE - CSSB 225 (Jud)
Department of Public Safety
(Analysis, continued - Page 2 of 4)

process criminal history record checks under AS 12.62.035, a part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants will be delayed by several more months.

The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, (\$20 as of 3/1/90) is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of CSSB 225 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified, both the interested party and the applicant would be notified of the findings by mail.

Department of Public Safety
FISCAL NOTE - CSSB 225 (Jud)
(Analysis, continued - Page 3 of 4)

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.