

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 773



STATE OF ALASKA

LEGISLATIVE AFFAIRS AGENCY

DIVISION OF PUBLIC SERVICES

DATE: January 23, 1992

Please accept the enclosed original(s) of written testimony  
for the HOUSE Community & Regional Affairs teleconference hearing that was  
scheduled on January 23, 1992.

A copy of this testimony was transmitted to your committee via  
fax on Thursday, Jan. 23.

Thank you,

Christa Shields  
Fairbank leg. info office



# TransAlaska Title

Anchorage Branch  
Corporate Office  
400 W. Tudor Road  
Anchorage, AK 99503  
907-561-1844  
FAX 561-1948

Eagle River Branch  
11421 Old Glenn Highway, Suite 101 February 13, 1992  
Eagle River, Alaska 99577  
907-694-1456  
FAX 694-1474

Fairbanks Branch  
201 First Avenue, Suite 102  
Fairbanks, AK 99701  
907-452-2193  
FAX 456-4194

Homer Branch  
331 E. Pioneer Ave., Suite 1  
Homer, AK 99603  
907-235-5201  
FAX 235-5203

Juneau Branch  
2227 N. Jordan Avenue  
Juneau, AK 99801  
907-789-5252  
FAX 789-7395

Kenai Branch  
130 Trading Bay Road  
Suite 390  
Kenai, AK 99611  
907-283-7503  
FAX 283-7719

Kodiak Branch  
326 Center Street, Suite 106  
Kodiak, AK 99615  
907-486-8338  
FAX 486-8383

Seward Branch  
909 3rd Avenue, Box 469  
Seward, AK 99664  
907-224-5272  
FAX 224-5272

Soldotna Branch  
170 N. Birch Avenue, Suite 101  
Soldotna, AK 99669  
907-262-5708  
FAX 262-9594

Wasilla Branch  
1590 E. Financial Blvd.  
Suite 105  
Wasilla, AK 99654  
907-376-5248  
FAX 376-6010

Representative Cliff Davidson  
112 Mill Bay Road  
Kodiak, Alaska 99611

Dear Mr. Davidson:

The Alaska Association of Realtors (AAR) supports in part the position of the Alaska Mortgage Bankers Association (AMBA) concerning the on-site certification of well and septic systems.

AAR supports DEC proceeding with their plan of private professional engineers performing the certification process. AAR urges the Department of Environmental Conservation to proceed as soon as possible with the request to adopt regulations concerning the certification program of professional engineers, and have these regulations in place by April 15, 1992.

AAR seeks DEC's support in passing H.B. 387 by Representative Boyer of Fairbanks; this bill is necessary for stability of the home loan process for the general public. It takes the yearly politics out of a process in which politics do not belong.

Respectfully,

Bob Ingalls  
Member, Alaska Association of Realtors





**BELUGA  
REALTY**

**(907) 283-7473  
FAX  
(907) 283-7200**

MEMO

**DATE:** February 13, 1992  
**TO:** Representative Cliff Davidson 465-5070  
**FROM:** Beluga Realty  
**RE:** Bill HB 387

The Alaska Association of REALTORS® (AAR) supports in part the position of the Alaska Mortgage Bankers Association (AMBA) concerning the on-site certification of well and septic systems.

AAR supports DEC proceeding with their plan of private professional engineer performing the certification process. AAR urges the Department of Environmental Conservation to proceed as soon as possible with the request to adopt regulations concerning the certification program of professional engineers, and have these regulations in place by April 15, 1992.

AAR seeks DEC's support in passing HB 387 by Representative Boyer of Fairbanks, this bill is necessary for stability of the home loan process for the general public. It takes the yearly politics out of a process in which politics do not belong.

Respectfully,

*Sandra Benson*  
Sandra Benson, Member, Alaska Association of REALTORS®

*Dee Timlin*  
Dee Timlin, Member, Alaska Association of REALTORS®

*Luella Yezierski*  
Luella Yezierski, Member, Alaska Association of REALTORS®

*Art Woodward*  
Art Woodward, Member, Alaska Association of REALTORS®

*Phyllis Hildebrandt*  
Phyllis Hildebrandt, Member, Alaska Association of REALTORS®

*Sheryl Frolich*  
Sheryl Frolich, Member, Alaska Association of REALTORS®



(907) 563-3333 FAX (907) 562-3808  
640 WEST 36TH, SUITE ONE / ANCHORAGE, ALASKA 99503-5807

Alaska State House  
Representative Cliff Davidson  
Juneau, AK 99811

907 465-2487  
FAX 465-3444

14 Feb 92

REF: STATER01

Re: On-Site Certification of well and Septic Systems

Dear Cliff,

I support the Alaska Association of Realtors (AAR) and the Alaska Mortgage Bankers Association (AMBA) position concerning the on-site certification of well and septic systems.

DEC should proceed with their plan of private professional engineers performing the certification process. I urge the Department of Environmental Conservation to proceed as soon as possible with the request to adopt regulations concerning the certification program of professional engineers, and have these regulations in place by 15 April 1992.

Sincerely,

Louis D. Campbell  
Associate Broker  
President

RECEIVED APR 27 1992



**First National Bank**  
of Anchorage

---

April 23, 1992

House Resources Committee  
Cliff Davidson, Chair  
Alaska State Legislator  
State Capital  
Juneau, AK 99801-1182

RE: HOUSE BILL 387


Dear Mr. Davidson:

The First National Bank of Anchorage would like to express their support of House Bill 387, which provides for accreditation of engineers for inspections of wastewater systems for single family homes and duplexes.

We feel passage of this bill is important to the health and safety of the people of Alaska.

If you have any questions concerning this matter, please feel free to contact me at 265-3566.

Sincerely,



Lily R. Payton  
Vice President

Investor Lending Production Division

LRP/ph

cc: Georgianne Lincoln  
Pat Carney  
David Finkelstein  
Bill Hudson  
Ivan M. Ivan  
Tom Moyer  
Loren Leman  
Jim Zawacki



ALASKA ASSOCIATION OF REALTORS, INC.<sup>®</sup>  
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503  
Telephone 907-563-7133

April 13, 1992

Representative Mark Boyer  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Boyer:

The Alaska Association of REALTORS<sup>®</sup> has reviewed CSHB 387, the act relating to accrediting engineers for inspections of wastewater systems for single family homes and duplexes.

The Association is satisfied with this bill as written and thanks you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Dea Turner'.

Dea Turner  
Executive Vice President

cc: Konrad Reinke  
Legislative Chairman

*The Voice for Real Estate*<sup>™</sup> in Alaska

REALTOR<sup>®</sup> is a registered mark which identifies a professional in real estate who subscribes to a strict Code of Ethics as a member of the NATIONAL ASSOCIATION OF REALTORS!



HB387

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/11/92

FURTHER:

DATE TURNED INTO OFFICE: 5/11/92

The Finance Committee considered CS FOR HOUSE BILL NO. 387 (RESOURCES) am

"An Act relating to accrediting engineers for inspections of wastewater systems for single-family homes and duplexes; and relating to the accreditation of engineers and environmental consultants for the assessment and cleanup of sites contaminated with hazardous substances."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)  
or  adopt previous 5 CS CS HB 387 (CRA)  
 attaches amendment(s)

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

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

**PREVIOUS FISCAL NOTES:** Dept/Date

zero fiscal notes \_\_\_\_\_

DEC 8 5-11-92

~~ATTACHED NOTES WITH FILE~~

**DO PASS:**

John Duncan  
Al Gindoff  
James H. ...  
Paul ...  
...

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

FISCAL NOTE

3

Bill Version: SCSCS HB 387 (CA#)

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

REPORTED OUT OF  
SFC 5-11-92

(S) Publish Date: 5-11-92

Revision Date: 11-May-92  
Title: Accrediting Engineers  
On-Lot/Site Assessment  
Sponsor: Rep. Boyer  
Requestor: (S) CRA

Department Affected: Environmental Conservation  
BRU: Environmental Quality  
Componen: Domestic Wastewater/Water Treatment

COMPONENT SERIAL NO. 1 | 4 | 2 | 6

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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						
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REVENUE						
FUND SOURCE:						

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 P/R						
FUND SOURCE:	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						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair  
Division: Commissioner's Office

Phone: 465-5010  
Date: 5/11/92

Approved by Commissioner: Janice Adair for John Sander  
Agency: Environmental Conservation

Date: 5/11/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SENATE CS FOR CS FOR HOUSE BILL NO. 387 (CRA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 5/11/92  
Referred: Finance

Sponsor(s): REPRESENTATIVE BOYER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to accrediting engineers for inspections of wastewater systems for single-  
2 family homes and duplexes; and relating to the accreditation of engineers and  
3 environmental consultants for the assessment and cleanup of sites contaminated with  
4 hazardous substances."

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

6 \* Section 1. AS 08.48 is amended by adding a new section to read:

7           Sec. 08.48.216. DOMESTIC WASTEWATER SYSTEM INSPECTIONS. The legislature  
8 finds that engineers registered under AS 08.48.211 and practicing within the area of their  
9 professional competence are, by virtue of their training, familiar with the regulations and  
10 standards that apply with regard to wastewater systems in single family homes and duplexes.  
11 These engineers are accredited to perform inspections of existing domestic wastewater systems,  
12 review plans for construction or modification of domestic wastewater systems, and conduct as-  
13 built inspections of new or modified systems to ensure that the systems meet standards  
14 established by law and regulation.

1 \* Sec. 2. The Department of Environmental Conservation shall, within the limits of available  
2 resources, research whether an accreditation program for engineers and qualified environmental  
3 consultants would encourage the privatization of the assessment and cleanup of sites contaminated with  
4 hazardous substances. The department shall report the results of its research to the legislature.

# FISCAL NOTE

No. 1

Bill Version: CSHB 387(CRA)

(H) Publish Date: 4/15/92

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL N

Revision Date: 14-Apr-92  
Title: Domestic Sewage  
Sponsor: Rep. Boyer  
Requestor: (H) CRA

Department Affected: Environmental Conservation  
BRU: Environmental Quality  
Component: Domestic Wastewater

COMPONENT SERIAL NO. 1 | 4 | 2 | 16

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	6.5	0.0	0.0	0.0	0.0	5.0
CONTRACTUAL	19.0	2.5	2.5	2.5	2.5	10.0
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
<b>TOTAL OPERATING</b>	<b>25.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>15.</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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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 P/R						
FUND SOURCE:	25.5	2.5	2.5	2.5	2.5	15.0
<b>TOTAL</b>	<b>25.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>15.</b>

POSITIONS:

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

Estimate of current year impact none

ANALYSIS: (Attach a separate page if necessary.)

Operating cost of Engineering Accreditation Program matched by exam fee charged professional engineers.

Prepared by: Janice Adair  
Division: Commissioner's Office

Phone: 465-5010  
Date: 4/14/92

Approved by Commissioner: *Janice Adair*  
Agency: Environmental Conservation

Date: 4/14/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**HB3008**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: April 6, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/30/92

The FINANCE Committee considered:

HB 388

HOUSE BILL NO. 388

ASSISTIVE TECHNOLOGY LOAN GUARANTEES

"An Act establishing a loan guarantee and interest rate subsidy program for assistive technology."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_

CS HB 388 (HES)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

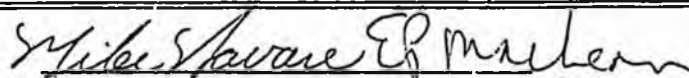
fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) Education 4/6/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>E. P. Maclean</u> Maclean	X	<u>Kanessa Barnes</u> Barnes		X	
<u>Mike Spavone</u> NAVARRE	X	<u>Bob Phillips</u> Phillips		X	
<u>Mark Boyer</u> Boyer	X	<u>A. Um</u> Um		X	
<u>Ray Brown</u> Brown	X	<u>Robert E. Phillips</u> Phillips		X	
<u>Robert Hanson</u> Hanson	X				

  
 (D) - CHAIRMAN'S SIGNATURE  
 NAVARRE Maclean

FISCAL NOTE

No. 1  
 Bill Version: CSHB 388 (HES)  
 (H) Publish Date: 4-6-92

STATE OF ALASKA  
 1992 LEGISLATIVE SESSION

Revision Date: 3-11-92  
 Title: An Act establishing a loan guarantee and interest rate subsidy program for assistive technology.  
 Sponsor: Representative Boyer  
 Requestor: (H) HESS

Department Affected: Education  
 BRU: Vocational Rehabilitation  
 Component: Assistive Technology

COMPONENT SERIAL NO. 

1	2	0	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Stan Ridgeway  
 Division: Vocational Rehabilitation

Phone: 465-2814  
 Date: 3-11-92

Approved by Commissioner: *Jerry Covey*  
 Agency: Education

Date: 3-12-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, CMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).  
 Rev 10/07/91

Page \_\_\_\_ of \_\_\_\_

COMMITTEE COPY

*FN & DOE*

March 24, 1992

## HB 388

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Step-by-step procedures for an assistive technology loan guarantee and interest subsidy:

1. The consumer (disabled individual or his/her family or employer) approaches DVR for loan guarantee to purchase assistive technology (durable equipment, an adaptive aid, an assistive device, or vehicle) in order to obtain or maintain employment or to live more independently.
2. DVR determines whether the desired assistive technology is appropriate to the disability. They also determine if there is another source of funding, such as Medicaid, Medicare, other federal programs or grants.
3. DVR has the consumer complete a loan application.
4. DVR forwards the application to a cooperating bank (or credit union).
5. The bank completes the credit check and makes a recommendation regarding the consumer's ability to repay the loan.
6. Based on the information provided by the bank, DVR decides whether or not to guarantee 90% of the loan. DVR may also choose to subsidize all or part of the interest to make the payments affordable for the consumer.
7. DVR informs the bank when they will guarantee a loan. The bank makes the loan, if they agree, to the consumer.
8. The state will hold in reserve a percentage of the total amount of guarantees. The actual percentage would be determined based on the risk of the loans and, as the program progresses, the history of defaults. (Note: similar programs in other states have shown very low default rates.)

## CS FOR HOUSE BILL NO. 388 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/6/92

Referred: Finance

Sponsor(s): REPRESENTATIVE BOYER

## A BILL

## FOR AN ACT ENTITLED

1 "An Act establishing a loan guarantee and interest rate subsidy program for assistive  
2 technology."

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

4 \* Section 1. AS 23.15 is amended by adding a new section to read:

5           Sec. 23.15.125. ASSISTIVE TECHNOLOGY LOAN GUARANTEE AND INTEREST  
6           SUBSIDY PROGRAM. (a) An assistive technology loan guarantee fund is established in the  
7           agency. The fund consists of money appropriated to it.

8           (b) Subject to (c) of this section, the agency may use money in the fund established  
9           under this section to guarantee 90 percent of the principal amount of a loan or to subsidize the  
10          interest rate of a loan guaranteed by the agency for appropriate assistive technology that is best  
11          suited for enabling

12                   (1) a handicapped individual to obtain or maintain employment; or

13                   (2) an individual having a physical or mental disability to live more  
14          independently.

1 (c) The agency may guarantee a loan or subsidize the interest rate of a loan guaranteed  
2 under this section if

3 (1) the loan is made to a handicapped or disabled person, a member of the  
4 person's family, or the employer or prospective employer of a handicapped or disabled person;

5 (2) the term of the loan does not exceed four years if the loan amount is less than  
6 \$10,000 and does not exceed six years if the loan amount is \$10,000 or greater;

7 (3) the loan is originated and serviced by a state or federally chartered financial  
8 institution located in the state;

9 (4) the agency determines that the person requesting the loan guarantee or subsidy  
10 is not able to obtain the needed assistive technology from a less costly source;

11 (5) the agency determines that the person or the family of a child reasonably can  
12 be expected to repay the loan given their expected income or other resources; and

13 (6) for a loan to purchase or modify a vehicle to provide transportation for a  
14 handicapped person, the applicant has been steadily employed for the 90 days immediately  
15 preceding the date of the loan application.

16 (d) In this section, "assistive technology" means durable equipment, adaptive aids, and  
17 assistive devices.

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

March 27, 1992

## HB 388

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The Assistive Technology Loan Guarantee Program would be established to assist persons with disabilities, their families, or their employers to purchase durable equipment, adaptive aids, assistive devices, and vehicles, in order to obtain or maintain employment or to live more independently.

The program would allow the Division of Vocational Rehabilitation (DVR) to guarantee 90% of loans from private institutions so that persons with disabilities, their families, or their employers who cannot qualify for other assistance or private loans can obtain necessary adaptive technology. DVR would work with financial institutions to extend the time period during which a loan is paid back, as well as buy down interest rates, to make payments more manageable for consumers. An applicant's permanent fund dividend could be used as collateral.

#### HOW IT WORKS

The person with the disability in need of the assistive technology, or the person's family or employer, must be unable to obtain the needed equipment through DVR, Medicare, Medicaid, or other funding sources such as insurance companies. In making decisions about eligibility, DVR would also determine that the applicant was unable to obtain the equipment or device from a free or less costly source. In addition, the division would review the request to determine that the device or equipment would be appropriate or best-suited to the applicant's disability. The DVR office that does the initial screening would document its determinations.

Assuming the division's determinations indicate the applicant would be an appropriate candidate for this program, a loan application would be completed and signed by the applicant and forwarded to a local cooperating financial institution for review. The financial institution would evaluate the applicant's ability to make loan payments based on income and general credit history and return its recommendation to DVR. The division would then determine whether or not to guarantee 90% of the loan. They would also determine whether or not to subsidize the interest.

***Conditions for vehicle loan:***

A person with a disability, or that person's family, could apply for a vehicle loan. The loan program could be used for the purchase or modification of a vehicle to provide transportation for the individual with a disability. To be eligible, the person would have to be living independently or with a parent or guardian. An income limit would be set, and the applicant would have to be steadily employed a minimum of 90 days prior to the date of the initial loan request. This employment requirement is only for a vehicle loan.

March 24, 1992

## HB 388

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Step-by-step procedures for an assistive technology loan guarantee and interest subsidy:

1. The consumer (disabled individual or his/her family or employer) approaches DVR for loan guarantee to purchase assistive technology (durable equipment, an adaptive aid, an assistive device, or vehicle) in order to obtain or maintain employment or to live more independently.
2. DVR determines whether the desired assistive technology is appropriate to the disability. They also determine if there is another source of funding, such as Medicaid, Medicare, other federal programs or grants.
3. DVR has the consumer complete a loan application.
4. DVR forwards the application to a cooperating bank (or credit union).
5. The bank completes the credit check and makes a recommendation regarding the consumer's ability to repay the loan.
6. Based on the information provided by the bank, DVR decides whether or not to guarantee 90% of the loan. DVR may also choose to subsidize all or part of the interest to make the payments affordable for the consumer.
7. DVR informs the bank when they will guarantee a loan. The bank makes the loan, if they agree, to the consumer.
8. The state will hold in reserve a percentage of the total amount of guarantees. The actual percentage would be determined based on the risk of the loans and, as the program progresses, the history of defaults. (Note: similar programs in other states have shown very low default rates.)

# ASSISTIVE TECHNOLOGIES OF ALASKA

A report on the need for tools that enable Alaskans with disabilities to live, learn, work and play more independently



ASSISTIVE TECHNOLOGIES OF ALASKA

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## **ASSISTIVE TECHNOLOGIES OF ALASKA**

The goal of Assistive Technologies of Alaska (ATA) is to increase awareness of specialized equipment that can enhance the independence of people with disabilities, and to provide access to this equipment and technology.

ATA works in a direct and complementary role with other service providers. It plans to establish channels for information on new technologies and resources to be shared by various organizations and distributed to those who may benefit from them.

### **Four significant findings pave the way for ATA**

This document summarizes a study conducted in the spring of 1991 by the Institute of Social and Economic Research (ISER), at the University of Alaska, Anchorage.

Surveyors polled Alaska residents at random by telephone, uncovering the following four major findings. These findings are significant in setting the goals and directions for Assistive Technologies of Alaska.

- **Communications devices represent Alaska's largest single assistive technology need.**
- **Almost 4,000 Alaskans with disabilities lack current information regarding assistive technology.**
- **Alaska Natives exhibit a much higher need for assistive technology than do other races.**
- **Rural Alaskans with disabilities experience the greatest need for all forms of assistive technology.**

Complete survey results follow. It is important to note that the telephone poll may have resulted in low figures for deaf persons and those living in rural areas where telephone service is limited. The survey also excluded persons living in institutional settings. The numbers presented in this booklet are arrived at by a method known as statistical inferences.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

# ASSISTIVE TECHNOLOGIES OF ALASKA

A report on the need for tools that enable Alaskans with disabilities to live, learn, work and play more independently



ASSISTIVE TECHNOLOGIES OF ALASKA

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This booklet has been paid for with federal funds as part of a grant from the National Institute on Disability and Rehabilitation Research, U.S. Department of Education, and was administered by the Alaska Division of Vocational Rehabilitation.

For more information, additional copies or a non-print format of this document contact Assistive Technologies of Alaska at the following address:

**Assistive Technologies of Alaska  
400 D Street, Suite 230  
Anchorage, Alaska 99501  
Phone: (907) 274-0138  
TDD: (907) 274-0517  
FAX: (907) 274-0516**



## **ASSISTIVE TECHNOLOGIES OF ALASKA**

The goal of Assistive Technologies of Alaska (ATA) is to increase awareness of specialized equipment that can enhance the independence of people with disabilities, and to provide access to this equipment and technology.

ATA works in a direct and complementary role with other service providers. It plans to establish channels for information on new technologies and resources to be shared by various organizations and distributed to those who may benefit from them.

### **Four significant findings pave the way for ATA**

This document summarizes a study conducted in the spring of 1991 by the Institute of Social and Economic Research (ISER), at the University of Alaska, Anchorage.

Surveyors polled Alaska residents at random by telephone, uncovering the following four major findings. These findings are significant in setting the goals and directions for Assistive Technologies of Alaska.

- **Communications devices represent Alaska's largest single assistive technology need.**
- **Almost 4,000 Alaskans with disabilities lack current information regarding assistive technology.**
- **Alaska Natives exhibit a much higher need for assistive technology than do other races.**
- **Rural Alaskans with disabilities experience the greatest need for all forms of assistive technology.**

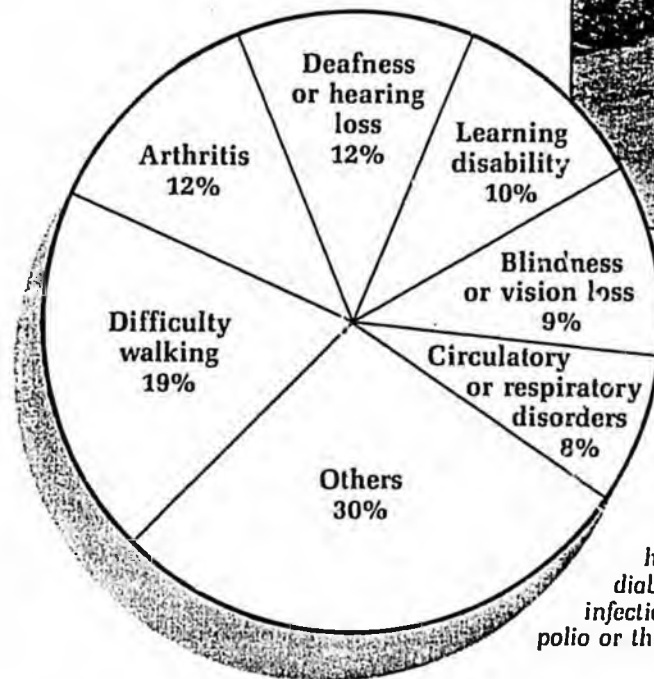
Complete survey results follow. It is important to note that the telephone poll may have resulted in low figures for deaf persons and those living in rural areas where telephone service is limited. The survey also excluded persons living in institutional settings. The numbers presented in this booklet are arrived at by a method known as statistical inferences.

## More than 22,000 Alaskans with disabilities live on their own

The Institute of Social and Economic Research, at the University of Alaska, Anchorage, found 22,220 Alaskans, 4 percent of the state population, have disabilities and live outside of institutions. Their survey found that many of these Alaskans could benefit from additional equipment or services to help them become more self sufficient.

### Difficulty in walking is the most common disability

Although Alaskans with disabilities often have more than one, the inability or difficulty in walking is the most common. This is followed by arthritis, deafness or hearing loss, learning disabilities, blindness or vision loss, and circulatory or respiratory problems.



*Other disabilities include those with emotional or communicative disorders, head injuries, developmental disabilities, diabetes, stroke, seizure, drug/alcohol addiction, infectious disease, amputation, Alzheimer's disease, polio or the HIV virus.*

## Many services can help Alaskans with disabilities improve their lifestyles

One of the central goals of persons with disabilities is to live a more independent lifestyle. Alaskans with disabilities expressed a need for many of the following services. Most of the 22,220 identified are getting medical care, but 15 percent (3,416 Alaskans) are not receiving adequate medical care.

Persons Who Need Service	Service	% Not Receiving Service
13,013	Newsletters informing them of services	81%
6,355	Support groups	76%
14,007	Equipment for daily living and information on new products	58%
10,548	A centralized information source	55%
14,092	Help getting benefits available to them	37%
11,456	Job training	32%
10,505	Counseling	32%
17,724	Information on their disabilities	30%
13,790	Advocates to make their problems known	28%
22,220	Medical care	15%

## 14,000 Alaskans with disabilities would benefit from special equipment

About 14,000 Alaskans felt that special equipment could help them live, learn, work and play more independently. However, these same persons said they were not aware of all of the available equipment and need information on newer products.

## More than half are not getting the special equipment they need

Of the 14,007 Alaskans with disabilities who need special equipment, 7,608 (58%) do not have access to the equipment that can help them live more self sufficient lives.

## This equipment, called assistive technology, is often far from technical

The equipment available to help persons with disabilities function more independently is called "assistive technology." Some people associate this technology with complex computers or robotics. While these are forms of assistive technology, most Alaskans with disabilities could benefit from very simple tools that help with daily living. Some of the most common types of assistive technology include items that help people hear, such as hearing aids; read, with glasses or magnifiers; communicate, through voice synthesizers; or move, with the aid of walkers or wheelchairs.

## Assistive technology is needed most often for communications

The task in which the greatest number of Alaskans with disabilities need assistance is in face-to-face communication with others. More than 1,900 Alaskans could benefit from assistive technology such as hearing aids and voice synthesizers.

Help with long distance communication was the second greatest need. Almost 1,700 Alaskans could benefit from tools such as TDDs or speaker phones.



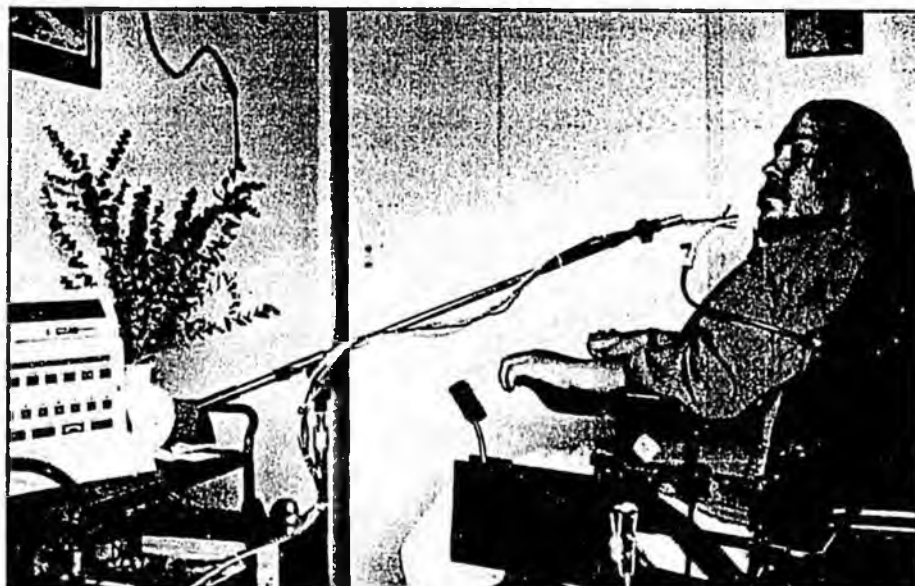
## Alterations in the home or office are also important

More than 1,600 Alaskans with disabilities need changes to their home or office, including building modifications or special appliances. Assistive technology designed for these uses includes wheelchair ramps, chair lifts, grab bars, pull down door knobs, tables, desks or cabinets that are raised or lowered, and similar devices.

About 1,100 felt a need for specialized control switches for lights, appliances and other environmental control systems.

## Computers are adaptable tools

Nearly 1,700 Alaskans with disabilities could use some type of adapted computer equipment. Computers are easily adapted with assistive technology such as magnifiers for the video screen, braille keyboards or verbal input/output devices.





## **Accessible transportation is needed**

Modifications to vans, buses and cars such as hand controls and wheelchair lifts can often make it easier for persons with disabilities to get around. An estimated 1,400 Alaskans see a need for this kind of transportation.



## **Alaskans with disabilities would like to enjoy recreation activities**

A new sense of freedom and ability is often experienced by persons with disabilities when they are better able to enjoy their leisure time through the aid of recreational equipment. Almost 1,200 Alaskans desire access to equipment such as cycle chairs and adapted skis.

## **Tools that help with personal care are needed by a few people**

Assistive aids that help with personal care and hygiene include catheters, bathing aids and commode chairs. This is a significant need for close to 1,000 Alaskans.



## Technology can make persons with disabilities better workers

By raising a desk to accommodate a wheelchair, adding screen enlargement software to a computer, or installing pull down door knobs and wheelchair ramps, an employee with disabilities can become a more productive worker. Almost 800 Alaskans believe these assistive aids could help them.

## Some Alaskans need help getting around

Slightly more than 700 Alaskans with disabilities need mobility aids. These may include basic wheelchairs, walkers or a guide dog for a blind person.

Type of Assistive Technology	Persons Not Receiving Needed Tools
Face-to-face communication	1,901
Long distance communication	1,686
Adapted computer	1,686
Building modifications	1,632
Accessible transport	1,383
Recreational devices	1,167
Household aids	1,124
Personal care	984
Work modifications	778
Mobility enhancement	735

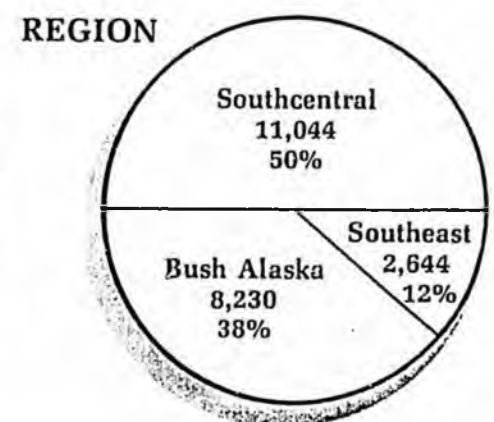
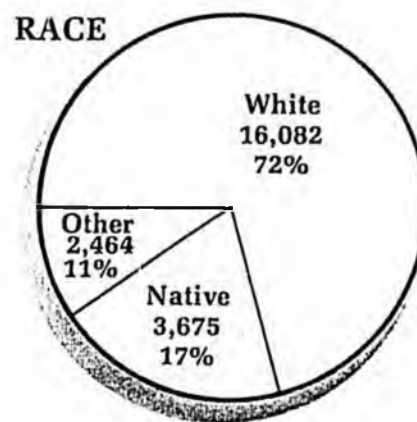
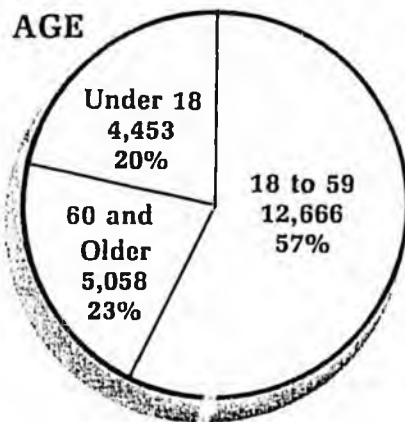
## Almost 4,000 Alaskans with disabilities lack the information they need

In order to get the assistive aids they need, Alaskans with disabilities need help finding information on what's available and obtaining financial assistance to buy or lease equipment. Almost 4,000 lack current information about new forms of assistive technology that could help them live more independently.

Type of Service	Persons Not Receiving Needed Information
Information on new technology	3,900
Finding companies that sell or service equipment	2,900
Financial aid	2,300

## A profile of Alaskans with disabilities

Most Alaskans with disabilities are white, between 18 and 59 years of age and live in Southcentral Alaska. However, a significant number of Alaskans with disabilities are Native, many are 60 years or older and many reside in rural or Bush Alaska.



## Younger Alaskans with disabilities see a need for computer-related aids

Alaskans with disabilities under 18 years-old seemed to show the greatest interest in technology adapted to computers. However, this younger group showed less interest in other forms of assistive technology, as did persons who were 60 years or older. This may be because many of their needs are being met by a parent or other member of their household.



## Assistive technology is a big need for persons of working age

Technology in the workplace and at home was requested most often by persons with disabilities in the 18-59 age bracket. This is not surprising, since 18-59 is the average span of working years and a time when people usually live independently.

## **Alaska Natives have a greater need for assistive aids than other races**

Alaska Natives, who represent 17% of Alaskans with disabilities, have a greater need for all forms of assistive technology. Their greatest need was for equipment to improve their ability to move around. Natives represented 41% of all Alaskans with disabilities requesting mobility assistance. The second greatest need expressed by Natives was for assistive technology in the home. Accessible transportation, aids to help with face-to-face communication and personal care assistance were the next greatest needs, in that order.



## **Rural Alaskans with disabilities represent the largest unmet need**

A much larger number of rural Alaskans with disabilities require assistive technology of all kinds, compared to the state's major cities. Southcentral Alaska residents showed less need for assistive aids, possibly indicating a greater availability to residents in this region compared to the rest of the state.

## **The right tools must be found to meet these needs**

The ISER study clearly shows that Alaskans with disabilities have many needs that are not being met for all forms of assistive technology. However, the study did not ask exactly how people expected to use this technology to meet their needs. As a result, it is difficult to determine what specific kinds of devices are required. In the case of computer-related technology, specific uses should be determined before deciding what role this often complex equipment may take.

## **Information services can help determine which tools are best**

Access to information about the most current technology available to help with an individual's unique disability will help Alaskans make wiser decisions regarding which forms of assistive technology can best meet their needs.

## Major findings from congressional hearings

The following points were documented during Congressional hearings prior to the adoption of the Technology-Related Assistance for Individuals with Disabilities Act in 1988.

- Technology is a powerful force in the lives of most U.S. residents.
- Technology can provide tools to make performing tasks quicker and easier.
- Assistive technology is a necessity that enables individuals with disabilities to engage in many tasks.
- There exists already a substantial number of assistive technology devices.
- The use of assistive technology devices and services can reduce the cost of disabilities to society.
- Many individuals with disabilities do not have access to assistive technology devices and services that would allow them to function commensurate with their abilities.
- There are insufficient incentives for commercial pursuit of the application of devices because of limited markets.
- There is a lack of coordination at the federal level among agencies that provide or pay for the provision of assistive technology devices and services.

The above findings were provided by the RESNA Technical Assistance Project, 1101 Connecticut Avenue, N.W., Suite 700, Washington, DC 20036.

*Photo credits: All but two of the enclosed photos were taken by Gina Murrow, additional photography was done by Frank Flavin.*

HB 388

# WAIVED BY SFC

CS FOR HOUSE BILL NO. 388 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/6/92

Referred: Finance

Sponsor(s): REPRESENTATIVE BOYER

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a loan guarantee and interest rate subsidy program for assistive  
2 technology."

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

4 \* Section 1. AS 23.15 is amended by adding a new section to read:

5           Sec. 23.15.125. ASSISTIVE TECHNOLOGY LOAN GUARANTEE AND INTEREST  
6           SUBSIDY PROGRAM. (a) An assistive technology loan guarantee fund is established in the  
7           agency. The fund consists of money appropriated to it.

8           (b) Subject to (c) of this section, the agency may use money in the fund established  
9           under this section to guarantee 90 percent of the principal amount of a loan or to subsidize the  
10           interest rate of a loan guaranteed by the agency for appropriate assistive technology that is best  
11           suited for enabling

12                           (1) a handicapped individual to obtain or maintain employment; or

13                           (2) an individual having a physical or mental disability to live more  
14           independently.

1 (c) The agency may guarantee a loan or subsidize the interest rate of a loan guaranteed  
2 under this section if

3 (1) the loan is made to a handicapped or disabled person, a member of the  
4 person's family, or the employer or prospective employer of a handicapped or disabled person;

5 (2) the term of the loan does not exceed four years if the loan amount is less than  
6 \$10,000 and does not exceed six years if the loan amount is \$10,000 or greater;

7 (3) the loan is originated and serviced by a state or federally chartered financial  
8 institution located in the state;

9 (4) the agency determines that the person requesting the loan guarantee or subsidy  
10 is not able to obtain the needed assistive technology from a less costly source;

11 (5) the agency determines that the person or the family of a child reasonably can  
12 be expected to repay the loan given their expected income or other resources; and

13 (6) for a loan to purchase or modify a vehicle to provide transportation for a  
14 handicapped person, the applicant has been steadily employed for the 90 days immediately  
15 preceding the date of the loan application.

16 (d) In this section, "assistive technology" means durable equipment, adaptive aids, and  
17 assistive devices.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 1  
Bill Version: CSHB 388 (HES)  
(H) Publish Date: 4-6-92

Revision Date: 3-11-92  
Title: An Act establishing a loan guarantee and interest rate subsidy program for assistive technology.  
Sponsor: Representative Boyer  
Requestor: (H) HESS

Department Affected: Education  
BRU: Vocational Rehabilitation  
Component: Assistive Technology

COMPONENT SERIAL NO. 

1	2	0	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Stan Ridgeway  
Division: Vocational Rehabilitation

Phone: 465-2814  
Date: 3-11-92

Approved by Commissioner: *Jerry Covey*  
Agency: Education

Date: 3-12-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).  
Rev 10/07/91

Page \_\_\_\_ of \_\_\_\_

**COMMITTEE COPY**

*FN & DOE*

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

March 27, 1992

## HB 388

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The Assistive Technology Loan Guarantee Program would be established to assist persons with disabilities, their families, or their employers to purchase durable equipment, adaptive aids, assistive devices, and vehicles, in order to obtain or maintain employment or to live more independently.

The program would allow the Division of Vocational Rehabilitation (DVR) to guarantee 90% of loans from private institutions so that persons with disabilities, their families, or their employers who cannot qualify for other assistance or private loans can obtain necessary adaptive technology. DVR would work with financial institutions to extend the time period during which a loan is paid back, as well as buy down interest rates, to make payments more manageable for consumers. An applicant's permanent fund dividend could be used as collateral.

#### HOW IT WORKS

The person with the disability in need of the assistive technology, or the person's family or employer, must be unable to obtain the needed equipment through DVR, Medicare, Medicaid, or other funding sources such as insurance companies. In making decisions about eligibility, DVR would also determine that the applicant was unable to obtain the equipment or device from a free or less costly source. In addition, the division would review the request to determine that the device or equipment would be appropriate or best-suited to the applicant's disability. The DVR office that does the initial screening would document its determinations.

FAIRBANKS 20B

Assuming the division's determinations indicate the applicant would be an appropriate candidate for this program, a loan application would be completed and signed by the applicant and forwarded to a local cooperating financial institution for review. The financial institution would evaluate the applicant's ability to make loan payments based on income and general credit history and return its recommendation to DVR. The division would then determine whether or not to guarantee 90% of the loan. They would also determine whether or not to subsidize the interest.

***Conditions for vehicle loan:***

A person with a disability, or that person's family, could apply for a vehicle loan. The loan program could be used for the purchase or modification of a vehicle to provide transportation for the individual with a disability. To be eligible, the person would have to be living independently or with a parent or guardian. An income limit would be set, and the applicant would have to be steadily employed a minimum of 90 days prior to the date of the initial loan request. This employment requirement is only for a vehicle loan.

## HB 388

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Step-by-step procedures for an assistive technology loan guarantee and interest subsidy:

1. The consumer (disabled individual or his/her family or employer) approaches DVR for loan guarantee to purchase assistive technology (durable equipment, an adaptive aid, an assistive device, or vehicle) in order to obtain or maintain employment or to live more independently.
2. DVR determines whether the desired assistive technology is appropriate to the disability. They also determine if there is another source of funding, such as Medicaid, Medicare, other federal programs or grants.
3. DVR has the consumer complete a loan application.
4. DVR forwards the application to a cooperating bank (or credit union).
5. The bank completes the credit check and makes a recommendation regarding the consumer's ability to repay the loan.
6. Based on the information provided by the bank, DVR decides whether or not to guarantee 90% of the loan. DVR may also choose to subsidize all or part of the interest to make the payments affordable for the consumer.
7. DVR informs the bank when they will guarantee a loan. The bank makes the loan, if they agree, to the consumer.
8. The state will hold in reserve a percentage of the total amount of guarantees. The actual percentage would be determined based on the risk of the loans and, as the program progresses, the history of defaults. (Note: similar programs in other states have shown very low default rates.)

HB 393

(11)

Date Referred: March 2, 1992

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Date of Committee Action: 3/9/92

The FINANCE Committee considered:

HB 393

HOUSE BILL NO. 393

HUNTING AND FISHING BY PROXY

"An Act relating to the taking of fish and game by proxy for a person with physical disabilities or for a person who is 60 years of age or more."

RECOMMENDATIONS:

be replaced with CS HB 393 (PES)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DFG 1/21/92

zero fiscal note(s) D P + S 2/17/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eileen K. Wilkerson		Tan Brown Brown			
Mike Starnes		Mike Boyer Boyer		X	
Jacko	X	Bob Sharp Sharp		X	
		Bob Phillips Phillips			
		James Barnes Barnes		X	

Mike Starnes E P Warner

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 393

Revision Date: \_\_\_\_\_ Department Affected: Fish and Game  
 Title: An Act relating to the taking of BRU: Wildlife Conservation  
fish and game by proxy Component: Wildlife Conservation  
 Sponsor: Representative Mackie  
 Requestor: House Health Ed. and Social Ser. COMPONENT SERIAL NO. 

4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

estimate of current year impact: No impact on current year.

ANALYSIS: (Attach a separate page if necessary.)

Although the bill could result in some increased license sales to physically disabled persons and increase revenue from drawing permit hunt applicants, no significant change can be predicted or is anticipated.

Prepared By: Phil Koehl Phone: 465-4190  
 Division: Division of Wildlife Conservation Date: 1/17/92  
 Approved by Commissioner: Carl R. Borner  
 Agency: Department of Fish and Game Date: 1/21/92

Prepared by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 393

Revision Date: \_\_\_\_\_ Department Affected: Public Safety  
 Title: "An Act relating to the taking of BRU: Fish & Wildlife Protection  
fish and game by proxy. . ." Component: Enforcement & ISU

Sponsor: Rep. Mackie, et. al.  
 Requestor: House HES

COMPONENT SERIAL NO. 

	4	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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
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REVENUE FUND SOURCE:	0	0	0	0	0	0
-------------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated with passage of this bill.

Prepared By: Captain Conrad G. Seibel Phone: 269-5509

Division: Fish & Wildlife Protection Date: 1/20/92

Approved by Commissioner: *Wayne Anetoki* for Richard L. Burton

Agency: Department of Public Safety Date: 1/20/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 393 (RESOURCES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/2/92  
Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Lincoln, Ellis, Jacko, Gruenberg, C.Davis, MacLean, Baker

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish or game by proxy for a person who is blind, for  
2 a person with physical disabilities, or for a person who is 65 years of age or older; and  
3 relating to licenses and permits for a person who is blind, for a person with physical  
4 disabilities, or for a person who is 65 years of age or older; and providing for an  
5 effective date."

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

7 \* Section 1. AS 16.05 is amended by adding a new section to read:

8           Sec. 16.05.403. SPECIAL LICENSES AND PERMITS. (a) A resident hunting license  
9           indicating that the purchaser is blind may be obtained from the department upon payment of the  
10           fee prescribed in AS 16.05.340 and upon presentation of either an affidavit of the applicant  
11           stating that the applicant cannot distinguish light from darkness or an affidavit signed by a  
12           licensed physician or a licensed optometrist stating that the applicant's central visual acuity does  
13           not exceed 20/200 in the better eye with correcting lenses or that the applicant's widest diameter

1 of visual field subtends an angle no greater than 20 degrees.

2 (b) A resident who is a person with physical disabilities may obtain from the department  
3 upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of  
4 satisfactory proof of physical disabilities a resident hunting license, a resident sport fishing  
5 license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating  
6 that the purchaser is a person with physical disabilities.

7 (c) A resident who is 65 years of age or older may obtain from the department upon  
8 payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory  
9 proof of age a resident hunting license, a resident sport fishing license, a resident subsistence  
10 fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person  
11 who is 65 years of age or older. This subsection does not limit the right of a resident person  
12 who is 65 years of age or older to claim an exemption from hunting or sport fishing license  
13 requirements under AS 16.05.400(b).

14 \* Sec. 2. AS 16.05.405 is repealed and reenacted to read:

15 Sec. 16.05.405. TAKING FISH AND GAME BY PROXY. (a) Subject to regulations  
16 adopted by the Board of Fisheries or the Board of Game to implement this section, including  
17 regulations relating to or restricting seasons, areas, methods and means, and species, a resident  
18 may take fish or game on behalf of another person under this section.

19 (b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting license  
20 may take game on behalf of a person who is blind, a person with physical disabilities, or a  
21 person who is 65 years of age or older if the resident possesses on the resident's person

22 (1) a document signed by the person on whose behalf the game is taken, stating  
23 that the resident possesses the person's hunting license or permanent identification card in order  
24 to take game on behalf of that person; and

25 (2) the person's

26 (A) resident hunting license issued under AS 16.05.403 or permanent  
27 identification card issued under AS 16.05.400(b); and

28 (B) harvest ticket, tag, stamp, or other document required by law as a  
29 condition of taking the game being hunted.

30 (c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing  
31 license may take fish on behalf of a person with physical disabilities or a person who is 65 years

1 of age or older if the resident possesses on the resident's person

2 (1) a document signed by the person on whose behalf the fish is taken, stating that  
3 the resident possesses the person's sport fishing license, subsistence fishing permit, personal use  
4 fishing permit, or permanent identification card in order to take fish on behalf of that person; and

5 (2) the person's

6 (A) resident sport fishing license issued under AS 16.05.403 or permanent  
7 identification card issued under AS 16.05.400(b);

8 (B) resident subsistence fishing permit issued under AS 16.05.403; or

9 (C) resident personal use fishing permit issued under AS 16.05.403.

10 (d) A resident who takes fish or game on behalf of another person under this section  
11 may, subject to applicable regulations of the Board of Fisheries or the Board of Game, take the  
12 fish or game only under those conditions that would apply to the other person if the other person  
13 took the fish or game personally.

14 (e) A resident who takes, or attempts to take, fish or game on behalf of a person under  
15 this section may also simultaneously engage in fishing or hunting for the resident's use; however,  
16 the resident may not take or attempt to take fish or game by proxy for more than one person at  
17 a time. For the purposes of this subsection, a resident is engaged in taking, or attempting to take,  
18 fish or game by proxy while the resident has possession of

19 (1) another person's license, permit, or identification card and the other person's  
20 signed document under (b)(1) or (c)(1) of this section; or

21 (2) fish or game taken on behalf of another person.

22 (f) A resident who takes fish or game on behalf of another person under this section shall

23 (1) complete reports relating to the taking of the fish or game as required by the  
24 commissioner of fish and game under AS 16.05.370;

25 (2) deliver all parts of fish and game removed from the field to the person on  
26 whose behalf the fish or game was taken within a reasonable time after the fish or game is taken;

27 (3) retain the license or permit and the signed document required under (b)(1) or  
28 (c)(1) of this section of the person on whose behalf the fish or game is taken until the fish or  
29 game is delivered to that person.

30 \* Sec. 3. AS 16.05.340(f) is repealed.

31 \* Sec. 4. This Act takes effect July 1, 1993.

REPRESENTATIVE  
JERRY MACKIE

P. O. BOX 73  
CRAIG, ALASKA 99921  
(907) 826-3008 OFFICE  
(907) 826-2930 HOME

CHAIRMAN,  
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,  
TRANSPORTATION COMMITTEE

# Alaska State Legislature



WHILE IN JUNEAU  
P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4925

## House of Representatives

March 2, 1992

### MEMORANDUM

To: Rep. MacLean, Co-chair  
Rep. Navarre, Co-chair  
House Resources Committee

From: Rep. Mackie 

Re: Finance committee waiver of HB 393, proxy hunting and fishing for elderly and physically disabled Alaskans.

I would appreciate your consideration of waiving the finance committee referral of HB 393 because there is no fiscal impact. Also, there has been extensive public hearings in two other committees. The HESS committee had two meetings and a subcommittee meeting on this bill. There were two meetings of the resources committee. Because of its subject matter, it has received wide spread support throughout the state.

In the event that the finance committee wishes to hear HB 393, I will briefly describe here the reasons for the bill and its key features.

I introduced HB 393 to correct a long standing situation that exists particularly in the rural areas of Alaska. This situation occurs when an Alaskan who is dependent on fish and game resources is unable to harvest those resources because of infirmities associated with advancing age or other disabilities. Oftentimes a family member, friend, or neighbor will illegally supply these individuals with fish and game resources as a purely humanitarian service. HB 393 establishes a manner of legal access to the state's common property fish and game resources for those Alaskans that are effectively denied because of physical condition.

HB 393 would allow proxy hunting and fishing in behalf of senior Alaskan citizens, 65 years or older, and Alaskan residents with physical disabilities. Its enactment will legalize an activity that I believe is prevalent and necessary for many senior and disabled Alaskans. HB 393 is patterned after existing law allowing proxy hunting on behalf of the blind, AS 16.05.405.

Many improvements to the original version are incorporated into CS HB 393 (Res) that I fully endorse. Most of the improvements dealt with fish and game management and enforcement concerns expressed by HESS members, RES members and the agencies. Attached is a sectional of the resource committee substitute. Its main features are the following:

1. A proxy hunter or fisherman must have in possession the individual's license or permit to harvest fish or game. In addition, the proxy hunter or fisherman must have in possession the individual's signed authorization to hunt or fish in behalf of the individual.
2. A proxy hunter or fisherman can only harvest for one additional person at any particular time. The possibility of a hunter or fisherman harvesting for him or herself and multiple proxy permits is prohibited.
3. Fish and game harvested by proxy must be delivered to the individual in whose behalf it was taken.
4. The Board of Fisheries and the Board of Game have specific authority to regulate seasons, areas, species, methods, et. al. for the occurrence of proxy hunting and fishing. A July 1, 1993 effective date for the bill allows the boards time to establish the regulatory structure prior to proxy hunting and fishing taking place.

This bill has great value for the health and welfare of our senior citizen and disabled Alaskans. It legitimizes what oftentimes occurs as a humanitarian act. Yet from the very beginning, I have maintained that strict enforcement and management tools are included to protect against potential abuses of proxy hunting and fishing. I believe these protections are in CS HB 393 (RES).

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450

FAX (907) 465-2029

Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

March 4, 1992

**SUBJECT:** Sectional Summary: CSHB 393 (Resources); Relating to the taking of fish or game by proxy and to special fish and game licenses and permits

**TO:** Representative Jerry Mackie

**FROM:** George Utermohle, *GU*  
Legislative Counsel

This memorandum is a sectional summary of CSHB 393 (Resources), relating to the taking of fish and game by proxy and to special fish and game licenses and permits.

A sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section to AS 16.05, consolidating provisions relating to special licenses or permits for a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older.

Under current law (AS 16.05.405(b)), a person who is blind can obtain a special hunting license indicating that the licensee is blind. The bill maintains this privilege to receive a special hunting license, but does not extend it to include a special fishing license or fishing permits.

Under current law (AS 16.05.340(f)), a person with physical disabilities can obtain a certificate stating that the bearer is a person with physical disabilities. This certificate is to be carried in conjunction with a hunting license when the licensee is participating in a hunt for persons with physical disabilities. The bill eliminates the need for a special certificate by providing for issuance of a resident hunting license, resident sport fishing license, resident subsistence fishing permit, or resident personal use fishing permit that indicates that the licensee or permittee is a person with physical disabilities.

The bill also provides for issuance of a resident hunting license, resident sport fishing license, resident subsistence fishing permit, or resident personal use fishing permit

that indicates that the licensee or permittee is a person who is 65 years of age or older. This provision allows a person who is 65 years of age or older to obtain a special resident hunting license or resident sport fishing license if the person wanted to pay the usual license fee, but does not prevent the person from qualifying for the exemption from the resident hunting or sport fishing licensing requirement under AS 16.05.400(b).

By providing for the issuance of special licenses and permits, it will be easier for the Department of Public Safety to police the taking of fish and game by proxy by eliminating the need for the enforcement officers in the field to determine whether the person for whom the fish or game is being taken is qualified to benefit under AS 16.05.405, as amended by sec. 2 of the bill.

Section 2 of the bill repeals and reenacts AS 16.05.405. AS 16.05.405 currently provides for the taking of certain game species by proxy for a person who is blind. The bill rewrites AS 16.05.405 so that the requirements for taking of fish or game by proxy are virtually uniform regardless of whether the fish or game is taken for a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older.

**Subsection (a)** provides that the taking of fish and game by proxy is subject to regulations adopted by the Board of Fisheries or the Board of Game.

**Subsection (b)** provides that a resident who holds a valid hunting license may take game on behalf of a person who is blind, a person with physical disabilities, or a person who is 65 years of age or older if the resident possesses (1) a document signed by the person for whom the game is to be taken which states that the resident possesses the person's hunting license or permanent identification card in order to take game on behalf of the person and (2) the person's resident hunting license or permanent identification card and the necessary tags or permits.

**Subsection (c)** provides that a resident who holds a valid noncommercial fishing license may take fish on behalf of a person with physical disabilities or a person who is 65 years of age or older if the resident possesses (1) a document signed by the person for whom the fish is to be taken which states that the resident possesses the person's fishing license, fishing permit, or permanent identification card in order to take fish on behalf of the person and (2) the person's resident sport fishing license, resident subsistence or personal use fishing permit, or permanent identification card.

This subsection does not provide for the taking of fish by proxy for a person who is blind because the existing provisions of law do not provide for the taking of fish by proxy for a person who is blind.

Representative Jerry Mackie  
March 4, 1992  
Page 3

**Subsection (d)** provides that a resident who takes fish or game by proxy shall do so as though the resident was the person for whom the resident is taking the fish or game.

**Subsection (e)** provides that a resident who takes or attempts to take fish or game on behalf of another person may engage in fishing or hunting for himself but may not take fish or game for a third person while the resident possesses the person's license, permit, identification card and the person's signed document or while the resident possesses fish or game taken on behalf of the person. This subsection does not require physical possession of the license, permit, identification card, signed document, or fish or game, but requires mere custody and control of the license, permit, identification card, signed document, or fish or game, in order to bar the resident from engaging in hunting or fishing for a third party.

**Subsection (f)** requires the resident who takes fish or game on behalf of a person to submit reports as required by the commissioner of fish and game, to deliver fish or game within a reasonable time to the person on whose behalf it was taken, and to retain documents authorizing the taking of fish or game by proxy until the fish or game is delivered to the appropriate person.

Section 3 of the bill repeals AS 16.05.340(f) which provides for the issuance of a certificate to a person with physical disabilities. AS 16.05.340(f) is no longer needed as the result of Sec. 16.05.403(b), as added by sec. 1 of the bill.

Section 4 of the bill provides that the bill takes effect July 1, 1993.

Violations of the provisions of AS 16.05.403 and 16.05.405, as enacted by secs. 1 and 2 of the bill, are misdemeanors punishable under AS 16.05.430(a)<sup>1/</sup> by a penalty not to exceed six months imprisonment, or a fine of not more than \$1,000, or both.

If I may be of further assistance, please advise.

GU:pl  
92-156.plm

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<sup>1/</sup> AS 16.05.430(a) states:

(a) Except as provided in AS 16.05.420(b), a person who violates AS 16.05.330 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

**BILL NO:** CSHB 393(RES)

**DATE:** March 5, 1992

**TITLE:** "An Act relating to the taking of fish or game by proxy. . ."

**CONTACT:** Gayle A. Horetski  
Deputy Commissioner  
465-4322

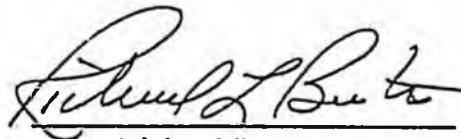
CSHB 393(RES) would allow a state resident to legally take fish or game for another resident who is blind, has physical disabilities, or is 65 years of age or older.

To be able to take game for another, the "proxy" hunter must possess the elderly or disabled person's hunting license or permanent identification card and any harvest ticket, tag, or other document required for the taking of that game species. The proxy hunter must also have a document signed by the disabled or elderly person stating that the proxy hunter possesses the person's hunting license or identification card in order to hunt for that person. Similar documentation is required in order to legally "proxy fish" for another.

The proxy hunter or fisherman may take fish or game only under those conditions that would apply to the other person if the other person took the fish or game personally. A resident who is proxy hunting or fishing for another may also simultaneously hunt or fish for his own use, but the resident may not take fish or game by proxy for more than one person at a time.

To allow sufficient time for the Board of Fisheries and the Board of Game to adopt regulations to implement the bill, the legislation would not take effect until July 1, 1993.

The department has some concerns regarding the potential for abuse of the proxy hunting scheme to increase a person's individual bag limit or opportunity for trophy hunting. The department also recognizes that providing fish and game to elderly or disabled persons has traditionally been an important part of Alaskan culture, especially in the remote areas. CSHB 393(RES) would legally allow conduct which has, to a certain extent, always been occurring. The Department of Public Safety supports this bill.



Richard L. Burton  
Commissioner

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: CSHB 393 (RES)

Sponsor: Representative Mackie

Bill Title: An act relating to the taking of fish and game by proxy for a person who is blind, or for a person with physical disabilities, or for a person who is over the age of 65.

Department Position: Support

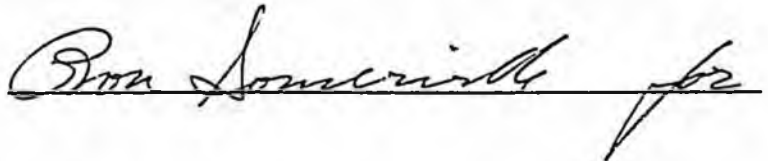
This legislation would add provisions for proxy hunting and fishing for a person with physical disabilities, or for a person who is over 65 years of age, to existing provisions for hunting and fishing by proxy for a person who is blind.

The proxy hunter or fisher would be limited to taking fish or game by proxy for only one individual at a time. The proxy hunter or fisher could take fish or game for himself simultaneously with the taking for one other individual.

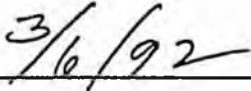
The legislation makes it clear that the regulation of species, seasons, methods, means, and areas available for proxy hunting and fishing would be governed by the Boards of Fish and Game. It is very important that the regulatory authority of the boards include the authority to exclude certain trophy fish and game species from proxy hunting and fishing. We believe this authority is covered in the proposed legislation. Several legislators, including the sponsor, have expressed on the record, that it is their intention that the boards have the authority to exclude these trophy species.

The Department of Fish and Game believes that this legislation will provide for an activity that is a beneficial use of fish and game resources, and in keeping with traditional practices and values of Alaskan society. The department also recognizes that these activities have already been occurring to an unknown extent.

Commissioner's Signature

A handwritten signature in cursive script, appearing to read "Ron Somerville", written over a horizontal line.

Date

A handwritten date "3/6/92" written over a horizontal line.

HB 396

# HOUSE COMMITTEE REPORT

(11)

Date Referred: January 29, 1992

FURTHER REFERRALS:

Date of Committee Action: 2/19/92

The FINANCE Committee considered:

HB 396

HOUSE BILL NO. 396

ANTI-VIOLENT CRIME ACT OF 1992

"An Act relating to violent crimes and criminal law and procedure."

**RECOMMENDATIONS:**

be replaced with CS HB 396 (JUD)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DOA

fiscal note(s) \_\_\_\_\_  
 zero fiscal note(s) Corrections 1/29/92 AK Court Sys 1/29/92 Law 1/29/92 DPS 1/29/92

zero fiscal note \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Eileen S. Maclean</u> Maclean	<input checked="" type="checkbox"/>	<u>[Signature]</u> APPROVE		<input checked="" type="checkbox"/>	
<u>Dorothy Barrie</u> Barrie	<input checked="" type="checkbox"/>	<u>[Signature]</u> NAVARRE		<input checked="" type="checkbox"/>	
<u>Maxine Boyer</u> Boyer	<input checked="" type="checkbox"/>	<u>[Signature]</u> BROWN		<input checked="" type="checkbox"/>	
<u>[Signature]</u> Phillips	<input checked="" type="checkbox"/>	(advise fiscal notes)			
		<u>[Signature]</u> JACKO		<input checked="" type="checkbox"/>	
		<u>[Signature]</u> SHARP		<input checked="" type="checkbox"/>	

NAVARRE  
 SHARP  
 Maclean  
 (1) CHAIRMAN'S SIGNATURE

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO. CSHB 396 (JUD)**

Revision Date: February 4, 1992  
 Title: An Act relating to violent crimes and criminal law and procedures.  
 Sponsor: House Judiciary  
 Requestor: House Judiciary

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency

COMPONENT SERIAL NO. 

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	76.7	79.0	81.4	83.8	86.3	88.9
TRAVEL	2.0	2.1	2.2	2.3	2.4	2.5
CONTRACTUAL	20.0	20.6	21.2	21.8	22.5	23.2
SUPPLIES	1.5	1.6	1.7	1.8	1.9	2.0
EQUIPMENT	2.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>102.2</b>	<b>103.3</b>	<b>106.5</b>	<b>109.7</b>	<b>113.1</b>	<b>116.6</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	102.2	103.3	106.5	109.7	113.1	116.6
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>102.2</b>	<b>103.3</b>	<b>106.5</b>	<b>109.7</b>	<b>113.1</b>	<b>116.6</b>

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)  
 See Attached.

Prepared by: John B. Salemi, Director  
 Division: Public Defender Agency

Phone: 279-7541  
 Date: February 4, 1992

Approved by Commissioner: Nancy Bear Usera  
 Agency: Administration

Date: 2/5/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

702113

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB 396 (JUD)

ANALYSIS: (continued)

Many of the provisions contained in this bill are fiscally insignificant. Others, however, will have a fiscal impact on the Alaska Public Defender Agency. Additional cases, additional trials, more protracted sentencing hearings all add up to an increased work load. It should be noted that the statute of limitations provisions, for example, were introduced in this bill because police were complaining that many cases were going unprosecuted because they fell outside of the applicable statute of limitations. While neither the police nor the Department of Law have provided statistics concerning the additional cases which might be prosecuted, suffice it to say the work load is going to go up, not down.

It is difficult to project the amount of additional work which will be generated by the provisions of this bill. For that reason a very conservative approach is taken by this agency in terms of fiscal impact. It is anticipated that one additional attorney will be needed in Anchorage to absorb the work created through this bill. This lawyer would travel on an "as needed" basis to other office locations.

BUDGET ANALYSIS - CSHB 396 (JUD)

100 - Attorney III (Anchorage)	76.7
200 - Travel	2.0
300 - Contractual Office Space, Experts	20.0
400 - Supplies	1.5
500 - Equipment (One Time)	<u>2.0</u>
Total	102.2

Position Title Attorney III		No. of Positions 1	Range / Step 22A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location EBA		Election District 92
TYPE OF EXPENDITURE		AMOUNT		<b>Justification</b> CSHB 396 (JUD) will increase the workload of the Public Defender Agency. Its provisions will 1) elevate certain criminal conduct from misdemeanor level to a felony classification, 2) elevate certain felony conduct to a higher classification of offense, thereby increasing potential penalties, 3) extend significantly the statute of limitations for many criminal acts, including doubling the period for charging crimes against persons and increasing by 15 years the statute of limitations for sex offenses against persons under 16 years of age, 4) create a more severe criminal penalty for certain homicide offenses (99 years without parole), and 5) modify certain sentencing procedures which will restrict the court's ability to reduce sentences.  While it is difficult to quantify the extent to which these provisions will increase the Public Defender case/workload, a real increase will occur. The proposed budget increment (one attorney and associated expenses) represents a conservative estimate of the fiscal impact of CSHB 396 (JUD).
Salary	56.0			
Benefits	20.7			
Premium Pay				
Other				
Total Personal Services	76.7	76.7		
Travel		2.0		
Contractual		20.0		
Commodities		1.5		
Equipment		2.0		
Other				
Total Cost		102.2		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	102.2		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

8/LEG92/02127B.KP/1

## Request For New Position

AGENCY ADMINISTRATION  
 BRU Public Defender Agency  
 COMPONENT Public Defender Agency

FY 93

Page 3 of 3  
 Revised Date: \_\_\_\_\_

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 3  
Bill Version: CSHB 396(JUD)  
(H) Publish Date: 1/29/92

Revision Date: \_\_\_\_\_ Department Affected: Department of Corrections  
Title: "An Act relating to violent crimes and criminal law and procedures." BRU: Statewide Operations  
Sponsor: House Judiciary Component: Various  
Requestor: House Judiciary COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Carl Nickel, Director Phone: 465-3376  
Division: Administrative Services Date: 1-16-92  
Approved by Commissioner: Lloyd Hames, Commissioner  
Agency: Department of Corrections Date: 1-16-92

CONTINUATION OF FISCAL NOTE ANALYSIS

HB 396: "An Act relating to violent crimes and criminal law and procedures."

This bill makes numerous changes to Alaska's Criminal Code involving violent crimes. By raising the seriousness of certain crimes from one class to another and by providing for mandatory sentences for certain crimes, the bill will impact the Department by increasing the prisoner population and lengths of sentences of some prisoners. However, most of the offenses addressed are anticipated to occur infrequently and some of the effects will not become apparent for at least five years. Therefore, no significant fiscal impact is expected. A sectional analysis follows:

Section 1: Title.

Sections 2-4: These sections amend the statutes addressing certain forms of assault, such as those which cause serious physical injury as a result of repeated, rather than single assaults, and those committed by an adult against a child under 10 years of age. Because of the infrequency of the offenses, these amendments are unlikely to have significant fiscal impact.

Sections 5-9: These sections amend the sexual offense statutes to include the conduct of engaging in sexual acts or contact with a person who is unaware that the sexual contact or act is being committed, and sexual offenses committed by a health care professional during professional treatment. Section 9 adds sexual sadism or masochism to the list of prohibited behaviors described under unlawful exploitation of a minor. The amendments are unlikely to have fiscal impact because of the infrequency of the offenses.

Sections 10-12: These sections address "drive by shootings" which would become Class C felonies even when no one is injured or placed in fear by the conduct. The amendments are unlikely to have fiscal impact because of the infrequency of the offenses.

Section 13: This section would include knowingly selling a firearm or defensive weapon to a person under 18 years of age within the crime of misconduct involving weapons in the second degree. The amendment is unlikely to have significant fiscal impact because of the anticipated infrequency of the offense.

Section 14: This section prohibits persons under age 21 from possessing defensive weapons on the grounds of or on a parking lot immediately adjacent to a public or private school, without permission of the school administration. This offense would be a misdemeanor. This section is unlikely to have significant fiscal impact because of the infrequency of the offense being committed by adults.

CONTINUATION OF FISCAL NOTE ANALYSIS

HB 396

Sections 15, 24, and 25: These sections extend the statute of limitations from five to ten years for the following felonies: Manslaughter, Criminally Negligent Homicide, Assault in any degree, Kidnapping and Custodial Interference, Arson in the First Degree, Sexual Assault in any degree, Sexual Abuse of a Minor in any degree, Incest, Unlawful Exploitation of a Minor, Robbery, Extortion, or Coercion. The statute of limitations is extended from five to twenty years for felony sexual offenses involving a victim under age 16. The fiscal impact will not be felt for at least five years. No information is available on how many crimes go uncharged because of the current five year limitation, however the fiscal impact is not expected to be significant.

Section 16: This section clarifies that a person convicted of two or more crimes, including murder in the first degree, may be sentenced to consecutive sentences in excess of the term of imprisonment for the murder conviction. There are already a number of prisoners within the Department who are serving such consecutive terms, so this amendment is not expected to have significant impact.

Section 17: This section provides that the preponderance of evidence standard of proof applies to sentencing proceedings, except as provided by AS 12.55.145(d), 12.55.155(f), and 12.55.165. This amendment reverses a recent Court of Appeals ruling and is not expected to have significant fiscal impact.

Sections 18 & 21: These sections provide that a person convicted of Murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years and shall not be eligible for discretionary parole when the conviction is for the murder of a clearly identified peace officer, fire fighter, or correctional officer engaged in official duties, or when the person has been previously convicted of Murder in the first or second degree. Due to the infrequency of the offenses, no significant fiscal impact is anticipated.

Sections 19, 20, 22, and 23: These sections provide that a court may not refer a case to a three-judge panel based on the defendant's potential for rehabilitation if the court finds certain factors in aggravation. If a three-judge panel determines that manifest injustice would result from imposition of a presumptive term and also finds that the defendant has excellent potential for rehabilitation, the panel shall sentence the defendant to the presumptive term and order the defendant to engage in appropriate rehabilitation programs. The panel may then provide that the defendant is eligible for discretionary parole during the second

# 3  
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CONTINUATION OF FISCAL NOTE ANALYSIS

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half of the sentence, if the defendant successfully completes all rehabilitative programs ordered by the panel. There are not significant numbers of prisoners incarcerated at this time who had their sentences reduced by a three-judge panel, based on excellent potential for rehabilitation, therefor the fiscal impact is not expected to be significant.

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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 4  
Bill Version: CSHB 396 (JUD)  
(H) Publish Date: 1/29/92

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
Title: "An Act relating to violent crimes and criminal law and procedure." BRU: Prosecution  
Sponsor: House Judiciary Committee Component: All  
Requestor: House Judiciary Committee COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative/Services Date: January 13, 1992  
Approved by Commissioner: Richard I. Pegues - FOR / Charles E. Cole, Attorney General  
Agency: Department of Law Date: January 13, 1992

CONTINUATION of FISCAL NOTE ANALYSIS

# 4

For Bill/Resolution No. CS#396(JUD)

1-29-92

Title: "An Act relating to violent crimes and criminal law and procedures."

This bill makes numerous changes to Alaska's Criminal Code involving violent crimes. A section-by-section analysis follows below.

Section 1. Title.

Section 2. This section amends AS 11.41.200(a) to include within the crime of assault in the first degree recklessly causing serious physical injury to another by repeated assaults using a dangerous instrument, even if each assault individually does not cause serious physical injury. This amendment is in response to the recent court of appeals decision in S.R.D. v. State, 817 P.2d 484 (Alaska App. 1991). It will not have an impact on the Department of Law because, where it is now necessary to prove several misdemeanors, the amendment will allow the state to prove a single class A felony, instead. This crime usually arises when a child is subjected to repeated physical abuse.

Section 3. This section amends AS 11.41.210(a) to include in the definition of the crime of assault in the second degree recklessly causing serious physical injury to another by repeated assaults, even if each assault individually does not cause serious physical injury. The result of this amendment is the same as Section 2, except that assault in the second degree is a class B felony because of the absence of a dangerous instrument.

Section 4. This section amends AS 11.41.220(a) to provide that a person, who is 18 years of age or older and who violates AS 11.41.230(a)(1) or (a)(2) when the victim of the offense is under the age of 10, commits the crime of assault in the third degree. This conduct, recklessly causing physical injury to another person, or with criminal negligence causing physical injury to another person by means of a dangerous instrument, is usually a class A misdemeanor. Under this amendment, however, the offense is increased to a class C felony when it is committed by an adult against a child under 10 years of age. The amendment is unlikely to have a fiscal impact because of the infrequency of the offense.

Section 5. This section amends AS 11.41.410(a) to include in the crime of sexual assault in the first degree the conduct of engaging in sexual penetration with a person who is unaware that a sexual act is being committed if the offender is a health care worker, and the conduct occurs while the offender is providing professional treatment of the victim. This amendment will have little impact on the department because of the infrequency of the offense.

Section 6. This section amends AS 11.41.420(a) to include in the crime of sexual assault in the second degree the conduct of

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. <sup>CS HB</sup> 396 (JUD) #4 1-29-92

engaging in sexual contact with a person who is unaware that a sexual act is being committed if the offender is a health care worker, and the conduct occurs while the offender is providing professional treatment to the victim. The amendment also adds to the offense of sexual assault in the second degree the conduct of engaging in sexual penetration with a person who is unaware that a sexual act is being committed (when the offender is not a health care provider). These changes are not expected to have a fiscal impact on the department.

Section 7. This section amends AS 11.41.425(a) to include in the crime of sexual assault in the third degree the conduct of engaging in sexual contact with a person who is unaware that a sexual act is being committed. This section is not expected to have a fiscal impact on the department.

Section 8. This section amends AS 11.41.455(a) to include within the crime of unlawful exploitation of a minor the conduct of knowingly inducing or employing a child under 18 years of age to engage in, or photographing, filming, recording, or televising a child under 18 years of age engaged in sexual masochism or sadism. This change should have no fiscal impact on the department.

Section 9. This section provides definitions for the terms "health care worker" and "sexual act."

Section 10. This section amends AS 11.61.200(a) to include within the crime of misconduct involving weapons in the first degree the act of discharging a firearm from a moving propelled vehicle. Consequently, "drive-by" shootings would become a class C felony even when no one is injured or placed in fear by the conduct. This section is not expected to have a fiscal impact on the department.

Section 11. This section amends AS 11.61.200(d) to provide that as an exception to AS 11.61.200(a)(11), a peace officer acting within the scope and authority of employment may fire a weapon from a moving vehicle. This amendment will have no fiscal impact on the department.

Section 12. This section amends AS 11.61.200 to make it an affirmative defense to a prosecution under AS 11.61.210(a)(11) that the person who discharged the firearm from a moving vehicle was engaged in a lawful hunting or fishing activity at the time. This amendment will have no fiscal impact on the department.

Section 13. This section amends AS 11.61.210(a) to include knowingly selling a firearm or defensive weapon to a person under 18 years of age within the crime of misconduct involving weapons in the second degree. This amendment will not have a fiscal impact.

Section 14. This section amends AS 11.61.220(a) to provide that a

CONTINUATION of FISCAL NOTE ANALYSIS # 4

For Bill/Resolution No. <sup>CSHB</sup> HB 396/JUD

1-29-92

person commits the crime of misconduct involving weapons in the third degree if the person knowingly possesses a defensive weapon within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer. A person 21 years of age or older is exempted from this provision. This amendment will not cause a fiscal impact.

Section 15. This section amends AS 12.10.010, the state's general statute of time limitations for criminal prosecutions, to provide that the current 5-year limitation within which an indictment must be found or an information or complaint must be instituted, shall be extended to 10 years for the following felonies:

- Manslaughter
- Criminally Negligent Homicide
- Assault in any degree
- Kidnapping and Custodial Interference
- Arson in the first degree
- Sexual Assault in any degree
- Sexual Abuse of a Minor in any degree
- Incest
- Unlawful Exploitation of a Minor
- Robbery, Extortion, or Coercion

However, the section also provides that the current 5-year limitation shall be extended to 20 years after the commission of a felony sexual offense, including those listed above, involving a victim under the age of 16. As provided in Section 25 of the bill, the amendment of the statute of limitations will be prospective only. Consequently, there will be no fiscal impact for at least 5 years. Although information that would indicate how many crimes go uncharged under the current 5-year limitation is not available, the department does not anticipate that this amendment will have a significant fiscal impact.

Section 16. This section amends AS 12.55.025(e) to clarify that a person convicted of two or more crimes, including murder in the first degree, may be sentenced to consecutive sentences in excess of the term of imprisonment for the murder conviction. This is a sentencing provision and will not have an impact on the department.

Section 17. This section amends AS 12.55.025 to provide that the preponderance of the evidence standard of proof applies to sentencing proceedings, except as provided by AS 12.55.145(d), 12.55.155(f), and 12.55.165. This amendment has the effect of reversing a recent Court of Appeals ruling. Because the amendment is a sentencing provision, it will not have a fiscal impact on the department.

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CONTINUATION of FISCAL NOTE ANALYSIS #4

For Bill/Resolution No. <sup>CSHB</sup> HB 396 (Jud) 1-29-92

Section 18. This section amends AS 12.55.125(a) to provide that a defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when the conviction is for the murder of a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional officer who was engaged in the performance of official duties at the time of the murder. The mandatory term of imprisonment of 99 years would also apply if the person convicted of murder in the first degree has been previously convicted of murder in the first or second degree in Alaska, or homicide under the laws of another jurisdiction when the offense contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110. This sentencing provision is not expected to have a fiscal impact on the department.

Section 19. This section amends AS 12.55.165 to provide that a court may not refer a case to a three-judge panel based on the defendant's potential for rehabilitation if the court finds that a factor in aggravation set out in AS 12.55.155(c)(2), (8), (10), (12), (15), (17), (18)(B), (19), (20), (21), or (28) is present. This sentencing provision will not have a fiscal impact on the department.

Section 20. This section amends AS 12.55.175 to provide that, except as provided in Section 19 above, if a three-judge panel determines that manifest injustice would result from imposition of a presumptive term and the panel also finds that the defendant has excellent potential for rehabilitation and that a sentence of less than the presumptive term should be imposed because of the defendant's exceptional potential for rehabilitation, the panel shall sentence the defendant to the presumptive term under AS 12.55.125 and order the defendant to engage in appropriate rehabilitative programs under AS 12.55.015. The panel may then provide that the defendant is eligible for discretionary parole under AS 33.16.090 during the second half of the sentence, if the defendant successfully completes all rehabilitative programs ordered by the panel. This sentencing provision is not expected to have a fiscal impact on the department.

Section 21. This section amends AS 33.16.090(b) to provide that a prisoner sentenced to a mandatory 99-year term, under the amendment to AS 12.55.125(a) proposed in Section 18, shall not be eligible for discretionary parole during the entire term. This sentencing provision will not have a fiscal impact on the department.

Section 22 and Section 23. These sections amend AS 33.16.090 to provide that a prisoner may be eligible for discretionary parole during the second half of a sentence imposed under the amendment to AS 12.55.175(e) proposed in Section 20, above.

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CONTINUATION of FISCAL NOTE ANALYSIS # 4

For Bill/Resolution No. <sup>CSHB</sup> HB 396(Jud) 1-29-92

Section 24. This section repeals AS 12.10.020(c), relating to the statute of limitations for certain sex offenses, which are amended in Section 15 above.

Section 25. This section makes the extension of the statute of limitations on criminal prosecutions, set out in Section 15 above, prospective.

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STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2  
Bill Version: CSHB 396 (JUD)  
(H) Publish Date: 1/29/92

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
Title: An Act relating to violent crimes and BRU: Trial Courts  
criminal law and procedure Components: \_\_\_\_\_  
Sponsor: Judiciary  
Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
Division: Alaska Court System Date: 01/23/92  
Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
Agency: Alaska Court System Date: 01/23/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

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