

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 855

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

May 13, 1991

OFFICE OF THE COMMISSIONER

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

Subject: CSSB 145 (Res), which allows the state to sell or dispose of state land, for less than the appraised value, to a nonprofit corporation or association organized to manage a cemetery or solid waste facility.

Position: The Department of Natural Resources supports this bill.


Background: At this time, the department can lease but not sell land at less than fair market value to non-profit organizations for public or charitable purposes. We would, however, prefer to sell rather than lease land for a cemetery or solid waste facility because of the associated long term liability problems. Examples of local needs for cemetery or solid waste sites:

The Trapper Creek Community Services Organization has requested state land for a local cemetery. This bill would allow the organization to purchase state land, at less than fair market value, for the cemetery.

The Tolsona and Nelchina community councils have formed to provide fire protection and operate solid waste disposal facilities. The councils have identified local sites for the facilities and are willing to operate them. We are reluctant to lease land for the facilities because of the liability problem, and the communities cannot afford to pay fair market value to purchase the land.

Please let me know if you need additional information related to this bill.

Sincerely,

  
Harold C. Heinze  
Commissioner

cc: Committee Members  
Senator Menard  
Bruce Kendall, Legislative Liaison, Office of the Governor  
John Sandor, Commissioner, Department of Environmental  
Conservation

**SB 145**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/91

FURTHER:

DATE TURNED INTO OFFICE: 4-24-91

The Finance Committee considered SENATE BILL NO. 145

"An Act relating to the sale or disposal of state land for use as a cemetery or as a solid or hazardous waste facility."

and recommended:

replace with \_\_\_\_\_ CS  
 or adopt \_\_\_\_\_ CS SB 145 (RES)  
 attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

same title  
 new title  
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

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

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

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

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

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:  
 fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DEC/3-18-91

DUR/2-22-91

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Al Adams  
James H. ...  
Rich ...  
Frank ...

1. Fred ...  
Co-Chairs: Signatures and

2. Vittala Do pass

Recommendations

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

No. \_\_\_\_\_  
Bill . sion: SB 145  
(S) Publish Date: 3/26/91

Revision Date: 22-Mar-91 Department Affected: Natural Resources  
Title: Disposal of state land BRU: Land & Water Management  
Components: Land & Water Management  
Sponsor: Senator Menard  
Requestor: Senate Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	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)

Prepared by: Gary Gustafson Phone: 762-2692  
Division: Land & Water Management Date: 22-Mar-91  
Approved by Commissioner: Harold Heinze Date: 22-Mar-91  
Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB.

REV 10/90 & Im Changes in CSSB 145 (RDS) page 1 of 1  
have no fiscal impact. This  
fiscal note is appropriate.

3/25/91 PT

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

No. 2

Bill Version: S B145

(S) Publish Date: 3/26/91

Revision Date: \_\_\_\_\_  
Title: State land as cemeteries and hazardous facilities  
Sponsor: Senator Curt Menard  
Requestor: Senator Curt Menard

Department Affected: DEC  
BRU: Environmental Quality  
Component: EQ Projects

COMPONENT SERIAL NO.	1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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: 465-2600  
Date: \_\_\_\_\_

Approved by Commissioner: [Signature]  
Agency: Dept. of Environmental Conservation

Date: 3/25/91

Distribution (by preparer): Legislative Fin: \_\_\_\_\_ & Impacted Agency(ies).

Changes in CSB 145 (RBD) have no fiscal impact. This fiscal note is appropriate.  
date: 3/25/91 PT  
Comptroller's Office

CS FOR SENATE BILL NO. 145 (RESOURCES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/26/91  
Referred: Finance

Sponsor(s): SENATOR MENARD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the sale or disposal of state land for use as a cemetery or a solid  
2 waste facility."

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

4 \* Section 1. AS 38.05.810(a) is amended to read:

5 (a) Except as otherwise provided in AS 38.05.183(h), the lease, sale, or other disposal  
6 of state land or resources may be made to a state or federal agency or political subdivision, [OR]  
7 the lease, sale, or disposal of coal deposits suitable for mining may be made to a utility owned  
8 and operated by a government agency or nonprofit cooperative association organized to  
9 participate under the Federal Rural Electrification Act for the purpose of generating electric  
10 power and energy or the production of process steam, or both, or the sale or other disposal of  
11 state land may be made to a tax-exempt, nonprofit corporation, association, club, or society  
12 organized and operated exclusively for the management of a cemetery or a solid waste  
13 facility, for less than the appraised value as determined by the director and approved by the  
14 commissioner to be fair and proper and in the best interests of the public, with due consideration

1 given to the nature of the public services or function rendered by the agency, subdivision, tax-  
2 exempt, nonprofit corporation, association, club, or society, or utility making application, and  
3 of the terms of the grant under which the land was acquired by the state.



# Alaska State Legislature

*Senator Curt Menard*

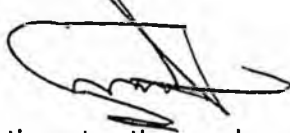


*While in  
Session:*  
P.O. Box V  
Juneau, Alaska  
99811  
(907)465-2679

*Interim:*  
165 E. Parks  
Highway  
Wasilla, Alaska  
99687  
(907)373-2878

*Senate  
District  
E*

TO: Senator Pat Pourchot, Co-Chairman  
Senate Finance Committee

FROM: Senator Curt Menard 

RE: SB 145 - An act relating to the sale or disposal of  
state land for use as a cemetery or as a solid  
waste facility

DATE: April 19, 1991

Thank you for hearing SB 145.

This bill would allow the Division of Land and Water Management to sell land for less than fair market value to non-profit corporations or association which are set up exclusively to manage a cemetery or solid waste facility.

Under this provision, local community organizations such as the Trapper Creek Community Services Organization in my District will be able to acquire a specific parcel of state land located in their community for less than fair market value. I have been working with the community for over two years in an attempt to locate a suitable site for a cemetery.

It is appropriate that the State be able to dispose of rather than lease land to local communities for public purposes such as cemeteries and solid waste facilities where it is not in the State's interest to continue to be the owner of the land. Long

Page 2  
SB 145

term uses can create liability problems which the State reasonably should not incur.

Also, I believe this statutory provision is appropriate where, as is the case in Trapper Creek, the community cannot afford to pay fair market value for the land.

I would appreciate your serious consideration and support of SB 145.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

March 22, 1991

OFFICE OF THE COMMISSIONER

The Honorable Lloyd Jones, Chair  
Senate Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Senator Jones:

Subject: SB 145, which allows the state to sell or dispose of state land, for less than the appraised value, to a nonprofit corporation or association organized to manage a cemetery or solid or hazardous waste facility.

Position: The Department of Natural Resources supports the portions of this bill relating to the sale of state land for a cemetery or solid waste facility, but believes disposals for hazardous waste facilities should be more carefully examined and treated as a separate issue.

Background: At this time, the department can lease but not sell land to municipalities or non-profit organizations for public or charitable purposes at less than fair market value. We would, however, prefer to sell rather than lease land for a cemetery or solid waste facility because of the associated long term liability problems. Because of the broad policy issues related to hazardous waste facilities, and because the state retains the subsurface estate for land it sells, hazardous waste facility disposals should be considered separately.


Examples of local needs for cemetery or solid waste sites:

The Trapper Creek Community Services Organization has requested state land for a local cemetery. This bill would allow the organization to purchase state land, at less than fair market value, for the cemetery.

The Tolsona and Nelchina community councils have formed to provide fire protection and operate solid waste disposal facilities. The councils have identified local sites for the facilities and are willing to operate them. We are reluctant to lease land for the facilities because of the liability problem, and the communities cannot afford to pay fair market value to purchase the land.

Recommendation: Delete references to hazardous waste facilities from this bill.

Sincerely,

  
Harold C. Heinze  
Commissioner

cc: Committee Members  
Senator Menard  
Bruce Kendall, Legislative Liaison, Office of the Governor  
John Sandor, Commissioner, Department of Environmental  
Conservation

**SB 151**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3//13/91

FURTHER:

*Died in SFC*

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered SENATE BILL NO. 151

"An Act making a special appropriation to the Department of Transportation and Public Facilities, Alaska marine highway system, for handicapped access on certain state ferries; and providing for an effective date."

and recommended:

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

do pass

do not pass

no recommendation

individual recommendations

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

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) \_\_\_\_\_  
Dept/Date: \_\_\_\_\_  
\_\_\_\_\_

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

appropriation-no fiscal note

SIGNING DO PASS:

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

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_  
Dept/Date: \_\_\_\_\_  
\_\_\_\_\_

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

OTHER RECOMMENDATIONS:

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

1. \_\_\_\_\_ 2. \_\_\_\_\_  
Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERENCE

DATE: 2/27/91

FURTHER: Finance

Date of 5-Day Notice: 3/7/91  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-13-91

Transportation Committee considered SB 151

Special appropriation to the ~~Dept. of Transportation and Public Facilities, Alaska~~ marine highway system, for handicapped access on certain state ferries; efd.

and recommended:

- replace with \_\_\_\_\_ CS SB 151 (Trans)  same title  new title
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

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

NO FN APPROP

ATTACHES NEW FISCAL NOTE(S):

<input type="checkbox"/> fiscal note(s) _____ Dept/Date _____	<input type="checkbox"/> zero fiscal note(s) _____ Dept/Date _____
_____	_____
_____	_____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*[Handwritten signatures]*

~~\_\_\_\_\_~~

~~\_\_\_\_\_~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chair: Signature and Recommendation

*[Handwritten signature]* JDO DAS

## CS FOR SENATE BILL NO. 151 (TRANSPORTATION)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 3/13/91  
 Referred: Finance  
 Funding Information: General Fund \$100,000  
                           Other Funds     -0-  
   \$100,000

Sponsor(s): SENATOR MENARD

## A BILL

## FOR AN ACT ENTITLED

1 "An Act making a special appropriation to the Department of Transportation and Public  
 2 Facilities, Alaska marine highway system, for handicapped access on certain state ferries;  
 3 and providing for an effective date."

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

- 5 \* Section 1. The sum of \$100,000 is appropriated from the general fund to the Department of  
 6 Transportation and Public Facilities, Alaska marine highway system, for design and engineering of  
 7 modifications to the LeConte and the Aurora for access and use by the handicapped, aged, and infirm.  
 8 \* Sec. 2. The appropriation made by this Act is for a capital project and lapses under AS 37.25.020.  
 9 \* Sec. 3. This Act takes effect July 1, 1991.

## SENATE BILL NO. 151

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR MENARD

Introduced: 2/27/91  
 Referred: Transportation and Finance  
 Funding Information: General Fund \$800,000  
                           Other Funds     -0-  
   \$800,000

## A BILL

## FOR AN ACT ENTITLED

1 "An Act making a special appropriation to the Department of Transportation and Public  
 2 Facilities, Alaska marine highway system, for handicapped access on certain state ferries;  
 3 and providing for an effective date."

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

5 \* Section 1. The sum of \$800,000 is appropriated from the general fund to the Department of  
 6 Transportation and Public Facilities, Alaska marine highway system, for installation of elevators,  
 7 accessible to and usable by the handicapped, aged, and infirm, between the car deck and passenger decks  
 8 of the LeConte and the Aurora.

9 \* Sec. 2. The appropriation made by this Act is for a capital project and lapses under AS 37.25.020.

10 \* Sec. 3. This Act takes effect July 1, 1991.

ALASKA STATE LEGISLATURE  
SENATE BILL NO. 151

HISTORY IN THE SENATE

1991  
2/27  
3/13

Read first time and referred to:  
TRAN & Finance

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THA RPT(  ) CS 3 DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN APPROP To Finance

\_\_\_ RPT( \_\_\_ ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN To \_\_\_

\_\_\_ RPT( \_\_\_ ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN To \_\_\_

\_\_\_ Rules Calendar( \_\_\_ ) CS \_\_\_ AM \_\_\_ Other \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN

Read second time

\_\_\_ CS Adopted ( \_\_\_ ) \_\_\_ New Title \_\_\_  
 \_\_\_ Amended \_\_\_ Advanced

Read third time

\_\_\_ Letter of Intent adopted  
 \_\_\_ Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reconsideration  
 Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reported correctly engrossed  
 Signed by President, to House

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Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

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\_\_\_ RPT CS( \_\_\_ ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

\_\_\_ RPT CS( \_\_\_ ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

\_\_\_ RPT CS( \_\_\_ ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

Read second time  
 CS( \_\_\_ ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reconsideration  
 Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reported correctly engrossed, signed by the Speaker  
 and returned to the Senate

---

Chief Clerk of the House

**SENATE-HOUSE HISTORY Continued**

<b>19</b>	<p>Received from the House Version: _____</p> <p>Concur in House amendment Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur in House amendment, ask House recede Y ___ N ___ E ___ A ___</p> <p>House failed to / receded from amendment Y ___ N ___ E ___ A ___</p> <p>CC appointed by Senate _____ Chair _____</p> <p>CC appointed by House _____ Chair _____</p> <p>(S) Granted Limited Powers of Free Conference</p> <p>(H) Granted Limited Powers of Free Conference</p>
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<b>19</b>	<p>(S) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(H) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling Received from enrolling Sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
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*Department of Transportation  
and Public Facilities*

# POSITION PAPER

BILL NO: CSSB 151

APPROVED:

A handwritten signature in cursive script, likely of a state official, written over a horizontal line.

TITLE: Handicapped Access on Ferries

DATE: March 22, 1991

CSSB 151 appropriates \$100,000 for design and engineering of modifications to the motor vessels LeConte and Aurora in order to improve access on those vessels for handicapped, aged and infirm passengers. The existing devices on board the vessels which are used to assist wheel chair-bound passengers do not aid those passengers who have difficulty negotiating stairs, but do not require the use of a wheel chair. Moreover, the devices require the assistance of crew members and impose upon the dignity of the users. The funds appropriated by this legislation will be used to determine the most optimal design for an elevator or other device which will serve the needs of all passengers who are physically challenged, while insuring the vessels continue to meet their existing service demands.

*For Further Information contact Katy McHugh at 465-3900.*

**SB 152**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/91

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/12/91

The Finance Committee considered SSSB 152

Temporary grant program for certain individuals who served in active duty in the Persian Gulf or as a result of the Persian Gulf War; efd.

and recommended:

replace with \_\_\_\_\_ CS \_\_\_\_\_  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_  
 attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

same title  
 new title  
 technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

fiscal note(s) \_\_\_\_\_  
DOR 3-15-91 9734

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

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:  
 fiscal note(s) \_\_\_\_\_

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

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*[Handwritten signatures]*  
Rich (to PASS)

*[Handwritten signature]*  
No Rec

1. *[Signature]* 2. *[Signature]* No pass  
Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SSSB 152

Revision Date: \_\_\_\_\_  
Title: Persian Gulf Vets Bonus  
Payments  
Sponsor: Halford  
Requestor: \_\_\_\_\_

Agency Affected: Revenue  
BRU: Permanent Fund Dividend Division  
Components: Permanent Fund Dividend  
Division  
COMPONENT SERIAL NO. 9 8 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
<b>OPERATING</b>						
PERSONAL SERVICES	1.8	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	21.6	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	750.0	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>773.4</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	773.4	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>773.4</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-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: None.

ANALYSIS: See attached.

Prepared By: Thomas C. Williams  
Division: Permanent Fund Dividend Division

Phone: 465-2323  
Date: March 11, 1991

Approved by Commissioner: Carol Reynolds  
Agency: Revenue

Date: 3/12/91

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

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION  
SB 152 ANALYSIS  
As of March 11, 1991

Potential Problems

In Section 1, residency is not defined. The definition of residency will impact eligibility determinations as well as the number of people actually eligible.

Assumptions

1. The Permanent Fund Dividend Division would administer the program.
2. The Division would adopt regulations:
  - a. Defining residency as that required for a 1991 dividend.
  - b. Identifying the required proofs of Persian Gulf or Reserve assignment.
  - c. Establishing an October 1, 1991 to December 31, 1991 application period.
3. The Division would advertise the program by:
  - a. Mailing a postcard to all 1991 military PFD applicants, estimated to be 15,000.
  - b. Advertising in military publications.
  - c. Conducting a statewide advertising campaign.
  - d. Issuing press releases to generate newspaper articles.
4. 1,500 people would qualify and apply.
5. Only a very limited number of applicants would either miss the filing deadline or fail to provide the required information. Consequently, denials and appeals would be minimal.
6. If an applicant was eligible for a 1991 Permanent Fund Dividend and provided the requested proof of military assignment, the Department would pay the bonus without further review.
7. The Department would complete any unfinished administrative tasks even after the expiration of the law.

ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
SB 152 ANALYSIS  
 As of March 11, 1991

ADMINISTRATIVE EXPENSES

	<u>FY 92</u>
1. <u>Personal Services</u>	
One non-permanent Document Processor I R7, @ \$1,775/mo for one month to process incoming applications	<u>\$ 1.8</u>
2. <u>Contractual</u>	
Advertising:	
Statewide weekly newspaper advertising for one month	\$15,000
Radio spots, daily for 2 wks	2,000
Advertising in military publications	200
News Releases	-0-
Total Advertising	17.2
Printing:	
15,000 postcards	300
1,500 applications	150
Total Printing	0.5
Postage:	
15,000 postcards @ .19/each	2,850
1,500 applications @ .29/each	435
1,500 warrants @ .29/each	435
500 letters @ .29/each	145
Total Postage	<u>3.9</u>
TOTAL Contractual	<u>21.6</u>
TOTAL ADMINISTRATIVE EXPENSES	<u>\$ 23.4</u>

GRANT

1,500 eligible veterans X \$500	<u>\$ 750.0</u>
---------------------------------	-----------------

**CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 152 (FINANCE)****IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE FINANCE COMMITTEE****Offered:****Referred:****Sponsor(s): SENATORS HALFORD, Collins, Shultz, Adams, Rodey, Menard, Duncan, Uehling, Jones, Frank, Hoffman, Zharoff, Eliason****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to a temporary grant program for certain individuals who served in  
2 active duty in the Persian Gulf or as a result of the Persian Gulf War; relating to  
3 eligibility for permanent fund dividends of certain individuals; and providing for an  
4 effective date."

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

6 \* **Section 1. GRANTS FOR CERTAIN INDIVIDUALS WHO SERVED IN THE MILITARY. (a)**

7 The Department of Revenue shall pay a grant of \$500 to a state resident, or the resident's estate, if the  
8 resident

9 (1) as a member of the military forces of the United States, served in active duty in the  
10 Persian Gulf at any time during September 1, 1990, through March 15, 1991, or as a member of a United  
11 States military reserve, the United States Coast Guard reserve, or the Alaska National Guard served in  
12 active duty outside of the United States at any time during September 1, 1990, through March 15, 1991,  
13 as a result of the Persian Gulf War; and

14 (2) is qualified to receive a permanent fund dividend for 1991 or the resident's estate is

1 qualified to receive the dividend.

2 (b) A grant may not be paid except upon written application for the grant on a form prepared  
3 by the department. The claimant must file the application with the department no later than  
4 December 31, 1991. The department shall require proof of the right to the grant.

5 (c) The Department of Revenue shall pay grants under (a) of this section from appropriations  
6 for the purpose. If appropriations are not sufficient to fully fund all grants, the amount available shall  
7 be distributed pro rata among eligible individuals.

8 \* Sec. 2. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding  
9 AS 43.23.005(a)(3),

10 (1) an individual absent from the state while serving in the armed forces of the United  
11 States is eligible to receive a 1991 permanent fund dividend if the individual was stationed in the Persian  
12 Gulf war zone or was under military orders suspending the individual's military leave as a result of the  
13 Persian Gulf conflict and the commissioner of revenue determines that the individual is otherwise  
14 qualified;

15 (2) the spouse or dependent of an individual described in (1) of this subsection is eligible  
16 to receive a 1991 permanent fund dividend if the spouse or dependent is otherwise qualified.

17 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the  
18 armed forces of the United States and stationed in the Persian Gulf war zone may execute a power of  
19 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the  
20 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991  
21 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application  
22 period if no application was submitted on the individual's behalf during the 1991 application period and  
23 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner  
24 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

25 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving  
26 in the armed forces of the United States and stationed in the Persian Gulf war zone at any time during  
27 January 1, 1991, through June 30, 1991, and if the individual qualified for a 1990 permanent fund  
28 dividend, the personal representative of the individual's estate may apply for the 1991 dividend on behalf  
29 of the individual's estate at any time during the 1991 or 1992 dividend application period.

30 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish  
31 an application form for claiming a dividend under this section. The department shall adopt regulations

1 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department  
2 may require to determine eligibility, including evidence of the applicant's or deceased individual's  
3 assignment to the Persian Gulf war zone during the 1991 application period.

4 \* Sec. 3. Section 1 of this Act is repealed March 1, 1992.

5 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Justin Berneth: This is Section 4 of HCS CSSB 98 (FIN) - I would  
you consider substituting this language for the Section 2 language  
in CS SSSB 152 (4/8/91 - 7-LS0704/J). Differences are in blue -  
would avoid potential conflicts between provisions designed to do basically the  
same thing assuming both bills pass. Tom Williams 465-2323

Adopted  
5-18-91

29 ~~SECTION 4. PERMANENT FUND DIVIDEND FOR CURRENT INDIVIDUALS~~ (a) Notwithstanding

30 AS 43.23.005(a)(3),

31 (1) an individual absent from the state while serving in the ~~armed~~<sup>armed</sup> forces of the United

1 States is eligible to receive a 1991 permanent fund dividend if the individual was ~~stationed~~<sup>stationed</sup> in the Persian  
2 Gulf war zone or was under military orders suspending the individual's military leave as a result of the  
3 Persian Gulf conflict and the commissioner of revenue determines that the individual ~~qualified~~<sup>qualified</sup> for the  
4 1990 dividend and ~~is otherwise qualified for the 1991 dividend~~; *delete*

5 (2) the spouse or dependent of an individual described in (1) of this subsection is eligible  
6 to receive a 1991 permanent fund dividend if the spouse or dependent ~~qualified for a 1990 dividend and~~  
7 ~~is otherwise qualified for the 1991 dividend~~ *delete*

8 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the  
9 armed forces of the United States and stationed in the Persian Gulf war zone may execute a power of  
10 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the  
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14 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner  
15 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

16 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving  
17 in the armed forces of the United States and stationed in the Persian Gulf war zone at any time during  
18 January 1, 1991, through June 30, 1991, and if the individual qualified for a 1990 permanent fund  
19 dividend, the personal representative of the individual's estate may apply for the 1991 dividend on behalf  
20 of the individual's estate at any time during the 1991 or 1992 dividend application period.

21 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish  
22 an application form for claiming a dividend under this section. The department shall adopt regulations  
23 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department  
24 may require to determine eligibility, including evidence of the applicant's or deceased individual's  
25 assignment to the Persian Gulf war zone during the 1991 application period.

WORK DRAFT

WORK DRAFT

Adopted  
5-18-91

Proposed by  
FIW sub-committee.

# 2

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 152 (FIW)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS HALFORD, Collins, Shultz, Adams, Rodey, Menard, Duncan, Uehling, Jones, Frank, Hoffman, Zharoff, Eliason

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a temporary grant program for certain individuals who served in  
2 active duty in the Persian Gulf or as a result of the Persian Gulf War; relating to  
3 eligibility for permanent fund dividends of certain individuals; and providing for an  
4 effective date."

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

6 \* Section 1. GRANTS FOR CERTAIN INDIVIDUALS WHO SERVED IN THE MILITARY. (a)

7 The Department of Revenue shall pay a grant of \$500 to a state resident, or the resident's estate, if the  
8 resident

9 (1) as a member of the military forces of the United States, served in active duty in the  
10 Persian Gulf at any time during September 1, 1990, through March 15, 1991, or as a member of a United  
11 States military reserve, the United States Coast Guard reserve, or the Alaska National Guard served in  
12 active duty outside of the United States at any time during September 1, 1990, through March 15, 1991,  
13 as a result of the Persian Gulf War; and

14 (2) is qualified to receive a permanent fund dividend for 1991 or the resident's estate is

1 qualified to receive the dividend.

2 (b) A grant may not be paid except upon written application for the grant on a form prepared  
3 by the department. The claimant must file the application with the department no later than  
4 December 31, 1991. The department shall require proof of the right to the grant.

5 (c) The Department of Revenue shall pay grants under (a) of this section from appropriations  
6 for the purpose. If appropriations are not sufficient to fully fund all grants, the amount available shall  
7 be distributed pro rata among eligible individuals.

*Replace  
with  
SB 98  
language*

*SEE Attachment*

~~PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS~~ (a) Notwithstanding

9 AS 43.23.005(a)(3), an individual absent from the state while serving in the military forces of the United  
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20 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

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29 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department  
30 may require to determine eligibility, including evidence of the applicant's or deceased individual's  
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- 1 \* Sec. 3. Section 1 of this Act is repealed March 1, 1992.
- 2 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# 1

CS CHANGES  
change in  
Sen. Shultz  
language

7-LS0704G  
Cook/Dierdorff  
3/19/91

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 152 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS HALFORD, Collins, Shultz, Adams, Rodey, Menard, Duncan, Uehling, Jones, Frank, Hoffman, Zharoff, Eliason

A BILL

FOR AN ACT ENTITLED

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11 States military reserve, the United States Coast Guard reserve, or the Alaska National Guard served in  
12 active duty at any location at any time during September 1, 1990, through March 15, 1991, as a result  
13 of the Persian Gulf War; and

14 (2) ~~is qualified to receive a permanent fund dividend for 1991 or the resident's estate is~~

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10 States, or a spouse or dependent of that individual, is eligible to receive a 1991 permanent fund dividend  
11 if the commissioner of revenue determines that the individual, spouse, or dependent is otherwise  
12 qualified and was qualified to receive a dividend for 1990.

13 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the  
14 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of  
15 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the  
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30 may require to determine eligibility, including evidence of the applicant's or deceased individual's  
31 assignment to the Persian Gulf war zone.

- 1 \* Sec. 3. Section 1 of this Act is repealed ~~March 1, 1992.~~
- 2 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

## SPONSOR SUBSTITUTE FOR SENATE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Collins, Shultz, Adams, Rodey, Menard, Duncan, Uehling, Jones, Frank, Hoffman,  
Zharoff, Eliason

Introduced: 3/6/91

Referred: CRA and Finance

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to a temporary grant program for certain individuals who served in  
2 active duty in the Persian Gulf or as a result of the Persian Gulf War; and providing  
3 for an effective date."

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

- 5 \* Section 1. GRANTS FOR CERTAIN INDIVIDUALS WHO SERVED IN THE MILITARY. (a)
- 6 The Department of Revenue shall pay a grant of \$500 to each state resident <sup>or their estate</sup> who as a member of the  
7 military forces of the United States served in active duty in the Persian Gulf during 1991, or as a  
8 member of a United States military reserve, the United States Coast Guard reserve, or the Alaska  
9 National Guard served in active duty at any location during 1991 as a result of the Persian Gulf War.  
10 A grant may not be paid except upon written application for the grant on a form prepared by the  
11 department. The claimant must file the application with the department no later than December 31,  
12 1991. The department shall require proof of the right to the grant.
- 13 (b) The Department of Revenue shall pay grants under (a) of this section from appropriations  
14 for the purpose. If appropriations are not sufficient to fully fund all grants, the amount available shall

- 1 be distributed pro rata among eligible individuals.
- 2 \* Sec. 2. This Act is repealed February 1, 1992.
- 3 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

# ALASKA STATE LEGISLATURE

Anchorage Office:  
3111 C St., Suite 530  
Anchorage, AK 99503  
907-561-7616



While in Juneau:  
P.O. Box V  
Juneau, AK 99811  
907-465-4958

**Senator Rick Halford**

## SPONSOR STATEMENT

**SS SB 152 "An Act relating to a temporary grant program for certain individuals who served in active duty in the Persian Gulf or as a result of the Persian Gulf War; and providing for an effective date."**

This bill would provide a \$500 bonus to each Alaskan who served in the Persian Gulf War, or was called to active duty from the Reserve or Alaska National Guard as a result of the Persian Gulf War.

The grant serves to recognize that our troops did an outstanding job. We as Alaskans, and as Americans, are proud of their successful effort. Some of these men and women may experience financial hardship as a result of their services, and this bonus is one way for us to show our appreciation while providing help to those Alaska called to military duty as a result of the war.

In addition, Alaska financially gained from the increase in the price of oil due to the Gulf hostilities. Sharing those gains with those that put their lives at risk in the war zone seems to be appropriate.

The Department of Military and Veterans Affairs has provided information stating that an estimated 1200 Alaskans will be eligible.

Sectional Analysis:

Section 1 (a):

This section states that the grant shall be paid by Department of Revenue.

Recipients shall be state residents who served in active duty in the Persian Gulf during 1991 as a member of the military forces of the United States, the United State military reserve, the United States Coast Guard reserve, or the Alaska National Guard at any location.

The grant will only be paid upon written application on a form prepared by the Department of Revenue. This form must be filed by December 31, 1991, and the Department of Revenue shall require proof of the right to the grant.

Section 1 (b):

This section states that if appropriations for this temporary grant are not enough to fully fund all grants at \$500, the available amount will be divided equally between all qualifying recipients.

Section 2:

The Act will be repealed February 1, 1992.

Section 3:

The Act has an immediate effective date.

# MEMORANDUM

# State of Alaska

TO: Susan Barnett, Legislative Aide  
Office of Senator Pat Pouchot

DATE: April 18, 1991

FILE NO.: S152MEM1

THRU:

TELEPHONE NO.: 465-4600

SUBJECT: Persian Gulf Veterans  
Bonus: SB 152

*J Morrison*  
FROM: Jeff Morrison, Director  
Administrative & Support  
Services Division  
Department of Military &  
Veterans Affairs

You have asked me to estimate the number of Alaskan veterans eligible to receive a bonus for service during the Persian Gulf conflict, if the legislation were drafted to only make persons eligible if they served outside the United States. My estimate, which I explain below, is that there would be approximately 1600 eligible veterans.

The estimate is made up of two components, the military personnel who served in the Persian Gulf war zone, and the reserves who did not serve in the war zone. It is my assumption that any reserves who served in the war zone would be included in the projections for the total number of Alaskans in the war zone, regardless of whether they were active military or reserves.

War zone projection: This projection does not change from the original projection made in the DMVA position paper to SSSB152, dated 3/11/91. Based on a purely statistical approach, I projected that there were approximately 1200 Alaskans in the war zone.

Activated Reserves outside the war zone: My letter to Senator Pouchot dated March 19, 1991 summarized the activity of all the Alaskan reserve components of U.S. armed forces involved in the Persian Gulf conflict. As noted above, if any reserves were called to duty in the war zone, they would be included as part of the total war zone force of 540,000, and would therefore be included in the statistical projection of Alaskans in the war zone in the above paragraph. To the best of our knowledge, the only reserve members that were called to active duty and who served outside the United States, but not in the war zone, are members of the Alaska Air National Guard. Of the 420 members of the Air National Guard called to active duty, we estimate that 250 served outside the United States.

The sum of the war zone military personnel and non war zone reserve military personnel totals 1450. I believe it is prudent to use a 10% margin of error in the estimating process, which then raises the total figure for projection purposes to 1600 (1450 + 145 = 1595).

cc: Senator Rick Halford  
Tom Williams, Director, Permanent Fund Dividend Division  
COL Thomas C. Carroll, Deputy Commissioner, DMVA  
Capt. Michael Haller, Public Affairs Officer, DMVA

# STATE OF ALASKA

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

WALTER J. HICKEL, GOVERNOR

P.O. BOX L  
JUNEAU, ALASKA 99811-0900

March 19, 1991

Senator Pat Pourchot  
Co-Chairman, Senate Finance Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Pourchot,

At the Senate Finance Committee hearing on SB 152, held on March 12, 1991, you requested information concerning Alaskan military reservists who were activated as a result of the Persian Gulf conflict. This letter will give you the best information we have as of this date. It may help the committee to have a little background on reserve forces as well.

Alaskans serving in the reserves of the United States military forces belong to one of the following: Army National Guard, Air National Guard, Naval Reserve, Marine Corps Reserve, Army Reserve, Air Force Reserve, and Coast Guard Reserve. They are either in the active reserve, with the requirement to drill one weekend a month and two weeks annually, or they are in the Individual Ready Reserve (IRR), with no monthly or annual training requirement. Members of the IRR are typically professionals who offer their services if and when needed (e.g. medical professionals, attorneys, etc.).

When a reservist is called to active duty, it is either as a member of a unit which is being activated in its entirety, or as an individual with unique qualifications which are needed to augment the regular forces. In Alaska, we had both types of activations. It is very easy to obtain information on unit activations, because the entire unit has a command structure and central point of information within Alaska that we can call on. It is more difficult to obtain information on individual activations, because the orders activating the individuals come from a variety of different locations depending on the branch of service the individual belongs to. The military commands located outside Alaska which issued orders activating reservists do not routinely keep records on individual reservist activations by home state of the individuals.

The above information is essentially provided as a disclaimer to note that the information in this letter is as good as we are able to obtain at this time, and may be further refined as better information becomes available. Each of the branches of service is discussed separately below.

Alaska Army National Guard: There were 36 members of the Army National Guard who were activated because of the Persian Gulf crisis. They went to a variety of locations in the United States as well as overseas. Some of them were assigned to the Persian Gulf. Although we do not know the actual number of individuals who went to the Persian Gulf, we believe it did not exceed 18.

Alaska Air National Guard: The two units in the Alaska Air National Guard were both active in support of Operation Desert Shield/Desert Storm, with some support continuing through the end of February.

168th Air Refueling Group (Eielson AFB Base, North Pole): Approximately 100 members of this unit (over half of whom were traditional guard members) served on tankers (KC-135s) providing refueling support to aircraft ferrying from the United States to the Persian Gulf area starting on August 7, 1990 and continuing up to the start of Operation Desert Storm on January 17, 1991. Members rotated in and out of the Persian Gulf area, serving in deployments of from three to ten days duration each time. The aircraft they refueled consisted of troop transports and fighter aircraft.

176th Composite Group (Kulis ANG Base, Anchorage): Approximately 320 members of this unit (at least 65% of whom were traditional guard members) were deployed in over a dozen different locations throughout the United States, Central America, and Germany to backfill for regular Air Force forces which were deployed directly to the Persian Gulf. These deployments started in August 1990 and terminated at the end of February 1991. The participation of these units, although not directly assigned to the Persian Gulf, made it possible for the regular Air Force personnel and equipment to be assigned in the war theater without degradation of the nation's defense posture in other areas of the world.

U.S. Naval Reserve: There were at least 27 naval reservists activated from Alaska. The majority were called to serve directly in the Persian Gulf theater of operations, while several of them were called to serve in stateside locations in a backfill capacity.

U.S. Marine Corps Reserve: There were 17 members of the USMCR called to active duty, the majority of whom were from the Anchorage bowl. Most of these were assigned to duty in the Persian Gulf. The 17 called to duty includes the activation of a marine reconnaissance unit, although at the time of the writing of this letter, we were unable to receive confirmation of the size of that unit.

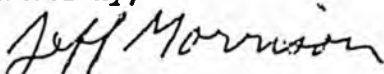
U.S. Army Reserve: Efforts to contact the Army Reserve Center at Fort Richardson have been unsuccessful to date due to busy phone lines. The Army Reserve in Alaska has less than 100 members statewide, and we speculate that there would have been no more than 25 of that amount called to active duty for the Persian Gulf conflict.

U.S. Air Force Reserve: Efforts to contact the Air Force Reserve Center in Denver have been unsuccessful to date due to busy phone lines. Due to the low numbers of Air Force Reserve members in Alaska, we speculate that no more than 25 Air Force reservists were called to active duty for the Persian Gulf conflict. Of the members of the Air Force Reserve known to have been called to active duty, the majority were medical professionals assigned to serve in a backfill capacity at duty stations throughout the United States.

U.S. Coast Guard Reserve: According to the Coast Guard Reserve Center in Alaska, one member of the Coast Guard reserve was activated and assigned to the Persian Gulf, where he is expected to remain for the next six months.

I trust that this information will be useful to the legislature in its deliberations on SB152. I hope to have more current information on the numbers of Army and Air Force reservists activated because of the Persian Gulf conflict to offer in testimony before the committee during your hearing on SB152 scheduled for Wednesday, March 20. When I obtain better or more complete information concerning Alaskan reservists, I will send an update of this letter to the chair of whatever committee has SB152 at the time, with a copy to you and the bill sponsor. Please let me know if there is any other information that you need.

Sincerely,



Jeff Morrison, Director  
Administrative and Support Services

cc: MG Hugh L. Cox III, The Adjutant General  
Senator Rick Halford  
Larry Landry, Director, Division of Veterans Affairs  
Tom Williams, Director, Division of Permanent Fund Dividends  
Bruce Kendall, Legislative Liaison, Office of the Governor

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

POSITION PAPER  
SSSB 152

Summary of Bill: This bill would provide a \$500 bonus to Alaskan residents who served on active duty in the Persian Gulf conflict during 1991, or who were called to active duty because of the Persian Gulf conflict. The program would be administered by the Department of Revenue, and would operate through the processing of individual applications from eligible claimants.

Background: A statistical approach to estimating the number of Alaskans involved in the Persian Gulf conflict leads to a rough estimate of about 1200 Alaskan residents who would benefit from the provisions of this bill. The two methods used are as follows:

1. The 1990 census lists the population of the United States as 248,710,000, and Alaska as 550,000. The number of American men and women serving in the Persian Gulf, according to newspaper reports, totaled about 540,000. Assuming that the ratio of Alaskans in the Persian Gulf is the same as the percentage of Alaskans in the total U.S. population, there would be about 1194 Alaskans of the 550,000 service personnel in the Persian Gulf.
2. The Juneau Empire recently listed the names of 60 residents who were serving in the Persian Gulf. The 1990 census lists the Juneau population as 26,751, and the Alaska population as 550,000. Assuming that the ratio of Alaskans serving in the Persian Gulf is the same as the ratio of Juneau residents serving in the Persian Gulf, there would be 1233 Alaskans stationed in the Persian Gulf.

The two separate methodologies used to estimate the number of Alaskans serving in the Persian Gulf are remarkably close. If each eligible Alaskan received a bonus, or grant, of \$500, the cost of the program, not counting administrative costs, would total \$600,000.

Impact of Legislation on Department of Military and Veterans Affairs:  
None.

Departmental Position: This is an appropriate way to recognize the efforts of the men and women who served in the Persian Gulf conflict, and we believe that the public would support such a gesture by the State of Alaska. The legislature may wish to consider making the provisions of the bill applicable to survivors of men or women killed in the Persian Gulf conflict.

Approved: J. Morrison

for MG Hugh L. Cox III

Date: 3/11/91

CAPTAIN COOK CHAPTER  
The Retired Officers Association  
P.O. Box 172  
Elmendorf AFB, Alaska 99506-0772

6 May 1991

The Honorable Pat Pourchot  
Co-Chairman, Senate Finance Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

ATTN: Susan Barnett

Dear Senator Pourchot,

At the request of Susan Barnett, your Legislative Aide, I am providing commentary on SB 152 which is presently in committee awaiting scheduling for second hearing.

For your information, The Captain Cook Chapter of The Retired Officers Association is the state chapter of the National Retired Officers Association (TROA) with a national membership of a little under a half million and a state membership of approximately 600. Our members are retired officers from the seven uniformed services. Some of us are truly retired - others are retired from the service but are actively involved in second careers as executives, professionals and academicians. We include corporate managers, doctors, accountants and college professors. All of us have an active interest in state and national legislative affairs and reflect that interest with letters like this and an exceptional voting record (98% nationally, plus spouses). We are concerned, interested, participating members of the voting public.

SB 152 is of particular concern. We view it more as a dislocation payback/allowance than a bonus. The regulars engage in operations like Desert Storm because that is what they do for a living. They are largely professionals and are paid to put themselves on the line.

The member of the national guard, the reserve component or the retired member who is called to active duty is another whole dimension. He or she is a citizen soldier in the true sense of the word. In the case of our citizen soldiers who were called to active duty, businesses were left to founder. Jobs, while legally protected, may have evaporated while they were gone. University classes were dropped. All of these things cost money. Few, if any, of these people begrudge the call to serve. They do so willingly for the benefit and protection of Alaskans. The least we can do is to help to defray some of the dislocation/relocation costs when they return.

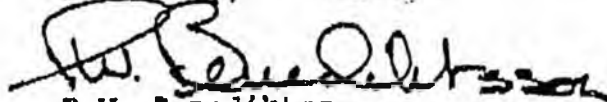
The fiscal implications are a concern, as they should be. Based on state supplied information, the bill as written (SSSB 152), including the active duty components, probably runs at something approaching \$800,000. We recognize that this price tag jeopardizes the bill's passage. Applying the bill only to personnel who were called to active duty would reduce the fiscal impact to approximately \$275,000. See enclosure (1). In our view, this is an acceptable figure and one which we can support as constituents and voters.

As I write this, there are only about two weeks to go before end of session. A bonus granted next year is going to be relatively meaningless. The bill simply has to move now or miss the window. The original date of introduction was 3/6/91 - two months ago today. It has sat in the Finance Committee for the large part of that time. We recognize that the budget obviously and rightfully takes precedence over any other measures heard by the committee. Still, SB 152 was heard on 12 March by the Senate Finance Committee. Seemingly, since then it simply has languished for lack of concern.

There is apparently a plan to combine the contents of SB 152 with an unemployment adjustment. We ask that this not be done. We would hate to see a Persian Gulf War bonus for returning servicemen and women become hostage to some other relatively disassociated issue. That would simply be playing politics, not serving the constituency.

Many of the personnel called up have returned already. Echo Company of the Marine Reserve will probably be returning by mid to late June. We strongly urge that the bill, with the suggested changes as noted in enclosure (2), eliminating the active duty components from consideration, be moved out of committee now. There are thirteen co-sponsors to pass it on to the House. Please get on with it.

Sincerely,



P.W. Benediktsson  
CDR USN Ret.  
Legislative Chairman

2

Encl (2)

7-LS0704D

Note - Delete active duty personnel  
Add retirees called  
Add 1990

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA.

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Collins, Shultz, Adams, Rodey, Menard, Duncan, Uehling, Jones, Frank, Hoffman, Zharoff, Ellason

Introduced: 3/6/91  
Referred: CRA and Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a temporary grant program for certain individuals who served in  
2 active duty in the Persian Gulf or as a result of the Persian Gulf War; and providing  
3 for an effective date."

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

5 \* Section I. GRANTS FOR CERTAIN INDIVIDUALS WHO SERVED IN THE MILITARY. (a)  
6 The Department of Revenue shall pay a grant of \$500 to each state resident who ~~as~~ a member of the  
7 military forces of the United States served in active duty in the Persian Gulf during 1991, or ~~as a~~  
8 member of a United States military reserve, the United States Coast Guard reserve, or the Alaska  
9 National Guard served on active duty at any location during 1990 <sup>1991</sup> as a result of the Persian Gulf War.  
10 A grant may not be paid except upon written application for the grant on a form prepared by the  
11 department. The claimant must file the application with the department no-later than December 31,  
12 1991. The department shall require proof of the right to the grant.

13 (b) The Department of Revenue shall pay grants under (a) of this section from appropriations  
14 for the purpose. If appropriations are not sufficient to fully fund all grants, the amount available shall

SB0152b

SSSB 152

4

ENCLOSURE (1)

CSSB 152 FISCAL IMPACT

AS STATED

1600 BONUS RECIPIENTS  
ACTIVE DUTY (1050)  
RESERVE (550)  
TOTAL.....1600 X \$500 = \$800,000

PROPOSED

ARMY NAT GUARD (36)  
AIR NAT GUARD (420)  
NAVAL RES (27)  
USMC RES (17)  
ARMY/AF RES (50)  
TOTAL.....551 X \$500 = \$275,500

NOTE - THESE FIGURES SUPPLIED BY AK DEPT OF MIL AND VETS  
AFFAIRS

W

April 8, 1991

Senators Jay Kerttula and Pat. Pourchot#  
Co-Chairmen, Senate Finance Committee  
Alaska State Senate  
Box V  
Juneau, AK 99811

APR 17 1991

Dear Senators Kerttula and Pourchot:

I would like to express a few thoughts concerning SB 152, the bill to issue a grant to state residents called up for duty during the Persian Gulf War. In doing so, I write on behalf of myself only, and do not represent the sentiments of Senator Pat Rodey, my supervisor, and a co-sponsor of the bill. I have discussed my thoughts on this matter with him.

I applaud the inspiration and intent of the bill. I recognize and support the necessity of young men and women to respond to the needs of our military in times of national crisis, and further, I realize that such service is rarely without some degree of inconvenience or sacrifice on the part of those called, and their families. It's the nature of military mobilization.

There are several reasons why I think that SB 152 is not in the best interests of the intended recipients or the state of Alaska as a whole. The elusive number of potential recipients has apparently caused a clause to be placed in the bill providing for a reduced amount per check in the event that the number of applicants exceeds the amount of the appropriation. The \$500 figure has already been widely anticipated as the grant amount. To end up issuing checks for less will be considered an insult, and will reflect negatively upon the legislature.

The appropriation, in the neighborhood of \$500,000 or more, will be viewed by some as an outlay inconsistent with the need to cut state expenditures in an era of declining projected revenues. This too, will likely surface as a source of negative attention for the legislature.

While there is a strong desire these days to remember our veterans, there exists a potential problem with the precedent that would be set by issuing such a grant to those service people affected by the Persian Gulf War. What will we do for those Alaskan residents who might be called up in the future? What if there are thousands next time? What if we cannot

March 8, 1991

To: Senator Jim Duncan  
Representative Fran Ulmer  
Representative Bill Hudson

I wish to communicate to you, my representatives in the legislature, regarding the proposed legislation for financial bonuses and property tax exemptions for returning Alaskan military personnel. I understand that to vote against such a "patriotic" measure would require expending too much political capital for no gain. But I wish to express several concerns about these measures.

I am bothered about the monies we as a society are always willing to spend for the purposes of war, and in this case as part of a process of glorifying the nation's warriors, when 20% of the children of this nation live below the poverty line and when there is inadequate housing, medical care, and day care assistance for the bottom fifth of our citizens. If I'm not mistaken, one of the sponsors of these spending give-away measures is one of the loudest Senatorial voices crying for cuts in government services. Consequently, I detect an extremely skewed sense of values in these measures.

Secondly, I think if such bonuses are given for what was, comparatively, a quick and easy victory, then they should also be given, retroactive though it may be, to every Vietnam War veteran currently residing in Alaska. If the cause of the well-benefitted Gulf volunteers is deserving, then consider that many of the Vietnam War soldiers were drafted or enlisted under the pressure of the draft into a less well-benefitted military, served full terms in a long, ugly, unpopular and deadly war, faced hostility upon return, and have suffered well-documented consequences as a result.

Given the fact mentioned above, that such measures can't be opposed in a politically realistic way, I am requesting you to consider proposing an amendment to add Vietnam era veterans to any such legislation. If we're going to give it away in order to show patriotism and support, then let's give it to all those who truly deserve it.

Finally, I would hope that any legislator who does support this legislation also will lend his or her voice and votes to the full funding of Day Care Assistance and to increased development of decent low income housing.

Sincerely,

*John A. Mayer*

John A. Mayer  
P.O. Box 34402  
Juneau, AK 99803  
789-1498

*Senate Fin.  
Tues 3/12  
9:00 AM  
Room 518  
Will take  
Testimony*

# **CORRECTION**

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

April 8, 1991

Senators Jay Kerttula and Pat. Pourchot#  
Co-Chairmen, Senate Finance Committee  
Alaska State Senate  
Box V  
Juneau, AK 99811

APR 17 1991

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While there is a strong desire these days to remember our veterans, there exists a potential problem with the precedent that would be set by issuing such a grant to those service people affected by the Persian Gulf War. What will we do for those Alaskan residents who might be called up in the future? What if there are thousands next time? What if we cannot

afford to issue the same \$500 grant? Conversely, since we did not issue a similar grant to veterans of Panama, Granada, Viet Nam, Korea or WWII, how can we justify an offer of a grant, to those affected by the Persian Gulf War, most of whom were only inconvenienced?

I wonder if a cash bonus is the best possible means of acknowledging those Alaskans affected by the Persian Gulf War. Ideas making the rounds include the issuance of state medals, or legislative citations. Symbolic gestures of that nature would have more lasting significance for recipients.

If a monetary acknowledgement is desired, it should take the form of a tuition credit at the University of Alaska. That mechanism would enhance self-development, circulate the money within the state, support our university system, and it would, theoretically, benefit society as a whole. I strongly recommend this option as an alternative to the direct grant.

I appreciate the chance to express my observations on SB 152, and remain available for further discussion.

Sincerely,



Tim Benintendi  
Box 241492  
Anchorage, AK 99524-1492

Juneau Office - 465-3793

cc: Senator Uehling

March 8, 1991

To: Senator Jim Duncan  
Representative Fran Ulmer  
Representative Bill Hudson

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Sincerely,

*John A. Mayer*

John A. Mayer  
P.O. Box 34402  
Juneau, AK 99803  
789-1498

*Senate Fin.  
Tues 3/12  
9:00 AM  
Room 518  
Will take  
testimony*

**SB 153**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: May 10, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/10/92

The FINANCE Committee considered:

CSSB 153(RULES)

CS FOR SENATE BILL NO. 153 (RULES)

RIGHTS OF MENTAL HEALTH PATIENTS

"An Act relating to mental health treatment and evaluation facilities and patients or former patients of those facilities."

**RECOMMENDATIONS:**

be replaced with CSSB 153 (RIS) [ ] 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) AK COURT 5/1/92

[ ] zero fiscal note \_\_\_\_\_

[  ] zero fiscal note(s) LAW 4/15/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Maclean</u>	<input checked="" type="checkbox"/>	<del>W. Swann</del> <u>Keppmen</u>		X	
<u>Mike Navarre</u>	<input checked="" type="checkbox"/>	<del>John Sharp</del> <u>Sharp</u>		X	
<u>Mark Boyer</u>	X	<u>Roll E. Phillips</u>		✓	
<u>Las Brown</u>	✓				
<u>Richard J. Larson</u>	X				
<u>J. Ulmer</u>	X				

Mike Navarre EP Maclean  
CO-CHAIRMAN'S SIGNATURE

NAVARRE

MACLEAN

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill Version: SB 153

(S) Publish Date: 4-15-92

Revision Date: \_\_\_\_\_

Department Affected: Department of Law

Title: "An Act relating to mental health..."

BRU: Legal Services

Component: Operations

Sponsor: Senator Pourchot/By Request

Requestor: Senator Pourchot

COMPONENT SERIAL 

		9	3
--	--	---	---

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

POSITIONS:

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

Changes in CS SB 153 TDW have no fiscal impact. This fiscal note is appropriate.

4-30-92 date CLUB Comte Aide (initial)

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

ANALYSIS: (Attach a separate page if necessary.)

For the reasons discussed in the attached letter of April 14, 1992, from Assistant Attorney General Elizabeth Shaw to Senator Pourchot, the Department is submitting a "zero" fiscal note.

Changes in CS SB 153 HES have no fiscal impact. This fiscal note is appropriate.

15 APR 92 date MATFOW Comte Aide (initial)

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services

Phon: \_\_\_\_\_  
Date: April 14, 1992

Approved by Commissioner: Richard I. Pegues / FOR  
Agency: Department of Law

Date: April 14, 1992

Distribution (by preparer): Leg. Fin., Legislative Spon: Changes in CS SB 153 (Rules) impacted Agency(ies). have no fiscal impact. This fiscal note is appropriate.

9/6/92 date TAP Comte Aide (initial)

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 2  
Bill Version: CSSB 153 (JUD)  
(S) Publish Date: 5-1-92

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
Title: An Act relating to mental health BRU: Trial Courts  
Sponsor: Pourchat Components: \_\_\_\_\_  
Requestor: \_\_\_\_\_ 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	7.2	7.2	7.2	7.2	7.2	7.2
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	7.2	7.2	7.2	7.2	7.2	7.2
FEDERAL FUNDS						
OTHER						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2

POSITIONS:

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year impact: None

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

Changes in CSSB 153 (JUD) have no fiscal impact. This fiscal note is appropriate.  
5/6/92 TH  
date Conte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel CHC Phone: 264-8228  
Division: Alaska Court System Date: 04/23/92

Approved by: Arthur H. Snowden, II, Administrative Director BS CHC  
Agency: Alaska Court System Date: 04/23/92

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

Alaska Court System  
Fiscal Analysis  
CS SB 153

The fiscal analysis is based on the assumption that this legislation will require an estimated 20 hearings a year. Each hearing is estimated to last 2 to 3 hours. Current court staff can not assume the additional burden of the hearings. The court will have to hire a part-time pro tem superior court judge and in-court clerk to fill in for current judges and staff who will handle the hearings.

Personal Services

<u>Classification</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tempore superior court judge, 1 month, PPT, Anchorage (assumes fully vested, retired judge)	\$2,013	\$1,641	\$3,654
In-Court Clerk, range 12B, 1 month, PPT, Anchorage	2,410	1,112	<u>3,522</u>
			<u><u>\$7,176</u></u>



JWA  
FJA

CS FOR SENATE BILL NO. 153 (RULES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/8/92  
Referred: Today's Calendar

Sponsor(s): SENATORS POURCHOT, Collins, Kerttula, Sturgulewski, Menard, Duncan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to mental health treatment and evaluation facilities and patients or  
2 former patients of those facilities."

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

4 \* Section 1. AS 44.21.410(a) is amended by adding a new paragraph to read:

5 (8) provide visitors and guardians ad litem in proceedings under AS 47.30.839.

6 \* Sec. 2. AS 47.30.660 is amended by adding a new paragraph to read:

7 (15) set standards under which each designated treatment facility shall provide  
8 programs to meet patients' medical, psychological, social, vocational, educational, and  
9 recreational needs.

10 \* Sec. 3. AS 47.30.772 is amended to read:

11 Sec. 47.30.772. MEDICATION AND TREATMENT. An evaluation facility or [A]  
12 designated treatment facility may administer medication or other treatment to an involuntarily  
13 committed patient only in a manner that is consistent with the provisions of AS 47.30.825 -  
14 47.30.865.

1 \* Sec. 4. AS 47.30.800(b) is amended to read:

2 (b) Upon making the findings specified in (a) of this section, the provisions of  
3 AS 47.30.795(c) [AS 47.30.795(b)] relating to notice and AS 47.30.745 relating to hearing apply.

4 \* Sec. 5. AS 47.30.825(b) is amended to read:

5 (b) The patient and the following persons, at the request of the patient, are [A  
6 PATIENT, OR THE PATIENT'S COUNSEL, GUARDIAN, OR THE ADULT DESIGNATED  
7 IN ACCORDANCE WITH AS 47.30.725 IF THE PATIENT IS MENTALLY INCAPABLE OF  
8 PARTICIPATION, IS] entitled to participate in formulating the patient's individualized treatment  
9 plan and to participate in the evaluation process as much as possible, at minimum to the extent  
10 of requesting specific forms of therapy, inquiring why specific therapies are or are not included  
11 in the treatment program, and being informed as to the patient's present medical and  
12 psychological condition and prognosis: (1) the patient's counsel, (2) the patient's guardian,  
13 (3) a mental health professional previously engaged in the patient's care outside of the  
14 evaluation facility or designated treatment facility, (4) a representative of the patient's  
15 choice, and (5) the adult designated under AS 47.30.725. The mental health care  
16 professionals [TREATING PHYSICIAN] may not withhold any of the [THIS] information  
17 described in this subsection from the patient or from others if the patient has signed a waiver  
18 of confidentiality.

19 \* Sec. 6. AS 47.30.825(d) is amended to read:

20 (d) A locked quiet room, or other form of physical restraint, may not be used, except as  
21 provided in this subsection, unless a patient is likely to physically harm self or others unless  
22 restrained. The form of restraint used shall be that which is in the patient's best interest and  
23 which constitutes the least restrictive alternative available. When practicable, the patient shall  
24 be consulted as to the patient's preference among forms of adequate, medically advisable  
25 restraints including medication, and that preference shall be honored [CONSIDERED]. Nothing  
26 in this section is intended to limit the right of staff to use a quiet room at the patient's request  
27 or with the patient's knowing concurrence when considered in the best interests of the patient.  
28 Patients placed in a quiet room or other physical restraint shall be checked at least every 15  
29 minutes or more often if good medical practice so indicates. Patients in a quiet room must be  
30 visited by a staff member at least once every hour and must be given adequate food and drink  
31 and access to bathroom facilities. At no time may a patient be kept in a quiet room or other

1 form of physical restraint against the patient's will longer than necessary to accomplish the  
2 purposes set out in this subsection. All uses of a quiet room or other restraint shall be recorded  
3 in the patient's medical record, the information including but not limited to the reasons for its  
4 use, the duration of use, and the name of the authorizing staff member.

5 \* Sec. 7. AS 47.30.825(c) is repealed and reenacted to read:

6 (c) A patient who is capable of giving informed consent has the right to give and  
7 withhold consent to medication and treatment in all situations that do not involve a crisis or  
8 impending crisis as described in AS 47.30.838(a)(1). A facility shall follow the procedures  
9 required under AS 47.30.836 - 47.30.839 before administering psychotropic medication.

10 \* Sec. 8. AS 47.30 is amended by adding new sections to read:

11 Sec. 47.30.836. PSYCHOTROPIC MEDICATION IN NONEMERGENCIES. An  
12 evaluation facility or designated treatment facility may not administer psychotropic medication  
13 to a patient in a situation that does not involve a crisis under AS 47.30.838(a)(1) unless

14 (1) the patient has the capacity to give informed consent to the medication, as  
15 described in AS 47.30.837, and gives that consent; the facility shall document the consent in the  
16 patient's medical chart; or

17 (2) the patient is determined by a court to lack the capacity to give informed  
18 consent to the medication and the court approves use of the medication under AS 47.30.839.

19 Sec. 47.30.837. INFORMED CONSENT. (a) A patient has the capacity to give informed  
20 consent for purposes of AS 47.30.836 if the patient is competent to make mental health or  
21 medical treatment decisions and the consent is voluntary and informed.

22 (b) When seeking a patient's informed consent under this section, the evaluation facility  
23 or designated treatment facility shall give the patient information that is necessary for informed  
24 consent in a manner that ensures maximum possible comprehension by the patient.

25 (c) If an evaluation facility or designated treatment facility has provided to the patient  
26 the information necessary for the patient's consent to be informed and the patient voluntarily  
27 consents, the facility may administer psychotropic medication to the patient unless the facility  
28 has reason to believe that the patient is not competent to make medical or mental health treatment  
29 decisions. If the facility has reason to believe that the patient is not competent to make medical  
30 or mental health treatment decisions and the facility wishes to administer psychotropic medication  
31 to the patient, the facility shall follow the procedures of AS 47.30.839.

1 (d) In this section,

2 (1) "competent" means that the patient

3 (A) has the capacity to assimilate relevant facts and to appreciate and  
4 understand the patient's situation with regard to those facts, including the information  
5 described in (2) of this subsection;

6 (B) appreciates that the patient has a mental disorder or impairment, if the  
7 evidence so indicates; denial of a significantly disabling disorder or impairment, when  
8 faced with substantial evidence of its existence, constitutes evidence that the patient lacks  
9 the capability to make mental health treatment decisions;

10 (C) has the capacity to participate in treatment decisions by means of a  
11 rational thought process; and

12 (D) is able to articulate reasonable objections to using the offered  
13 medication;

14 (2) "informed" means that the evaluation facility or designated treatment facility  
15 has given the patient all information that is material to the patient's decision to give or withhold  
16 consent, including

17 (A) an explanation of the patient's diagnosis and prognosis, or their  
18 predominant symptoms, with and without the medication;

19 (B) information about the proposed medication, its purpose, the method  
20 of its administration, the recommended ranges of dosages, possible side effects and  
21 benefits, ways to treat side effects, and risks of other conditions, such as tardive  
22 dyskinesia;

23 (C) a review of the patient's history, including medication history and  
24 previous side effects from medication;

25 (D) an explanation of interactions with other drugs, including over-the-  
26 counter drugs, street drugs, and alcohol;

27 (E) information about alternative treatments and their risks, side effects,  
28 and benefits, including the risks of nontreatment; and

29 (F) a statement describing the patient's right to give or withhold consent  
30 to the administration of psychotropic medications in nonemergency situations, the  
31 procedure for withdrawing consent, and notification that a court may override the patient's

1 refusal;

2 (3) "voluntary" means having genuine freedom of choice; a choice may be  
3 encouraged and remain voluntary, but consent obtained by using force, threats, or direct or  
4 indirect coercion is not voluntary.

5 Sec. 47.30.838. PSYCHOTROPIC MEDICATION IN EMERGENCIES. (a) Except as  
6 provided in (c) of this section, an evaluation facility or designated treatment facility may  
7 administer psychotropic medication to a patient without the patient's informed consent, regardless  
8 of whether the patient is capable of giving informed consent, only if

9 (1) there is a crisis situation, or an impending crisis situation, that requires  
10 immediate use of the medication to preserve the life of, or prevent significant physical harm to,  
11 the patient or another person, as determined by a licensed physician or a registered nurse; the  
12 behavior or condition of the patient giving rise to a crisis under this paragraph and the staff's  
13 response to the behavior or condition must be documented in the patient's medical record; the  
14 documentation must include an explanation of alternative responses to the crisis that were  
15 considered or attempted by the staff and why those responses were not sufficient; and

16 (2) the medication is ordered by a licensed physician; the order

17 (A) may be written or oral and may be received by telephone, facsimile  
18 machine, or in person;

19 (B) may include an initial dosage and may authorize additional, as needed,  
20 doses; if additional, as needed, doses are authorized, the order must specify the  
21 medication, the quantity of each authorized dose, the method of administering the  
22 medication, the maximum frequency of administration, the specific conditions under  
23 which the medication may be given, and the maximum amount of medication that may  
24 be administered to the patient in a 24-hour period;

25 (C) is valid for only 24 hours and may be renewed by a physician for a  
26 total of 72 hours, including the initial 24 hours, only after a personal assessment of the  
27 patient's status and a determination that there is still a crisis situation as described in (1)  
28 of this subsection; upon renewal of an order under this subparagraph, the facts supporting  
29 the renewal shall be written into the patient's medical record.

30 (b) When a patient is no longer in the crisis situation that lead to the use of psychotropic  
31 medication without consent under (a) of this section, an appropriate health care professional shall

1 discuss the crisis with the patient, including precursors to the crisis, in order to increase the  
2 patient's and the professional's understanding of the episode and to discuss prevention of future  
3 crises. The professional shall seek and consider the patient's recommendations for managing  
4 potential future crises.

5 (c) If crisis situations as described in (a)(1) of this section occur repeatedly, or if it  
6 appears that they may occur repeatedly, the evaluation facility or designated treatment facility  
7 may administer psychotropic medication during no more than three crisis periods without the  
8 patient's informed consent only with court approval under AS 47.30.839.

9 Sec. 47.30.839. COURT-ORDERED ADMINISTRATION OF MEDICATION. (a) An  
10 evaluation facility or designated treatment facility may use the procedures described in this  
11 section to obtain court approval of administration of psychotropic medication if

12 (1) there have been, or it appears that there will be, repeated crisis situations as  
13 described in AS 47.30.838(a)(1) and the facility wishes to use psychotropic medication in future  
14 crisis situations; or

15 (2) the facility wishes to use psychotropic medication in a noncrisis situation and  
16 has reason to believe the patient is incapable of giving informed consent.

17 (b) An evaluation facility or designated treatment facility may seek court approval for  
18 administration of psychotropic medication to a patient by filing a petition with the court,  
19 requesting a hearing on the capacity of the person to give informed consent.

20 (c) A patient who is the subject of a petition under (b) of this section is entitled to an  
21 attorney to represent the patient at the hearing. If the patient cannot afford an attorney, the court  
22 shall direct the Public Defender Agency to provide an attorney. The court may, upon request of  
23 the patient's attorney, direct the office of public advocacy to provide a guardian ad litem for the  
24 patient.

25 (d) Upon the filing of a petition under (b) of this section, the court shall direct the office  
26 of public advocacy to provide a visitor to assist the court in investigating the issue of whether  
27 the patient has the capacity to give or withhold informed consent to the administration of  
28 psychotropic medication. The visitor shall gather pertinent information and present it to the court  
29 in written or oral form at the hearing. The information must include documentation of the  
30 following:

31 (1) the patient's responses to a capacity assessment instrument administered at the

1 request of the visitor;

2 (2) any expressed wishes of the patient regarding medication, including wishes  
3 that may have been expressed in a power of attorney, a living will, or oral statements of the  
4 patient, including conversations with relatives and friends that are significant persons in the  
5 patient's life as those conversations are remembered by the relatives and friends; oral statements  
6 of the patient should be accompanied by a description of the circumstances under which the  
7 patient made the statements, when possible.

8 (e) Within 72 hours after the filing of a petition under (b) of this section, the court shall  
9 hold a hearing to determine the patient's capacity to give or withhold informed consent as  
10 described in AS 47.30.837 and the patient's capacity to give or withhold informed consent at the  
11 time of previously expressed wishes regarding medication if previously expressed wishes are  
12 documented under (d)(2) of this section. The court shall consider all evidence presented at the  
13 hearing, including evidence presented by the guardian ad litem, the petitioner, the visitor, and the  
14 patient. The patient's attorney may cross-examine any witness, including the guardian ad litem  
15 and the visitor.

16 (f) If the court determines that the patient is competent to provide informed consent, the  
17 court shall order the facility to honor the patient's decision about the use of psychotropic  
18 medication.

19 (g) If the court determines that the patient is not competent to provide informed consent  
20 and, by clear and convincing evidence, was not competent to provide informed consent at the  
21 time of previously expressed wishes documented under (d)(2) of this section, the court shall  
22 approve the facility's proposed use of psychotropic medication. The court's approval under this  
23 subsection applies to the patient's initial period of commitment if the decision is made during that  
24 time period. If the decision is made during a period for which the initial commitment has been  
25 extended, the court's approval under this subsection applies to the period for which commitment  
26 is extended.

27 (h) If an evaluation facility or designated treatment facility wishes to continue the use  
28 of psychotropic medication without the patient's consent during a period of commitment that  
29 occurs after the period in which the court's approval was obtained, the facility shall file a request  
30 to continue the medication when it files the petition to continue the patient's commitment. The  
31 court that determines whether commitment shall continue shall also determine whether the patient

1 continues to lack the capacity to give or withhold informed consent by following the procedures  
2 described in (b) - (e) of this section. The reports prepared for a previous hearing under (e) of  
3 this section are admissible in the hearing held for purposes of this subsection, except that they  
4 must be updated by the visitor and the guardian ad litem.

5 (i) If a patient for whom a court has approved medication under this section regains  
6 competency at any time during the period of the patient's commitment and gives informed  
7 consent to the continuation of medication, the evaluation facility or designated treatment facility  
8 shall document the patient's consent in the patient's file in writing.

9 \* Sec. 9. AS 47.30.840(a) is amended to read:

10 (a) A person undergoing evaluation or treatment under AS 47.30.660 - 47.30.915

11 (1) may not be photographed without the person's consent and that of the person's  
12 guardian if a minor, except that the person may be photographed upon admission to a facility for  
13 identification and for administrative purposes of the facility; all photographs shall be confidential  
14 and may only be released by the facility to the patient or the patient's designee unless a court  
15 orders otherwise;

16 (2) at the time of admission to an evaluation or treatment facility, shall have  
17 reasonable precautions taken by the staff to inventory and safeguard the patient's personal  
18 property; a copy of the inventory signed by the staff member making it shall be given to the  
19 patient and made available to the patient's attorney and any other person authorized by the  
20 patient to inspect the document;

21 (3) shall have access to an individual storage space for the patient's private use  
22 while undergoing evaluation or treatment;

23 (4) shall be permitted to wear personal clothing, to keep and use personal  
24 possessions including toilet articles if they are not considered unsafe for the patient or other  
25 patients who might have access to them, and to keep and be allowed to spend a reasonable sum  
26 of the patient's own money for the patient's needs and comfort;

27 (5) shall be allowed to have visitors at reasonable times;

28 (6) shall have ready access to letter writing materials, including stamps, and have  
29 the right to send and receive unopened mail;

30 (7) shall have reasonable access to a telephone, both to make and receive  
31 confidential calls;

- 1 (8) has the right to be free of corporal punishment;  
2 (9) has the right to reasonable opportunity for indoor and outdoor exercise and  
3 recreation;  
4 (10) has the right, at any time, to have a telephone conversation with or be visited  
5 by an attorney;  
6 (11) may not be retaliated against or subjected to any adverse change of  
7 conditions or treatment solely because of assertion of rights under this section.

8 \* Sec. 10. AS 47.30 is amended by adding a new section to read:

9 Sec. 47.30.847. PATIENTS' GRIEVANCE PROCEDURES. (a) A patient has the right  
10 to bring grievances about the patient's treatment, care, or rights to an impartial body within an  
11 evaluation facility or designated treatment facility.

12 (b) An evaluation facility and a designated treatment facility shall have a formal  
13 grievance procedure for patient grievances brought under (a) of this section. The facility shall  
14 inform each patient of the existence and contents of the grievance procedure.

15 (c) An evaluation facility and a designated treatment facility shall have a designated staff  
16 member who is trained in mental health consumer advocacy who will serve as an advocate, upon  
17 a patient's request, to assist the patient in bringing grievances or pursuing other redress for  
18 complaints concerning care, treatment, and rights.

19 \* Sec. 11. AS 47.30.850 is amended to read:

20 Sec. 47.30.850. EXPUNGING OR SEALING [EXPUNGEMENT OF] RECORDS.

21 Following the discharge of a respondent from a treatment facility or the issuance of a court order  
22 denying a petition for commitment, the respondent may at any time move to have all court  
23 records pertaining to the proceedings expunged on condition that the respondent file a full release  
24 of all claims of whatever nature arising out of the proceedings and the statements and actions of  
25 persons and facilities in connection with the proceedings. Upon the filing of the motion and  
26 full release, the court shall order the court records either expunged or sealed, whichever  
27 the court considers appropriate under the circumstances.

28 \* Sec. 12. AS 47.30.825(e) is repealed.

***SB 153, An Act relating to mental health treatment and evaluation facilities and patients or former patients of those facilities.***

Senator Pat Pourchot

- ⊙ The State of Alaska has been the target of expensive litigation brought by individuals who were medicated against their will while undergoing evaluation or treatment for mental illness. In one recent case, a woman was awarded \$225,000 in a judgement against the state and API.
- ⊙ As a result of a similar suit brought in 1988, the State Task Force on Involuntary Medication was established. The task force members are state and private attorneys, mental health professionals and advocates. SB 153 is the statutory implementation of the task force's recommendations. The legislation resolves the issues raised in *Branson v. State of Alaska* (3AN 87-9988 CIV.) and is aimed at protecting the state from future suits while ensuring the rights of persons undergoing treatment for mental illness.
- ⊙ Specifically, SB 153 requires that an individual receive a hearing to determine their capacity to give informed consent to medication. If it is established that the person lacks such capacity, then the court must approve the medication. **Persons who have the capacity to give informed consent cannot be medicated against their will in non-emergencies.**
- ⊙ In addition, this bill guarantees a patient's right to third party representation and access to recreational, vocational, educational and social opportunities. Patients also have the right to bring grievances before an impartial body within the facility.
- ⊙ Representatives of the Department of Health and Social Services, the Alaska Mental Health Board, and Advocacy Alaska have all testified strongly in favor of this legislation.

## **SB 153, "An Act relating to mental health."**

SB 153 protects the rights of patients in evaluation and designated treatment facilities.

**Section 1** provides that facilities will consider the social, vocational, educational and recreational needs of patients as well as their psychological needs.

**Section 2** requires all facilities to administer treatment and medication only in a manner consistent with these statutes.

**Section 3** allows an involuntary outpatient to be ordered to undergo inpatient treatment when the treatment provider determines that the patient is mentally ill and a danger to themselves or others. Inpatient treatment order must be consistent with existing statutes that define involuntary commitment hearing rights.

**Section 4** expands by two the number of persons a patient may have participate in formulating their individualized treatment plan. Representatives may now include a mental health professional previously working with the patient outside of the facility as well as another adult representative of the patient's choice.

**Section 5** directs that, when practicable, a patient's preference among forms of medically advisable restraints including medication shall be **honored**.

**Section 6:** In non-crisis situations, a patient capable of giving informed consent has the right to give or withhold that consent to medication and treatment. Crisis and impending crisis situations are described in AS 47.30.838(a)(1).

**Section 7** describes when and how psychotropic medications can be used in emergency and non-emergency situations. "Informed consent" is defined in detail. A procedure is established for court-ordered administration of medication.

**Section 8** establishes a patient's right to a **reasonable opportunity for indoor and out door** exercise and recreation.

**Section 9** provides for a patient's grievance procedure and requires each facility to designate a staff member to be trained in patient advocacy and to represent the patient in grievance proceeding.

**Section 10** amends and clarifies the process of expungement of records of commitment hearings and proceedings.

**Section 11** repeals superseded statutes.

TASK FORCE REPORT ON USE OF  
INVOLUNTARY MEDICATION  
(October 30, 1990)

HISTORY

The Involuntary Medication Task Force, (Task Force), has met for the past year and a half to address the issues surrounding a civilly committed psychiatric patient's right to give or withhold informed consent to the administration of psychoactive medication. The Task Force was formed in response to, and in hopes of settling, the legal issues raised in Branson v. State of Alaska, 3AN 87-9988 (CIV.)

API

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STATEMENT OF PURPOSE

The Task Force has formulated a policy on the use of psychoactive medications for civilly committed psychiatric patients who withhold informed consent to such medication. The Task Force has attempted to create a procedure which maximizes patient dignity and autonomy, and recognizes the significant liberty interests involved. It is the Task Forces' hope that the procedures and philosophies embodied in these policies encourage and support sound medical practice, and provide a framework for valuing the personal autonomy of the patient in often difficult circumstances.

POLICIES AND PROCEDURES

I. THE RIGHT TO WITHHOLD CONSENT

It is the Task Forces opinion that civilly committed patients not adjudicated incapacitated to make decisions regarding mental health treatment have the right to give or withhold consent to the administration of psychoactive medications in non-emergency situations.

II. EMERGENCY SITUATIONS

"Emergency" means an impending or crisis situation which creates circumstances demanding immediate action for preservation of life or prevention of significant physical harm to the person or others as determined by a licensed physician or a registered nurse.

This is the procedure to be followed in an emergency when a person is refusing medications:

- A. Medication may be administered if ordered in advance by a licensed physician. Such an order may be written, verbal, or telephonic. Emergency medications orders may include a "now" or "stat" dose plus p.r.n. (or "as necessary") doses. P.r.n. medications orders must specify the medications, the milligram dosages (or ml/cc if

**SB 153**