

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 896

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 362

Revision Date: 02/22/92
Title: An Act Pertaining to Qualifications for
Permanent Fund Dividends
Sponsor: Senator Craft
Requestor: Senate Finance Committee

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: 1 Elections Operations

COMPONENT SERIAL NO.

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

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	16.0	16.0	16.0	16.0	16.0	16.0

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

GENERAL FUND	16.0	16.0	16.0	16.0	16.0	16.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This figure reflects the costs of preparing a two page voter registration insertion for the 1993 and subsequent years' Permanent Fund Dividend Application booklets. The voter registration form will be color distinct from the Permanent Fund Dividend application form and will be clearly defined as a voter registration form only. Forms will be designed so that when folded the voter can seal the form and place a stamp on it and mail it back to the Division of Elections.

Prepared by: Laura A. Gleiser, Projects Coordinator
Division: Elections

Phone: 465-4611
Date: 02/22/92

Approved by Commissioner: _____
Agency: Office of the Governor

Date: 02/22/92

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 362 (SA)

Revision Date: February 24, 1992
Title: An Act relating to qualifica-
tions for permanent fund dividends
Sponsor: Craft
Requestor: Senate Finance

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None.

ANALYSIS: See attached.

Prepared By: Thomas C. Williams Phone: 465-2323
Division: Permanent Fund Dividend Division Date: February 24, 1992

Approved by Commissioner: [Signature] Date: [Signature]
Agency: Revenue

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

ALASKA DEPARTMENT OF REVENUE
 PERMANENT FUND DIVIDEND DIVISION
CSSB 362 (SA) ANALYSIS
 As of February 24, 1992

This fiscal note is based on the following assumptions.

1. The intent of this legislation is to have the Department of Revenue provide a voter's registration form in each application booklet or to make them available at the Dividend Information Offices.
2. The Division of Elections will prepare a two page insertion for the 1993 and subsequent year Permanent Fund Dividend application booklets that would have two preaddressed postcard registration forms. The insertion will be a color distinct from the Permanent Fund Dividend application form.
3. The postcard form will clearly instruct registrants to mail the forms directly to the Division of Elections. Consequently, the vast majority of registrants will return their registration form to the Division of Elections instead of returning it to the Department of Revenue with their permanent fund dividend applications.
4. The cost of printing voter registration forms, inserting two additional pages in the application booklet and transferring voter registration forms to and from the Department of Revenue will be born by the Division of Elections, not the Department of Revenue. The Division of Elections will enter into a \$16,000 Reimbursable Services Agreement with the Department of Revenue to provide funding for two pages to be inserted in the dividend booklet.

Contractual Services

Post Office Distribution	285,000
Out of State, Community and Dividend Information Office Distribution	<u>45,000</u>
Total Booklets	<u>330,000</u>

2 additional pages	\$16.0
Additional postage	<u>-0-</u>

<u>Total Contractual Services</u>	<u>\$16.0</u>
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5. Because of the uniqueness of voter registrations, the Department does not object to the enclosure of this form in the Permanent Fund Dividend booklet. However, the Department would oppose the enclosure of any other non-Permanent Fund Dividend related forms.

CS FOR SENATE BILL NO. 362 (STATE AFFAIRS)(title am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 3/3/92
Offered: 2/12/92

Sponsor(s): SENATOR CRAFT

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring the inclusion of voter registration forms with permanent fund dividend
2 applications; and providing for an effective date."

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

4 * Section 1. AS 43.23 is amended by adding a new section to read:

5 Sec. 43.23.016. VOTER REGISTRATION. The commissioner shall include voter
6 registration forms prepared under AS 15.07.070(b) with permanent fund dividend applications.

7 * Sec. 2. This Act takes effect January 1, 1993.

ALASKA STATE LEGISLATURE

119 North Cushman, #201
Fairbanks, Alaska 99701
(907) 452-4882
Fax: 452-3254

Room 125, State Capitol
Juneau, Alaska 99801-1182
(907) 465-3834
Fax: 586-6246

Shirley Craft

Alaska State Senator

To: Representative Mike Navarre
Co-Chair, House Finance Committee

From: Senator Shirley Craft *Shirley*

Date: March 19, 1992

Re: CS SB 362 (STA) (Title Am); an act requiring the inclusion of voter registration forms with permanent fund dividend applications; and providing an effective date.

I would appreciate your committee's prompt hearing of SB 362. Effectively, all this bill does is to stipulate that the Department of Revenue will enclose within the Permanent Fund Dividend Applications voter registration forms.

The purpose of this legislation is extremely simple. The number of Alaskans registered to vote in the 1990 election was 300,569. This number has dropped to 287,569 as of January 2, 1992. The Permanent Fund Dividend Division received 359,450 adult applications for a dividend by the end of 1991. With over a 71,000 person difference between those eligible to vote and those who are currently registered, I think it is necessary that we take some type of action. While it might be a concern with some members of the House State Affairs Committee that the application be kept as pure as possible, I believe that the state should be willing to go to any length to place before the people a chance to register to vote. Considering the requirements to receive a permanent fund check are more stringent than those to register to vote, I think it is only natural that voter registration forms be included within the applications.

The bill has a fiscal note of \$16,000 from the Division of Elections. These costs are associated with placing two voter registration forms in the application packets sent to households.

Please do not hesitate in contacting Tom Brice of my staff at X3834 if you have any questions.

Thank you

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

February 5, 1992

Senator Shirley Craft
P.O. Box V
Juneau, Alaska 99811

Dear Senator Craft:

The Division of Elections would like to express our support of Senate Bill 362, "An act relating to permanent fund dividend applications; and providing for an effective date."

The inclusion of a voter registration form in the Permanent Fund Dividend application will provide Alaskans with an opportunity to easily access the voter registration process. It will help those wishing to register for the first time, those who have moved and need to inform the Division of their change in address, and it will remind all Alaskans of their commitment to vote.

We have worked with the Permanent Fund Division on various projects and have formed a good working relationship. As recently as early January we spoke with Tom Williams, Director of the Permanent Fund Dividend Division and considered the possibility of including a voter registration form with the 1992 Permanent Fund applications.

Unfortunately, due to fiscal constraints resulting from Reapportionment costs for which we have not been reimbursed, we can not implement a program of this nature before 1994. While we are excited about this legislation and look forward to working with the Permanent Fund Dividend Division, the only way we can implement this program by January 1, 1993 is if there are funds appropriated with the bill to account for the costs.

Senator Craft, the Division of Elections supports your efforts to include voter registration forms in the Permanent Fund Dividend Application. If you have further questions, or if I can be of assistance in any way, please don't hesitate to call.

Sincerely,



Charlot E. Thickett
Director



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA
P. O. BOX AA
JUNEAU 99811-0111
(907) 465-3520

February 5, 1992

Senator Shirley Craft
P.O. Box V
Juneau, Alaska 99811

Dear ~~Senator Craft~~: *Shirley*

I would like to express my support for SB 362, "An act relating to permanent fund dividend applications; and providing for an effective date."

I have always been a strong advocate for encouraging Alaskans to exercise their right to vote, and I regard this legislation as a significant attempt at increasing voter registration and awareness.

While I support your legislation, I have one concern. It is extremely important to me that Alaskans do not have the impression that receipt of the Permanent Fund Dividend is contingent on one's voter registration. It is my belief that registering to vote is a right and a privilege. I know that is not your intent Senator, but I feel I should let you know my position. I am sure the necessary steps can be taken to prevent any misunderstandings on the part of Dividend application recipients.

Additionally, I would suggest that the Legislature appropriate the necessary funds to make this project a reality for the January 1, 1993 effective date. In the years that follow the Division of Elections will be able to budget for this project, but in order to meet this effective date they will have to rely on a legislative appropriation. I wholeheartedly endorse the investment in increasing access to voter registration, and encourage the Legislature to fund this project.

Senator Craft, I hope that your colleagues in the Legislature will join me in enthusiastically supporting this endeavor.

Sincerely,

John B. "Jack" Coghill
Lieutenant Governor



Democratic Party of Alaska

February 6, 1992

Sen. Shirley Craft
State Capitol
Juneau, AK 99801

Dear Sen. Craft:

I am writing on behalf of the Alaska Democratic Party to express our support for SB 362 on adding a voter registration form to the permanent fund dividend application.

The Democratic Party has always supported and encouraged any means by which voter participation is increased. The ease with which the public is able to register to vote will increase voter turnout and when people vote they are more interested in what is going on in government. Public participation at all levels of government is what makes a democracy work.

Sen. Craft, please let us know if there is anything further that we can do to promote this legislation.

Sincerely,

Rhonda Roberts
State Chair

(907) 258-3050

P.O. Box 10-4199 · 1443 West Northern Lights, Suite J · Anchorage, Alaska 99510

SB362

SENATE FINANCE COMMITTEE REPORT

DATE: 2/12/92

FURTHER:

DATE TURNED INTO OFFICE: 2-25-92

The Finance Committee considered

SENATE BILL NO. 362

"An Act relating to permanent fund dividend applications; and providing for an effective date."

and recommends:

replace with _____ CS _____ (FINANCE)
or adopt previous _____ CS SB 362 (SA)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts Senate State Affairs Letter of Intent
 further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes DOR & 2-24-92

fiscal notes Gov./Elections 116.0 2-24-92

appropriation--no fiscal note

DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
1. [Signature]
Co-Chair: Signature/Recommendation

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

OTHER RECOMMENDATIONS:

2. [Signature] do pass
Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 362 (SA)

Revision Date: February 24, 1992
Title: An Act relating to qualifica-
tions for permanent fund dividends
Sponsor: Craft
Requestor: Senate Finance

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend
Division
COMPONENT SERIAL NO. 0 8 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: See attached.

Prepared By: Thomas C. Williams Phone: 465-2323
Division: Permanent Fund Dividend Division Date: February 24, 1992

Approved by Commissioner: [Signature] Date: [Signature]
Agency: Revenue

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

ALASKA DEPARTMENT OF REVENUE
 PERMANENT FUND DIVIDEND DIVISION
CSSB 362 (SA) ANALYSIS
 As of February 24, 1992

This fiscal note is based on the following assumptions.

1. The intent of this legislation is to have the Department of Revenue provide a voter's registration form in each application booklet or to make them available at the Dividend Information Offices.
2. The Division of Elections will prepare a two page insertion for the 1993 and subsequent year Permanent Fund Dividend application booklets that would have two preaddressed postcard registration forms. The insertion will be a color distinct from the Permanent Fund Dividend application form.
3. The postcard form will clearly instruct registrants to mail the forms directly to the Division of Elections. Consequently, the vast majority of registrants will return their registration form to the Division of Elections instead of returning it to the Department of Revenue with their permanent fund dividend applications.
4. The cost of printing voter registration forms, inserting two additional pages in the application booklet and transferring voter registration forms to and from the Department of Revenue will be born by the Division of Elections, not the Department of Revenue. The Division of Elections will enter into a \$16,000 Reimbursable Services Agreement with the Department of Revenue to provide funding for two pages to be inserted in the dividend booklet.

Contractual Services

Post Office Distribution	285,000	
Out of State, Community and Dividend Information Office Distribution	<u>45,000</u>	
Total Booklets	<u>330,000</u>	
2 additional pages		\$16.0
Additional postage		<u>-0-</u>
<u>Total Contractual Services</u>		<u>\$16.0</u>

5. Because of the uniqueness of voter registrations, the Department does not object to the enclosure of this form in the Permanent Fund Dividend booklet. However, the Department would oppose the enclosure of any other non-Permanent Fund Dividend related forms.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 362

Revision Date: 02/22/92
Title: An Act Pertaining to Qualifications for
Permanent Fund Dividends
Sponsor: Senator Craft
Requestor: Senate Finance Committee

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: Elections Operations

COMPONENT SERIAL NO.

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

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	16.0	16.0	16.0	16.0	16.0	16.0

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

GENERAL FUND	16.0	16.0	16.0	16.0	16.0	16.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This figure reflects the costs of preparing a two page voter registration insertion for the 1993 and subsequent years' Permanent Fund Dividend Application booklets. The voter registration form will be color distinct from the Permanent Fund Dividend application form and will be clearly defined as a voter registration form only. Forms will be designed so that when folded the voter can seal the form and place a stamp on it and mail it back to the Division of Elections.

Prepared by: Laura A. Gloiser, Projects Coordinator
Division: Elections

Phone: 465-4611
Date: 02/22/92

Approved by Commissioner: _____
Agency: Office of the Governor

Date: 02/22/92

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



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

Senate State Affairs Committee

LETTER OF INTENT

CSSB-362 (STA)

Providing voter registration forms
with permanent fund dividend applications

Legislators are eager to encourage voter registration and find the availability of the dividend application to be one of the best methods to promote voter registration. At the same time, the legislature is concerned that Alaskans not confuse registering to vote with filing their dividend application, or the reverse, or assume that one is dependant upon the other. It is the intent of the legislature that the Department of Revenue and the Division of Elections make every reasonable effort to minimize any confusion.

It is further the intent of the legislature that the Department of Revenue and the Division of Elections report to the legislature as to the success or failure of distributing voter registration forms with permanent fund dividend applications after the plan has been in effect for at least two years.

The legislature, while desiring to promote voter registration, does not wish to encourage the inclusion of other state forms with the dividend application.

CS FOR SENATE BILL NO. 362 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/12/92
Referred: Finance

Sponsor(s): SENATOR CRAFT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend applications; and providing for an effective
2 date."

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

4 * Section 1. AS 43.23 is amended by adding a new section to read:

5 Sec. 43.23.016. VOTER REGISTRATION. The commissioner shall include voter
6 registration forms prepared under AS 15.07.070(b) with permanent fund dividend applications.

7 * Sec. 2. This Act takes effect January 1, 1993.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. 1
 B(ersion: SB 362
 (S) Publish Date: 2-12-92
 Agency Affected: Revenue
 BRU: Permanent Fund Dividend Division
 Components: Permanent Fund Dividend
Division
 COMPONENT SERIAL NO. 9 8 1

Revision Date: _____
 Title: An Act relating to qualifica-
tions for permanent fund dividends
 Sponsor: Craft
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	16.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.0	16.0	16.0	16.0	16.0	16.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (INTERAGENCY)	16.0	16.0	16.0	16.0	16.0	16.0
TOTAL	16.0	16.0	16.0	16.0	16.0	16.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None.

ANALYSIS: See attached.

Prepared By: Thomas C. Williams Phone: 465-2323
 Division: Permanent Fund Dividend Division Date: February 10, 1992

Approved by Commissioner: David [Signature]
 Agency: Revenue Date: 2/10/92

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

page 1 of 2

Changes in SSB-362 (5th)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.

2/11/92 /date WTC /Comte Aide (initials)

ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
SB 362 ANALYSIS
As of February 10, 1992

This fiscal note is based on the following assumptions.

1. The intent of this legislation is to have the Department of Revenue provide a voter's registration form in each application booklet or to make them available at the Dividend Information Offices.
2. The Division of Elections will prepare a two page insertion for the 1993 and subsequent year Permanent Fund Dividend application booklets that would have two prepaid postage postcard registration forms. The insertion will be a color distinct from the Permanent Fund Dividend application form.
3. The postcard form will instruct registrants to mail the forms directly to the Division of Elections. Consequently, the vast majority of registrants will return their registration form to the Division of Elections instead of returning it to the Department of Revenue with their permanent fund dividend applications.
4. The cost of printing voter registration forms, inserting two additional pages in the application booklet and transferring voter registration forms to and from the Department of Revenue will be born by the Division of Elections, not the Department of Revenue.
5. Because of the uniqueness of voter registrations, the Department does not object to the enclosure of this form in the Permanent Fund Dividend booklet. However, the Department would oppose the enclosure of any other non-Permanent Fund Dividend related forms.

Contractual Services

Post Office Distribution	285,000	
Out of State, Community and Dividend Information Office Distribution	<u>45,000</u>	
Total Booklets	<u>330,000</u>	
2 additional pages		\$16.0
Additional postage		<u>-0-</u>
<u>Total Contractual Services</u>		<u>\$16.0</u>

AMENDMENT

TO: CS SB 362 (STA)
OFFERED BY; Senator Pourchot
DATE: February 25, 1992

Page 1, Line 6:

Following the word "with:

INSERT the

ALASKA STATE LEGISLATURE


119 North Cushman, #201
Fairbanks, Alaska 99701
(907) 452-4882
Fax: 452-3254



Room 125, State Capitol
Juneau, Alaska 99801-1182
(907) 465-3834
Fax: 586-6246

Shirley Craft
Alaska State Senator

To: Senator Pat Pourchot, Co-Chair
Senate State Affairs Committee

From: Senator Shirley Craft 

Date: February 13, 1992

Re: CS SB 362 (STA); An act relating to the permanent fund
dividend applications.

I would appreciate your scheduling CS SB 362 (STA) for a hearing in the Senate Finance Committee.

The purpose of this legislation is extremely simple. The number of registered voters eligible to vote in the 1990 election was 300,569. This number has dropped to 287,569, as of January 2, 1992. While it might be a concern with some members of the Senate that the application for the Permanent Fund Dividend be kept pure, I believe that the state is facing a crisis in voter apathy. The Permanent Fund Division received 359,450 adult applications as of the end of 1991. This leaves over 71,000 possible eligible voters who, for one reason or another, are not registered. Considering the requirements for eligibility, the Permanent Fund's are more stringent than those to vote. For this state to sit back and idly watch the number of registered voters dwindle without attempting to turn this trend around is untenable. I believe that implementation of this legislation will provide yet another valuable avenue of access to the state's voting process.

The bill has a fiscal note of \$16,000 from the Permanent Fund Dividend Division. These cost are associated with placing two voter registration forms in the application packets sent to households. The Division of Elections said that they would incur no cost due to the fact that the person registering would have to provide their own return postage.

Please do not hesitate in contacting Tom Brice of my staff at x3834 for more information.

Thank you.

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

February 5, 1992

Senator Shirley Craft
P.O. Box V
Juneau, Alaska 99811

Dear Senator Craft:

The Division of Elections would like to express our support of Senate Bill 362, "An act relating to permanent fund dividend applications; and providing for an effective date."

The inclusion of a voter registration form in the Permanent Fund Dividend application will provide Alaskans with an opportunity to easily access the voter registration process. It will help those wishing to register for the first time, those who have moved and need to inform the Division of their change in address, and it will remind all Alaskans of their commitment to vote.

We have worked with the Permanent Fund Division on various projects and have formed a good working relationship. As recently as early January we spoke with Tom Williams, Director of the Permanent Fund Dividend Division and considered the possibility of including a voter registration form with the 1992 Permanent Fund applications.

Unfortunately, due to fiscal constraints resulting from Reapportionment costs for which we have not been reimbursed, we can not implement a program of this nature before 1994. While we are excited about this legislation and look forward to working with the Permanent Fund Dividend Division, the only way we can implement this program by January 1, 1993 is if there are funds appropriated with the bill to account for the costs.

Senator Craft, the Division of Elections supports your efforts to include voter registration forms in the Permanent Fund Dividend Application. If you have further questions, or if I can be of assistance in any way, please don't hesitate to call.

Sincerely,



Charlot E. Thickstun
Director



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA
P. O. BOX AA
JUNEAU 99811-0111
(907) 465-3520

February 5, 1992

Senator Shirley Craft
P.O. Box V
Juneau, Alaska 99811

Dear Senator ~~Craft~~: *Shirley*

I would like to express my support for SB 362, "An act relating to permanent fund dividend applications; and providing for an effective date."

I have always been a strong advocate for encouraging Alaskans to exercise their right to vote, and I regard this legislation as a significant attempt at increasing voter registration and awareness.

While I support your legislation, I have one concern. It is extremely important to me that Alaskans do not have the impression that receipt of the Permanent Fund Dividend is contingent on one's voter registration. It is my belief that registering to vote is a right and a privilege. I know that is not your intent Senator, but I feel I should let you know my position. I am sure the necessary steps can be taken to prevent any misunderstandings on the part of Dividend application recipients.

Additionally, I would suggest that the Legislature appropriate the necessary funds to make this project a reality for the January 1, 1993 effective date. In the years that follow the Division of Elections will be able to budget for this project, but in order to meet this effective date they will have to rely on a legislative appropriation. I wholeheartedly endorse the investment in increasing access to voter registration, and encourage the Legislature to fund this project.

Senator Craft, I hope that your colleagues in the Legislature will join me in enthusiastically supporting this endeavor.

Sincerely,

John B. "Jack" Coghill
Lieutenant Governor

SB363

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 6, 1992 FURTHER REFERRALS:

Date of Committee Action: 5/8/92

The FINANCE Committee considered:

CSSB 363(L&C)

CS FOR SENATE BILL NO. 363 (L&C)

POSTING SEXUAL HARASSMENT INFORMATION

"An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment."

RECOMMENDATIONS:

be replaced with HCS CSSB 363 (Fin) 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) Gov 3/16/92

zero fiscal note Labor

zero fiscal note(s) DOA 3/16/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mark Barn Boyer</u>	X				
<u>Jan Krohn Brown</u>	✓				
<u>Kobone Koonen</u>	✓				
<u>Bob King Beard</u>	✓				
<u>Red E. Roe Phillip</u>	✓				
<u>Ronald J. Larson Larson</u>	X				
<u>J. Ulmer Ulmer</u>	X				

Mark Boyer V-Chair
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : HCS CSSB 363 (L&C)

Revision Date: _____
 Title: "An Act requiring certain employers
 to post information on ... sexual harassment."
 Sponsor: Senator Uehling, et.al.
 Requestor: House Finance

Department Affected: Labor
 BRU: ALL
 Component: ALL

COMPONENT SERIAL NO. _____

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	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

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						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Arbe Williams, Special Assistant Phone : 465-2700
 Division: Commissioner's Office Date : 5/7/92

Approved by Commissioner: C. W. Mahlen
 Agency: Department of Labor Date: 5/7/92

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

STATE OF ALASKA
1992 LEGISLATIVE SESSION

DRAFT

Revision Date: _____ Department Affected: Office of the Governor
 Title: Posting of Information on Sexual Harassment BRU: Commissions/Special Offices
 Component: Human Rights Commissions
 Sponsor: Senators UEHLING, Murgulevski, Ročev, Collins
 Requestor: Senator UEHLING COMPONENT SERIAL NO.

0	0	0	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.9	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	5.6	1.0	1.0	1.0	1.0	1.0
SUPPLIES	3.2	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	9.7	2.5	2.5	2.5	2.5	2.5

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.7	2.5	2.5	2.5	2.5	2.5
FEDERAL FUNDS	-	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	9.7	2.5	2.5	2.5	2.5	2.5

POSITIONS:

FULL-TIME	-	0	0	0	0	0
PART-TIME	-	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached detail of expenditure.

Prepared By: Paula M. Halev, Executive Director Phone: 276-7474 x241

Division: Alaska State Commission for Human Rights Date: _____

Approved by Commissioner: _____

Agency: _____ Date: _____

**Detail of Expenditures
Fiscal Note to CSSB363**

Posting of Information on Sexual Harassment

Personal Services

Temporary clerical and administrative support (10 days at Clerk Typist III level)	.9
--	----

Contractual Services

Prepare camera-ready copy	.1	
Print 50,000 copies (Central Duplication)	2.5	
Postage	3.0	
		5.6

Supplies

Mailing tubes and labels; office supplies	<u>3.2</u>
---	------------

Total Estimated Cost*	9.7
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*Assumes no mass mailing. Agency would await inquiries and send out information as requested. FY93-98 assumes new requests and requests for replacement information.

2 of 2

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 1

Bill Version: SB 363

(S) Publish Date: 3-16-92

Revision Date: _____

Title: An Act requiring certain employers to post information concerning sexual harassment.

Sponsor: Uehling

Requestor: Senate Labor and Commerce Committee

Department Affected: Personnel/OEEO

BRU: Personnel/OEEO

Component: Personnel/OEEO

COMPONENT SERIAL NO.

		5	6
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Assumes that the required posters will be provided to the department for distribution to State at _____

Changes in CSSB 363 (L+C) have no fiscal impact. This fiscal note is appropriate.

3-13-92 date BM by [Signature] Comte Aide (initial)

Prepared by: R. H. King
Division: Personnel/OEEO

Phone: 465-4430
Date: January 31, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 2/4/92

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

HOUSE CS FOR CS FOR SENATE BILL NO. 363 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
 Referred:

Sponsor(s): SENATORS UEHLING, Sturgulewski, Rodey, Collins, Pourchot, Zharoff, Duncan, Menard, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring certain employers to post information on inquiries and complaints
 2 concerning sexual harassment."

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

4 * Section 1. AS 23.10 is amended by adding a new section to read:

5 Sec. 23.10.440. POSTING OF INFORMATION ON SEXUAL HARASSMENT. (a) An
 6 employer shall post in the workplace a notice prepared by the State Commission for Human
 7 Rights that

8 (1) sets out the federal definition of sexual harassment;

9 (2) advises employees of the name, address, and telephone number of the state
 10 and federal agencies to which inquiries and complaints concerning sexual harassment may be
 11 made; and

12 (3) sets out the deadlines for filing a complaint of sexual harassment with the
 13 agencies listed in (2) of this subsection.

14 (b) The employer shall select prominent and accessible locations for posting the notice

1 that will permit each of the employees of the employer to read the notice during the course of
2 their regular employment duties.

3 (c) The State Commission for Human Rights shall prepare and make available to
4 employers notices that meet the requirements of this section.

5 (d) The department may impose a civil fine not to exceed \$500 on an employer for
6 violation of this section.

7 (e) In this section, "employer" means an employer that employs 15 or more employees
8 at one time and includes the state, the University of Alaska, the Alaska Railroad Corporation, and
9 political subdivisions of the state.

10 * Sec. 2. AS 23.10.440 is repealed January 1, 2007.

HUMAN RIGHTS COMMISSION

INVESTIGATIONS
800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3628
PHONE: (907) 274-4692

March 27, 1992

Senator Rick Uehling
Room 512, Capitol
P. O. Box V
Juneau, AK 99811

Re: **Senate Bill No. 363**

Dear Senator Uehling,

The Alaska State Commission for Human Rights held its Annual Meeting February 27th and 28th in Juneau, during which the Commissioners considered SB363 "An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment." The Commission wishes to convey its full support of this legislation and funding thereof.

Sincerely,



Rex A. Okakok
Chairperson

RAO/mt

Current legislative policies
STATE OF ALASKA

THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

P O BOX 7, STATE CAPITOL
JUNEAU, ALASKA 99811
907 485-3800

MEMORANDUM

TO: All Legislators, and to Legislative and Agency Staff

FROM: *Sally Smith*
Sally Smith
Personnel and EEO Officer

SUBJECT: Sexual Harassment

DATE: October 21, 1991

With the subject of sexual harassment so prominently in the spotlight, you may have questions about how the legislative branch would handle such an issue.

Sexual harassment is defined by the U.S. Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While the federal Equal Employment Opportunity Commission (EEOC) enforces federal laws which prohibit discrimination, elected officials of a state or political subdivision and their personal staff members are excluded from provisions of the enabling Civil Rights Act. They are, however, subject to broader nondiscrimination provisions of Alaska State law.

Alaska statutes[†] define harassment as:

unwanted conduct or communication by a supervisor, co-worker, or nonemployee in the work place which is based on the sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of an individual and which adversely affects the employment relationship or working environment. This includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing and other verbal or physical conduct.

Rather than the State's EEO office, it is the State Commission for Human Rights which has the authority to investigate any complaints concerning discrimination that emanate from Alaska's legislative branch.

As your EEO officer, I am available to answer questions related to your rights as an employee or supervisor and to provide you with any assistance in working through your concerns. You are encouraged to contact me at the earliest possible time so that we may understand and resolve issues before they escalate into problems. I would hope that no one of us would ever face the situation--on either side--that was witnessed by the nation last week.

**The memo is incorrect. The definition is in Admin. Order 81 - see sample notice on the last page.*

This is the information that would be posted under SB 363.

**Federal Equal Employment Opportunity Commission
(EEOC) Definition of Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

A person has 300 days from the date of the incident to report a sexual harassment complaint.

All sexual harassment complaints need to be reported to the Alaska State Commission on Human Rights, 800 'A' Street, Suite 204, Anchorage, AK 99501.

**Administrative
Order No. 81**

1984

DEPARTMENT OF ALASKA

serve a legitimate management purpose.

3. DEFINITIONS

3.1 Harassment: Unwanted communication and/or conduct by a supervisor, co-worker or non-employee in the workplace which adversely affects the employment relationship or working environment for the employee or applicant for employment and is based on the sex, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy or parenthood of that individual. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

3.2 Sexual harassment: Addressed and defined by the U.S. Equal Employment Opportunity Commission in the Federal Guidelines on Discrimination Because of Sex published on November 10, 1980, and codified as 29 CFR Section 1604.11, sexual harassment is defined as follows:

"(a) Harassment on the basis of sex is violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

4. GUIDELINES FOR THE IMPLEMENTATION OF POLICY

4.1 Responsibility for Implementation:

- (a) Overall responsibility for the administration of this order is delegated to the Director of the Division of Equal Employment Opportunity.
- (b) All agency heads, managers and supervisors within the Executive Branch of State Government are responsible for taking immediate and appropriate corrective action where they have any knowledge of such prohibited practices. Such corrective actions should be taken only after consultation with the State Division of Equal Employment Opportunity.

4.2. Complaints:

- (a) Employees believing they have been subjected to harassment

1/22/92
Anchorage Daily News

Bill aims to 'get the word out' on sexual harassment

The Associated Press

JUNEAU — Employers with 15 or more workers would be required to post information about sexual harassment in the workplace under proposed legislation introduced in the Senate Tuesday.

Notices must be placed in "prominent and accessible" locations, and include the federal definition of sexual harassment, a list of state and federal agencies that accept harassment complaints, and deadlines for filing complaints.

"I just don't think people know what constitutes sexual harassment in the workplace," said Sen. Rick Uehling, R-Anchorage and the bill's sponsor. "This bill is just trying to get the word out. It's a start."

Maine has adopted a similar law, he said.

Paula Haley, executive director of the state Human Rights Commission in Anchorage, said she reviewed a copy of the proposal Monday and planned to discuss it with the seven commissioners this week.

"I think posting notices about discrimination can be effective in advising employees of their rights and reminding employers of their responsibilities," Haley said.

Sexual harassment complaints filed with the commission last year doubled to about 28 cases from 14 the year before, Haley said. At least one of the cases investigated last year involved sexual harassment against a man.

Senate Bill 363 was assigned Tuesday to the Finance and Labor and Commerce committees.

1/24/92
Anchorage
Daily News

Harassment

Prevention better than cure

After last fall's televised hearings on sexual harassment, some employers didn't waste any time. Before you could say "Clarence Thomas" or "Anita Hill," they had copies of their companies' harassment policies tacked to company bulletin boards.

So at least something good came out of these hearings. At least people became more aware of sexual harassment. At least they talked about it.

Now Sen. Rick Uehling, R-Anchorage, wants to make sure people remain aware. Sen. Uehling is sponsoring a bill that would require all employers with 15 or more workers to post information about sexual harassment in the workplace.

More red tape? More government interference? You could look at it that way. But then, all companies, public and private, already are bound by state and federal sexual harassment laws. If a simple, posted explanation could prevent a case of harassment, then it would keep government out of your business. Better prevention than damages or penalties.

Sexual harassment isn't the only form of discrimination, of course. It certainly would help to have people more aware of race or age or handicap discrimination as well. But, judging from the uproar over the Thomas-Hill hearings, people do seem to have particular trouble understanding sexual harassment. It couldn't hurt to give them more information while interest is high.

But perhaps the best way to see that education and prevention efforts on all kinds of discrimination are carried out is to fully fund the state Human Rights Commission. The commission has seen all complaints — including sexual harassment — go up 44 percent over the past year, while staffing has dropped by almost half over the past few years. Certainly the commission can't take on any new responsibilities under Sen. Uehling's bill, unless it gets the money to do so.

SB363

SENATE FINANCE COMMITTEE REPORT

DATE: 3/16/92

FURTHER:

DATE TURNED INTO OFFICE: 3-19-92

The Finance Committee considered

SENATE BILL NO. 363

"An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment."

and recommends:

- replace with _____ CS _____ (FINANCE)
or adopt previous CS SB 363 (LHC)
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
 do not pass
 no recommendation
 individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DOA 2-4-92

fiscal notes 9.7 Gov.

DO PASS:

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

OTHER RECOMMENDATIONS:

[Signature] No Rec
[Signature]
[Signature]

1. [Signature]
Co-Chair: Signature/Recommendation

2. [Signature]
Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 1

Bill Version: SB 363

(S) Publish Date: 3-16-92

Revision Date: _____
 Title: An Act requiring certain employers to post information concerning sexual harassment.
 Sponsor: Uehling
 Requestor: Senate Labor and Commerce Committee

Department Affected: Personnel/OEEO
 BRU: Personnel/OEEO
 Component: Personnel/OEEO

COMPONENT SERIAL NO.

		5	6
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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
 Assumes that the required posters will be provided to the department for distribution to State at

Changes in CSSB 363 (L+C) have no fiscal impact. This fiscal note is appropriate.

3-13-92 date BDM leg Comd. Comte Aide (initial)

Prepared by: R. H. King
 Division: Personnel/OEEO

Phone: 465-4430
 Date: January 31, 1992

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/4/92

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

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

Revision Date: _____ Department Affected: Office of the Governor
 Title: Posting of Information on Sexual Harassment BRU: Commissions/Special Offices
 Component: Human Rights Commissions
 Sponsor: Senators UEHLING, Sturgulewski, Rodev, Collins
 Requester: Senator UEHLING COMPONENT SERIAL NO.

0	0	0	1
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.9	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	5.6	1.0	1.0	1.0	1.0	1.0
SUPPLIES	3.2	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	9.7	2.5	2.5	2.5	2.5	2.5

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.7	2.5	2.5	2.5	2.5	2.5
FEDERAL FUNDS	-	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	9.7	2.5	2.5	2.5	2.5	2.5

POSITIONS:

FULL-TIME	2	0	0	0	0	0
PART-TIME	-	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached detail of expenditure.

Prepared by: Paula M. Haley, Executive Director Phone: 276-7474 x241

Division: Alaska State Commission for Human Rights Date: _____

Approved by Commissioner: _____ Date: _____

Agency: _____ Date: _____

**Detail of Expenditures
Fiscal Note to CSSB363**

Posting of Information on Sexual Harassment

Personal Services

Temporary clerical and administrative support (10 days at Clerk Typist III level)	.9
--	----

Contractual Services

Prepare camera-ready copy	.1	
Print 50,000 copies (Central Duplication)	2.5	
Postage	3.0	
		5.6

Supplies

Mailing tubes and labels; office supplies	<u>3.2</u>
---	------------

Total Estimated Cost*	9.7
------------------------------	------------

*Assumes no mass mailing. Agency would await inquiries and send out information as requested. FY93-98 assumes new requests and requests for replacement information.

2 of 2

CS FOR SENATE BILL NO. 363 (L&C)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/16/92
 Referred: Finance

Sponsor(s): SENATORS UEHLING, Sturgulewski, Rodey, Collins, Pourchot, Zharoff, Duncan

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring certain employers to post information on inquiries and complaints
 2 concerning sexual harassment."

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

4 * Section 1. AS 23.10 is amended by adding a new section to read:

5 Sec. 23.10.440. POSTING OF INFORMATION ON SEXUAL HARASSMENT. (a) An
 6 employer shall post in the workplace a notice that

7 (1) sets out the federal definition of sexual harassment;

8 (2) advises employees of the name, address, and telephone number of the state
 9 and federal agencies to which inquiries and complaints concerning sexual harassment may be
 10 made; and

11 (3) sets out the deadlines for filing a complaint of sexual harassment with the
 12 agencies listed in (2) of this subsection.

13 (b) The employer shall select prominent and accessible locations for posting the notice
 14 that will permit each of the employees of the employer to read the notice during the course of

1 their regular employment duties.

2 (c) The State Commission on Human Rights shall prepare and make available to
3 employers notices that meet the requirements of this section.

4 (d) The department may impose a civil fine not to exceed \$500 on an employer for
5 violation of this section.

6 (e) In this section, "employer" means an employer that employs 15 or more employees
7 at one time and includes the state, the University of Alaska, the Alaska Railroad Corporation, and
8 political subdivisions of the state.

9 * Sec. 2. AS 23.10.440 is repealed January 1, 1997.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : SB 363

Revision Date: _____
 Title: "An Act requiring certain employers
 to post information on ... sexual harassment."
 Sponsor: Senator Uehling, et.al.
 Requestor: Senate Labor & Commerce

Department Affected: Labor
 BRU: ALL
 Component: ALL

COMPONENT SERIAL NO.

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	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
---------------------------------	--	--	--	--	--	--

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						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary) SB 363 would require certain employers, including the state, to post a notice concerning sexual harassment complaints. As we understand that a specific agency will be responsible for the printing and distribution of the notice, its impact on the Department will be as an employer subject to the posting requirement. This bill has no program effect or fiscal impact on the Department of Labor.

Prepared by: Arbe Williams, Special Assistant *ayw* Phone: 465-2700
 Division: Commissioner's Office Date: 1/24/92
 Approved by Commissioner: John Abshire, Acting Commissioner
 Agency: Department of Labor Date: 1/24/92

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

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. SB 363

Revision Date: _____ Department Affected: Office of the Governor
 Title: Posting of Information on Sexual Harassment BRU: Commissions/Special Offices
 Component: Human Rights Commission
 Sponsor: UEHLING, Sturculewski, Rodey, Collins
 Requestor: UEHLING COMPONENT SERIAL NO.

0	0	0	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
FUND SOURCE:	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
 See accompanying advisory memorandum.

Prepared By: Paula M. Haley, Executive Director Phone: 276-7474

Division: Alaska State Commission for Human Rights Date: January 24, 1992

Approved by Commissioner: _____

Agency: _____ Date: _____

MEMORANDUM Human Rights Commission

To: Senator Rick Uehling
FROM: Paula M. Haley *PMH*
Executive Director
DATE: January 24, 1992
RE: Advisory Memorandum on Future Impact of SB 363

=====

As requested, I am forwarding the fiscal note for Senate Bill 363. Since the proposed legislation does not expand the Commission's jurisdiction or require the Commission to assume additional responsibilities, the agency is not presently requesting additional funds. If employers comply with the requirements set forth in SB 363 the Commission envisions increased work at some point in the future.

It is difficult to predict the impact on the Commission's workload resulting from implementation of SB 363. The Commission believes that increasing employees awareness that sexual harassment is unlawful and advising them that they have the right to file complaints under AS 18.80.220 will eventually result in an increase in the number of complaints filed with the agency.

In the future the Commission may need to seek supplemental funds or an increment to its budget to process complaints which it receives as a result of Senate Bill 363.

Please feel free to call me with any questions.

MEMORANDUM Human Rights Commission

To: Senator Rick Uehling
FROM: Paula M. Haley *pmh*
Executive Director
DATE: January 24, 1992
RE: Advisory Memorandum on SCR 28

Your legislative aide, Brian Butcher, asked me to provide your office with figures on the cost of implementing Senate Concurrent Resolution 28. The Commission has developed a rough estimate of the cost of producing and distributing a sexual harrassment handbook.

Approximately 250,000 employees would be eligible to receive handbooks under SCR 28. The estimated cost of producing a small handbook aproximately six (6) pages in length including the cover and mailer is \$23,100. Identifying all the employers in the state and making a one time distribution of the handbook would add a cost of about \$12,600 for a total of \$35,700.

Please feel free to contact me with any questions. Thank you.

**CHANGES MADE TO SB 363
IN THE SENATE LABOR AND COMMERCE CS**

Additions to Section 23.10.440

On page 2, line 2 is added:

“(c) The State Commission on Human Rights shall prepare and make available to employers notices that meet requirements of this section.”

On page 2, line 4 is added:

“(d) The department may impose a civil fine not to exceed \$500 on an employer for violation of this section.”

on page 3, line 9 is added:

Section 2 AS 23.10.440 is repealed

January 1, 1997.

Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee
International Trade & Tourism Committee
State Affairs Committee

BILL SUMMARY

SB 363

An Act requiring certain employers to post information on inquiries and complaints concerning sexual harassment.

SB 363 will require workplaces of 15 or more people to post a notice, in a prominent location, stating what the federal definition of sexual harassment is, what state and federal agencies to report sexual harassment complaints to, and how long an employee has to report a complaint.

There is a significant amount of confusion by the public on what constitutes sexual harassment in the workplace, and this bill will inform people as to what it is and how to report it. Sexual harassment in the workplace is believed to be substantially underreported and this bill will heighten the awareness of the problem for both employers and employees.

**Administrative
Order No. 81**

1984

DEPARTMENT OF ALASKA

MEMORANDUM

State of Alaska

TO: Heads of Departments and
Independent Agencies

DATE: October 25, 1984

FILE NO:

TELEPHONE NO: 465-3500

FROM: Bill Sheffield
Governor

SUBJECT: Administrative Order No. 81;
Policy Statement on
Discriminatory Harassment

This memorandum transmits Administrative Order No. 81 the policy and guidelines for the Executive Branch on discriminatory harassment based on race or color, religion, national origin, sex, age, handicap, marital status, changes in marital status, pregnancy or parenthood. This policy amends and supplements Administrative Order No. 75 and is applicable to each agency and department within the Executive Branch of State government and includes operational definitions of harassment and sexual harassment.

I am taking this action in an effort to curtail discriminatory harassment in general and specifically sexual harassment. Such harassment undermines the integrity of State government and cannot be condoned. Merit system principles require that all employees be allowed to work in an environment free from harassment.

I am directing, therefore, that each of you take a leadership role through the immediate initiation of the following actions:

1. Issue a strong management statement concurring with and reiterating the State's policy as the policy of your agency or department with regard to such discriminatory harassment;
2. Emphasize this policy as a part of new employee orientation;
3. Provide each employee with a copy of the attached policy statement on harassment;
4. Make employees aware of the avenues for seeking redress, and the actions that will be taken against employees violating the policy, as provided in the policy statement itself; and,
5. Inform your managers and supervisors of their responsibilities under this order and insure that they are all provided with both a copy of this Order and the appropriate training to deal with these issues, especially in regards to sexual harassment. Such training will be offered on request by the Division of Equal Employment Opportunity through the Productivity Improvement Center in the Department of Administration.

BS/MGM/mms

15/1001/0730-08

Attachments

cc: Jim Kelly, Special Staff Assistant
Office of the Governor

Merwin H. Peters, Director
Division of Equal Employment Opportunity

Frank Raye, Director
Division of Personnel

William Gibbons, Director
Division of Labor Relations



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ADMINISTRATIVE ORDER NO. 81

In furtherance of the State of Alaska's commitment to human rights and equal employment opportunity, I, Bill Sheffield, Governor of the State of Alaska, under the authority granted by Article III of the Alaska Constitution and by Alaska Statute 44.17.060, hereby order the following as the policy and guidelines for the Executive Branch of Alaska State Government on discriminatory harassment and more specifically on sexual harassment. This Order amends and supplements Administrative Order No. 75, the general policy on equal employment opportunity.

1. STATEMENT OF POLICY

- 1.1 The Executive Branch of the State of Alaska, as an employer, will not tolerate, condone or permit any kind of harassment of employees or applicants for employment on the basis of their sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy or parenthood. Such harassment is in direct violation of Federal and State law and is inconsistent with the State's policy on equal employment opportunity.
- 1.2 Persons who knowingly engage in or instigate such harassment will be subject to disciplinary actions which may lead to suspension and discharge. Additionally, managers and supervisors who knowingly permit harassment activity to occur without further action will be subject to disciplinary action. Where such prohibited activity is perpetrated by a non-employee, the State will take available and appropriate disciplinary action which may include, by way of example, loss of contract.

2. GENERAL PROVISIONS

- 2.1 Scope: The policy and guidelines herein apply to all agencies, employees and applicants for employment within the Executive Branch of Alaska State Government.
- 2.2 Frivolous or Malicious Accusations: Persons making frivolous or malicious accusations of harassment may be subjected to disciplinary actions.
- 2.3 Management Activities: This Order is not intended to restrict bonafide activities such as reprimands, disciplinary actions and employee performance evaluations which are clearly within the scope of a supervisor's duties and responsibilities, and which

serve a legitimate management purpose.

3. DEFINITIONS

3.1 Harassment: Unwanted communication and/or conduct by a supervisor, co-worker or non-employee in the workplace which adversely affects the employment relationship or working environment for the employee or applicant for employment and is based on the sex, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy or parenthood of that individual. Harassment may include slurs, abusive language, threats, derogatory comments, unwelcome jokes, teasing and other such verbal or physical conduct.

3.2 Sexual harassment: Addressed and defined by the U.S. Equal Employment Opportunity Commission in the Federal Guidelines on Discrimination Because of Sex published on November 10, 1980, and codified as 29 CFR Section 1604.11, sexual harassment is defined as follows:

"(a) Harassment on the basis of sex is violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

4. GUIDELINES FOR THE IMPLEMENTATION OF POLICY

4.1 Responsibility for Implementation:

(a) Overall responsibility for the administration of this order is delegated to the Director of the Division of Equal Employment Opportunity.

(b) All agency heads, managers and supervisors within the Executive Branch of State Government are responsible for taking immediate and appropriate corrective action where they have any knowledge of such prohibited practices. Such corrective actions should be taken only after consultation with the State Division of Equal Employment Opportunity.

4.2. Complaints:

(a) Employees believing they have been subjected to harassment

should contact their department or agency's Equal Employment Opportunity Representative or the State Division of Equal Employment Opportunity.

- (b) A complaint may be formally filed on the "Complaint of Discrimination Form" available through agency personnel offices and the State Division of Equal Employment Opportunity.
- (c) The Division of Equal Employment Opportunity shall develop the appropriate administrative process to resolve harassment complaints.
- (d) Any form of retaliation, reprisal or adverse action taken against an employee for complaining about, reporting, or cooperating in the investigation of such harassment is prohibited and will be dealt with severely. Such disciplinary action may include suspension and dismissal.

4.3 Dissemination of Policy:

- (a) The policy is to be posted in the form provided in Appendix A of this order on all bulletin boards and at every facility and office within each department.
- (b) It will be the responsibility of each agency head to ensure that copies of this policy are disseminated to all supervisory staff and that copies of this policy are included in all agency policy manuals and employee handbooks.

This Order takes effect October 25, 1984.

Dated at Anchorage, Alaska

October 25

Bill Sheffield

Bill Sheffield
Governor
State of Alaska

APPENDIX A:

STATE OF ALASKA
EXECUTIVE BRANCH

APPENDIX A
POLICY ON DISCRIMINATORY HARASSMENT

The following policy on discriminatory harassment was issued by Governor Bill Sheffield in Administrative Order No. 81 effective October 25, 1984.

The Executive Branch of the State of Alaska, as an employer, will not condone, permit or tolerate any kind of harassment of employees or applicants for employment on the basis of sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood. Such harassment is in direct violation of Federal and State law and is inconsistent with the State's policy on equal employment opportunity.

Persons who knowingly permit, engage in or instigate such harassment will be subject to disciplinary actions which may lead to suspension and discharge. Where such prohibited activity is perpetrated by a nonemployee, that person may be subject to prosecution, loss of contract, or other appropriate sanctions.

DEFINITION OF DISCRIMINATORY HARASSMENT

Harassment is unwanted conduct or communication by a supervisor, co-worker, or non-employee in the work place which is based on the sex, color, race, religion, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood of an individual and which adversely affects the employment relationship or working environment. This includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing and other verbal or physical conduct.

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

FILING COMPLAINTS

Employees or applicants for employment who believe that they have been subjected to harassment should contact either the State Division of Equal Employment Opportunity, Pouch CE, Juneau, AK 99811 (telephone: 465-3570) or the agency Equal Employment Opportunity Representative listed below.

DEPARTMENT/AGENCY: _____

EEO REPRESENTATIVE: _____
Name Title

_____ Mailing Address Telephone Number

No individual will be adversely affected for bringing any violation of this policy to the attention of management. Retaliation in any form is prohibited.

SB 363

SENATE FINANCE COMMITTEE REPORT

DATE: 5/4/92

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SENATE BILL NO. 365

"An Act relating to living wills and do not resuscitate orders; and providing for an effective date."

DIED

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

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

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

DO PASS:

1. _____
Co-Chair: Signature/Recommendation

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

OTHER RECOMMENDATIONS:

2. _____
Co-Chair: Signature/Recommendation

FISCAL NOTI

No. 1
 Bill Version: SB 365
 (S) Publish Date: 2-18-92

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected Health & Social Services
 Title: Living wills and do not resuscitate orders BRU: State Health Services
 Component: Public Health Administration
 Sponsor: Craft
 Requestor: HES COMPONENT SERIAL NO. 0-60-40602-292

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL	1.0					
CONTRACTUAL	9.3					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.3	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	10.3					
FEDERAL FUNDS						
OTHER						
TOTAL	10.3	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)

The department would need to contract out the writing of the regulations which are mandated by SB 365. A contract for 3 months of writing and walking the regulations through the adoption procedure would cost \$6.0. Additional costs associated with the adoption procedure are as follows:
 Printing - \$0.5, Mailings - \$0.3, Advertising \$1.5, 2 Teleconferences @ \$7.0

Prepared by: Peter M. Nakamura, MD, MPH *PMN* Phone: 465-3090
 Division: Public Health Date: 1/29/92
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore Mala* Date: 30 Jan 1992
 Agency: Department of Health and Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor

OMB
 Changes in CS SB 365 (SUD)
 have no fiscal impact. This
 fiscal note is appropriate.

Changes in CS SB 365 HES
 have no fiscal impact. This
 fiscal note is appropriate.

14 Feb 92 *M. Fouse*
 date Comte Aide (initial)

(Rev 12/91) 5/4/92 *GRUC*
 date Comte Aide (initial)

Page 1 of 1

CS FOR SENATE BILL NO. 365 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/4/92
 Referred: Finance

Sponsor(s): SENATOR CRAFT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to living wills and do not resuscitate orders; and providing for an
 2 effective date."

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

4 * Section 1. AS 18.12 is amended by adding new sections to read:

5 Sec. 18.12.035. DO NOT RESUSCITATE ORDERS AND PROTOCOLS. (a) An
 6 attending physician may issue a do not resuscitate order for a patient of the physician. The
 7 physician shall document the grounds for the order in the patient's medical file.

8 (b) The Department of Health and Social Services shall, by regulation, adopt a do not
 9 resuscitate protocol that sets out a standardized method of procedure for the withholding of
 10 cardiopulmonary resuscitation by physicians and other health care providers. The regulations
 11 must include standardized procedures for implementing a do not resuscitate order issued in a
 12 jurisdiction outside of this state. The regulations may not be adopted unless they have been
 13 approved by the State Medical Board.

14 (c) A health care provider other than a physician shall comply with the do not resuscitate

1 protocol adopted under (b) of this section when presented with any of the following: DNR
2 identification, an oral do not resuscitate order issued directly by a physician, or a written do not
3 resuscitate order entered on a form prescribed by the Department of Health and Social Services.

4 Sec. 18.12.037. LIVING WILL AND DNR IDENTIFICATION. The Department of
5 Health and Social Services shall develop standardized designs for DNR identification cards,
6 forms, necklaces, and bracelets that signify, when carried or worn, that the possessor has
7 executed a declaration under this chapter or is a patient for whom a physician has issued a do
8 not resuscitate order.

9 * Sec. 2. AS 18.12.040(a) is amended to read:

10 (a) A qualified patient or a patient for whom a physician has issued a do not
11 resuscitate order has the right to make decisions regarding use of cardiopulmonary
12 resuscitation and other life-sustaining procedures as long as the patient is able to do so. If a
13 qualified patient or patient for whom a physician has issued a do not resuscitate order is not
14 able to make these decisions, the declaration or do not resuscitate protocol governs decisions
15 regarding use of cardiopulmonary resuscitation and other life-sustaining procedures.

16 * Sec. 3. AS 18.12.050(b) is amended to read:

17 (b) If the policies of a health care facility preclude compliance with the declaration of
18 a qualified patient under this chapter or a do not resuscitate order issued by an attending
19 physician, or the facility is unwilling to accept DNR identification as evidence of the
20 existence of a declaration or do not resuscitate order, that facility shall take all reasonable
21 steps to notify the patient or, if the patient is not able to make treatment decisions, the patient's
22 guardian, of the facility's policy and shall take all reasonable steps to effect the transfer of the
23 patient to the patient's home or to a facility where the provisions of this chapter can be carried
24 out.

25 * Sec. 4. AS 18.12.060(a) is amended to read:

26 (a) In the absence of actual notice of the revocation of a declaration or do not
27 resuscitate order, as applicable, the following, while acting in accordance with the do not
28 resuscitate protocol adopted under AS 18.12.035 or with the other requirements of this
29 chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct:

30 (1) a physician who causes the withholding or withdrawal of life-sustaining
31 procedures from a qualified patient or the withholding or withdrawal of cardiopulmonary

1 resuscitation from a patient for whom a do not resuscitate order has been issued or who
2 possesses DNR identification;

3 (2) a person who participates in the withholding or withdrawal of
4 cardiopulmonary resuscitation or other life-sustaining procedures under the direction or with
5 the authorization of a physician or upon discovery of DNR identification upon a person;

6 (3) the health care facility in which the withholding or withdrawal occurs.

7 * Sec. 5. AS 18.12.060 is amended by adding a new subsection to read:

8 (c) A person who causes or participates in the providing of cardiopulmonary resuscitation
9 or other life-sustaining procedures after an oral or written request to do so communicated to the
10 person by another who possesses DNR identification is not subject to civil or criminal liability
11 for failing to honor the intent of the DNR identification nor is the person guilty of unprofessional
12 conduct for that action. The health care facility in which actions described in this subsection are
13 undertaken is also not subject to civil or criminal liability for the failure to honor the intent of
14 DNR identification.

15 * Sec. 6. AS 18.12.070 is amended to read:

16 Sec. 18.12.070. PENALTIES. (a) An attending physician who fails to comply with a
17 do not resuscitate order or the declaration of a qualified patient or to make the necessary
18 arrangements to effect a transfer under AS 18.12.050 has no right to compensation for medical
19 services provided to a [QUALIFIED] patient after withholding or withdrawal should have been
20 effective or after transfer should have occurred and may be liable to the [QUALIFIED] patient
21 and to the heirs of the [QUALIFIED] patient for a civil penalty not to exceed \$1,000.00 plus the
22 actual costs associated with the failure to comply with the order or declaration, and this shall
23 be the exclusive remedy at law for damages.

24 (b) A person who wilfully conceals, cancels, defaces, obliterates, or damages the DNR
25 identification or declaration of another person without the other's [DECLARANT'S] consent
26 or who falsifies or forges a revocation of the DNR identification or declaration of another
27 person may be civilly liable to the other person [QUALIFIED PATIENT] and to the heirs of
28 the other person [QUALIFIED PATIENT].

29 * Sec. 7. AS 18.12.080(a) is amended to read:

30 (a) Death resulting from the withholding or withdrawal of cardiopulmonary
31 resuscitation or other life-sustaining procedures under a do not resuscitate order or protocol,

1 under a declaration, or upon discovery of DNR identification on a person and in accordance
2 with this chapter does not, for any purpose, constitute a suicide or homicide.

3 * Sec. 8. AS 18.12.080(b) is amended to read:

4 (b) The issuing of a do not resuscitate order, the possession of DNR identification,
5 or the making of a declaration under AS 18.12.010 does not affect in any manner the sale,
6 procurement, or issuance of a policy of life insurance, nor does it modify the terms of an existing
7 policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any
8 manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified
9 patient or the withholding or withdrawal of cardiopulmonary resuscitation from an insured
10 patient who possesses DNR identification or for whom a do not resuscitate order has been
11 issued, notwithstanding any term of the policy to the contrary.

12 * Sec. 9. AS 18.12.080(c) is amended to read:

13 (c) A physician, health care facility, or other health care provider, and a health care
14 service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or
15 nonprofit hospital plan, may not require a person to execute a declaration, obtain a do not
16 resuscitate order from a physician, or possess DNR identification as a condition for being
17 insured for, or receiving, health care services.

18 * Sec. 10. AS 18.12.080(d) is amended to read:

19 (d) This chapter creates no presumption concerning the intention or intended treatment
20 of an individual who does not have DNR identification, has not executed a declaration, or for
21 whom a do not resuscitate order has not been issued with respect to the use, withholding, or
22 withdrawal of cardiopulmonary resuscitation or the use, withholding, or withdrawal of other
23 life-sustaining procedures in the event of a terminal condition.

24 * Sec. 11. AS 18.12.080(e) is amended to read:

25 (e) Nothing in this chapter increases or decreases the right of a patient to make decisions
26 regarding use of cardiopulmonary resuscitation or other life-sustaining procedures as long as
27 the patient is able to do so, or impairs or supersedes any right or responsibility that a person has
28 to effect the withholding or withdrawal of medical care in a lawful manner. In that respect, the
29 provisions of this chapter are cumulative.

30 * Sec. 12. AS 18.12.090 is amended to read:

31 Sec. 18.12.090. RECOGNITION OF DECLARATIONS AND ORDERS EXECUTED

1 OR ISSUED IN OTHER STATES. A declaration, do not resuscitate order, or DNR
2 identification executed, issued, or authorized in another state or a territory or possession of the
3 United States in compliance with the law of that jurisdiction is effective for purposes of this
4 chapter.

5 * Sec. 13. AS 18.12.100 is amended by adding new paragraphs to read:

6 (8) "cardiopulmonary resuscitation" means cardiopulmonary resuscitation or a
7 component of cardiopulmonary resuscitation;

8 (9) "DNR identification" means identification substantially similar to that
9 approved under AS 18.12.037;

10 (10) "do not resuscitate order" means a directive from a licensed physician that
11 emergency cardiopulmonary resuscitation should not be administered to a particular person;

12 (11) "do not resuscitate protocol" means the protocol developed under
13 AS 18.12.035(b).

14 * Sec. 14. The commissioner of health and social services shall promptly begin the procedure to
15 adopt regulations implementing AS 18.12.035 and 18.12.037, enacted by sec. 1 of this Act, so that the
16 regulations can take effect as soon as practicable.

17 * Sec. 15. AS 18.12.035(b) and 18.12.037, enacted by sec. 1 of this Act, and sec. 14 of this Act take
18 effect immediately under AS 01.10.070(c).

19 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect on the effective date of the
20 regulations adopted under AS 18.12.035 or 18.12.037, enacted by sec. 1 of this Act, whichever is later.
21 The commissioner of health and social services shall notify the revisor of statutes and the lieutenant
22 governor of that date.

CS FOR SENATE BILL NO. 365 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/18/92
 Referred: Judiciary

Sponsor(s): SENATOR CRAFT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to living wills and do not resuscitate orders; and providing for an
 2 effective date."

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

4 * Section 1. AS 18.12 is amended by adding new sections to read:

5 Sec. 18.12.035. DO NOT RESUSCITATE ORDERS AND PROTOCOLS. (a) An
 6 attending physician may issue a do not resuscitate order for a patient of the physician. The
 7 physician shall document the grounds for the order in the patient's medical file.

8 (b) The Department of Health and Social Services shall, by regulation, adopt a do not
 9 resuscitate protocol that sets out a standardized method of procedure for the withholding of
 10 cardiopulmonary resuscitation by physicians and other health care providers. The regulations
 11 may not be adopted unless they have been approved by the State Medical Board.

12 (c) A health care provider other than a physician shall comply with the do not resuscitate
 13 protocol adopted under (b) of this section when presented with any of the following: DNR
 14 identification, an oral do not resuscitate order issued directly by a physician, or a written do not

1 resuscitate order entered on a form prescribed by the Department of Health and Social Services.

2 Sec. 18.12.037. LIVING WILL AND DNR IDENTIFICATION. The Department of
3 Health and Social Services shall develop standardized designs for DNR identification cards,
4 forms, necklaces, and bracelets that signify, when carried or worn, that the possessor has
5 executed a declaration under this chapter or is a patient for whom a physician has issued a do
6 not resuscitate order.

7 * Sec. 2. AS 18.12.040(a) is amended to read:

8 (a) A qualified patient or a patient for whom a physician has issued a do not
9 resuscitate order has the right to make decisions regarding use of cardiopulmonary
10 resuscitation and other life-sustaining procedures as long as the patient is able to do so. If a
11 qualified patient or patient for whom a physician has issued a do not resuscitate order is not
12 able to make these decisions, the declaration or do not resuscitate protocol governs decisions
13 regarding use of cardiopulmonary resuscitation and other life-sustaining procedures.

14 * Sec. 3. AS 18.12.050(b) is amended to read:

15 (b) If the policies of a health care facility preclude compliance with the declaration of
16 a qualified patient under this chapter or a do not resuscitate order issued by an attending
17 physician, or the facility is unwilling to accept DNR identification as evidence of the
18 existence of a declaration or do not resuscitate order, that facility shall take all reasonable
19 steps to notify the patient or, if the patient is not able to make treatment decisions, the patient's
20 guardian, of the facility's policy and shall take all reasonable steps to effect the transfer of the
21 patient to the patient's home or to a facility where the provisions of this chapter can be carried
22 out.

23 * Sec. 4. AS 18.12.060(a) is amended to read:

24 (a) In the absence of actual notice of the revocation of a declaration or do not
25 resuscitate order, as applicable, the following, while acting in accordance with the do not
26 resuscitate protocol adopted under AS 18.12.035 or with the other requirements of this
27 chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct:

28 (1) a physician who causes the withholding or withdrawal of life-sustaining
29 procedures from a qualified patient or the withholding or withdrawal of cardiopulmonary
30 resuscitation from a patient for whom a do not resuscitate order has been issued or who
31 possesses DNR identification;

1 (2) a person who participates in the withholding or withdrawal of
2 cardiopulmonary resuscitation or other life-sustaining procedures under the direction or with
3 the authorization of a physician or upon discovery of DNR identification upon a person;

4 (3) the health care facility in which the withholding or withdrawal occurs.

5 * Sec. 5. AS 18.12.060 is amended by adding a new subsection to read:

6 (c) A person who causes or participates in the providing of cardiopulmonary resuscitation
7 or other life-sustaining procedures after an oral or written request to do so communicated to the
8 person by another who possesses DNR identification is not subject to civil or criminal liability
9 for failing to honor the intent of the DNR identification nor is the person guilty of unprofessional
10 conduct for that action. The health care facility in which actions described in this subsection are
11 undertaken is also not subject to civil or criminal liability for the failure to honor the intent of
12 DNR identification.

13 * Sec. 6. AS 18.12.070 is amended to read:

14 Sec. 18.12.070. PENALTIES. (a) An attending physician who fails to comply with a
15 do not resuscitate order or the declaration of a qualified patient or to make the necessary
16 arrangements to effect a transfer under AS 18.12.050 has no right to compensation for medical
17 services provided to a [QUALIFIED] patient after withholding or withdrawal should have been
18 effective or after transfer should have occurred and may be liable to the [QUALIFIED] patient
19 and to the heirs of the [QUALIFIED] patient for a civil penalty not to exceed \$1,000.00 plus the
20 actual costs associated with the failure to comply with the order or declaration, and this shall
21 be the exclusive remedy at law for damages.

22 (b) A person who wilfully conceals, cancels, defaces, obliterates, or damages the DNR
23 identification or declaration of another person without the other's [DECLARANT'S] consent
24 or who falsifies or forges a revocation of the DNR identification or declaration of another
25 person may be civilly liable to the other person [QUALIFIED PATIENT] and to the heirs of
26 the other person [QUALIFIED PATIENT].

27 * Sec. 7. AS 18.12.080(a) is amended to read:

28 (a) Death resulting from the withholding or withdrawal of cardiopulmonary
29 resuscitation or other life-sustaining procedures under a do not resuscitate order or protocol,
30 under a declaration, or upon discovery of DNR identification on a person and in accordance
31 with this chapter does not, for any purpose, constitute a suicide or homicide.

1 * Sec. 8. AS 18.12.080(b) is amended to read:

2 (b) The issuing of a do not resuscitate order, the possession of DNR identification,
3 or the making of a declaration under AS 18.12.010 does not affect in any manner the sale,
4 procurement, or issuance of a policy of life insurance, nor does it modify the terms of an existing
5 policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any
6 manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified
7 patient or the withholding or withdrawal of cardiopulmonary resuscitation from an insured
8 patient who possesses DNR identification or for whom a do not resuscitate order has been
9 issued, notwithstanding any term of the policy to the contrary.

10 * Sec. 9. AS 18.12.080(c) is amended to read:

11 (c) A physician, health care facility, or other health care provider, and a health care
12 service plan, insurer issuing disability insurance, self-insured employee welfare benefit plant, or
13 nonprofit hospital plan, may not require a person to execute a declaration, obtain a do not
14 resuscitate order from a physician, or possess DNR identification as a condition for being
15 insured for, or receiving, health care services.

16 * Sec. 10. AS 18.12.080(d) is amended to read:

17 (d) This chapter creates no presumption concerning the intention or intended treatment
18 of an individual who does not have DNR identification, has not executed a declaration, or for
19 whom a do not resuscitate order has not been issued with respect to the use, withholding, or
20 withdrawal of cardiopulmonary resuscitation or the use, withholding, or withdrawal of other
21 life-sustaining procedures in the event of a terminal condition.

22 * Sec. 11. AS 18.12.080(e) is amended to read:

23 (e) Nothing in this chapter increases or decreases the right of a patient to make decisions
24 regarding use of cardiopulmonary resuscitation or other life-sustaining procedures as long as
25 the patient is able to do so, or impairs or supersedes any right or responsibility that a person has
26 to effect the withholding or withdrawal of medical care in a lawful manner. In that respect, the
27 provisions of this chapter are cumulative.

28 * Sec. 12. AS 18.12.090 is amended to read:

29 Sec. 18.12.090. RECOGNITION OF DECLARATIONS AND ORDERS EXECUTED
30 OR ISSUED IN OTHER STATES. A declaration, do not resuscitate order, or DNR
31 identification executed, issued, or authorized in another state or a territory or possession of the

1 United States in compliance with the law of that jurisdiction is effective for purposes of this
2 chapter.

3 * Sec. 13. AS 18.12.100 is amended by adding new paragraphs to read:

4 (8) "cardiopulmonary resuscitation" means cardiopulmonary resuscitation or a
5 component of cardiopulmonary resuscitation;

6 (9) "DNR identification" means identification substantially similar to that
7 approved under AS 18.12.037;

8 (10) "do not resuscitate order" means a directive from a licensed physician that
9 emergency cardiopulmonary resuscitation should not be administered to a particular person;

10 (11) "do not resuscitate protocol" means the protocol developed under
11 AS 18.12.035(b).

12 * Sec. 14. The commissioner of health and social services shall promptly begin the procedure to
13 adopt regulations implementing AS 18.12.035 and 18.12.037, enacted by sec. 1 of this Act, so that the
14 regulations can take effect as soon as practicable.

15 * Sec. 15. AS 18.12.035(b) and 18.12.037, enacted by sec. 1 of this Act, and sec. 14 of this Act take
16 effect immediately under AS 01.10.070(c).

17 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect on the effective date of the
18 regulations adopted under AS 18.12.035 or 18.12.037, enacted by sec. 1 of this Act, whichever is later.

19 The commissioner of health and social services shall notify the revisor of statutes and the lieutenant
20 governor of that date.

SENATE BILL NO. 365

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR CRAFT

Introduced: 1/22/92
Referred: HES, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to living wills and do not resuscitate orders; and providing for an
2 effective date."

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

4 * Section 1. AS 18.12 is amended by adding new sections to read:

5 Sec. 18.12.035. DO NOT RESUSCITATE ORDERS AND PROTOCOLS. (a) An
6 attending physician may issue a do not resuscitate order for a patient of the physician. The
7 physician shall document the grounds for the order in the patient's medical file.

8 (b) The Department of Health and Social Services shall, by regulation, adopt a do not
9 resuscitate protocol that sets out a standardized method of procedure for the withholding of
10 cardiopulmonary resuscitation by physicians and other health care providers. The regulations
11 may not be adopted unless they have been approved by the State Medical Board.

12 (c) A health care provider other than a physician shall comply with the do not resuscitate
13 protocol adopted under (b) of this section when presented with any of the following: DNR
14 identification, an oral do not resuscitate order issued directly by a physician, or a written do not

1 resuscitate order entered on a form prescribed by the Department of Health and Social Services.

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3 Health and Social Services shall develop standardized designs for DNR identification cards,
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5 executed a declaration under this chapter or is a patient for whom a physician has issued a do
6 not resuscitate order.

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9 resuscitate order has the right to make decisions regarding use of cardiopulmonary
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12 able to make these decisions, the declaration or do not resuscitate protocol governs decisions
13 regarding use of cardiopulmonary resuscitation and other life-sustaining procedures.

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15 (b) If the policies of a health care facility preclude compliance with the declaration of
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17 physician, or the facility is unwilling to accept DNR identification as evidence of the
18 existence of a declaration or do not resuscitate order, that facility shall take all reasonable
19 steps to notify the patient or, if the patient is not able to make treatment decisions, the patient's
20 guardian, of the facility's policy and shall take all reasonable steps to effect the transfer of the
21 patient to the patient's home or to a facility where the provisions of this chapter can be carried
22 out.

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27 chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct:

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29 procedures from a qualified patient or the withholding or withdrawal of cardiopulmonary
30 resuscitation from a patient for whom a do not resuscitate order has been issued or who
31 possesses DNR identification;

1 (2) a person who participates in the withholding or withdrawal of
2 cardiopulmonary resuscitation or other life-sustaining procedures under the direction or with
3 the authorization of a physician or upon discovery of DNR identification upon a person;

4 (3) persons who cause or participate in providing cardiopulmonary
5 resuscitation or other life-sustaining procedures after an oral or written request
6 communicated to them by a person who possesses DNR identification;

7 (4) the health care facility in which the providing, withholding, or withdrawal
8 occurs.

9 * Sec. 5. AS 18.12.070 is amended to read:

10 Sec. 18.12.070. PENALTIES. (a) An attending physician who fails to comply with a
11 do not resuscitate order or the declaration of a qualified patient or to make the necessary
12 arrangements to effect a transfer under AS 18.12.050 has no right to compensation for medical
13 services provided to a [QUALIFIED] patient after withholding or withdrawal should have been
14 effective or after transfer should have occurred and may be liable to the [QUALIFIED] patient
15 and to the heirs of the [QUALIFIED] patient for a civil penalty not to exceed \$1,000.00 plus the
16 actual costs associated with the failure to comply with the order or declaration, and this shall
17 be the exclusive remedy at law for damages.

18 (b) A person who wilfully conceals, cancels, defaces, obliterates, or damages the DNR
19 identification or declaration of another person without the other's [DECLARANT'S] consent
20 or who falsifies or forges a revocation of the DNR identification or declaration of another
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27 with this chapter does not, for any purpose, constitute a suicide or homicide.

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