

ALASKA LEGISLATURE

1277

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

(5) annually determine, in cooperation with the Department of Corrections, the number and identity of individuals ineligible for a permanent fund dividend under AS 43.23.005(d);

(6) adopt regulations that are necessary to implement AS 43.23.005(d);

(7) adopt regulations that establish procedures for the parent, guardian, or other authorized representative of a disabled individual to apply for prior year permanent fund dividends not received by the disabled individual because no application was submitted on behalf of the individual;

(8) adopt regulations that establish procedures for an individual to apply to have a dividend warrant reissued if it is returned to the department as undeliverable or it is not paid within two years of the date of its issuance; however, the department may not establish a time limit within which an application to have a warrant reissued must be filed;

(9) adopt regulations establishing an optional longevity bonus program to provide for the direct payment by the department of an individual's permanent fund dividend to an annuity program selected by the individual. (§ 1 ch 102 SLA 1982; am § 2 ch 55 SLA 1983; am § 3 ch 43 SLA 1984; am § 3 ch 54 SLA 1988; am § 5 ch 68 SLA 1990; am § 14 ch 4 SLA 1992; am § 1 ch 64 SLA 1993)

Conditional repeal of paragraph (9). — Under § 5, ch. 64, SLA 1993, paragraph (9) of this section "is repealed July 31, 1995, if, on June 30, 1995, fewer than 5,000 individuals have elected to participate in the optional longevity bonus program established in AS 43.23.055(9), added by § 1 of this Act."

Effect of amendments. — The 1992 amendment, effective January 1, 1993, rewrote paragraph (2) and added paragraph (8).

The 1993 amendment, effective September 20, 1993, added paragraph (9).

Editor's notes. — Section 6(b), ch. 64, SLA 1993 provides that "[u]nder AS 01.10.030, if AS 43.23.055(9), added by § 1 of this Act, is held to violate art. II, § 13, Constitution of the State of Alaska, the remainder of this Act shall not be affected."

NOTES TO DECISIONS

Applied in *Handley v. State, Dep't of Revenue*, 838 P.2d 1231 (Alaska 1992); *State, Dep't of Revenue v. Cosio*, 858 P.2d 621 (Alaska 1993).

Sec. 43.23.065. Exemption of and levy on permanent fund dividends. (a) Except as provided in (b) of this section, 45 percent of the annual permanent fund dividend payable to an individual is exempt from levy, execution, garnishment, attachment, or any other remedy for the collection of debt. This exemption applies to an eligible individual's permanent fund dividend both before and after payment is made to the individual. No other exemption applies to a dividend. Notwithstanding other laws, a writ of execution upon a dividend that has not been delivered to the debtor may be served on the commissioner by

certified mail, return receipt requested. Upon receipt of a writ by certified mail, return receipt requested, the commissioner shall deliver that portion of the dividend executed upon to the court along with the case name and number.

(b) An exemption is not available under this section for permanent fund dividends taken to satisfy

(1) child support obligations required by court order or decision of the child support enforcement agency under AS 25.27.140 — 25.27.220;

(2) court ordered restitution under AS 12.55.045 — 12.55.051, 12.55.100, or AS 47.10.080(b)(4);

(3) claims on defaulted scholarship loans under AS 43.23.067;

(4) court ordered fines;

(5) writs of execution under AS 09.35 of a judgment that is entered

(A) against a minor in a civil action to recover damages; recovery under this subparagraph is limited to \$2,000 and court costs, and may be obtained only when the judgment is based upon

(i) an act of the minor that is defined as a crime against a person under AS 33.30.901, that injured the plaintiff, and for which the minor was adjudicated a delinquent or convicted as an adult; or

(ii) the minor's intentional or knowing injury of real or personal property of the plaintiff;

(B) under AS 34.50.020 against the parent, parents, legal guardian, or person having the legal custody of an unemancipated minor;

(6) a debt owed by an eligible individual to an agency of the state, unless the debt is contested and an appeal is pending, or the time limit for filing an appeal has not expired.

(c) Claims listed in (b) of this section have priority in the order listed over other claims on a permanent fund dividend whether payments are sought through legal actions for the collection of debts or through assignments from the debtor.

(d) An assignment of or levy, execution, garnishment, attachment, or other remedy for the collection of debt applied to a dividend for a year may not be accepted by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do not apply to a levy on a permanent fund dividend. The department shall include the case number with a dividend or portion of a dividend transmitted to the court in response to a writ of execution or other court order. At the time payment is made to the court, the department shall send to the individual at the address provided in the individual's dividend application and to the court that issued the writ or order a notice that contains

(1) notification that all or part of the individual's dividend has been seized under a writ of execution or court order;

(2) the name and address of the court that issued the writ or order;

(3) the case number for which the writ or order was issued;

- (4) the amount seized under the writ or order; and
- (5) notification that the individual has 30 days from the date the notice is mailed in which to file with the court an objection to the seizure if a mistake has been made. (§ 1 ch 102 SLA 1982; am § 1 ch 157 SLA 1984; am § 1 ch 57 SLA 1985; am § 67 ch 138 SLA 1986; am § 3 ch 26 SLA 1989; am § 3 ch 198 SLA 1990; am §§ 3, 4 ch 52 SLA 1992; am § 5 ch 113 SLA 1994)

Effect of amendments. — The 1992 amendment, effective June 11, 1992 added the last three sentences in subsection (a); in subsection (b), added paragraphs (3) and (4), redesignated former paragraph (3) as paragraph (5) (now (6)), and made stylistic changes; added "whether payments are sought through legal actions for the collection of debts or through assignments from the debtor" to subsection (c); and added subsection (d). The 1994 amendment, effective Septem-

ber 1, 1994, in subsection (b), added the section reference at the end of paragraph (2) and made related stylistic changes, added present paragraph (5), and redesignated former paragraph (5) as paragraph (6).

Editor's notes. — Section 16(1), ch. 113, SLA 1994 provides that the amendments to (b) of this section by § 5, ch. 113, SLA 1994 apply "to civil actions accruing on or after September 1, 1994."

Sec. 43.23.067. Claims of defaulted scholarship loans. (a) AS 09.38 does not apply to permanent fund dividends taken under AS 14.43.120(i). Notwithstanding AS 09.35, execution on a claim under AS 14.43.120(i) is accomplished by delivering a certified claim to the department containing the following information:

(1) the name and social security number of the individual whose dividend is being claimed;

(2) the amount the individual owes on the scholarship loan; and

(3) a statement that

(A) the debt has not been contested, or, if contested, that the issue has been resolved in favor of the Alaska Commission on Postsecondary Education; and

(B) if the debt has been contested and resolved in favor of the Alaska Commission on Postsecondary Education, no appeal is pending, the time limit for filing an appeal has expired, or the appeal has been resolved in favor of the commission.

(b) The Alaska Commission on Postsecondary Education shall notify the individual of a claim under (a) of this section. The notice shall be sent to the address provided in the individual's permanent fund dividend application and must provide the following information:

(1) the amount of the claim; and

(2) notice that the amount of the permanent fund dividend that does not exceed the amount of the claim shall be paid to the Alaska Commission on Postsecondary Education unless the commission releases the claim or the individual requests a hearing within 30 days after the date the notice is sent by the commission.

HB

9

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/23/95

FURTHER:

DATE TURNED INTO OFFICE: 4-11-95

The Finance Committee considered **CS FOR HOUSE BILL NO. 9(FIN)**

Recovery of damages from **HB 9 DAMAGE TO PROPERTY BY MINORS** erty is destroyed
damage caused
by the minor, and to recce
by the minor.

and recommends:

Senate Bill:

be replaced with 5 CS CS HB 9 (Fin)

same title
new title

adopt previous _____ CS _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

5CS
(Fin)
Coming

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Rios</i>	✓	<i>Wanda Dowley</i>	✓		
<i>Paul E. Rice</i>	✓				
<i>Best Sharp</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>Courts</i>	<i>4/3/95</i>	<i>Indeterminate</i>	<i>#1</i>

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#1 <i>DOLA</i>	<i>1/23/95</i>	<i>0</i>	
#2 <i>DH+SS (Foster Care)</i>	<i>1/24/95</i>	<i>0</i>	
#3 <i>DH+SS (Res Care)</i>	<i>1/24/95</i>	<i>0</i>	
#4 <i>DOA (OPA)</i>	<i>1/30/95</i>	<i>0</i>	
#5 <i>DOA (PDA)</i>	<i>1/30/95</i>	<i>0</i>	
#6 <i>DOA (Risk Mgmt)</i>	<i>1/30/95</i>	<i>0</i>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SCS CSHB 9 (JUD)

Revision Date: 04/03/95 Dept. Affected: Alaska Court System
 Title: An Act relating to recovery of damages BRU: Trial Courts
from a minor's parent of legal guardian Components: _____
 Sponsor: Reps. Therriault, Porter
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	*	*	*	*	*	*

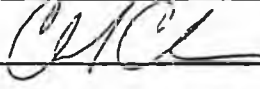
POSITIONS

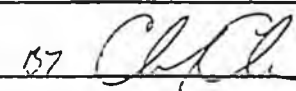
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

* - See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Agency: Alaska Court System Date: 04/03/95

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 04/03/95
 Agency: Alaska Court System

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
SCS CSHB 9 (JUD)

AS 34.50.020(a) provides that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action not to exceed \$2,000 from either parent, the legal guardian, or other person having legal custody of an unemancipated minor under the age of 18 year who maliciously or wilfully destroys real or personal property.

SCS CSHB 9 (Jud) makes several changes to this statute. First, liability for a minor's conduct is now limited to the person having legal custody of the minor. Second, the damage limit is raised from \$2,000 to \$10,000.

The second change will result in an increase in case numbers and costs for several reasons. First, the increase in the dollar amount which can be recovered will increase the field of potential cases. Second, the higher dollar amount means that many of these cases can now be brought in district court, rather than small claims court. This will increase court costs, because district court proceedings take more time, use more expensive district judges rather than magistrates, and give litigants the right to a jury.

Because of a lack of data, it is impossible to predict how this legislation will impact the court system. If case numbers and costs increase significantly, it will be necessary to return to the legislature at a later time for additional funding.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 6 BILL NO. 779
Bill Version: CSHB 9(FIN)
(H) Publish Date: 2/13/95

Revision Date: _____
Title: "An Act Relating to Recovery of Damages to Property by Minors..."
Sponsor: Therriault
Requestor: _____

Department Affected: Administration
BRU: Risk Management
Component: Risk Management

COMPONENT SERIAL NO. 71

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact on the Division of Risk Management.

Prepared by: Brad Thomason
Division: Risk Management

Phone: 465-2180
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 1/30/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 5
Bill Version: CSHB 9 (JUD)
(H) Publish Date: 1/30/95

Revision Date: _____
Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed..."
Sponsor: Therriault, Porter
Requestor: Therriault

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

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This legislative proposal will have no fiscal impact on the Alaska Public Defender Agency.

Prepared by: John Salemi, Director *[Signature]*
Division: Public Defender Agency

Phone: 264-4412
Date: _____

Approved by Commissioner: Mark Bover *[Signature]*
Agency: Department of Administration

Date: _____

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Rev. 3/1/95

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

.o. 4
Bill Version: CSHB 9 (JUD)
(H) Publish Date: 1/30/95

Revision Date: _____
Title: "An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed...."
Sponsor: Therriault, Porter
Requestor: Therriault

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ none

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
This bill has no fiscal impact on the Office of Public Advocacy.

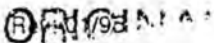
Prepared by: Brant McGee, Director *Brant McGee*
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Boyer *Mark Boyer 1/23/95*
Agency: Department of Administration

Date: _____

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 3
Bill Version: CSHR 9 (1111)
(H) Publish Date: 1/30/95

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Relating to Recovery From a Parent or Legal Guardian When Property Is Destroyed By The Minor BRU: Purchased Services
 Sponsor: Representative(s) Therriault, Porter Component: Residential Child Care
 Requestor: House (JUD) COMPONENT SERIAL NO. 253
 See also (SN#): 252

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:
 FULL-TIME _____
 PART-TIME _____
 TEMPORARY _____

Estimate of any current year (FY95) cost: 0.0

ANALYSIS: Attach a separate page if necessary

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/23/95

Approved by Commissioner: *Karen Perdue*
 Agency: Department of Health & Social Services

Date: 1-24-95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: CSHB 9 (JUD)
(H) Publish Date: 1/30/95

Revision Date: _____
Title: An Act Relating to Recovery From a Parent or Legal Guardian When Property Is Destroyed By The Minor
Sponsor: Representative(s) Therriault, Porter
Requestor: House (JUD)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Foster Care
COMPONENT SERIAL NO. 252
See also (SN#): 253

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE (Thousands of Dollars)

002 Federal Receipts						
003 GF Match						
004 GF						
005 GF/Program Receipts						
006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:
FULL-TIME _____
PART-TIME _____
TEMPORARY _____

Estimate of any current year (FY95) cost: 50.0

ANALYSIS: Attach a separate page if necessary

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director
Division: Division of Family & Youth Services

Phone: 465-3191
Date: 01.23.95

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 1-24-95

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FISCAL NOTE

No. 1
 Bill Version: CSHB '9 (JUD)
 (H) Publish Date: 1/30/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to recovery of damages from a
minor's parents or legal guardian..." BRU: Legal Services
 Sponsor: Representative Therriault Component: Operations
 Requester: Representative Therriault COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 34.50 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action in an amount not to exceed \$10,000, plus court costs, from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. However, the bill also provides that a parent, legal guardian, or person having the legal custody of an unemancipated minor under the age of 18 years who is a runaway or missing minor would not be liable under the foregoing provision if the person having legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. This bill deals with the recovery of damages and, consequently, there will not be a fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/23/95
 Agency: Department of Law

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SENATE FINANCE
COMMITTEE

Amendment Number: 71

Bill Number: HB 96

Sponsor: Trapp Date: 4/12/95

Logged In By: JJP

Adopted

9-LS0053K.3

Chenoweth

4/10/95

*Phoned
Legal 11:40 am
pk*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 9(JUD)

1 Page 1, line 13, after "organization.":

2 Insert "However, for purposes of this subsection,

3 (1) if an unemancipated minor under the age of 18 years has both
4 a custodial and a noncustodial parent, recovery in damages is limited to recovery
5 from the noncustodial parent if the property destruction by the minor occurred
6 during a period of the minor's court-ordered visitation to that parent; and

7 (2) if parents have joint physical custody under a court order of
8 an unemancipated minor under the age of 18 years, recovery in damages is
9 limited to recovery only from the parent having actual ^{date} physical custody of the
10 minor at the time the property destruction by the minor occurred."

SENATE FINANCE
COMMITTEE

9-LS0053AK.3

Chenoweth

4/10/95

Amendment Number: 2

Bill Number: HB 9

Sponsor: Wainwright Date: 4/10/95

Logged In By: [Signature]

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 9(JUD)

1 Page 1, line 13, after "organization.":

2 Insert "However, for purposes of this subsection,

3 (1) if an unemancipated minor under the age of 18 years has both
4 a custodial and a nencustodial parent, recovery in damages is limited to recovery
5 from the noncustodial parent if the property destruction by the minor occurred
6 during a period of the minor's court-ordered visitation to that parent; and

7 (2) if parents have joint physical custody under a court order of
8 an unemancipated minor under the age of 18 years, recovery in damages is
9 limited to recovery only from the parent having actual physical custody of the
10 minor at the time the property destruction by the minor occurred."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 9(JUD)

1 Page 1, line 13, after "organization.":

2 Insert "However, for purposes of this subsection, as between the custodial and
3 noncustodial parent of an unemancipated minor under the age of 18 years, recovery in
4 damages is limited to recovery from the noncustodial parent if the property destruction
5 by the minor occurred during a period of the minor's court-ordered visitation to that
6 parent."

SENATE FINANCE
COMMITTEE

Amendment Number: 1

Bill Number: HB 9

Sponsor: Sharp Date: 4/6/95

Logged In By: JAC

In a case of ~~sole~~ ^{sole} custody by
a ~~divorced~~ divorced parents, ~~with~~ with
visitation rights by the other
parent, the custodial parent
may recover damages if the
damages occurred during visitation.

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

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Fax (907) 488-4271



While in Juneau
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House District 33

House Of Representatives

MEMORANDUM

April 6, 1995

Subject: House Bill 9, Questions raised in Senate Finance April 6, 1995

To: Senator Rick Halford

From: Representative Gene Therriault *Gene*

In committee you raised a question over who has legal custody of a minor if the minor is visiting the non-custodial parent under a court-ordered visitation. According to Jack Chenoweth, Legislative Counsel, visitation does not transfer custody, so responsibility for damages would remain with the principal custodian. In other words, the non-custodial parent would not be responsible for damage done by the minor during the visit. In the case of joint custody, both parents are responsible equally for damages done by the minor, regardless of who has physical custody. I hope this answers your question. If you have further questions about this bill, or suggestions for a possible amendment to address your concern, please let me know at your earliest convenience.

cc: Senator Bert Sharp

Alaska State Legislature

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Fax: (907) 465-3884

House District 33

House Of Representatives

SCS CSHB 9(JUD): "An act relating to recovery of damages from a person having legal custody of a minor when property is destroyed by the minor, and to recovery from a minor's permanent fund dividend for injury or damage caused by the minor."

Sponsor: Representative Gene Therriault

Sponsor Statement:

This victim's rights legislation, which updates a statute that has been on the books since 1957, is intended to encourage responsibility among parents and juveniles and to provide recourse for victims who have lost property. It is based on the principal that the person having legal custody of the juvenile who caused the damage is monetarily responsible for the loss. This legislation would increase the amount the victim may recover from \$2,000 to \$10,000.

The impetus for my interest in this bill is partly an incident that occurred last summer in which vandals caused approximately \$50,000 in damage to two schools in Fairbanks. Although the vandals were caught, the school district was able to recoup only a small fraction of its loss. This legislation would ensure that victims of property damage could recover a greater amount of their total loss.

The bill was amended by the Judiciary Committee to add the words "as a result of a knowing or intentional act," which limits liability to damages that were caused purposely, but includes unintentional damages that might be caused as a result of the intentional action.

The Committee also added a new section to incorporate the intent of House Bill 36. It updates the permanent fund dividend law that permits the taking of part or all of a dividend to satisfy a judgment. It increases the amount that can be recovered from a minor's permanent fund dividend for injury or damage caused by the minor from the current \$2,000 to \$10,000 to maintain the parallel recovery provision with the change being proposed in House Bill 9.

The Finance Committee further revised the bill to clarify that the legal custodian is relieved of liability only if a run away report is filed **before** the damages are committed, and to limit liability to the responsible guardian.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 5, 1995

SUBJECT: SCS CS HB 9 (Judiciary) -- sectional analysis
(Work Order No. 9-LS0053\K)

TO: Representative Gene Therriault
ATTN: Wilda Whitaker

FROM: Jack Chenoweth 
Legislative Counsel

The measure relates to the ability of a victim of an offense involving damage caused by a minor to recover for the damaged property.

Bill section 1, amending AS 34.50.020(a), increases from \$2000 to \$10,000 the amount of damages that the owner of real or personal property would be able to recover in a civil action for damage to the property caused by an unemancipated minor. That recovery would be from "a person having the legal custody of an unemancipated minor," modifying a more specific reference in current law that allows recovery from either parent or both parents or the legal guardian of the minor as well as the person having legal custody. In the bill section, descriptors of the minor's action incorporates reference to culpable mental states that are set out in the current state criminal code--damage to property as a result of a minor's "knowing or intentional act"--replace the current statute's common law modifiers "maliciously or wilfully."

Bill section 2, adding a new subsection, subsection (c), to AS 34.50.020, would preclude liability for the payment of property damages by the person having legal custody of an unemancipated minor if the minor was a runaway or was missing. The committee substitute draws a clearer line with respect to the point in time that the custodian's liability for those damages stops, i.e. "after [the custodian] has made a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing." The bill section supplies a definition of the term "runaway or missing minor."

State law currently provides for payment of permanent fund dividends. Dividends are generally exempt from many forms of collection for debt, but there are exceptions under which dividends may be recovered against by parties having claims. Bill section 3 amends subsection (b) of AS 43.23.065 to conform the exemption to the changes made in bill section 1, that is, the limit of recovery against the minor's dividend in certain civil actions is increased from \$2000 to \$10,000 and the provision authorizing recovery against adults responsible for

Representative Gene Therriault

April 5, 1995

Page 2

the damages that may have been caused by the minor is rewritten to make reference to "a person having the legal custody of an unemancipated minor." It also removes from current law certain qualifications or contingencies that limit recovery against a permanent fund dividend for the acts of minors against which one may obtain recovery.

JBC:klb

95-237.klb

Alaska State Legislature

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House District 33

House Of Representatives

House Bill 9

Explanation of changes to Senate CS for CS for House Bill 9 (Jud)

The Senate CS for CS for House Bill 9 (Jud) deletes the language from page 2, line 23 through page 3, line 1. The amendment removes unnecessarily restrictive language from A.S. 43.23.065(b) regarding recovery of civil damages from a juvenile's permanent fund dividend. The deleted subsection unduly restricts the circumstances under which a writ of execution can be issued against a minor's permanent fund dividend to satisfy a civil judgment. Under current law, in order to enforce a judgment against a permanent fund dividend, the victim must not only obtain a judgment in the civil action, but the judgment must be based on intentional or knowing property damage or a criminal act in which the juvenile has been adjudicated as a delinquent.



ALASKA COUNCIL OF SCHOOL ADMINISTRATORS

123 Fourth St., Suite 414, Juneau, AK 99801 • TEL: 907-586-4702 • 800-475-8700 • FAX: 907-586-4875

POSITION STATEMENT

HOUSE BILL # 9

"An Act relating to recovery of damages from a minor's parent or legal guardian when property is destroyed by a minor."

The Alaska Council of School Administrators supports House Bill #9.

Across Alaska, school administrators have had to deal directly with the vandalism caused by minors in school buildings. In specific incidence, minor vandals have broken into school buildings, destroyed computers, shattered windows, vandalized school laboratories, and sprayed paint on walls, lockers and floors.

ACSA supports the increase in the amount of recovered damages from \$2,000 to \$10,000. Schools across Alaska have equipped their computer laboratories, offices and individual classrooms with the most sophisticated equipment. This equipment is expensive. When it is destroyed it places a financial burden on the school district for the replacement of the destroyed equipment and furnishings. It is appropriate that the burden of responsibility be shifted to the appropriate level, the guilty minor and their parents or legal guardian.

These malicious acts of vandalism have spoiled the opportunities other children have to learn in a safe environment using the most modern tools available to them.

School districts and local tax payers make a determined effort to provide facilities and educational materials and equipment which enhances the learning environment. Communities hold with pride, the quality of facilities they have for educating their children. Districts do not budget for replacement of windows, furniture, and equipment which has been destroyed by acts of violence. When this equipment and facilities are damaged, it places a tremendous burden on an already tight school budget.

Our only recommended change in HB 9 would be to raise the amount available to be recovered to represent the true replacement costs for damages.

The responsibility for restitution must rest with the parents and legal guardians as well as the minor found guilty of such acts of vandalism.

Stephen T. McPhetres
Executive Director



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

Fairbanks North Star Borough School District

Board of Education March 9, 1995

Sue Wilken
President
Seat A
474-0341

Representative Gene Therriault
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Bill Burrows
Vice President
Seat E
451-0985

Dear Representative Therriault:

Jane Haigh
Treasurer
Seat D
457-7834

Thank you for the introduction of legislation relating to the recovery of damages from a person having legal custody of a minor and from a minor's Permanent Fund Dividend. We understand that the bill also clarifies that the legal custodian is relieved of liability only if a runaway report is filed before the damages are committed and to limit liability to the responsible guardian.

Bob Boko
Clerk
Seat G
474-9081

Last fall, your attendance at our Board meeting in response to the recurring school facility vandalism in our community was sincerely appreciated. You offered your assistance and have kept that commitment in part by the introduction of HB9.

Jerry McBeath
Member
Seat C
473-2870

We hope that raising the amount that a victim may recover from \$2,000 to \$10,000 will serve as a deterrent and that the district will be able to recover a more reasonable portion of future damages should they occur.

Andy Warwick
Member
Seat F
474-9148

Cynthia Henry
Member
Seat B
474-0034

Sincerely,

Bill Burrows
Vice President
Board of Education

Bill Heinen, Lt. Col.
Eielson Air Force Base
Representative
377-3259

John Popp, Major
Fort Wainwright Army Post
Representative
356-3771

cc: Interior Delegation
Rick Cross, Superintendent
Linda Anderson, Legislative Liaison

Jay McAlpin
Student Representative
488-9061

SAM BISHOP, Editorial Page Editor: 456-6661 (Ext. 274)

FAIRBANKS
Daily News - Miner

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Established in 1903

CHARLES L. GRAY
Publisher Emeritus

PAUL J. MABREY
Publisher

SAM BISHOP
Editorial Page Editor

Returning responsibility

Since before statehood, Alaska law has allowed victims of vandalism to obtain up to \$2,000 in compensation from parents of the vandals.

But some kids today seem to be amusing themselves by causing damage that far exceeds \$2,000 or even \$20,000. Witness the recent incidents at Monroe Catholic High School and Ryan Middle School.

It's time for inflation to catch up with the crooks and the parents who fail to curb them.

That's exactly what Rep. Gene Therriault, R-North Pole, hopes to do with HB 9. His legislation would allow any "person, municipal corporation, association, village, school district or religious or charitable organization" to recover up to \$10,000 from parents or legal guardians of minors who vandalize their property.

This law, if passed, must be applied within reason. Obviously, some parents find themselves with uncontrollable children through little or no fault of their own. For example, with the high incidence of fetal alcohol syndrome in Alaska, some children seem to lack the cognitive ability to anticipate the consequences of their actions. While intensive work does seem to help these children, it may be too much to expect that the parent can control them at all times.

Those who would apply an absolutist view to issues of personal responsibility might argue that the parents should have thought of that when they were drinking during pregnancy. Perhaps. But that doesn't fairly address the parents who have adopted or unexpectedly assumed guardianship of children with such troubles.

Therriault's proposal provides a sensible way to handle some of those complexities. If the parents report the child missing to a law enforcement agency, they would not be held liable for the child's vandalism.

Of course, that provision would allow some devious parents to continue to shirk their responsibilities. But at least the parent would have some large incentive to think just a little about their children and their whereabouts.

Some might scoff at this bill as another hopeless, unenforceable measure that no one will use. But Therriault's measure also changes a state program that everyone watches: the Permanent Fund dividend. Parents and their children could lose up to \$10,000 in annual checks to pay for vandalism if the bill passes.

With that kind of money, schools could recover a good portion of the costs it has incurred in the past few years rebuilding damaged school property. The schools also would have some meaningful financial incentive to pursue the matters.

It's time for society to return a little more responsibility to the place it should have been all along—with parents and their children.

MEMO

To: Rep. Porter

From: Anne Carpeneti *AC*

Re: HB 9

Date: Jan. 26. 1995

HB 9 raises the potential liability of parents and guardians for damage by minors from \$2,000 to \$10,000. and eliminates the requirement that the damage be done maliciously or wilfully.

You asked about the liability of the state for damage by minors in its charge. AS 34.50.020(b) (attached) provides that a state agency or its agents is not liable for acts of minors in its charge or custody.

CS HB 9 : RECOVERING DAMAGES FROM MINORS

EXPLANATION: The bill increases the \$ amount that can be recovered in damages from \$2,000 to \$10,000.

* Judiciary added civil actions against minors to the list of reasons PFD checks can be garnished.

SPONSOR: Rep. Gene Therriault

FISCAL NOTES: 0 Dept. of Law
0 H&SS, Foster Care
0 H&SS, Residential Child Care
0 Administration, Office of Public Advocacy
0 Administration, Public Defender Agency

TESTIMONY: Jane Rutherford, Dept. of Law, Civil Divisio

SENATE COMMITTEE REPORT

DATE: 3/6/95

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 9(FIN)

Recovery of damages from a person having legal custody of a minor when property is destroyed by the minor, and to recovery from a minor's permanent fund dividend for injury or damage caused by the minor.

and recommends:

- be replaced with S CS CS HB 9 (JUD)
- adopt previous CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓				
Lynda Beer Green	✓				
		<i>[Signature]</i>	X		
CHAIR: <i>[Signature]</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Courts	1/27	✓	
DOA - Public Advoc.	1/30	✓	
DOA - Risk Management	1/30	✓	
DOA - Public Defender	1/30	✓	
HSS - DFYS	1/23	✓	
HSS - DFYS - Foster Care	1/23	✓	
Law	1/23	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 7

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CSHB 9(FIN)
(H) Publish Date: 2/13/95

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to recovery of damages BRU: Trial Courts
 from a minor's parent of legal guardian Components: _____
 Sponsor: Reps. Theriault, Porter
 Requester: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	*	*	*	*	*	*
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Recalpts						
1003 GF Match						
1004 GF						
1005 GF/Program Recalpts						
1006 GF/MHTIA						
Other						
TOTAL	*	*	*	*	*	*

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

* - See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 01/27/95

Approved by: Arthur H. Snowden, II, Administrative Director Date: 01/27/95
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
HB 9

AS 34.50.020(a) provides that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in a civil action not to exceed \$2,000 from either parent or other person having legal custody of an unemancipated minor under the age of 18 year who maliciously or willfully destroys real or personal property.

HB 9 makes two significant changes to this statute. First, the damage limit is raised from \$2,000 to \$10,000. Second, the requirement that a minor have acted maliciously or wilfully is eliminated, meaning that the parents or legal guardian are liable if the minor merely acted negligently.

These changes will result in an increase in case numbers and costs for several reasons. First, the bill makes parents liable not just for vandalism, but for any negligent act of their children. This will expand the field of potential cases. Second, the increase in the dollar amount which can be recovered will increase the field of potential cases. Third, the higher dollar amount means that many of these cases can now be brought in district court, rather than small claims court. This will increase court costs, because district court proceedings take more time, use more expensive district judges rather than magistrates, and give litigants the right to a jury.

Because of a lack of data, it is impossible to predict how this legislation will impact the court system. If case numbers and costs increase significantly, it will be necessary to return to the legislature at a later time for additional funding.

HB

10

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/8/95

FURTHER:

DATE TURNED INTO OFFICE: 5-16-95

The Finance Committee considered CS FOR HOUSE BILL NO. 10(STA) am

"An Act relating to payment for emergency services responding to certain motor vehicle accidents."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Kizer</i>	✓		X	HIS	MARK
<i>Paul E. Kelly</i>	✓				
<i>Paul F. Bennett</i>	✓				
<i>Bob Noyes</i>	✓				
Co-Chair: _____		Co-Chair: _____			
Co-Chair: <i>Rick Hatford</i>	✓	Co-Chair: _____			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#1	DO Law	2/5/95	⊖
#2	DC + ED	2/23/95	⊖
#3	DPS	2/9/95	⊖

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 3
Bill Version: CSHB 10 (STA)
(H) Publish Date: 4/6/95

Revision Date: _____ Dept. Affected: Public Safety
Title: "An act relating to payment for emergency services respond to motor vehicle accidents." Alaska State Troopers
Sponsor: Representative Davies Component: Detachments
Requestor: _____ COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

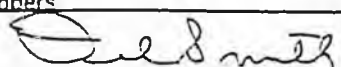
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
No significant impact on the Alaska State Troopers

Prepared By: Francis C. Allan Phone: 269-5691
Division: Alaska State Troopers Date: 01/24/95
Approved by Commissioner:  Date: 2/9/95
Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 2

Bill Version: HB 10

(H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Payment of Costs of DWI Accidents
Sponsor: Representative Deves
Requestor: _____

Department: Commerce and Economic Development
BRU: Insurance
Component: Operations
COMPONENT SERIAL NO. #354

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	
----------------------	--

CHANGE IN REVENUES	
--------------------	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: Joan Brown, Administrative Officer Phone: 485-2597
Division: Insurance Date: 2/18/95
Approved by Commissioner: William L. Hensley Date: 2/23/95
Agency: Commerce and Economic Development

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FISCAL NOTE

No. 1
 Bill Version: HB 10
 (H) Publish Date: 3/20/95

**STATE OF ALASKA
 1995 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: *An Act relating to payment for emergency BRU: Legal Services
services responding to certain motor vehicle accidents.* Component: Operations
 Sponsor: Representative Davies
 Requester: Representative Davies COMPONENT SERIAL NO. 0093

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35 to provide that a person convicted of driving while intoxicated, who contributes to a motor vehicle accident, be required to pay the cost of any emergency services that responded to the accident. Currently, courts have the discretionary power to order reimbursement under these circumstances, when a convicted DWI defendant is sentenced. This bill would make reimbursement of emergency responders mandatory. There will not be a fiscal impact for the Department of Law, because this is a sentencing provision that does not directly involve the department.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/15/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/15/95
 Agency: Department of Law

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Legislative Committees:
Resources
Legislative Budget & Audit
Administration Regulation Review
Military & Veteran Affairs

Legislative Budget Subcommittees:
University of Alaska
Department of Natural Resources
Department of Law

Representative John Davies District 29

Memorandum

Date: May 8, 1995

To: Senator Drue Pearce, Senate President
Senator Steve Frank, Co-Chair, Senate Finance
Senator Rick Halford, Co-Chair, Senate Finance

From: Representative John Davies

A handwritten signature in cursive script that reads "John Davies".

Re: HB 10 Finance referral

I respectfully request that HB 10 be waived from the Senate Finance Committee. HB 10 requires DWI offenders convicted of causing a motor vehicle accident to pay for the costs of emergency services that respond to the accident. It has had public hearings in the House State Affairs and Judiciary Committees and Senate State Affairs. All committees have given it a unanimous "do pass". It has zero fiscal notes from Department of Law, Department of Public Safety, and Department of Commerce and Economic Development.

Please contact me if you would like to discuss this bill at length.



Alaska State Legislature

Office in Fairbanks
119 N. Cushman Street Suite 207
Fairbanks, Alaska 99701
(907) 455-4172
FAX (907) 451-9293



Winter Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4457
FAX (907) 465-3519

Representative John Davies
District 29

HB 10 SPONSOR STATEMENT

HB 10 is an act that requires DWI offenders convicted of causing a motor vehicle accident to pay for the costs of emergency services that respond to the accident.

The problems and associated costs of driving while intoxicated are clear. According to national statistics, approximately one-half of all fatal motor vehicle accidents involve alcohol. According to the Department of Public Safety 40% of all DWI arrests involve repeat offenders. Furthermore, alcohol related injuries and fatalities cost Alaskans an estimated \$68 million per year (Department of Health and Social Service, 1985).

HB 10 attempts to address these problems in two manners. First, as a deterrent to those who drive while intoxicated by raising the financial penalty for doing so. By raising the financial burden to those breaking the law, HB 10 emphasizes the seriousness of the crime. Second, this bill shifts the financial responsibility of the emergency services that respond to alcohol-related accidents from law abiding, tax paying citizens to the convicted DWI offender.

Three states, California, Indiana, and Kansas have similar reimbursement laws.



Alaska Fire Chief's Association

P.O. Box 8508 • Nikiski, Alaska 99635 • (907) 283-4202 • FAX 283-8404

Billy W. Harris
President

TIMOTHY J. BIGGANS
1st Vice President
(907) 488-3400
North Pole

MICHAEL G. MCGOWAN
2nd Vice President
(907) 474-7916
Fairbanks

TRUI CARTER
Secretary / Treasurer
(907) 283-1388
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DEWEY WHITSELL
Director
(907) 424-6117
Cordova

GREG BARCLAY
Director
(907) 262-4792
Soldotna

MIKE HOLDMUELLER
Director
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Fairbanks

MIKE DOLPH
Director
(907) 486-8040
Kodiak

JOHN P. KEEL
Director
(907) 373-8800
Wasilla

ANDREW FUSTISHSK
Past President
(907) 265-8794
Wasilla

Resolution 95-04

THE ALASKA FIRE CHIEF'S ASSOCIATION SUPPORTS HOUSE BILL 10.

WHEREAS, persons driving while intoxicated impact the emergency services by increasing call volumes which results in increased risk to responders and equipment, hence higher operating costs and;

WHEREAS, the Alaska Fire Chief's Association sees the general law abiding citizen paying for these costs and;

WHEREAS, the Alaska Fire Chief's Association is dedicated to reducing loss of life and property,

NOW THEREFORE BE IT RESOLVED THAT,

**THE ALASKA FIRE CHIEF'S ASSOCIATION STRONGLY
SUPPORTS THE PASSING OF HOUSE BILL 10.**

ADOPTED, THIS 20th DAY OF MARCH, 1995.

Billy W. Harris
President, AFCA

ATTEST: Disanne Young for Teri Carter
Secretary

MADD

Mothers Against Drunk Driving
P. O. Box 71167 Fairbanks, AK 99701 (907) 456-3964

DRUNK DRIVING IS NOT AN ACCIDENT, IT IS A VIOLENT CRIME.

In 1993, 17,461 people were killed in the United States in alcohol-related traffic crashes. It is estimated that 950,000 people were injured in crashes where alcohol was present.

Direct costs of alcohol-related crashes are estimated to be \$44 billion yearly including \$6 billion in medical costs. An additional \$90 billion is lost in quality of life due to these crashes.

THE MISSION OF MOTHERS AGAINST DRUNK DRIVING IS TO STOP DRUNK DRIVING AND TO SUPPORT VICTIMS OF THIS VIOLENT CRIME.

Rep. John Davies
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182
FAX: (907) 465-3519

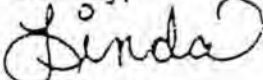
Re: HB No. 10

Dear Representative Davies,

The Fairbanks Chapter of Mothers Against Drunk Driving would like to voice it's support for HB No. 10. As I'm sure you're aware, the cost of drunk driving to the State is phenomenal. While one can never put a dollar amount on the loss of life or injury to a victim, drunk drivers must take responsibility for their actions. HB 10 will act as a deterrent to the potential drunk driver. We commend you for your efforts.

If I can provide you with further information, please contact me.

Sincerely,



Linda Ferree
Chapter President



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel: (907) 586-1325 Fax: (907) 583-548

March 16, 1995

TO: Representative John Davies

FROM: Kevin C. Ritchie
Executive Director

RE: House Bill 10 - Payment for emergency services responding to certain motor vehicle accidents

The Alaska Municipal League is writing in support of HB 10, which would require a person convicted of driving while intoxicated and contributes to an accident to pay the costs of any emergency services connected with that accident.

While we do not have a specific statement addressing this subject in our policy statement, municipalities support legislation that would encourage people to refrain from driving under the influence and putting innocent people in danger. If an unfortunate accident is the result of this type of behavior, we agree that the convicted person should pay the cost of emergency services.

If you have any questions, please feel free to call me at 586-1325.

Table 72
Persons Killed or Injured in Alcohol-Related Crashes, by Person Type and Injury Severity

Person Type		Persons Injured by Injury Severity			Total Injured
		Incapacitating	Nonincapacitating	Other	
Vehicle Occupants					
Driver	10,389	48,000	88,000	88,000	180,000
Passenger	3,994	23,000	28,000	44,000	95,000
Subtotal***		69,000	95,000	111,000	275,000
Nonmotorists					
Pedestrian	2,738	3,000	3,000	3,000	10,000
Pedalcyclist	298	1,000	2,000	1,000	3,000
Other	34	****	1,000	****	1,000
Subtotal	3,066	4,000	6,000	5,000	14,000
Total****	17,481	73,000	100,000	116,000	289,000

**** Police-reported alcohol involvement in the crash.
 *** Includes 32 unknown occupants that were killed.
 **** Less than 500.


USA.

Total Fatalities = 40,115
 Fatalities in Alcohol Related Crashes = 17,461
 Percent = 43.5 %



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

THE ECONOMIC COST OF MOTOR VEHICLE CRASHES 1990

1. Report No. DOT HS 807 876		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle The Economic Cost of Motor Vehicle Crashes, 1990				5. Report Date September 1992	
				6. Performing Organization Code	
7. Author(s) Lawrence J. Blincoe and Barbara M. Faigin				8. Performing Organization Report No.	
9. Performing Organization Name and Address Plans and Policy National Highway Traffic Safety Administration Washington, DC 20590				10. Work Unit No. (TRAIS)	
				11. Contract or Grant No.	
12. Sponsoring Agency Name and Address U.S. Department of Transportation National Highway Traffic Safety Administration Washington, DC 20590				13. Type of Report and Period Covered NHTSA Technical Report	
				14. Sponsoring Agency Code	
15. Supplementary Notes We acknowledge the assistance of Linda Bennett, Office of Plans and Policy, NHTSA; Judy Hilton and other staff, National Center for Statistics and Analysis, NHTSA; and Ted R. Miller of the Urban Institute.					
16. Abstract This report presents the results of an analysis of total motor vehicle crash costs for 1990 and the costs of alcohol-related crashes. The total economic cost of motor vehicle crashes and injuries that occurred in 1990 was \$137.5 billion. This total represents the present value of lifetime costs for 44,531 fatalities, 5.4 million non-fatal injuries, and 28 million damaged vehicles, in both police reported and unreported crashes. Property damage costs of \$45.7 billion accounted for the largest share of total motor vehicle crash costs. Lifetime losses in marketplace production due to deaths and injuries of \$39.8 billion represented the second largest portion of total cost. Medical expenses were the third highest cost category, totaling \$13.9 billion. Each fatality resulted in a discounted lifetime economic cost of \$702,000. 					
17. Key Words Economic costs Motor vehicle crashes Motor vehicle fatalities, injuries Alcohol			18. Distribution Statement Document is available to the U.S. public through the National Technical Information Service, Springfield, VA 22161		
19. Security Classif. (of this report)		20. Security Classif. (of this page)		21. No. of Pages	22. Price

SENATE COMMITTEE REPORT

DATE: 5/2/95

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 10(STA) am

"An Act relating to payment for emergency services responding to certain motor vehicle accidents."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical change
 new: SCR? _____

Dunne as

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
CHAIR:					

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE COMMITTEE REPORT

DATE: 4/20/95

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: 5-2-95

Am

State Affairs Committee considered CS FOR HOUSE BILL NO. 10(STA) am

"An Act relating to payment for emergency services responding to certain motor vehicle accidents."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR? _____

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Henry A. Simon</i>	✓				
<i>Paul E. Hill</i>	✓				

CHAIR: <i>Paul E. Hill</i>					

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
PUBLIC SAFETY	2/9	✓	
O.C.E.O.	2/23	✓	
LAW	2/15	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

HB

13

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 9, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/22/95

The FINANCE Committee considered:

HB 13

HOUSE BILL NO. 13

CAMPAIGN DISCLOSURE REPORTS

"An Act requiring persons authorized to make or incur political campaign expenditures before filing for nomination to office and groups acting on behalf of them to file certain election campaign finance disclosure reports."

recommends it be replaced with the following committee substitute HS 11B 13 (SIA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) Admin, 3/9/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Glen Mulder</i>	Mulder			X	
<i>Terry Martin</i>	Martin	X			
<i>Frank Parnell</i>	Parnell	X			
<i>Vic Kohring</i>	Kohring			X	
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Mike Navarre</i>	Navarre			X	
<i>Tony Brown</i>	Brown			X	
<i>Kate Kelly</i>	Kelly	X			
<i>Gene Therman</i>	Therman	X			
<i>Richard Foster</i>	Foster	X			

CO-CHAIR'S SIGNATURE

Mark Hanley *Richard Foster*
 Hanley Foster

ALASKA PUBLIC OFFICES COMMISSION

POLICY DECISION

AS 15.13.04U(b) and (c), 15.13.110,
15.13.130(4) and 2 AAC 50.332 in
relation to:

Exemption from Primary Election
Reporting Requirements
No. 15.13 - 82 - 2
November 18, 1982

Question: Shall non-party candidates, groups formed to influence the outcome of ballot issues not appearing on the primary ballot, and political party subdivisions and multi-candidate PAC's which do not make expenditures to benefit a candidate on the primary ballot, but which may receive contributions and/or make administrative expenditures during the primary reporting period, be required to file Primary Election Campaign Disclosure Reports (30 and 7 Day Pre and 10 Day Post)?

Decision: The Commission determined that such groups and candidates need not file either Primary or General Election reports so long as their only activity during those reporting periods is the receipt of contributions or the expenditure of funds for administrative purposes. If a group makes campaign-related expenditures (i.e., those intended to influence the election of a candidate or the outcome of a ballot issue), then the campaign disclosure reporting cycle is triggered, beginning with the report covering the period during which such an expenditure was made and covering all financial activity not previously reported. Failure to file timely reports once the reporting cycle is triggered will subject the candidate or group to the penalty provisions of AS 15.13 and 2 AAC 50. However, if no campaign-related expenditures are made during a calendar year, but contributions are received and/or administrative expenditures are made, then a comprehensive Year-end Report shall be filed.

Rationale: Historically, it has been the informal policy of the Commission to exempt non-party candidates and General Election ballot issue groups from the requirement to submit Primary Election reports. In light of AS 15.13.110(a), it seems reasonable to extend the exemption to multi-candidate PAC's and political party subdivisions with no campaign-related primary expenditures: AS 15.13.110(a)(1), (2), and (3) state that the "report shall be filed at the following times: 30 days before the election; one week before the election; ten days after the election..." (emphasis added). Presumably, the election to which .110 refers is the specific one that the candidate or group is attempting to influence. No public harm results and timely disclosure is not compromised if primary reports are not submitted since the election in question is the general.

Such an exemption would make the reporting requirements less burdensome, eliminate the submittal of extraneous reports, and expedite the auditing and review process.

References: Patrice Stendahl Memorandum of August 11, 1982, and attachment.

Alaska State Legislature

WHILE IN SESSION
CAPITOL BUILDING
UNEAU, ALASKA 99501-1100
PHONE: 465-4111
FAX: 465-4116

PERMANENT ADDRESS
115 WEST 14TH AVENUE
ANCHORAGE, ALASKA 99501
PHONE: 465-4114
FAX: 465-4116



CHAIR, RESOURCES COMMITTEE
VICE CHAIR, JUDICIARY COMMITTEE
MEMBER, STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES
DEPT. OF NATURAL RESOURCES
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green

District 10

Sponsor Statement

CSHB 13 - Campaign Disclosure Reports

HB 13 makes it easier for the public to know who is contributing money to non-party candidates for statewide and legislative office.

Problem: Currently, non-party candidates for legislative office who gain access to the general election ballot by going through the petition or write-in process are not required to file campaign finance disclosure reports during the primary election cycle. Alaska Public Office Commission Policy Decision 15.13-82-2 sets requirements for these candidates.

The Commission has ruled that non-party candidates, groups formed to influence the outcome of ballot issues not appearing on the primary ballot, and political party subdivisions and multi-candidate PAC's which do not make expenditures to benefit a candidate on the primary ballot "...need not file either Primary or General Election reports so long as their only activity during those reporting periods is the receipt of contributions or the expenditures of funds for administrative purposes."

When a campaign-related expenditure is made, the reporting cycle is triggered. Until that time, the public has no idea who is contributing money to non-party candidates.

Solution: HB 13 requires prospective non-party candidates for legislative office to disclose to the public, during the primary election reporting cycle, who is making campaign contributions to them.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CSHB 13(STA)
(H) Publish Date: 2/8/95

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act requiring persons authorized to make or incur political campaign expenditures ..." BRU: Alaska Public Offices Commission
 Component: Alaska Public Offices Commission
 Sponsor: Representative Green
 Requestor: Representative Green COMPONENT SERIAL NO. 70

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES		9.0		9.0		9.0
TRAVEL						
CONTRACTUAL		0.3		0.3		0.3
SUPPLIES		0.1		0.1		0.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	9.4	0.0	9.4	0.0	9.4
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		9.4		9.4		9.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
Total	0.0	9.4	0.0	9.4	0.0	9.4

Estimate of current year (FY95) cost: \$0.0

POSITIONS:

FULL-TIME						
PART-TIME		1		1		1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would require the filing of campaign disclosure reports by prospective municipal and state candidates (those who file letters of intent). It would result in the filing of an estimated 270 additional reports by 70 prospective candidates.

Costs involved in administering this change include: a six month part-time seasonal administrative clerk during election cycles to deal with the additional paper processing, mailings, and copy requests; postage, envelopes, and paper.

Prepared by: Karen Boorman, Executive Director *K. Boorman*
 Division: Alaska Public Offices Commission

Phone: 907/276-4176
 Date: _____

Approved by Commissioner: *MB*
 Agency: Department of Administration

Date: 1/26/95

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FISCAL NOTE

(to 2)

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CS HB 13 (STA)
(H) Publish Date: 3/9/95

Revision Date: _____
Title: "An Act requiring persons authorized to make or incur political campaign expenditures . . ."
Sponsor: Rep. Green
Requestor: (H) JUD

Department Affected: Administration
BRU: Alaska Public Offices Commission
Component: Alaska Public Offices Commission
COMPONENT SERIAL NO. 70

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Alaska Public Offices Commission.

Prepared by: Karen Boorman, Director
Division: Alaska Public Offices Commission

Phone: 276-4176
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/3/95

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COMMITTEE COPY

HB

17

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/30/95

FURTHER:

DATE TURNED INTO OFFICE: 5-4-95

Finance Committee considered CS FOR HOUSE BILL NO. 17(L&C) am services that may be offered by an electric cooperative; efd.

and recommends:

- be replaced with 5 CS CS HB 17 (FIX)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Thies</i>	✓	<i>David Danday</i>	✓		
<i>Roll E. Hill</i>	✓	<i>Paul J. Hancock</i>	✓		
<i>Bob May</i>	✓				
Co-Chair: <i>John</i>	✓				
Co-Chair: <i>Kirk Halford</i>	✓				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DC+ED (Banking)	1/24/95	0	
DC+ED (APUC)	3/28/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 1
Bill Version: CS HB 17(STA)
(H) Publish Date: 2/10/95

Revision Date: _____
Title: Officers of Utility Cooperatives
Sponsor: Representative Green
Requestor: _____

Department Affected: Commerce and Economic Development
BRU: Banking, Securities & Corporations
Component: _____
COMPONENT SERIAL NO. 1233

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 95) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director
Division: Banking, Securities & Corporations
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 465-2521
Date: _____
Date: 1/24/95

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FISCAL NOTE

No. 2
 Bill Version: CSHB 17 (L&C) am
 (H) Publish Date: 3/28/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: March 29, 1995 Department: Commerce and Economic Development
 Title: 'Expanding electric cooperatives' services: other BRU: AK Public Utilities Commission
 purposes... Component: AK Public Utilities Commission
 Sponsor: Green
 Requestor: _____ COMPONENT SERIAL NO. 364

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES			55.1	55.1	55.1	55.1
TRAVEL			1.1	1.1	1.1	1.1
CONTRACTUAL			18.5	18.5	18.5	18.5
SUPPLIES			1.3	1.3	1.3	1.3
EQUIPMENT			0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	76.5	76.5	76.5	76.5

CAPITAL EXPENDITURES	
CHANGE IN REVENUES	

FUND SOURCE	(Thousands of Dollars)					
002 Federal Receipts						
003 GF Match						
004 General Fund						
005 GF/Program Receipts			76.5	76.5	76.5	76.5
006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	76.5	76.5	76.5	76.5

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME			1	1		
TEMPORARY						

Joyce/Nancy:
 This FN
 was adopted
 on the floor -
 NOT by a
 committee
 FYI

ANALYSIS: (Attach a separate page if necessary)

This fiscal note assumes that no new certificate applications will occur in FY96. In FY97 existing staff could handle the limited number of certificate applications. For FY98 and beyond the number of certificate applications processed by the Commission could increase. This would require a part-time Utility Engineering Analyst II, range 17.

Prepared by: Robert A. Lohr, Executive Director Phone: 275-5222
 Division: Alaska Public Utilities Commission Date: March 29, 1995
 Approved by Commissioner: William L. Henslev Date: March 29, 1995
 Agency: Commerce and Economic Development

WORK DRAFT

WORK DRAFT

WORK DRAFT

SENATE FINANCE
COMMITTEE

Amendment Number: CS-1

Bill Number: HB 17

Sponsor: Sharp Date: 5/2/95

Logged In By: [Signature]

5-4-95 Adopted
Amend. 2
Lins
9-LS00961W 28-30
Cramer
4/26/95
Called Legal
5:40pm

SENATE CS FOR CS FOR HOUSE BILL NO. 17()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act expanding the services that may be offered by an electric cooperative
2 to include sewer and water and gas services when authorized by the Alaska
3 Public Utilities Commission, and to include direct satellite television services;
4 relating to officers of a telephone or electric cooperative; relating to amendment
5 of the articles of incorporation of a telephone or electric cooperative; and
6 providing for an effective date."

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

8 * Section 1. LEGISLATIVE INTENT. (a) It is the intent of the legislature that an electric
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11 it is in the public interest that those services be provided and that the electric cooperative
12 applying to provide the service is fit, willing, and able to do so.

13 (b) It is further the intent of the legislature that electric cooperatives not enter into

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5 (1) generate, manufacture, purchase, acquire, accumulate, and transmit
6 electric energy, and distribute, sell, supply, and dispose of electric energy to its
7 members, to governmental agencies and political subdivisions, and to other persons not
8 exceeding 10 percent of the number of its members; however, a cooperative that
9 acquires existing electric facilities may continue service to persons, not in excess of
10 40 percent of the number of its members, who are already receiving service from these
11 facilities without requiring them to become members, and these persons may become
12 members upon the terms as may be prescribed in the bylaws;

13 (2) assist persons to whom electric energy is or will be supplied by the
14 cooperative in wiring their premises and in acquiring and installing electrical and
15 plumbing appliances, equipment, fixtures, and apparatus by financing them, and in
16 connection with these services wire or have wired the premises, and buy, acquire,
17 lease, sell, distribute, install, and repair electric and plumbing appliances, equipment,
18 fixtures, and apparatus;

19 (3) assist persons to whom electric energy is or will be supplied by the
20 cooperative in constructing, equipping, maintaining, and operating electric cold storage
21 or processing plants by financing them or otherwise;

22 (4) operate a waste heat distribution system;

23 (5) operate a heating distribution system that was in existence on June 9,
24 1988;

25 (6) provide sewer, water, or gas utility service if the cooperative has
26 received a certificate of convenience and necessity under AS 42.05.221 - 42.05.281
27 from the Alaska Public Utilities Commission for each type of service provided;

28 (7) provide direct satellite television programming services
29 location that is not part of an area certificated by the Alaska Public Utilities
30 Commission to a cable television company on the effective date of this Act; in this
paragraph; "direct satellite television programming services" means a video

5-4-95
SR Amend (with track)
SR offered instead
A. J. [signature]

1 broadcast signal that is received directly from a satellite by an end user.

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3 Sec. 10.25.200. OFFICERS. The officers of a cooperative are those officers
4 authorized by the bylaws [A PRESIDENT, A VICE PRESIDENT, A SECRETARY
5 AND A TREASURER]. The officers shall be elected annually by the board of
6 directors from among its members. If authorized by the bylaws, the election may
7 be conducted by written ballot. When a person holding an office ceases to be a
8 director, that person ceases to hold office. [THE OFFICES OF SECRETARY AND
9 OF TREASURER MAY BE HELD BY THE SAME PERSON.] The board of
10 directors may [ELECT OR] appoint those [SUCH] other [OFFICERS,] agents [,] or
11 employees that [AS] it considers necessary or advisable and shall prescribe their
12 powers and duties. An officer may be removed from office and a successor elected
13 in the manner prescribed in the bylaws.

14 * Sec. 4. AS 10.25.210 is amended to read:

15 Sec. 10.25.210. AMENDMENT OF ARTICLES OF INCORPORATION. A
16 cooperative may amend its articles of incorporation as follows, except that it may
17 change the location of its principal office in the manner set out in AS 10.25.230:

18 (1) the proposed amendment shall be presented to [A MEETING OF]
19 the members [,] or district delegates at a meeting or by written notice; if the
20 proposed amendment is presented at a meeting, [AND] the notice of the meeting
21 must set out or have attached to it the proposed amendment;

22 (2) if the proposed amendment, with any changes, is approved by the
23 affirmative vote of not less than two-thirds of those members [,] or district delegates
24 voting on it, the presiding officer of the board of directors [PRESIDENT OR VICE
25 PRESIDENT] shall execute and acknowledge articles of amendment on behalf of the
26 cooperative and the officer designated by the board [SECRETARY] shall affix and
27 attest to the seal of the cooperative; if the cooperative accepts ballots both at a
28 meeting and by mail, a member may vote by mail or at the meeting.

29 * Sec. 5. AS 10.25.220(b) is amended to read:

30 (b) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing
31 the articles of amendment shall make and annex to them an affidavit stating that the

1 provisions of this section regarding the amendment were complied with.

2 * Sec. 6. AS 10.25.230 is amended to read:

3 Sec. 10.25.230. CHANGE OF LOCATION OF PRINCIPAL OFFICE. A
4 cooperative may, upon authorization of its board of directors or its members, change
5 the location of its principal office by filing a certificate reciting the change of principal
6 office, executed and acknowledged by its presiding officer [PRESIDENT OR VICE
7 PRESIDENT] under its seal, attested by the officer designated by the board [ITS
8 SECRETARY], in the office of the commissioner.

9 * Sec. 7. AS 10.25.240(a) is amended to read:

10 (a) Except as provided in (b) of this section, one or more cooperatives, each
11 designated in this section as "merging cooperative," may merge into another
12 cooperative, designated in this section as "surviving cooperative," by complying with
13 the following requirements:

14 (1) the proposition for the merger of the merging cooperatives into the
15 surviving cooperative and proposed articles of merger shall be submitted to the
16 members of each merging cooperative and of the surviving cooperative; the notice
17 shall have attached to it a copy of the proposed articles of merger;

18 (2) if the proposed merger and the proposed articles of merger, with
19 any amendments, are approved by the affirmative vote of not less than two-thirds of
20 those members of each cooperative voting on them, articles of merger in the form
21 approved shall be executed and acknowledged on behalf of each cooperative by its
22 presiding officer [PRESIDENT OR VICE PRESIDENT] and its seal shall be affixed
23 by the officer designated by the board [ITS SECRETARY].

24 * Sec. 8. AS 10.25.250(c) is amended to read:

25 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] of each
26 cooperative shall make and annex to the articles an affidavit stating that the provisions
27 of this section regarding the articles were complied with by the cooperative.

28 * Sec. 9. AS 10.25.260 is amended to read:

29 Sec. 10.25.260. CONSOLIDATION. Two or more cooperatives, designated
30 in this section as "consolidating cooperative," may consolidate into a new cooperative,
31 designated in this section as the "new cooperative," by complying with the following

1 requirements:

2 (1) the proposition for the consolidation into the new cooperative and
3 proposed articles of consolidation shall be submitted to the members of each
4 consolidating cooperative; the notice shall have attached to it a copy of the proposed
5 articles of consolidation;

6 (2) if the proposed consolidation and the proposed articles of
7 consolidation, with any amendments, are approved by the affirmative vote of not less
8 than two-thirds of those members of each consolidating cooperative voting on them,
9 articles of consolidation in the form approved shall be executed and acknowledged on
10 behalf of each consolidating cooperative by its presiding officer [PRESIDENT OR
11 VICE PRESIDENT] and its seal shall be affixed and attested by the officer
12 designated by the board [ITS SECRETARY].

13 * Sec. 10. AS 10.25.270(c) is amended to read:

14 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] of each
15 consolidating cooperative executing the articles of consolidation shall make and annex
16 to the articles an affidavit stating that the provisions of this section regarding the
17 articles were complied with by the cooperative.

18 * Sec. 11. AS 10.25.290(c) is amended to read:

19 (c) If the proposition for the conversion of the corporation into a cooperative
20 and the proposed articles of conversion, with any amendments, are approved by the
21 affirmative vote of not less than two-thirds of those members of the corporation voting
22 on them or, if the corporation is a stock corporation, by the affirmative vote of the
23 holders of not less than two-thirds of those shares of the capital stock of the
24 corporation represented at the meeting and voting on them, or, in the case of a
25 corporation having no members and no shares of its capital stock outstanding, by the
26 affirmative vote of not less than two-thirds of its incorporators, articles of conversion
27 in the form approved shall be executed and acknowledged on behalf of the corporation
28 by its presiding officer [PRESIDENT OR VICE PRESIDENT] and its seal shall be
29 affixed and attested by the officer designated by the board [ITS SECRETARY].

30 * Sec. 12. AS 10.25.300(c) is amended to read:

31 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing

1 the articles of conversion shall make and annex to it an affidavit stating that the
2 provisions of this section were complied with regarding the articles. The articles of
3 conversion are the articles of incorporation of the cooperative.

4 * Sec. 13. AS 10.25.320(d) is amended to read:

5 (d) Upon approval, a certificate of election to dissolve, hereafter designated the
6 "certificate," executed and acknowledged on behalf of the cooperative by its presiding
7 officer [PRESIDENT OR VICE PRESIDENT] under its seal, attested by the officer
8 designated by the board [ITS SECRETARY], shall be submitted to the commissioner
9 for filing together with an affidavit by the officer executing the certificate stating that
10 the statements in the certificate are true. The certificate must state the name of the
11 cooperative, the address of its principal office, and that the members of the cooperative
12 have voted to dissolve the cooperative.

13 * Sec. 14. AS 10.25.350 is amended to read:

14 Sec. 10.25.350. TERMINATION OF COOPERATIVE AFFAIRS. The board
15 of directors shall wind up and settle the affairs of the cooperative, collect sums owing
16 to it, liquidate its property and assets, pay and discharge its debts, obligations, and
17 liabilities, other than those to patrons arising by reason of their patronage, and do all
18 other things required to wind up its business. After paying or discharging or
19 adequately providing for the payment or discharge of all its debts, obligations, and
20 liabilities, other than those to patrons arising by reason of their patronage, the directors
21 shall distribute remaining sums, first, to patrons for the pro rata return of all amounts
22 standing to their credit by reason of their patronage [,] and, second, to members for
23 the pro rata repayment of membership fees. Sums then remaining shall be distributed
24 among its members and former members in proportion to their patronage, except to the
25 extent participation in the distribution has been legally waived. The board of directors
26 shall thereupon authorize the execution of articles of dissolution. The presiding
27 officer [PRESIDENT OR VICE PRESIDENT] shall execute and acknowledge articles
28 of dissolution on behalf of the cooperative and the officer designated by the board
29 [SECRETARY] shall affix and attest to the seal.

30 * Sec. 15. AS 10.25.360(b) is amended to read:

31 (b) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing

1 the articles of dissolution shall make and annex to the articles an affidavit stating that
2 the statements contained in the articles are true.

3 * Sec. 16. AS 10.25.480 is amended to read:

4 Sec. 10.25.480. EXECUTION AND FILING OF STATEMENT. The
5 statement of change of office or agent shall be executed by the cooperative by its
6 presiding officer [PRESIDENT OR VICE PRESIDENT], verified by the person
7 executing the statement, and directed to the commissioner. If the commissioner finds
8 that the statement conforms to this chapter, the commissioner shall file it in the
9 commissioner's office. Upon the filing, the change of address of the registered office,
10 and the appointment of the registered agent, or both, as the case may be, is effective.

11 * Sec. 17. AS 10.25.640 is amended by adding a new paragraph to read:

12 (6) "presiding officer" means the presiding officer of the board of
13 directors of the cooperative.

14 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).

Cross-Ref to HB 17

BILL: SB 65

SHORT TITLE: ELECTRIC & TELEPHONE COOPERATIVES

BILL VERSION:

SPONSOR(S): SENATOR(S) TORGERSON

CURRENT STATUS: (S) FIN

STATUS DATE: 02/22/95

TITLE: "An Act expanding the services that may be offered by an electric cooperative to include direct satellite television, sewer, water, or gas services when authorized by the Alaska Public Utilities Commission; relating to officers of a telephone or electric cooperative; relating to amendment of the articles of incorporation of a telephone or electric cooperative; and providing for an effective date."

02/03/95	164	(S)	READ THE FIRST TIME - REFERRAL(S)
02/03/95	165	(S)	L&C, FINANCE
02/22/95	367	(S)	L&C RPT 2DP 2NR
02/22/95	367	(S)	FNS (DCED #1, DCED W/FY 97 IMPACT #2)
02/22/95	367	(S)	REFERRED TO FINANCE

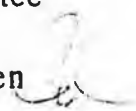
Alaska State Legislature

Representative Joe Green

RECEIVED

APR 12 REC'D

TO: Senator Rick Halford, Co-Chairman
Senator Steve Frank, Co-Chairman
Senate Finance Committee

FR: Representative Joe Green 

RE: CSHB 17

DATE: April 12, 1995

I am writing to request a hearing on CSHB 17 "An Act expanding the services that may be offered by an electric cooperative", which has been referred to your committee.

The bill passed the House by a vote of 37-3.

HB 17 allows electric cooperatives to offer water and sewer, natural gas, and direct satellite television services. The bill also allows for a local option in assigning titles to board officers, and clarifies the law pertaining to cooperative by-law changes.

I have attached a sponsor statement, a bill history, and fiscal notes for your review.

If you have questions about HB17 please call me at 4931.

Thank you for your consideration.

Alaska State Legislature

2018 FEB 15 11:58 AM
ALASKA STATE LEGISLATURE
1000 EAST BROADWAY
ANCHORAGE, ALASKA 99514
PHONE: 907-267-3000
FAX: 907-267-3001
WWW.ALSL.AK.GOV



Representative Joe Green

Democrat

Sponsor Statement

CSHB 17 - Electric Cooperative Services & By-laws

CSHB 17 proposes amendments to Title 10 in three different categories: The range of services that can be offered (sections 1, 2,); By-law changes relating to titles of officers (sections 3-18); and By-law changes relating to elections (section 4).

Category 1 (Bill Sections 1 & 2): For many years electric cooperatives in Alaska, and across the country, have relied on the federal Rural Electrification Administration for low interest loans to build facilities to generate and transmit electricity. Last fall, the federal government reorganized the REA, and combined it with other programs which have traditionally provided loans for other utilities. The new agency is called the Rural Utility Service (RUS).

The new RUS provides loans for water, sewer, electric, and telephone facilities. RUS is encouraging electric cooperatives to provide sewer and water service where it is needed in their electric service areas. **The problem is, Alaska's cooperatives cannot take advantage of these new opportunities without a statutory change.**

CSHB17 expands the list of services that can be offered by an electric cooperative. The new services include water, sewer, natural gas, and direct satellite television. It is expected that this new flexibility will benefit consumers as utilities will be able to consolidate services to achieve better economies, and theoretically lower rates. Consumers, especially in rural areas, would also benefit from a cooperative's ability to develop conventional natural gas accumulations too small for commercial effort and/or develop so-called "coal-bed methane." These otherwise non-commercial gas accumulations offer potential as an environmentally friendly fuel for both heating and electrical generation.

Sponsor Statement

CSHB 17

Page 2

Of course, the services offered, and the rates charged for them are still subject to approval by the Alaska Public Utilities Commission, unless the consumers vote to deregulate the cooperative.

Category 2 (Bill Sections 3-18): CSHB 17 also provides a local option for the assignment of titles for the board officers of each cooperative. Current statute restricts the presiding officer of a utility board of directors to assume the title of "president." Cooperatives like Chugach Electric, who go to investment bankers in New York for their financing, believe it would be an advantage to them to be able to use standard business titles for their officers .

Category 3 (Bill Section 4): CSHB 17 clarifies the statutory language for election procedures. Language in section 4 removes ambiguity over the number of votes necessary to change cooperative by-laws by making it clear that a two-thirds affirmative vote of members voting at the annual meeting, or by mail, is required to amend the articles of incorporation.

BILL: HB 17 SHORT TITLE: OFFICERS OF UTILITY COOPERATIVES
BILL VERSION: CSHB 17(L&C) AM
SPONSOR(S): REPRESENTATIVE(S) GREEN

CURRENT STATUS: (S) FIN STATUS DATE: 03/30/95

TITLE: "An Act expanding the services that may be offered by an electric cooperative to include sewer and water and gas services when authorized by the Alaska Public Utilities Commission, and to include direct satellite television services; relating to officers of a telephone or electric cooperative; relating to amendment of the articles of incorporation of a telephone or electric cooperative; and providing for an effective date."

01/06/95	25	(H)	PREFILE RELEASED
01/16/95	25	(H)	READ THE FIRST TIME - REFERRAL(S)
01/16/95	25	(H)	STATE AFFAIRS, LABOR & COMMERCE
02/07/95		(H)	STA AT 08:00 AM CAPITOL 102
02/07/95		(H)	MINUTE(STA)
02/10/95	293	(H)	STA RPT CS(STA) NEW TITLE 6DP 1NR
02/10/95	294	(H)	DP: JAMES, PORTER, GREEN, ROBINSON
02/10/95	294	(H)	DP: WILLIS, OGAN
02/10/95	294	(H)	NR: IVAN
02/10/95	294	(H)	ZERO FISCAL NOTE (DCED)
03/01/95		(H)	L&C AT 03:00 PM CAPITOL 17
03/01/95		(H)	MINUTE(L&C)
03/06/95		(H)	MINUTE(L&C)
03/15/95		(H)	L&C AT 03:00 PM CAPITOL 17
03/15/95		(H)	MINUTE(L&C)
03/17/95	766	(H)	L&C RPT CS(L&C) NT 1DP 6NR
03/17/95	766	(H)	DP: KOTT
03/17/95	767	(H)	NR: ROKEBERG, ELTON, KUBINA, PORTER
03/17/95	767	(H)	NR: MASEK, SANDERS
03/17/95	767	(H)	ZERO FISCAL NOTE (DCED) 2/10/95
03/24/95	933	(H)	RULES TO CALENDAR 3/27/95
03/27/95	933	(H)	READ THE SECOND TIME
03/27/95	934	(H)	L&C CS ADOPTED UNAN CONSENT
03/27/95	934	(H)	AM NO 1 ADOPTED UNAN CONSENT
03/27/95	935	(H)	AM NO 2 ADOPTED UNAN CONSENT
03/27/95	935	(H)	AM NO 3 ADOPTED UNAN CONSENT
03/27/95	935	(H)	ADVANCED TO THIRD READING 3/28 CALENDAR
03/28/95	961	(H)	READ THE THIRD TIME CSHB 17(L&C) AM
03/28/95	962	(H)	RETURN MOTION ADOPTED UNAN CONSENT
03/28/95	962	(H)	AM NO 4 ADOPTED UNAN CONSENT
03/28/95	962	(H)	AUTOMATICALLY IN THIRD READING
03/28/95	962	(H)	RETURN TO FIN COMMITTEE-WITHDRAWN
03/28/95	963	(H)	FISCAL NOTE (DCED)
03/28/95	963	(H)	PASSED Y37 E3
03/28/95	963	(H)	EFFECTIVE DATE(S) SAME AS PASSAGE
03/28/95	963	(H)	NAVARRE NOTICE OF RECONSIDERATION
03/29/95	988	(H)	RECONSIDERATION NOT TAKEN UP
03/29/95	988	(H)	TRANSMITTED TO (S)
03/30/95	837	(S)	READ THE FIRST TIME - REFERRAL(S)
03/30/95	837	(S)	FINANCE

03/28/95

HOUSE JOURNAL

PAGE 0963

THERE BEING NO OBJECTION, IT WAS SO ORDERED.

THE QUESTION BEING: "SHALL CSHB 17(L&C) AM PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

CSHB 17(L&C) AM
THIRD READING
FINAL PASSAGE

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

YEAS: AUSTERMAN, BARNES, BRICE, BROWN, BUNDE, B.DAVIS, G.DAVIS, ELTON, FINKELSTEIN, FOSTER, GREEN, GRUSSENDORF, HANLEY, IVAN, JAMES, KELLY, KOHRING, KOTT, KUBINA, MACKIE, MACLEAN, MARTIN, MOSES, MULDER, NAVARRE, NICHOLIA, OGAN, PARNELL, PHILLIPS, PORTER, ROBINSON, ROKEBERG, THERRIAULT, TOOHEY, VEZEY, WILLIAMS, WILLIS

EXCUSED: DAVIES, MASEK, SANDERS

SELECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

Alaska State Legislature

SENATOR
JOHN TORGERSON
DISTRICT D



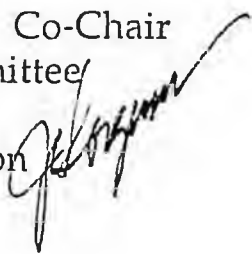
Senate

SESSION ADDRESS
STATE CAPITOL, ROOM 427
JUNEAU, ALASKA 99801-1182
(907) 465-2828
FAX (907) 465-4779

MEMORANDUM

DATE: April 13, 1995

TO: Senator Rick Halford, Co-Chair
Senate Finance Committee

FROM: Senator John Torgerson 

RE: Scheduling of HB 17

I would greatly appreciate your scheduling HB 17 in the Senate Finance Committee. This bill is the companion to my bill, SB 65, which was also referred to Senate Finance, where it is currently waiting a hearing.

HB 17 adequately represents the statutory amendments with which I was concerned, and I support its passage through the Senate.

Thank you for your time and consideration.

SENATE FINANCE
COMMITTEE

9-LS0096W

Cramer

4/26/95

Amendment Number: CS-1

Bill Number: HB 17

Sponsor: Sharp Date: 5/2/95

Logged In By: [Signature]

SENATE CS FOR CS FOR HOUSE BILL NO. 17()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act expanding the services that may be offered by an electric cooperative
2 to include sewer and water and gas services when authorized by the Alaska
3 Public Utilities Commission, and to include direct satellite television services;
4 relating to officers of a telephone or electric cooperative; relating to amendment
5 of the articles of incorporation of a telephone or electric cooperative; and
6 providing for an effective date."

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

8 * Section 1. LEGISLATIVE INTENT. (a) It is the intent of the legislature that an electric
9 cooperative is authorized to expand the types of utility services it offers that are subject to
10 regulation by the Alaska Public Utilities Commission only when the commission finds that
11 it is in the public interest that those services be provided and that the electric cooperative
12 applying to provide the service is fit, willing, and able to do so.

13 (b) It is further the intent of the legislature that electric cooperatives not enter into

1 competition with an existing provider under AS 10.25.020(6).

2 * Sec. 2. AS 10.25.020 is amended to read:

3 Sec. 10.25.020. POWERS OF ELECTRIC COOPERATIVE. An electric
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5 (1) generate, manufacture, purchase, acquire, accumulate, and transmit
6 electric energy, and distribute, sell, supply, and dispose of electric energy to its
7 members; to governmental agencies and political subdivisions, and to other persons not
8 exceeding 10 percent of the number of its members; however, a cooperative that
9 acquires existing electric facilities may continue service to persons, not in excess of
10 40 percent of the number of its members, who are already receiving service from these
11 facilities without requiring them to become members, and these persons may become
12 members upon the terms as may be prescribed in the bylaws;

13 (2) assist persons to whom electric energy is or will be supplied by the
14 cooperative in wiring their premises and in acquiring and installing electrical and
15 plumbing appliances, equipment, fixtures, and apparatus by financing them, and in
16 connection with these services wire or have wired the premises, and buy, acquire,
17 lease, sell, distribute, install, and repair electric and plumbing appliances, equipment,
18 fixtures, and apparatus;

19 (3) assist persons to whom electric energy is or will be supplied by the
20 cooperative in constructing, equipping, maintaining, and operating electric cold storage
21 or processing plants by financing them or otherwise;

22 (4) operate a waste heat distribution system;

23 (5) operate a heating distribution system that was in existence on June 9,
24 1988;

25 (6) provide sewer, water, or gas utility service if the cooperative has
26 received a certificate of convenience and necessity under AS 42.05.221 - 42.05.282
27 from the Alaska Public Utilities Commission for each type of service provided;

28 (7) provide direct satellite television programming services to a
29 location that is not part of an area certificated by the Alaska Public Utilities
30 Commission to a cable television company on the effective date of this Act; in this
31 paragraph, "direct satellite television programming services" means a video

1 broadcast signal that is received directly from a satellite by an end user.

2 * Sec. 3. AS 10.25.200 is amended to read:

3 Sec. 10.25.200. OFFICERS. The officers of a cooperative are those officers
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5 AND A TREASURER]. The officers shall be elected annually by the board of
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9 OF TREASURER MAY BE HELD BY THE SAME PERSON.] The board of
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12 powers and duties. An officer may be removed from office and a successor elected
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21 must set out or have attached to it the proposed amendment;

22 (2) if the proposed amendment, with any changes, is approved by the
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24 voting on it, the presiding officer of the board of directors [PRESIDENT OR VICE
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27 attest to the seal of the cooperative; if the cooperative accepts ballots both at a
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30 (b) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing
31 the articles of amendment shall make and annex to them an affidavit stating that the

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

1 broadcast signal that is received directly from a satellite by an end user.

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8 director, that person ceases to hold office. [THE OFFICES OF SECRETARY AND
9 OF TREASURER MAY BE HELD BY THE SAME PERSON.] The board of
10 directors may [ELECT OR] appoint those [SUCH] other [OFFICERS,] agents [,] or
11 employees that [AS] it considers necessary or advisable and shall prescribe their
12 powers and duties. An officer may be removed from office and a successor elected
13 in the manner prescribed in the bylaws.

14 * Sec. 4. AS 10.25.210 is amended to read:

15 Sec. 10.25.210. AMENDMENT OF ARTICLES OF INCORPORATION. A
16 cooperative may amend its articles of incorporation as follows, except that it may
17 change the location of its principal office in the manner set out in AS 10.25.230:

18 (1) the proposed amendment shall be presented to [A MEETING OF]
19 the members [,] or district delegates at a meeting or by written notice; if the
20 proposed amendment is presented at a meeting, [AND] the notice of the meeting
21 must set out or have attached to it the proposed amendment;

22 (2) if the proposed amendment, with any changes, is approved by the
23 affirmative vote of not less than two-thirds of those members [,] or district delegates
24 voting on it, the presiding officer of the board of directors [PRESIDENT OR VICE
25 PRESIDENT] shall execute and acknowledge articles of amendment on behalf of the
26 cooperative and the officer designated by the board [SECRETARY] shall affix and
27 attest to the seal of the cooperative; if the cooperative accepts ballots both at a
28 meeting and by mail, a member may vote by mail or at the meeting.

29 * Sec. 5. AS 10.25.220(b) is amended to read:

30 (b) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing
31 the articles of amendment shall make and annex to them an affidavit stating that the

1 provisions of this section regarding the amendment were complied with.

2 * Sec. 6. AS 10.25.230 is amended to read:

3 Sec. 10.25.230. CHANGE OF LOCATION OF PRINCIPAL OFFICE. A
4 cooperative may, upon authorization of its board of directors or its members, change
5 the location of its principal office by filing a certificate reciting the change of principal
6 office, executed and acknowledged by its presiding officer [PRESIDENT OR VICE
7 PRESIDENT] under its seal, attested by the officer designated by the board [ITS
8 SECRETARY], in the office of the commissioner.

9 * Sec. 7. AS 10.25.240(a) is amended to read:

10 (a) Except as provided in (b) of this section, one or more cooperatives, each
11 designated in this section as "merging cooperative," may merge into another
12 cooperative, designated in this section as "surviving cooperative," by complying with
13 the following requirements:

14 (1) the proposition for the merger of the merging cooperatives into the
15 surviving cooperative and proposed articles of merger shall be submitted to the
16 members of each merging cooperative and of the surviving cooperative; the notice
17 shall have attached to it a copy of the proposed articles of merger;

18 (2) if the proposed merger and the proposed articles of merger, with
19 any amendments, are approved by the affirmative vote of not less than two-thirds of
20 those members of each cooperative voting on them, articles of merger in the form
21 approved shall be executed and acknowledged on behalf of each cooperative by its
22 presiding officer [PRESIDENT OR VICE PRESIDENT] and its seal shall be affixed
23 by the officer designated by the board [ITS SECRETARY].

24 * Sec. 8. AS 10.25.250(c) is amended to read:

25 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] of each
26 cooperative shall make and annex to the articles an affidavit stating that the provisions
27 of this section regarding the articles were complied with by the cooperative.

28 * Sec. 9. AS 10.25.260 is amended to read:

29 Sec. 10.25.260. CONSOLIDATION. Two or more cooperatives, designated
30 in this section as "consolidating cooperative," may consolidate into a new cooperative,
31 designated in this section as the "new cooperative," by complying with the following

1 requirements:

2 (1) the proposition for the consolidation into the new cooperative and
3 proposed articles of consolidation shall be submitted to the members of each
4 consolidating cooperative; the notice shall have attached to it a copy of the proposed
5 articles of consolidation;

6 (2) if the proposed consolidation and the proposed articles of
7 consolidation, with any amendments, are approved by the affirmative vote of not less
8 than two-thirds of those members of each consolidating cooperative voting on them,
9 articles of consolidation in the form approved shall be executed and acknowledged on
10 behalf of each consolidating cooperative by its presiding officer [PRESIDENT OR
11 VICE PRESIDENT] and its seal shall be affixed and attested by the officer
12 designated by the board [ITS SECRETARY].

13 * Sec. 10. AS 10.25.270(c) is amended to read:

14 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] of each
15 consolidating cooperative executing the articles of consolidation shall make and annex
16 to the articles an affidavit stating that the provisions of this section regarding the
17 articles were complied with by the cooperative.

18 * Sec. 11. AS 10.25.290(c) is amended to read:

19 (c) If the proposition for the conversion of the corporation into a cooperative
20 and the proposed articles of conversion, with any amendments, are approved by the
21 affirmative vote of not less than two-thirds of those members of the corporation voting
22 on them or, if the corporation is a stock corporation, by the affirmative vote of the
23 holders of not less than two-thirds of those shares of the capital stock of the
24 corporation represented at the meeting and voting on them, or, in the case of a
25 corporation having no members and no shares of its capital stock outstanding, by the
26 affirmative vote of not less than two-thirds of its incorporators, articles of conversion
27 in the form approved shall be executed and acknowledged on behalf of the corporation
28 by its presiding officer [PRESIDENT OR VICE PRESIDENT] and its seal shall be
29 affixed and attested by the officer designated by the board [ITS SECRETARY].

30 * Sec. 12. AS 10.25.300(c) is amended to read:

31 (c) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing

1 the articles of conversion shall make and annex to it an affidavit stating that the
2 provisions of this section were complied with regarding the articles. The articles of
3 conversion are the articles of incorporation of the cooperative.

4 * Sec. 13. AS 10.25.320(d) is amended to read:

5 (d) Upon approval, a certificate of election to dissolve, hereafter designated the
6 "certificate," executed and acknowledged on behalf of the cooperative by its presiding
7 officer [PRESIDENT OR VICE PRESIDENT] under its seal, attested by the officer
8 designated by the board [ITS SECRETARY], shall be submitted to the commissioner
9 for filing together with an affidavit by the officer executing the certificate stating that
10 the statements in the certificate are true. The certificate must state the name of the
11 cooperative, the address of its principal office, and that the members of the cooperative
12 have voted to dissolve the cooperative.

13 * Sec. 14. AS 10.25.350 is amended to read:

14 Sec. 10.25.350. TERMINATION OF COOPERATIVE AFFAIRS. The board
15 of directors shall wind up and settle the affairs of the cooperative, collect sums owing
16 to it, liquidate its property and assets, pay and discharge its debts, obligations, and
17 liabilities, other than those to patrons arising by reason of their patronage, and do all
18 other things required to wind up its business. After paying or discharging or
19 adequately providing for the payment or discharge of all its debts, obligations, and
20 liabilities, other than those to patrons arising by reason of their patronage, the directors
21 shall distribute remaining sums, first, to patrons for the pro rata return of all amounts
22 standing to their credit by reason of their patronage [,] and, second, to members for
23 the pro rata repayment of membership fees. Sums then remaining shall be distributed
24 among its members and former members in proportion to their patronage, except to the
25 extent participation in the distribution has been legally waived. The board of directors
26 shall thereupon authorize the execution of articles of dissolution. The presiding
27 officer [PRESIDENT OR VICE PRESIDENT] shall execute and acknowledge articles
28 of dissolution on behalf of the cooperative and the officer designated by the board
29 [SECRETARY] shall affix and attest to the seal.

30 * Sec. 15. AS 10.25.360(b) is amended to read:

31 (b) The presiding officer [PRESIDENT OR VICE PRESIDENT] executing