

ALASKA LEGISLATURE

1552

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

SB

230

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/14/96

DATE TURNED INTO OFFICE: 3/27/96

The Finance Committee considered SENATE BILL NO. 230

Providing that state land, water, and land and water may not be classified so as to preclude or restrict traditional means of access for traditional recreational uses.

and recommends:

be replaced with _____ CS SB 230 (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 <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steven Papp</i>	✓		
		<i>Loell E. Jero</i>	✓		
		<i>Timothy J. ...</i>	✓		
Co-Chair: <i>Rita Halford</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DNR</i>	<i>3/24/96</i>		<i>105.8</i>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB230

Revision Date: original Dept Affected Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or... Component: Parks Management
 Sponsor: Senator Pearce, Frank, Green, Halford
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	1.0	1.5	1.5	1.0	1.0	1.0
CONTRACTUAL	1.0	2.0	2.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	3.5	3.5	2.0	2.0	2.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	3.5	3.5	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2.0	3.5	3.5	2.0	2.0	2.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
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)

When parks receives an ILMA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 ILMAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transfered to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stramon, Director Phone: 266-8700
 Division: Parks Date: 1-Feb-96
 Approved by Commissioner: [Signature] Date: 1-Feb-96
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB230

Revision Date: original Dept Affected: Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or... Component: Parks Management
 Sponsor: Senator Pearce, Frank, Green, Halford
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	1.0	1.5	1.5	1.0	1.0	1.0
CONTRACTUAL	1.0	2.0	2.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	3.5	3.5	2.0	2.0	2.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	3.5	3.5	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2.0	3.5	3.5	2.0	2.0	2.0

Estimate of any current year (FY96) cost: \$ none

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)

When parks receives an ILMA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 ILMAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transferred to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stratton, Director Phone: 269-8700
 Division: Parks Date: 5-Feb-96
 Approved by Commissioner: _____ Date: 5-Feb-96
 Agency: Natural Resources

File to CS requested 2/14/96

FISCAL NOTE

No. L

Bill Version: SB 230

B (S) Publish Date: 3-14-96

STATE OF ALASKA 1996 LEGISLATIVE SESSION

Revision Date: original Dept Affected: Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or... Component: Parks Management
 Sponsor: Senator Pearce, Frank, Green, Halford
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	1.0	1.5	1.5	1.0	1.0	1.0
CONTRACTUAL	1.0	2.0	2.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	3.5	3.5	2.0	2.0	2.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	3.5	3.5	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2.0	3.5	3.5	2.0	2.0	2.0

Estimate of any current year (FY96) cost: \$ none

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)

When parks receives an ILMA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 ILMAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transferred to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stratton, Director Phone: 289-8700
 Division: Parks Date: 5-Feb-96
 Approved by Commissioner: [Signature] Date: 5-Feb-96
 Agency: Natural Resources

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

3/22/96 This note became # 2

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB230(RES)

Revision Date: _____ Dept Affected Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
 Sponsor: Senator Pearce
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	34.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES	25.8					
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	145.6	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	145.6	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	145.6	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

While no income is presently derived from areas administratively added to Denali and Wood-Tikchik State Parks, current additions or those anticipated in the near future do have the possibility of generating commercial use fees (Denali) and boat launch fees (Wood-Tikchik). Combined income potential is about \$10.0.

The inability to manage lands purchased by federal Land and Water Conservation Fund monies that lie beyond the boundary of Chikot State Park in 1977 and 1979 would require the state to purchase similar lands for recreational purposes at another site. Costs would be for appraising existing parcels and appraising potential

Prepared by: Jim Straton, Director Phone: 289-8700
 Division: Parks Date: 20-Mar-96
 Approved by Commissioner: [Signature] Date: 20-Mar-96
 Agency: Natural Resources

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

Fiscal note analysis continued...

new parcels. There are three parcels involved at Chilkat State Park. Because they are on the road system, appraisals would be about \$3.0 each. Appraisal for the new piece is placed at \$5.0. Purchase price in 1977 and 1979 was \$13,405. The price for similar land today will have at least doubled (that is the figure we used). An alternative would be for the legislature to add these parcels to Chilkat State Park.

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$150.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resources Officer I for six months (17.4). Remainder is for travel (\$6.0), contractual (\$30.0), supplies (\$16.0), and oversight by Chief of Policy and Planning (\$25.6).

FISCAL NOTE

No. 2

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL Bill Version: CS SB 230 (RES)
(S) Publish Date: 3-22-96

Revision Date: _____ Dept Affected Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
 Sponsor: Senator Pearce
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	34.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES	26.8					
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	146.6	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	148.0	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1009 GF/MHTIA						
Other						
TOTAL	148.0	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

While no income is presently derived from areas administratively added to Denali and Wood-Tikchik State Parks, current additions or those anticipated in the near future do have the possibility of generating commercial use fees (Denali) and boat launch fees (Wood-Tikchik). Combined income potential is about \$10.0.

The inability to manage lands purchased by federal Land and Water Conservation Fund monies that lie beyond the boundary of Chilkat State Park in 1977 and 1979 would require the state to purchase similar lands for recreational purposes at another site. Costs would be for appraising existing parcels and appraising potential

Prepared by: Jim Straton, Director Phone: 289-8700
 Division: Parks Date: 20-Mar-96
 Approved by Commissioner: [Signature] Date: 20-Mar-96
 Agency: Natural Resources

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

Fiscal note analysis continued...

new parcels. There are three parcels involved at Chilkat State Park. Because they are on the road system, appraisals would be about \$3.0 each. Appraisal for the new piece is placed at \$5.0. Purchase price in 1977 and 1979 was \$13,405. The price for similar land today will have at least doubled (that is the figure we used). An alternative would be for the legislature to add these parcels to Chilkat State Park.

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$150.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resources Officer I for six months (17.4). Remainder is for travel (\$8.0), contractual (\$30.0), supplies (\$16.0), and oversight by Chief of Policy and Planning (\$25.6).

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB230(RES)

Revision Date: 26-Mar-96 Dept Affecte Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
 Sponsor: Senator(s) Pearce, Frank, Green, Halford...
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	20.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.8	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	105.8	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	105.8	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This version of the fiscal note is to accompany the version of the bill that includes the additions to Chilkat State Park and deletes the section on weapons use.

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$154.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resource Officer I for six months (\$17.4). Remainder is for travel (\$6.0), contractual (\$30.0), supplies (\$16.0), and oversight by the Chief of Policy and Planning (\$25.6).

Prepared by: Jim Stratton, Director *Jim Stratton* Phone: 269-8700
 Division: Parks Date: 26-Mar-96
 Approved by Commissioner: *[Signature]* Date: 26-Mar-96
 Agency: Natural Resources

9-LS1538VR
Luckhaupt
3/26/96

JFC
3/27/96 pm
BS moved
Adopted

CS FOR SENATE BILL NO. 230()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS PEARCE, Frank, Green, Halford, Leman, Miller, Phillips, Sharp, Taylor, Torgerson, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of state land, water, and land and water as
2 part of a state park, recreational or special management area, or preserve;
3 relating to reports to the legislature concerning prohibitions or restrictions of
4 traditional means of access for traditional recreational uses within a park,
5 recreational or special management area, or preserve; relating to Chilkat State
6 Park; and relating to Denali State Park."

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

8 * Section 1. AS 41.21.020(a) is amended to read:

9 (a) The department shall

10 (1) develop a continuing plan for the conservation and maximum use in
11 the public interest of the scenic, historic, archaeological, scientific, biological, and
12 recreational resources of the state;

13 (2) plan for and develop a system of state parks and recreational

1 facilities, to be established as the legislature authorizes and directs;

2 (3) acquire by gift, purchase, or transfer from state or federal agencies,
3 or from individuals, corporations, partnerships, or associations, land necessary, suitable,
4 and proper for roadside, picnic, recreational, or park purposes;

5 (4) develop, manage, and maintain state parks and recreational areas;

6 (5) provide for the acquisition, care, management, supervision,
7 improvement, development, extension, and maintenance of public recreational land, and
8 make necessary arrangements, contracts, or commitments for the improvement and
9 development of land acquired under AS 41.21.010 - 41.21.040; contracting for
10 improvement and development under this paragraph is governed by AS 36.30 (State
11 Procurement Code);

12 (6) adopt, in accordance with this section and AS 44.62 (Administrative
13 Procedure Act), regulations governing the use and designating incompatible uses within
14 the boundaries of state park and recreational areas to protect the property and to preserve
15 the peace;

16 (7) cooperate with the United States and its agencies and local
17 subdivisions of the state to secure the effective supervision, improvement, development,
18 extension, and maintenance of state parks, state monuments, state historical areas, and
19 state recreational areas, and secure agreements or contracts for the purpose of
20 AS 41.21.010 - 41.21.040;

21 (8) encourage the organization of state public park and recreational
22 activities in the local political subdivisions of the state;

23 (9) provide for consulting service designed to develop local park and
24 recreation facilities and programs;

25 (10) provide cleaninghouse services for other state agencies concerned
26 with park and recreation matters;

27 (11) perform other duties as are prescribed by executive order or by law;

28 (12) maintain memorials to Alaska veterans located in state parks; [AND]

29 (13) adopt, in accordance with AS 44.62 (Administrative Procedure Act),
30 regulations governing the use of the Chena River State Recreation Area and designating
31 incompatible uses within the boundaries of the Chena River State Recreation Area in
32 accordance with AS 41.21.490; and

1 (14) annually, by the first day of each regular session of the
 2 legislature, submit a report to the legislature on each designation of an incompatible
 3 use under this chapter, or other action, that prohibits or restricts a traditional
 4 means of access across a park, area, or preserve established under this chapter for
 5 a traditional recreational activity on or within the park, area, or preserve; for each
 6 prohibition or restriction, the report must state reasons for the designation of
 7 incompatibility or prohibition or restriction of a traditional means of access, the
 8 specific area of the prohibition or restriction, and the time period during which the
 9 incompatibility or prohibition or restriction is expected to exist; in this paragraph,

10 (A) "traditional means of access" means those types of
 11 transportation on, to, or in the state land, water, or land and water, for
 12 which a popular pattern of use has developed; the term includes general or
 13 commercial aviation, ballooning, motorized and nonmotorized boating,
 14 snowmachining, operation of all-terrain vehicles, mushing, skiing,
 15 snowshoeing, and walking;

16 (B) "traditional recreational activity" means those personal
 17 or commercial types of activities that people may utilize for sport, exercise,
 18 subsistence, or personal enjoyment, including hunting, fishing, trapping, or
 19 gathering, and that have historically been conducted as part of an individual,
 20 family, or community life pattern on or in the state land, water, or land and
 21 water.

22 * Sec. 2. AS 41.21.020 is amended by adding a new subsection to read:

23 (d) Notwithstanding (a)(3) of this section, the department may not manage as
 24 part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water,
 25 or land and water that is not within the boundaries, as designated by the legislature, of
 26 the park, area, or preserve.

27 * Sec. 3. AS 41.21.111 is amended to read:

28 Sec. 41.21.111. AUTHORITY TO DESIGNATE CHILKAT STATE PARK.

29 The governor may designate by proclamation the state-owned land and water and all
 30 that acquired in the future by the state, lying within the parcels described in this
 31 section, as the Chilkat State Park. The proclamation may include the entire area or
 32 portions of the area at different times, shall reserve the areas included from all uses

1 incompatible with their primary function as public recreation land and water, and shall
2 assign them to the department for control, development, and maintenance. Land
3 covered by AS 41.21.110 - 41.21.113 has a total acreage of 6,056.30 [6,045.45] acres,
4 including approximately 610 acres of federal land, and is described as follows:

5 (1) Township 31 South, Range 60 East, Copper River Meridian U.S.S.
6 1599: the portions of Sections 6-8 known as Battery Point Light House Reserve;

7 (2) Township 31 South, Range 59 East, Copper River Meridian Section
8 1, excluding the portions of Lots 2 and 3 within the Chilkoot Inlet Alaska Subdivision
9 Section 12: NW1/4, NE1/4, SE1/4 Township 31 South, Range 60 East, Copper River
10 Meridian Section 6: Lots 1-3 Section 7: Lots 1-7 Section 8: Lot 1 Sections 17 and 18
11 Section 19: NE1/4NW1/4, N1/2NE1/4;

12 (3) Township 31 South, Range 60 East, Copper River Meridian Section
13 30: Lots 8 and 9 Section 31 Section 32: SW1/4, W1/2NW1/4SE1/4,
14 W1/2SE1/4NW1/4SE1/4, Lots 9-16 including W1/2SW1/4SE1/4SE1/4;

15 (4) Township 32 South, Range 60 East, Copper River Meridian Section
16 5: W1/2, W1/2SE1/4 Sections 6-9, 15-17, 21 and 22, excluding Tongass National
17 Forest; and

18 (5) the following particularly described parcels:

19 (A) approximately 6.49 acres in U.S. Survey 1243, Haines
20 Recording District, described as: begin on the South line of said survey
21 South 88 degrees 31 minutes 45 seconds East 1950.84 feet from Southwest
22 corner (corner 4 M.C.) of said survey, said point being the Southeast
23 corner of the tract in said survey excepted in the decree in Case No. 68-328
24 of the Superior Court at Juneau, in which the distance is recited as being
25 29.55 chains (1950.30 feet), run thence North 01 degree 12 minutes 00
26 seconds East, on the East line of said excepted tract, 1028.77 feet, recited
27 as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of
28 said excepted tract; thence North 88 degrees 31 minutes 45 seconds West
29 24.38 feet; thence North 1 degree 27 minutes 45 seconds East 1.85 feet;
30 thence on a 126.92 foot radius curve to the left through a central angle of
31 72 degrees 04 minutes 30 seconds a distance of 159.57 feet, the chord of

1 which bears North 34 degrees 34 minutes 30 seconds West 149.27 feet;
2 thence North 70 degrees 25 minutes 15 seconds West 119.52 feet; thence
3 on a 208.11 foot radius curve to the right through a central angle of 62
4 degrees 04 minutes 00 seconds a distance of 225.48 feet, the chord of which
5 bears North 39 degrees 23 minutes 15 seconds West 214.61 feet to the
6 South line of "Mud Bay Road"; thence North 86 degrees 46 minutes 30
7 seconds East, on said line of "Mud Bay Road," 230.54 feet; thence South
8 70 degrees 25 minutes 15 seconds East 90.95 feet; thence on a 326.92 foot
9 radius curve to the right through a central angle of 71 degrees 57 minutes
10 00 seconds a distance of 410.55 feet, the chord of which bears South 34
11 degrees 30 minutes 45 seconds 384.10 feet; thence South 1 degree 27
12 minutes 45 seconds West 1030.62 feet to the South line of said survey;
13 thence North 88 degrees 31 minutes 45 seconds West 175.38 feet to the
14 point of beginning;

15 (B) approximately .92 acres in Tract "D," C. McRae
16 Subdivision according to Plat 77 - 12, Haines Recording District, described
17 as: begin at the Southwest corner of said Tract "D" which is also the
18 Southwest corner of the North one-half of the Southwest one-quarter of the
19 Northwest one-quarter of Section 32, Township 31 South, Range 60 East
20 of the Copper River Meridian, which bears North 1 degree 26 minutes 00
21 seconds West (Alaska State Plane Grid Bearings) 660.00 feet from the one-
22 quarter corner on the West line of said section and South 1 degree 26
23 minutes 00 seconds East 660.00 feet from the North one-sixteenth corner
24 on the West line of said section, run thence North 1 degree 26 minutes 00
25 seconds East, on the West line of said section, 347.81 feet to the
26 Northeasterly line of Chilkat State Park Roadway; thence South 32 degrees
27 56 minutes 15 seconds East 70.04 feet to a point of curve; thence Southerly
28 on a 0 degrees 58 minutes 58 seconds curve to the right (Radius = 5,829.65
29 feet) through an arc of 3 degrees 23 minutes 12 seconds (344.58 feet), the
30 cord of which bears South 31 degrees 14 minutes 45 seconds East 344.53
31 feet, to the South line of said tract and the South line of the North one-half

1 of the Southwest one-quarter of the Northwest one-quarter of said section;
2 thence North 88 degrees 34 minutes 00 seconds West 225.56 feet to the
3 point of beginning;

4 (C) approximately 3.44 acres in Tract "E," C. McRae
5 Subdivision according to Plat 77 - 12, Haines Recording District, described
6 as: begin at the Northwest corner of said tract which is also the one-sixty-
7 fourth corner on the West line of said section which bears North 01 degree
8 26 minutes 00 seconds East (Alaska State Plane Grid Bearings) 660.00 feet
9 from the one-quarter corner on the West line of Section 32, Township 31
10 South, Range 60 East of the Copper River Meridian and South 01 degree
11 26 minutes 00 seconds West 660.00 feet from the North one-sixteenth
12 corner of said section, run thence South 88 degrees 34 minutes 00 seconds
13 East, on the North line of said tract which is also the South line of the
14 North one-half of the Southwest one-quarter of the Northwest one-quarter
15 of said section, 225.56 feet to a point on the Easterly line of Chilkat State
16 Park Roadway; thence Southerly on a 0 degrees 58 minutes 58 seconds
17 curve to the right (Radius = 5,829.65 feet) through an arc of 01 degree 46
18 minutes 48 seconds (181.10 feet), the chord of which bears South 28
19 degrees 39 minutes 39 seconds East 181.10 feet, to a point of tangency;
20 thence South 27 degrees 46 minutes 15 seconds East 268.21 feet to a point
21 of curve; thence on a 14 degrees 16 minutes 06 seconds curve to the right
22 (Radius = 401.56) through an arc of 40 degrees 06 minutes 37 seconds
23 (281.12 feet), the chord of which bears South 07 degrees 43 minutes 00
24 seconds East 275.41 feet to the South line of said tract which is also the
25 South line of the Southwest one-quarter of the Northwest one-quarter of
26 said section; thence North 88 degrees 15 minutes 00 seconds West, on said
27 South line, to the Westerly line of Chilkat State Park Roadway; thence
28 Northerly on a 28 degrees 25 minutes 34 seconds curve to the left (Radius
29 = 201.56 feet) through an arc of 50 degrees 59 minutes 51 seconds (179.40
30 feet), the chord of which bears North 02 degrees 15 minutes 15 seconds
31 West 173.54 feet to a point of tangency; thence North 27 degrees 46

1 minutes 15 seconds West 268.21 feet to a point of curve; thence on a 01
2 degree 01 minute 04 seconds curve to the left (Radius = 5,629.65 feet)
3 through an arc of 02 degrees 50 minutes 00 seconds (278.39 feet), the
4 chord of which bears North 29 degrees 11 minutes 15 seconds West 278.37
5 feet to the West line of said section; thence North 01 degree 26 minutes 00
6 seconds East 14.72 feet to the point of beginning.

7 • Sec. 4. AS 41.21 is amended by adding a new section to read:

8 Sec. 41.21.155. INCOMPATIBLE USES. (a) The commissioner may
9 designate by regulation incompatible uses within the land and water areas described
10 in AS 41.21.151.

11 (b) The regulations governing public use of the Denali State Park must

12 (1) provide ample access for legal sport and subsistence hunting and
13 fishing, trapping, and recreational uses; except to protect public safety, the
14 commissioner may not restrict the exercise of sport or subsistence fishing or hunting
15 or trapping permitted under law or under a regulation of the Board of Fisheries or the
16 Board of Game within the Denali State Park;

17 (2) recognize that the current practice of traditional subsistence and
18 recreational activities includes the use of small outboard motors and snow machines;

19 (3) permit reasonable access by aircraft for recreational purposes; and

20 (4) provide ample access for recreational mining.

21 • Sec. 5. Regulations that have not taken effect before the effective date of this Act and
22 are in the process of being adopted by the Department of Natural Resources concerning Denali
23 State Park and uses within Denali State Park may only take effect to the extent the regulations
24 are consistent with the provisions of this Act. Regulations adopted by the Department of
25 Natural Resources concerning Denali State Park and uses within Denali State Park that take
26 effect in 1996 before this Act takes effect, are annulled.

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB230(), "R" version

BY SENATOR RIEGER

JFC
3/27/96 pm

SR
moved

Failed

2-4

SR
RP

Page 3, line 15:

Insert after "walking;"

in the case of motorized access "traditional" also means at the level it has historically been conducted;

Page 3, line 21:

Insert after water

; in the case of motorized recreation "traditional" also means at the level it has historically been conducted

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR RIEGER

TO: CSSB 230(), "R" version

Page 7, line 18:

Insert after "machines"

at the level they have historically been used

Alaska State Legislature



During Interim (June - Dec)
716 West 4th Avenue, Suite 500
Anchorage, AK 99501-2133
(907) 258-8185
Fax (907) 258-0226

During Session (Jan - May)
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Drue Pearce
President of the Senate

Sectional Analysis of CS for Senate Bill 230 (version 9-LS1538\R)

Prepared for the Senate Resources Committee
by staff to Senator Drue Pearce
March 26, 1996

Section one: Adds a section to the list of duties required of the Department of Natural Resources. The Department must annually submit a report to the Legislature on each designation of an incompatible use that prohibits or restricts a traditional means of access. The report must state reasons for the restriction or prohibition, the specific area affected, and the duration of the restriction or prohibition. The sections further defines "traditional means of access" and "traditional recreational activity" as used in the section.

Section two: Adds a further section to the list of duties required of the Department of Natural Resources. The Department may not manage as special purpose park land those areas not inside park boundaries as designated by the legislature.

Section three: Adds slightly under 11 acres of land to Chilkat State Park. The three parcels of land involved were previously purchased by the Department in the late 70's and then transferred to park management with ILMA's. The land was purchased using federal funds that require management under Chilkat State Park land authority AS 41.21.110 - 41.21.113. This bill mandates that land acquired by the Department via ILMA be managed under AS 41.21.020. The Department is thus faced with purchasing similar land at 1996 prices or adding the affected land to the Park itself. This bill resolves the issue by adding the affected land to the Park.

Section four: Adds a section to the statute establishing Denali State Park specifying what constitutes an incompatible use.

Section five: Specifies that past regulations, and regulations being currently promulgated, concerning Denali State Park take effect only if they are consistent with the provisions of this Act. Past regulations not consistent with this Act are annulled.

Alaska State Legislature



During Interim (June - Dec)
716 West 4th Avenue, Suite 500
Anchorage, AK 99501-2133
(907) 258-8185
Fax (907) 258-0226

During Session (Jan - May)
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Drue Pearce
President of the Senate

Sponsor Statement **SB 230**

"Legislative Approval To Restrict Traditional Recreational Uses"

SB 230 was introduced to protect Alaskans' right to access state land and water for recreational use. In a time when the Federal government continues to restrict and prohibit Alaskans' access to many areas of the State, we, the state government, need to ensure that decisions to restrict access on land we control are made in a responsible, fair, and well represented process.

Alaskans are presently losing their right to traditional recreational use on some state land and park land without appropriate notification and justification. Citizens believe that the public comment process is not being fairly administered and all user groups are not being represented. In some instances, the management and authority to restrict and prohibit uses on state land are being transferred from the Division of Lands to the Division of Parks and Outdoor Recreation. Non restricted areas of our state are being closed without proper oversight by the legislature.

Decisions to deny access for recreational use, because of its importance, have always been made by our legislature, not by bureaucrats. The Constitution of the State of Alaska recognizes the importance of land closures and mandates that all closures over 640 acres must be legislatively designated. We must continue to recognize the importance of land closures and make necessary changes in the current process for restrictions and prohibitions in areas less than 640 acres.

A change in this process with SB 230, in its current form, or other language that achieves our intent, would ensure that all Alaskans would have proper representation by their elected officials and restrictions and prohibitions on traditional recreational activity would need to be justified to the Legislature. Many areas of Alaska may need to be restricted to some or all recreational activity, but these important decisions need to be made at the legislative level, where the people have better access.

SB 230 is the People's Access Bill.

- *Access to Lands*
- *Access to Waters*
- *Access to Government Policy*

FISCAL NOTE

STATE OF ALASKA

BILL NO. CS88230

1996 LEGISLATIVE SESSION

Revision Date: 28-Mar-96 Dept Affected: Natural Resources
 Title: reporting on traditional access restrictions, limiting BRU: Parks & Recreation Management
park expansion, redefining Denali State Park purpose Component: Parks Management
 Sponsor: Senator Pearce
 Requester: _____ Component Serial No. 462

(Thousands of Dollars)

Expenditures/Revenues	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES	71.1	59.9	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	29.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.8	50.8	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	105.8	50.8	1.0	1.0	1.0	1.0
1006 GF/Program Receipts						
1008 GF/MHTA						
Other						
TOTAL	105.8	50.8	1.0	1.0	1.0	1.0

Estimate of any current year (FY98) cost: \$ _____

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This version of the fiscal note is to accompany the version of the bill that includes the additions to Chitkat State Park and deletes the section on in-state use.

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14)

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$154.4. This rewrite would require a Natural Resources Officer II to be hired as the project manager (\$68.4) and a Natural Resources Officer I for six months (17.4). Remainder is for travel (\$8.0), contractual (\$30.0), supplies (\$16.0), and oversight by Chief of Policy and Planning (\$25.0).

Prepared by: _____ Phone: _____
 Division: _____ Date: _____
 Approved by Commissioner: _____ Date: _____
 Agency: Natural Resources

To: Ken Erickson, Fax: 465-3872
From: Jim Stratton
Re: new fiscal note, legals for Chilkat State Park

Attached is a copy of the new fiscal note, thanks for your help in solving several of our concerns.

Attached, also, are the legal descriptions for the three parcels purchased with land and water conservation fund monies.

1. Heinmiller property	6.49 acres
2. Asper property	0.92 acres
3. McRae property	3.44 acres
total acreage	10.85 acres

Thanks!

TIA TITLE INSURANCE AGENCY

201 N. Franklin
Juneau, Alaska 99801
(907) 586-6443 or 586-1738

Alaska Recording District
THIS SPACE INTENDED FOR RECORDING USE.

Filed for Record at Request of
Name State of Alaska, Division of Parks
Address 619 Warehouse Drive - Suite 210
City and State Juneau, Alaska 99801

Date of Filing
FEB 14 1980

Statutory Warranty Deed

THE GRANTOR **FREDERICK McRAE and CLARA McRAE, husband and wife**

for and in consideration of Ten dollars and other consideration

has hereunto duly conveyed to **STATE OF ALASKA**, represented by the **DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS**

the following described real estate, situated in the **Haines Recording District**, State of Alaska:

A tract of land in Tract "I", C. McRae Subdivision according to Plat 77-12, Haines Recording District, First Judicial District, State of Alaska, described as:

BEGIN at the Northwest corner of said tract which is also the one-sixty-fourth corner on the West line of said section which bears N 1° 26' 00" E (Alaska State Plane Grid Bearings) 640.00 feet from the one-quarter corner on the West line of Section 32, Township 31 South, Range 68 East of the Copper River Meridian and S 1° 26' 00" W 640.00 feet from the North one-sixteenth corner of said section, run thence S 88° 34' 00" E, on the North line of said tract which is also the South line of the North one-half of the Southwest one-quarter of the Northwest one-quarter of said section, 223.36 feet to a point on the Easterly line of Chilkat State Park Roadway; thence Southerly on a 0° 58' 58" curve to the right (Radius = 3,829.63 feet) through an arc of 1° 46' 48" (181.18 feet), the chord of which bears S 28° 39' 39" E 181.18 feet, to a point of tangency; thence S 27° 46' 15" E 268.21 feet to a point of curve; thence on a 14° 16' 04" curve to the right (Radius = 401.36) through an arc of 48° 06' 37" (281.12 feet), the chord of which bears S 7° 43' 08" E 273.41 feet to the South line of said tract which is also the South line of the Southwest one-quarter of the Northwest one-quarter of said section; thence N 88° 15' 08" W, on said South line, to the Easterly line of Chilkat State Park Roadway; thence Northerly on a 28° 25' 34" curve to the left (Radius = 201.36 feet) through an arc of 36° 39' 51" (179.40 feet), the chord of which bears N 2° 15' 15" W 173.34 feet to a point of tangency; - Description continued on reverse

Given this 20th day of November, 1979

McRae 3.440000

Frederick McRae

Clara McRae (ms.)

STATE OF ALASKA
FIRST JUDICIAL DISTRICT
HAINE RECORDING DISTRICT

On this day personally appeared before me **Frederick McRae and Clara McRae**

whom I know to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 20th day of November, 1979



Henry Public
Notary Public in and for the State of Alaska, Town of
My commission expires _____

thence N 27° 46' 15" W 268.21 feet to a point of curve; thence on a 1° 01' 04" curve to the left (Radius = 5,629.65 feet) through an arc of 2° 30' 00" (278.39 feet), the chord of which bears N 29° 11' 15" W 278.37 feet to the back line of said section; thence N 1° 26' 00" E 14.72 feet to the point of beginning.

SUBJECT TO Patent reservations.

80-0021

NC

RECORDED FILED
HAINES RECORDING
DISTRICT

JUN 14 3 28 PM '00

REQUESTED BY TSA
ADDRESS _____

FROM: [REDACTED]
DATE: [REDACTED]
RECEIVED BY: [REDACTED]
JAN 14 3 30 PM '79
REC'D BY: [REDACTED]
FEB 14 1979
RECORDS

Filed for Record at Request of
State of Alaska, Division of Parks
619 Warrhaman Drive - Suite 210
Anchorage, Alaska 99501

Statutory Warranty Deed

THE GRANTOR **LINDA H. ASPER and MARY E. ASPER, husband and wife**

for and in consideration of Ten dollars and other consideration

in hand paid, surveys and surveys to **STATE OF ALASKA**, represented by the **DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS** the following described real estate, situated in the **Haines Recording District**, **Haines**, State of Alaska:

A tract of land in Tract "D", C. McKee Subdivision according to Plat 77-12, Haines Recording District, First Judicial District, State of Alaska, described as:

BEGIN at the Southwest corner of said Tract "D" which is also the Southwest corner of the North one-half of the Southwest one-quarter of the Northwest one-quarter of Section 12, Township 11 South, Range 60 East of the Copper River Meridian, which bears N 1° 26' 00" W (Alaska State Plane Grid Bearings) 640.00 feet from the one-quarter corner on the West line of said section and S 1° 26' 00" E 640.00 feet from the North one-sixteenth corner on the West line of said section, run thence N 1° 26' 00" E, on the East line of said section, 347.81 feet to the Northeast corner of Chilkat State Park Roadway; thence S 12° 54' 15" E 70.04 feet to a point of curve; thence Southerly on a 8° 18' 30" curve to the right (Radius = 3,820.63 feet) through an arc of 3° 23' 13" (344.58 feet), the chord of which bears S 12° 14' 45" E 344.33 feet, to the South line of said tract and the South line of the North one-half of the Southwest one-quarter of the Northwest one-quarter of said section; thence N 88° 34' 00" W 225.54 feet to the point of beginning.

SUBJECT TO Federal Reservations.

Dated this 27th day of November, 1979

Asper 0.92 acres

Mary E. Asper (ms)
Linda H. Asper (ms)

STATE OF ALASKA
FIRST JUDICIAL DISTRICT
HAINE RECORDING DISTRICT

On this day personally appeared before me **Linda H. Asper and Mary E. Asper**

as the known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the use and purpose therein mentioned.

GIVEN under my hand and official seal this 27 day of November, 1979



[Signature]
Notary Public in and for the State of Alaska
My commission expires 1981/12/31

WARRANTY DEED

The Grantors, CARL W. HEINMULLER and BETTY JEAN HEINMULLER, husband and wife, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to them in hand paid, receipt of which is hereby acknowledged, do hereby convey and warrant unto the Grantee, STATE OF ALASKA, DIVISION OF PARKS, whose address is 619 Warehouse Drive, Suite 210 Anchorage, Alaska 99501, the following described real property, situate in the Haines Recording District, First Judicial District, State of Alaska, to-wit:

A tract of land in U. S. SURVEY 1243, Haines Recording District, First Judicial District, State of Alaska, described as:

BEGIN on the South line of said survey S 88°31'45" E 1950.84 feet from Southwest corner (corner 4 N.C.) of said survey, said point being the Southeast corner of the tract in said survey excepted in the decree in Case No. 68-328 of the Superior Court at Juneau, in which the distance is recited as being 29.53 chains (1950.30 feet), run thence N 1°12'00" E, on the East line of said excepted tract, 1028.77 feet, recited as 15.59 chains (1028.94 feet) in said decree, to the Northeast corner of said excepted tract; thence N 88°31'45" W 24.38 feet; thence N 1°27'45" E 1.85 feet; thence on a 126.92 foot radius curve to the left through a central angle of 72°04'30" a distance of 159.57 feet, the chord of which bears N 34°34'30" W 149.27 feet; thence N 70°25'15" W 119.52 feet; thence on a 208.11 foot radius curve to the right through a central angle of 62°04'00" a distance of 225.48 feet, the chord of which bears N 39°23'15" W 214.61 feet to the South line of "Mud Bay Road"; thence N 86°46'30" E, on said line of "Mud Bay Road", 230.54 feet; thence S 70°25'15" E 90.95 feet; thence on a 326.92 foot radius curve to the right through a central angle of 71°57'00" a distance of 410.55 feet, the chord of which bears S 34°30'45" W 384.10 feet; thence S 1°27'45" W 1030.62 feet to the South line of said survey; thence E 88°31'45" W 175.38 feet to the point of beginning.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, conditions and rights-of-way of record, if any.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises, all and singular, together with the appurtenances and privileges thereto incident unto said Grantee, and to its assigns, FOREVER.

DATED this 14th day of October, 1977.

Hammiller 6.49 acres

GRANTORS:

Carl W. Heinmuller
CARL W. HEINMULLER

Betty Jean Heinmuller
BETTY JEAN HEINMULLER

144 E. COWLEY
SUITE 401
ANCHORAGE, ALASKA 99501
PHONE 775-2272

STATE OF ALASKA)
) ss.
THIRD DISTRICT)

THIS IS TO CERTIFY that on this 14th day of February, 1977, before me, the undersigned Notary Public in and for Alaska, personally appeared CARL W. WEISMILLER and BETTY JEAN WEISMILLER, known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily, for the uses and purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

William J. Green
Notary Public in and for Alaska
My Commission expires: _____

WILLIAM J. GREEN
Notary Public
1400 1st Avenue
Anchorage, Alaska 99501
Telephone 277-2171

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

March 26, 1996

SUBJECT: CSSB 230(), "R" version, draft, dated 3/26/96 and the Chilkat State Park (Work Order No. 9-LS1538\R)

TO: Senator Drue Pearce
Attn: Ken Erickson

FROM: Gerald P. Luckhaupt *GL*
Legislative Counsel

Enclosed is the bill draft you requested making changes to the legal description of Chilkat State Park. You will want to have the Department of Natural Resources review the description carefully to make sure that it is accurate. Since we were working from faxed versions of the deeds it was rather difficult at times to read the numbers in the descriptions. I am also returning to you a copy of the materials that Ken supplied to me.

GPL:lmb
96-070.lmb

Enclosures

Alaska State Legislature




During Interim (June - Dec)
716 West 4th Avenue, Suite 500
Anchorage, AK 99501-2133
(907) 258-8185
Fax (907) 258-0226

During Session (Jan - May)
State Capitol
Juneau, AK 99801-1182
(907) 465-3993
Fax (907) 465-3872

Drue Pearce
President of the Senate

To: Senator Rick Halford, Co-Chairman
Senate Finance Committee

From: Senator Drue Pearce, Senate President 

Date: March 14, 1996

Re: Request scheduling of Senate Bill 230.

I respectfully request that Senate Bill 230, Legislative Approval To Restrict Traditional Recreational Uses, be scheduled in the Senate Finance Committee at your earliest convenience.

This bill specifies that the Department of Natural Resources must annually submit a report to the Legislature on each designation of an incompatible use that prohibits or restricts a traditional means of access. The report must state the reasons for the restriction or prohibition, the specific area affected, and the duration of the restriction or prohibition. The bill further specifies that the Department may not manage as special purpose park land those areas not inside park boundaries as designated by the legislature. And finally, the bill adds a section to the statute establishing Denali State Park specifying what constitutes an incompatible use. Past regulations, and regulations being currently promulgated, concerning Denali State Park, take effect only if they are consistent with the provisions of this Act. Past regulations not consistent with this Act are annulled.

This bill is supported by the Alaska Outdoor Council, the Alaska Airmen's Association, the Alaska State Snowmobile Association, the Alaska Boating Association, and many others.

2/7/96



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

MEMORANDUM

TO: Senator Drue Pearce, President
Alaska State Senate

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

DATE: February 6, 1996

SUBJECT: SB 230, Fiscal Note(s) WITHOUT a Finance Committee Referral

COPY

A small (\$2.0) fiscal note has been issued by the Department of Natural Resources for SB 230, Legislature Approve Permanent Recreational Restriction, which was referred to the Senate Resources committee.

Please add a referral to the Senate Finance committee.

Thank you.

Attachment(s)

cc: Senator Mike Miller, Chairman
Senate Rules Committee
Attn: Mary Gore

RH/lis

2/6/96

Senate Finance Committee

To: Larry Stevens

From: Jerry

Date: 6 February 96

Subject: Bill Number: -E230 Version: _____

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Leg. Approve Permanent Recreational Petrolion

Referrals: RES

Sponsor(s): Pearce, Frank, Green, Hartford, Lemmon, Miller, P. Phillips, Sharp, Taylor, Torgerson, Donley

Department: _____

BRU: _____

Component: _____

Comments: _____

Attachments:

- Fiscal Note(s)
- Bill History from BASIS

CURRENT STATUS: (S) RES

	JRN-DATE	JRN-PAGE		ACTION
1	01/22/96	2198	(S)	READ THE FIRST TIME - REFERRAL(S)
2	01/22/96	2198	(S)	RESOURCES
3	01/31/96	2267	(S)	COSPONSOR(S): DONLEY

SELECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	SUBJ	EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT
4B		H							==PC	LINE 22	COL 14

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB230

Revision Date: original Dept Affected: Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or... Component: Parks Management
 Sponsor: Senator Pearce, Frank, Green, Halford
 Requestor: Senate Resources Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	1.0	1.5	1.5	1.0	1.0	1.0
CONTRACTUAL	1.0	2.0	2.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	3.5	3.5	2.0	2.0	2.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0	3.5	3.5	2.0	2.0	2.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2.0	3.5	3.5	2.0	2.0	2.0

Estimate of any current year (FY96) cost: \$ none

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)

When parks receives an IUAA under the terms of this bill, it will either appear before the legislature to request restrictions on traditional access (travel expenses) or will promulgate regulations to open the area, under Title 41, for motorized recreational use (travel and contractual). It is anticipated that 1 to 2 IUAAs will occur in FY97, 3 to 4 in FY98 and FY99, back to 1 to 2 in FY00, FY01, and FY02.

Lands transferred to Parks come in under title 41, which restricts vehicular use. Allowing for motorized use requires parks to promulgate regulations opening a unit of the park system to motorized use.

Prepared by: Jim Stratton, Director Phone: 286-8700
 Division: Parks Date: 5-Feb-96
 Approved by Commissioner: _____ Date: 5-Feb-96
 Agency: Natural Resources

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

SB

232

HFIN

FILE

AMENDMENT 1

no/obj

OFFERED IN THE HOUSE

TO: HCS CSSB 232(JUD)

- 1 Page 2, line 13, following "conviction":
- 2 Insert "in this state"

- 3 Page 2, line 16, following "conviction":
- 4 Insert "in this state"

- 5 Page 2, line 17, following "conviction":
- 6 Insert "in this state"

- 7 Page 2, line 23:
- 8 Delete "and a"
- 9 After "conviction"
- 10 Insert "."

- 11 Page 2, lines 24 - 26:
- 12 Delete all material.

AMENDMENT 2

*Adopted
2/2/08*

OFFERED IN THE HOUSE
TO: HCS CSSB 232(JUD)

1 Page 1, line 10:

2 Delete "misdemeanants"

3 Insert "offenders"

4 Page 1, line 11:

5 Delete "third or subsequent"

6 Page 1, line 12, after "conviction":

7 Insert "after having been convicted of two or more prior crimes"

8 Page 2, line 15, following "of":

9 Insert "the conviction of a"

10 Page 2, lines 16 and 17:

11 Delete

12 "(A) the conviction of a felony; or

13 (B) a third or subsequent conviction of a misdemeanor"

14 Insert

15 "(A) felony; or

16 (B) misdemeanor if the individual has been convicted of two

17 or more prior crimes as defined in AS 11.81.900(9)"

18 Page 3, line 15, after "of":

19 Insert "the conviction of a"

1 Page 3, line 16:

2 Delete "the conviction of a"

3 Page 3, line 17:

4 Delete all material.

5 Insert

6 "(ii) misdemeanor if the individual has been
7 convicted of two or more prior crimes;"

8 Page 5, line 18:

9 Delete "of offenses"

10 Insert "of crimes"

11 Delete "for offenses"

12 Insert "for crimes"

(7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;

(8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

(10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence", as those terms are defined in (a) of this section;

(11) "dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;

(12) "deadly force" means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

(13) "deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(14) "deception" means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "drug" has the meaning ascribed to it in AS 11.71.900(9);

Failed

AMENDMENT 3

Brown

OFFERED IN THE HOUSE
TO: HCS CSSB 232(JUD)

- 1 Page 4, line 8, after "AS 18.66.010" through line 10 at
- 2 "prosecutions":
- 3 Delete all material.
- 4 Renumber paragraphs as appropriate.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 28, 1996

FURTHER REFERRALS:

Date of Committee Action: 4/17/96

The FINANCE Committee considered:

CSSB 232(FIN)

CS FOR SENATE BILL NO. 232(FIN)

PFD NOTICES AND ELIGIBILITY

"An Act relating to permanent fund dividend program notice requirements, to the ineligibility for dividends of individuals convicted of felonies or incarcerated for misdemeanors, and to the determination of the number and identity of certain ineligible individuals."

recommends it be replaced with the following committee substitute HCS CSSB 232(FIN) 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) _____

6 ^{Senate} fiscal note(s) Rev(2), DOC, DPS (3)
All 3/8/96

zero fiscal note(s) _____

zero fiscal note(s) Law, 3/8/96

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Richard J. Kelly</i>	Kelly	X			
<i>Michael Hanley</i>	Hanley	X			
<i>John Mulder</i>	Mulder	X			
<i>John Martin</i>	Martin	X			
<i>Jean Parwell</i>	Parwell				X
<i>Victor Kohring</i>	Kohring			X	
<i>John Grusserdorf</i>	Grusserdorf				X
<i>John Navarro</i>	Navarro				X
<i>Tom Brown</i>	Brown		X		
<i>Gene Theriault</i>	Theriault	X			
<i>Richard Kelly</i>	Kelly	X			

CHAIR'S SIGNATURE *Michael Hanley*

Richard J. Kelly

FISCAL NOTE

No. 1

Bill Version: LS 98 232(LFN)

(S) Publish Date: 5-9-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...permanent fund dividend program...ineligibility... of individuals convicted of felonies or incarcerated for misdemeanors... BRU: Criminal Division
 Sponsor: Senate Finance Committee Component: Criminal Division
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 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 (FY96) cost: \$ 0.0

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 bill amends AS 43.23 to enlarge the group of criminals made ineligible to receive permanent fund dividends to include persons who are convicted of a felony and who are not incarcerated, and to include persons convicted for a third or subsequent misdemeanor who are incarcerated. Currently only incarcerated felons are ineligible for PFDs each year that they are in prison.

Under existing law, the money that would have been given to the incarcerated felons for PFDs can instead be appropriated by the legislature to three agencies/funds: the violent crime compensation fund, the council on domestic violence and sexual assault, and the Department of Corrections.

It is difficult to estimate, but a best guess is that 2,000 new people will become ineligible for a PFD, if the bill is passed. There are a number of persons and groups who rely upon these criminals' PFDs as a source of revenue that can be garnished who will be displaced if the ineligible criminal group is enlarged to include

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/21/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/21/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 232

ANALYSIS CONTINUATION:

incarcerated third-time misdemeanants and convicted felons who are not incarcerated.

First in priority are those owed child support payments (there were over 11,000 PFD garnishments for child support in the past year). Next are those owed court-ordered restitution, then claims on defaulted school loans (over 8,700), court-ordered fines, Rule 39 collections, and DWI incarceration costs (over 13,700 last year), certain writs of execution, debts owed to the state, and then debts owed to other creditors, including federal and local taxes (over 35,000 last year). Furthermore, alcohol rehabilitation groups frequently garnish PFDs to get reimbursed for services provided to clients who under go court-ordered treatment as a result of an alcohol related offense such as DWI or domestic violence. To the extent that these criminals are made ineligible for PFDs, these groups will lose an important source of money for payment of these obligations.

The bill would also expand the list of agencies that may receive appropriations from the money "saved" by not giving it to criminals. In addition to the agencies listed above, the following new agencies would be allowed to receive appropriations from these funds: the Department of Public Safety for criminal investigations and apprehensions, and the Department of Law for criminal prosecutions.

It is problematic when funds will be available for distribution to the Department of Law and the Department of Public Safety. The effective date of the section that makes incarcerated third-time or subsequent misdemeanants ineligible for PFDs is January 1, 1997, and offenses committed before the effective date may not be considered in determining the number of prior convictions for the purpose of applying ineligibility. As a consequence, any positive fiscal impact for the Department of Law is uncertain at this time.

STATE OF ALASKA
1996 LEGISLATIVE SESSION

FISCAL NOTE

No. 2

Bill Version: CSA 232(FN)

(S) Publish Date: 3-8-96

Revision Date 13-Feb-96 Dept. Affected Revenue
 Title PFD Notices and Eligibility BRU Permanent Fund Dividend Division
 Component Permanent Fund Dividend Division
 Sponsor Senator Frank
 Requestor Senate Finance COMPONENT SERIAL NO. 961

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	19	42.4	42.4	42.4	42.4	42.4
TRAVEL						
CONTRACTUAL	05	43	43	43	43	43
SUPPLIES		10	10	0	10	10
EQUIPMENT		35	00	00	00	00
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24	61.2	47.7	47.7	47.7	47.7
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other Dividend Fund 1050	24	51.2	47.7	47.7	47.7	47.7
TOTAL	24	61.2	47.7	47.7	47.7	47.7

Estimate of any current year (FY96) cost \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by Nancy A. Jones
 Division Permanent Fund Dividend Division
 Approved by Commissioner [Signature]
 Agency Department of Revenue

Phone 465-2323
 Date 2/13/96
 Date 2/13/96

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Department of Revenue
Permanent Fund Dividend Division

Fiscal Note Analysis
SB 232

ASSUMPTIONS:

1. Computer programming by data processing staff will be a one-time cost. The system will have to change to reflect the new classes of ineligible. Edits will be added to the system that will automatically deny these people.

Additional programming will also be needed to print the disclosure information on each dividend check and direct deposit advice that is generated.
2. The cost of data processing chargebacks for mainframe processing will continue in each fiscal year. This will cover the costs associated with processing the computer tape with the PFD masterfile, provide necessary printouts, and generate denial letters.
3. Currently about twenty-five percent of felons denied a dividend appeal. With the expansion of ineligible to include those applicants convicted of a felony, and those incarcerated for a third and subsequent conviction of a misdemeanor, an additional full time staff person in appeals will be needed.
4. Supplies such as forms, envelopes, and postage will be needed for processing additional denial notices.
5. A personal computer will be needed for use by the additional staff member in Appeals.

FISCAL NOTE

No. 3

Bill Version: CS SB 232(FIN)

(S) Publish Date: 3-8-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/21/96

Title: An Act relating to PFD notice requirements, ineligibility of convicted felons or incarcerated individuals, etc.

Sponsor: Sen. Frank

Requester: (S) FIN

Department Affected: Revenue

BRU: Alaska Student Aid Corporation

Component: Student Loan Operations

COMPONENT SERIAL NO. 2113

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

CHANGE IN REVENUES	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
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FUND SOURCE

(Thousands of Dollars)

02 Federal Receipts						
03 GF Match						
04 GF						
05 GF/Program Receipts						
06 GF/MHTIA						
Other - Corporate Receipts	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
TOTAL	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ -0-

ANALYSIS

This bill would incrementally impact the Alaska Student Aid Corporation, as approximately 8,000 PFDs are attached annually of borrower's past due in loan payments. In the last few years, 2-5 PFDs have been released to the Department of Corrections from incarcerated defaulted borrowers. The amounts above estimate the loss in revenues to the loan program as the population of borrowers with three-time offenses increases.

Prepared by: Gillian R. Hays, Legislative Liaison Phone: 465-6718

Division: Alaska Student Aid Corporation Date: 2/21/96

Approved by Executive Director: Diane Barrans

Agency: Revenue Date: 2/21/96

FISCAL NOTE

No. 4

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL No

Bill Version: CS SB 232(LIN)

(S) Publish Date: 3-8-96

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to permanent fund dividend BRU: ALL
 program notice requirements: _____ Component: _____
 Sponsor: Senators Frank, Leman, Kelly, Green, Phillips
 Requester: Finance COMPONENT SERIAL NO. 80894

Expenditures/Revenues	(Thousands of Dollars)					
	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING EXPENDITURES						
PERSONAL SERVICES	63.4	102.7	104.2	105.8	107.4	109.0
TRAVEL						
CONTRACTUAL	1.5	14.5	14.5	14.5	14.5	14.5
SUPPLIES	0.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	3.3	6.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	68.7	125.3	120.2	121.8	123.4	125.0

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						
1050 PFD Funds	68.7	125.3	120.2	121.8	123.4	125.0
TOTAL	68.7	125.3	120.2	121.8	123.4	125.0

Estimate of any current year (FY96) cost: \$ 00

POSITIONS						
FULL-TIME	1					
PART-TIME		2				
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill will deny PFD annual dividends to those who have been convicted of a felony (whether incarcerated or not), and those who are incarcerated for a third misdemeanor conviction.

The agency will require 1 PFT Analyst Programmer IV for the first year to design and implement the data interface of criminal records between the Department of Corrections, Public Safety, and the Alaska Court System. In addition, the position will require a contractual, supplies, and equipment (one-time) resources to accomplish the necessary tasks. A major task will be to negotiate with the Alaska Court System to timely receive conviction data in order to meet the requirements of this bill.

Starting with the 2nd fiscal year of the bill, the agency will require the services of 1 PFT and 1 PPT Statistical Technicians to perform data entry, editing, and handle the research required to respond to PFD appeals; and 1 PPT Analyst Programmer IV to continue the data processing interfaces, coordinating the data tape matches, and to coordinate differences between files. In addition, the positions will require contractual, supplies, and equipment (one-time) resources to accomplish their tasks.

Prepared by _____ Phone: 465-4652
 Division: Office of the Commissioner Date: 2/14/96
 Approved by Commissioner Margaret Pugh Date: 2/14/96
 Agency: Department of Corrections

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FISCAL NOTE

No. 5

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO

Pill Version: CS SB 232(FIN)

(S) Publish Date: 3-8-96

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to permanent fund dividend BRU: AB
program notice requirements, to the ineligibility Component: AI
 Sponsor: Senator Frank
 Requestor: Senate Finance COMPONENT SERIAL NO. 523

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	5.0	10	10	10	10	10
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	10	10	10	10	10

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	10	10	10	10	10
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	5.0	10	10	10	10	10

Estimate of current year (FY 96) impact: \$ _____

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)

DPS will create an electronic file of individuals who "during the calendar year immediately preceding that dividend year ... [were] convicted of a felony." This file will be provided to PFD for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with PFD.

Because APSIN does not contain incarceration data, DPS will also create an electronic file of individuals who were convicted of "a third or subsequent misdemeanor." This file will be provided to DOC for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with DOC. DOC will match this file against their records on incarcerated individuals and forward the resulting information to PFD.

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: 1/30/96
 Approved by Commissioner:  Date: 2/12/96
 Agency: Ronald L. Otto, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO 6

Bill Version: CS SB 252(FIN)
 (S) Publish Date: 3-8-96

Revision Date _____ Dept. Affiliated Public Safety
 Title PFO Notices and Eligibility BRU Alaska State Troopers
 Component Detachments
 Sponsor Senator FRANK
 Requestor S Finance COMPONENT SERIAL NO. 799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

CHANGE IN REVENUES () Revenue Code						
----------------------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MMTA						
Other	0	0	0	0	0	0
TOTAL						

Estimate of current year (FY 96) impact \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

* Under Section 3, the Department of Public Safety would receive an undesignated portion/percentage of convicted felons permanent fund dividend. Insufficient details are available to make an accurate projection of the amount of funding that would be received.

Prepared By Francis C. Allen Phone (907) 269-5691
 Division Alaska State Troopers Date 02/27/96
 Approved by Commissioner Ronald L. Otto Date 3/1/96
 Agency Ronald L. Otto, Dept. of Public Safety

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STATE OF ALASKA

BUDGET NOTE

NO.

No. 7

1996 LEGISLATIVE SESSION

Bill Version: CS SB 232(LFIN)

(S) Publish Date: 3-8-96

Revision Date 3/2/96
 Title PFD Eligibility
 Sponsor Sen Frank
 Requestor S Finance

Dept Affected BRU
 Component COVSA

Public Safety
COVSA
COVSA

COMPONENT SERIAL NO. _____

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS
MISCELLANEOUS						
TOTAL OPERATING
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						
Code Revenue						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) 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)
 This bill will increase the level of PFD funds that will be used for the operating budget. It also expands the number of state agencies that may receive allocations from this source. The Council's FY 96 operating budget includes \$1,125.0 in PFD funds. However, it is not possible to project what that figure would be in the future, as this amount is determined by the legislature each year.

Prepared By Jayne E. Andreen
 Division Council on Domestic Violence and Sexual Assault
 Approved by Commissioner Ronald L. Ote
 Agency Ronald L. Ote Department of Public Safety

Phone 907-465-4356
 Date 3/2/96
 Date 3/5/96

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MEMORANDUM
CHILD SUPPORT ENFORCEMENT DIVISION

State of Alaska
DEPARTMENT OF REVENUE

to: Nanci Jones
Director
Permanent Fund Dividend

DATE: May 5, 1995

FILE NO:

TELEPHONE NO:

269-6843

FROM: John Mallonee
Special Assistant

SUBJECT: Ineligible Criminals

The information contained in the memo estimating the number of cases involving PFD garnishment was not provided by the Child Support Enforcement Division. The following is a more accurate estimate of the actual number of PFD garnishments that would be effected:

	<u>Number</u>	<u>Percent</u>
Number of new eligibles in a given year	2,000	
New eligibles with active CSED cases	400	20%
Less: CSED obligees on AFDC	(189)	47%
Remaining eligibles with non-AFDC CSED cases	211	
CSED cases involving PFD garnishment	105	50%

The assumptions used in arriving at the 50% of CSED cases involving garnishment are as follows:

1. CSED garnished approximately 7,000 PFDs in 1994 this was 50% of the cases that had any possibility of being garnished.
2. The use of total caseload of 42,000 cases is improper because only 15,000 cases were domestic cases where the obligor lived in Alaska, had an order established and would have been eligible for a PFD.
3. The eligibles in a given year are in Alaska, eligible for a PFD and CSED would have information as to their location consequently they probably have an order.

PROVIDED BY SENATOR FRANK
HCS CS SB 232 (JUD) SECTIONAL ANALYSIS

As of April 16, 1996

- Sec. 1:** Identifies the four purposes of the legislation.
- Sec. 2:** Amends AS 43.23.005(d) making those convicted of a felony and those incarcerated as the result of a third misdemeanor conviction during the qualifying year ineligible for a dividend. Current law just makes those incarcerated as the result of a felony conviction during the qualifying year ineligible.
- Sec. 3:** Adds a new subsection AS 43.23.005(g)
- a. defining the date of conviction as the date of sentencing;
 - b. requires multiple convictions arising from a single criminal episode to be treated as a single conviction; and
 - c. considers equivalent out of state conviction in determining eligibility.
- Sec. 4:** Amends AS 43.23.028(a) to require disclosure on the dividend check stub or direct deposit advise of
- a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
- Amends AS 43.23.028(b) by
- e. adding the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
 - f. clarifying the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.
- Sec. 5:** Amends AS 43.23.055 to make it clear that it is the responsibility of the Departments of Public Safety and Corrections to provide the Department of Revenue with a list of individuals who meet the criteria of AS 43.23.005(d).
- Sec. 6:** Ensures that
- a. only convictions for offenses occurring after December 31, 1996 are considered in determining ineligibility; and
 - b. convictions occurring before January 1, 1997 are to be considered in determining a third misdemeanor.
- Sec. 7:** Ensures that the expanded reporting requirements will start with the 1997 dividend check stub.

PROVIDED BY SENATOR FRANK
STATE AGENCIES TO WHICH PFDs DENIED
UNDER AS 43.23.005(d) CAN BE APPROPRIATED
As of March 20, 1998

Current Law

Department of Corrections

Department of Public Safety
Violent Crimes Compensation Fund

or

Council on Domestic Violence and Sexual Assault

SB 232

Department of Corrections
for incarceration and probation programs

Department of Public Safety
Violent Crimes Compensation Fund
for payments to crime victims
or

Council on Domestic Violence and Sexual Assault
for shelters and safe houses

or

Any DPS Division
for investigations or apprehensions

Department of Law
for criminal prosecutions

PROVIDED BY SENATOR FRANK
SB 232: AVAILABILITY OF ADDITIONAL FUNDS
As of March 20, 1996

<u>Expanded Pool Under SB 232</u>	<u>Calendar Year</u>	<u>Fiscal Year</u>
Qualifying Year	1997	
Dividend Denied	1998	1999
Funds Available for Appropriation		2000

PROVIDED BY SENATOR FRANK
SB 232: INDIVIDUALS INELIGIBLE FOR A PED
UNDER AS 43.23.005(d)
As of March 20, 1996

Current Law

**Incarcerated during all or part of the qualifying
year for a:**
Felony Conviction

SB 232

**Incarcerated during all or part of the qualifying
year for a:**
Felony Conviction
or
3rd or Subsequent Misdemeanor Conviction
(only considering misdemeanor convictions occurring after January 1,
1997)
**Convicted during the qualifying year (without
being incarcerated) of a:**
Felony

PROVIDED BY SENATOR FRANK
CS SB 232 (FIN) OVERVIEW
As of March 13, 1996

AS 43.23.005(d) currently provides that an individual who is incarcerated for a felony conviction is ineligible for a PFD in the next calendar year.

AS 43.23.028(b) allows the total amount that would have been paid to such individuals if they had been eligible to be appropriated from the dividend fund without being noticed on the dividend stub for the next fiscal year to

- a. the Crime Victim Compensation Fund;
- b. the Council on Domestic Violence and Sexual Assault; or
- c. the Department of Corrections.

SB 232 will:

1. increase the pool of Individuals who are ineligible for a PFD to include:
 - a. those persons who in a given year are either convicted of a felony; or
 - b. incarcerated for their third or subsequent misdemeanor conviction.
2. require that the dividend stub provide public notice of
 - a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
3. add the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
4. clarify the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.

PROVIDED BY SENATOR FRANK
CS SB 232 (FIN) SECTIONAL ANALYSIS

As of March 13, 1996

- Sec. 1:** Identifies the four purposes of the legislation.
- Sec. 2:** Amends AS 43.23.005(d) making those convicted of a felony and those incarcerated as the result of a third misdemeanor conviction during the qualifying year ineligible for a dividend. Current law just makes those incarcerated as the result of a felony conviction during the qualifying year ineligible.
- Sec. 3:** Adds a new subsection AS 43.23.005(g)
- a. defining the date of conviction as the date of sentencing; and
 - b. requires multiple convictions arising from a single criminal episode to be treated as a single conviction.
- Sec. 4:** Amends AS 43.23.028(a) to require disclosure on the dividend check stub or direct deposit advise of
- a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
- Amends AS 43.23.028(b) by
- e. adding the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
 - f. clarifying the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.
- Sec. 5:** Amends AS 43.23.055 to make it clear that it is the responsibility of the Departments of Public Safety and Corrections to provide the Department of Revenue with a list of individuals who meet the criteria of AS 43.23.005(d).
- Sec. 6:** Ensures that
- a. only convictions for offenses occurring after December 31, 1996 are considered in determining ineligibility; and
 - b. convictions occurring before January 1, 1997 are not considered in determining a third misdemeanor.
- Sec. 7:** Ensures that the expanded reporting requirements will start with the 1997 dividend check stub.

Alaska State Legislature

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421



While in Juneau
P.O. Box 5
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

Senate

MEMORANDUM

TO: Representative Brian Porter, Chairman
House Judiciary Committee

FROM: Senator Steve Frank, Co-Chair
Senate Finance Committee

RE: *SB 232: Denying PFDs to Criminals*

DATE: March 21, 1996

This is to request the scheduling of CS SB 232 (FIN). Attached is a sectional analysis, an overview outline, and various other bill related information prepared by my office. This bill closely resembles SB 135, which was vetoed by the Governor last June. However, SB 232 does not include the timing provision changes of SB 135 to which the Governor objected in his veto message.

SB 232 expands both the pool of criminals who are ineligible for a PFD and the specific criminal justice system agencies eligible to use the dividends denied to those criminals. It also clarifies and restricts the purposes for which denied dividends can be used. Finally, it requires the Department of Revenue to print on the dividend stub public notice of the criteria and the legislative purpose for denying individuals, the total amount that would have been paid to those criminal and the total amount that was appropriated to each of the agencies eligible to receive funds.

Although the enactment of SB 232 will ultimately make the Permanent Fund Dividends of another 2,000 criminals available for appropriation to the criminal justice system, those additional funds will not be available for appropriation until FY 2000.

I believe this is a good piece of legislation and encourage your support. Thank you.

ALASKA DEPARTMENT OF REVENUE
 PERMANENT FUND DIVIDEND DIVISION
1995 PFD ATTACHMENTS ASSIGNMENTS ACTIVITY
 For the Month Ending December, 1995

<i>December 1995 Services</i>	<i>Received</i>	<i>Returned</i>	<i>Released</i>	<i>Held</i>	<i>Dec-1994</i>
Attachments:					
IRS (Federal Taxes)	-	0	0	-	(16)
PSE (Student Loan Payments)	-	0	0	-	-
CSED (Child Support Payments)	1	0	0	1	(18)
Other Writs	1	0	0	1	(2,837)
Municipal Writs (Fines & Taxes)	-	0	0	-	-
Certified Services	-	0	0	-	(969)
Department of Labor	-	0	0	-	(14)
IEAD (State Taxes)	-	0	0	-	-
Dept of Revenue -- PFD credit/offsets	2	0	0	2	2
Court Orders	-	0	0	-	(1)
Dept. of Law	-	0	0	-	-
Non DLN'd Attachments	12	12	0	-	-
TOTAL ATTACHMENTS	16	12	0	4	(3,853)
DLN'd Assignments	1	0	0	1	-
Non DLN'd Assignments	18	18	0	0	-
TOTAL ASSIGNMENTS OF RIGHTS	19	18	0	1	-
Total December 1995 Services	35	30	0	5	(3,853)
PFD YEAR-TO-DATE SERVICES					
Attachments:					
IRS (Federal Taxes)	25,159	0	824	24,335	22,836
Dept of Revenue -- PFD credit/offsets	345	0	7	338	406
PSE (Student Loan Payments)	8,780	0	57	8,723	6,524
CSED (Child Support Payments)	11,325	0	14	11,311	9,345
Municipal Writs (Fines & Taxes)	8,554	0	0	8,554	6,367
Other Writs	12,156	0	178	11,978	7,278
Certified Services	4,073	20	54	3,999	3,177
Department of Labor	125	1	2	122	135
IEAD (State Taxes)	-	-	-	-	-
Court Orders	9	0	0	9	1
★ Dept. of Law	13,717	0	0	13,717	7,317
Non DLN'd Attachments	431	431	0	-	-
TOTAL ATTACHMENTS	84,674	452	1,136	83,086	63,386
DLN'd ASSIGNMENTS	4,691	219	182	4,290	5,099
TOTAL PFD YEAR-TO-DATE-SERVICES	89,365	671	1,318	87,376	68,485

① - See Table
 Page 101
 1/16/95

SB

232

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO SB 232

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...permanent fund dividend program...ineligibility... of individuals convicted of felonies or incarcerated for misdemeanors.. BRU: Criminal Division
 Sponsor: Senate Finance Committee Component: Criminal Division
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 43.23 to enlarge the group of criminals made ineligible to receive permanent fund dividends to include persons who are convicted of a felony and who are not incarcerated, and to include persons convicted for a third or subsequent misdemeanor who are incarcerated. Currently only incarcerated felons are ineligible for PFDs each year that they are in prison.

Under existing law, the money that would have been given to the incarcerated felons for PFDs can instead be appropriated by the legislature to three agencies/funds: the violent crime compensation fund, the council on domestic violence and sexual assault, and the Department of Corrections.

It is difficult to estimate, but a best guess is that 2,000 new people will become ineligible for a PFD, if the bill is enacted. There are a number of persons and groups who rely upon these criminals' PFDs as a source of revenue that can be garnished who will be displaced if the ineligible criminal group is enlarged to include

Prepared by: Richard I. Pegura, Director Phone: 485-3672
 Division: Administrative Services Division Date: 2/21/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/21/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 232

ANALYSIS CONTINUATION:

incarcerated third-time misdemeanants and convicted felons who are not incarcerated.

First in priority are those owed child support payments (there were over 11,000 PFD garnishments for child support in the past year). Next are those owed court-ordered restitution, then claims on defaulted school loans (over 8,700), court-ordered fines, Rule 39 collections, and DWI incarceration costs (over 13,700 last year), certain writs of execution, debts owed to the state, and then debts owed to other creditors, including federal and local taxes (over 35,000 last year). Furthermore, alcohol rehabilitation groups frequently garnish PFDs to get reimbursed for services provided to clients who under go court-ordered treatment as a result of an alcohol related offense such as DWI or domestic violence. To the extent that these criminals are made ineligible for PFDs, these groups will lose an important source of money for payment of these obligations.

The bill would also expand the list of agencies that may receive appropriations from the money "saved" by not giving it to criminals. In addition to the agencies listed above, the following new agencies would be allowed to receive appropriations from these funds: the Department of Public Safety for criminal investigations and apprehensions, and the Department of Law for criminal prosecutions.

It is problematic when funds will be available for distribution to the Department of Law and the Department of Public Safety. The effective date of the section that makes incarcerated third-time or subsequent misdemeanants ineligible for PFDs is January 1, 1997, and offenses committed before the effective date may not be considered in determining the number of prior convictions for the purpose of applying ineligibility. As a consequence, any positive fiscal impact for the Department of Law is uncertain at this time.

Revision Date: 13-Feb-96 Dept. Affected: Revenue
 Title: PFD Notices and Eligibility BRU: Permanent Fund Dividend Division
 Component: Permanent Fund Dividend Division
 Sponsor: Senator Frank
 Requestor: Senate Finance COMPONENT SERIAL NO. 961

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	19	42.4	42.4	42.4	42.4	42.4
TRAVEL						
CONTRACTUAL	05	43	43	43	43	43
SUPPLIES		10	10	10	10	10
EQUIPMENT		35	00	00	00	00
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24	81.2	47.7	47.7	47.7	47.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 Of Match						
1004 Of						
1005 Of Program Receipts						
1007 Of Mental Health						
Other Dividend Fund 1050	24	81.2	47.7	47.7	47.7	47.7
TOTAL	24	81.2	47.7	47.7	47.7	47.7

Estimate of any current year (FY96) cost \$ 0

POSITIONS

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

ANALYSIS (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by: Nancy A. Jones Phone: 465-2323
 Division: Permanent Fund Dividend Division Date: 2/13/96
 Approved by Commissioner: [Signature] Date: 2/13/96
 Agency: Department of Revenue

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Department of Revenue
Permanent Fund Dividend Division

Fiscal Note Analysis
SB 232

ASSUMPTIONS:

1. Computer programming by data processing staff will be a one-time cost. The system will have to change to reflect the new classes of ineligible. Edits will be added to the system that will automatically deny these people.

Additional programming will also be needed to print the disclosure information on each dividend check and direct deposit advice that is generated.

2. The cost of data processing chargebacks for mainframe processing will continue in each fiscal year. This will cover the costs associated with processing the computer tape with the PFD masterfile, provide necessary printouts, and generate denial letters.
3. Currently about twenty-five percent of felons denied a dividend appeal. With the expansion of ineligible to include those applicants convicted of a felony, and those incarcerated for a third and subsequent conviction of a misdemeanor, an additional full time staff person in appeals will be needed.
4. Supplies such as forms, envelopes, and postage will be needed for processing additional denial notices.
5. A personal computer will be needed for use by the additional staff member in Appeals.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 232

Revision Date: 2/21/96

Department Affected: Revenue

Title: An Act relating to PFD notice requirements, ineligibility of convicted felons or incarcerated individuals, etc.

BRU: Alaska Student Aid Corporation

Component: Student Loan Operations

Sponsor: Sen. Frank

Requester: (S) FIN

COMPONENT SERIAL NO. 2113

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
---------------------------	--------------	--------------	--------------	---------------	---------------	---------------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other - Corporate Receipts	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)
TOTAL	(8 9)	(9 0)	(9 0)	(10 0)	(10 0)	(10 0)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact \$ -0-

ANALYSIS

This bill would incrementally impact the Alaska Student Aid Corporation, as approximately 8,000 PFDs are attached annually of borrower's past due in loan payments. In the last few years, 2-5 PFDs have been released to the Department of Corrections from incarcerated defaulted borrowers. The amounts above estimate the loss in revenues to the loan program as the population of borrowers with three-time offenses increases.

Prepared by Glean R. Hays, Legislative Liaison *Glean R. Hays* Phone 465-6718

Division Alaska Student Aid Corporation Date 2/21/96

Approved by Executive Director Diane Barrang

Agency Revenue Date 2/21/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 232

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to permanent fund dividend BRU: ALL
program notice requirements..... Component: _____
 Sponsor: Senators Frank, Leman, Kelly, Green, Phillips
 Requester: Finance COMPONENT SERIAL NO. #0894

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	83.4	102.7	104.2	105.8	107.4	109.0
TRAVEL						
CONTRACTUAL	1.5	14.5	14.5	14.5	14.5	14.5
SUPPLIES	0.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	3.3	8.8				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	88.7	125.3	120.2	121.8	123.4	125.0

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						
1050 PFD Funds	88.7	125.3	120.2	121.8	123.4	125.0
TOTAL	88.7	125.3	120.2	121.8	123.4	125.0

Estimate of any current year (FY96) cost: \$ 00

POSITIONS						
FULL-TIME	1					
PART-TIME		2				
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill will deny PFD annual dividends to those who have been convicted of a felony (whether incarcerated or not), and those who are incarcerated for a third misdemeanor conviction.

The agency will require 1 PFT Analyst Programmer IV for the first year to design and implement the data interface of criminal records between the Department of Corrections, Public Safety, and the Alaska Court System. In addition, the position will require a contractual, supplies, and equipment (one-time) resources to accomplish the necessary tasks. A major task will be to negotiate with the Alaska Court System to timely receive conviction data in order to meet the requirements of this bill.

Starting with the 2nd fiscal year of the bill, the agency will require the services of 1 PFT and 1 PPT Statistical Technicians to perform data entry, editing, and handle the research required to respond to PFD appeals, and 1 PPT Analyst Programmer IV to continue the data processing interfaces, coordinating the data tape matches, and to coordinate differences between files. In addition, the positions will require contractual, supplies, and equipment (one-time) resources to accomplish their tasks.

Prepared by: _____ Phone: 465-4652
 Division: Office of the Commissioner Date: 2/14/96
 Approved by Commissioner: Margaret Pugh Date: 2/14/96
 Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 232

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to permanent fund dividend BRU: All
program: notice requirements, to the ineligibility Component: All
 Sponsor: Senator Frank
 Requestor: Senate Finance COMPONENT SERIAL NO. 523

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	5.0	3.0	3.0	3.0	3.0	3.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.0	3.0	3.0	3.0	3.0	3.0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	3.0	3.0	3.0	3.0	3.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	5.0	3.0	3.0	3.0	3.0	3.0

Estimate of current year (FY 96) impact \$ _____

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)

DPS will create an electronic file of individuals who "during the calendar year immediately preceding that dividend year ... [were] convicted of a felony." This file will be provided to PFD for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with PFD.

Because APSIN does not contain incarceration data, DPS will also create an electronic file of individuals who were convicted of "a third or subsequent misdemeanor." This file will be provided to DOC for matching against their database. The file will contain person demographic information available from APSIN and agreed upon with DOC. DOC will match this file against their records on incarcerated individuals and forward the resulting information to PFD.

Prepared By: Kenneth E. Bischoff, Director Phone: 465-4336
 Division: Administrative Services Date: 1/30/96
 Approved by Commissioner: *Ronald L. Otte* Date: 2-13-96
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 232

Revision Date: _____ Dept. Affected: Public Safety
 Title: PFD Notices and Eligibility BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator FRANK
 Requestor: S. Finance COMPONENT SERIAL NO. 799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0*	0	0	0	0	0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES () Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE Program Receipts						
1008 GE MBTA						
Other	0*	0	0	0	0	0
TOTAL						

Estimate of current year (FY 96) impact \$ _____

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

ANALYSIS (Attach a separate page if necessary)

* Under Section 3, the Department of Public Safety would receive an undesignated portion/percentage of convicted felons permanent fund dividend. Insufficient details are available to make an accurate projection of the amount of funding that would be received.

Prepared By: Francis C. Allan Phone: (907) 269-5891
 Division: Alaska State Troopers Date: 02/27/96
 Approved by Commissioner: *Ronald L. Ote* Date: 3/1/96
 Agency: Ronald L. Ote Dept of Public Safety

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FISCAL NOTE

STATE OF ALASKA

BILL

CSSB 232(fin)

1996 LEGISLATIVE SESSION

Revision Date: <u>3/2/96</u>	Dept. Affected: <u>Public Safety</u>
Title: <u>PF-D Eligibility</u>	BRU: <u>CDVSA</u>
Sponsor: <u>Sen Frank</u>	Component: <u>CDVSA</u>
Requestor: <u>S Finance</u>	COMPONENT SERIAL NO. _____

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS
MISCELLANEOUS						
TOTAL OPERATING

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

CHANGE IN REVENUES ( )	.	.	.	.	.	.
Code Revenue						

FUNDING: (Thousands of Dollars)

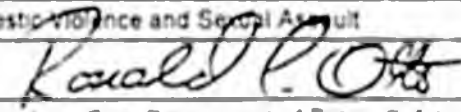
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	.	.	.	.	.	.
TOTAL	.	.	.	.	.	.

Estimate of current year (FY 96) 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)
 This bill will increase the level of PFD funds that will be used for the operating budget. It also expands the number of state agencies that may receive allocations from this source. The Council's FY 96 operating budget includes \$1,125,000 in PFD funds. However, it is not possible to project what that figure would be in the future, as this amount is determined by the legislature each year.

Prepared By	<u>Jayne E. Andreen</u>	Phone	<u>907-465-4356</u>
Division	<u>Council on Domestic Violence and Sexual Assault</u>	Date	<u>3/2/96</u>
Approved by Commissioner		Date	<u>3/5/96</u>
Agency	<u>Ronald L. Ote, Department of Public Safety</u>		

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SENATE FINANCE COMMITTEE REPORT

DATE: 1/22/95

FURTHER:

REPORTED
SFC 3/8/96

Date of 5-Day Notice: 2-8-96
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 3/8/96

The Finance Committee considered SB 232

Relating to PFD notices and eligibility.

and recommends:

- be replaced with CS SB 232 (Fin)
- 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>Steven Rupp</i>	✓				
<i>ROSE & JACO</i>	✓				
<i>Ben Mump</i>	✓				
<i>Casey Conley</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Kirk Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
Dept. of Law	2/21/96	Ø	
Revenue	2/13/96		2.4
Rev. Student Loan	2/21/96		(8.9)
Corrections	2/14/96		68.7
Public Safety	2/12/96		5.0
Pub. Safety State Troopers	3/1/96	Ø	
Pub. Safety, COVERA	3/5/96		indeterminate

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

2-15-96
Amend. reviewed
by DOR + Tom
Williams
No Action
Taken

AMENDMENT

SB 232

Offered by Senator Steve Frank

Page 5, line 19

Delete "Section 3 and"

Insert "Section"

Page 5, line 20

Delete "3."

Page 5, line 21

Insert ", 3" after 2

Sen. Frank moved.
adopted

SENATE FINANCE
COMMITTEE

9-LS1455\F.1
Cook
3/7/96

Amendment Number: 1

Bill Number: CSSB 232

Sponsor: _____ Date: 3-8-96

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 232() version F, dated 2/27/96

1 Page 2, following line 18:

2 Insert a new bill section to read:

3 "* Sec. 3. AS 43.23.005 is amended by adding a new subsection to read:

4 (g) For purposes of applying (d)(1) of this section, the date the court imposes
5 a sentence or suspends the imposition of sentence shall be treated as the date of
6 conviction. For purposes of applying (d)(2)(B) of this section, multiple convictions
7 arising out of a single criminal episode shall be treated as a single conviction."

8 Renumber the following bill sections accordingly.

9 Page 5, line 9:

10 Delete "sec. 2"

11 Insert "secs. 2 and 3"

12 Page 5, line 13:

13 Delete "sec. 3"

14 Insert "sec. 4"

9-LS1455F-
Cook
2/27/96

*SF moved
Adopted*

CS FOR SENATE BILL NO. 232()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Leman, Kelly, Green, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permanent fund dividend program notice requirements, to the
2 ineligibility for dividends of individuals convicted of felonies or incarcerated for
3 misdemeanors, and to the determination of the number and identity of certain
4 ineligible individuals."

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

6 * Section 1. PURPOSES. The purposes of the amendments made to AS 43.23.005(d) and
7 43.23.028 in this Act are to

8 (1) obtain reimbursement for some of the costs imposed on the state criminal
9 justice system related to apprehension, prosecution, conviction, incarceration, or probation of
10 individuals convicted of a felony and individuals who are chronic misdemeanants as
11 demonstrated by their being incarcerated as a result of a third or subsequent misdemeanor
12 conviction;

13 (2) ensure the public is advised about the ineligibility for dividends under
14 AS 43.23.005(d), the reasons for making individuals ineligible under that subsection, and the

1 purposes for which the state has appropriated the money that would otherwise have been paid
2 to those ineligible individuals;

3 (3) clarify what the funds appropriated to certain agencies listed under
4 AS 43.23.028(b) may be used for if the appropriations are to be exempt from the notice
5 requirement; and

6 (4) obtain another source of funding for the state agencies added to
7 AS 43.23.028(b).

8 * Sec. 2. AS 43.23.005(d) is amended to read:

9 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual
10 [WHO HAS BEEN CONVICTED OF A FELONY] is not eligible for a permanent fund
11 dividend for a dividend year when

12 (1) during the calendar year immediately preceding that dividend
13 year the individual was convicted of a felony;

14 (2) [,] during all or part of the [PREVIOUS] calendar year immediately
15 preceding that dividend year, the individual was incarcerated [,] as a result of

16 (A) the conviction of a felony; or

17 (B) a third or subsequent conviction of a misdemeanor [THE
18 INDIVIDUAL IS INCARCERATED].

19 * Sec. 3. AS 43.23.028 is amended to read:

20 Sec. 43.23.028. PUBLIC NOTICE. (a) By October 1 of each year, the
21 commissioner shall give public notice of the value of each permanent fund dividend for
22 that year and notice of the information required to be disclosed under (3) of this
23 subsection. In addition, [THE NOTICE AND] the stub attached to each individual
24 dividend check and direct deposit advice must [DISCLOSE THE AMOUNT!

25 (1) disclose the amount of each dividend attributable to income earned
26 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
27 Constitution of the State of Alaska;

28 (2) disclose the amount of each dividend attributable to income earned
29 by the permanent fund from appropriations to that fund and from amounts added to that
30 fund to offset the effects of inflation; [AND]

31 (3) disclose the amount by which each dividend has been reduced due
32 to each appropriation from the dividend fund, including amounts to pay the costs of

1 administering the dividend program and the hold harmless provisions of AS 43.23.075;

2 (4) include a statement that an individual is not eligible for a
3 dividend when

4 (A) during the calendar year immediately preceding that
5 dividend year the individual was convicted of a felony;

6 (B) during all or part of the calendar year immediately
7 preceding that dividend year the individual was incarcerated as a result of

8 (i) the conviction of a felony; or

9 (ii) a third or subsequent conviction of a misdemeanor;

10 (5) include a statement that the legislative purpose for making
11 individuals listed under (4) of this subsection ineligible is to

12 (A) obtain reimbursement for some of the costs imposed on
13 the state criminal justice system related to apprehension, prosecution,
14 conviction, incarceration, or probation of those individuals;

15 (B) provide funds for payments to crime victims and for the
16 operation of safe houses and shelters;

17 (6) disclose the total amount that would have been paid during the
18 previous fiscal year to individuals who were ineligible to receive dividends under
19 AS 43.23.005(d) if they had been eligible;

20 (7) disclose the total amount appropriated for the current fiscal year
21 under (b) of this section for each of the funds and agencies listed in (b) of this
22 section.

23 (b) To the extent that amounts appropriated for a fiscal year do not exceed
24 the total amount that would have been paid during the previous fiscal year to
25 individuals who were ineligible to receive dividends under AS 43.23.005(d) if they
26 had been eligible, the [THE] notice requirements of (a)(3) [(a)] of this section do not
27 apply to appropriations from the dividend fund to the

28 (1) crime victim compensation fund established under AS 18.67.162 for
29 payments to crime victims;

30 (2) [, TO THE] council on domestic violence and sexual assault
31 established under AS 18.66.010 for operations of safe houses and shelters;

32 (3) Department of Public Safety for criminal investigations and

1 apprehensions:

2 (4) Department of Law for criminal prosecutions; [,] or

3 (5) [TO THE] Department of Corrections [r incarceration and
 4 probation programs [TO THE EXTENT THAT AMOUNTS APPROPRIATED FOR
 5 A FISCAL YEAR DO NOT EXCEED THE TOTAL AMOUNT THAT WOULD HAVE
 6 BEEN PAID DURING THE PREVIOUS FISCAL YEAR TO INDIVIDUALS WHO
 7 ARE INELIGIBLE TO RECEIVE DIVIDENDS UNDER AS 43.23.005(d) IF THEY
 8 HAD BEEN ELIGIBLE].

9 • Sec. 4. AS 43.23.055 is amended to read:

10 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

11 (1) annually pay permanent fund dividends from the dividend fund;

12 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
 13 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures and
 14 time limits for claiming a permanent fund dividend; the department shall determine the
 15 number of eligible applicants by October 1 of the year for which the dividend is declared
 16 and pay the dividends by December 31 of that year;

17 (3) adopt regulations under AS 44.62 (Administrative Procedure Act) that
 18 establish procedures and time limits for an individual upon emancipation or upon
 19 reaching majority to apply for permanent fund dividends not received during minority
 20 because the parent, guardian, or other authorized representative did not apply on behalf
 21 of the individual;

22 (4) assist residents of the state, particularly in rural areas, who because
 23 of language, disability, or inaccessibility to public transportation need assistance to
 24 establish eligibility and to apply for permanent fund dividends;

25 (5) use a list of individuals ineligible for a dividend under
 26 AS 43.23.005(d) provided annually by [ANNUALLY DETERMINE. IN
 27 COOPERATION WITH] the Department of Corrections and the Department of Public
 28 Safety to determine [,] the number and identity of those individuals [INELIGIBLE FOR
 29 A PERMANENT FUND DIVIDEND UNDER AS 43.23.005(d)].

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

31 (7) adopt regulations that establish procedures for the parent, guardian,
 or other authorized representative of a disabled individual to apply for prior year

1 permanent fund dividends not received by the disabled individual because no application
2 was submitted on behalf of the individual;

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

8 (9) REPEALED).

9 • Sec. 5. The amendments made by sec. 2 of this Act apply only to individuals convicted of
10 offenses committed after December 31, 1996. Convictions for offenses committed before
11 January 1, 1997, may not be considered in determining the number of prior convictions for
12 purposes of applying AS 43.23.005(d)(2)(B).

13 • Sec. 6. The amendments made by sec. 3 of this Act apply after December 31, 1996.
14 Before January 1, 1997, AS 43.23.028 shall apply as it read before the effective date of this Act.

PROVIDED BY SENATOR FRANK
DRAFT CS SB 232 (Version F) SECTIONAL ANALYSIS
As of February 27, 1996

- Sec. 1:** Identifies the four purposes of the legislation.
- Sec. 2:** Amends AS 43.23.005(d) making those convicted of a felony and those incarcerated as the result of a third misdemeanor conviction during the qualifying year ineligible for a dividend. Current law just makes those incarcerated as the result of a felony conviction during the qualifying year ineligible.
- Sec. 3:** Amends AS 43.23.028(a) to require disclosure on the dividend check stub or direct deposit advise of
- a. the criteria for denying individuals under AS 43.23.005(d);
 - b. the legislative purpose for denying individuals under AS 43.23.005(d);
 - c. the total amount that would have been paid during the prior fiscal year to individuals denied under AS 43.23.005(d); and
 - d. the total amount that was appropriated for the current fiscal year to each of the agencies eligible to receive funds under AS 43.23.028(b).
- Amends AS 43.23.028(b) by
- e. adding the Departments of Public Safety and Law to the list of criminal justice system agencies authorized to use the funds denied to individuals ineligible under AS 43.23.005(d); and
 - f. clarifying the purposes for which the funds denied to individuals ineligible under AS 43.23.005(d) can be used.
- Sec. 4:** Amends AS 43.23.055 to make it clear that it is the responsibility of the Departments of Public Safety and Corrections to provide the Department of Revenue with a list of individuals who meet the criteria of AS 43.23.005(d).
- Sec. 5:** Ensures that
- a. only convictions for offenses occurring after December 31, 1996 are considered in determining ineligibility; and
 - b. convictions occurring before January 1, 1997 are not considered in determining a third misdemeanor.
- Sec. 6:** Ensures that the expanded reporting requirements will start with the 1997 dividend check stub.

PROVIDED BY SENATOR FRANK
**IMPACT OF SB 232 ON EXISTING
PFD GARNISHMENT ACTIVITY**

As of February 23, 1996

Under AS 43.23.065 PFDs may be attached for the following by the listed entities:

Debts with a super-priority listed the order of priority

- A. Child support delinquencies collected by CSED (100% of PFD);
- B. Court ordered restitution collected by any person holding such a judgment (100% of PFD);
- C. Student loan defaults collected by Alaska Student Aid Corporation (100% of PFD);
- D. Court ordered fines collected by any municipality or other government entity holding such a judgment (100% of PFD);
- E. Writs of executions against minors pursuant to a civil action collected by the plaintiff (100% of PFD);
- F. Debts owed to an agency of the state (100% of PFD), including but not limited to:
 1. repayment of erroneously paid PFDs collected by the Department of Revenue;
 2. state excise tax delinquencies collected by the Department of Revenue; and
 3. state employment tax delinquencies collected by the Department of Labor;

Debts with no super-priority, satisfied on a "First in time, first in right" basis:

- Federal tax delinquencies collected by the IRS (100% of PFD); and
- All other writs/judgments collected by any person holding such a judgment (55% of PFD)

With the passage of SB 232 an expanded pool of criminals will be ineligible for the PFD; if no PFD is issued to such criminals, then the PFD cannot be garnished for delinquent child support obligations, court-ordered restitution, et cetera.

However, these debts will not be extinguished. Most satisfactions will simply be delayed a year. An individual convicted of a felony during a PFD qualifying year but not incarcerated would have to be convicted during the next PFD qualifying year as well to not regain eligibility. In addition, short misdemeanor sentences would allow criminals to be eligible for a PFD the next year, allowing that subsequent dividend to be garnished.

PROVIDED BY SENATOR FRANK
CHILD SUPPORT CASES IMPACTED BY SB 232

As of February 23, 1996

	<u>Number</u>	<u>Percent</u>
New eligibles in a given year (SOURCE: Department of Law)	<u>2,000</u>	
New eligibles with active CSED cases (SOURCE: Department of Corrections & Child Support Enforcement Division)	400	20%
Less: CSED obligees on AFDC (child support assigned to State) (SOURCE: Child Support Enforcement Division)	<u>(189)</u>	47%
Remaining eligibles with non-AFDC CSED cases (SOURCE: Child Support Enforcement Division)	<u>211</u>	
CSED cases involving PFD garnishment (SOURCE: Child Support Enforcement Division & Permanent Fund Dividend Division)	<u>46</u>	22%
Impacted CSED Cases as % of Total CSED Cases	<u>46</u>	<u>0.1%</u>