

**ALASKA LEGISLATURE**

**2233**

**HOUSE and SENATE FINANCE COMMITTEE FILES,**

**2001 - 2002**

# **CORRECTION**

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



Rev. 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

DREW SPARLIN ✓

JOHN EFTA ✓

LEONARD EFTA ✓

KENAI

Meeting Information	
Meeting ID	7346
Meeting Telephone Number	
Password	Not Required
Meeting Name	SFIN
Meeting Date	Mar 8, 2001
Scheduled Start Time	9:00 AM
Scheduled End Time	11:00 AM
Scheduled Length (minutes)	180
Number of Locations	5
Meeting Frequency	Once
# of Occurrences	1
Chair Site	Juneau
Meeting Room	CAP 532
Contact Person Phone #	Mindy/4935
Testify (Y/N)/ Time / Invitation	Y

Send mail to [Karin Wigen](#) for more information about this meeting.

---

Using the buttons below, you may change meeting details, cancel the meeting, or add attachments.

Update Meeting	Cancel Meeting
Access MeetingNotes	
Refresh Meeting Details	
Make copy of this meeting	

---

## Meeting Description

\*jnu,anc,ken,cor, fbx 9-11  
 Senate Finance  
 HB117  
 other sites may add  
 \*\* Laurie Berg is the moderator \*\*  
 3/7 added FBX per Mindy  
 3/7 added COR  
 3/5 Added KEN

## Meeting Participants

DAVID MARTIN ✓

BOB MERCHANT ✓

CHRIS GARCIA ✓

~~PAUL SANDRA~~

PAUL SHADURA ✓

KENAI LIO ✓

ARCTIC POWER ✓

TESTIFIERS

Name	Attend by	Phone Number	E-mail Address	Status
Fairbanks	I'll call in	907-452-4448	Fairbanks_LIO@legis.state.ak.us	OK
Cordova	I'll call in	907-424-5461	Cordova_LIO@legis.state.ak.us	OK
Kenai	I'll call in	907-283-2030	Kenai_LIO@legis.state.ak.us	OK
Anchorage/TC	I'll call in	907-269-0111	anchorage_tc@legis.state.ak.us	OK
Karin/Jnu	I'll call in		karin_wigen@legis.state.ak.us	OK

### Meeting Attachments

### Meeting Recordings and Comments

### Web reference addresses for the Meeting

[committee schedule](#) submitted by Karin Wigen on 03/02/01

---

DAVE MARTIN <sup>Konai</sup>



BOB MERCHANT

CHRIS GARCIA

PAUL SHADURA

DREW SPARLIN

JOHN EFTA

LEONARD EFTA



**SITE: ANCHORAGE LIO**

**COMMITTEE:**

Senate Finance

**DATE: 2-28-2001**

**SUBJECT OF MEETING:**

SB 73-Supp Approp/Amend Approp

SB 77-Net Profit Share

SB 93-Arctic Winter Games

**UPDATE #: 1**



## PLEASE SIGN IN

**PLEASE PRINT:**

**NAME**

**ADDRESS (MAILING & ZIP)**

**REPRESENTING**

**DO YOU WANT**

**TO TESTIFY?**

**Y OR N**

<b>PLEASE PRINT: NAME</b>	<b>ADDRESS (MAILING &amp; ZIP)</b>	<b>REPRESENTING</b>	<b>DO YOU WANT TO TESTIFY? Y OR N</b>
David Jones		Dept of Law	Ans ?s SB 73
Jim Stouffer		AK DNR/O&G	Ans ?s SB 77
Mark Myers		AK DNR/O&G	Y - SB 77
Gary Matthews		Arctic Winter Games	Y - SB 93
Dan Sullivan		AWG-Team Alaska	Y - SB 93
Regina Manteufel			Y-HB 117
Larry Houle		The Alliance	Y-HB 117

**SITE: Kenai LIO**

**COMMITTEE: Senate Finance**

**DATE: 2-28-01**

**SUBJECT OF MEETING:**

**HB 117 Appropriations: Fast Track**

**UPDATE #:**



## **PLEASE SIGN IN**

**PLEASE PRINT:**

**NAME**

**ADDRESS (MAILING & ZIP)**

**REPRESENTING**

**DO YOU WANT  
TO TESTIFY?  
Y or N**

<b>NAME</b>	<b>ADDRESS (MAILING &amp; ZIP)</b>	<b>REPRESENTING</b>	<b>DO YOU WANT TO TESTIFY? Y or N</b>
Chris Garcia (HB 117)	PO Box 203 Kenai, AK 99611	self	Y

SENATE FINANCE COMMITTEE

SIGN-IN

HB 117-SUPPLEMENTAL APPROPRIATIONS: FAST TRACK

NAME: Sue Schrader Subject/Bill No: HB 117

Co./Dept./Title: AK Conservation Voters Phone: 468-3366

Address: PO Box 22151 SUND Zip: 99802

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_

Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

HB 117-SUPPLEMENTAL APPROPRIATIONS: FAST TRACK

NAME: Susan Schrader Subject/Bill No: HB 117  
Co./Dept./Title: AK Conservation Voters Phone: 463-3368  
Address: PO Box 22151 Juneau Zip: 99802

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions



State Of Alaska  
Legislative Affairs Agency  
Kenai LIO  
145 Main St Lp, Ste 217  
Kenai, AK 99611  
907-283-2030

Date: 3-12-01.

Please accept the enclosed original(s) of written testimony for  
the Senate Finance Committee teleconference hearing  
that was scheduled on 3-12-01.

A copy of this testimony was transmitted to your committee via  
fax on 3-12-01.

Thank You,

A handwritten signature in cursive script, appearing to read "W. B. Byrne".



Filed 9:30  
3-12

# Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee  
committee name

Committee on CS hb 117, dated 3-12-2001  
bill # / subject

2 PG ATTACHED

Signed: Paul A. Shodin  
Testifier

Representing (optional)

P.O. Box 1632 Kenai, AK. 99611-1632  
Address

262-1771  
Phone number

March 12,2001

Alaska State Legislature

Members Of The: Senate Finance Committee

Honorable Senators;

Please review this resolution and submit this into the record. I believe that the community as a whole supports the "Best Available Technology" concept for Kenai River management. The Kenai River is our "artery" to the Kenai Peninsula and we therefore are extremely sensitive to potential damage that may occur without adequate stewardship.

Submitted By:

Paul A. Shadura II  
P.O. Box 1632  
Kenai, Alaska 99611-1632

## Resolution: Kenai-Soldotna , State of Alaska, Fish and Game Advisory Committee

Adopted 3-7-2001 (unanimous vote)

Whereas: the Kenai-Soldotna Advisory Committee (K-S AC) is authorized in state statute to provide a forum for local participation of a variety of local stakeholders; and

Whereas: Kenai River resource users continually express their interest in becoming educated in order to develop positions on Fish and Game management issues effecting local users and resource managers; and

Whereas: the K-S AC has consistently supported the collection of objective information related to the impact of users and resource management decisions effecting all users of the Kenai River; and

Whereas: the Kenai River Special Management Area (KRSMA) Plan has gone through considerable review and revisions over a 6 year period by the public, Kenai River area shareholders, and area resource managers; and

Whereas: as an essential part of the KRSMA Board is implementation of the KRSMA area plan, the Alaska State Legislature provided funding for the Kenai River Recreation Impact Study to be conducted in the spring/summer 2001; and

Whereas: the K-S AC continues to support KRSMA's effort at pursuing this study in order to develop data based management solutions that will benefit all users; and

Whereas: the K-S AC has been advised that CSHB 117 has eliminated the critical funding necessary to complete the Kenai River Recreational Impact Study not with standing the long standing support of the KRSMA board, by Governor Knowles, the Legislature, Kenai River stakeholders and local resource managers.

NOW, THEREFORE, BE IT RESOLVED: that the K-S AC request that the Legislature re-instate the full funding of the Kenai River Recreational Impact Study in the ADF&G budget as originally proposed in Sec. 131, ch. 139, SLA 1998, page 48, Lines 24-30; and

BE IT RESOLVED FURTHER: that the Legislature and the Governor stand by their long stated commitments to ensuring adequate funding for study's and research of in river impacts to ensure the long term health of the Kenai River.



**LEGISLATIVE AFFAIRS AGENCY  
INFORMATION & TELECONFERENCING**

6 Main Street

Dillingham, AK 99576

Phone: 842-5319 Fax: 842-5105

Date: 3-15-2001

Please accept the enclosed original(s) of written testimony for the Senate Finance  
teleconferenced hearing that was scheduled on no 7<sup>th</sup> at this time

A copy of this testimony was transmitted to your committee via fax on 3-15-01

Thank you.

*Anna May Johnson*  
Dillingham LIO

**TOGIAK HEADSTART  
Center Committee  
P.O. BOX  
TOGIAK, AK 99678  
(907) 493-5164**

Legislative Finance Committee  
Juneau, AK

March 14, 2001

Re: Letter of Support for Headstart

To Whom It May Concern,

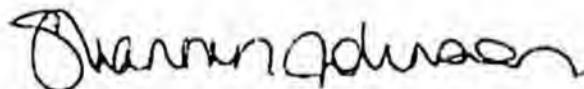
We would like to begin this letter with a clear simple statement to you. Headstart is NOT "expensive babysitting." Headstart is a worthwhile program designed to promote and teach children everything from hygiene to having classroom discussions on monthly themes, such as fire safety.

Our staff, volunteers, parents and children all make up Headstart in our village. We do our best to keep our center strong and prepared to teach our children. Meals are available, parents are encouraged to interact in the classroom, children have a schedule to follow daily, and other agencies help to ensure that Headstart continues to serve our children. The Center Committee also works together to plan and attribute to the planning of the classroom activities and fundraising.

Please keep funding the Headstart programs. We urge the Legislative Finance Committee to consider other options before you make a traumatic mistake for our children.

Thank you for your time and consideration

Respectfully,



Shannon Johnson  
Center Committee Secretary

Shannon Johnson  
P.O. Box 196  
Togiak, AK 99678  
(907) 493-5220

March 14, 2001

Legislative Finance Committee  
Juneau, AK

Re: Letter of Support for Headstart Programs

To Whom It May Concern,

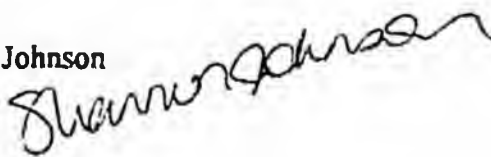
Headstart is a program that is highly effective to our children and families. This program has been in Togiak for more then 10 years now.

Headstart is designed to teach and promote early education. Parents, volunteers, children and staff all work together to keep our center strong and successful. This program has graduated many children that are prepared to enter the First Grade Classroom. The Headstart Program works to make sure every child receives their immunizations, vision and dental check-ups and have their height and weight taken at the local clinic. The program also teaches the children social skills that prepare them for the 1<sup>st</sup> grade classroom.

Please do not cut any funding for Headstart Programs. I urge the Legislative Finance Committee to reconsider their proposal. Thank you for your time and consideration in this very important matter.

Sincerely a Concerned Parent and Community Member.

Shannon Johnson





# Alaska State Legislature

Please enter into the record my testimony to the \_\_\_\_\_ SFIN

Committee on \_\_\_\_\_ HA 117 \_\_\_\_\_, dated \_\_\_\_\_ 3/8/01 \_\_\_\_\_  
bill # / subject committee name

The following is testimony to  
supplement verbal testimony from  
David Martin. (08/197-U)  
Soldotna

Signed: \_\_\_\_\_

Testifier KENAI LIO

Representing (optional)

Address

Phone number

[Fwd: Federal Subsistence]

**Subject:** [Fwd: Federal Subsistence]

**Date:** Mon, 26 Feb 2001 14:06:50 -0900

**From:** Diana Cote <diana\_cote@fishgame.state.ak.us>

Hello, (Commissioner Rue)  
Here's Frank's email to staff--let me know if you have any questions.  
Diana

----- Original Message -----

**Subject:** Federal Subsistence

**Date:** Mon, 26 Feb 2001 13:20:57 -0900

**From:** Frank Rue <frank\_rue@fishgame.state.ak.us>

For a number of months we have been concerned our state management obligations have been compromised by the increasing amounts of time many of you have had to devote to the federal subsistence program. As you know, we now spend an enormous amount of time on federal subsistence issues, including regulatory proposals, liaison with the federal board and RACs, development of operating protocols, travel to federal staff meetings, information sharing, etc. We have tried a number of strategies to obtain funding necessary to support what we believe is a necessary level of commitment to federal subsistence issues. And on numerous occasions we have been assured there is support within the federal program for funding to help offset our costs. However, this tacit support has not translated to agreement on basic funding issues.

At this point we find we are at the point that continuing erosion of our state management capabilities, due to an overload of federal management tasks, is unacceptable. We have determined, reluctantly, that until we have adequate budget support from the federal government, we must be selective in our engagement, and our acceptance of federal subsistence management tasks. This selective engagement must also consider our bottom-line commitment to resource protection and protecting resource uses. Hopefully this period will be short-lived, and we will soon come to agreement with the federal program on a cooperative funding and cooperative management strategy.

Our immediate need is to avoid expenditures on federal subsistence issues and processes that detract from state obligations. Having said that, we want to be smart about this selective engagement and avoid appearing petty. The following guidelines should be used to help determine the extent of participation by you or your staff.

-- Travel and staff time devoted to the federal regulatory process and development of operating agreements is the greatest drain on scarce time and funds. So, tasks that involve travel costs or significant staff commitments should be avoided. I am aware that not all federal involvement actions are costly. Please feel free to find opportunities to consult with federal staff or stop in at RAC meetings, to the extent this does not take significant time away from necessary state-management duties.

-- Many of your staff have already prepared documents designed to assist the RACs in addressing federal board proposals. If there is minimal or no cost of transmitting this information to RACs, please do so.

-- Federally funded research has been directed toward cooperative programs to enhance resource conservation and informed management. As these projects come with implementing funds, they involve several partner groups, and could cover some future coordination costs, we should continue with ongoing discussions.

Attn: Bill Stockwell

**Subject: Federal Subsistence Interactions**

**Date:** Fri, 23 Feb 2001 11:10:53 -0900

**From:** Diana Cote <diana\_cote@fishgame.state.ak.us>

**To:** Art Hughes <arthur\_hughes@fishgame.state.ak.us>,  
Mini Cherian <mini\_cherian@fishgame.state.ak.us>,  
Margaret M Edens <margaret\_edens@fishgame.state.ak.us>,  
Bertha F Horton <bertha\_horton@fishgame.state.ak.us>,  
Trina T Nguyen <trina\_nguyen@fishgame.state.ak.us>,  
Margaret M Edens <margaret\_edens@fishgame.state.ak.us>,  
Susan E Bucknell <susan\_bucknell@fishgame.state.ak.us>,  
Ida Alexie <ida\_alexie@fishgame.state.ak.us>,  
Joseph L Chythlook <joseph\_chythlook@fishgame.state.ak.us>,  
Sherry Wright <sherry\_wright@fishgame.state.ak.us>,  
Jim Marcotte <jim\_marcotte@fishgame.state.ak.us>

395-1540

Adam Kooto  
583-2442

Jon Van Hyning  
376-9666

Per the Commissioner's decision and concurrence from the directors, the department is withdrawing our participation from the federal subsistence program. Despite a continually increasing workload resulting from our participation and cooperation, requests for federal fiscal help to support our efforts have been unsuccessful. We will not attend RAC meetings, provide comments on federal proposals, nor provide information.

State advisory committees who are scheduled to meet this spring should remove any federal issues from their agendas. No comments or positions of state ACs will be forwarded to federal RACs or federal staff, nor should be reflected in official minutes of state AC meetings. AC members who are interested in being involved in the federal program may, of course, do so at their own expense and representing themselves.

Commissioner Rue is in contact with the USFWS to work toward resolution of this issue. This decision is an important one and I will keep you informed of developments.

Diana Cote <diana\_cote@fishgame.state.ak.us>

Executive Director  
Board of Fisheries  
Department of Fish and Game

Enail: Patrick Wright  
John Kennar  
Tom Carpenter  
Mark Peters  
Brent Johnson  
Andy Couch  
Jesse Murray  
Ernie Charley  
Darrel Shreve

Mail to:

David Martin  
Steve Sullivan  
Tom Puyton  
John Schandlmeier  
Jack Taylor

**HB**

**118**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
  
APR 06 2001  
  
SENATE FINANCE  
COMMITTEE

DATE: 3/29/01

FURTHER:

DATE TURNED  
IN TO OFFICE: 6 April 2001

Finance Committee considered HOUSE BILL NO. 118  
*SENIOR CITIZEN/VETERAN PROPERTY TAX EXEMPTION*

"An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date."

and recommends:

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

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Allen C. ...</i>	✓			
<i>Donald ...</i>	X		✓	
<i>...</i>			✓	
<i>...</i>			✓	
<i>...</i>			✓	
<b>COCHAIR:</b> <i>...</i>			✓	
<b>COCHAIR:</b> <i>...</i>	✓			

# FISCAL NOTE

REPORTED OUT

APR 06 2001

SENATE FINANCE  
COMMITTEE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: HB 118  
(H) Publish Date: 2/23/01

Revision Date/Time (Note if correction): 02/16/2001 3:30p.m.

Dept. Affected: DCED  
BRU: Community Asst.&Econ.Dev.  
Component: Community & Business Development  
Component Number: 2486

Title: Senior citizen/veteran property tax exemption

Sponsor: Representative Whitaker

Requester: House CRA

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-----------------------------	------------	------------	------------	------------	------------	------------

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for a mandatory exemption from municipal taxes on certain residences. This legislation would have no fiscal impact on the department.

Prepared by: Pat Poland, Director  
Division: Community and Business Development  
Approved by: Commissioner Deborah B. Sedwick  
Agency: Department of Community & Economic Development

Phone (907) 269-4589  
Date/Time 02/16/2001 3:30p.m.  
Date 2/16/2001

For distribution information, call the Governor's Legislative Office

# Alaska State Legislature

Representative Jim Whitaker  
House of Representatives  
District 31



**Session**  
Capitol Building, Room 411  
Juneau, Alaska 99301  
Phone: (907) 465-3004  
Fax: (907) 465-2070

**Interim**  
119 N. Cushman St. Suite 213  
Fairbank ;, AK 99701  
Phone: (907) 452-1088  
Fax: (907) 452-1146

## SPONSOR STATEMENT HB 118

Section 29.45.030(e) of Alaska statutes mandates an exemption from municipal property taxes for Alaska's senior citizens, disabled veterans, and widows and widowers who are at least 60 years of age.

While municipalities may allow a one time only filing for a non-senior residential property tax exemption, current Alaska statute requires the recipient of the senior citizen, disabled veteran and widow and widower's exemption to file an application each year in order to qualify. This mandate poses an undue hardship for many of Alaska's citizens; the old and the infirm; who are the least able to comply with a yearly filing requirement.

HB 118 allows each taxing municipality the authority to establish, by ordinance, local procedures for accepting applications for this exemption.

# SENATE COMMITTEE REPORT

DATE: 2/27/01

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 3-28-01

Community and Regional Affairs Committee considered HOUSE BILL NO. 118

*SENIOR CITIZEN VETERAN PROPERTY TAX EXEMPTION*

"An Act relating to a mandatory exemption from municipal taxes on certain residences; and providing for an effective date."

and recommends:

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

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
<i>DCED</i>	<i>2/16/01</i>		<i>0</i>	<i>1</i>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			

**HB**

**125**

HFIN

FILE



# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 125(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title: "An Act relating to unlawful and indecent viewing  
and photography and to civil damages and penalties for . . ." BRU: Criminal Division  
 Sponsor: Representative Kott Component: 1st-4th Judicial Districts  
 Requester: House Judiciary Committee Component No.: 2198-99;2201;61;79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 125 contains two criminal law provisions. The first creates a new offense and makes it a crime to surreptitiously view or take a picture of a person in a room without their consent, and the consent of the parent or guardian if the person is a child under 16 years of age. The second provision expands an existing offense to make it a crime to view or produce a picture of a person in undergarments without the person's consent and the consent of the child's parent or guardian if the child is under 16 years of age. In addition to the criminal penalties, the bill allows civil damages for the person viewed or photographed.

Passage of this legislation is not anticipated to generate many prosecutions, and should not have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division: Attorney General's Office Date/Time 4/4/01 2:06 PM  
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 4/4/01  
 Agency: Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 125(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Unlawful and indecent viewing of photography BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Kott  
 Requester House Finance Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The court system does not anticipate any fiscal impact from the passage of CSHB 125(JUD).

Prepared by: Douglas Wooliver Phone 463-4750  
 Division: Alaska Court System Date/Time 4/20/01 9:30 a.m.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 125(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to unlawful or indecent BRU: Legal & Advocacy Svc.  
viewing and photography....." Component: Public Defender Agency  
 Sponsor: Representative Kott  
 Requester: (H) Judiciary Component Number: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	.	.	.	.	.	.

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See Page 2 for Analysis.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time April 5, 2001  
 Approved by: Jim Duncan, Commissioner Date 4/5/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

Analysis CSHB 125(JUD): (Indecent Viewing) - FN#3

This bill creates a new crime called Improper Viewing or Photography. The new crime would make it illegal to view or produce a picture of someone in the interior of a room without the consent of the person who is viewed or in the picture. If the person is under 16, the person's parents would also have to consent.

The bill also changes definitions in existing statutes. Changes to the Indecent Viewing or Photography statute would include viewing or photographing "undergarments" covering a person's genitals, anus, or female breast. Current law only covers viewing or photographing the genitals, anus, or female breast itself. The definition of "picture" is changed to include "images" in addition to actual photographs.

This bill would probably add some additional cases to the Public Defender Agency's workload. There may be some difficult First Amendment issues to brief in these cases. However, the Department of Law has stated that passage of this legislation is not anticipated to "generate many prosecutions." Because we cannot determine the exact fiscal impact, we are submitting an indeterminate fiscal note.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 125(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to unlawful and indecent viewing BRU Criminal Division  
and photography and to civil damages and penalties for . . ." Component 1st-4th Judicial Districts  
 Sponsor Representative Kott  
 Requester House Judiciary Committee Component No. 2198-99;2201;61;79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 HB 125 contains two criminal law provisions. The first creates a new offense and makes it a crime to surreptitiously view or take a picture of a person in a room without their consent, and the consent of the parent or guardian if the person is a child under 16 years of age. The second provision expands an existing offense to make it a crime to view or produce a picture of a person in undergarments without the person's consent and the consent of the child's parent or guardian if the child is under 16 years of age. In addition to the criminal penalties, the bill allows civil damages for the person viewed or photographed.  
  
 Passage of this legislation is not anticipated to generate many prosecutions, and should not have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 4/4/01 2:06 PM  
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 4/4/01  
 Agency Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

**Fiscal Note Number:** 2  
**Bill Version:** CSHB 125(JUD)  
**(H) Publish Date:** 4/20/01

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Unlawful and indecent viewing of photography BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Kott  
 Requester House Finance Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 The court system does not anticipate any fiscal impact from the passage of CSHB 125(JUD).

Prepared by: Douglas Wooliver Phone 463-4750  
 Division Alaska Court System Date/Time 4/20/01 9:30 a.m.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 125(JUD)  
 (H) Publish Date: 4/20/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to unlawful or indecent BRU: Legal & Advocacy Svc.  
viewing and photography....." Component: Public Defender Agency  
 Sponsor: Representative Kott  
 Requester: (H) Judiciary Component Number: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL.</b>	.	.	.	.	.	.

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See Page 2 for Analysis.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
 Division: Public Defender Agency Date/Time April 5, 2001  
 Approved by: Jim Duncan, Commissioner Date 4/5/01  
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

Analysis CSHB 125(JUD) (Indecent Viewing) - FN#3

This bill creates a new crime called Improper Viewing or Photography. The new crime would make it illegal to view or produce a picture of someone in the interior of a room without the consent of the person who is viewed or in the picture. If the person is under 16, the person's parents would also have to consent.

The bill also changes definitions in existing statutes. Changes to the Indecent Viewing or Photography statute would include viewing or photographing "undergarments" covering a person's genitals, anus, or female breast. Current law only covers viewing or photographing the genitals, anus, or female breast itself. The definition of "picture" is changed to include "images" in addition to actual photographs.

This bill would probably add some additional cases to the Public Defender Agency's workload. There may be some difficult First Amendment issues to brief in these cases. However, the Department of Law has stated that passage of this legislation is not anticipated to "generate many prosecutions." Because we cannot determine the exact fiscal impact, we are submitting an indeterminate fiscal note.

4/26/01

22-LS0510\F

~~★~~ Amendment Pg 2 line 4

**CS FOR HOUSE BILL NO. 125(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

Offered: 4/20/01  
Referred: Finance

Sponsor(s): REPRESENTATIVES KOTT, Dyson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to unlawful and indecent viewing and photography and to civil  
2 damages and penalties for that viewing and photography."

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

4 \* Section 1. AS 09.68 is amended by adding a new section to read:

5 **Sec. 09.68.150. Indecent viewing or photography or improper viewing**  
6 **civil liability.** A person who engages in improper viewing or photography in violation  
7 of AS 11.61.121 or indecent viewing or photography in violation of AS 11.61.123 is,  
8 in addition to any criminal penalty provided by law, liable in a civil action to the  
9 person viewed or photographed for

10 (1) the person's actual damages;

11 (2) the total of

12 (A) any pecuniary gain realized by the person from engaging in  
13 the indecent viewing or photography or improper viewing or photography;

14 (B) a penalty of \$100 for each picture the person engaging in

1 the indecent viewing or photography or improper viewing or photography  
 2 reproduced or transmitted to another person; in this paragraph, "picture" has  
 3 the meaning given in AS 11.61.123, and

4 <sup>up to</sup> (3) a penalty of <sup>up to</sup> \$5,000 for each day the person viewed or  
 5 photographed was viewed or photographed.

6 \* Sec. 2. AS 11.61 is amended by adding a new section to read:

7 **Sec. 11.61.121. Improper viewing or photography.** (a) A person commits  
 8 the crime of improper viewing or photography if the person knowingly and  
 9 surreptitiously views or produces a picture of or knowingly employs a hidden or  
 10 concealed camera, peephole, or two-way mirror to view or produce a picture of  
 11 another person in the interior of a residence or domicile without the knowledge or  
 12 consent of

13 (1) the parent or guardian of the person viewed, or who is shown in the  
 14 picture, if the person who is viewed or shown is under 16 years of age; and

15 (2) the person viewed or shown in the picture if the person viewed or  
 16 shown is at least 13 years of age.

17 (b) Each viewing of a person and each production of a picture of a person  
 18 constitutes a separate violation of this section.

19 (c) This section does not apply to viewing or photography conducted by a law  
 20 enforcement agency for a law enforcement purpose.

21 (d) In a prosecution under this section, it is an affirmative defense that notice  
 22 of the viewing or photography was posted, or any viewing or use of pictures produced  
 23 is done only in the interest of crime prevention or prosecution.

24 (e) In this section, "picture" has the meaning given in AS 11.61.123.

25 (f) Improper viewing is a class A misdemeanor.

26 \* Sec. 3. AS 11.61.123(a) is amended to read:

27 (a) A person commits the crime of indecent viewing or photography if, in the  
 28 state, the person knowingly views, or produces a picture of, the private exposure of the  
 29 genitals, anus, or female breast of another person, or the undergarments of the  
 30 person covering the genitals, anus, or female breast, and the view or production is  
 31 without the knowledge or consent of

1 (1) the parent or guardian of the person viewed, or who is shown in the  
2 picture, if the person who is viewed or shown is under 16 years of age; and

3 (2) the person viewed or shown in the picture [,] if the person viewed  
4 or shown is at least 13 years of age.

5 \* Sec. 4. AS 11.61.123(e)(1) is amended to read:

6 (1) "picture" means a film, image, photograph, negative, slide, book,  
7 newspaper, or magazine, whether in print, electronic, magnetic, or digital format;  
8 [AND]

# LEGAL SERVICES

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

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


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 21, 2001

**SUBJECT:** Sectional Summary of HB 125

**TO:** Representative Pete Kott

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

**Section 1 of the bill** creates a new section that provides that a person that engages in conduct prohibited by AS 11.61.121 (added by sec. 2 of the bill) or 11.61.123 is liable to the person viewed or photographed for (1) the actual damages suffered by the person; (2) the total of any pecuniary gain realized by the person doing the viewing or photography and a penalty of \$100 for each picture; and (3) a penalty of \$5,000 for each day the person was viewed or photographed.<sup>1</sup>

**Section 2 of the bill** creates the new crime of improper viewing or photography (AS 11.61.121) which is similar to the existing crime of indecent viewing or photography (AS 11.61.123) but lacks the indecent aspect of the offense. A person violates this new offense by surreptitiously viewing or producing a picture of another person in a room without consent. Violation of this new provision is a class A misdemeanor.<sup>2</sup>

**Section 3 of the bill** amends the existing offense of indecent viewing or photography to provide that the offender commits the offense if the offender views or produces a picture of the private exposure of the undergarments of the person viewed without consent. Under current law a person only violates this law if they view or produce a picture of the private exposure of the genitals, anus, or female breast of the other person without consent.

---

<sup>1</sup> Presumably, a person improperly viewed or photographed already has a cause of action for invasion of privacy (or a civil action for violation of the criminal statute) against the person doing the viewing or photography. The remedies would not include those provided in proposed AS 09.68.150(2) or (3).

<sup>2</sup> The period of incarceration authorized for a class A misdemeanor may be found at AS 12.55.135. The fines authorized for a class A misdemeanor may be found at AS 12.55.035.

Representative Pete Kott  
February 21, 2001  
Page 2

Section 4 of the bill adds the word "image" to the definition of "picture" in AS 11.61.123.

GPL:glc  
01-182.glc

Enclosure

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

March 16, 2001

Representative Pete Kott  
Alaska State Legislature  
Capitol Building, Room 204  
Juneau, AK 99801-1182

**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

Leo Brandlen, President  
Anchorage

Chuck Kopp, Vice President  
Kenai

John Charbonneau, Past Pres  
Anchorage

Kim Wannamaker, Member  
Kenai  
Pres. Kenai Chapter

Nick VanderVeur, Member  
Anchorage  
Anchorage Chapter

Angella Long, Member  
Wasilla  
Pres. Mat-Su Chapter

Lonnie Hatman, Member  
Fairbanks  
Pres. Farthest North Chapter

Jerry Nankervis, Member  
Juneau  
Pres. Capital City Chapter

Leroy Mestas, Member  
Ketchikan  
Pres. First City Chapter

James Sec, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Scott Chafin, Member  
Wrangell  
Pres. Wrangell Chapter

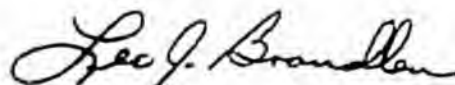
Dear Representative Kott,

The Alaska Peace Officers Association (APOA) would like to thank you for introducing HB125 (22-LS0510A) relating to unlawful and indecent viewing and photography and to civil damages and penalties for that viewing and photography.

The APOA Legislative Advisory Committee has unanimously agreed to endorse HB125 in its current draft format. This legislation will act as an additional deterrent to sexual predators and other persons who would invade the privacy of minors for exploitive purposes.

Please contact us if there is anything we can do to assist you with passage of this bill. You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,



Leo Brandlen  
President

cc: Representative Fred Dyson

# Alaska State Legislature

## House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

### Sponsor Statement House Bill 125

**House Bill 125** amends Alaska Statute 09.68 by adding a section that creates protection for victims of improper viewing and/or photography. This bill also sets the parameters for what is considered to be improper viewing or photography.

**House Bill 125** would prohibit the transmission of pictures or video images over the Internet without the consent of the subject or the parents if the subject is a minor.

**House Bill 125** will also prohibit any monetary gain to be had by the perpetrators of crimes of this nature as well as imposing stiff monetary fines.

In summary, **HB 125** will ban a practice known simply as "up-skirting or down-blousing". The Internet has made this practice more common with web-sites posting images and buying pictures from high tech peeping toms and telling users where to buy hidden cameras. These web-sites basically promote this practice as well as encourage it. This bill is designed to protect the privacy of all the residents in the State of Alaska



### Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative\_pete\_kott@legis.state.ak.us  
<http://www.akrepublican.org/Kott.htm>



**HB**

**128**

**HFIN**

**FILE**



# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 128(L&C)  
 (H) Publish Date: 3/6/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: Employment of Minors in Agriculture BRU: Labor Standards and Safety  
 Component: Wage and Hour  
 Sponsor: Representative Ogan  
 Requester: House Labor and Commerce Component Number: 345

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	22.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	22.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

This bill amends AS 23.10.332 by eliminating some of the protective standards in the child labor law. The bill removes the pre-approval requirement for work permits and allows the employer to notify the department after employment has begun.

The department anticipates the need to draft new regulations to implement these changes, advertise and hold public hearings on regulatory changes, and revise and reprint current informational Wage and Hour posters and pamphlets.

Prepared by: Richard Mastriano, Director Phone: 269-4919  
 Division: Labor Standards and Safety Date/Time: 3/5/02 2:36 PM  
 Approved by: Ed Flanagan, Commissioner Date: 03/05/02  
 Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office



# Alaska State Legislature

Please enter into the record my testimony to the House Finance Committee, Committee on HB 128 Employment of Minors in Agriculture, dated Tuesday, March 26, at 1:30pm.

Thank you for reading and entering into the record my testimony on this bill. The following are my thoughts on HB 128b but first some questions.

Is the state interested in allowing minors down to the age of 14 to work under state statute and learn work ethics at an early age?

Or is the state interested in just tacking who works and where they work and make an employer jump through the same hoops every year to hire an employee?

Is the state interested in making more paperwork for employers to file and Department of Labor to process and file every year?

Here is my suggestion. Have employers file a job description with the Commissioner of Labor to establish an employment position and allowed duties. That approved filing would be enforce for as long as the employer wants to fill that position under the allowed duties year after year using the same minor or a new hired minor.

What is the outcome? This would streamline Department of Labor's workloads thus reducing cost to run the department thus help reduce the state deficit.

What is the government's responsibility? Department of Labor's concern should be for safety of minors. Not who fills the job position as approved by Department of Labor.

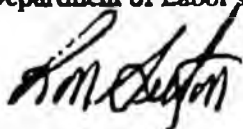
They do have the responsibility to keep a watchful eye on employment situations but not make the process of hiring people costly or untimely for business, especially seasonal

business like agriculture.

What is the employer's responsibility? Making sure a parent or legal guardian understands and approves of a minor's employment is the responsibility of the employer. Any employer would want to do that to prevent any miss understanding with the parent or guardian. Having the approval in writing, when the parent or guardian is not part of the work force would be very essential for all parties concerned. However, filling the parent approval form with the Department of Labor serves no purpose.

In review, the government's position is to make sure work performed is within legal limits with safety concerns addressed, not who does the work. Parents, guardians and the employers have the responsibility to make sure the minor understands and is able to meet the demands of the job. To file an approval form signed by a parent or guardian with the state would be unnecessary, for the state already has dictated what is legal from the state point of view through present statute. A pre-approved job description and a recognized employer by Department of Labor should satisfy all parties concerned.

Sincerely,



Ron Sexton  
P.O. Box 882  
Soldotna, Ak 99669  
907-262-9242



## **Sponsor Statement for HB 128**

# **Employment of Minors**

*An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors.*

A local Valley farmer informed me that there were lots of kids who wanted to work on his farm but because it took so long to get permission from the state they declined or missed a substantial part of the harvest season.

Parents were surprised to learn that granting their permission was not good enough for the state. The Commissioner of Labor had to grant his approval so that their kids could pick vegetables or gather up some hay.

In my opinion requiring the Commissioner to grant permission after parents have already signed off is not necessary.

I cannot think of a better place for young people to learn basic life lessons and come to understand the value of hard work than on a farm. How unfortunate that government has created so many barriers to those experiences with bureaucracy and senseless red tape. The result has been too much non-productive time for many of our teens. We all know what that can translate into.

House Bill 128 will help more of our young people be involved with farm work. These skills will help young people later in life when a work ethic learned on the farm makes them a valued employee as an adult.

###



## REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

### Sectional Analysis

#### CS for HB 128

**Sec. 1** Adds section (c) to AS 23.10.332(a), Authorization for children under 17 to work..

**Sec. 2** Section (c) provides that:

Prospective employers can apply to the Department of Labor (DOL) for prior approval to hire a minor for specific job descriptions.

Written consent by the parent of guardian must be filed with the department within 7 calendar days from when the minor begins work.

Once employed, any change in job duties of an employed minor requires a new approval of the revised job duties by the department before the minor can begin work under the revised job duties.

DOL preapproval of job duties is valid only for that calendar year. However, an approval issued in December is valid through the next calendar year.

Written parental or guardian consent must be on a form approved by the department.

**Sec. 3** This section amends AS 23.10.360(c), which would provide authority for the employer to preapprove certain job descriptions with DOL.



# Alaska State Legislature

Please enter into the record my testimony to the House Finance Committee  
Committee on **HB 128 Employment of Minors in Agriculture**, dated Tuesday,  
March 26, at 1:30pm.

Thank you for reading and entering into the record my testimony on this bill. The following are my thoughts on HB 128b but first some questions.

Is the state interested in allowing minors down to the age of 14 to work under state statute and learn work ethics at an early age?

Or is the state interested in just tacking who works and where they work and make an employer jump through the same hoops every year to hire an employee?

Is the state interested in making more paperwork for employers to file and Department of Labor to process and file every year?

**Here is my suggestion. Have employers file a job description with the Commissioner of Labor to establish an employment position and allowed duties. That approved filing would be enforce for as long as the employer wants to fill that position under the allowed duties year after year using the same minor or a new hired minor.**

**What is the outcome? This would streamline Department of Labor's workloads thus reducing cost to run the department thus help reduce the state deficit.**

**What is the government's responsibility? Department of Labor's concern should be for safety of minors. Not who fills the job position as approved by Department of Labor.**

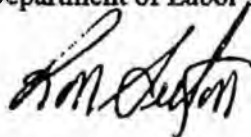
They do have the responsibility to keep a watchful eye on employment situations but not make the process of hiring people costly or untimely for business, especially seasonal

business like agriculture.

**What is the employer's responsibility?** Making sure a parent or legal guardian understands and approves of a minor's employment is the responsibility of the employer. Any employer would want to do that to prevent any miss understanding with the parent or guardian. Having the approval in writing, when the parent or guardian is not part of the work force would be very essential for all parties concerned. However, filing the parent approval form with the Department of Labor serves no purpose.

In review, the government's position is to make sure work performed is within legal limits with safety concerns addressed, not who does the work. Parents, guardians and the employers have the responsibility to make sure the minor understands and is able to meet the demands of the job. To file an approval form signed by a parent or guardian with the state would be unnecessary, for the state already has dictated what is legal from the state point of view through present statute. A pre-approved job description and a recognized employer by Department of Labor should satisfy all parties concerned.

Sincerely,



Ron Sexton  
P.O. Box 882  
Soldotna, Ak 99669

907-262-9242

**HB**

**128**

SFIN

FILE

**SENATE FINANCE COMMITTEE REPORT**

REPORTED OUT  
MAY 02 2002  
SENATE FINANCE  
COMMITTEE

DATE: 4/12/02

FURTHER:

DATE TURNED  
IN TO OFFICE:

*5*  
2 May 2002

Finance Committee considered **CS FOR HOUSE BILL NO. 128(L&C)(efd add)**  
**HB 128 APPROVAL FOR EMPLOYMENT OF MINORS**

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

and recommends:

- be replaced with S CS CSHB 128 (FIN)
- adopt previous CS forthcoming
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title
- House Bill:**  
 same title  
 technical title  
 new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Labor	7/02	22.5		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR:	✓			
COCHAIR:	✓			

# FISCAL NOTE

REPORTED CITY

MAY 11 2 2002

LEGISLATIVE MESSAGE  
COMMITTEE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: CSHB 128(L&C)  
(H) Publish Date: 3/6/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
Title: Employment of Minors in Agriculture BRU: Labor Standards and Safety  
Sponsor: Representative Ogan Component: Wage and Hour  
Requester: House Labor and Commerce Component Number: 345

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	22.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	22.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>22.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 23.10.332 by eliminating some of the protective standards in the child labor law. The bill removes the pre-approval requirement for work permits and allows the employee to notify the department after employment has begun.

The department anticipates the need to draft new regulations to implement these changes, advertise and hold public hearings on regulatory changes, and revise and reprint current informational Wage and Hour posters and pamphlets.

Prepared by: Richard Mastriano, Director Phone: 269-4919  
Division: Labor Standards and Safety Date/Time: 3/5/02 2:36 PM  
Approved by: Ed Flanagan, Commissioner Date: 03/05/02  
Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

COMMITTEE COPY

SENATE FINANCE  
COMMITTEE  
Amendment Number: #1  
Bill Number: HB 128  
Sponsor: Flusterman Date: 5/2/02  
Logged In By: Mindy

adopted

22-LS0373\PA.1  
Craver  
5/2/02

AMENDMENT

Senator Flusterman

OFFERED IN THE SENATE

TO: CSHB 128(L&C)(efd add)

- 1 Page 2, line 16, following "minor":
- 2 Insert "before the date the minor begins working the job specified in the consent"



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 2 May 2002 TIME: 5:20 pm

TO: Legal

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please

SCS CS HB 128 (FIN)

22-LS0873 \ P.A

+ amendment: \ P.A. 1 Crater 5/2/02

\_\_\_\_\_

Thx

Mindy

\_\_\_\_\_

SENATE CS FOR CS FOR HOUSE BILL NO. 128(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES OGAN, Kohring, Hudson, Coghill, Bunde, Dyson, Rokeberg, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the required approval of the commissioner of labor and workforce  
2 development for the employment of certain minors; and providing for an effective date."

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

4 \* Section 1. AS 23.10.332 is amended to read:

5 Sec. 23.10.332. Authorization for children under 17 to work. (a) Except  
6 for employment exempted under AS 23.10.330 and other employment specifically  
7 exempted by regulations adopted by the department, a minor under 17 years of age  
8 may not be employed or allowed to work without the written authorization of the  
9 commissioner unless authorized under AS 23.10.360 or under (c) of this section.

10 (b) The department shall adopt regulations necessary to implement this  
11 section.

12 \* Sec. 2. AS 23.10.332 is amended by adding new subsections to read:

13 (c) An employer may employ a minor who is at least 14 years of age to  
14 perform a specific job consisting of listed duties without the written authorization of

1 the commissioner under (a) of this section if the employer has, in advance, secured the  
 2 approval of the commissioner for a minor to perform that job and the employer files  
 3 the written consent from the minor's parent or guardian described in (d) of this section.  
 4 The employer may not change any of the listed duties of a job to be performed by a  
 5 minor without prior approval of the commissioner.

6 (d) A written consent from a parent or guardian filed under (c) of this section

7 (1) is valid only for the job and listed duties specified on the consent;

8 (2) must be filed with the commissioner within seven calendar days  
 9 after the minor begins working the job specified in the consent;

10 (3) is valid for the calendar year in which it is executed or, in the case  
 11 of a written consent executed in December, for that calendar year, the next calendar  
 12 year, or both, depending on the terms of the written consent;

13 (4) shall be on a form provided by the department; the department may  
 14 use the same form that it uses to issue work permits under (a) of this section to secure  
 15 parental signatures under this subsection; and

16 (5) must be signed by a parent or legal guardian of the minor before  
 17 the date the minor begins working the job specified in the consent. #1

18 \* Sec. 3. AS 23.10.360(c) is amended to read:

19 (c) The department shall, after notice and hearing, adopt regulations  
 20 authorizing the employment of minors under 18 years of age and exempting  
 21 appropriate employers from the requirement to secure the commissioner's written  
 22 authorization under AS 23.10.332(a) [REPORTING REQUIREMENTS OF  
 23 AS 23.10.332].

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



## **Sponsor Statement for HB 128**

# **Employment of Minors**

*An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors.*

A local Valley farmer informed me that there were lots of kids who wanted to work on his farm but because it took so long to get permission from the state they declined or missed a substantial part of the harvest season.

Parents were surprised to learn that granting their permission was not good enough for the state. The Commissioner of Labor had to grant his approval so that their kids could pick vegetables or gather up some hay.

In my opinion requiring the Commissioner to grant permission if parents have already signed off is not necessary.

I cannot think of a better place for young people to learn basic life lessons and come to understand the value of hard work than on a farm. How unfortunate that government has created so many barriers to those experiences with bureaucracy and senseless red tape. The result has been too much non-productive time for many of our teens. We all know what that can translate into.

With the changes made during the committee process House Bill 128 moves beyond farm labor and would allow any employer seeking to hire minors for any job, whether on a farm, in a fast-food store or at a retail shop, to apply for and obtain advance approval from the Department of Labor. The skills learned in a job will help young people later in life when a work ethic learned on the farm or in a store makes them a valued employee as an adult.

###



## REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

### House Bill 128 Talking Points

- House Bill 128 streamlines the approval process between the Department of Labor and workforce Development and employers wanting to hire minors.
- The protection of minors remains paramount with this proposal.
- Employers may secure pre-approval from the department to hire a minor, who is at least 14 years of age, to perform a specific set of job duties in advance of an actual job offer to a minor.
- The amendment benefits any employer – from farming, fishing to fast food restaurants.
- The department work permit request form, must be signed by a parent or legal guardian of the minor, and filed with the commissioner within seven calendar days after the minor begins working.
- The work permit is valid only for the job and listed duties specified on the pre-approved consent.
- The work permit is valid for the calendar year in which it is executed, in the case of a written consent executed in December; the permit can be valid through the end of the next calendar year.
- A minor cannot begin any changed or new job duties until the department approves the changes.
- This amendment does not remove the current work permit process for those employers who wish to use it.
- The department supports this legislation.



## Sectional Analysis

### CS for HB 128

**Sec. 1** Adds section (c) to AS 23.10.332(a), Authorization for children under 17 to work..

**Sec. 2** Section (c) provides that:

Prospective employers can apply to the Department of Labor (DOL) for prior approval to hire a minor for specific job descriptions.

Written consent by the parent of guardian must be filed with the department within 7 calendar days from when the minor begins work.

Once employed, any change in job duties of an employed minor requires a new approval of the revised job duties by the department before the minor can begin work under the revised job duties.

DOL preapproval of job duties is valid only for that calendar year. However, an approval issued in December is valid through the next calendar year.

Written parental or guardian consent must be on a form approved by the department.

**Sec. 3** This section amends AS 23.10.360(c), which would provide authority for the employer to preapprove certain job descriptions with DOL.

#### **Article 4. Employment of Children**

##### **AS 23.10.325. Purpose.**

It is the purpose of AS 23.10.325 - 23.10.370 to establish protective standards for child labor to the end that their health, morals, education, and future welfare will be protected during the formative years and to the further end that any abuses or unjust exploitation of this labor will be effectively prohibited.

##### **AS 23.10.330. Exempted Employment.**

(a) AS 23.10.325 - 23.10.370 do not prohibit employment of a child under the direct supervision of a parent in a business owned and operated by the parent or the work of a child on a boat owned and operated by the parent of the child.

(b) Notwithstanding AS 23.10.335 - 23.10.350, a minor of any age may be employed as a performer in the entertainment industry. The provisions of AS 23.10.335 - 23.10.350 and AS 23.10.360 (a) and 23.10.360(c) concerning times, hours, or days of work do not apply to the employment of a minor as a performer in the entertainment industry. The department may adopt regulations to implement this subsection. In this subsection, a "performer in the entertainment industry" means a performer in advertisements and television, film, radio, and theater productions but does not include employment on the premises of a business offering any form of adult entertainment under AS 23.10.350 (f) regardless of the nature of the work performed by the minor.

##### **AS 23.10.332. Authorization For Children Under 17 to Work.**

Except for employment exempted under AS 23.10.330 and other employment specifically exempted by regulations adopted by the department, a minor under 17 years of age may not be employed or allowed to work without the written authorization of the commissioner unless authorized under AS 23.10.360 . The department shall adopt regulations necessary to implement this section.

##### **AS 23.10.335. Employment of Children Under 14.**

A minor under 14 years of age may not be employed or allowed to work in an occupation outside school hours except in domestic employment, baby-sitting, and handiwork in and about private homes; newspaper delivery or sales; or canneries in warehouse work casing cans under competent supervision.

##### **AS 23.10.340. Children Under 16.**

(a) A minor under 16 years of age may not be employed for more than a combined total of nine hours school attendance and employment in one day. If employed, the minor's work may be performed only between 5 a.m. and 9 p.m. Employment outside school hours may not exceed 23 hours in one week, domestic work and baby-sitting excepted.

(b) [Repealed. Sec. 7 ch 112 SLA 1976].

**AS 23.10.345. Exemptions For Minors Over 16 or Who Have Graduated From High School.**

[Repealed, Sec. 7 Ch 112 SLA 1976].

Repealed or Renumbered

**AS 23.10.350. Employment of Person Under 18.**

(a) A minor under 18 years of age may not be employed or allowed to work

- (1) more than six days a week;
- (2) in hazardous excavation, or underground in mines, or as hoisting engineer in mines; or
- (3) in an occupation dangerous to life or limb or injurious to the health of the minor.

(b) If the commissioner determines that the duties to be performed by the minor would not unduly endanger the life, limb, or health of the minor and if the employment meets the conditions of wages and hours prevailing for the majority of the employees in the industry at the time of employment, the commissioner may grant an exemption in writing from (a) of this section for a minor 16 - 18 years of age to work at those duties

- (1) outside school hours, or while on school vacation, if the minor is attending school; or
- (2) if the minor is no longer attending school.

(c) Except as provided in (e) of this section, a person under 18 years of age who is scheduled to work for six consecutive hours or more is entitled to a break of at least 30 minutes during the course of the work shift. The break required by this subsection may be scheduled at the convenience of the employer but must occur after the first hour and a half of work and before the beginning of the last hour of work. A person under 18 years of age who works for five consecutive hours without a break is entitled to a break of at least 30 minutes before continuing to work. This subsection may be modified by the terms of a collective bargaining agreement that covers the employment of the person under 18. This subsection may be modified on occasion by mutual agreement between the employer and the employee.

(d) Notwithstanding AS 23.10.055 (11), failure to provide the unpaid break periods required by (c) of this section creates a minimum wage liability under AS 23.10.065 for the break that the employee did not receive or received late. A claim for minimum wage in lieu of the unpaid break is enforceable under AS 23.10.110 .

(e) The provisions of (c) of this section do not apply to

- (1) an individual employed in the catching, trapping, cultivating or farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(2) an individual employed by a member of the individual's family; in this paragraph, "member of the individual's family" means the individual's spouse, parent, step-parent, grandparent, step-grandparent, great grandparent, step-great grandparent, brother, sister, uncle, aunt, great-uncle, or great-aunt, whether of the whole or half blood or by adoption or by marriage.

(f) A minor under the age of 18 may not be employed or allowed to work in any capacity on the premises of a business that offers adult entertainment. In this subsection, "business that offers adult entertainment" means a business in which one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by

(1) removing clothes or other items that clothe or hide the person's body;

(2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;

(3) participating in an actual or simulated illegal, indecent, or lewd exhibition, act, or practice including

(A) sexual penetration;

(B) the lewd exhibition or touching of a person's genitals, anus, or breast; or

(C) bestiality.

#### **AS 23.10.355. Persons Under 21.**

A person under 21 may not be employed or allowed to sell or serve alcoholic beverages or to work on a licensed premises, except as provided in AS 04.16.049 .

#### **AS 23.10.360. Regulations For Minimum Standards and Work Opportunities.**

(a) The department may, from time to time after public notice and hearing, adopt regulations and issue orders establishing minimum standards for safety, working conditions, kind and extent of work in various phases of the respective fields of employment, maximum hours for the day and week, and minimum rates of pay, and other reasonable safeguards compatible with the welfare of all minors covered by AS 23.10.325 - 23.10.370.

(b) The department shall make cooperative arrangements with other state and federal agencies and shall adopt the regulations that are necessary to provide opportunities for work experience in safe and healthful occupations for minors.

(c) The department shall, after notice and hearing, adopt regulations authorizing the employment of minors under 18 years of age and exempting appropriate employers from the reporting requirements of AS 23.10.332.

**AS 23.10.365. Enforcement.**

The department shall enforce AS 23.10.325 - 23.10.370.

**AS 23.10.370. Penalty.**

(a) Except as provided in (b) of this section, a person who violates a provision of AS 23.10.325 - 23.10.370 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both.

(b) A person who employs a minor in violation of AS 23.10.350 (f) is guilty of a class A misdemeanor for the first offense and a class C felony for the second and each subsequent offense.

# SENATE COMMITTEE REPORT

DATE: 4/2/02

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/11/02

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 128(L&C)(efd add)

*HB 128 EMPLOYMENT OF MINORS IN AGRICULTURE*

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

and recommends:

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

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Labor	3/5/02	✓		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Walter Custer</i>	✓			
<i>Betty Davis</i>	✓			
<i>Tom D. Jensen</i>	✓			
CHAIR: <i>Tom Jensen</i>	✓			