

ALASKA LEGISLATURE

2372

HOUSE and SENATE FINANCE COMMITTEE FILES, 2001 - 2002

1 (f) Money paid by the patient or on the patient's behalf to the department  
2 under this section shall be deposited in the general fund.

3 \* Sec. 2. AS 47.30.910 is repealed and reenacted to read:

4 **Sec. 47.30.910. Liability for expense of placement in a treatment facility.**

5 (a) A patient, or the patient's legal representative acting in a representative capacity,  
6 or the patient's spouse, or the patient's parents if the patient is under 18 years of age,  
7 shall pay or contribute to the payment of the charges for the care, transportation, and  
8 treatment of the patient when hospitalized under AS 47.30.660 - 47.30.915. Charges  
9 assessed after an order for commitment for treatment is issued and charges assessed  
10 when a patient is hospitalized at a facility operated by the department, or under a  
11 contract for services with the department, may not exceed the actual cost of the care  
12 and treatment. The department may order payment by the patient or by the person  
13 responsible for payment for the patient's care and treatment under this subsection  
14 according to ability to provide for payment. The department may make necessary  
15 investigations to determine the ability to pay and may require sworn statements of  
16 income by the patient, the patient's legal representative acting in a representative  
17 capacity, or the patient's spouse or parent. In the exercise of the commissioner's  
18 discretion, the commissioner may impose full liability for the patient's actual cost of  
19 care and treatment on the patient, the patient's legal representative, the patient's spouse,  
20 or parent for refusal to supply a sworn statement of income. An order for payment  
21 must be issued by the department within six months after the date on which the charge  
22 was incurred. The order must remain in full force and effect unless modified by  
23 subsequent court or department order. Liability under this subsection shall be  
24 determined as follows: a patient hospitalized under AS 47.30.660 - 47.30.915, or the  
25 person responsible for payment of charges for the patient, may be required to pay  
26 according to ability to provide for payment, and in the manner and proportion that the  
27 department finds is not detrimental to the patient's rehabilitation. The department  
28 shall, at any time that it determines the action will serve the best interests of the state  
29 and the patient or the person responsible for payment, relieve the patient or the person  
30 responsible for payment from liability for charges for the care, transportation, and  
31 treatment of the patient.

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1 (b) As used in (a) of this section, the term "actual cost of the care and  
2 treatment" means either the rate provided for by a contract entered into under  
3 AS 47.30.660 - 47.30.915, or, in the absence of a contract, a daily rate approved by  
4 the department.

5 (c) The department may charge, or accept from a person money or property,  
6 for the care or treatment of an inpatient or outpatient or for other purposes, even if the  
7 payment is not required by an order of the department, so long as the total payments  
8 received do not exceed the actual cost of care or treatment.

9 (d) All money paid by the patient or on the patient's behalf to the department  
10 under this section must be deposited in the general fund.

11 (e) If an order for payment is entered by the department under this section, and  
12 delinquency in the payment of any amount due the state under the order continues for  
13 a period of more than 30 days after the notification to the patient or the legal  
14 representative, spouse, or parent of the patient by the department, the state may  
15 proceed to collect the amounts due by appropriate proceedings. An action to enforce  
16 the collection of payments may only be brought within three years after the date of  
17 notification of a delinquent payment.

18 (f) The orders of the department issued under this section may relate only to  
19 charges incurred after July 1, 2001.

20 \* Sec. 3. AS 47.30.915(4) is amended to read:

21 (4) "designated treatment facility" or "treatment facility" means a  
22 hospital, clinic, institution, center, or other health care facility that has been designated  
23 by the department for the treatment or rehabilitation of mentally ill persons under  
24 AS 47.30.670 - 47.30.915 [AND FOR THE RECEIPT OF THESE PERSONS BY  
25 COURT-ORDERED COMMITMENT,] but does not include correctional institutions;

26 \* Sec. 4. AS 47.30.915(4) is repealed and reenacted to read:

27 (4) "designated treatment facility" means a hospital, clinic, institution,  
28 center, or other health care facility that has been designated by the department for the  
29 treatment or rehabilitation of mentally ill persons and for the receipt of these persons  
30 by court-ordered commitment, but does not include correctional institutions;

31 \* Sec. 5. AS 47 is amended by adding a new chapter to read:

Chapter 31. Mental Health Treatment Assistance Program.

Sec. 47.31.005. Applicability. This chapter applies only to those patients who have received evaluation or treatment at an evaluation facility or a designated treatment facility that is not a state-operated hospital.

Sec. 47.31.010. Eligibility for assistance. (a) The department shall provide financial assistance under this chapter to a patient who

(1) does not have the available means to pay or substantially contribute to the payment of charges assessed by a facility;

(2) has no other third party to pay for the evaluation or treatment provided under AS 47.30; and

(3) meets the criteria in this chapter.

(b) To be eligible for assistance under this chapter, a patient must have

(1) been admitted for inpatient evaluation or treatment at an evaluation facility or a designated treatment facility other than a state-operated hospital after either

(A) an involuntary commitment under AS 47.30.700 - 47.30.915; or

(B) a voluntary admission chosen by the patient after a determination by the patient's treating physician that the patient meets the involuntary commitment criteria in AS 47.30.700 - 47.30.915 and that involuntary commitment proceedings would be initiated if the patient did not choose to be admitted voluntarily; and

(2) a gross monthly household income that does not exceed 185 percent of the federal poverty guideline for this state for the calendar month in which service was provided.

Sec. 47.31.015. Application for assistance. (a) To receive assistance under this chapter, a patient or a patient's legal representative must apply in writing on a form provided by the department. A patient must apply for assistance within 180 days after the date of discharge from the facility.

(b) A patient is considered to have applied for assistance under (a) of this section if the evaluation facility or designated treatment facility notifies the department

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1 on a form provided by the department that there is good cause to believe that the  
2 patient would be eligible for assistance under this chapter and

3 (1) the patient, the patient's spouse, or the patient's parent if the patient  
4 is under 18 years of age failed within 150 days after the date of discharge from the  
5 facility to make arrangements to pay the evaluation facility or designated treatment  
6 facility; or

7 (2) the patient lacks the mental capacity to apply for benefits under this  
8 chapter.

9 (c) A patient who applies or is considered to have applied for assistance under  
10 this chapter, the patient's spouse, the patient's parent if the patient is under 18 years  
11 of age, or a person in the patient's household shall release records and information to  
12 the department necessary to verify eligibility for the assistance.

13 (d) If a patient, the patient's spouse, the patient's parent if the patient is under  
14 18 years of age, or a person in the patient's household fails to provide records and  
15 information to the department necessary to verify eligibility, the department may issue  
16 an administrative order imposing full liability for the patient's cost of care and  
17 treatment to the evaluation facility or designated treatment facility.

18 **Sec. 47.31.020. Decision on eligibility.** (a) Within 30 days after receiving  
19 a complete application, the department shall give notice in writing of an eligibility  
20 determination to the patient or the patient's legal representative. If the patient is found  
21 ineligible, the notice must contain the reason for the denial and an explanation of the  
22 patient's right to an administrative appeal of the denial.

23 (b) The department shall provide a copy of the notice of eligibility or  
24 ineligibility to the facility at which the patient was treated.

25 **Sec. 47.31.025. Eligible services; rates.** The department shall identify the  
26 type and level of services for which assistance is available under this chapter. An  
27 evaluation facility or a designated treatment facility shall be reimbursed at a rate  
28 established by the department that is equivalent to the Medicaid rate for that facility  
29 at the time service was rendered as determined under AS 47.07.070.

30 **Sec. 47.31.030. Payment.** If the department determines that a patient is  
31 eligible for assistance under this chapter, the department shall provide for payment of

1 assistance directly to the facility. By endorsing the check received from the  
2 department or authorizing the endorsement by the facility's agent, the facility certifies  
3 that the claim for which the check is payment is true and accurate unless written notice  
4 of an error is sent to the department by the facility within 30 days after the date the  
5 check is presented by the facility for payment.

6 **Sec. 47.31.035. Appeals.** (a) A patient or the patient's legal representative  
7 may appeal a denial of assistance by sending written notice of objection to the  
8 department within 30 days after the date of the notice of denial. The written notice  
9 of objection must include an explanation of the reasons for the objection and may  
10 include documentation supporting the objection. AS 44.62 (Administrative Procedure  
11 Act) does not apply to the appeal.

12 (b) The commissioner or the commissioner's designee shall review the notice  
13 of objection and issue a decision within 90 days after its receipt. The commissioner  
14 or the commissioner's designee may request additional information on the appeal from  
15 either the patient, the evaluation facility or designated treatment facility, or department  
16 staff. A request for additional information suspends the time period for the appeal  
17 until the department determines that the additional information has been received. If  
18 more than 180 days have passed from the date of submission of a notice of appeal and  
19 the additional information requested by the commissioner or the commissioner's  
20 designee has not been received from a patient, the evaluation facility, the designated  
21 treatment facility, or the department, the appeal shall be considered denied.

22 (c) The decision on the appeal under (b) of this section, including an appeal  
23 denied for failure to submit additional information, is a final agency decision and may  
24 be appealed to the superior court under the Alaska Rules of Appellate Procedure.

25 **Sec. 47.31.900. Regulations.** The department shall, after consultation with the  
26 Alaska Mental Health Trust Authority, adopt regulations to interpret or implement this  
27 chapter.

28 **Sec. 47.31.990. Definitions.** In this chapter, unless the context otherwise  
29 requires,

30 (1) "commissioner" means the commissioner of health and social  
31 services;

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1 (2) "department" means the Department of Health and Social Services;

2 (3) "designated treatment facility" has the meaning given in  
3 AS 47.30.915;

4 (4) "evaluation facility" means a health care facility that has been  
5 designated by the department to perform the evaluations described in AS 47.30.670 -  
6 47.30.915, including a facility licensed under AS 18.20.020 or operated by the federal  
7 government;

8 (5) "gross monthly household income" means all earned or unearned  
9 income from any source of a member of the patient's household;

10 (6) "household" means a patient and each person

11 (A) residing with the patient; and

12 (B) related to the patient by marriage or other legal relationship  
13 giving rise to a duty of support and maintenance;

14 (7) "mental illness" has the meaning given in AS 47.30.915.

15 \* Sec. 6. AS 47.31.005, 47.31.010, 47.31.015, 47.31.020, 47.31.025, 47.31.030, 47.31.035,  
16 47.31.900, and 47.31.990 are repealed.

17 \* Sec. 7. APPLICABILITY. Sections 1, 3, and 5 of this Act apply to expenses incurred  
18 for mental health services received on or after the effective date of secs. 1, 3, and 5 of this  
19 Act.

20 \* Sec. 8. Except as provided in sec. 9 of this Act, this Act takes effect immediately under  
21 AS 01.10.070(c).

22 \* Sec. 9. Sections 2, 4, and 6 of this Act take effect July 1, 2001.



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**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/21/01

FURTHER: Finance

Date of 5-Day Notice: 03/22/01  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 03/28/01

Health, Education and Social Services Committee considered **SENATE BILL NO. 154**

*REPEAL SUNSET OF MENTAL HEALTH ASSISTANCE*

"An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; 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#
Health & Social Serv.	3/22/01	\$		1

**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>Alan D. Roman</i>	✓			
<i>Frank White</i>	✓			
<i>Bettye Davis</i>	✓			
CHAIR: <i>Alan D. Roman</i>	✓			



SENATE FINANCE COMMITTEE

SIGN-IN

SB 154-REPEAL SUNSET OF MENTAL HEALTH ASSISTANCE

NAME: Elmer Lindstrom Subject/Bill No: SB 154  
Co./Dept./Title: Special Assistant DHSS Phone: 465-1613  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: GARTH HAMBLIN Subject/Bill No: SB 154  
Co./Dept./Title: BARTLETT REGIONAL HOSPITAL Phone: 586 8402  
Address: 3260 HOSPITAL DR JUNEAU Zip: 99801  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: Pat Clasky Subject/Bill No: SB 154  
Co./Dept./Title: Alaska State Hospital & Nursing Home Assoc 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

**SB**

**155**

SFIN

FILE

SB 155

was referred to the  
Senate Finance  
Committee

No hearing was held  
on this bill

**SB**

**158**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 21, 2001

FURTHER REFERRALS:

Date of Committee Action: 5/3/01

The FINANCE Committee considered:

CSSB 158(RES) am

CS FOR SENATE BILL NO. 158(RES) am

REPORT: STATE PARTICIPATE IN NAT GAS PIPE.

"An Act directing the commissioner of revenue to prepare a report to the legislature relating to the state's participation in owning or financing a gas pipeline project; and providing for an effective date."

Recommends it be replaced with H CS CS SB 15E (FIN) | Same Title | | New Title  
 For Senate Bills with new title: | | Technical Title | | New Title: IICR \_\_\_\_\_

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

- List of Abbrev. For Depts.:
- ADM
  - CEC
  - COR
  - CRT
  - EED
  - DEC
  - DFG
  - GOV
  - HSS
  - LAA
  - LAW
  - LWF
  - MVA
  - DNR
  - DPS
  - REV
  - DOT
  - UA

<b>NEW FISCAL NOTES</b>				
*For Chief Clerk's Office Use Only				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

<b>PREVIOUS FISCAL NOTES</b>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DOR	1	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>C. B. Burdick</i>	Burdick	✓			
<i>Whitaker</i>	Whitaker	✓			
<i>Agarwal</i>	Agarwal	✓			
<i>CRORA</i>	CRORA	✓			
<i>DAVIDS</i>	DAVIDS	✓			
<i>MOSES</i>	MOSES	✓			
<i>Langeston</i>	Langeston	✓			
<i>Hudson</i>	Hudson	✓			
<i>FOSTER</i>	FOSTER	X			
<i>Mulder</i>	Mulder	✓			
Chair: _____					
Chair: _____					

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 158  
 (S) Publish Date: 3/29/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title: State Participation in Natural Gas Pipeline BRU: Administration & Support  
 Component: Commissioner's Office  
 Sponsor: Senate Resources Committee  
 Requester: Senate Resources Committee Component Number: 123

**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	15.0					
Contractual	200.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>215.0</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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	215.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>215.0</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 legislation directs the commissioner of Revenue to report to the governor and the legislature no later than Jan. 31, 2002, on the "options for the state to participate in the commercial development of the state's natural gas resources through ownership of or provision of financing for a gas pipeline project." The legislation sets out a comprehensive list of questions to be answered in the report and directs the commissioner to contract with suitable, qualified firms to perform the work.

The commissioner's office would contract with an investment banking firm for its expertise in the financing issues covered by the legislation. The expected cost of the contract is \$200.0, with \$15.0 requested for commissioner's office travel to meet with the contractor and others involved in the report.

Prepared by: Larry Persly, Deputy Commissioner Phone 465-5469  
 Division: Department of Revenue Date/Time March 28, 2001, 4 p.m.  
 Approved by: Wilson Condon, Commissioner Date 03/28/2001  
 Agency: Department of Revenue

For distribution information, call the Governor's Legislative Office

amended  
Ask Mike

HOUSE CS FOR CS FOR SENATE BILL NO. 158(O&G)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON OIL AND GAS

Offered: 4/19/01

Referred: Resources, Finance

Sponsor(s): SENATE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act directing the commissioner of revenue to prepare a report to the legislature  
2 relating to the state's participation in owning or financing a gas pipeline project; and  
3 providing for an effective date."

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

5 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 REPORT OF THE COMMISSIONER OF REVENUE. (a) In furtherance of the  
8 public policy that the State of Alaska "encourage . . . the development of its resources by  
9 making them available for maximum use consistent with the public interest," and the  
10 obligation of the legislature to "provide for the utilization, development, and conservation of  
11 all natural resources belonging to the State . . . for the maximum benefit of its people," the  
12 commissioner of revenue shall, not later than January 31, 2002, provide to the governor and  
13 legislature a comprehensive report, with recommendations, addressing options for the state to  
14 participate in the commercial development of the state's natural gas resources through

1 ownership of or provision of financing for a gas pipeline project. The report must consider  
 2 whether

3 (1) the state should participate by taking an equity position in a gas pipeline  
 4 project by

5 (A) owning all or a portion of the project; or  
 6 (B) establishing a state-owned public corporation or authority to  
 7 construct and operate the project;

8 (2) the state should participate in financing the project and, if so,  
 9 (A) whether it should  
 10 (i) issue debt, in the form of its general obligation bonds or  
 11 revenue bonds of a state-owned public corporation or authority or in another  
 12 appropriate form; or  
 13 (ii) guarantee debt; and  
 14 (B) what terms it, or its public corporation or authority, should require  
 15 as conditions for provision of financial support for the project;

16 (3) the state is able to participate under (1) or (2) of this subsection; the  
 17 consideration given under this subsection must examine the effect of that participation on the  
 18 state's cash flow, its continuing ability to pay for essential public services, and the effect of its  
 19 participation on the state's financial integrity and creditworthiness;

20 (4) state participation under (1) or (2) of this subsection would  
 21 (A) create additional risks for the completion and operation of the  
 22 project;  
 23 (B) more likely than not cause the project to be completed and to  
 24 operate successfully; and  
 25 (C) accrue benefits or detriments for other parties participating with  
 26 the state or its public corporation or authority in the completion and operation of the  
 27 project; and

28 (5) the state should participate in a gas pipeline project by establishing a  
 29 private corporation, which would be composed of Alaska residents who wish to become  
 30 shareholders, that would own a portion of the project or assist in the construction and  
 31 operation of the project.

1 (b) The commissioner of revenue shall

2 (1) contract with a qualified and suitable firm or person qualified by education  
3 or experience or of demonstrated competence for the performance of the requirements  
4 described in (a) of this section; the contract awarded under this paragraph is made for a  
5 purpose in which timely performance is essential that makes a procurement under AS 36.30  
6 through competitive sealed bidding or competitive sealed proposals impracticable;

7 (2) require, as a term of the contract, that the person or one or more  
8 representatives of the firm with which the commissioner contracts under (1) of this subsection  
9 meet with the legislators who, during the Twenty-Second Alaska State Legislature, chair the  
10 committees that have legislative jurisdiction over natural resources as provided in the  
11 Uniform Rules of the Alaska State Legislature or their designees, for the purposes of allowing  
12 review of the data and providing information to those legislators or designees regarding the  
13 preparation and content of the report to be prepared under (a) of this section;

14 (3) provide progress reports regarding the preparation of the report to the  
15 chairs of the committees described in (2) of this subsection at intervals of no more than 60  
16 days; and

17 (4) prepare and deliver a comprehensive report with final recommendations.

18 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

have the report come back to the  
Joint Oil & Gas  
Committee

# ALASKA STATE LEGISLATURE



Senator John Torgerson, Chair  
Senator Drue Pearce, Vice Chair  
Senator Rick Halford  
Senator Pete Kelly  
Senator Robin Taylor  
Senator Kim Elton  
Senator Georgianna Lincoln

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## SENATE RESOURCES COMMITTEE

### Sponsor Statement

#### SB 158

#### Preparation of an Export Report on State Participation in a Gas Pipeline Project

Commercialization of North Slope natural gas has been one of the legislature's priorities. Potential benefits of commercialization include short and long-term employment, additional state and municipal revenues, opportunities for new industries, and cheap, clean energy for the state. This bill would direct the Commissioner of the Department of Revenue to retain a financial expert to examine whether the state should participate in either ownership or financing of a natural gas pipeline project. The expert would examine any benefit or detriment to a project caused by the state's participation. In the past, the state has retained financial experts to advise it on the possibility of the state participating in a project. Those reports need to be updated.

The bill would ensure that the legislature participates in the preparation of the report by:

- (1) requiring that the chairs of the Senate and House Resources Committees periodically meet with the expert to review data and information about the report; and
- (2) requiring that the commissioner provide progress reports to the chairs every 60 days. The bill would require the commissioner to prepare a comprehensive report, with recommendations, addressing the state's options by January 31, 2002 and submit it to the legislature and the governor.

# ALASKA STATE LEGISLATURE



Senator John Torgerson, Chair  
Senator Drue Pearce, Vice Chair  
Senator Rick Halford  
Senator Pete Kelly  
Senator Robin Taylor  
Senator Kim Elton  
Senator Georgianna Lincoln

## SENATE RESOURCES COMMITTEE

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## Sectional Analysis

SB 158

### "Report: State Participation in Natural Gas Pipeline"

**Section 1** - directs the commissioner of the Department of Revenue to retain a financial expert to examine whether the state should participate in either ownership or financing of a natural gas pipeline project and, if so, how the state should participate. The expert would examine any benefit or detriment to a project caused by the state's participation. The legislature will participate in the preparation of the report through the requirements that: (1) the chairs of Senate and House Resource Committees periodically meet with the expert to review data and information about the report; and (2) the commissioner provide progress reports to the chairs every 60 days. The commissioner must prepare a comprehensive report, with recommendations, addressing the state's options by January 31, 2002 and submit it to the legislature and the governor.

First of all I'd like to thank you for the opportunity to put my two cents worth into this, or should I say, two minutes worth. During the Labor and Commerce hearing committee meeting, I went over the five minute limit and was promptly reminded of it at the end of my testimony. Funny, all those in favor of this bill who went over, and there were many, were welcome to go over the time without any comments from Ms. Murkowski.

I guess as an independent I have no allegiance to either the Democrats or the Republicans, but I have to say that I've never seen this level of demagoguery coming out of the legislature in my 28 years as an Alaskan.

Alcohol usage is one of the easiest targets there is today for pinning the blame for societal ills. It's a piece of cake to tie those of us in the industry to the whipping post. In the short time allowed here I can only make a couple of points that stand out in my mind in regards to this taxation scheme.

1.) I absolutely resent the implication that we foster and cater to the criminal element in our society. It is illegal for us to serve an intoxicated individual. In our establishment, the rule is if you can't handle yourself while partaking, don't come in. We have an 86 list. In other words, if you can't control your behavior there's a penalty. Perhaps we as a people have moved too far away from that long established moral and ethical standard that we as individuals should be accountable for our own actions. This is what held societies together for centuries. The idea that we are going to tax ourselves to righteousness is ludicrous. The idea that the funds raised from this 300% tax increase are going to go into programs that subsidize and mediate the "alcohol problem" is an even greater abuse of political power. You as legislators know none of these dollars can be allocated as such. Where has the tobacco tax increase gone?

2.) Ms. Murkowski's backup propaganda, (excuse me, literature-Alaska's Alcohol Index) are unfairly skewed with the 1.4 million annual visitors to this state. It surprises me that they left one important qualifying statement in the paper, "There is no current analysis of how much of Alaska's alcohol consumption is related to the 1.4 million visitors to the state in 1999."

3.) Whether you believe it or not, this will put the smaller merchants out of business thereby requiring longer driving distances to consolidated larger retailers. Is this the effect desired? People will drink.

4.) I am not opposed to fair taxation; I'm not opposed to public safety. Some years back I proposed the idea of instituting a borough Sheriff in Nikiski, to offset the trooper load and to deal with the growing community of Nikiski's problems. I was promptly tarred and feathered. Be that as it may, I am not entirely opposed to an increase that is more logically tied to an inflation and cost of living index. We can sustain that, and I believe the state can too. I am willing to pay a fair share of taxes but I am not willing to submit to this prohibitive revenue collection bill and the undisclosed agenda it serves.

5.) Lastly, I think it's high time someone pick up on the idea of a real civil restitution bill, whereby we once again hold those accountable for their misdeeds and actions and associated costs incurred by the state and society by placing liens and garnishment in much the same fashion as CSED.



# Public Opinion Message

Contact your nearest Legislative Information Office to send your POM

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

**From:** Please PRINT the information below. This form must be signed by the sender.

Mr / Ms / Mrs. <input checked="" type="checkbox"/>	First name Helen	M.I. C	Last name Traugott	Jr. / Sr. / III
Group affiliation (if applicable) Community Connections - Children's Mental Health			Daytime telephone number <sup>907</sup> 772-2835	
Mailing address P.O. Box 312 Petersburg AK			Zip code 99833	
Residence (street) address if different from mailing address 13 2nd St			Zip code 99833	
Email address		Signature Helen C. Traugott		Date 5/1/01

**To:** Put a  in the appropriate box(es).

Committees	House members	Senate members
<p><b>HERS</b></p> <input type="checkbox"/> Community & Regional Affairs <input checked="" type="checkbox"/> Finance (fin) <input type="checkbox"/> Health, Ed., & Social Services <input type="checkbox"/> Judiciary (jud) <input type="checkbox"/> Labor & Commerce (l&c) <input type="checkbox"/> Resources (res) <input type="checkbox"/> Rules (ris) <input type="checkbox"/> State Affairs (sta) <input type="checkbox"/> Transportation (tra) <input type="checkbox"/> Other: <input type="checkbox"/> Other:	<input type="checkbox"/> Barkowitz (bar) <input checked="" type="checkbox"/> Bunde (bun) <input type="checkbox"/> Chenault (che) <input type="checkbox"/> Cissna (cis) <input type="checkbox"/> Coghill (cog) <input type="checkbox"/> Crawford (crf) <input checked="" type="checkbox"/> Croft (cro) <input checked="" type="checkbox"/> Davies (dav) <input type="checkbox"/> Dyson (dys) <input type="checkbox"/> Fate (fnt) <input type="checkbox"/> Foster (fos) <input type="checkbox"/> Green (gm) <input type="checkbox"/> Guess (gue) <input type="checkbox"/> Halcro (hac) <input checked="" type="checkbox"/> Harris (har) <input type="checkbox"/> Hayes (hay) <input checked="" type="checkbox"/> Hudson (hud) <input type="checkbox"/> James (jam) <input type="checkbox"/> Joule (jou) <input type="checkbox"/> Kapsner (kap)	<input type="checkbox"/> Kerttula (ker) <input type="checkbox"/> Kohring (koh) <input type="checkbox"/> Kookash (koo) <input type="checkbox"/> Kott (kot) <input checked="" type="checkbox"/> Lancaster (lnc) <input type="checkbox"/> Masak (mas) <input type="checkbox"/> McGuire (mcg) <input type="checkbox"/> Meyer (mey) <input type="checkbox"/> Morgan (mor) <input checked="" type="checkbox"/> Moses (moa) <input checked="" type="checkbox"/> Mulder (mul) <input type="checkbox"/> Murkowski (mur) <input type="checkbox"/> Ogan (oga) <input type="checkbox"/> Porter (por) <input type="checkbox"/> Rokeberg (rok) <input type="checkbox"/> Scatzi (scl) <input type="checkbox"/> Stevens (stv) <input checked="" type="checkbox"/> Whitaker (whl) <input checked="" type="checkbox"/> Williams (wil) <input type="checkbox"/> Wilson (wis)
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**Subject** Fill out the boxes below **OR** enter a Subject.

HB or SB	Bill number	and check one:	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	<input type="checkbox"/> Amend	OR	enter a general Subject (LIO staff may modify):
HB	225						

**Message** Your PRINTED message cannot exceed 50 words or contain any vulgar language.

Prevention & Treat of substance abuse	5
is essential. the "war on drugs" has not	10
been successful. we have to treat the	15
people who are addicted & prevent more	20
from becoming addicted. the supplies will	25
always be there - we need to focus on the	30
consumers if we are to make a dent in this	35
problem.	40
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	50

# Public Opinion Message

Contact your nearest Legislative Information Office to send your POM

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**From:** Please PRINT the information below. This form must be signed by the sender.

Mr. / Ms. / Mrs. <input checked="" type="checkbox"/>	First name DeDee	M.I.	Last name Scott	J. / Sr. / III
Group affiliation (if applicable)				Daytime telephone number 772-4883
Mailing address PO Box 1049-401 PBRK AK				Zip code 99833
Residence (street) address (if different from mailing address) 122 B Cornelius St				Zip code
E-mail address Gumbikat@yahoo.com			Signature 	Date 05/01/01

**To:** Put a ✓ in the appropriate box(es).

Committees	House members	Senate members																																																																																																								
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**Subject** Fill out the boxes below OR enter a Subject.

HB or SB HB	Bill number 225	and check one:	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	<input type="checkbox"/> Amend	OR enter a general Subject (LIO staff may modify):
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**Message** Your PRINTED message cannot exceed 50 words or contain any vulgar language.

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I would like to be assured that the extra monies do indeed go to support prevention/treatment programs, and not into a political slush fund. Thanks.



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE FINANCE COMMITTEE  
committee name

Committee on HB-225 Alcoholic Beverage Tax dated 5/1/01  
bill # subject

I/WE ASK THIS COMMITTEE TO ALLOW THIS BILL TO  
DIE FOR THE FOLLOWING REASONS

- 1) THE TRUE COST TO THE STATE IS UNKNOWN (SPONSOR USING LOWER COSTS)
- 2) THE COST ESTIMATE (PER RESIDENT) DOES NOT INCLUDE THE 1.5 MILLION TOURISTS THAT VISIT EACH YEAR.
- 3) THE TAX WILL BE THE HIGHEST IN THE NATION
- 4) LIKE THE TOBACCO TAX THIS WILL GO INTO THE GENERAL FUND AND NEVER END UP WHERE IT IS INTENDED (TRAINING + EDUCATION)

Thank you  
*[Signature]*

Signed: GLENN A. JENSEN  
Testifier

DECASTRUM INN (KASLOFF, AK)  
Representing (optional)

P.O. Box 703 SARDIS, AK 99669  
Address

262-2692  
Phone number

# Public Opinion Message

Contact your nearest Legislative Information Office to send your POM

This form must be completely filled out. You may phone, fax, or deliver your POM to any LIO.

**From:** Please PRINT the information below. This form must be signed by the sender.

Mr./Ms./Mrs. <input checked="" type="checkbox"/>	First name Karen	Initial K	Last name Boutagnol	Date 4/30/01
Group affiliation (if applicable) Community Connections - Service Org.			Daytime telephone number 772-4099	
Mailing address PO Box 481 Petersburg AK			Zip code 99825	
Residence (street) address if different from mailing address			Zip code	
Email address jboutagnol@alaska.net			Signature Karen Boutagnol	

**To:** Put a  in the appropriate box(es).

Committees		House members		Senate members	
<input type="checkbox"/>	Community & Regional Affairs	<input type="checkbox"/>	Berkowitz (ber)	<input type="checkbox"/>	Austerman (aus)
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<input type="checkbox"/>	Judiciary (jud)	<input type="checkbox"/>	Ciavana (cis)	<input type="checkbox"/>	Donley (don)
<input type="checkbox"/>	Labor & Commerce (l&c)	<input type="checkbox"/>	Coghill (cog)	<input checked="" type="checkbox"/>	Ellis (ell)
<input type="checkbox"/>	Resources (res)	<input type="checkbox"/>	Crawford (crf)	<input type="checkbox"/>	Eton (et)
<input type="checkbox"/>	Rules (ris)	<input checked="" type="checkbox"/>	Croft (cro)	<input type="checkbox"/>	Green (gre)
<input type="checkbox"/>	State Affairs (sta)	<input checked="" type="checkbox"/>	Davies (dav)	<input type="checkbox"/>	Halford (hal)
<input type="checkbox"/>	Transportation (tra)	<input type="checkbox"/>	Dyson (dys)	<input type="checkbox"/>	Hoffman (hof)
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Fate (fnt)	<input checked="" type="checkbox"/>	Kelly (kep)
<input type="checkbox"/>	Other:	<input type="checkbox"/>	Foster (foe)	<input checked="" type="checkbox"/>	Laman (lam)
		<input type="checkbox"/>	Green (gm)	<input type="checkbox"/>	Lincoln (lin)
		<input type="checkbox"/>	Guess (gue)	<input type="checkbox"/>	Olson (ols)
		<input checked="" type="checkbox"/>	Halcro (hac)	<input type="checkbox"/>	Pearce (pee)
		<input type="checkbox"/>	Harris (har)	<input type="checkbox"/>	Phillips (phi)
		<input type="checkbox"/>	Hayes (hay)	<input type="checkbox"/>	Taylor (tay)
		<input checked="" type="checkbox"/>	Hudson (hud)	<input type="checkbox"/>	Therfaul (thr)
		<input type="checkbox"/>	James (jam)	<input checked="" type="checkbox"/>	Torgerson (tor)
		<input type="checkbox"/>	Joule (jou)	<input checked="" type="checkbox"/>	Ward (war)
		<input type="checkbox"/>	Kapsner (kap)	<input type="checkbox"/>	Wilken (wik)

**Subject** Fill out the boxes below OR enter a Subject.

HB or SB HB	Bill number 225	and check one:	<input checked="" type="checkbox"/> Support	OR	enter a general Subject (LIO staff may modify):
			<input type="checkbox"/> Oppose		
			<input type="checkbox"/> Amend		

**Message** Your PRINTED message cannot exceed 50 words or contain any vulgar language.

I am in support of this bill, as the mikes could	5
be used for prevention and treatment, which is	10
should be a high priority.	15
	20
	25
	30
	35
	40
	45
	50

**SB**

**158**

SFIN

FILE



# ALASKA STATE LEGISLATURE

Senator John Torgerson, Chair  
Senator Drue Pearce, Vice Chair  
Senator Rick Halford  
Senator Pete Kelly  
Senator Robin Taylor  
Senator Kim Elton  
Senator Georgianna Lincoln



STATE CAPITOL, Room 427  
JUNEAU, AK 99801-1182  
Phone: (907) 465-4907  
FAX: (907) 465-4779

35477 Kenai Spur Hwy.  
Suite 101B  
Soldotna, Ak 99669  
Phone: (907) 260-3041  
Fax: (907) 260-3044

## SENATE RESOURCES COMMITTEE

### Sponsor Statement

#### SB 158

#### Preparation of an Export Report on State Participation in a Gas Pipeline Project

Commercialization of North Slope natural gas has been one of the legislature's priorities. Potential benefits of commercialization include short and long-term employment, additional state and municipal revenues, opportunities for new industries, and cheap, clean energy for the state. This bill would direct the Commissioner of the Department of Revenue to retain a financial expert to examine whether the state should participate in either ownership or financing of a natural gas pipeline project. The expert would examine any benefit or detriment to a project caused by the state's participation. In the past, the state has retained financial experts to advise it on the possibility of the state participating in a project. Those reports need to be updated.

The bill would ensure that the legislature participates in the preparation of the report by:

- (1) requiring that the chairs of the Senate and House Resources Committees periodically meet with the expert to review data and information about the report; and
- (2) requiring that the commissioner provide progress reports to the chairs every 60 days. The bill would require the commissioner to prepare a comprehensive report, with recommendations, addressing the state's options by January 31, 2002 and submit it to the legislature and the governor.

# ALASKA STATE LEGISLATURE



Senator John Torgerson, Chair  
Senator Drue Pearce, Vice Chair  
Senator Rick Halford  
Senator Pete Kelly  
Senator Robin Taylor  
Senator Kim Elton  
Senator Georgianna Lincoln

## SENATE RESOURCES COMMITTEE

STATE CAPITOL, Room 427  
JUNEAU, AK 99801-1182  
Phone: (907) 465-4907  
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Phone: (907) 260-3041  
Fax: (907) 260-3044

## Sectional Analysis

SB 158

### "Report: State Participation in Natural Gas Pipeline"

**Section 1** - directs the commissioner of the Department of Revenue to retain a financial expert to examine whether the state should participate in either ownership or financing of a natural gas pipeline project and, if so, how the state should participate. The expert would examine any benefit or detriment to a project caused by the state's participation. The legislature will participate in the preparation of the report through the requirements that: (1) the chairs of Senate and House Resource Committees periodically meet with the expert to review data and information about the report; and (2) the commissioner provide progress reports to the chairs every 60 days. The commissioner must prepare a comprehensive report, with recommendations, addressing the state's options by January 31, 2002 and submit it to the legislature and the governor.

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/23/01

FURTHER: Finance

Date of 5-Day Notice: 3/22/01  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 3/28/01

Resources Committee considered SENATE BILL NO. 158

*REPORT: STATE PARTICIPATION IN NATURAL GAS PIPELINE*

"An Act directing the commissioner of revenue to prepare a report to the legislature relating to the state's participation in owning or financing a gas pipeline project; and providing for an effective date."

and recommends:

- be replaced with CS SB 158 (RES)
- 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#
Revenue	3/28/01	✓		1

**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>Adrian Taylor</i>	✓			
<i>Rich Hall</i>	✓			
<i>Debra</i>	✓			
<i>John</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

**SB**

**161**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 03 2001  
SENATE FINANCE  
COMMITTEE

DATE: 4/23/01

FURTHER:

DATE TURNED IN TO OFFICE: 4 May 2001

Finance Committee considered

SENATE BILL NO. 161

NO PAY FOR JUDGES UNTIL DECISION

"An Act relating to the withholding of salary of justices, judges, and magistrates; relating to requiring prompt decisions by justices, judges, and magistrates; and relating to judicial retention elections for judicial officers."

and recommends:

- be replaced with CS SB 161 (FIN)
- adopt previous CS - 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#
Court	9/3/01		✓	

**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>[Signature]</i>	✓			
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSSB 161 (FIN)**

Revision Date/Time (Note if correction) 5/3/01 Dept. Affected \_\_\_\_\_  
 Title No Pay for Judges Until Decision BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Senate Judiciary  
 Requester Senate 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	0.0	0.0	0.0	0.0	0.0	0.0
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)

No fiscal impact.

REPORTED OUT

MAY 03 2001

SENATE FINANCE  
COMMITTEE

Prepared by: C.S. Christensen III, Deputy Administrative Director Phone 463-4736  
 Division Alaska Court System Date/Time \_\_\_\_\_  
 Approved by: Stephanie J. Cole, Administrative Director Date 5/3/01  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 5/3/01 TIME: 7:30 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

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

NOTES: Final Please

CS SB 101 (FIN)

22-LS0009 X

5/3/01

no changes

Thx

Mindy

**CS FOR SENATE BILL NO. 161( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the withholding of salary of justices, judges, and magistrates;  
2 relating to prompt decisions by justices, judges, and magistrates; relating to judicial  
3 retention elections for judicial officers; and providing for an effective date."

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 INTENT. It is the intent of the legislature that the Alaska Supreme Court adopt rules  
8 sufficient to require the judicial officers of the state to conduct their business promptly, with  
9 the goal that virtually all trial court matters under advisement be decided within six months;  
10 that a majority of appellate cases be decided within six months following the oral argument of  
11 the case or, if there is no oral argument, within six months following the date that the case is  
12 taken under advisement; that virtually all appellate cases be decided within one year following  
13 the oral argument of the case or, if there is no oral argument, within one year following the  
14 date that the case is taken under advisement; and that no appellate case takes longer than two

1 years following the oral argument of the case or, if there is no oral argument, following the  
2 date that the case is taken under advisement.

3 \* Sec. 2. AS 15.58.020 is amended to read:

4 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

5 (1) photographs and campaign statements submitted by eligible  
6 candidates for elective office in the region and the following explanation concerning  
7 AS 15.58.050(2) for each judicial officer who has not been issued a salary  
8 warrant:

9 This judicial officer was not issued one or more salary warrants. In order  
10 for each judicial officer to receive a salary, state law requires the judicial officer  
11 to file an affidavit that no matter has been uncompleted or undecided by the  
12 judicial officer for a period of more than six months;

13 (2) information and recommendations filed under AS 15.58.050 on  
14 judicial officers subject to a retention election in the region:

15 (3) a map of the house district or districts of the region;

16 (4) sample ballots for house districts of the region;

17 (5) an absentee ballot application;

18 (6) for each ballot proposition submitted to the voters by initiative or  
19 referendum petition or by the legislature,

20 (A) the full text of the proposition specifying constitutional or  
21 statutory provisions proposed to be affected;

22 (B) the ballot title and the summary of the proposition prepared  
23 by the director or by the lieutenant governor;

24 (C) a neutral summary of the proposition prepared by the  
25 Legislative Affairs Agency;

26 (D) statements submitted that advocate voter approval or  
27 rejection of the proposition not to exceed 500 words;

28 (7) for each bond question, a statement of the scope of each project as  
29 it appears in the bond authorization;

30 (8) a maximum of two pages of material submitted by each political  
31 party;

1 (9) additional information on voting procedures that the lieutenant  
2 governor considers necessary;

3 (10) for the question whether a constitutional convention shall be  
4 called,

5 (A) a full statement of the question placed on the ballot;

6 (B) statements not to exceed 500 words that advocate voter  
7 approval or rejection of the question;

8 (11) under AS 37.13.170, the Alaska permanent fund annual income  
9 statement and balance sheet for the two fiscal years preceding the publication of the  
10 election pamphlet.

11 \* Sec. 3. AS 15.58.050 is amended to read:

12 **Sec. 15.58.050. Information and recommendations on judicial officers.**

13 No later than August 7 of the year in which the state general election will be held, the

14 (1) judicial council shall file with the lieutenant governor a statement  
15 including information about each supreme court justice, court of appeals judge,  
16 superior court judge, and district court judge who will be subject to a retention  
17 election; the [ . THE] statement must [SHALL] reflect the evaluation of each justice  
18 or judge conducted by the judicial council according to law and must [SHALL]  
19 contain a brief statement describing each public reprimand, public censure, or  
20 suspension received by the judge under AS 22.30.011(d) during the period covered in  
21 the evaluation; each [ . A] statement may not exceed 600 words;

22 (2) administrative director of the Alaska Court System shall file  
23 with the lieutenant governor information about the timeliness of opinions or  
24 decisions in matters referred to each supreme court justice, court of appeals  
25 judge, superior court judge, and district court judge who will be subject to a  
26 retention election and the number of times each justice or judge has not been  
27 issued a salary warrant due to the operation of AS 22.05.140(b), AS 22.07.090(b),  
28 AS 22.10.190(b), or AS 22.15.220(c).

29 \* Sec. 4. AS 22.05.140(b) is amended to read:

30 (b) A salary warrant may not be issued to a justice of the supreme court until  
31 the justice has filed with the state officer designated to issue salary warrants an

1 affidavit that (1) no matter referred to the justice for opinion or decision has been  
2 uncompleted or undecided by the justice for a period of more than six months  
3 following the oral argument of the matter or, if there is no oral argument, for a  
4 period of more than six months following the date the matter is taken under  
5 advisement. The affidavit must be submitted under oath, must be in a form  
6 approved by the Department of Administration, and must contain a statement  
7 that the affiant is aware that making a false statement in the affidavit is  
8 punishable as perjury under AS 11.56.200.

9 \* Sec. 5. AS 22.07.090(b) is amended to read:

10 (b) A salary warrant may not be issued to a judge of the court of appeals until  
11 the judge has filed with the state officer designated to issue salary warrants an  
12 affidavit that (1) no matter referred to the judge for opinion or decision has been  
13 uncompleted or undecided by the judge for a period of more than six months  
14 following the oral argument of the matter or, if there is no oral argument, for a  
15 period of more than six months following the date the matter is taken under  
16 advisement. The affidavit must be submitted under oath, must be in a form  
17 approved by the Department of Administration, and must contain a statement  
18 that the affiant is aware that making a false statement in the affidavit is  
19 punishable as perjury under AS 11.56.200.

20 \* Sec. 6. AS 22.10.190(b) is amended to read:

21 (b) A salary warrant may not be issued to a superior court judge until the  
22 judge has filed with the state officer designated to issue salary warrants an affidavit  
23 that no matter referred to the judge for opinion or decision has been uncompleted or  
24 undecided by the judge for a period of more than six months following the trial,  
25 hearing, or oral argument of the matter or, if there is no trial, hearing, or oral  
26 argument, for a period of more than six months following the date the matter is  
27 taken under advisement. The affidavit must be submitted under oath, must be in  
28 a form approved by the Department of Administration, and must contain a  
29 statement that the affiant is aware that making a false statement in the affidavit  
30 is punishable as perjury under AS 11.56.200.

31 \* Sec. 7. AS 22.15.220(c) is amended to read:

1 (c) A salary warrant may not be issued to a district judge or magistrate until  
2 the judge or magistrate has filed with the state officer designated to issue salary  
3 warrants [,] an affidavit that no matter referred to the judge or magistrate for opinion  
4 or decision has been uncompleted or undecided by the judge or magistrate for a period  
5 of more than six months following the trial, hearing, or oral argument of the  
6 matter or, if there is no trial, hearing, or oral argument, for a period of more  
7 than six months following the date the matter is taken under advisement. The  
8 affidavit must be submitted under oath, must be in a form approved the  
9 Department of Administration, and must contain a statement that the affiant is  
10 aware that making a false statement in the affidavit is punishable as perjury  
11 under AS 11.56.200.

12 \* Sec. 8. AS 22.20.300 is amended by adding a new subsection to read:

13 (b) Annually not later than January 31, the administrative director of the  
14 Alaska court system shall report to the legislature on the number of matters in all the  
15 courts of the state that have been (1) referred to a judicial officer for opinion or  
16 decision and that have been uncompleted or undecided for a period of more than six  
17 months following the oral argument of the matter or, if there is no oral argument, for a  
18 period of more than six months following the date the matter is taken under  
19 advisement, and (2) undecided for a period of more than one year following the oral  
20 argument of the matter or, if there is no oral argument, for a period of one year  
21 following the date the matter is taken under advisement. The administrative director  
22 shall also provide a list of appellate cases decided during the preceding calendar year  
23 that were undecided for a period of more than one year following the oral argument of  
24 the case or, if there was no oral argument, for a period of more than one year  
25 following the date the case was taken under advisement. This list shall include case  
26 names, case numbers, and relevant and appropriate statistical information for each  
27 case.

28 \* Sec. 9. AS 39.25.080(b) is amended to read:

29 (b) The following information is available for public inspection, subject to  
30 reasonable regulations on the time and manner of inspection:

31 (1) the names and position titles of all state employees;

- 1 (2) the position held by a state employee;  
2 (3) prior positions held by a state employee;  
3 (4) whether a state employee is in the classified, partially exempt, or  
4 exempt service;  
5 (5) the dates of appointment and separation of a state employee;

6 [AND]

- 7 (6) the compensation authorized for a state employee; and  
8 (7) whether a salary warrant has been withheld from a justice,  
9 judge, or magistrate under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b), or  
10 AS 22.15.220(c).

11 \* Sec. 10. This Act takes effect January 1, 2004.

# ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chairman  
Sen. Dave Donley, Vice-Chair  
Sen. John Cowdery  
Sen. Gene Therriault  
Sen. Johnny Ellis

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### SPONSOR STATEMENT COMMITTEE SUBSTITUTE FOR SENATE BILL 161 (Jud) (1/23/01)

**“An Act relating to the withholding of salary of justices, judges, and magistrates; relating to prompt decisions by justices, judges, and magistrates; and relating to judicial retention elections for judicial officers.”**

CS SB 161(Jud) amends AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b) and AS 22.15.220(c) to require judges to make decisions within six months of oral argument, or if there is no oral argument, within six months of the filing of the last responsive document. It also requires appellate courts to issue decisions within twelve months of the oral argument or filing of the last responsive document. Salary warrants of the affected judges are withheld if the decisions are not rendered within that time period.

Currently under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b) and AS 22.15.220(c), judicial officers are required to file an affidavit that no case or matter has been uncompleted or undecided for a period of more than six months in order to receive their salary. CSSB 161(Jud) clarifies that this time period begins either when oral arguments are concluded, or if there are no oral arguments, when the last responsive document is filed. At the appellate court level, the time period is extended an additional six months for final decisions by the entire Court of Appeals or Supreme Court. The legislation also provides a 2-month extension to the 12-month deadline for the Court of Appeals and Supreme Court when a new justice is appointed to the court.

The withholding of salary warrants is designed to ensure that justices and judges produce their decisions in a timely manner. Other states have similar laws. Unfortunately, there are Alaska Supreme Court cases that have been pending for over two years and **one case has been pending for over three years**. The parties in these cases have completed their oral arguments and/or filing of the documents required and are simply waiting for the Supreme Court justice to make their decision. Justice delayed is truly justice denied.

The timeliness in which judges make their decisions is critical when voters are making decisions regarding the retention of judges. The public should be made aware of those justices and judges who are consistently late in making their decisions. CSSB 161(Jud) requires that information regarding the failure of any judge or justice to meet these time requirements be published in the state voter's guide. The election pamphlet would be required to explain the procedure and indicate any judicial officer not issued one or more salary warrants.

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/23/01

FURTHER:

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

DATE TURNED  
IN TO OFFICE: 4-20-01

Judiciary Committee considered SENATE BILL NO. 161

NO PAY FOR JUDGES UNTIL DECISION

"An Act relating to the withholding of salary of justices, judges, and magistrates; relating to requiring prompt decisions by justices, judges, and magistrates; and relating to judicial retention elections for judicial officers."

and recommends:

- be replaced with CS SB 161 (Jud)
- 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#
CS	ACS	4/20/01	✓		12
SB	ACS	4/4/01	✓		1

**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>John J. Callahan</i>			✓	
<i>[Signature]</i>		✗		
<del>_____</del>				
<i>[Signature]</i>	✓			
<i>[Signature]</i>			x	
CHAIR: <i>[Signature]</i>	✓			

SENATE FINANCE COMMITTEE

SIGN-IN

SB 161-NO PAY FOR JUDGES UNTIL DECISION

NAME: CHRIS CHRISTENSEN Subject/Bill No: SB 161  
Co./Dept./Title: DEPUTY ADMINISTRATIVE DIRECTOR/COURT SYSTEM Phone: 463-4736  
Address: 820 W. 4TH AVE ANCH Zip: 99501  
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

**SB**

**165**

SFIN

FILE

SB 165

was referred to the  
Senate Finance  
Committee

Hearing(s) were held

The bill did not move  
from Committee

SENATE FINANCE  
COMMITTEE #1  
Amendment Number: #1  
Bill Number: SB 165  
Sponsor: Wilken Date: 4/3/01  
Logged In By: Mindy

22-LS0790\A.1  
Kurtz  
4/28/01

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR WILKEN

TO: SB 165

1 Page 1, following line 4:

2 Insert new material to read:

3 "Article 1. Education Tax in the Organized Borough"

4

5 Page 1, lines 6 - 7:

6 Delete "in the state"

7 Insert "in an organized borough."

8

9 Page 2, following line 15:

10 Insert new bill sections to read:

11 "Article 2. Education Tax in the Unorganized Borough.

12 Sec. 43.45.111. Tax imposed. There is imposed a tax of \$100 a year on each  
13 individual 19 years of age or older and employed, including self-employed, in the  
14 unorganized borough.

15 Sec. 43.45.121. Collection of tax. (a) The tax imposed under AS 43.45.111  
16 shall be paid before February 1 of the calendar year following the year for which it is  
17 imposed.

18 (b) An employer shall deduct and send to the department \$50 of the tax from  
19 the employee's salary or other compensation on each of the first two regular payrolls  
20 after January 1 of each calendar year or, in the case of an employee who begins work  
21 and is provided a salary or compensation on a later payroll, on each of the first two  
22 payrolls after employment. A deduction of the tax may not be made in the salary or  
23 other compensation of a person who provides proof to the employer that the tax  
24 imposed under AS 43.45.111 has been paid.

1           (c) The department shall provide a return form for the tax collected under this  
2 section.

3           **Sec. 43.45.131. Record of withholding.** An employer who withholds tax  
4 under AS 43.45.121 shall furnish to the employee upon request a record of the amount  
5 of tax withheld from the employee. The department shall provide a form for that  
6 purpose.

7           **Sec. 43.45.141. Disposition of tax proceeds.** (a) The tax collected under  
8 AS 43.45.121 shall be deposited into the general fund and accounted for separately.

9           (b) The legislature may appropriate the estimated amounts to be collected and  
10 separately accounted for under (a) of this section for education.

11           (c) The deposit required and appropriation authorized by this section are not  
12 intended to create a dedication in violation of art. IX, sec. 7, Constitution of the State  
13 of Alaska."  
14

15    Renumber the following bill section accordingly.



## SENATOR ALAN AUSTERMAN

Alaska State Legislature

*Interim:* 112 Mill Bay Road, Kodiak, Alaska 99615 (907) 486-8872 • *Session:* State Capitol, Juneau, Alaska 99801 (907) 465-2487  
senator\_alan\_austerman@legis.state.ak.us

### Sponsor Statement – Senate Bill 165

~Updated April 12, 2001~

"An Act imposing a tax on employment; and providing for an effective date."

SB 165 would impose a tax of \$100 a year on each employed individual age 19 or older, including the self-employed. Under this bill, the employer would deduct \$50 from the employee's salary on each of their first two regular payrolls after January 1 of the calendar year. A provision has been added to prevent this tax from being taken out more than once when the employee provides proof to their new employer that the tax has already been satisfied.

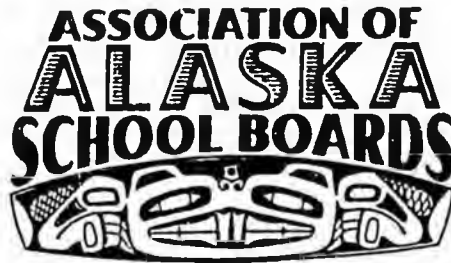
The accompanied fiscal note from the Tax Division of the Department of Revenue states that it will take \$822,500 in general fund money the first year of implementation to operate the new tax program. On the other side of the ledger, they have projected that in the FY2003, over \$38 million will be raised yearly in new revenue as a result of this legislation.

The tax collected under AS 43.45.021 would be deposited into the state's general fund, but accounted for separately. In turn, the legislature may then appropriate the amounts collected under this section for education.

This authorization is not intended to create a dedication of funds in violation of art. IX, sec. 7, of the Constitution of the State of Alaska.

DISTRICT C

Kodiak Archipelago • Southeast Islands



*Advocates for Alaska's Youth*

*Position Paper*  
*SB 165 Education Tax on Employment*

*April 2001*

The Association of Alaska School Boards (AASB) supports legislation that will enhance revenue generating measures of the State of Alaska. SB 165 Education Tax on Employment is one such measure.

Decreased oil production and a dwindling Constitutional Budget Reserve continue to fuel discussion of a long range fiscal plan for Alaska. Over the last five years state policymakers have tightened their collective budget belt. Now it is time to consider the other side of the coin—enhancing state revenues.

AASB's goal is to obtain a stable source of funding for the state's largest constitutionally mandated responsibility—education.

Alaska lawmakers have it within their grasp to address three essential components of education funding:

1. Appropriations based on need (Adequacy Study)
2. Appropriate distribution of funds (School Cost Study)
3. Maintaining buying power (inflation proofing formula/ Funding Task Force)

An education tax on employment, generating in the neighborhood of \$35 million annually, would help underwrite efforts to stabilize education funding.

The vast majority in the education community and the public support recent education reforms—standards and testing of those standards. Alaska has made remarkable gains in these areas. Schools are reporting significant changes in the way they do business. Alaska schools are requesting the support and resources necessary to ensure that every classroom is prepared to deliver on the promise that no child is left behind.

Forward thinking will maximize our financial resources *and* address the fiscal gap. Forward thinking can create a plan for a future that doesn't include cutting essential education services to our children. SB 165 is a step in the right direction.

Introduced by:	Manager Jensen
Requested by:	Assembly
Drafted by:	Borough Clerk
Introduced:	04/05/2001
Adopted:	04/05/2001

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. 2001-23**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
SUPPORTING SENATE BILL 165 CREATING AN EDUCATION HEAD TAX  
AS PART OF SENATE BILL 1 AS A COMPREHENSIVE APPROACH  
TO FILL ALASKA'S MOUNTING BUDGET GAP**

**WHEREAS,** Senate Bill 165 would impose an annual tax of \$100 on each Alaskan worker age 19 or older, including the self-employed; and

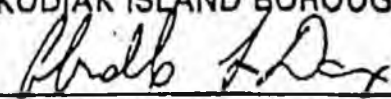
**WHEREAS,** the collected revenue would be deposited into the state's general fund and accounted for separately. In turn, the legislature may then appropriate the collected revenue, as set forth in this section, to education funding; and

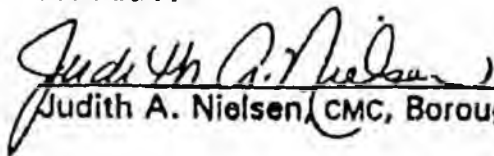
**WHEREAS,** the Department of Revenue would collect between \$35 and \$36 million annually in new revenue; and

**WHEREAS,** Senate Bill 1 needs to generate \$29 million to increase the base student allocation for school funding; and the revenue raised would cover the \$29 million costs proposed in Senate Bill 1 which would increase funding for education;

**NOW, THEREFORE, BE IT RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY** that the Kodiak Island Borough Assembly urges the Twenty-Second Legislature to adopt Senate Bill 165.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS FIFTH DAY OF APRIL, 2001**

KODIAK ISLAND BOROUGH  
  
\_\_\_\_\_  
Gabrielle LeDoux, Borough Mayor

ATTEST:  
  
\_\_\_\_\_  
Judith A. Nielsen, CMC, Borough Clerk

PO Box 179  
Sitka, Alaska 99835  
Phone: (907) 747-8622  
Fax: (907) 966-1260



April 2, 2001

Senator Alan Austerman  
State Capitol  
Juneau, AK 99801-1182

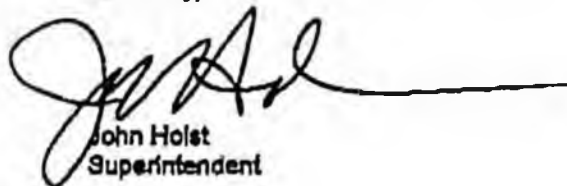
Dear Senator Austerman:

It is a pleasure to endorse your latest bill, SB 165, Head Tax.

There has been far too little discussion about a long-term fiscal plan which must include new sources of revenue. I see this bill simply as a re-instatement of the old "school tax", adjusted for inflation over the time it was originally instituted.

I applaud you for the leadership you are showing by being involved with colleagues who share your interest in the development of a fiscal plan. I am certain that the Sitka School District Board of Education will support your efforts in any way they can.

Sincerely,



John Holst  
Superintendent

**"Educating Today's Children to Become Tomorrow's Leaders"**

# SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/26/01

FURTHER: Finance

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

DATE TURNED  
IN TO OFFICE: 4-12-01

Labor and Commerce Committee considered

SENATE BILL NO. 165

"An Act imposing a tax on employment; 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#
DOR	4/11/01	\$	.	1

**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>Loren D. Luman</i>			X	
<i>Betty Davis</i>	✓			
CHAIR: <i>Paul E. ...</i>			1	

SENATE FINANCE COMMITTEE

SIGN-IN

SB 165-EDUCATION TAX ON EMPLOYMENT

NAME: Chuck Harlamert Subject/Bill No: SB 165  
Co./Dept./Title: Dep. of Revenue Chief of Operations Phone: 465-4773  
Address: 11th Floor SOB Zip: \_\_\_\_\_  
Do you wish to testify? \_\_\_Yes \_\_\_No  Respond To Questions

NAME: Neil Slotnick Subject/Bill No: SB 165  
Co./Dept./Title: Dept. of Revenue Dpt. Comm. Phone: 465-3669  
Address: 11th Floor SOB 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

**SB**

**169**

SFIN

FILE

**SENATE FINANCE COMMITTEE REPORT**

DATE: 5/1/01

FURTHER:

REPORTED OUT
MAY 03 2001
SENATE FINANCE COMMITTEE

DATE TURNED IN TO OFFICE: 4 May 2001

Finance Committee considered SENATE BILL NO. 169

*HATE CRIMES: AUTOMATIC WAIVER OF MINORS*

"An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain crimes against persons directed at certain victims."

Committee considered

and recommends:

- be replaced with CS SB 169 (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#
Corrections	7/01	*		

**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>Judy Breen</i>		<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>Gary Wilkin</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>Loren D. Leman</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>[Signature]</i>			<input checked="" type="checkbox"/>	

MAY 03 2001

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 169  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time(Note if Correction): 5/2/01 15:23 Dept. Affected: Corrections  
Title: "An Act relating to the nonapplicability of the BRU: Administration and Operations  
delinquency laws to certain minors accused of certain... Component: Institutional Director's Office  
Sponsor: Senator Dunley  
Requester: Senate Finance Component Number: 1381

**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>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</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>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</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						

\*\*\*ALYSIS: (Attach a separate page if necessary)

This legislation would automatically waive minors aged 16 and older into the adult system for commission of a felony crime against a person or a class A misdemeanor crime against a person, in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

At this time we have no way of knowing how many offenders might be included in this group. We are therefore submitting an indeterminate fiscal note.

Prepared by: Carpace Brower Phone 465-4652  
Division: Commissioner's Office Date/Time 5/2/01 3:40 PM  
Approved by: Margaret Pugh Date 5/2/01  
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

AMENDED  
& adopted

22-LS0778\F  
Luckhaupt  
5/3/01

CS FOR SENATE BILL NO. 169( FINANCE )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that the delinquency laws are inapplicable to minors who are at least  
2 16 years of age and are accused of felony or class A misdemeanor crimes against persons  
3 directed at victims because of the victims' race, sex, color, creed, physical or mental  
4 disability, ancestry, or national origin."

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

6 \* Section 1. AS 47.12.030(a) is amended to read:

7 (a) When a minor who was at least 16 years of age at the time of the offense is  
8 charged by complaint, information, or indictment with an offense specified in this  
9 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense  
10 for which the minor is charged or to any additional offenses joinable to it under the  
11 applicable rules of court governing criminal procedure. The minor shall be charged,  
12 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as  
13 an adult. If the minor is convicted of an offense other than an offense specified in this  
14 subsection, the minor may attempt to prove, by a preponderance of the evidence, that

1 the minor is amenable to treatment under this chapter. If the court finds that the minor  
 2 is amenable to treatment under this chapter, the minor shall be treated as though the  
 3 charges had been heard under this chapter, and the court shall order disposition of the  
 4 charges of which the minor is convicted under AS 47.12.120(b). The provisions of  
 5 this subsection apply when the minor is charged by complaint, information, or  
 6 indictment with an offense

7 (1) that is an unclassified felony or a class A felony and the felony is a  
 8 crime against a person;

9 (2) of arson in the first degree; [OR]

10 (3) that is a class B felony and the felony is a crime against a person in  
 11 which the minor is alleged to have used a deadly weapon in the commission of the  
 12 offense and the minor was previously adjudicated as a delinquent or convicted as an  
 13 adult, in this or another jurisdiction, as a result of an offense that involved use of a  
 14 deadly weapon in the commission of a crime against a person or an offense in another  
 15 jurisdiction having elements substantially identical to those of a crime against a  
 16 person, and the previous offense was punishable as a felony; in this paragraph, "deadly  
 17 weapon" has the meaning given in AS 11.81.900(b); or

18 (4) that is a felony crime against a person ~~or a class A~~  
 19 ~~misdemeanor crime against a person,~~ in which the minor is alleged to have  
 20 directed the conduct constituting the crime at a victim because of that person's  
 21 race, sex, color, creed, physical or mental disability, ancestry, or national origin.

delete

**CS FOR SENATE BILL NO. 169(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act providing that the delinquency laws are inapplicable to minors who are at least  
2 16 years of age and are accused of felony crimes against persons directed at victims  
3 because of the victims' race, sex, color, creed, physical or mental disability, ancestry, or  
4 national origin."

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

6 \* **Section 1.** AS 47.12.030(a) is amended to read:

7 (a) When a minor who was at least 16 years of age at the time of the offense is  
8 charged by complaint, information, or indictment with an offense specified in this  
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1 the minor is amenable to treatment under this chapter. If the court finds that the minor  
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 4 charges of which the minor is convicted under AS 47.12.120(b). The provisions of  
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 6 indictment with an offense

7 (1) that is an unclassified felony or a class A felony and the felony is a  
 8 crime against a person;

9 (2) of arson in the first degree; [OR]

10 (3) that is a class B felony and the felony is a crime against a person in  
 11 which the minor is alleged to have used a deadly weapon in the commission of the  
 12 offense and the minor was previously adjudicated as a delinquent or convicted as an  
 13 adult, in this or another jurisdiction, as a result of an offense that involved use of a  
 14 deadly weapon in the commission of a crime against a person or an offense in another  
 15 jurisdiction having elements substantially identical to those of a crime against a  
 16 person, and the previous offense was punishable as a felony; in this paragraph, "deadly  
 17 weapon" has the meaning given in AS 11.81.900(b); or

18 (4) that is a felony crime against a person, in which the minor is  
 19 alleged to have directed the conduct constituting the crime at a victim because of  
 20 that person's race, sex, color, creed, physical or mental disability, ancestry, or  
 21 national origin.

#1  
 deleted  
 language



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 5/3/01 TIME: 8:00pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

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

NOTES: Final Please  
CS SB 169 (FIN) 22-LS0778\F  
+ amendment: 5/3/01  
pg 2, lines 18 & 19  
delete: ~~entire~~ "or a class A  
misdemeanor crime against a person,"

*Thx  
Mindy*



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## OPPOSITION TO DEPARTMENT RECOMMENDATION NO "DUAL SENTENCING"

- \* DHSS has been extremely reluctant to call upon AS 47.12.065, the existing optional Dual Sentencing Law, even though the provision was enacted specifically as a compromise between those who demanded greater accountability on the part of young lawbreakers (victims of crime & the legislature), and those who promised the utilization of the provision in exchange for continued inclusion in the process (DHSS)
- \* Since becoming "effective" on July 1, 1998, the optional Dual Sentencing Provision (AS 47.12.065) has never actually been utilized.
- \* Representatives of the Department of Law have stated that AS 47.12.065 has little or no value in its current form.
- \* It has been stated to my staff that the Department has only once attempted to utilize the provision in over two years, but it failed because the D.A. chose not to proceed.
- \* With neither the DA nor DHSS have utilized the "Dual Sentencing Provision" in its current form, it seems highly unlikely that they would be any less reluctant to use it in the future.
- \* The sponsor seeks to hold young adults who commit heinous crimes more accountable to deter future crime, while the DHSS seems determined to continue the old, failed juvenile delinquency system

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT  
SENATE BILL 169  
(5/2/01)**

**“An Act relating to nonapplicability of the delinquency laws to certain minors accused of certain crimes directed at certain victims.”**

SB 169 amends AS 47.12.030 which is the statute relating to the waiver of juveniles to adult court when they are charged with committing certain crimes. SB 169 adds a subsection (a)(4) to include a crime that is a felony or class A misdemeanor crime against a person directed at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin. This addition would require a minor accused of a serious, violent "hate crime" to be tried as an adult.

Violent hate crimes are particularly dangerous and destructive to our communities. This legislation ensures public accountability of those persons accused and increases deterrence of such future crimes. The juvenile justice system has no public accountability. We need public accountability for such crimes so Alaskans can be sure that justice is accomplished.

SB 169 will send a message to juveniles that Alaskans and Alaska's justice system take these types of hate crimes very seriously. Moving these crimes of particular concern against society and our communities to adult court will ensure public accountability that justice is done.

DD/kk

Co-Chair: Senate Finance Committee  
Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

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January-May: STATE CAPITOL • JUNEAU, AK • 99801 • (907) 465-3892 • FAX: (907) 465-6595  
June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

[www.akrepublicans.org/Donley.htm](http://www.akrepublicans.org/Donley.htm) • [www.legis.state.ak.us/senate/donley.htm](http://www.legis.state.ak.us/senate/donley.htm)



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT**  
**SENATE BILL 169**  
**(4/6/01)**

**“An Act relating to nonapplicability of the delinquency laws to certain minors accused of certain crimes directed at certain victims.”**

SB 169 amends AS 47.12.030(a) to include a crime that is a felony or class A misdemeanor crime against a person directed at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin. This addition would require a minor accused of a serious, violent "hate crime" to be tried as an adult.

Violent hate crimes are particularly dangerous and destructive to our communities. This legislation ensures public accountability of those persons accused and increases deterrence of such future crimes. The juvenile justice system has no public accountability. We need public accountability for such crimes so Alaskans can be sure that justice is accomplished.

DD/kk

Co-Chair: Senate Finance Committee

Vice-Chair: Senate Judiciary Committee

Member: Legislative Budget and Audit Committee • Legislative Council

**Title 47. WELFARE, SOCIAL SERVICES AND INSTITUTIONS**  
**Chapter 47.12. DELINQUENT MINORS**

Sec. 47.12.030. Provisions inapplicable.

(a) When a minor who was at least 16 years of age at the time of the offense is charged by complaint, information, or indictment with an offense specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense for which the minor is charged or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult. If the minor is convicted of an offense other than an offense specified in this subsection, the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120. The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

- (1) that is an unclassified felony or a class A felony and the felony is a crime against a person;
- (2) of arson in the first degree; or
- (3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900 (b).

# SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/29/01

FURTHER: Finance

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

DATE TURNED  
IN TO OFFICE: 4-30-01

Judiciary Committee considered SENATE BILL NO. 169

**HATE CRIMES: AUTOMATIC WAIVER OF MINORS**

"An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain crimes against persons directed at certain victims."

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:**

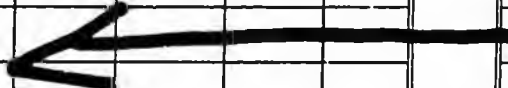
- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
JOC	4/30/01	***	-	1



APPROPRIATION - no fiscal note

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

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 169  
(S) Publish Date: 5/30/01

Revised Date/Time(if Corrected) \_\_\_\_\_ Dept. Affected: Corrections  
Title: "An Act relating to the nonapplicability of the BRU: Administration & Operations  
delinquency laws to certain minors accused of certain..... Component: Institutional Director  
Sponsor: Senator Ward  
Requester: Senate Judiciary Component Number: 1381

**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>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</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 legislation would automatically waive minors aged 16 and older into the adult system for commission of a felony crime against a person or a class A misdemeanor crime against a person, in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

At this time we have no way of knowing how many offenders might be included in this group. We are therefore submitting an indeterminate fiscal note

Prepared by: Candace Brower Phone 465-4652  
Division: Commissioner's Office Date/Time 4/30/01/9:30 am  
Approved by: Margaret Pugh Date 4/30/01  
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

SENATE FINANCE COMMITTEE

SIGN-IN

SB 169-HATE CRIMES: AUTOMATIC WAIVER OF MINORS

NAME: ROBERT BUTTCANE Subject/Bill No: SB 169  
Co./Dept./Title: DHSS. DIV. JUVENILE JUSTICE Phone: 465-3228  
Address: PO Box 110635 JUNEAU Zip: 99811

Do you wish to testify?  Yes  No  Respond To Questions

NAME: Candace Brown Subject/Bill No: SB169  
Co./Dept./Title: Dept. of Corrections Phone: 465-4652  
Address: P.O. Box 112000 Zip: 99811

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