

ALASKA LEGISLATURE

2541

HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004

109

REQUEST FOR MEDICAL PAROLE:						Updated 4/6/03
Release		Costs	Costs	Costs	Costs	
Date	Site	FY'01	FY'02	FY'03	to Date	Diagnosis
Out-of-State						
1/10/1963	AZ	\$ -	\$ 235.00	\$ 1,362.85	\$ 1,597.85	Renal failure
4/8/2003	AZ	\$ 6,540.24	\$ 53,644.05	\$ 88,133.38	\$ 148,317.67	Stroke w/L hemiplegia & ataxia
8/20/2004	AZ	\$ 196.00	\$ 360.76	\$ 208.29	\$ 765.05	Blind
9/19/2007	AZ	\$ -	\$ -	\$ -	\$ -	Abdominal mass
5/15/2020	AZ	\$ -	\$ -	\$ 48,532.02	\$ 48,532.02	
6/8/2003	AZ	\$ -	\$ -	\$ 6,966.37	\$ 6,966.37	CAD, HTN
10/2029	WA	\$ 259,752.00	\$ 85,618.00	\$ 38,543.40	\$ 383,913.40	Renal kidney failure - on dialysis
2011	WA	\$ -	\$ -	\$ 221,823.15	\$ 221,823.15	Paraplegia from DOC car accident
2/11/2003	Deceased	\$ 6,346.31	\$ 18,632.60	\$ 54,625.42	\$ 79,604.33	
5/4/2004	AZ	\$ -	\$ -	\$ 4,395.17	\$ 4,395.17	Cancer w/2 reoccurences
9/24/2008	WA	\$ -	\$ 80,315.04	\$ 20,570.00	\$ 100,885.04	Stroke w/residual disability
9/7/2003	AZ	\$ -	\$ 881.43	\$ 3,821.46	\$ 4,702.89	Lung lesion
7/2025	AZ	\$ 8,565.76	\$ 2,321.55	\$ 20,588.67	\$ 31,475.98	Multiple aortic aneurysms; kidney disease
		\$ 281,400.31	\$ 242,008.43	\$ 509,570.18	\$ 1,032,978.92	\$2,065,958



Sec. 33.16.085 Special medical parole.

(a) Notwithstanding a presumptive, mandatory, or mandatory minimum term a prisoner may be serving or any restriction on parole eligibility under AS 12.55, a prisoner who is serving a term of at least 181 days, may, upon application by the prisoner or the commissioner be released by the board on special medical parole if the board determines

(1) for a prisoner convicted of

(A) an offense other than a violation of AS 11.41.434 - 11.41.438, that the prisoner is severely medically disabled or a quadriplegic as certified in writing by a physician licensed under AS 08.64, was not severely medically disabled or a quadriplegic at the time the prisoner committed the offense or parole or probation violation for which the prisoner is presently incarcerated; or

(B) a violation of AS 11.41.434 - 11.41.438, that the prisoner is a quadriplegic as certified by a physician licensed under AS 08.64 and was not a quadriplegic at the time the prisoner committed the offense or parole or probation violation for which the prisoner is presently incarcerated; and

(2) that a reasonable probability exists that

(A) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;

(B) because of being severely medically disabled or a quadriplegic, the prisoner will not pose a threat of harm to the public if released on parole; and

(C) release of the prisoner on parole would not diminish the seriousness of the crime.

(b) If the board finds a change in circumstances or discovers new information concerning a prisoner who has been granted a special medical parole release date, the board may rescind or revise the previously granted parole release date.

(c) The board shall issue its decision to grant or deny special medical parole, or to rescind or revise the release date of a prisoner granted special medical parole, in writing and provide a basis for the decision. A copy of the decision shall be provided to the prisoner.

Provided by Rep. Harris



⊕ Sec 11.41.410. Sexual assault in the first degree.

(a) An offender commits the crime of sexual assault in the first degree if

(1) the offender engages in sexual penetration with another person without consent of that person;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state; or

(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55.





Sec. 11.41.420. Sexual assault in the second degree.

(a) An offender commits the crime of sexual assault in the second degree if

(1) the offender engages in sexual contact with another person without consent of that person;

(2) the offender engages in sexual contact with a person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state;

(3) the offender engages in sexual penetration with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed; or

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the second degree is a class B felony.



→ Sec. 11.41.425. Sexual assault in the third degree.

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the third degree is a class C felony.



Sec. 11.41.434. Sexual abuse of a minor in the first degree.

(a) An offender commits the crime of sexual abuse of a minor in the first degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.41.436. Sexual abuse of a minor in the second degree.

(a) An offender commits the crime of sexual abuse of a minor in the second degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least three years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least three years younger than the offender to engage in sexual penetration with another person;

(2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.435 (a)(2) - (6); or

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the

offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the second degree is a class B felony.

Sec. 11.41.438. Sexual abuse of a minor in the third degree.

(a) An offender commits the crime of sexual abuse of a minor in the third degree if

(1) being 16 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the third degree is a class C felony.



Sec. 33.16.087. Rights of certain victims in connection with special medical parole.

(a) If the victim of a crime against a person or arson in the first degree requests notice of a scheduled hearing to review or consider special medical parole for a prisoner convicted of that crime, the board shall send notice of the hearing to the victim at least 30 days before the hearing. The notice must be accompanied by a copy of the prisoner's or commissioner's application for parole submitted under AS 33.16.085. However, the copy of the application sent to the victim may not include the prisoner's proposed residence and employment addresses.

(b) A victim who requests notice under this section shall maintain a current, valid mailing address on file with the board. The board shall send the notice required by this section to the last known address of the victim. The victim's address may not be disclosed to the prisoner or the prisoner's attorney.

(c) The victim has a right to attend meetings of the parole board in which the status of the prisoner convicted of the crime against that victim is officially considered and to comment, in writing or in person, on the proposed action of the board. Copies of any written comments shall be provided to the prisoner and the prisoner's attorney before action by the board.

(d) The board shall consider the comments presented under (c) of this section in deciding whether to release the prisoner on special medical parole.

(e) If the victim requests, the board shall make every reasonable effort to notify the victim as soon as practicable in writing of its decision to grant or deny special medical parole. The notice under this subsection must include the expected date of the prisoner's release, the geographic area in which the prisoner is required to reside, and other pertinent information concerning the prisoner's conditions of parole that may affect the victim.



Sec. 33.16.900 Definitions.

In this chapter

- (1) "board" means the board of parole;
- (2) "commissioner" means the commissioner of corrections;
- (3) "controlled substance" means a drug, substance, or immediate precursor included in the schedules set out in AS 11.71.140 - 11.71.190;
- (4) "crime against a person" has the meaning given in AS 33.30.901 ;
- (5) "crime involving domestic violence" and "domestic violence" have the meanings given in AS 18.66.990 .
- (6) "department" means the Department of Corrections;
- (7) "discretionary parole" means the release of a prisoner by the board before the expiration of a term, subject to conditions imposed by the board and subject to its custody and jurisdiction; "discretionary parole" does not include "special medical parole";
- (8) "mandatory parole" means the release of a prisoner who was sentenced to one or more terms of imprisonment of two years or more, for the period of good time credited under AS 33.20, subject to conditions imposed by the board and subject to its custody and jurisdiction;
- (9) "parolee" means a prisoner, sentenced to one or more terms of imprisonment exceeding 180 days in the case of discretionary parole and of two years or more in the case of mandatory parole, released by the board or by operation of law before the expiration of the term, subject to the custody and jurisdiction of the board;
- (10) "prisoner" means an offender confined for a violation of state law, but does not include a person confined under AS 47;
- (11) "severely medically disabled" means that a person has a medical condition that substantially eliminates the physical ability to commit an offense similar to the offense for which the person was convicted or to commit an offense in violation of AS 11.41 that is punishable as a felony, and the person is likely to
 - (A) remain subject to the medical condition throughout the entire period of parole; or
 - (B) die from the medical condition;
- (12) "special medical parole" means the release by the board before the expiration of a term, subject to conditions imposed by the board and subject to its custody and jurisdiction, of a prisoner who is severely medically disabled or a quadriplegic.

(13) "victim" has the meaning given in AS 12.55.185 .



Sec. 33.30.017. Fees for utilities services for prisoners.

(a) The commissioner shall establish a reasonable utility fee for electrical utilities that are used by prisoners who are confined in a state correctional facility.

(b) The commissioner shall

(1) charge each prisoner who possesses at least one major electrical appliance the utility fee established in (a) of this section; the commissioner may deduct the utility fee monthly from the account established for a prisoner into which money due the prisoner for labor is paid; if a prisoner is indigent, the commissioner shall make the deduction from any amount credited to the indigent inmate's account;

(2) if available from legislative appropriation, expend money deducted and collected under (1) of this subsection to offset the cost of the department's utility expenses; the commissioner shall annually report on the amounts that are collected and expended under this paragraph.

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

(1) who are

(A) developmentally disabled; or

(B) severely medically disabled, as that term is defined in AS 33.16.900;

(2) who are housed in a mental health unit or psychiatric unit of a state correctional facility; or

(3) while placed in a state correctional facility awaiting classification under classification procedure; for the purpose of making the appropriate assignment of the prisoner.

SENATE FINANCE COMMITTEE

SIGN-IN

HB 229-PAROLE FOR MEDICAL/COGNITIVE DISABILITY

NAME: Angela Salerno Subject/Bill No: HB229
Co./Dept./Title: DHSS/DPA- Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Ethan Falatko Subject/Bill No: Amendment
Co./Dept./Title: Dept of LAW Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Kevin Henderson Subject/Bill No: HB 229
Co./Dept./Title: DHSS, DIV. MEDICAL ASST. Phone: 465-5821
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions about Medicaid

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

HB 229-PAROLE FOR MEDICAL/COGNITIVE DISABILITY

✓ NAME: DOUGLAS BRUCE Subject/Bill No: _____
Co./Dept./Title: Dir. Div. of Public Health Phone: 907-223-5766
Address: 1045 Potomac Ave., Anch. Zip: 99503
Do you wish to testify? Yes No Respond To Questions

✓ NAME: Angela Salerno Subject/Bill No: HB 229
Co./Dept./Title: DHSS / DPA Phone: 3200
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

SITE: ANCHORAGE LIO

COMMITTEE: SFIN

DATE: 5-10-03

SUBJECT OF MEETING:

HB229

UPDATE #: 1

PLEASE SIGN IN

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT
TO TESTIFY?
Y OR N

✓ **Dr. Beth Funk**

DHSS/DPH

Y-HB229

Email address:

Email address:

Email address:

Email address:

Email address:

Email address:

Email address:

HB

232

HFIN

FILE

ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

Session:
State Capitol Building
Juneau, Alaska 99801
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Fax 907-465-3472
1-800-665-2689
Rep.Paul.Seaton@legis.state.ak.us

Interim:
345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-1008

Sponsor Statement

HB 232

"An Act relating to mercury classics; and providing for an effective date."

House Bill 232 will allow the Homer Chapter of the Kenai Peninsula Boys and Girls Club to operate and implement the "Homer Mercury Classic." As you may know, classics are not permitted under a gaming permit without legislation allowing a specific group or area to conduct one. There are many classics in Alaskan Statute, ranging from ice classics to a canned salmon classic. Currently, the Greater Fairbanks Chamber of Commerce is the only organization allowed under Alaskan law to conduct a "mercury classic."

The "Homer Mercury Classic" will be held bi-annually, with winnings awarded in the spring to the person who most accurately guesses when the temperature reaches 55 degrees Fahrenheit. The other cash prize will be given to the person who most closely guesses the time and date that the mercury drops to 15 degrees Fahrenheit each fall. Each entry into the classic will cost \$2. The proceeds from the classic will be divided evenly between the Boys and Girls Club of Homer and the classic winner.

Members of the Boys and Girls Club, who already have the necessary equipment and expertise to manage the operation, will monitor the temperature hourly through a weather station at the Homer Clubhouse. The program that inspired this classic is called GLOBE, which stands for Global Learning and Observation to Benefit the Environment. GLOBE is an international program in association with the National Aeronautics and Space Administration, National Science Foundation, U.S. Environmental Protection Agency and the U.S. State Department. The data collected from schools and other groups around the world are deposited into a database that is accessed by the aforementioned organizations to assist atmospheric scientists in their work. This program allows children to participate in scientific processes, while earning money for their program in a fun, non-competitive and educational way.

Three hundred, primarily seven to twelve year-olds, are involved in the Homer Chapter of the Boys and Girls Club. The "Clubhouse" provides an excellent place for kids to "hang-out" in a safe and learning friendly environment. In light of dwindling



FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 232
 (H) Publish Date: 4/28/2003

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title: Homer Mercury Classic BRU: Revenue Operations
 Component: _____
 Sponsor: Representative Seaton
 Requester: House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has no fiscal impact on state spending.

Prepared by: Representative Tom Anderson Phone: _____
 Division: Chair, House Labor & Commerce Committee Date/Time: 4/28/03 11:42 AM
 Approved by: Representative Tom Anderson Date: 4/28/2003
 Agency: House Labor & Commerce Committee

ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

Session:
State Capitol Building
Juneau, Alaska 99801
Phone 907-465-2689
Fax 907-465-3472
1-800-665-2689
Rep.Paul.Seaton@legis.state.ak.us

Interim:
345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-4008

State revenues, this will be a valuable fundraiser when other sources of monetary support cannot be guaranteed. The "Homer Mercury Classic" will help to ensure funds that will allow the Club to stay open and fully staffed for years to come.



ALASKA STATE LEGISLATURE

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Homer, Alaska 99603
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Sectional Analysis

HB 232

"An Act relating to mercury classics; and providing for an effective date."

***Section 1.**

- (a) Amends Alaska Statute (AS 05.15.690(27)), by expanding the statute to allow the Boys and Girls Club of the Kenai Peninsula to conduct a mercury classic under their existing gaming permit.
- (b) This mercury classic will be called the "Homer Mercury Classic."

***Section 2.**

Provides the effective date of January 1, 2004 for the act to take effect under AS 01.10.070(c).





Office of the Mayor

(907) 235-8121

Fax 235-3140

Jack Cushing

Homer City Hall 491 E. Pioneer Avenue • Homer, Alaska 99603-7624

April 7, 2003

Honorable Representative Paul Seaton
State Capital Room 428
Juneau, AK 99802

Honorable Representative Seaton:

Thank you for sponsoring House Bill 232 for the Homer Mercury Classic.

On behalf of the City of Homer, Homer City Council and Homer's citizenry. I submit this letter in support of House Bill 232 authorizing the Homer Mercury Classic, which will be operated and administered by the Boys and Girls Club of the Kenai Peninsula.

The City of Homer and greater Homer Community is very supportive of the Homer Boys and Girls Club as well as the Kenai Peninsula Boys and Girls Club.

The Homer City Council has continually voiced their support of the Boys and Girls Club and authorized a lease for use of one of the City Facilities.

Sincerely,

CITY OF HOMER

Jack Cushing, Mayor of the City of Homer

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



BOYS & GIRLS CLUBS

of the Kenai Peninsula, Kenai Unit
705 Frontage Road, Suite B

Kenai, Alaska 99611

e-mail: info@positiveplaceforkids.com

Website: positiveplaceforkids.com

(907) 283-2682

(907) 283-8190 fax

April 9, 2003

Representative Paul Seaton
Alaska State Legislature
State Capitol, Room 428
Juneau, Alaska 99802

Dear Representative Seaton:

The Board of Directors of the Boys & Girls Club of the Kenai Peninsula strongly supports the staff of our Homer Unit in their efforts to hold Mercury Classic fundraisers at their Club site. Our Homer Unit has a weather station and all the equipment necessary to measure the exact time and date the temperature reaches a certain temperature. Homer Club members of all ages will be actively involved in accurately recording the time and temperature changes. This educational component of the Classic was the main reason this fundraiser was chosen by the Homer Club staff over other fundraising activities.

At the December 4, 2002 Boys & Girls Club of the Kenai Peninsula Board of Directors' Meeting, our Board of Directors voted unanimously to support the motion "to allow the Homer Unit staff to proceed with the steps necessary to hold a Mercury Classic." Therefore, we respectfully request that you support House Bill No. 232 and allow the Boys & Girls Club of the Kenai Peninsula's Homer Unit to conduct a Mercury Classic.

Thank you for your assistance.

Sincerely,

Mike Navarre
Immediate Past President
Boys & Girls Club Board of Directors

Peter Micciche
Board President
Boys & Girls Club Board of Directors

MN/PM:kwl

The Positive Place For Kids





BOYS & GIRLS CLUBS

of the Kenai Peninsula - Homer

PO Box 2570

Homer, AK 99803 907-235-2772 fax 907-235-2956

For 140 years, the Boys & Girls Clubs of America have existed "To inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens."

The Boys & Girls Clubs of the Kenai Peninsula opened the doors of its Homer Unit just over 3 years ago. Since that time we have grown to accommodate over 300 members, and support a staff of nine part time employees. This is an expensive stretch for a non-profit budget that has six clubs to support within the Kenai Peninsula.

To assist in the financing of the overall budget, and specifically our local Club, the Homer Unit is seeking to create a fundraising program that would generate a continual influx of income. After two years of speculation and research, it was decided that holding a bi-annual "Mercury Classic" was a good choice for the Boys & Girls Club of Homer because the Club members themselves could become an integral part of the process, including monitoring the weather station, collecting and downloading data onto the computer, and graphing ongoing temperature fluctuations. The Homer Clubhouse Director has completed the required training for "GLOBE," which is an organization that collects, records, and posts weather data on an international level. In addition, the Homer Clubhouse already has the equipment necessary to support the scientifically accurate collection of data required.

Logistically, temperatures will be automatically recorded every hour of every day, and downloaded into the database. For the Autumn Mercury Classic, participants will pay \$2 to guess when the temperature will first reach +15 degrees. For the Spring Mercury Classic, the \$2 will buy the chance to guess when the temperature will first reach +55 degrees.

The prize money, after expenses, will be split 50-50 between the winning participant(s) and the Club. All aspects of the contest will be run in a responsible and professional manner, and all financial records and scientific data will be available for public access and review.

We propose that the existing permit belonging to the Boys & Girls Clubs of the Kenai Peninsula be amended to include a Mercury Classic. It is understood that this permit would allow ANY of the Boys & Girls Clubs of the Kenai Peninsula to hold a Mercury Classic. The Homer Unit may merely be the first.

Supporting the Boys & Girls Clubs is an investment in the future of our children, our families and our community. Please help us attain this important funding source.

Thank you for your time and consideration,

DeWaine Tollefsrud - Clubhouse Director
Boys and Girls Club of the Kenai Peninsula - Homer Unit

HB

232

SFIN

FILE

REPORTED BY
MAY 13 2003
SENATE FINANCE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/16/03

FURTHER:

DATE TURNED IN TO OFFICE: 18 May 2003

Finance Committee considered

HOUSE BILL NO. 232

HB 232 HOMER MERCURY CLASSIC

"An Act relating to mercury classics; and providing for an effective date."

and recommends:

be replaced with S CS HB 232 (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 # _____

SCR forthcoming

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

Department	Date	Fiscal	Zero	FN#
Revenue	4/28/03		✓	#1

APPROPRIATION - no fiscal note

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

FISCAL NOTE

REPORTED OUT
 MAY 7 8 2003
 SENATE FISCAL OFFICE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 232
 (H) Publish Date: 4/28/2003

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
 Title: Homer Mercury Classic BRU: Revenue Operations
 Component: _____
 Sponsor: Representative Seaton
 Requester: House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has no fiscal impact on state spending.

Prepared by: Representative Tom Anderson Phone: _____
 Division: Chair, House Labor & Commerce Committee Date/Time: 4/28/03 11:42 AM
 Approved by: Representative Tom Anderson Date: 4/28/2003
 Agency: House Labor & Commerce Committee

.SENATE FINANCE
COMMITTEE
Amendment Number: #1
Bill Number: HB 232
Sponsor: Olson Date: 5/18/03
Logged In By: Mindy

23-LS0875VA.4
Luckhaupt
5/18/03

AMENDMENT Sen. Olson

OFFERED IN THE SENATE
TO: HB 232

- 1 Page 1, line 1, following "Act":
- 2 Insert "relating to contests of skill under the charitable gaming laws;"
- 3
- 4 Page 1, following line 2:
- 5 Insert a new bill section to read:
- 6 ** Section 1. AS 05.15.180(g) is amended to read:
- 7 (g) A municipality or a qualified organization may award a maximum of
- 8 \$1,000,000 in prizes each year in activities authorized under this chapter; however, if a
- 9 municipality or a qualified organization contracts with an operator to conduct on its
- 10 behalf activities authorized under this chapter, the municipality or qualified
- 11 organization may award a maximum of \$500,000 in prizes each year. A municipality
- 12 or a qualified organization that conducts a contest of skill and awards more than
- 13 \$500,000 in prizes to the participants in that contest of skill, may exclude
- 14 \$500,000 in prizes awarded to those participants from the \$1,000,000 maximum
- 15 allowed in this subsection. The holders of a multiple-beneficiary permit under
- 16 AS 05.15.100(d) may award a maximum in prizes each year of \$1,000,000 times the
- 17 number of holders of the permit for activities authorized under this chapter. In this
- 18 subsection "activities authorized under this chapter" means all activities subject to this
- 19 chapter other than bingo."
- 20
- 21 Page 1, line 3:
- 22 Delete "Section 1"
- 23 Insert "Sec. ?"

- 1
- 2 Renumber the following bill section accordingly.



Iditarod Trail Sled Dog Race

P.O. Box 870800
Wasilla, Alaska 99687-8700
(907) 376.5155 (voice) • (907) 373-6998 (facsimile)
www.iditarod.com

VIA FACSIMILE – 907.465.4821

May 17, 2003

Senator Donny Olson
ALASKA STATE LEGISLATURE
State Capitol
Juneau, AK 99801-1182

Dear Senator Olson:

Over the years, Alaska's Iditarod has worked diligently to generate revenues from sources that would isolate it from the influence of outside entities whose stated purpose is to severely limit or eliminate Alaska's Official Sport.

For whatever reason, the State of Alaska considers the Iditarod Sled Dog Race itself, a Game of Skill and Chance. As such, we are currently required to obtain a state gaming permit to conduct the race. In addition to conducting the race, the Iditarod also conducts raffles to provide additional funding to the Race.

As the size of the race purse has grown, considering the combined revenues of our skill and chance activities, we are dangerously close to the \$1 million limit contained in state law. Without some relief, we will be forced to limit the purse. Limiting the raffle would in essence limit the purse itself, as sufficient funding for prize payout could not be generated.

This past year, we paid out \$600,000 to the top 30 finishers. In addition, we gave away a total of \$301,131 in prizes.

PRIZES DISTRIBUTED	2003	2004
PRIZE MONEY TO TOP 30 FINISHERS	\$600,000.00	\$700,000.00 *
WINTER RAFFLE	\$200,048.00	\$225,000.00
SUMMER RAFFLE	\$101,083.00	\$125,000.00
TOTAL	\$903,134.00	\$1,052,004.00
PERMIT LIMIT	\$1,000,000.00	\$1,000,000.00
UNDER/(OVER) PERMIT LIMIT	\$96,866.00	(\$52,004.00)*
PROJECTED *		

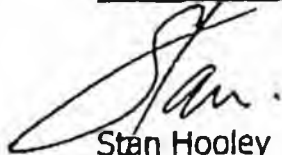
Senator Donny Olson
May 17, 2003
Page 2

Our short-term goal is to be successful enough in our various fundraising activities to pay out a \$700,000 purse for the 2004 race. Additionally, we continue to increase the value of prizes given away from our raffles. As you can see, there is the very real chance we will exceed the \$1 million limit next year.

Thank you for your consideration and assistance regarding this matter. Please contact me at 907.352.2204 if I can be of further assistance.

Sincerely yours for,

THE IDITAROD TRAIL COMMITTEE, INC.



Stan Hooley
Executive Director



Iditarod Trail Sled Dog Race

P.O. Box 870801
Wasilla, Alaska 99687-8701
(907) 376.5155 (voice) - (907) 373-6998 (facsimile)
www.iditarod.com

Board of Directors

President
Rick Koch

Vice-President
John Handeland

Secretary
Dick Westlund

Treasurer
Rick Swenson

Director
Richard Burnmeister

Director
Lee Larsen

Director
Sam Maxwell

Director
Mike Owens

Director
Dan Scavey

Director Emeritus
Joe Redington, Sr.

May 6, 2003

Senator Donny Olson
ALASKA STATE LEGISLATURE
State Capitol
Juneau, AK 99801-1182

Dear Senator Olson:

Over the years, Alaska's Iditarod has worked diligently to generate revenues from sources that would isolate it from the influence of outside entities whose stated purpose is to severely limit or eliminate Alaska's Official Sport.

For whatever reason, the State of Alaska considers the Iditarod Sled Dog Race a Game of Skill and Chance. As such, we are required to obtain a state gaming permit to conduct the race. In addition to conducting the race, the Iditarod also conducts raffles to provide additional funding to the Race.

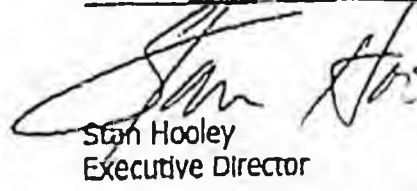
As the size of the race purse has grown, considering the combined revenues of our skill and chance activities, we are dangerously close to the \$1 million limit contained in state law. Without some relief, we will be forced to limit the purse. (Limiting the raffle would in essence limit the purse itself, as sufficient funding for prize payout could not be generated.)

With recent changes in technology utilized for communication, state law also hampers the Iditarod in its advertising efforts for raffles. Despite increased expenditures for print advertising, raffle sales this year lagged behind prior years. For the first time all raffle tickets were not sold prior to the drawing taking \$15,000 out of our budget. We would request that legislation be enacted allowing the Iditarod to utilize electronic methods, i.e. the Internet, and radio and television as alternate methods of promoting its raffle.

Thank you for your consideration. Please contact me at 907.352.2204 if I can be of further assistance.

Sincerely yours for,

THE IDITAROD TRAIL COMMITTEE, INC.



Stan Hooley
Executive Director

Executive Director
Stan Hooley
Post Office Box 870800
Wasilla, AK 99687
907.352.2204 voice
907.373.6998 facsimile
shooley@iditarod.com

cc: Rep. Richard Foster



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 18 May 2003 TIME: ~~4:15~~ ^{1:30} 4:15 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 HB 232 23-LS0875 \ A
plus one amendment \ A.4
Lockhart 5/18/03

Thanks
Mindy

SENATE CS FOR HOUSE BILL NO. 232(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SEATON, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to contests of skill under the charitable gaming laws; relating to
2 mercury classics; and providing for an effective date."

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

4 * Section 1. AS 05.15.180(g) is amended to read:

5 (g) A municipality or a qualified organization may award a maximum of
6 \$1,000,000 in prizes each year in activities authorized under this chapter; however, if a
7 municipality or a qualified organization contracts with an operator to conduct on its
8 behalf activities authorized under this chapter, the municipality or qualified
9 organization may award a maximum of \$500,000 in prizes each year. A municipality
10 or a qualified organization that conducts a contest of skill and awards more than
11 \$500,000 in prizes to the participants in that contest of skill, may exclude
12 \$500,000 in prizes awarded to those participants from the \$1,000,000 maximum
13 allowed in this subsection. The holders of a multiple-beneficiary permit under
14 AS 05.15.100(d) may award a maximum in prizes each year of \$1,000,000 times the

Amend.
#1

1 number of holders of the permit for activities authorized under this chapter. In this
2 subsection "activities authorized under this chapter" means all activities subject to this
3 chapter other than bingo.

4 * Sec. 2. AS 05.15.690(27) is amended to read:

5 (27) "mercury classic" means a game of chance where a prize of
6 money is awarded for the closest guess of the time the temperature reaches a certain
7 degree and is limited to the

8 (A) Homer Mercury Classic operated and administered by
9 the Boys and Girls Club of the Kenai Peninsula; and

10 (B) mercury classic operated and administered by the Greater
11 Fairbanks Chamber of Commerce or jointly, in the discretion of the Greater
12 Fairbanks Chamber of Commerce, by the Greater Fairbanks Chamber of
13 Commerce and the Fairbanks Convention and Visitors' Bureau;

14 * Sec. 3. This Act takes effect January 1, 2004.

SENATE FINANCE COMMITTEE
5/18/2003 COMMITTEE ACTION

Bill Number	HB 282		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Olson		
<u>Objection by</u>	Wilken		
Removed	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Bunde			
Senator Hoffman			
Senator Olson			
Senator Stevens			
Senator Taylor			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

Session:
State Capitol Building
Juneau, Alaska 99801
Phone 907-465-2689
Fax 907-465-3472
1-800-665-2689

Rep.Paul.Seaton@legis.state.ak.us

Interim:
345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-1008

Sponsor Statement

HB 232

"An Act relating to mercury classics; and providing for an effective date."

House Bill 232 will allow the Homer Chapter of the Kenai Peninsula Boys and Girls Club to operate and implement the "Homer Mercury Classic." As you may know, classics are not permitted under a garning permit without legislation allowing a specific group or area to conduct one. There are many classics in Alaskan Statute, ranging from ice classics to a canned salmon classic. Currently, the Greater Fairbanks Chamber of Commerce is the only organization allowed under Alaskan law to conduct a "mercury classic."

The "Homer Mercury Classic" will be held bi-annually, with winnings awarded in the spring to the person who most accurately guesses when the temperature reaches 55 degrees Fahrenheit. The other cash prize will be given to the person who most closely guesses the time and date that the mercury drops to 15 degrees Fahrenheit each fall. Each entry into the classic will cost \$2. The proceeds from the classic will be divided evenly between the Boys and Girls Club of Homer and the classic winner.

Members of the Boys and Girls Club, who already have the necessary equipment and expertise to manage the operation, will monitor the temperature hourly through a weather station at the Homer Clubhouse. The program that inspired this classic is called GLOBE, which stands for Global Learning and Observation to Benefit the Environment. GLOBE is an international program in association with the National Aeronautics and Space Administration, National Science Foundation, U.S. Environmental Protection Agency and the U.S. State Department. The data collected from schools and other groups around the world are deposited into a database that is accessed by the aforementioned organizations to assist atmospheric scientists in their work. This program allows children to participate in scientific processes, while earning money for their program in a fun, non-competitive and educational way.

Three hundred, primarily seven to twelve year-olds, are involved in the Homer Chapter of the Boys and Girls Club. The "Clubhouse" provides an excellent place for kids to "hang-out" in a safe and learning friendly environment. In light of dwindling State revenues, this will be a valuable fundraiser when other sources of monetary support cannot be guaranteed. The "Homer Mercury Classic" will help to ensure funds that will allow the Club to stay open and fully staffed for years to come.



ALASKA STATE LEGISLATURE

Chair
FISHERIES

Vice-Chair
EDUCATION

Member
HEALTH, EDUCATION AND SOCIAL SERVICES

Member
STATE AFFAIRS



REPRESENTATIVE PAUL SEATON
House District 35

Session:
State Capitol Building
Juneau, Alaska 99801
Phone 907-465-2689
Fax 907-465-3472
1-800-665-2689
Rep.Paul.Seaton@legis.state.ak.us

Interim:
345 W. Sterling Highway
Suite 102B
Homer, Alaska 99603
Phone 907-235-2921
Fax 907-235-4008

Sectional Analysis

HB 232

"An Act relating to mercury classics; and providing for an effective date."

*Section 1.

- (a) Amends Alaska Statute (AS) 05.15.690(27), by expanding the statute to allow the Boys and Girls Club of the Kenai Peninsula to conduct a mercury classic under their existing gaming permit.
- (b) This mercury classic will be called the "Homer Mercury Classic."

*Section 2.

Provides the effective date of January 1, 2004 for the act to take effect.





BOYS & GIRLS CLUBS

of the Kenai Peninsula, Homer Unit

PO Box 2670 Homer, AK 99803

e-mail: bgclub@xyz.net

Phone: 907-235-2772

Fax: 907-235-2958

SUPPLEMENTAL DETAILS FOR THE HOMER MERCURY CLASSIC 5/8/03

The Homer Mercury Classic will be a run as an ongoing bi-annual fund-raising event benefiting the Boys and Girls Clubs of the Kenai Peninsula. Participants will buy tickets at \$2 each to enter their guess of the day and hour they believe the temperature will reach a certain degree. The Homer Spring Mercury Classic winner will be the person who correctly guesses, or comes the closest to guessing the first time the temperature reaches +55 degrees Fahrenheit. The Homer Autumn Mercury Classic winner will be the person who correctly guesses, or comes the closest to guessing the first time the temperature reaches +15 degrees Fahrenheit.

The temperature will be collected and determined by the "Official Computerized Data Logger" in the weather station that will be mounted on the grounds of the Boys and Girls Clubhouse in Homer. Data will be automatically recorded every hour on the hour. Hard copy records will be kept, and available for public viewing. Temperatures will be rounded to the nearest whole number.

If there are multiple winners, the prize money will be split evenly between them.

Should the temperature reach the designated degree between hours, and there is a contestant on either of the bracketed hours, that person shall win the prize money. If there are contestants on each of the bracketed hours, the prize money will be split among them. If there are multiple winners on each of the bracketed hours, the prize money will be split evenly among them. Example: If, for the Autumn Classic, the 2:00AM reading is +16 degrees F and the 3:00AM reading is +14 degrees F, and there is only one contestant who has chosen either 2 or 3 o'clock, they would receive the prize money. If there is one contestant at 2:00 and one at 3:00, the money would be split 50/50. If there is one at 2:00 and 4 at 3:00, each contestant would receive 20% of the prize money.

If the temperature does not reach the designated temperature during the designated period of time the contestant(s) who comes nearest to that temperature will be deemed the winner(s).

If the designated temperature is reached before the end of the ticket purchasing window, only the tickets processed and/or postmarked prior to the time will be eligible.

Tickets for each Classic will only be available at designated periods of time. The ticket buying window for the "Autumn Classic" will be between June 1 and September 30. The ticket buying window for the "Spring Classic" will be between December 1 and March 31. No entries will be accepted outside these periods.

The Positive Place For Kids





Office of the Mayor

(907) 235-8121
Fax 235-3140

Jack Cushing

Homer City Hall 491 E. Pioneer Avenue • Homer, Alaska 99603-7624

April 7, 2003

Honorable Representative Paul Seaton
State Capital Room 428
Juneau, AK 99802

Honorable Representative Seaton:

Thank you for sponsoring House Bill 232 for the Homer Mercury Classic.

On behalf of the City of Homer, Homer City Council and Homer's citizenry. I submit this letter in support of House Bill 232 authorizing the Homer Mercury Classic. which will be operated and administered by the Boys and Girls Club of the Kenai Peninsula.

The City of Homer and greater Homer Community is very supportive of the Homer Boys and Girls Club as well as the Kenai Peninsula Boys and Girls Club.

The Homer City Council has continually voiced their support of the Boys and Girls Club and authorized a lease for use of one of the City Facilities.

Sincerely,

CITY OF HOMER

Jack Cushing, Mayor of the City of Homer



BOYS & GIRLS CLUBS

of the Kenai Peninsula, Kenai Unit
705 Frontage Road, Suite B

Kenai, Alaska 99611

e-mail: info@positiveplaceforkids.com

Website: positiveplaceforkids.com

(907) 283-2682

(907) 233-8150 fax

April 9, 2003

Representative Paul Seaton
Alaska State Legislature
State Capitol, Room 428
Juneau, Alaska 99802

Dear Representative Seaton:

The Board of Directors of the Boys & Girls Club of the Kenai Peninsula strongly supports the staff of our Homer Unit in their efforts to hold Mercury Classic fundraisers at their Club site. Our Homer Unit has a weather station and all the equipment necessary to measure the exact time and date the temperature reaches a certain temperature. Homer Club members of all ages will be actively involved in accurately recording the time and temperature changes. This educational component of the Classic was the main reason this fundraiser was chosen by the Homer Club staff over other fundraising activities.

At the December 4, 2002 Boys & Girls Club of the Kenai Peninsula Board of Directors' Meeting, our Board of Directors voted unanimously to support the motion "to allow the Homer Unit staff to proceed with the steps necessary to hold a Mercury Classic." Therefore, we respectfully request that you support House Bill No. 232 and allow the Boys & Girls Club of the Kenai Peninsula's Homer Unit to conduct a Mercury Classic.

Thank you for your assistance.

Sincerely,

Mike Navarre
Immediate Past President
Boys & Girls Club Board of Directors

Peter Micciche
Board President
Boys & Girls Club Board of Directors

MN/PM:kwl

The Positive Place For Kids





BOYS & GIRLS CLUBS

of the Kenai Peninsula - Homer

PO Box 2570

Homer, AK 99603 907-235-2772 fax 907-235-2956

For 140 years, the Boys & Girls Clubs of America have existed "To inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens."

The Boys & Girls Clubs of the Kenai Peninsula opened the doors of its Homer Unit just over 3 years ago. Since that time we have grown to accommodate over 300 members, and support a staff of nine part time employees. This is an expensive stretch for a non-profit budget that has six clubs to support within the Kenai Peninsula.

To assist in the financing of the overall budget, and specifically our local Club, the Homer Unit is seeking to create a fundraising program that would generate a continual influx of income. After two years of speculation and research, it was decided that holding a bi-annual "Mercury Classic" was a good choice for the Boys & Girls Club of Homer because the Club members themselves could become an integral part of the process, including monitoring the weather station, collecting and downloading data onto the computer, and graphing ongoing temperature fluctuations. The Homer Clubhouse Director has completed the required training for "GLOBE," which is an organization that collects, records, and posts weather data on an international level. In addition, the Homer Clubhouse already has the equipment necessary to support the scientifically accurate collection of data required.

Logistically, temperatures will be automatically recorded every hour of every day, and downloaded into the database. For the Autumn Mercury Classic, participants will pay \$2 to guess when the temperature will first reach +15 degrees. For the Spring Mercury Classic, the \$2 will buy the chance to guess when the temperature will first reach +55 degrees.

The prize money, after expenses, will be split 50-50 between the winning participant(s) and the Club. All aspects of the contest will be run in a responsible and professional manner, and all financial records and scientific data will be available for public access and review.

We propose that the existing permit belonging to the Boys & Girls Clubs of the Kenai Peninsula be amended to include a Mercury Classic. It is understood that this permit would allow ANY of the Boys & Girls Clubs of the Kenai Peninsula to hold a Mercury Classic. The Homer Unit may merely be the first.

Supporting the Boys & Girls Clubs is an investment in the future of our children, our families and our community. Please help us attain this important funding source.

Thank you for your time and consideration,

DeWaine Tollefsrud - Clubhouse Director
Boys and Girls Club of the Kenai Peninsula - Homer Unit

SENATE COMMITTEE REPORT

DATE: 5/11/03

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/15/03

Labor and Commerce Committee considered HOUSE BILL NO. 232

HB 232 HOMER MERCURY CLASSIC

"An Act relating to mercury classics; and providing for an effective date."

and recommends:

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

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
H.C./REV	4/28		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Seelins	<i>Alphon Seelins</i>			✓	
G. Stevens	<i>[Signature]</i>	✗			
Bunde	CHAIR: <i>Bunde</i>				

HB

233

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/10/04

FURTHER:

REPORTED OUT

MAY 03 2004

SENATE FINANCE
COMMITTEE

DATE TURNED IN TO OFFICE: 3 May 2004

Finance Committee considered CS FOR HOUSE BILL NO. 233(EDU) am

HB 233 INCREASE EDUCATION FUNDING

"An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 233 (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 Change

New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#
M&VF	7/1/04	535.4			
DOEED Special School	7/1/04	520.1			
DOEED Foundation	5/1/04	8448.1			
DEED FOUNDATION	5/1/04	82053.2			5

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#

APPROPRIATION - no fiscal note

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

MAY 03 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB233CS-DMVA-AMYA
Bill Version: CSHB 233(EDU) am
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Military & Veterans' Affairs
Title Increase Education Funding BRU Alaska National Guard
Component Alaska Military Youth Academy
Sponsor Representative Wilson
Requester Military & Veterans Affairs Component No. 1969

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	224.9					
Supplies	149.9					
Equipment						
Land & Structures						
Grants & Claims	160.6					
Miscellaneous						
TOTAL OPERATING	535.4	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1007 I/A Receipts	535.4					
TOTAL	535.4	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cut: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would increase budgeted interagency receipt authority received from the Department of Education and Early Development for the Alaska Military Youth Academy (AMYA) program. Funds will be used to support the non-personal services costs of the educational program. Funding calculation increase is as follows: 157 (cadets) times 7 (residential factor) times \$419 (base allocation increase) equals \$460,481.00 plus 298 (cadets) times 0.6 (non-residential factor) times \$419 (base allocation increase) equals \$74,917.20. The total funding increase based on the statutory formula is \$535,398.20. This request amount is contained in the EED general fund fiscal note. The Military and Veterans Affairs fiscal note will allow the recording of budgeted interagency receipts for the AMYA program and is submitted for budgetary recording purposes only.

Prepared by: John Cramer, Director Phone 465-4602
Division Administrative Services Division Date/Time 3/16/04 5:33 PM
Approved by: Commissioner Craig Campbell Date 3/16/2004
Agency Department of Military and Veterans Affairs

MAY 03 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB233(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
Title "An Act increasing the base student allocation RDU K-12 Support
used in the formula for state funding of public education:.." Component Special Schools
Sponsor Rep. Wilson
Requester Senate Finance Component No. 2735

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	520.1	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	520.1	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	520.1	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	520.1	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would increase the base student allocation from \$4,169 to \$4,576. This would be an increase of \$407.

The funding for the Alaska Challenge Youth Academy is authorized under AS 14.30.740. The funding of this program is directly linked to the based student allocation set out in AS 14.17.470.

Prepared by: Eddy Jeans, School Finance Manager Phone 465-8679
Division Education Support Services Date/Time 5/3/04 8:12 AM
Approved by: _____ Date 5/3/2004
Agency Education & Early Development

ALASKA MILITARY YOUTH ACADEMY

CURRENT FY05 PROJECTION

157 x \$4169 x 7 =	4,581,731
298 x \$4169 x .6 =	745,417
less \$2,100,000	(2,100,000)
	3,227,148

SB1

157 x \$4576 x 7 =	5,029,024
298 x \$4576 x .6 =	818,189
less \$2,100,000	(2,100,000)
	3,747,213

INCREASE TO AMYA: \$ 520,065

Department of Education and Early Development

Prepared on 5/3/04

HB233 Increase to AMYA

G:\DistSup\S05Foundation\Fiscal Notes\SB1_4576increaseMilitaryspreadsh1.xls]Sheet1

Prepared by Mindy Lobaugh

MAY 03 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB233 (EDU)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
Title "An Act increasing the base student allocation RDU K-12 Support
used in the formula for state funding of public education.." Component Foundation Program
Sponsor Representative Wilson
Requester House Special Committee of Education... Component No. 141

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	84,480.1	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	84,480.1	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	84,480.1	0.0	0.0	0.0	0.0	0.0
1005 GF/Prograr Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	84,480.1	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would increase the base student allocation from \$4,169 to \$4,588. This would be an increase of \$419.

Prepared by: Eddy Jeans, School Finance Manager Phone 465-8679
Division: Education Support Services Date/Time 3/9/04 3:42 PM
Approved by: _____ Date 3/9/2004
Agency: Education & Early Development

School District	Increase to Basic Need	Change to Floor	Net Increase	Increase to Local Cap
Alaska Gateway	506,198	(138,486)	367,712	-
Aleutian Region	103,698	(41,480)	62,218	-
Aleutians East Borough	389,825	-	389,825	89,660
Anchorage	28,191,619	-	28,191,619	6,484,072
Annette Island	214,461	-	214,461	-
Bering Strait	2,164,772	-	2,164,772	-
Bristol Bay Borough	191,525	-	191,525	44,050
Chatham	222,665	-	222,665	-
Chugach	136,753	-	136,753	-
Copper River	565,608	-	565,608	-
Cordova	355,132	-	355,132	81,681
Craig	551,680	-	551,680	126,886
Delta/Greely	765,526	-	765,526	-
Denali Borough	464,856	-	464,856	106,917
Dillingham	447,781	-	447,781	102,990
Fairbanks N. Star Borough	8,951,562	-	8,951,562	2,058,860
Galena	1,477,155	(590,862)	886,293	339,746
Haines Borough	240,029	-	240,029	55,207
Hoonah	152,324	(17,373)	134,951	35,034
Hydaburg	74,658	(21,542)	53,116	17,172
Iditarod Area	433,790	(141,143)	292,647	-
Juneau Borough	3,228,973	-	3,228,973	742,663
Take	124,657	(26,110)	98,547	28,671
Kashunamiut	366,738	-	366,738	-
Kenai Peninsula Borough	5,917,717	-	5,917,717	1,361,075
Ketchikan Gateway Borough	1,535,978	-	1,535,978	353,275
Klawock	128,927	(22,501)	106,426	29,653
Kodiak Island Borough	1,866,059	-	1,866,059	429,194
Kuspuk	541,230	(31,163)	510,067	-
Lake & Peninsula Borough	626,560	(62,846)	563,714	144,108
Lower Kuskokwim	4,367,819	(1,747,127)	2,620,692	-
Lower Yukon	2,270,976	-	2,270,976	-
Mat-Su Borough	8,642,558	-	8,642,558	1,987,788
Nenana	492,836	-	492,836	113,352
Nome	625,424	-	625,424	143,848
North Slope Borough	1,884,410	-	1,884,410	-
Northwest Arctic Borough	2,332,346	-	2,332,346	536,439
Pelican	27,779	(11,111)	16,668	6,389
Petersburg	442,012	-	442,012	101,663
Pribilof	165,840	(7,901)	157,939	-
Saint Mary's	183,509	-	183,509	42,207
Sitka Borough	893,157	-	893,157	205,426
Skagway	100,103	(40,042)	60,061	-
Southeast Island	267,393	(106,958)	160,435	-
Southwest Region	840,460	-	840,460	-
Tanana	95,436	(38)	95,398	21,950
Unalaska	353,250	(141,300)	211,950	81,248
Valdez	600,414	(227,732)	372,682	-
Wrangell	258,808	-	258,808	59,526
Yakutat	105,982	(23,834)	82,148	24,375
Yukon Flats	481,649	(192,659)	288,990	-
Yukon/Koyukuk	915,063	-	915,063	-
Yup'it	523,490	(137,564)	385,926	-
Alyeska Central School	197,768	-	197,768	-
Mt. Edgecumbe High School	202,981	-	202,981	-
Total	88,209,919	(3,729,772)	84,480,147	15,955,125

Adopted

23-LS0911V
Mischel
5/2/04

SENATE CS FOR CS FOR HOUSE BILL NO. 233(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): **REPRESENTATIVES WILSON, Anderson, McGuire, Wolf, Dahlstrom, Chenault, Seaton, Gara, Croft, Ogg, Kookesh, Kapsner, Crawford, Meyer, Masek, Joule, Lynn, Guttenberg, Kohring**

SENATORS Wilken, Cowdery, Bunde, Guess, Ben Stevens, Stedman, French, Gary Stevens, Wagoner, Seekins, Elton, Olson

A BILL

FOR AN ACT ENTITLED

1 **"An Act increasing the base student allocation used in the formula for state funding of**
2 **public education; and providing for an effective date."**

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

4 *** Section 1. AS 14.17.470 is amended to read:**

5 **Sec. 14.17.470. Base student allocation. The base student allocation is**
6 **\$4,576 [\$4,169].**

7 *** Sec. 2. This Act takes effect July 1, 2004.**

SENATE FINANCE COMMITTEE
SB 13 / 2004 COMMITTEE ACTION

Bill Number	SB HB 233		
Amendment	CS "I"		
Motion	adopt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Hoffman		
<u>Removed</u>	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Olson			
Senator Stevens			
Senator Bunde			
Senator Dyson			
Senator Hoffman			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION:</u>	Pass		



Alaska State Senate

Senate Finance Committee

Official Business

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 3 May 2004 TIME: 9:30 am

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

SCS CS HB 233 (FIN)

23-LS0911\I Mischel 5/2/04

No changes

*Thx.
ci*

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 104
Juneau, AK 99801-1182
Phone: (907) 465-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT

CSHB 233 (EDU) am

“An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date.”

School districts all over the state are budget trimming to cope with inflationary factors including but not limited to greatly increased insurance costs. The legislature supports the concept of the “No Child Left Act” and it is imperative that increased funds be allocated in order to implement this act and assure that no child is left behind. In addition greatly increased costs of PERS /TRS were largely unforeseen and if additional dollars are not added to cover these increased costs that will cause direct cuts to the classroom.

Public education is charged with assuming greater responsibility at the same time they face a reduction in the purchasing power of the student dollar. Alaska cannot continue to ask its school districts to meet all these additional responsibilities with insufficient dollars; therefore additional funding is a necessity.

Providing additional funding for K-12 education this early in the session would be tremendously helpful to school districts. It would keep many school districts from having to hand out pink-slips, which cause unnecessary anxiety in schools across the state.

The substantial increase of \$419 to the base student allocation in CS House Bill 233 as amended would bring needed help to our local schools districts at this very challenging time. This would assist them in meeting and hopefully exceeding the public's expectations and demands. The time to act is now and I ask your support of CSHB 233 as amended which will raise the base student allocation to \$4,588.



STATE OF ALASKA/ LEGISLATIVE AFFAIRS AGENCY

Petersburg Legislative Information office P.O. Box 1470 Petersburg, AK 99833
Phone: 907-772-3741 Fax: 907-772-3779
Email:petersburg_lio@legis.state.ak.us

FAX TRANSMISSION

TO: SFIN
FAX: 907.465.2187
PHONE:
DATE: 3/17/2004
RE:
FROM: Psg LIO

2 pages to follow this cover -
Pls enter this testimony in to
the SFIN records for HB 233.

thx,

3-17-04

TO: Senate Finance for HB233 as amended

FROM: Sheri Wikan-Board Chair for Petersburg City Schools

Article VII, Sec 1 of the Alaska State Constitution states that the Legislature shall establish and maintain a system of public schools open to all school age children. Public education in the State is the largest entitlement program. We call upon the Governor and the Alaska Legislature to make education of our youth a top priority.

Schools have been inundated with statutes, regulations and court decisions that require additional services without accompanying appropriations. With inflation eroding purchasing power and increased expectations for services, schools are forced to respond with decreased resources. We encourage all policy makers to take responsibility for their mandates by fully funding or removing them.

Rising insurance costs is a huge concern. We urge the Alaska Legislature to begin an immediate study to determine what actions the State may undertake to mitigate these unprecedented costs. School districts have seen increases in liability, property, and workers compensation between 250% and 350%. Health insurances have also increased by 30% to 50% per year over the last five years. Insurance costs are draining badly needed resources for the classrooms and will continue to do so unless steps are taken to mitigate these uncontrolled increases.

There is an expanding federal role and responsibility in delivery of public education. The cornerstone of the presidential education policy calls for increased testing and adequate yearly progress for each student through the ESEA "No Child Left Behind" Act, and should therefore include adequate funding.

HB233**Sheri Wikan****Page 2**

Greatly increased costs of PERS/TRS were largely unforeseen and if additional dollars are not seen then cuts will be made which will directly impact the classrooms.

We urge the legislature to adopt a new method of calculating funding for individual school districts. At present local districts and local municipal governments are engaged in a high stakes guessing game every spring as the school board and the municipal assembly try to predict next fall's enrollment and on that basis set a budget. While there is not a perfect solution to this dilemma, it would certainly be helpful to know the level of state funding to count on for the coming fiscal year as the local community goes about setting a budget and signing teacher contracts.

Please support HB233 as amended which will raise the base student allocation to \$4,588 so we can give our students of Petersburg and the rest of Alaska the quality education they deserve and are entitled to. The House has taken this important step to stand up for education and I would hope that you will do the same.

SENATE FINANCE COMMITTEE

SIGN-IN

HB 233-INCREASE EDUCATION FUNDING

NAME: Michael Sigler Subject/Bill No: Increase Education Funding
Co./Dept./Title: Alaska Kids Count Phone: 780-6359
Address: 1505 Crest Court Juneau Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: Susan Pollard Subject/Bill No: HB 233
Co./Dept./Title: Alaska Kids Count Phone: 463-3653
Address: 814 Goldbelt Juneau Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Jan Carlisle Subject/Bill No: HB 233
Co./Dept./Title: _____ Phone: 789 4746
Address: 15580 Glacier Hwy Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Mary Hakala Subject/Bill No: HB 233
Co./Dept./Title: self, Alaska Kids Count! Phone: 780-4640
Address: 1606 Laurie Lane Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: Sara Roster Subject/Bill No: HB 233

Co./Dept./Title: _____ Phone: 790 2251

Address: 8313 Gladstone St Juneau Zip: 99801

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

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

HB

234

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 14, 2003

FURTHER REFERRALS:

Date of Committee Action: 4/23/03

The FINANCE Committee considered:

HB 234

HOUSE BILL NO. 234

BREW PUBS; ABC BOARD

"An Act relating to brewpubs, and continuing the existence of the Alcoholic Beverage Control Board; and providing for an effective date."

Recommends it be replaced with [] HCS or [] CS for CS HB 234 (FIN) ()
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [] New Title

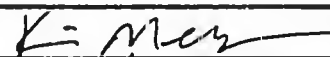




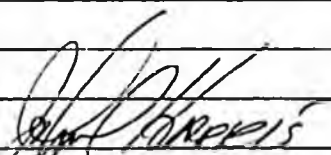

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HISS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DPS			<input checked="" type="checkbox"/>	

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
REV	1			<input checked="" type="checkbox"/>

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Meyer	<input checked="" type="checkbox"/>			
	Hawken	<input checked="" type="checkbox"/>			
	STOLTZE			<input checked="" type="checkbox"/>	
	KROTT			<input checked="" type="checkbox"/>	
	Chenault			<input checked="" type="checkbox"/>	
Chair: 	Harris	<input checked="" type="checkbox"/>			
Chair: 	Harris	<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 234(L&C)
(H) Publish Date: 4/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title Brewpubs; ABC Board BRU ABC Board
Component ABC Board
Sponsor Representative McGuire
Requester House Labor and Commerce Component No. 100

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would remove the statutory limitation on the volume of beer that a brewpub can sell to a licensed wholesaler. This change would not effect the operating expenses of the ABC Board.

This legislation also would extend the sunset date of the ABC Board from June 30, 2003 to June 30, 2006.

Prepared by: Douglas B. Griffin, Executive Director Phone 269-0350
Division Alcoholic Beverage Control Board Date/Time 4/8/03 7:28 AM
Approved by: Larry Persily, Deputy Commissioner Date 4/8/2003
Agency Department of Revenue

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 234(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Brewpubs; ABC Board BRU Statewide Support
Component Alcohol Beverage Control Board
Sponsor Representative McGuire
Requester House Finance Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	*	*	*	*	*	*
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 234(FIN) extends the repeal of the ABC Board to FY2007. FY2004 funding for the ABC Board in the Department of Public Safety is as follows:

\$755.0 of GF and \$157.5 of I/A in the following line items: PS, \$672.2; Travel, \$28.3; Contractual, \$192.1; Supplies, \$6.6; and Equipment, \$13.3.

Prepared by: Karen Morgan, Director Phone 465-5488
Division: Administrative Services Date/Time 4/24/03 9:57 AM
Approved by: Commissioner William Tandeske Date 4/24/2003
Agency: Department of Public Safety

LEGAL SERVICES

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

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

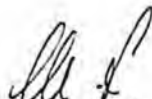
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 24, 2003

SUBJECT: Alcoholic Beverage Control Board (CSHB 234(FIN))

TO: Representative Bill Williams
Co-Chair of the House Finance Committee
Attn: Tim

FROM: Michael F. Ford 
Legislative Counsel

The CS you requested is enclosed. I wanted to point out additional changes required as a result of adding sec. 1 to the bill. By moving the ABC board to the Department of Public Safety, an existing provision of law, AS 44.25.020(4), which provides for clerical support to the board from the Department of Revenue, should be repealed.

Also, conforming changes should be made in AS 04.06.090(c) to remove the reference to the Department of Revenue. The committee may also want to look at AS 04.11.590 and AS 04.11.610 to see if references to the "Department of Revenue" are still appropriate.

Please contact me if you have further questions.

MFF:med
03-435.med

Enclosure

Amendments

Section 1 –

Pg. 2, Lines 6-8

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales under this paragraph may not exceed 15,000 gallons [OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER].

Should be amended to read:

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales under this paragraph may not exceed 15,000 gallons OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER.

Section 2 –

Pg. 2, Lines 24-27

(B) to a wholesaler licensed under AS 04.11.160; sales under this subparagraph may not exceed 15,000 gallons [OR THE AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER];

Should be amended to read:

(B) to a wholesaler licensed under AS 04.11.160; sales under this subparagraph may not exceed 15,000 gallons OR THE AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER;

Rep. Stoltze

CS HB 234 (L&C)

Amendment No. 1

*Section . AS 04.06.010 is amended to read:

Sec. 04.06.010. Establishment of board. There is established in the Department of Public Safety the [THE] Alcoholic Beverage Control Board [IS ESTABLISHED] as a regulatory and quasi-judicial agency. [THE BOARD IS IN THE DEPARTMENT OF REVENUE, BUT FOR ADMINISTRATIVE PURPOSES ONLY.]

Rep. Stoltze

CS HB 234 (L&C)

Amendment No. 2

*Sec. . AS 04.06.020 is amended to read:

Sec. 04.06.020. Appointment and qualifications. The board consists of seven [FIVE] members: the commissioner of public safety, the commissioner of revenue, and five members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. Two members of the board shall be persons actively engaged in the alcoholic beverage industry, except that no member may hold a wholesale license or be an officer, agent, or employee of a wholesale alcoholic beverage enterprise. No three members of the board may be engaged in the same business, occupation, or profession. At least three members of the board shall represent the general public. A board member representing the general public or an immediate family member of a board member representing the general public may not have any financial interest in the alcoholic beverage industry. In this section, "immediate family member" means a spouse, child, or parent.

*Sec. . AS 04.06.030 is amended to read:

Sec. 04.06.030. Terms of office; chair. (a) The commissioners of public safety and revenue shall serve as members during their tenure as commissioner. The other m[M]embers of the board shall be appointed for overlapping terms of three years.

(b) Except for the commissioners of public safety and revenue, a [A] vacancy occurring in the membership of the board shall be filled within 30 days by appointment of the governor for the unexpired portion of the vacated term.

(c) The board shall select a chairman from among its members.

*Sec. . AS 04.06.060 is amended to read:

Sec. 04.06.060. Quorum and majority. Four [THREE] members of the board constitute a quorum for the conduct of business, except that a majority of the whole membership of the board must approve all applications for new licenses, and all renewals, transfers, suspensions, and revocations of existing licenses. If a majority of the board is present and voting, the director, with the consent of the members present, may cast a tie-breaking vote.

Rep. Stolte

CS HB 234 (L&C)

Amendment No. 3

*Sec. . AS 04.06.110 is amended to read:

Sec. 04.06.110. Peace officer powers. The director and the persons employed for the administration and enforcement of this title may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the [CRIMINALLY PUNISHABLE PROVISIONS OF THIS TITLE,] regulations of the board[, AND OTHER CRIMINALLY PUNISHABLE LAWS AND REGULATIONS, INCLUDING INVESTIGATION OF VIOLATIONS OF LAWS AGAINST PROSTITUTION AND PROMOTING PROSTITUTION DESCRIBED IN AS 11.66.100 - 11.66.130 AND LAWS AGAINST GAMBLING, PROMOTING GAMBLING, AND RELATED OFFENSES DESCRIBED IN AS 11.66.200 - 11.66.280].

Rep. Stoltze

CS HB 234 (L&C)

Amendment No. 2 3

Withdraw

*Sec. . AS 04.06.020 is amended to read:

Sec. 04.06.020. Appointment and qualifications. The board consists of seven [FIVE] members: the commissioner of public safety, the commissioner of revenue, and five members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member of the board may not hold any other state or federal office, either elective or appointive. Two members of the board shall be persons actively engaged in the alcoholic beverage industry, except that no member may hold a wholesale license or be an officer, agent, or employee of a wholesale alcoholic beverage enterprise. No three members of the board may be engaged in the same business, occupation, or profession. At least three members of the board shall represent the general public. A board member representing the general public or an immediate family member of a board member representing the general public may not have any financial interest in the alcoholic beverage industry. In this section, "immediate family member" means a spouse, child, or parent.

except
Commissioners

*Sec. . AS 04.06.030 is amended to read:

Sec. 04.06.030. Terms of office; chair. (a) The commissioners of public safety and revenue shall serve as members during their tenure as commissioner. The other m[M]embers of the board shall be appointed for overlapping terms of three years.

(b) Except for the commissioners of public safety and revenue, a [A] vacancy occurring in the membership of the board shall be filled within 30 days by appointment of the governor for the unexpired portion of the vacated term.

(c) The board shall select a chairman from among its members.

*Sec. . AS 04.06.060 is amended to read:

Sec. 04.06.060. Quorum and majority. Four [THREE] members of the board constitute a quorum for the conduct of business, except that a majority of the whole membership of the board must approve all applications for new licenses, and all renewals, transfers, suspensions, and revocations of existing licenses. If a majority of the board is present and voting, the director, with the consent of the members present, may cast a tie-breaking vote.

Rep. Stoltze
CS HB 234 (L&C)

Order Keel

Amendment No. ~~3~~ 4

*Sec. . AS 04.06.110 is amended to read:

Sec. 04.06.110. Peace officer powers. The director and the persons employed for the administration and enforcement of this title may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the [CRIMINALLY PUNISHABLE PROVISIONS OF THIS TITLE,] regulations of the board[, AND OTHER CRIMINALLY PUNISHABLE LAWS AND REGULATIONS, INCLUDING INVESTIGATION OF VIOLATIONS OF LAWS AGAINST PROSTITUTION AND PROMOTING PROSTITUTION DESCRIBED IN AS 11.66.100 - 11.66.130 AND LAWS AGAINST GAMBLING, PROMOTING GAMBLING, AND RELATED OFFENSES DESCRIBED IN AS 11.66.200 - 11.66.280].

House Finance Committee Vote Sheet

Adopted

DATE:

Title Change

SUBJECT:

HB 234 Amend #5

MEMBER

*Conceptual Amendment to conform title
YES to Reflect Amendments NO*

MOSES		
STOLTZE		
WHITAKER		
CHENAULT		
CROFT		
FOSTER		
HAWKER		
JOULE		
MEYER		
HARRIS		
WILLIAMS		
TOTAL:		

PASSED: _____

FAILED: _____

5 Pages

4/23/03

To: Lynn Barnes, legal services
Fr: John Parry Moore, HFIN x2156
RE: HB234 - CS.

Please amend
CS HB 234 (LSC)

23 LS0862 V

for HFIN CS

Thanks

Adopted

Amendments #1

Section 1 -

Pg. 2, Lines 6-8

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales under this paragraph may not exceed 15,000 gallons [OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER].

Should be amended to read:

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales under this paragraph may not exceed 15,000 gallons OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER.

Section 2 -

Pg. 2, Lines 24-27

(B) to a wholesaler licensed under AS 04.11.160; sales under this subparagraph may not exceed 15,000 gallons [OR THE AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER];

Should be amended to read:

(B) to a wholesaler licensed under AS 04.11.160; sales under this subparagraph may not exceed 15,000 gallons OR THE AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER;

Adopted

Rep. Stoltze

CS HB 234 (L&C)

Amendment No. 1/2

*Section . AS 04.06.010 is amended to read:

Sec. 04.06.010. Establishment of board. There is established in the Department of Public Safety the [THE] Alcoholic Beverage Control Board [IS ESTABLISHED] as a regulatory and quasi-judicial agency. [THE BOARD IS IN THE DEPARTMENT OF REVENUE, BUT FOR ADMINISTRATIVE PURPOSES ONLY.]