

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2879

HB

158

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAR 07 2005
SENATE FINANCE
COMMITTEE

DATE: 3/2/05

FURTHER:

DATE TURNED
IN TO OFFICE: March 7, 2005

Finance Committee considered

HOUSE BILL NO. 158

HB 158 PUBLIC SCHOOL ACCOUNT/PUBLIC EDUC FUND

"An Act relating to the public school account and renaming the public school account as the public education fund; 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 Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DEED	2/18/05			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Donald P. ...</i>			✓	
<i>Frank ...</i>			✓	
<i>Bill ...</i>			✓	
<i>...</i>				
<i>...</i>				
COCHAIR: <i>...</i>	✓		✓	
COCHAIR: <i>Lyda Green</i>	✓			

MAR 07 2005

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 158
(H) Publish Date: 2/24/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
Title: "An Act relating to the public school account and RDU K-12 Support
renaming the public school account as the public education ..." Component: Foundation
Sponsor: House Finance
Requester: House Finance Component No.: 141

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will rename the public school account to the public education fund. Monies deposited in the fund would be allocated to support the foundation and pupil transportation programs. Money appropriated to this fund would not lapse.

Prepared by: Eddy Jeans, Director
Division: School Finance
Approved by: Karen Rehfeld, Deputy Commissioner
Agency: Education & Early Development

Phone 465-8679
Date/Time 2/18/05 3:00 PM
Date 2/18/2005

ALASKA STATE LEGISLATURE HOUSE FINANCE COMMITTEE

Representative Mike Chenault
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SPONSOR STATEMENT

HB 158, "An Act relating to the public school account and renaming the public school account as the public education fund; and providing for an effective date."

House Bill 158 proposes changing the public school account and renaming it the public education fund. In addition, HB 158 clarifies that money appropriated to the public education fund may be expended for K-12 needs and that money left over in the fund does not lapse.

Further, HB 158 adds that costs for school district's entitlements for pupil transportation can be paid from the public education fund. Also, interest earned by the fund may be appropriated back to the fund.

Currently if the legislature appropriates too much money for K-12 because there is a decline in students, the left over money lapses into the general fund or is used for other government services.

The main purpose of HB 158 is to keep dollars appropriated for K-12 and pupil transportation in the education fund where they will be used for educating our students.

I urge your support of this important piece of legislation.

HB

161

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 9 2005

SENATE FINANCE
COMMITTEE

DATE: 5/7/05

FURTHER:

DATE TURNED
IN TO OFFICE: 9 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 161(STA) am

HB 161 REEMPLOYMENT OF RETIREES

"An Act relating to reemployment of and benefits for or on behalf of retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

and recommends:

- be replaced with 5 CS CS HB 161 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

Same Title

New Title

SCS House Bill:

Same Title

Technical Title Change

New Title w/ SCR # _____

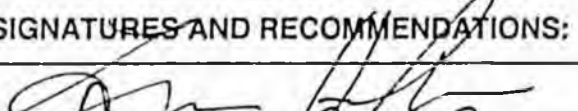
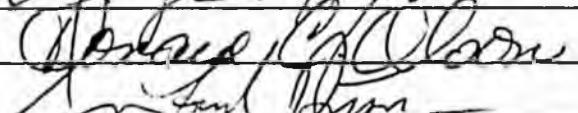
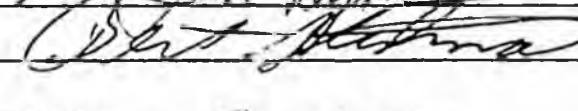
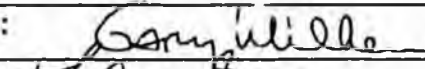
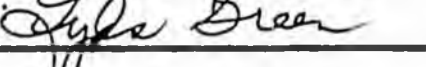
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Statewide	7/05			✓	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
	✓			
COCHAIR: 	✓			
COCHAIR: 	✓			

MAY 9 2005

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHE 161(STA)
(H) Publish Date: 5/3/2005

Revision Date/Time (Note if correction):n: _____ Dept. Affected: Statewide
Title An act relating to reemployment of retired RDU Statewide
teachers and public employees... Component Statewide
Sponsor Rep. Elkins
Requester House State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget propos

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

This bill will extend the Retiree Return to Work Program (HB 242 2001) for retired teachers and public employees who have reemployed under the program prior to November 3, 2004 until December 31, 2006. Teachers or public employees who entered the program on or after November 3, 2004 but before June 30, 2005 will terminate in the prior program as of July 1, 2005 and must rehire under the new bill provisions.

For the Public Employees' and Teachers' Retirement Systems, the actuarial consultant has computed this legislation to have no effect on employer contribution rates until the number of members electing the waiver reaches 500 and 100 respectively. With the new sideboards provided by this bill, it is anticipated there will be fewer participants in the future. The bill also requires employers to make contributions to both systems based on the rehired retiree's wage at the rate prescribed by the actuary to pay the unfunded liability of the systems. This requirement will exceed any liability derived from the program and will act to further assist

Prepared by: Melanie Millhorn, Director Phone 465-4408
Division: Retirement and Benefits Date/Time 5/2/05 4:10 PM
Approved by: Mike Tibbles, Deputy Commissioner Date 5/2/2005
Agency: Department of Administration

FISCAL NOTE #2

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB 161(STA)

ANALYSIS CONTINUATION

in the reduction of the underfunded status of the two retirement funds.

In the original version of the retiree rehire program some employers withdrew active health benefits to rehired retirees in order to further lower their personnel services costs. This resulted in a cost shift to the retiree health plan and a failure to realize the expected savings to the health expenses of the systems. This bill addresses this unintended consequence by requiring employers to provide the same health benefits to rehired retirees as are provided to active employees, thereby ensuring the expected savings are achieved.

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REPRESENTATIVE ELKINS

Sponsor Statement

House Bill 161

House Bill 161 is an "An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for sec. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

The Act states that the legislature finds that the reemployment of certain retired members of the teacher's and public employees' retirement systems provide a valuable tool for school districts and public employers to manage workforce shortages. The legislature further finds that school districts and public employers must plan to meet their workforce needs without reliance on retired workers. In extending the termination date of the reemployment provisions, it is the intent of the legislature to allow school districts and public employers to continue to use the management tool, while developing plans that address the knowledge, skills and abilities that need to be transferred or developed to assure that work can be accomplished when the reemployment provisions terminate.

It is the intent of the legislature that all participation in the retiree reemployments program will end on July 1, 2008, unless extended by law. In addition, the legislature intends that employers that benefit from the provisions of the retiree reemployment provisions pay any increase in unfunded liability to the retirement systems and that they provide retirees with the same health and medical benefits as other active members.

The Act allows PERS & TRS retirees who were rehired before November 3, 2004 to continue to receive their retirement and medical benefits from July 1, 2005 through December 31, 2006, if they continue to serve in the same position. However, on January 1, 2007, the period of reemployment to which the retiree's originally applied is considered terminated. These retirees may apply once again for rehire if they so desire.

All employers desiring to hire a retiree must perform the following:

1. Conduct a recruitment of at least 15 days that resulted in fewer than five qualified, eligible, and available applicants, including the retired member.
2. The employer must then conduct an additional recruitment period that again results in fewer than five qualified applicants including the retired member. Both periods must be at least 30 days total.
3. The retiree must have been retired more than 30 days.

Each employer of a retired member rehired under provisions of the Act, shall make contributions to the unfunded liability of the system on behalf of the retired member at the same rate the employer is making for that employer's other members.

CS HB 161(STA)
Summary of Provisions

Insert new sections AS 14.20.135(e) and amends AS 14.25.043(b) and AS 39.35.150(b) (Sections 2, 4, 5 and 6)

Requires a PERS or TRS employer to provide the same health insurance to a retiree that is rehired as provided to all other members.

Also requires a retired member to suspend their retirement health coverage if returning to work.

Provision will restrict an employer from achieving a cost savings by shifting health care costs from the employer's active health insurance to the retirement system.

Amends bill language in AS 14.25.070 and AS 39.35.270 (Sections 5 and 8)

Requires employers to contribute to the retirement system for rehired retirees at the same past service rate they contribute to the unfunded liability of the system for other members.

Provision will ensure there is no additional cost to the system.

Insert new section AS 39.35.150(f) and (g) (Section 7)

Requires political subdivisions or public organizations to adopt a policy by resolution prior to rehiring retired members. Policy must include a period of separation from employment for at least 30 days for retirees and a description of the circumstances that constitute the shortage of employees qualified for particular job classes.

Insert new section AS 39.35.150(h) (Section 7)

Requires the State of Alaska and other PERS employers (political subdivisions or public organizations) to recruit for a minimum 30 days and result in an applicant pool of fewer than five qualified, eligible, and available applicants.

Amends uncodified law enacted in section 13, ch. 57, SLA 2001

Requires the administrator of the PERS system to include information in the annual report to the Legislature regarding the efforts of employers in the executive branch to address the recruitment difficulties in job classes in which retired members have been rehired.

Adds additional uncodified law (Sections 14 and 15)

Those individuals who were rehired prior to November 3, 2004 are authorized to continue to receive their retirement benefits until December 31, 2006 or until they separate from service. However, if a retiree was rehired on a full-time basis prior

to November 3, 2004 and the employer failed to provide active health insurance, the employee is not authorized to continue to receive retirement health insurance as their primary coverage. All employers will be required to provide their rehired employees health and medical benefits offered to their other employees.

The period of reemployment for those individuals who were rehired after November 3, 2004 will be terminated June 30, 2005. Employees in this category may continue to work but would suspend retirement benefits as long as they remained employed. Employees may reenter the program only by satisfying all the new requirements in this bill.

Amends sunset date in Section 15, ch. 57, SLA 2001 (Section 17)

Authorizes the rehire of retirees as long as they meet all the requirements in this act until July 1, 2008. Unless extended by law, all individuals rehired who elect to continue receiving retirement benefits, must by July 1, 2008 (1) decide to continue working, accrue additional benefits, resume paying into the system and suspend their retirement benefits or (2) separate from service and continue to receive their retirement benefits.

HB 161
Talking Points

HB 161 provides a management tool to our school districts, state, and our municipalities to fill those positions where they are unable to find qualified candidates.

While there has been criticism about the past use of the rehire of retirees, there are also some great successes. Qualified teachers have been put in the classroom. Many of our school districts have successfully used this tool to hire teachers when recruitment efforts have failed. In addition, the state has certain job classifications that are extremely difficult to fill. Several examples of successes are (1) nursing positions. The Dept. of Health and Social Services recruited 34 days to fill a nurse position. There were no qualified, eligible and available individuals so the Dept. brought someone back after 3 years of retirement. We now have a qualified nurse in one of our Pioneer Homes serving our seniors. A similar success can be told about a Children's services manager position. Recruiting a range 21 with minimum qualifications of a master's degree and four years professional social work experience serving children at risk is challenging. After receiving no qualified applicants, the Department rehired an individual to fill the important public need. Other examples can be found in the areas of biologists, engineers and higher-ranking public safety officers.

The problem with the original bill is that there were no sideboards to ensure all the hires were in positions where they really needed to bring someone back from retirement. In addition, the program ended up costing the retirement system and prevented qualified individuals from advancing their career to higher level positions.

This bill addresses those concerns. First, it requires all employers to contribute the same rate to the unfunded liability for those rehired as all other employees. It also prevents employers from shifting their health care costs to the retirement system by not funding employee health insurance. Second, the bill places tough requirements in place to make sure the program meets its original intention. Employers will be required to pass a resolution detailing their recruitment difficulties and offering a competitive recruitment for at least 30 days. If a qualified applicant pool exists, a new candidate must be chosen over a retiree.

The program going forward:

Individuals hired prior to November 3, 2004 will be allowed to remain in the program until December 31, 2006. Senate State Affairs Committee offered a one-year extension. This bill would add an additional 6 months so vacancies will not occur in the middle of the commercial fishing season or construction season. The provision will also help address the State's potential liability caused by the information provided to participants that they could remain in the program as long as they remained employed.

Individuals hired on or after November 3, 2004 will be allowed to remain in the program until June 30, 2005 as proposed in the original enabling legislation. These individuals were notified that the program is scheduled to sunset June 30, 2005. These individuals may remain employed past that date; however, they must suspend their retirement benefits until they separate from service.

Individuals hired on or after July 1, 2005 will have to meet the new requirements in this bill restricted to those positions where recruitment efforts have been unsuccessful.

CS House Bill 161(STA)

	Legal Issue	Period of reemployment	Approval process	Pension Benefit	Health Benefit
		(upon conclusion of period of reemployment, employee may continue to work, suspending retirement benefits and continue to pay into retirement system or separate from service and attempt to return under new requirements)			
Retirees rehired prior to 11/03/04	Potential Liability - Many were informed that they may remain on the program until they separate from service.	Period of reemployment is terminated December 31, 2006	Employees already enrolled. To continue past period of reemployment, employee must separate from service, all applicant must be considered through competitive recruitment and recruitment difficulty must be proven.	Retiree rehire continues to receive pension benefit until December 31, 2006.	July 1, 2005 all employers will be required to provide active health insurance to rehired retirees. Employees will continue to have coordinated benefits until December 31, 2006.
Retirees rehired on or after 11/03/04	Letter sent to all employer and employee participants that program would end July 1, 2005. New participants were advised and sent letters confirming sunset date.	Period of reemployment is terminated June 30, 2005.	Employees already enrolled. To continue past period of reemployment, employee must separate from service, all applicant must be considered through competitive recruitment and recruitment difficulty must be proven.	Retiree rehire continues to receive pension benefit until June 30, 2005.	Employees will continue to receive retirement health insurance until June 30, 2005.
Retirees rehired on or after July 1, 2005		Program is continued until July 1, 2008.	To be eligible, employee must separate from service, all applicant must be considered through competitive recruitment and recruitment difficulty must be proven.	Retiree rehire continues to receive pension benefit until employee separates from service or program sunsets.	Employers are required to provide same coverage to retirees rehired as all other employees. Retirement health insurance is suspended until employee separates from service.

HB

167

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 167 (STA)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DHSS
Title Death Certificates for Deceased RDU Public Health
Veterans without cost Component Bureau of Vital Statistics
Sponsor House Military and Veterans All.
Requester House Finance Committee Component No. 961

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: House Finance Committee

Phone 465-4945

Approved by: Rep. Moyer, Co-Chair
Rep. Chenault, Co-Chair

Date 04/25/05

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 167(MLV)
(H) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans Affairs
Title: An Act relating to providing a death certificate RDU: Military and Veterans Affairs
for a deceased veterans without cost. Component: Veterans Services
Sponsor: Military and Veterans Affairs
Requester: (H) Military and Veterans Affairs Component No. 421

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
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 (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact.

Prepared by: John Cramer Phone: (907) 465-4602
Division: Division of Administrative Services Date/Time: 3/8/05 1:39 PM
Approved by: Commissioner Craig E. Campbell Date: 3/8/2005
Agency: Department of Military and Veterans Affairs

Alaska State Legislature

Chair
Military and Veterans Affairs Committee

Member
Labor and Commerce Committee
State Affairs Committee
Econ Dev, Int'l Trade & Tourism
Education Committee
Joint Armed Services Committee

Finance Subcommittees
Labor and Workforce Development
Community and Economic Development
Military and Veterans' Affairs



A Communication From
REPRESENTATIVE BOB LYNN
Chairman

House Military and Veterans' Affairs Committee

Session:
Alaska State Capitol
Juneau, AK 99801-1182

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Representative_Bob_Lynn@legis.state.ak.us

CS HB 167 (MLV) **Death Certificates for Deceased Veteran**

Sponsor Statement

HB 167 provides a death certificate without cost to a surviving spouse, next of kin, or other relative of a deceased veteran. The bill is modeled after Arizona statute, which provides the death certificate for purpose of obtaining veteran or social security benefits.

Sectional Analysis

Section 7 outlines who is eligible to receive a free death certificate and indicates that the free death certificate is to be used for the purpose of obtaining veteran or social security benefits. It also defines veteran as the meaning given in AS 26.10.080.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB167CS(STA)-DHSS-DPH-04-20-05

Revision Date/Time (Note if correction): _____

() Publish Date: _____
Dept. Affected: Health & Social Services

Title DEATH CERTIFICATES FOR DECEASED
VETERANS WITHOUT COST

RDU Public Health
Component Bureau of Vital Statistics

Sponsor HOUSE (MLV)
Requester HOUSE (STA)

Component No. 961

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0	60.0	75.0	90.0	90.0	90.0
1037 GF/Mental Health						
1156 Rcpt Svcs	(50.0)	(60.0)	(75.0)	(90.0)	(90.0)	(90.0)
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The above estimates are based on the \$20 fee for a certified copy of a death certificate and the approximately 900 deaths per year where the decedent was a veteran. Under this version of the bill, the use of the free copies is not restricted - each family member may request one free copy. It is estimated that veterans' families will request, on average, five free copies. It is anticipated that the fiscal impact will be approximately \$50.0 for the first year (\$20 x 2,500 certified copies) the legislation is in effect and then increase to \$90.0 (\$20 x 4,500 certified copies) as more people become aware of the new law. The Bureau currently has no GF funding.

The projected loss of revenue to the Bureau appears in the Receipt Support Services line and will have to be replaced with GF to maintain existing services.

Prepared by: Richard Mandsager, M.D. Phone 465-8613
Division Public Health Date/Time 04/20/2005
Approved by: Joel S. Gilbertson, Commissioner Date 04/20/2005
Agency Department of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 167(MLV)
(H) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans Affairs
Title An Act relating to providing a death certificate RDU Military and Veterans Affairs
for a deceased veterans without cost. Component Veterans Services
Sponsor Military and Veterans Affairs
Requester (H) Military and Veterans Affairs Component No. 421

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact.

Prepared by: John Cramer Phone (907) 465-4602
Division: Division of Administrative Services Date/Time 3/8/05 1:39 PM
Approved by: Commissioner Craig E. Campbell Date 3/8/2005
Agency: Department of Military and Veterans Affairs

CERTIFICATION OF VITAL RECORDS

STATE OF ARIZONA

STATE OF ARIZONA
DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS
CERTIFICATE OF DEATH

DEATH NO.
D 102-

ORIGINAL
STATE
COPY

1 NAME OF DECEASED AKA A FIRST SEYMOUR B MIDDLE EPSTEIN C LAST EPSTEIN		2 SEX MALE		3 DATE OF DEATH MONTH DAY YEAR JANUARY 31 2004			
4 RACE (A, B, OTHER, BLACK, AMERICAN INDIAN (SPECIFY IIB#)) OR SPECIFY WHITE		5 WAS DECEASED OF HISPANIC ORIGIN (SPECIFY YES OR NO) NO		6 IF YES, INDICATE MEXICAN, SPANISH, PUERTO RICAN, CUBAN, ETC.		7 WAS DECEASED EVER IN U.S. ARMED FORCES? (SPECIFY YES OR NO) YES	
8 PLACE OF DEATH A COUNTY YAVAPAI		9 B TOWN OR CITY PRESCOTT VALLEY		10 C HOSPITAL OR INSTITUTION (IF RESIDENCE, GIVE STREET ADDRESS) PRESCOTT VALLEY SAMARITAN CENTER		11 D DOA OF EMERGENCY PATIENT <input type="checkbox"/> DOA <input type="checkbox"/> OF EMERGENCY PATIENT	
12 DATE OF BIRTH MONTH DAY YEAR NOVEMBER 7 1920		13 AGE (YEARS LAST BIRTHDAY) 83		14 IF UNDER 1 YEAR MOS DAYS HRS MIN		15 MARRIED NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) WIDOWED	
16 STATE AND CITY OF BIRTH (If not in USA, name country) ILLINOIS CHICAGO		17 CITIZEN OF WHAT COUNTRY? U.S.A.		18 SOCIAL SECURITY NO. 322 14 1666		19 USUAL OCCUPATION (Give kind of work done most of working life, omit # if retired) SHEET METAL WORKER	
20 USUAL RESIDENCE A STATE ARIZONA B COUNTY YAVAPAI C TOWN OR CITY PRESCOTT VALLEY		21 D ZIP CODE 86314		22 HOW LONG IN ARIZONA? 28 YEARS		23 EDUCATION HIGHEST GRADE COMPLETED ELEMENTARY SECONDARY (10-12) COLLEGE (14 or 5+) 2	
24 STREET ADDRESS OF RFD 3380 NORTH WINDSONG		25 INSIDE CITY LIMITS? (SPECIFY YES OR NO) YES		26 ON RESERVATION (SPECIFY YES OR NO) NO		27 PREVIOUS STATE OF RESIDENCE CALIFORNIA	
28 FATHER'S NAME A FIRST MAX B MIDDLE EPSTEIN C LAST		29 MOTHER'S MAIDEN NAME A FIRST ANNIE B MIDDLE RABKIN C LAST		30 INFORMANT'S SIGNATURE Kayla Epstein			
31 KAYLA EPSTEIN		32 RELATIONSHIP TO DECEASED RELATIVE		33 ADDRESS 4801 KENAI AVENUE ANCHORAGE, ALASKA		34 ZIP CODE 99508	
35 REMOVAL/BURIAL DATE FEBRUARY 6, 2004		36 CEMETERY OR CREMATORY NAME/LOCATION NATIONAL MEMORIAL CEMETERY OF ARIZONA PHOENIX, ARIZONA		37 EMBALMER'S SIGNATURE GARY		38 CERT. NO. 0939	
39 FUNERAL HOME ARIZONA WAKELIN BRADSHAW, 8480 EAST VALLEY ROAD, PRESCOTT VALLEY, AZ		40 NAME ARIZONA WAKELIN BRADSHAW		41 STREET ADDRESS 8480 EAST VALLEY ROAD		42 CITY AND STATE PRESCOTT VALLEY, AZ	
43 SIGNATURE S. Downing		44 DATE SIGNED (Mo Day Year) FEBRUARY 2, 2004		45 HOUR OF DEATH 0635		46 NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type in print)	
47 NAME AND ADDRESS OF CERTIFIER SAM W. DOWNING, MD, 215 NORTH MCCOY AVENUE, PHOENIX, ARIZONA		48 AUTHORIZED FOR SIGNATURE (SPECIFY) REG. NO. 171		49 DATE REG. IN STATE OFFICE 1/13/05		50 EXEMPT FROM REGISTRATION (SPECIFY) NO	
51 IMMEDIATE CAUSE OF DEATH PART I		52 UNDERLYING CAUSE GIVEN IN PART I		53 AUTOPSY (Specify Yes or No) NO		54 WAS CASE REFERRED TO MEDICAL EXAMINER (Specify Yes or No) NO	
55 INJURY AT WORK? (Specify Yes or No) NO		56 DESCRIBE HOW INJURY OCCURRED		57 WHERE LOCATED? STREET ADDRESS CITY OR TOWN STATE		58 APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH WEEKS	
59 MORTUARY		60 CORRECTED BOXES 1 & 14A. 2-5-2004		61			

FOR GOVERNMENT USE ONLY
 Pursuant to A.R.S. 29-122, this copy has been issued free of charge for the purpose of applying for and obtaining Veteran's Benefits and shall not be valid for any other purpose.

CERTIFIED COPY OF VITAL RECORDS

STATE OF ARIZONA
COUNTY OF YAVAPAI

DATE ISSUED FEB 02 2004

152164

This is a true
copy as filed
PHOENIX, AZ

ARIZONA DEATH CERTIFICATE

This copy is
for use only by the
agency

Jacobson
IN JACOBSON
FY REGISTRAR
ALTH DEPARTMENT
agency



39-122. Free searches for and copies of public records to be used in claims against United States: liability for noncompliance

A. No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them, when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

B. Notaries public shall not charge for an acknowledgment to a document which is to be so filed or presented.

C. The services specified in subsections A and B shall be rendered on request of an official of the United States, a claimant, his guardian or attorney. For each failure or refusal so to do, the officer so failing shall be liable on his official bond.

Arizona Revised Statutes

HB

169

HFIN

FILE

4-13-05

Adopted

24-LS0424X.1
Bannister
4/11/05

AMENDMENT 1

OFFERED IN THE HOUSE

TO: CSHB 169(L&C)

- 1 Page 9, line 26, following "date":
- 2 Insert "of secs. 1 - 11 and 16"
- 3
- 4 Page 9, line 29, following "date":
- 5 Insert "of secs. 1 - 11 and 16"
- 6
- 7 Page 10, line 1, following "date":
- 8 Insert "of secs. 1 - 11 and 16"

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 7, 2005

SUBJECT: CSHB 169(L&C) relating to real estate transactions
(Work Order No. 24-LS0424X)

TO: Representative Tom Anderson
Chair, House Labor and Commerce Committee
Attn: Josh

FROM:  Theresa Bannister
Legislative Counsel

This memo accompanies a final version of the bill described above.

Applicability section (bill sec. 17). In this section, the references in (1), (2), and (3) to "effective date of this Act" need to be replaced with "effective date of secs. 1 - 3, 5 - 11, and 16 of this Act." This replacement is necessary because there are two different effective dates for the provisions in the Act (see secs. 19 and 20). Since your committee has already taken action on this bill, I would appreciate it if you would pass this memo along to the next committee of referral for its consideration.

If I may be of further assistance, please advise.

TLB:med
05-238.med

Enclosure

AMENDMENT 3

withdrawn

OFFERED IN THE HOUSE FINANCE COMMITTEE
BY REPRESENTATIVE CROFT

TO: CS HB 169 (L&C)

Page 8, line 22:

DELETE: "attorney or"

Amendment 4

adopted

3:32:45

Page 8 lines 22-24

Remove:

Page 8 delete Sec. 15

Amendment 4

HB 169

Rep. Kelly

Adopted

Delete:

Beginning on line 22 page 8 all through line 30:

- 22 The broker may pay the attorney or associate
23 broker from a fee, commission, or other compensation received by the broker in a real
24 estate transaction payment.
- 25 * Sec. 15. AS 08.88.900(b) is amended to read:
- 26 (b) Notwithstanding that, under this section, a person is exempt from this
27 chapter, AS 08.88.401(d)(1) prohibits, except as provided in AS 08.88.403, a
28 licensee from knowingly paying to that person any part of a fee, commission, or other
29 compensation received by the licensee in buying, selling, exchanging, leasing,
30 auctioning, or renting real estate.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 169(L&C)
 (H) Publish Date: 4/8/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Real Estate Licensee RDU Occupational Licensing (117)
Education Component Occupational Licensing
 Sponsor Rokeberg
 Requester Labor & Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 169 amends several statutory requirements to the educational requirements for real estate licensees. New funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division: Occupational Licensing Date/Time 4/6/05 1:44 PM
 Approved by: Edgar Blatchford, Commissioner Date 4/6/2005
 Agency: Commerce, Community, and Economic Development

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DIVISION OF OCCUPATIONAL LICENSING

Frank E. Marblewski, Governor

April 13, 2005

RE: HB169 (b)

Members of the Finance Committee:

I am writing this letter on behalf of the Alaska Real Estate Commission and its concerns with regard to specific language in HB169. The Commission, at its March 14 and 15 meeting in Juneau, reviewed and discussed the latest version of HB169 (a).

As you know, HB169 (a) was introduced to deal specifically with post-licensing issues for real estate professionals. In addition, language has been introduced which would allow for the Review of Transactions by an attorney who may not be a licensed real estate professional.

As the entity that must implement this law once it becomes effective, we have grave concerns regarding this Commission's ability to regulate unlicensed real estate professionals.

The current language reads that, "a real estate broker may contract with and pay an attorney or associate broker to assist the broker to review a real estate transaction before the transaction closes. The broker may pay the attorney or associate broker from a fee, commission, or other compensation received by the broker in a real estate transaction payment".

The Commission takes issue with this language, as it does not address the following:

- No requirement that the individual be licensed as an attorney in Alaska
- No requirement that the attorney have a working knowledge of Real Estate Law
- No ability to supervise an individual not regulated by the Real Estate Commission

The Commission would like the Finance Committee to consider our concerns regarding Section 14 and address them at your April 13th meeting. Ideally, the Commission would like to see that the entire Section 14 be eliminated from consideration. However, if that is not the case and if the language remains as introduced then the Commission requests that Section 14 be included to the list of sections for which we can then draft regulations.

The Commission takes seriously its duty to protect the public and ensure that they receive the highest level of professional excellence in real estate. We appreciate your consideration in this matter. If you have any questions, please contact me at 261.7553 or Sharon Walsh, Executive Administrator of the Real Estate Commission, at 269.8197.

Respectfully,

Barbara Ramsey, Chair
Alaska Real Estate Commission

Cc: Rep. Rohrborg, sponsor HB169

550 W. 7th Avenue, Suite 1500, Anchorage, Alaska 99501-3567
Telephone: (907) 269-8160 Fax: (907) 269-8156 TDD Telephone: (907) 465-5437
Email: VoiceofCommerce@state.ak.us Website: <http://www.commerce.state.ak.us/ocd/>

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akpublications.org/rokeberg/index.php>



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ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
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FAX (907) 465-2640

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR CSIB 169(L&C)

By: Representative Norman Rokeberg

Title: An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate broker license; and providing for an effective date.

HB 169 has been introduced at the request of the Alaska Association of Realtors. The legislation addresses changes to post-licensing education and broker supervision.

Post-Licensing Education

HB 169 requires a real estate licensee take 20 hours of post-licensing education within one year of receiving his/her initial license. The Education Task Force will develop the 20 hours of education. The classes will be devoted to practical applications on such topics as contracts and agreements, agency and disclosures, paperwork and risk management, evaluating, pricing and marketing, and financing to closing. Newly licensed associate brokers/brokers will also be required take 20 hours of post-licensing education. Their classes will be directed towards practical topics important for associate brokers/brokers. This post-licensing education requirement will help protect the public and real estate licensees through practical information vital to the practice of real estate.

Broker Supervision

Current law requires a real estate broker supervise every transaction. This is not practical in large real estate firms. In Anchorage, for example, 60% of the real estate transactions occur within three firms, with a total of four brokers. There is not enough time in the day for the four brokers to supervise every transaction and conduct all the other necessary duties of business ownership. HB 169 will allow brokers to employ associate brokers or attorneys to assist in the orderly review of real estate transactions prior to the closing of the transaction.

I urge your support of this legislation.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 169
() Publish Date: _____

Revision Date/Time (Note if correction):
Title Real Estate Licensee
Education
Sponsor Rokeberg
Requester Labor & Commerce

Dept. Affected: Commerce
RDU Occupational Licensing (117)
Component Occupational Licensing
Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 169 amends several statutory requirements to the educational requirements for real estate licensees. New funds are not required to implement these changes.

Prepared by: Jennifer Stuckler, Administrative Manager
Division: Occupational Licensing
Approved by: Edgar Blatchford, Commissioner
Agency: Commerce, Community, and Economic Development

Phone (907) 465-2144
Date/Time 3/6/05 1:44 PM
Date 3/6/2005

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

Website: <http://www.aklegpublicans.org/rokeberg/index.php>



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JUNEAU, AK 99801-1182
PHONE (907) 465-4968
FAX (907) 465-2940

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR CSHB 169(L&C)

By: Representative Norman Rokeberg

Title: An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate broker license; and providing for an effective date.

Changes made by the CS are indicated below in BOLD.

Section 1: Requires a real estate licensee comply with education requirements before a suspended license can be reinstated.

No changes made by CS.

Section 2: Makes conforming amendments.

Page 2, Line 8: Deleted "was" and inserted "is"

Section 3: Makes a conforming amendment.

No changes made by CS.

Section 4: Creates AS 08.88.095, new education requirements for a licensee after initial license:

- (a) An initial licensee has one year from the date of the initial license to complete 20 hours of education
- (b) The initial license shall state that license is subject to education requirements
- (c) Within 30 days after end of one-year period, licensee shall submit certification of education to Real Estate Commission
- (d) After education requirements met, new license is issued without language in subsection (b)
- (e) If licensee fails to complete education or submit certification, the license automatically lapses 30 days after the end of the one-year period
- (f) An individual who is issued an initial broker license does not have to complete the post-licensing education requirements if they had an associate broker license immediately before the broker license.
- (g) Defines "educational requirements"

Subsection (f) was rewritten in order to clarify that if you have an associate brokers license, and then you move up to a broker's license, you don't have to repeat the post-licensing education requirements, as they will be the same for both associate broker and broker licenses.

Deleted subsection (g), which prohibited the Commission for setting limits on a two-day education course.

Creates AS 08.88.098, educational requirements after suspension:

- (a) If a license is suspended for six months or more, the licensee shall the education required by the commission
- (b) The licensee shall submit certification that the educational requirements have been met
- (c) These education requirements are in addition to any other conditions for reinstating the license

Page 4, Line 3: Deleted "for six months or more" and "20 hours of". This allows the Commission to set the required education in cases of suspended licenses.

Page 4, Line 4: Deleted "cancel the suspension" and inserted "reinstate the suspended license"

Page 4, Line 9: Deleted "canceling the suspension of a license" and inserted "reinstating a suspended license"

Subsections (d) and (e) were deleted.

Section 5: Makes conforming amendments.

Page 4, Line 16: Deleted "licensed real estate salesperson" and inserted "real estate licensee"

Section 6: Makes conforming amendments.

Page 5, Line 11: Deleted "licensed real estate salesperson" and inserted "real estate licensee"

Page 5, Line 13: Changed "five" to "seven."

Section 7: Makes conforming amendments.

No changes made by CS.

Section 8: Allows the Department of Commerce, Community and Economic Development to set a fee for the new license under AS 08.88.095(d).

No changes made by CS.

Section 9: Makes conforming amendments.

No changes made by CS.

- Section 10:** Provides that a real estate licensee, whose initial license lapses due to failure to complete the education requirements, is not eligible for an "inactive" license until the license is properly reinstated.
- No changes made by CS.
- Section 11:** Requires a real estate licensee, who has not held a license issued by another state for more than one year, to complete the post-education requirements before an Alaska license will be issued.
- No changes made by CS.
- Section 12:** Makes a conforming amendment.
- No changes made by CS.
- Section 13:** Makes a conforming amendment.
- No changes made by CS.
- Section 14:** Allows a real estate broker to hire an attorney or associate broker to review a real estate transaction before the transaction closes.
- Title of section was changed from "Use of Experts" to "Review of Transactions."
- Section 15:** Makes conforming amendment.
- No changes made by CS.
- Section 16:** Defines "initial license."
- No changes made by CS.
- Section 17:** Sets forth the applicability of the new educational requirements on "initial licenses."
- No changes made by CS.
- Section 18:** Allows the Department of Commerce, Community and Economic Development to proceed with adopting regulations regarding the new educational requirements.
- No changes made by CS.
- Section 19:** Provides an immediate effective date for the sections on use of experts.
- No changes made by CS.
- Section 20:** Provides an effective date of January 1, 2006 for the sections on post-licensing education.
- No changes made by CS.

Rep. Norman Rokeberg

From: Debra Leisek [debral@ptialaska.net]
Sent: Thursday, March 10, 2005 12:41 PM
To: Rep. Norman Rokeberg
Subject: education of realtors

I ask you to please realize the importance of additional education requirements for Real Estate licensees and Brokers. I feel it is essential to have new licensees be required to take post licensing classes. Brokers should also have to take post licensing classes and be held to a higher standard if they are going to be responsible to train new licensees.

I am a Broker and have had my license for 14 years. I was fortunate to start out my career in an office that had high standards and realized the importance of working closely with new licensees to teach them the rules, regulations and laws of Real Estate. Not everyone has this opportunity.

I feel Brokers should be held to a higher standard of education and learning. Alaska has no real broker classes. They should mandate and provide better education. When the Real Estate market is good, more people get their license. They think Real Estate is simple and anyone can do it. With only a pre-license class of 20 hours and a test, it does make it pretty darn easy to get a license and hit the road. No matter what you believe, there is much more to Real Estate than what can be learned in 20 hours.

I strongly urge you to mandate more education for the new licensee, the old licensee, the associate Brokers and the Brokers. Alaska has the least requirements in education of almost any state. In Colorado the new agent has to take 90 hours within 2 years of getting their license. Kansas requires 40 hours per license period. In Texas you must take 120 hours before getting a license! We need more education.

However, once you mandate these new education requirements you have to provide the ability for people to take the classes. It isn't fair to make them travel and spend money to take classes. People in Kodiak should not have to fly to Anchorage to take classes.

Classes should be provided locally and often enough to allow the licensee to be able to attend and afford.

I appreciate your consideration in this matter,

Debra Leisek
Broker
Bay Realty

3/15/2005

Rep. Norman Rokeberg

From: Dave Somers [dsomers@alaska.net]
Sent: Friday, March 11, 2005 4:02 PM
To: Rep. Norman Rokeberg
Subject: HB169

Dear Representative Rokeberg,
Thank you for sponsoring HB169. Surveys from within the industry show strong support, and the public will clearly benefit by improving the caliber of licensees in our state.
Dave Somers

3/15/2005

Rep. Norman Rokeberg

From: Errol Champion [Errol.Champion@acsalaska.net]
Sent: Thursday, March 10, 2005 4:23 PM
To: Rep. Tom Anderson
Cc: Rep. Norman Rokeberg; Rep. Pete Kott; Rep. Gabrielle LeDoux; Rep. Bob Lynn; Rep. Harry Crawford; Rep. David Guttenberg
Subject: HB 169 Support

I wish to voice my support for the passage of HB 169. I am a newly licensed realtor (August 2004) and readily appreciated the importance of good classes and the benefits of continuing education courses. One is never too old to learn.

Sincerely,

Errol D. Champion
Licensee
Coldwell Banker Race Realty
Juneau, AK 99801

Rep. Norman Rokeberg

From: angie newby [angienewby@alaska.com]
Sent: Thursday, March 10, 2005 9:33 AM
To: Rep. Norman Rokeberg
Subject: HB 169: Real Estate Licensee Education Bill

Dear Representative Rokeberg,

As a Homer Realtor for over 22 years, I strongly support the current HB169, and I have sent emails to Representative Anderson, Kott, Lynn, and LeDoux encouraging them to do the same.

Sincerely,

Angie Newby, CCIM, CRS

OWNER/BROKER

HOMER REAL ESTATE

PO BOX 997

HOMER, AK 99603

907 235-5294 OFFICE

907 235-5223 FAX

907 299-1514 CELL

angienewby@alaska.com

<http://www.homerrealestate.com/>

Rep. Norman Rokeberg

From: Denny Wood [denny@akhomes.com]
Sent: Tuesday, March 08, 2005 5:26 PM
To: Rep. Norman Rokeberg
Subject: HB169

Dear Representative ,
Please support HB 169 to pass this session. The Alaska Association of Realtors is solidly behind this bill requiring post licensing education for our new licensees. We have always been firmly behind increasing the professionalism of our own and this bill would enhance that greatly.

Norm, I've sent this to all the committee members. Thanks.

Sincerely
Denny Wood, CRS
President
Alaska Association of Realtors

denny @akhomes.com
(907) 337-WOOD (9663)

Denny Wood, CRS
(907)337-WOOD(9663)
denny@akhomes.com
www.akhomes.com
THE WOOD HOME TEAM
Prudential Jack White/Vista Real Estate

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HB

169

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 5 2005

SENATE FINANCE
COMMITTEE

DATE: 5/4/05

FURTHER:

DATE TURNED
IN TO OFFICE: 5 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 169(FIN)

HB 169 REAL ESTATE LICENSEES

"An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate real estate broker license; and providing for an effective date."

and recommendations:

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

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DCCED	4/4/05			✓	#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>			✓	
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>		✓		

FISCAL NOTE

REPORTED OUT

MAY 5 2005

SENATE FINANCE
COMMITTEE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 169(L&C)
 (H) Publish Date: 4/8/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Real Estate Licensee RDU Occupational Licensing (117)
Education Component Occupational Licensing
 Sponsor Rokeberg
 Requester Labor & Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

POSITIONS	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 169 amends several statutory requirements to the educational requirements for real estate licensees. New funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division Occupational Licensing Date/Time 4/6/05 1:44 PM
 Approved by: Edgar Blatchford, Commissioner Date 4/6/2005
 Agency Commerce, Community, and Economic Development

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akrepublicans.org/rokeberg/index.php>



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JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR CSIB 169(FIN)

By: Representative Norman Rokeberg

Title: An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate broker license; and providing for an effective date.

HB 169 has been introduced at the request of the Alaska Association of Realtors. The legislation addresses changes to post-licensing education and broker supervision.

Post-Licensing Education

HB 169 requires a real estate licensee take 20 hours of post-licensing education within one year of receiving his/her initial license. The Education Task Force will develop the 20 hours of education. The classes will be devoted to practical applications on such topics as contracts and agreements, agency and disclosures, paperwork and risk management, evaluating, pricing and marketing, and financing to closing. Newly licensed associate brokers/brokers will also be required take 20 hours of post-licensing education. Their classes will be directed towards practical topics important for associate brokers/brokers. This post-licensing education requirement will help protect the public and real estate licensees through practical information vital to the practice of real estate.

Broker Supervision

Current law requires a real estate broker supervise every transaction. This is not practical in large real estate firms. In Anchorage, for example, 60% of the real estate transactions occur within three firms, with a total of four brokers. There is not enough time in the day for the four brokers to supervise every transaction and conduct all the other necessary duties of business ownership. HB 169 will allow brokers to employ associate brokers or attorneys to assist in the orderly review of real estate transactions prior to the closing of the transaction.

I urge your support of this legislation.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

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Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR CSIB 169(FIN)

By: Representative Norman Rokeberg

Title: An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate broker license; and providing for an effective date.

- Section 1:** Requires a real estate licensee comply with education requirements before a suspended license can be reinstated.
- Section 2:** Makes conforming amendments.
- Section 3:** Makes a conforming amendment.
- Section 4:** Creates AS 08.88.095, new education requirements for a licensee after initial license:
- (a) An initial licensee has one year from the date of the initial license to complete 20 hours of education
 - (b) The initial license shall state that license is subject to education requirements
 - (c) Within 30 days after end of one-year period, licensee shall submit certification of education to Real Estate Commission
 - (d) After education requirements met, new license is issued without language in subsection (b)
 - (e) If licensee fails to complete education or submit certification, the license automatically lapses 30 days after the end of the one-year period
 - (f) An individual who is issued an initial broker license does not have to complete the post-licensing education requirements if they had an associate broker license immediately before the broker license.
 - (g) Defines "educational requirements"

Creates AS 08.88.098, educational requirements after suspension:

- (a) If a license is suspended for six months or more, the licensee shall complete the education required by the commission
- (b) The licensee shall submit certification that the educational requirements have been met
- (c) These education requirements are in addition to any other conditions for reinstating the license

- Section 5: Makes conforming amendments.
- Section 6: Makes conforming amendments.
- Section 7: Makes conforming amendments.
- Section 8: Allows the Department of Commerce, Community and Economic Development to set a fee for the new license under AS 08.88.095(d).
- Section 9: Makes conforming amendments.
- Section 10: Provides that a real estate licensee, whose initial license lapses due to failure to complete the education requirements, is not eligible for an "inactive" license until the license is properly reinstated.
- Section 11: Requires a real estate licensee, who has not held a license issued by another state for more than one year, to complete the post-education requirements before an Alaska license will be issued.
- Section 12: Allows a real estate broker to hire an attorney or associate broker to review a real estate transaction before the transaction closes.
- Section 13: Defines "initial license."
- Section 14: Sets forth the applicability of the new educational requirements on "initial licenses."
- Section 15: Allows the Department of Commerce, Community and Economic Development to proceed with adopting regulations regarding the new educational requirements.
- Section 16: Provides an immediate effective date for the section on use of experts and adoption of regulations.
- Section 17: Provides an effective date of January 1, 2000, for the sections on post-licensing education.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

Website: <http://www.akrepublicans.org/rceeborg/index.php>



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FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR CSIB 169(FIN) with changes from the original version By: Representative Norman Rokeberg

Title: An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate broker license; and providing for an effective date.

Changes made by the CS are indicated below in BOLD.

Section 1: Requires a real estate licensee comply with education requirements before a suspended license can be reinstated.

No changes made by CS.

Section 2: Makes conforming amendments.

Page 2, Line 8: Deleted "was" and inserted "is"

Section 3: Makes a conforming amendment.

No changes made by CS.

Section 4: Creates AS 08.88.095, new education requirements for a licensee after initial license:

- (a) An initial licensee has one year from the date of the initial license to complete 20 hours of education
- (b) The initial license shall state that license is subject to education requirements
- (c) Within 30 days after end of one-year period, licensee shall submit certification of education to Real Estate Commission
- (d) After education requirements met, new license is issued without language in subsection (b)
- (e) If licensee fails to complete education or submit certification, the license automatically lapses 30 days after the end of the one-year period
- (f) An individual who is issued an initial broker license does not have to complete the post-licensing education requirements if they had an associate broker license immediately before the broker license.
- (g) Defines "educational requirements"

Subsection (f) was rewritten in order to clarify that if you have an associate brokers license, and then you move up to a broker's license, you don't have to repeat the post-licensing education requirements, as they will be the same for both associate broker and broker licenses.

Deleted subsection (g), which prohibited the Commission for setting limits on a two-day education course.

Creates AS 08.88.098, educational requirements after suspension:

- (a) If a license is suspended for six months or more, the licensee shall complete the education required by the commission
- (b) The licensee shall submit certification that the educational requirements have been met
- (c) These education requirements are in addition to any other conditions for reinstating the license

Page 4, Line 3: Deleted "for six months or more" and "20 hours of". This allows the Commission to set the required education in cases of suspended licenses.

Page 4, Line 4: Deleted "cancel the suspension" and inserted "reinstate the suspended license"

Page 4, Line 9: Deleted "canceling the suspension of a license" and inserted "reinstating a suspended license"

Subsections (d) and (e) were deleted.

Section 5: Makes conforming amendments.

Page 4, Line 16: Deleted "licensed real estate salesperson" and inserted "real estate licensee"

Section 6: Makes conforming amendments.

Page 5, Line 11: Deleted "licensed real estate salesperson" and inserted "real estate licensee"

Page 5, Line 13: Changed "five" to "seven."

Section 7: Makes conforming amendments.

No changes made by CS.

Section 8: Allows the Department of Commerce, Community and Economic Development to set a fee for the new license under AS 08.88.095(d).

No changes made by CS.

Section 9: Makes conforming amendments.

No changes made by CS.

- Section 10:** Provides that a real estate licensee, whose initial license lapses due to failure to complete the education requirements, is not eligible for an "inactive" license until the license is properly reinstated.
- No changes made by CS.
- Section 11:** Requires a real estate licensee, who has not held a license issued by another state for more than one year, to complete the post-education requirements before an Alaska license will be issued.
- No changes made by CS.
- Section 12:** Allows a real estate broker to hire an attorney or associate broker to review a real estate transaction before the transaction closes.
- Title of section was changed from "Use of Experts" to "Review of Transactions." The last sentence was deleted from the original bill.
- Section 13:** Defines "initial license."
- No changes made by CS.
- Section 14:** Sets forth the applicability of the new educational requirements on "initial licenses."
- Deleted references to "effective date of this Act" and inserted the correct corresponding sections. This was a technical amendment requested by legal.
- Section 15:** Allows the Department of Commerce, Community and Economic Development to proceed with adopting regulations regarding the new educational requirements.
- No changes made by CS.
- Section 16:** Provides an immediate effective date for the sections on use of experts.
- No changes made by CS.
- Section 17:** Provides an effective date of January 1, 2006 for the sections on post-licensing education.
- No changes made by CS.
- Sections 12, 13 and 15 of the original bill were deleted.**

Rep. Norman Rokeberg

From: Dave Somers [dsomers@alaska.net]
Sent: Friday, March 11, 2005 4:02 PM
To: Rep. Norman Rokeberg
Subject: HB169

Dear Representative Rokeberg,
Thank you for sponsoring HB169. Surveys from within the industry show strong support, and the public will clearly benefit by improving the caliber of licensees in our state.
Dave Somers

Rep. Norman Rokeberg

From: Denny Wood [denny@akhomes.com]
Sent: Tuesday, March 08, 2005 5:26 PM
To: Rep. Norman Rokeberg
Subject: HB169

Dear Representative ,
Please support HB 169 to pass this session. The Alaska Association of Realtors is solidly behind this bill requiring post licensing education for our new licensees. We have always been firmly behind increasing the professionalism of our own and this bill would enhance that greatly.

Norm., I've sent this to all the committee members. Thanks.

Sincerely
Denny Wood, CRS
President
Alaska Association of Realtors

denny @akhomes.com
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THE WOOD HOME TEAM
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Rep. Norman Rokeberg

From: Errol Champion [Errol.Champion@acsalaska.net]
Sent: Thursday, March 10, 2005 4:23 PM
To: Rep. Tom Anderson
Cc: Rep. Norman Rokeberg; Rep. Pete Kott; Rep. Gabrielle LeDoux; Rep. Bob Lynn; Rep. Harry Crawford; Rep. David Guttenberg
Subject: HB 169 Support

I wish to voice my support for the passage of HB 169. I am a newly licensed realtor (August 2004) and readily appreciated the importance of good classes and the benefits of continuing education courses. One is never too old to learn.

Sincerely,

Errol D. Champion
Licensee
Coldwell Banker Race Realty
Juneau, AK 99801

Rep. Norman Rokeberg

From: Debra Leisek [debral@ptialaska.net]
Sent: Thursday, March 10, 2005 12:41 PM
To: Rep. Norman Rokeberg
Subject: education of realtors

I ask you to please realize the importance of additional education requirements for Real Estate licensees and Brokers. I feel it is essential to have new licensees be required to take post licensing classes. Brokers should also have to take post licensing classes and be held to a higher standard if they are going to be responsible to train new licensees.

I am a Broker and have had my license for 14 years. I was fortunate to start out my career in an office that had high standards and realized the importance of working closely with new licensees to teach them the rules, regulations and laws of Real Estate. Not everyone has this opportunity.

I feel Brokers should be held to a higher standard of education and learning. Alaska has no real broker classes. They should mandate and provide better education. When the Real Estate market is good, more people get their license. They think Real Estate is simple and anyone can do it. With only a pre-license class of 20 hours and a test, it does make it pretty darn easy to get a license and hit the road. No matter what you believe, there is much more to Real Estate than what can be learned in 20 hours.

I strongly urge you to mandate more education for the new licensee, the old licensee, the associate Brokers and the Brokers. Alaska has the least requirements in education of almost any state. In Colorado the new agent has to take 90 hours within 2 years of getting their license. Kansas requires 40 hours per license period. In Texas you must take 120 hours before getting a license! We need more education.

However, once you mandate these new education requirements you have to provide the ability for people to take the classes. It isn't fair to make them travel and spend money to take classes. People in Kodiak should not have to fly to Anchorage to take classes.

Classes should be provided locally and often enough to allow the licensee to be able to attend and afford.

I appreciate your consideration in this matter,

Debra Leisek
Broker
Bay Realty

331 E Pioneer #101 Homer Alaska 907-235-6183

Rep. Norman Rokeberg

From: angie newby [angienewby@alaska.com]
Sent: Thursday, March 10, 2005 9:33 AM
To: Rep. Norman Rokeberg
Subject: HB 169: Real Estate Licensee Education Bill

Dear Representative Rokeberg,

As a Homer Realtor for over 22 years, I strongly support the current HB169, and I have sent emails to Representative Anderson, Kott, Lynn, and LeDoux encouraging them to do the same.

Sincerely,

Angie Newby, CCIM, CRS

OWNER/BROKER

HOMER REAL ESTATE

PO BOX 997

HOMER, AK 99603

907 235-5294 OFFICE

907 235-5223 FAX

907 299-1514 CELL

angienewby@alaska.com

<http://www.homerrealestate.com/>

Janet Seitz

From: Denny Wood [denny@akhomes.com]
Sent: Friday, April 15, 2005 3:33 PM
To: Rep. Norman Rokeberg
Subject: HB 169

Representative Rokeberg,

Please pass on my thoughts about allowing brokers to hire attorneys or associate brokers to review files to fulfill HB 29 requirements. In a large office such as ours, allowing only the Broker to review files would set us up for having an overworked broker and would cause possible mistakes to occur in the review. The broker is sometimes out of the office and would need assistance. Having the possibility of an attorney to review files is sometimes necessary to ward off possible legal problems. Please pass HB 169 as written.

Denny Wood, CRS
(907)337-WOOD(9663)
denny@akhomes.com
www.akhomes.com
THE WOOD HOME TEAM
Prudential Jack White/Vista Real Estate

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4/18/2005

SENATE COMMITTEE REPORT

DATE: 4/22/05

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/3/05

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 169(FIN)

HB 169 REAL ESTATE LICENSEE EDUC

"An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate real estate broker license; 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

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
FIN (D)	4/6/05			v	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:

Davis
B. Skens

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEN'
<i>Betty Davis</i>	X			
<i>Ben Skens</i>	✓			
CHAIR: <i>Ralph Skens</i>	✓			

Skens

HB

175

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FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB175-LAW-L&SA-1-16-
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to the creation of a civil legal services fund." RDU CIVIL
Sponsor Representative McGuire Component Labor & State Affairs
Requester House Finance Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 37.05.146 to add a new subsection under c creating a civil legal services fund funded with punitive damages collected by the state under AS 09.17.020(j). The legislature may make appropriation from the fund to organizations that provide civil legal services to low-income individuals. Passage of this legislation will have no foreseeable impact on the Department of Law.

Prepared by: Kathryn Daughhetelee, Director Phone 465-3673
Division Administrative Services Division Date/Time 1/16/06 11:36 AM
Approved by: Kathryn Daughhetelee for David Márquez, Attorney General Date 1/16/2006
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 175
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue, Admin.
Title Civil legal services fund RDU _____
Component _____
Sponsor Rep. McGuire
Requester House Finance Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would not have a significant fiscal impact on any state agency.

Prepared by: Jack Kreinheder, Senior Analyst Phone 465-4676
Division Office of Management and Budget Date/Time 1/13/06 3:22 PM
Approved by: Cheryl Frasca, Director Date 1/13/2006
Agency Office of Management and Budget

Alaska State Legislature

Session
State Capitol Building, Room 118
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Chair, Judiciary Committee
Vice-Chair, House Committee on
Economic Development,
Trade and Tourism

Member
Oil & Gas Committee

Representative Lesil McGuire

House District 28

Sponsor Statement

HB 175

"An Act relating to the creation of a civil legal services fund."

CSHB 175(JUD) is designed to provide a financial mechanism whereby the legislature may make appropriations to organizations that provide civil legal services to low-income Alaskans. This would be accomplished through the creation of a civil legal services account funded by provisions required under AS 09.17.020(j). This section of Alaska law requires that 50% of all punitive damage awards be turned over to the state and deposited into the general fund.

The civil legal needs of economically disadvantaged Alaskans are generally no different than anyone else's. Family law, health, will and probate issues know no socio-economic boundaries. Yet when these needs arise, self-represented litigants quite often find themselves unable to effectively represent their interests. Furthermore, these situations often place the judge in the inappropriate position of offering legal advice or even mediating between parties.

Since 1966, the Alaska Legal Services Corporation (ALSC) has assisted low-income Alaskans with their civil legal needs. The ALSC is not a state agency but rather a non-profit entity. The ALSC has been funded by a combination of state, federal and private sources. However, over the last several years these funds have been on the decline.

The inherent logic of CSHB 175(JUD) lies in the fact that the funds utilized to assist the disadvantaged in civil legal matters flow out of the civil legal system itself. So, high-stakes civil cases provide the funding mechanism for smaller, but no less important cases impacting low-income Alaskans. Furthermore, necessary efficiencies are achieved throughout the entire process by working these cases through a non-profit entity such as ALSC.

CSHB 175(JUD) identifies an ongoing source of funding designed to aid the ALSC in its efforts to provide civil legal assistance to low-income Alaskans. This is accomplished through use of the state's 50% share of civil damage awards deposited to the general fund. It is important to note that CSHB 175(JUD) does not create a mandatory expenditure. Each legislature possesses an option to appropriate these monies to a civil legal services fund.

Suzanne Cunningham

From: May Sue E MWR ACS Victim Advocacy [sue.may@us.army.mil]
Sent: Wednesday, January 18, 2006 10:24 AM
To: Rep. Kevin Meyer
Subject: HB 175

As a Victim Advocate, I am all too familiar with women who are victims of domestic violence and sexual assault, who have limited means and have great difficulty accessing legal services. Many times the abuser has economic control over a victim, and loss of marital financial assets leaves victims with no resources to use for obtaining counsel. In many cases these women, who have already been traumatized, are faced with a daunting legal system that could help them if they had competent representation, or leave them worse off without. Free or low cost legal services are essential to them so that they are aware of their rights and are able to establish strong protective orders and have their needs met. Please put your weight behind passage of HB 175 this afternoon so that legal services may continue to be available to victims. Thank you.

Sue Ellen May, MSW
Victim Advocate
Army Community Services, Family Advocacy Program
907-384-0504; DSN 317-384-0504
FAX: 907-384-0551
sue.may@us.army.mil

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March 3, 2005

Honorable Lesil McGuire, Chair
House Judiciary Committee
Alaska State Capitol, Room 118
Juneau, Alaska 99801-1182

Dear Chair McGuire:

RE: HB 175 (McGuire) – Support

On behalf of the AARP members in Alaska, we encourage your colleagues on the House Judiciary Committee to support your bill to create a civil legal services fund.

HB 175 would provide a mechanism to provide some financial support for legal assistance programs that benefit low-income Alaskans. Many older Alaskans and their families need legal support for civil issues but, due to recent funding declines, such assistance is limited. HB 175 would not draw on General Funds but would be funded through punitive damage awards that are turned over to the state. Many states have worked creatively to continue low-income legal assistance programs. HB 175 is another example of good, positive creative public policy.

AARP recommends an "AYE" vote on HB 175.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie Darlin".

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Representative Tom Anderson
Representative John Coghill
Representative Nancy Dahlstrom
Representative Pete Kott

Representative Les Gara
Representative Max Gruenberg

B-6 Friday, July 23, 2010

Anchorage Daily News



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OPINION

OUR VIEW

Legal aid

Small veto is big mistake

Gov. Frank Murkowski went easy with his veto pen this year, trimming only \$5 million in spending. Thanks to record-high oil prices, he didn't need huge cuts to balance the budget. And he didn't need to make huge cuts to right-size the government. Fifteen years of shrinking oil revenues have enforced sufficient austerity. Alaska's challenge is finding new, recurring revenue to sustain essential services without gambling on high oil prices or eating up rainy-day reserves.

Though Gov. Murkowski's reductions were small, one in particular was a big mistake. The \$62,500 he cut from legal aid to the poor is a serious hit to a shoestring operation that tries to fulfill the nation's promise of equal justice for all.

Alaska Legal Services handles civil cases, such as divorces, child custody, child support, evictions and domestic violence restraining orders. A 2002 study by the Justice Center at UAA found that the agency is "short-staffed, with stretched budgets" and relies heavily on recruiting volunteer lawyers, which eats up significant staff time.

Getting volunteers for the Bush is especially difficult. Private lawyers there are few, and it costs a lot to fly out volunteers from urban areas. In fact, Legal Services "is still almost the only source of civil legal assistance for the majority of the population" in the Bush, according to the Justice Center.

Gov. Murkowski is wrong when he says that funding legal aid to the poor "is not a basic responsibility of state government." Justice is not a commodity to be bought and sold in the free market. Funding legal aid for the poor levels the playing field and upholds the American ideal of equality under the law. While the governor's cut is small in total dollars, it has a big impact on a struggling agency doing an important job for vulnerable members of society.



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My Turn: Veto of legal service funds hurts little guy

Sunday, July 25, 2004

By Janell Hafner

Last Tuesday, in what can only be deemed an attempt to further refine his message of lack of concern for the little guy, Gov. Frank Murkowski vetoed \$62,500 from the state budget earmarked for of the Alaska Legal Services Corp.

ALSC is a nonprofit with the singular purpose of reducing the legal consequences of poverty and providing legal assistance and equal access to the court system for individuals who would otherwise be unable to afford counsel.

The governor's position on his cuts to a program aimed at helping low-income Alaskans navigate the legal system was to state that the "state's support to this nonprofit organization has declined over the years." That sort of nonsensical reasoning is indicative of Murkowski's term in office; yet as an individual potentially aware of the legal inequality in our state I remain dismayed at his cavalier attitude.

Murkowski asserts that "providing a grant to an organization that provides legal assistance to individuals is not a basic responsibility of state government." I would argue otherwise. Alaska courts are bound to provide an impartial and accessible forum for all persons, and our government is charged with protecting and ensuring due process and equality for all Alaskans.

For a government official to provide lip service on working for a better Alaska while simultaneously engaging in practices that erode the ability of everyday Alaskans to educate themselves and properly navigate the laws of our state is not only dishonest, it's downright immoral. It is the sort of behavior we've grown accustomed to in politics of late but something that many of us, in moving here from the Lower 48, thought we might escape.

Alexander Hamilton once said that "justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit." The sum of \$62,500 might mean only a little "belt-tightening" to the D.C. expats now

circulating in Juneau and Anchorage, but it sure sends a potent message about the priority this administration places on the rights of working poor. It might well mean ALSC loses a branch office, or a couple of staff attorneys, or both, but it certainly means that deserving Alaskans who desperately need legal assistance will be met with a sign reading "closed due to budget cuts."

Low-income Alaskans aren't usually kicking out big campaign contributions, and so the groups that cater to their constitutional needs aren't generally first on the list to receive the administration's praise. If the governor's Web site is accurate, and he believes the opportunity and responsibility to make a better Alaska lies with all of us, perhaps he could set the example by leading. Perhaps he could "tighten another belt," or be a little more honest with himself and his staff about impact of legal services in peoples lives, even if it isn't popular and even if it isn't cost-effective. Our constitution might not always come cheap, but \$62,500 isn't much.

- Janell Hafner is a lawyer employed at Reges & Boone, LLC, in Juneau.



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ALSC is important, needs its funding

Letter to the editor

Tuesday, July 27, 2004

Janell Hafner's "My Turn" article in Sunday's Empire, criticizing Gov. Frank Murkowski's veto of the legislature's appropriation to the Alaska Legal Services Corp., is excellent. Her analysis of its effect on "the little guy" is right on the mark. We have to hope that the governor's veto will be overridden.

ALSC has been helping low-income Alaskans since 1967. Organized under Alaska law, it is part of a nationwide program that provides free civil-law assistance - legal advice as well as representation in court. It helps assure that people without much money can have their rights and interests protected, whether in matters of domestic violence, housing, subsistence, improper governmental action, and a range of other issues. It helps protect basic human dignity and traditional American values. Clearly, this activity is to the benefit of all Alaskans.

Attorneys in Alaska - those in private as well as those in public practice - support one of the best pro bono publico programs in the country by donating their time and effort to cases for which the litigants cannot afford to pay. Alaska Legal Services, as an organization, along with a couple of other organizations, serves as a structural foundation for this kind of work, and it needs to pay its employees - the lawyers, the paralegals, the secretaries, and other staff - who have their own families to support.

The great cost-efficiency of the legal-aid program, represented by ALSC in Alaska, is astounding. The lawyers work for a fraction of the salary they could receive in the private sector, and typically they put in huge amounts of uncompensated overtime, simply because they are dedicated to the principle of equal access to the legal system. It's a program that provides the biggest "bang for the buck." Apparently, Murkowski believes in neither this principle nor this degree of efficiency.

Hafner is to be praised for her efforts, the ALSC staff is to be thanked for its continued work on behalf of low-income Alaskans, and the governor's veto of the ALSC appropriation needs to be overridden.

Art Peterson

Vanessa Tondini

From: Andy Harrington [aharrington@alsc-law.org]
Sent: Thursday, March 03, 2005 11:51 AM
To: Brian Hove; Vanessa Tondini
Cc: Vance Sanders; Art Peterson
Subject: SB 19 & HB 175

Dear Brian and Vanessa,

First, thanks again for your work on the civil legal services fund!

Vanessa, thanks also for yesterday's phone message about the hearing; I left a message for you this morning, but thought I'd email as well. I'm home today with a head cold, but feel free to call me at 479-3990. I'll be at the Fairbanks LIO tomorrow afternoon for the hearing - I can make a brief statement, and be available for any questions. I think Art Peterson will be there in person in Juneau.

There were two minor changes suggested by the Department of Law in conversations subsequent to the Senate Judiciary hearing in January.

The first was a phone call I had from former Dept of Law attorney (soon to be District Court Judge) Keith Levy, calling to ask if it would create any problems for ALSC if the reference to "maximum income levels for Alaska determined by the Legal Services Corporation" were changed to "maximum income levels for Alaska determined under 45 CFR Part 1611 or successor provisions." I told him I didn't think it would create any problems from my perspective. I think his thought behind that change was that it was better to cross-reference a duly enacted federal regulation.

The second arose during a discussion which ALSC President Vance Sanders and I had last week with Acting Attorney General Scott Nordstrand about the bill, at the suggestion of Chief of Staff Jim Clark. Mr. Nordstrand's only concern was that any costs of collection the State might incur with respect to the punitive damage assignments should come out of the proceeds before they were put into the civil legal services fund. He didn't think these had been major, but he thought that, although he wouldn't mind the money going into the civil legal services fund, he didn't want the bill to create a disincentive for the Dept of Law to collect the funds. We talked a bit about whether this should be done as a percentage of the proceeds, or whether the Department of Law would want to keep track of those costs and report them annually, and he indicated a preference for the latter approach, to avoid over- or under-estimating those costs. He said it would address his concern if there was language in the bill making reference to the costs of collection. We also talked about ALSC helping with a public information campaign to make sure the bar was informed about the requirement, and working with the court system to see if judgment forms could be amended to specifically reference the statute, as ways of minimizing the effort the Dept of Law would need to put into collection efforts.

Brian, as you suggested this morning, I'm attaching a draft that includes language addressing these Dept of Law concerns.

And, again, thanks for your help!

Sincerely,

Andy Harrington
Alaska Legal Services Corporation
1648 South Cushman, Suite 300
Fairbanks AK 99701
907-452-5181
Fax 907-456-6359

3/3/2005