

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2934

HB

400

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 APR 22 2006
 SENATE FINANCE COMMITTEE

DATE: 4/7/06

FURTHER:

DATE TURNED IN TO OFFICE: 22 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 400(FIN)

HB 400 CONFISCATION OF FIREARMS

"An Act relating to confiscation of firearms during disaster emergencies."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS HB 400 (JUD)
- 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#
DM&VA	2/13/06			✓	47

APPROPRIATION - no fiscal note

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

FISCAL NOTE

REPORTED OUT
APR 22 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 400(JUD)
 (H) Publish Date: 2/21/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
 Title Confiscation of Firearms RDU Military and Veterans Affairs
 Component Homeland Security &
 Sponsor Military & Veterans Affairs Emergency Management
 Requester _____ Component No. 2657

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	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer
 Division: Administrative Services Division
 Approved by: Craig E. Campbell, Commissioner
 Agency: Department of Military & Veterans' Affairs

Phone: (907) 465-4602
 Date/Time: 2/13/06 9:15 AM
 Date: 2/13/2006

ALASKA STATE HOUSE OF REPRESENTATIVES



Contact:

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

HB 400

"An Act relating to confiscation of firearms during disaster emergencies"

SPONSOR STATEMENT

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." (Second Amendment to the United States Constitution - ratified December, 1791)

The wisdom of this Amendment comes not from seeing what future threats to a free State might be, but knowing that the right of the people to keep and bear arms will insure the security of that free State.

In the chaos following Hurricane Katrina, various government agencies, made systematic attempts to sweep New Orleans of guns, even if it meant entering the homes of law abiding gun owners. National Guard, federal, state, or local law enforcement personnel should not be allowed to confiscate lawfully owned and lawfully carried firearms.

This bill will insure that law-abiding citizens are not disarmed by the government during a time when they may need their firearms the most.

(24-LS1543-C)

ALASKA STATE HOUSE OF REPRESENTATIVES



Contact:

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

Senate CS for CS House Bill 400(JUD)

"An Act relating to confiscation of firearms in disaster emergencies."

SECTIONAL

Section 1

Sec. 26.23.200 places limitation on the authority, and responsibility set out in AS 26.23.010 – 26.23.220 Disasters. This bill adds a new section that states there is no authority granted or implied under the Alaska Disaster Act that:

(5) authorizes the confiscation of a firearm lawfully owned, possessed, or carried by law-abiding citizens.

In this section, "confiscation" has the meaning given in Black's Law Dictionary "*seizure of property for the public treasury.*"

Section 2

Confiscation of firearms. Sec. 26.23.205 describes the penalty for: (a) a person convicted of official misconduct under AS 11.56.850, or interference with constitutional rights under AS 11.76.110 could

(1) forfeit their appointed government position, and if they fall under the jurisdiction of the Alaska Police Standards Council, have their police certification revoked;

CS to House Bill 400(JUD) changed the penalty imposed on individuals that violate the provisions of this bill. The amendments approved by House Finance clarified that before an elected official or individual in a governmental position forfeits their office or position they must be convicted of official misconduct under AS 11.56.850 or interfere with constitutional rights under AS 11.76.110.

Senate CS for CS to House Bill(JUD) – state specifically the statutes that authorize:

- (1) an elected office to be declared vacant - AS 29.20.170 or 29.20.280;
and the Constitutional authority to remove an elected official by impeachment;
- (2) art. II, sec. 20, of the Alaska Constitution.

(24-151543C)

SENATE COMMITTEE REPORT

DATE: 3/27/06

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/6/06

Judiciary Committee considered CS FOR HOUSE BILL NO. 400(FIN)

HB 400 CONFISCATION OF FIREARMS

"An Act relating to confiscation of firearms during disaster emergencies."

and recommends:

- be replaced with 5 CS CSHB 400 (JUD)
- 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#
MVA	2/13/06			✓	1

APPROPRIATION - no fiscal note

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

French
Gues
Therriault
Huggins

Seekins

HB

403

HFIN

FILE




Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

State Capitol
Juneau, Alaska 99801-1182

Date: April 27, 2006
To: Representative Bill Thomas
From: Louanne Christian,
HFC Committee Assistant
Re: CSHB 403 (FIN) 
Correct version

On April 7, 2006, the House Finance Committee adopted committee substitute for HB 403, work draft LS1229\L. Unfortunately, a previous version (LS-1229\I) was inadvertently sent to the Chief Clerk's office. I apologize for the inconvenience this has caused you and your staff.

24-LS1229L
Luckhaupt
4/4/06

CS FOR HOUSE BILL NO. 403()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES THOMAS, Croft

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to registration and operation of low-speed vehicles."

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

3 * Section 1. AS 28.10.421(b) is amended to read:

4 (b) The biennial registration fees under this subsection are imposed within the
5 following classifications for:

6 (1) a passenger vehicle, a low-speed vehicle, or motor home not used
7 or maintained for the transportation of persons or property for hire or for other
8 commercial use \$100;

9 (2) a pick-up truck or a van not exceeding 10,000 pounds unladen
10 weight and not registered in the name of a company or business\$100;

11 (3) a taxicab \$160;

12 (4) a motor bus with a seating capacity for 20 or more persons and
13 used exclusively for commercial purposes in the transporting of visitors or tourists
14\$300;

15 (5) a motorcycle or a motor-driven cycle \$60;

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(6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent \$30.

* Sec. 2. AS 28.10.421(c) is amended to read:

(c) The biennial registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a low-speed vehicle and a motor vehicle pulling a trailer or semi-trailer, that is registered in the name of a company or business, or is used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial purposes, including a low-speed vehicle, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds \$180;
- (2) more than 5,000 pounds to and including 12,000 pounds \$268;
- (3) more than 12,000 pounds to and including 18,000 pounds .. \$516;
- (4) more than 18,000 pounds \$662.

* Sec. 3. AS 28.10.421(h) is amended to read:

(h) The annual registration fees under this subsection for vehicles, including low-speed vehicles, used for commercial purposes are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, as follows:

- (1) up to and including 5,000 pounds \$90;
- (2) more than 5,000 pounds to and including 12,000 pounds \$134;
- (3) more than 12,000 pounds to and including 18,000 pounds .. \$258;
- (4) more than 18,000 pounds \$331.

* Sec. 4. AS 28.35 is amended by adding a new section to article 5 to read:

Sec. 28.35.261. Operation of low-speed vehicles. (a) The operator of a low-

1 speed vehicle is subject to all the traffic and other laws applicable to operators of
2 passenger vehicles.

3 (b) The operator of a low-speed vehicle may not operate that vehicle on a
4 highway that has a maximum speed of more than 35 miles an hour. Notwithstanding
5 this subsection, the operator of a low-speed vehicle may cross a highway that has a
6 maximum speed limit of more than 35 miles an hour if the crossing is made at the
7 intersection with a highway that is authorized for low-speed vehicles.

8 (c) Notwithstanding AS 28.01.010,

9 (1) a person may not operate a low-speed vehicle within a municipality
10 unless that municipality has adopted an ordinance allowing the use of low-speed
11 vehicles within its jurisdiction;

12 (2) a municipality may, by ordinance, further restrict the operation of
13 low-speed vehicles within its jurisdiction.

14 * Sec. 5. AS 28.40.100(a) is amended by adding a new paragraph to read:

15 (27) "low-speed vehicle" means a motor vehicle that has four wheels
16 and an unladen weight of 2,500 pounds or less, that was manufactured to be capable of
17 propelling itself and achieving a minimum speed of 20 miles an hour and a maximum
18 speed of 25 miles an hour, and that has not been modified to have a maximum speed
19 greater than 25 miles an hour.

HOUSE COMMITTEE REPC T

(11)

Date Referred to Committee: March 3, 2006

FURTHER REFERRALS:

Date of Committee Action: 4/7/06

The FINANCE Committee considered:

HB 403

HOUSE BILL NO. 403

NEIGHBORHOOD ELECTRIC VEHICLES

"An Act relating to registration and operation of neighborhood electric vehicles."

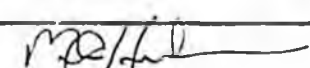


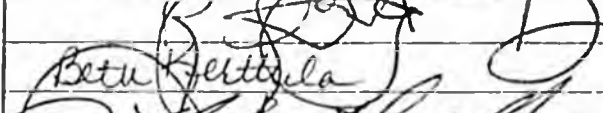
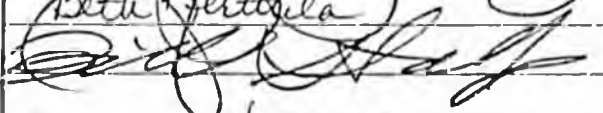
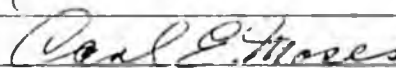
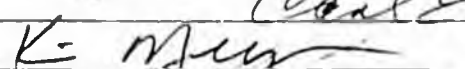
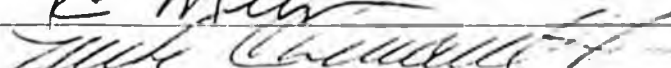
Recommends it be replaced with [] HCS or [] CS for HB 403 (FIN)
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [] New Title

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

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

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

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DPS	#1			✓
DOA	#2	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Howter	✗			
	Kelly			X	
	Foster	X			
	Kestral	X			
	Stern			X	
Bruce Weyhrauch	WEYHRAUCH			X	
	MOSES	X			
Chair: 	Meyer	✓			
Chair: 	Cherrish			X	

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 403(STA)
(H) Publish Date: 2/24/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating to registration and operation of RDU Alaska State Troopers neighborhood electric vehicles." Component: AST Detachments
Sponsor: Representative Thomas
Requester: House State Affairs Committee Component No.: 2325

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						
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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 (FY2006) 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)*

Passage of this legislation would allow smaller electric vehicles to be registered by the Department of Motor Vehicles and to co-mingle these vehicles with full-size motor vehicles on the roadways as long as the posted speed limit is not above 35 miles per hour.

Since the operators of these electric vehicles would have to comply with all other traffic laws applicable to the operation of passenger vehicles, any enforcement of traffic laws would be absorbed by the existing resources within the Department of Public Safety.

Prepared by: Lieutenant James Helgoe
Division: Alaska State Troopers
Approved by: Commissioner William Tandeske
Agency: Department of Public Safety

Phone: 907-269-4532
Date/Time: 2/22/06 9:26 AM
Date: 2/22/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 403(STA)
(H) Publish Date: 2/24/06

Revision Date/Time (Note if correction): 2/21/2006 11:00 a.m. Dept. Affected: Administration
Title: "An Act relating to registration and operation of neighborhood electric vehicles." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Sponsor: Rep. Thomas
Requester: (H) State Affairs Component No.: 2348

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	5.0					
Supplies	5.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.5	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						
1156 Receipt Supported Svcs	10.5					
TOTAL	10.5	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 will allow a very specific type of vehicle, as defined by federal regulations as a 'Low Speed Vehicle' to receive Alaska Title and Registration for use on certain roadways.

There will be an increase in revenue as a result, yet we are unable to determine that amount as the estimated numbers of these LSV's requesting title & registration remains unknown. The DMV database, the Alaska Licensing and Vehicle Information Network (ALVIN), will require minimal modification to allow this process.

We intend to purchase 500 sets of these new, distinctive LSV plates in anticipation of registration; any unused plates will be carried as inventory. Titles, registration forms and tabs will be used from existing supplies.

Prepared by: Duane Bannock, Director
Division: Motor Vehicles
Approved by: Mike Tibbles, Deputy Commissioner
Agency: Department of Administration

Phone: 269 5008
Date/Time: 2/21/06 11:00am
Date: 2/21/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 403(STA)
(H) Publish Date: 2/24/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating to registration and operation of neighborhood electric vehicles." RDU: Alaska State Troopers
Sponsor: Representative Thomas Component: AST Detachments
Requester: House State Affairs Committee Component No.: 2325

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						
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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 (FY2006) 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)*

Passage of this legislation would allow smaller electric vehicles to be registered by the Department of Motor Vehicles and to co-mingle these vehicles with full-size motor vehicles on the roadways as long as the posted speed limit is not above 35 miles per hour.

Since the operators of these electric vehicles would have to comply with all other traffic laws applicable to the operation of passenger vehicles, any enforcement of traffic laws would be absorbed by the existing resources within the Department of Public Safety.

Prepared by: Lieutenant James Helgou Phone: 907-269-4532
Division: Alaska State Troopers Date/Time: 2/22/06 9:26 AM
Approved by: Commissioner William Tandesko Date: 2/22/2006
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 403(STA)
(H) Publish Date: 2/24/06

Revision Date/Time (Note if correction): 2/21/2006 11:00 a.m. Dept. Affected: Administration
Title: "An Act relating to registration and operation of neighborhood electric vehicles." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Sponsor: Rep. Thomas
Requester: (H) State Affairs Component No.: 2348

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	5.0					
Supplies	5.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.5	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						
1156 Receipt Supported Svcs	10.5					
TOTAL	10.5	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 will allow a very specific type of vehicle, as defined by federal regulations as a 'Low Speed Vehicle' to receive Alaska Title and Registration for use on certain roadways.

There will be an increase in revenue as a result, yet we are unable to determine that amount as the estimated numbers of these LSV's requesting title & registration remains unknown. The DMV database, the Alaska Licensing and Vehicle Information Network (ALVIN), will require minimal modification to allow this process.

We intend to purchase 500 sets of these new, distinctive LSV plates in anticipation of registration; any unused plates will be carried as inventory. Titles, registration forms and tabs will be used from existing supplies.

Prepared by: Duane Bannock, Director
Division: Motor Vehicles
Approved by: Mike Tibbles, Deputy Commissioner
Agency: Department of Administration

Phone: 269 5008
Date/Time: 2/21/06 11:00am
Date: 2/21/2006

adopted 4/7/06

24-LS1229V
Mischel/Luckhaupt
3/31/06

CS FOR HOUSE BILL NO. 403()

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

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES THOMAS, Craft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration and operation of low-speed vehicles."

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

3 * Section 1. AS 28.10.041 is amended by adding a new subsection to read:

4 (e) The department may not refuse to register a low-speed vehicle as a
5 passenger vehicle if that vehicle meets the safety and equipment requirements set for
6 passenger vehicles by this state or meets federal motor vehicle safety standards for
7 low-speed vehicles.

8 * Sec. 2. AS 28.10.421(b) is amended to read:

9 (b) The biennial registration fees under this subsection are imposed within the
10 following classifications for:

11 (1) a passenger vehicle, a low-speed vehicle, or motor home not used
12 or maintained for the transportation of persons or property for hire or for other
13 commercial use \$100;

14 (2) a pick-up truck or a van not exceeding 10,000 pounds laden
15 weight and not registered in the name of a company or business\$100;

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(3) a taxicab \$160;

(4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists\$300;

(5) a motorcycle or a motor-driven cycle..... \$60;

(6) a trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer, house trailer, travel trailer, or a trailer rented or offered for rent \$30.

* Sec. 3. AS 28.10.421(c) is amended to read:

(c) The biennial registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, for a vehicle, including a low-speed vehicle and a motor vehicle pulling a trailer or semi-trailer, that is registered in the name of a company or business, or is used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial purposes, including a low-speed vehicle, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows.

(1) up to and including 5,000 pounds \$180;

(2) more than 5,000 pounds to and including 12,000 pounds \$268;

(3) more than 12,000 pounds to and including 18,000 pounds .. \$516;

(4) more than 18,000 pounds \$662.

* Sec. 4. AS 28.10.421(h) is amended to read:

(h) The annual registration fees under this subsection for vehicles, including low-speed vehicles, used for commercial purposes are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight, which the owner shall furnish, subject to the approval of the commissioner or the commissioner's representative, as follows:

(1) up to and including 5,000 pounds \$90;

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(2) more than 5,000 pounds to and including 12,000 pounds \$134;

(3) more than 12,000 pounds to and including 18,000 pounds .. \$258;

(4) more than 18,000 pounds \$331.

* Sec. 5. AS 28.35 is amended by adding a new section to article 5 to read:

Sec. 28.35.261. Operation of low-speed vehicles. (a) The operator of a low-speed vehicle is subject to all the traffic and other laws applicable to operators of passenger vehicles.

(b) The operator of a low-speed vehicle may not operate that vehicle on a highway that has a maximum speed of more than 35 miles an hour. Notwithstanding this subsection, the operator of a low-speed vehicle may cross a highway that has a maximum speed limit of more than 35 miles an hour if the crossing is made at the intersection with a highway that is authorized for low-speed vehicles.

(c) Notwithstanding AS 28.01.010, a municipality may, by ordinance, further restrict the operation of low-speed vehicles within its jurisdiction.

* Sec. 6. AS 28.40.100(a) is amended by adding a new paragraph to read:

(27) "low-speed vehicle" means a motor vehicle that has four wheels and an unladen weight of 2,500 pounds or less, that was manufactured to be capable of propelling itself and achieving a minimum speed of 20 miles an hour and a maximum speed of 25 miles an hour, and that has not been modified to have a maximum speed greater than 25 miles an hour.



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us webpage: www.akrebublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

SPONSOR STATEMENT

HB 403

“An act relating to registration and operation of neighborhood electric vehicles”

As new motor vehicle technologies are developed, our legal structure must sometimes be modified to account for these changes. In recent years a number of manufacturers have designed and produced several models of small low-speed electrical vehicles that have come to be known collectively as Neighborhood Electric Vehicles (NEV). NEVs have become popular in Europe and increasingly in North America. 36 states have already enacted legislation to permit and encourage their use.

These vehicles typically are limited by design to a top speed of 25 miles per hour and have a range of depending on usage. They are powered by a bank of traditional lead-acid or sealed gel cell batteries. NEVs offer numerous advantages over gas powered vehicles, such as vastly improved energy usage, zero emissions, no necessity of anti-freeze for cooling, space efficiency in parking, and significant potential cost savings for private, commercial and government applications.

Unfortunately, under current law, the State of Alaska cannot license NEVs and as a result Alaska has yet to realize any of the benefits these new vehicles offer. Therefore HB 403 has been introduced to rectify this situation and encourage private citizens and municipalities to utilize NEVs. This legislation has been modeled after federal requirements and laws instituted by other states to govern the registration and use of NEVs in a safe and effective manner.

February 7, 2006

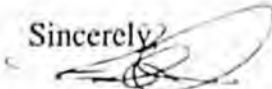
Rep. Bill Thomas
Alaska State Legislature
Juneau, AK 99801

I would like to propose that the motor vehicle statutes be amended to allow the use of Neighborhood Electric Vehicles on roads with speed limits of 35 MPH or less. I feel that these vehicles may be of use to many people who only use their cars for short trips to the grocery store, post office, church etc. With the high cost of vehicle ownership, gas, oil, tune ups, and insurance, these electric cars provide an affordable alternative mode of transportation. I realize that they will not work for all people in all areas, however for towns like Skagway and short local trips in larger cities like Anchorage these are ideal. There may be additional benefits to cities for use in parking enforcement, parks departments, airport security and so forth. These vehicles are legal in approximately 38 other states including, California, Washington and Florida. NEVs are approved by the National Transportation Highway Safety Administration as long as they meet the federal standards.

I do not know how large a demand there will be for these types of cars, but I do know that at least 5 people here in Skagway have expressed an interest in them, and this is without any promotion or advertising.

Considering that due to the fact they are non-polluting, have no oil or anti freeze to dispose of and operate very economically (it will cost approx. \$1.10 to travel 35 miles for power here in Skagway at 18 cents a KW hour. I think Juneau's rate is 8 cents) If gas is close to \$3.00 a gallon, this means about the equivalent of 100 miles to a gallon. The purchase price delivered to Skagway of a fully loaded car, stereo, chrome wheels, high efficiency motors, zero maintenance batteries, heater, etc would be about \$17,000. With more and more talk of energy efficient, zero emissions type vehicles, perhaps these NEVs are just a start in that direction. Thank you for your time in the consideration of this matter.

Sincerely,



Ed Ibbotson
Skagway resident

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Neighborhood Electric Vehicles (NEVs)



The National Highway Transportation Safety Administration has defined a new category "low-speed vehicles" or "Neighborhood Electric Vehicles." These are small, 4-wheeled motor vehicles with top speeds of 20 to 25 miles per hour. NEVs must comply with safety standards that require them to have automotive grade headlights, seatbelts, windshields, brakes and other safety equipment. These vehicles can only be used on streets with a posted speed limit of 35 mph or less.

These vehicles are intended for short commutes on city streets, trips generally of 2 to 3 miles or less, going shopping, taking the kids to school, running errands, etc. They are also used by law enforcement for parking patrol, Parks and zoos for grounds maintenance etc.

The costs run from \$7,000 to over \$15,000. As you can see they are not toys. They do require a valid drivers license and are restricted to a top speed of 25 MPH. They MAY NOT be operated on any road with a posted speed limit over 35 MPH.

I have included in this package several pictures from different manufacturers to show what is available, I have also included copies of the statutes from several different states, also included is the complete Federal Code from the National Traffic Highway Safety Administration, this document includes all of information that the agency used to formulate the final rule.

When you look at some of the state laws you will notice that some have added their own additional rules allowing each county or city to place further limits on the operation of these vehicles. I would suggest that this approach be avoided as it will only lead to a hodge podge of differing laws scattered across the state.

If a person is interested in purchasing one of these cars they would first have to check with the local city and borough to find out what if any restrictions may apply in that area, then if you moved to another town you might find the laws different there.

The federal guidelines are well thought out and simple.

I feel that with the high cost of fuel and the concern over air pollution, that the time for a efficient, low maintenance, zero emission vehicle that is safe and easy to operate time has come, and its time for Alaska to join the 36 plus States that already allow their use.

In closing and on a personal note, as I stated I am trying to start a small rental and sales business. While nothing can be done this season, would it be possible to expedite this legislation so that perhaps by early spring this could become a reality.

I thank you for your time and your consideration.

Ed Ibbotson





SDC Skagway
 Development Corporation
 ECONOMIC AND COMMUNITY DEVELOPMENT

P.O. Box 1236 • Skagway, Alaska 99840 • Phone/Fax: (907) 983-3414 • skagdev@aptalaska.net

February 17, 2006

The Honorable Paul Seaton, Chairman
 House State Affairs Committee
 Alaska State Capitol
 Juneau, Alaska 99801-1182

Re: An Act relating to regulation and operation of neighborhood electric vehicles
 HB403

Dear Representative Seaton:

The Skagway Development Corporation (SDC) is a private non-profit economic and community development organization working towards diversifying and enhancing Skagway's year round economy, and increasing the quality of life for its residents. The request for the introduction of Bill 403 pertaining to changes in Alaska code that would allow the use of Neighborhood Electric Vehicles (NEV) was made by me on behalf of a Skagway resident.

With the significant increases in fuel costs and the expectation that these costs will not be returning to previous levels there is national concern regarding the effects that this is having on the consumer and small business owner. This is nowhere more apparent than in Alaska, and especially in rural communities, where gasoline and diesel prices are well above the national average. As hybrid and electric vehicle technologies mature their efficiencies also provide increased cost benefits to the user. This increased effectiveness will translate to significant financial savings for users and lessen our nation's reliance on foreign oil reserves.

Statistics suggest that 65 percent of U.S. families own a second car; over 50 percent of urban trips last less than ten minutes; and 80 percent of all trips are within 10 miles or less. The results are cold running motors that translate into excessive engine wear, increased pollutants, and higher costs for the operator.

NEVs are designated as low-speed vehicles by the National Highway Traffic Safety Administration and are capable of up to 25 mph. As low-speed vehicles, these 20 to 25 mile-per-hour vehicles are subject to Federal Motor Vehicle Safety Standard No. 500 (49 CFR 571.500). This standard requires low-speed vehicles be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle

identification numbers. The National Highway Traffic Safety Administration believes that these requirements appropriately address the safety of low-speed vehicle occupants and other roadway users, given the sub-25 mph speed capability of these vehicles and the controlled environments in which they operate.¹

NEVs are designed to be used in residential areas and rural communities with low density traffic and low speed zones. With a top speed of 25 mph, low-speed vehicles can be used on streets with a posted 35 mph speed limit or less. It would appear that NEVs are an appropriate vehicle for most of our transportation needs. These passenger-carrying vehicles, although low-speed, offer a variety of advantages, including comparatively low-cost and energy-efficient mobility², zero emissions, and up to 90 percent reduction in noise.

Unfortunately, at present NEVs are not allowable forms of transport in the state of Alaska, although being legal in 37 states. I believe that the time has come for Alaska to seriously explore the synergies that these vehicles can bring to the state's citizenry and economy. Alaska businesses are often at a competitive disadvantage with Lower 48 firms because of the cost differential in operating expenses. Many local businesses, especially microenterprises, should see a noticeable decrease in their operating costs if given the opportunity to use an efficient NEV over a regular gas or diesel powered vehicle.

I would ask that the committee look favorably upon this bill and allow Alaskans the opportunity to engage in an inexpensive, safe, efficient, and pollution free form of transportation. The benefits that ensue will trickle down and out across our communities and the state as a whole.

Thank you for your consideration, and should you require additional information please do not hesitate to contact me.

Regards,



Michael Catsi
Executive Director

¹ <http://www.electric-bikes.com/legalnev.htm>

² <http://www.electric-bikes.com/nev.htm>



Specifications

Dimensions

Length:	140 in	3556 mm
Width:	60 in	1524 mm
Height:	63 in	1600 mm
Wheelbase:	90 in	2286 mm
Curb Weight:	1410 lbs	653 kg

Wheels & Ride

Wheel Size:	13 in	330 mm
Brake Type:	Front Disc/Rear Drum	
Suspension:	4 Wheel Independent McPherson Struts (front) Coil/Over Shocks (rear)	
Road Speed:	Up to 25 mph	40 kph
Off-road Speed:	Up to 12 mph	20 kph
Range:	Up to 30 miles	50 km

Safety Features

- 3-Point Anchored Seat Belts
- High Visibility Brake and Tail Lights
- Side Indicators and Reflectors
- Back Up Light & Alarm
- Halogen Headlights with Hi/Lo Beams
- Self-Canceling Turn Signals with 4-way Flashers
- Windshield De-mist
- Battery Level Indicator
- Rearview and Side Mirrors

Construction Materials

Frame:	Aluminum
Body:	Infusion Molded Fiberglass
Bumper Material:	Rotationally Molded Plastic
Windshield/Rear Glass:	Laminated Safety Glass

Power System

Traction Batteries:	6 x 12V Trojan 30 XHS
Accessory Battery:	1 x 12V Trojan 24 XHS
DC-DC Converter:	SPS Electronics
Motor Controller:	Curtis
Electric Motor:	72V, 5HP Advanced DC (Re-Generative)
Charger:	ZIVAN 110 VAC

DYNASTY MOTORCAR CORPORATION
Toll Free 888.818.1688

Local Dealer:

800 McCurdy Road Kelowna, BC Canada V1X2P7 250.765.4528 Fax 250.765.4187

www.ityelectric.com

Photo: Linda Egan



SEDAN

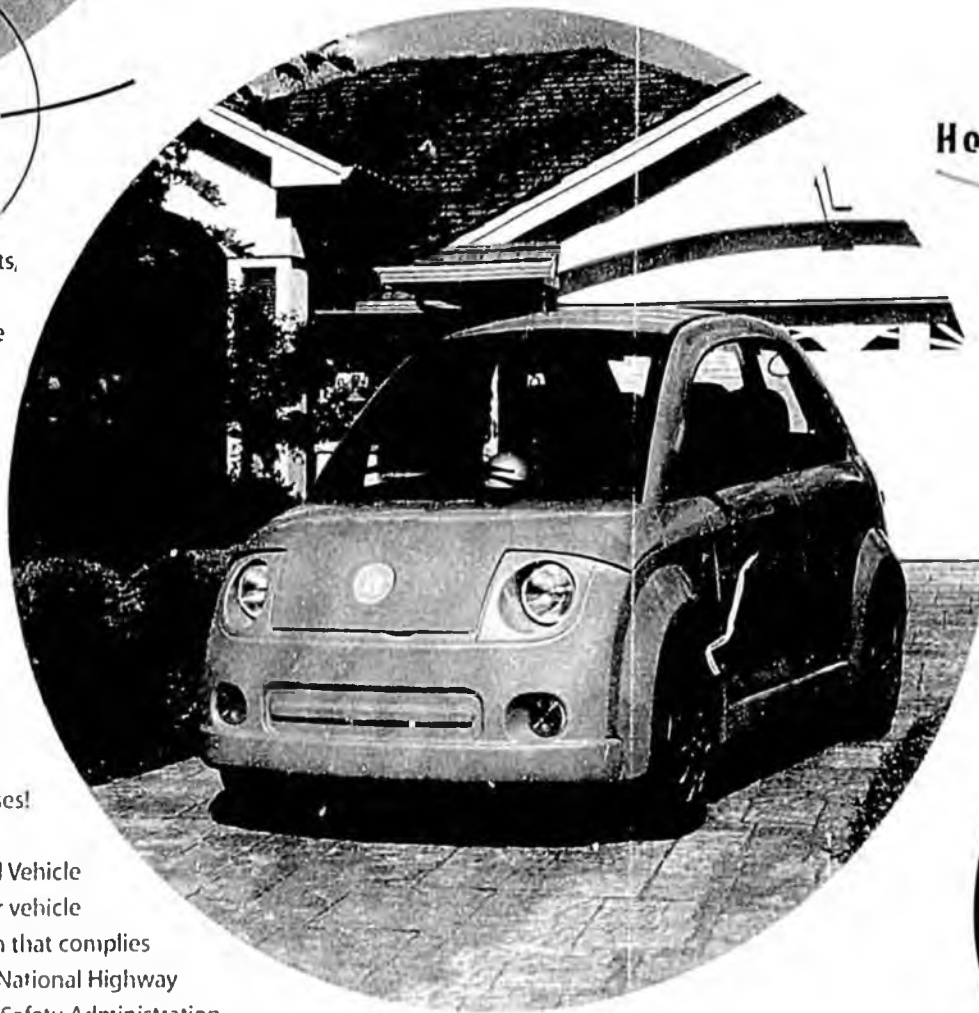
What is IT™?

IT is Innovative Transportation. A smart choice for university or college campuses, resorts, airports, industrial parks, planned and gated communities ... anywhere quiet, agile, versatile, reliable, clean-running, electric Low Speed Vehicles make sense - even indoors. IT is the way of the future! Fossil fuel engines pollute the environment and are expensive to operate and maintain. Not so with IT. This zero-emission electric vehicle has low operating and maintenance expenses!

IT is a Low Speed Vehicle (LSV) - a motor vehicle classification that complies with U.S. National Highway Traffic Safety Administration (NHTSA) and Transport Canada Motor Vehicle Safety Regulations. IT electric vehicles can operate on roads with posted speed limits of up to 35 mph (60 kph), at a speed not to exceed 25 mph (40 kph).

Who Makes IT™?

IT is a product of Dynasty Motorcar Corporation, a leader in the development of transportation products designed to meet your specific needs. Dynasty's history of staying close to the customer has spurred the development of innovative vehicle design as well as responsive and effective sales and service support. Add to that, experience in advanced computer engineering and implementation of world class manufacturing processes and you have a formula for product success.



How Does IT™ Work?

IT is battery powered and is easily recharged by plugging into any standard 110-volt outlet. Fully charged, IT can travel at full speed for up to 30 miles (50 kilometers). IT drives like any other vehicle but without the noise, smell and pollution of a standard internal combustion engine. Plugging in overnight, or convenience charging during the day, will ensure that you have hours of trouble-free driving.



TM

SEDAN

The Sedan is a 4 passenger, five door multi-purpose vehicle, great for transporting the kids to school, or a trip to the supermarket! IT meets all regulatory and safety standards with features such as halogen headlamps, rear tail and brake lights, self-canceling turn signals, three-point anchored seat belts, automotive safety glass, windshield washer/wiper, de-mist system, and side and rear-view mirrors.

Walk Around IT™

- 6 12V, deep-cycle, lead acid batteries
- 1 12V, deep-cycle, lead acid accessory battery
- 72V, 5 HP DC Motor
- 110V, 12A Charger
- Motor Controller
- DC to DC Converter
- Heavy-duty Charging Cord
- Windshield De-mist Unit

Rotationally Molded Plastic Bumper

All Aluminum Frame

Warranty

IT comes complete with a 12 month Bumper to Bumper warranty excluding batteries and tires which are warranted through Trojan and Goodyear respectively. An additional one year Extended Warranty is available and may be purchased before the factory warranty expires.

- Enclosed Passenger Compartment
- Lockable Doors

Infusion Molded Fiberglass Body Panels

Coil Over Shocks

Rear Drum Brakes

Four-wheel Independent Suspension

13" Wheels

9" Front Disc Brakes

Front Wheel Drive

McPherson Struts



HB

403

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 06 '06
SENATE FINANCE COMMITTEE

DATE: 4/28/06

FURTHER:

DATE TURNED
IN TO OFFICE: 6 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 403(FIN)

HB 403 NEIGHBORHOOD ELECTRIC VEHICLES

"An Act relating to registration and operation of low-speed vehicles."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous 5 CS CS HB 403 (TRA)
- 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#
DPS	2/22/06			✓	#1
Admin	2/21/06	10.5			#2

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 06 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 403(STA)
 (H) Publish Date: 2/24/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: "An Act relating to registration and operation of RDU Alaska State Troopers
neighborhood electric vehicles." Component: AST Detachments
 Sponsor: Representative Thomas
 Requester: House State Affairs Committee Component No.: 2325

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 ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mer 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 2006 budget proposal:

POSITIONS

Position Type	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 Passage of this legislation would allow smaller electric vehicles to be registered by the Department of Motor Vehicles and to co-mingle these vehicles with full-size motor vehicles on the roadways as long as the posted speed limit is not above 35 miles per hour.

 Since the operators of these electric vehicles would have to comply with all other traffic laws applicable to the operation of passenger vehicles, any enforcement of traffic laws would be absorbed by the existing resources within the Department of Public Safety.

Prepared by: Lieutenant James Helgaa Phone: 907-269-4532
 Division: Alaska State Troopers Date/Time: 2/22/06 9:26 AM
 Approved by: Commissioner William Tandeske Date: 2/22/2006
 Agency: Department of Public Safety

COMMITTEE COPY

FISCAL NOTE

REPORTED OUT
MAY 06 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 403(STA)
(H) Publish Date: 2/21/06

Revision Date/Time (Note if correction): 2/21/2006 11:00 a.m. Dept. Affected: Administration
Title: "An Act relating to registration and operation of neighborhood electric vehicles." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Sponsor: Rep. Thomas
Requester: (H) State Affairs Component No. 2348

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	5.0					
Supplies	5.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.5	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Svcs	10.5					
TOTAL	10.5	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

Position Type	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will allow a very specific type of vehicle, as defined by federal regulations as a 'Low Speed Vehicle' to receive Alaska Title and Registration for use on certain roadways. There will be an increase in revenue as a result, yet we are unable to determine that amount as the estimated numbers of these LSV's requesting title & registration remains unknown. The DMV database, the Alaska Licensing and Vehicle Information Network (ALVIN), will require minimal modification to allow this process. We intend to purchase 500 sets of these new, distinctive LSV plates in anticipation of registration; any unused plates will be carried as inventory. Titles, registration forms and tabs will be used from existing supplies.

Prepared by: Duane Bannock, Director Phone: 269 5008
Division: Motor Vehicles Date/Time: 2/21/06 11:00am
Approved by: Mike Tibbles, Deputy Commissioner Date: 2/21/2006
Agency: Department of Administration

COMMITTEE COPY



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us webpage: www.akrebublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

SPONSOR STATEMENT

SCS CSHB 403 (TRA)

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These vehicles typically are limited by design to a top speed of 25 miles per hour and are powered by a bank of traditional lead-acid or sealed gel cell batteries. LSVs offer numerous advantages over gas powered vehicles, such as vastly improved energy usage, zero emissions, no necessity of anti-freeze for cooling, space efficiency in parking, and significant potential cost savings for private, commercial and government applications.

Unfortunately, under current law, the State of Alaska cannot license LSVs and as a result Alaska has yet to realize any of the benefits these new vehicles offer. Therefore HB 403 has been introduced with the support of the Division of Motor Vehicles to rectify this situation and encourage private citizens and municipalities to utilize LSVs. This legislation has been modeled after federal requirements and laws instituted by other states to govern the registration and use of LSVs in a safe and effective manner.

THE
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SDC Skagway
Development Corporation
ECONOMIC AND COMMUNITY DEVELOPMENT

P.O. Box 1236 • Skagway, Alaska 99840 • Phone/Fax: (907) 983-3414 • skagdev@aptalaska.net

February 17, 2006

The Honorable Paul Seaton, Chairman
House State Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801-1182

Re: An Act relating to registration and operation of neighborhood electric vehicles
HB403

Dear Representative Seaton:

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With the significant increases in fuel costs and the expectation that these costs will not be returning to previous levels there is national concern regarding the effects that this is having on the consumer and small business owner. This is nowhere more apparent than in Alaska, and especially in rural communities, where gasoline and diesel prices are well above the national average. As hybrid and electric vehicle technologies mature their efficiencies also provide increased cost benefits to the user. This increased effectiveness will translate to significant financial savings for users and lessen our nation's reliance on foreign oil reserves.

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Representative Paul Seaton
February 17, 2006

Page 2

identification numbers. The National Highway Traffic Safety Administration believes that these requirements appropriately address the safety of low-speed vehicle occupants and other roadway users, given the sub-25 mph speed capability of these vehicles and the controlled environments in which they operate.¹

NEVs are designed to be used in residential areas and rural communities with low density traffic and low speed zones. With a top speed of 25 mph, low-speed vehicles can be used on streets with a posted 35 mph speed limit or less. It would appear that NEVs are an appropriate vehicle for most of our transportation needs. These passenger-carrying vehicles, although low-speed, offer a variety of advantages, including comparatively low-cost and energy-efficient mobility², zero emissions, and up to 90 percent reduction in noise.

Unfortunately, at present NEVs are not allowable forms of transport in the state of Alaska, although being legal in 37 states. I believe that the time has come for Alaska to seriously explore the synergies that these vehicles can bring to the state's citizenry and economy. Alaska businesses are often at a competitive disadvantage with Lower 48 firms because of the cost differential in operating expenses. Many local businesses, especially microenterprises, should see a noticeable decrease in their operating costs if given the opportunity to use an efficient NEV over a regular gas or diesel powered vehicle.

I would ask that the committee look favorably upon this bill and allow Alaskans the opportunity to engage in an inexpensive, safe, efficient, and pollution free form of transportation. The benefits that ensue will trickle down and out across our communities and the state as a whole.

Thank you for your consideration, and should you require additional information please do not hesitate to contact me.

Regards,



Michael Catsi
Executive Director

¹ <http://www.electric-bikes.com/legalnev.htm>

² <http://www.electric-bikes.com/nev.htm>

Neighborhood Electric Vehicles (NEVs)



The National Highway Transportation Safety Administration has defined a new category "low-speed vehicles" or "Neighborhood Electric Vehicles." These are small, 4-wheeled motor vehicles with top speeds of 20 to 25 miles per hour. NEVs must comply with safety standards that require them to have automotive grade headlights, seatbelts, windshields, brakes and other safety equipment. These vehicles can only be used on streets with a posted speed limit of 35 mph or less.

These vehicles are intended for short commutes on city streets, trips generally of 2 to 3 miles or less, going shopping, taking the kids to school, running errands, etc. They are also used by law enforcement for parking patrol, Parks and zoos for grounds maintenance etc.

The costs run from \$7,000 to over \$15,000. As you can see they are not toys. They do require a valid drivers license and are restricted to a top speed of 25 MPH. They MAY NOT be operated on any road with a posted speed limit over 35 MPH.

I have included in this package several pictures from different manufacturers to show what is available, I have also included copies of the statutes from several different states, also included is the complete Federal Code from the National Traffic Highway Safety Administration, this document includes all of information that the agency used to formulate the final rule.

When you look at some of the state laws you will notice that some have added their own additional rules allowing each county or city to place further limits on the operation of these vehicles. I would suggest that this approach be avoided as it will only lead to a hodge podge of differing laws scattered across the state.

If a person is interested in purchasing one of these cars they would first have to check with the local city and borough to find out what if any restrictions may apply in that area, then if you moved to another town you might find the laws different there.

The federal guidelines are well thought out and simple.

I feel that with the high cost of fuel and the concern over air pollution, that the time for a efficient, low maintenance, zero emission vehicle that is safe and easy to operate time has come, and its time for Alaska to join the 36 plus States that already allow their use.

In closing and on a personal note, as I stated I am trying to start a small rental and sales business. While nothing can be done this season, would it be possible to expedite this legislation so that perhaps by early spring this could become a reality.

I thank you for your time and your consideration.

Ed Ibbotson



Testimony to (S) Finance Committee on HB 403 from Duane Bannock,
Director, Division of Motor Vehicles (DMV)

Good Morning Madam Chair & Members of the committee:

Thank you for allowing my testimony in written form, I'm volunteering at the opening ceremonies for Simonian Little League baseball in Anchorage today, and you're missing a good BBQ!

Thank you for hearing this bill. The DMV is very pleased to support HB 403 as we've testified in earlier committees. In simple summary: current Alaska Statutes are incompatible with the federal designation of 'Low Speed Vehicles' (LSV). As a result, DMV cannot license, title or register this specifically defined vehicle. By accepting this small change the DMV will cheerfully perform this duty for our requesting customers. Other laws pertaining to driver licensing, insurance requirements and registration fees will all be consistent between 'regular' vehicles and LSV's. Only by governing their usage on specific roadways, defined by maximum speed limits of 35 miles per hour, will LSV's be treated differently.

These LSV's are becoming more popular, due in large part to the rising cost of fuel, yet they are not new in America. By allowing limited use of LSV's in Alaska, we will be filling a niche now being requested by more customers than ever. However, legitimate LSV's are not to be confused with golf carts, 4-wheelers and other 'off-road' types of vehicles. Only vehicles that can be verified as meeting the requirements of the federal regulations (49 CFR Part 571.100) will qualify.

Our attached fiscal note includes funding for new, visually identifiable license plates for LSV's. With this new plate inventory, DMV will issue a different style of plates to aid in law enforcement efforts patrolling usage of these vehicles. Also included in the fiscal note is a small charge for making changes to our existing vehicle database, the Alaska Licensing and Vehicle Information Network (ALVIN), to accommodate this new class of vehicles.

Thank you again for hearing this bill and especially for allowing my testimony in this written form. The DMV respectfully requests passage of House Bill 403.

Duane Bannock
Director,
Alaska Division of Motor Vehicles

5/6/06 9:53

SENATE COMMITTEE REPORT

DATE: 4/20/06

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/28/06

Transportation Committee considered CS FOR HOUSE BILL NO. 403(FIN)

HB 403 NEIGHBORHOOD ELECTRIC VEHICLES

"An Act relating to registration and operation of low-speed vehicles."

and recommends:

- be replaced with S CS CS HB 403 (TRA)
- 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#
DPS	2/22/06			X	1
Admin	2/21/06	10.5			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
French			}	
Kookesh			x	
Cowdery			x	
CHAIR: Huggins				

HB

408

HFIN

FILE

FISCAL NOTE

Revised

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB408CS(FIN)-DHSS-OCS-03-07-06

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Health & Social Services

Title RELATING TO CHILD IN NEED OF AID PROCEEDINGS

RDU Children's Services

Component Children's Services Management

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester HOUSE (FIN)

Component No. 2666

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

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

CHANGE IN REVENUES (0)						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	.	.	.	.	.	.
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	.	.	.	.	.	.

Estimate of any current year (FY2006) cost: _____

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)

The OCS has determined it is unable to attach a potential cost to CS HB 408 Sec. 7, AS 47.10.115 Permanent fund dividend (e) as written. A fiscal note would vary based on whether or not the OCS is required to continue to apply for a child's PED under (e) after a guardianship is established; or whether a child's PEDs under a guardianship will be regulated as for any legal custody circumstance, with the legal guardian having responsibility for applying for the PED. If the second is true, the fiscal note would be affected by whether the OCS will be required to track the child through the years until the child is 18 years of age in order to release monies held in trust prior to the guardianship being established. The OCS currently does not track children once they are in a successful guardianship situation unless OCS is making guardianship assistance payments to the guardians.

Prepared by: Tammy Sandoval, Deputy Commissioner

Phone 465-3191

Division: Office of Children's Services

Date/Time 03/07/2006

Approved by: Karleen Jackson, Commissioner

Date 03/07/2006

Agency: Department of Health and Social Services

HOUSE COMMITTEE REPO

(11)

Date Referred to Committee: February 15, 2006

FURTHER REFERRALS:

Date of Committee Action: 3/7/06

The FINANCE Committee considered:

HB 408

HOUSE BILL NO. 408

DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 408 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

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

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 LA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
HFC				✓

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DHSS	#1			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
<i>[Signature]</i>	Hawker			✓	
<i>[Signature]</i>	Relly	X			
<i>[Signature]</i>	<i>[Signature]</i>			✓	
Betty Hertel				✓	
<i>[Signature]</i>	Joule			X	
<i>[Signature]</i>	MOSES			X	
Chair: <i>[Signature]</i>	Meyer				
Chair: <i>[Signature]</i>	Chenault				

FISCAL NOTE

new

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

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						
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CHANGE IN REVENUES (0)						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
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: _____

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)*

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-3791
 Date/Time: 11/04/2005
 Date: 11/08/2005

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB 408 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DHSS
 Title Relating to Child in Need of Aid RDU Children's Services
Proceedings Component Children's Services Management
 Sponsor (RLS) by Request of Governor
 Requester HFC Component No. 2666

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

Check 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)

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date 3/7/2006

Rep. Mike Chonault, Co-Chair

FISCAL NOTE

new

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services
 RDU Children's Services
 Component Front Line Social Workers

Collected

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

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 (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
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:

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)

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-3791
 Date/Time: 11/04/2005
 Date: 11/08/2005

Called 3:10 pm 3/7/06

WORK DRAFT

WORK DRAFT

WORK DRAFT

R/O

adopted

3/7/06

24-GH2021\Y
Mischel
3/4/06

CS FOR HOUSE BILL NO. 408()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the standard of proof required to terminate parental rights in child-
2 in-need-of-aid proceedings; relating to the definition of 'child abuse or neglect'; relating
3 to disclosure of confidential or privileged information about certain children by the
4 Departments of Health and Social Services and Administration; relating to permanent
5 fund dividends paid to foster children and adopted children; amending Rule 18, Alaska
6 Child in Need of Aid Rules of Procedure; and providing for an effective date."

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

8 * Section 1, AS 47.10.086(c) is amended to read:

9 (c) The court may determine that reasonable efforts of the type described in
10 (a) of this section are not required if the court has found by clear and convincing [A
11 PREPONDERANCE OF THE] evidence that

12 (1) the parent or guardian has subjected the child to circumstances that
13 pose a substantial risk to the child's health or safety; these circumstances include

1 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

2 (2) the parent or guardian has

3 (A) committed homicide under AS 11.41.100 - 11.41.130 of a
4 parent of the child or of a child;

5 (B) aided or abetted, attempted, conspired, or solicited under
6 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this
7 paragraph;

8 (C) committed an assault that is a felony under AS 11.41.200 -
9 11.41.220 and results in serious physical injury to a child; or

10 (D) committed the conduct described in (A) - (C) of this
11 paragraph that violated a law or ordinance of another jurisdiction having
12 elements similar to an offense described in (A) - (C) of this paragraph;

13 (3) the parent or guardian has, during the 12 months preceding the
14 permanency hearing, failed to comply with a court order to participate in family
15 support services;

16 (4) the department has conducted a reasonably diligent search over a
17 time period of at least three months for an unidentified or absent parent and has failed
18 to identify and locate the parent;

19 (5) the parent or guardian is the sole caregiver of the child and the
20 parent or guardian has a mental illness or mental deficiency of such nature and
21 duration that, according to the statement of a psychologist or physician, the parent or
22 guardian will be incapable of caring for the child without placing the child at
23 substantial risk of physical or mental injury even if the department were to provide
24 family support services to the parent or guardian for 12 months;

25 (6) the parent or guardian has previously been convicted of a crime
26 involving a child in this state or in another jurisdiction and, after the conviction, the
27 child was returned to the custody of the parent or guardian and later removed because
28 of an additional substantiated report of physical or sexual abuse by the parent or
29 guardian;

30 (7) a child has suffered substantial physical harm as the result of
31 abusive or neglectful conduct by the parent or guardian or by a person known by the

1 parent or guardian and the parent or guardian knew or reasonably should have known
2 that the person was abusing the child;

3 (8) the parental rights of the parent have been terminated with respect
4 to another child because of child abuse or neglect, the parent has not remedied the
5 conditions or conduct that led to the termination of parental rights, and the parent has
6 demonstrated an inability to protect the child from substantial harm or the risk of
7 substantial harm;

8 (9) the child has been removed from the child's home on at least two
9 previous occasions, family support services were offered or provided to the parent or
10 guardian at those times, and the parent or guardian has demonstrated an inability to
11 protect the child from substantial harm or the risk of substantial harm; or

12 (10) the parent or guardian is incarcerated and is unavailable to care
13 for the child during a significant period of the child's minority, considering the child's
14 age and need for care by an adult.

15 * Sec. 2. AS 47.10.088(a) is amended to read:

16 (a) Except as provided in AS 47.10.080(o), the rights and responsibilities of
17 the parent regarding the child may be terminated for purposes of freeing a child for
18 adoption or other permanent placement if the court finds

19 [(1)] by clear and convincing evidence that

20 (1) [(A)] the child has been subjected to conduct or conditions
21 described in AS 47.10.011;

22 (2) [AND (B)] the parent

23 (A) [(i)] has not remedied the conduct or conditions in the
24 home that place the child at substantial risk of harm; or

25 (B) [(ii)] has failed, within a reasonable time, to remedy the
26 conduct or conditions in the home that place the child in substantial risk so that
27 returning the child to the parent would place the child at substantial risk of
28 physical or mental injury; and

29 (3) [(2) BY PREPONDERANCE OF THE EVIDENCE THAT] the
30 department has complied with the provisions of AS 47.10.086 concerning reasonable
31 efforts.

1 * Sec. 3. AS 47.10.088(b) is amended to read:

2 (b) In making a determination under (a)(2) [(a)(1)(B)] of this section, the court
3 may consider any fact relating to the best interests of the child, including

4 (1) the likelihood of returning the child to the parent within a
5 reasonable time based on the child's age or needs;

6 (2) the amount of effort by the parent to remedy the conduct or the
7 conditions in the home;

8 (3) the harm caused to the child;

9 (4) the likelihood that the harmful conduct will continue; and

10 (5) the history of conduct by or conditions created by the parent.

11 * Sec. 4. AS 47.10.092 is amended by adding a new subsection to read:

12 (f) Each department shall respond to a request made by an official identified
13 under (a) of this section within five working days after receiving the request, or by a
14 later date specified in the request, by providing access to all or part of the information
15 requested or by providing the specific citation to a federal or state law that prohibits
16 disclosure of all or part of the information requested.

17 * Sec. 5. AS 47.10.093(i) is amended to read:

18 (i) The commissioner of health and social services or the commissioner's
19 designee or the commissioner of administration or the commissioner's designee, as
20 appropriate, may disclose to the public, upon request, confidential information, as set
21 out in (j) of this section, when

22 (1) the parent or guardian of a child who is the subject of one or more
23 reports [A REPORT] of harm under AS 47.17 has made a public disclosure
24 concerning the department's involvement with the family;

25 (2) the alleged perpetrator named in one or more reports [A
26 REPORT] of harm under AS 47.17 has been charged with a crime concerning the
27 alleged abuse or neglect; or

28 (3) abuse or neglect [A REPORT OF HARM UNDER AS 47.17] has
29 resulted in the fatality or near fatality of a [THAT] child who is the subject of one or
30 more reports of harm under AS 47.17.

31 * Sec. 6. AS 47.10.093(j) is amended to read:

1 (j) The type of information that may be publicly disclosed under (i) of this
2 section is information related to the determination, if any, made by the department
3 regarding the nature and validity of any [A] report of harm under AS 47.17
4 pertaining to a child in the family and the department's activities arising from the
5 department's investigation of such a [THE] report. The commissioner or the
6 commissioner's designee

7 (1) shall withhold disclosure of the child's name, picture, or other
8 information that would readily lead to the identification of the child if the department
9 determines that the disclosure would be contrary to the best interests of the child, the
10 child's siblings, or other children in the child's household; or

11 (2) after consultation with a prosecuting attorney, shall withhold
12 disclosure of information that would reasonably be expected to interfere with a
13 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
14 criminal proceeding.

15 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

16 **Sec. 47.10.115. Permanent fund dividend.** (a) The department shall annually
17 apply for a permanent fund dividend and retain in trust under AS 43.23.015(c) for the
18 benefit of the child the dividend and accrued interest on the dividend if the child is in
19 the custody of the department when the application is due.

20 (b) The department may not distribute the proceeds of a trust under this
21 section unless

22 (1) the child has reached 18 years of age and is no longer in the
23 custody of the department;

24 (2) the child has been adopted and one year has elapsed since the
25 adoption;

26 (3) the child is no longer in the custody of the department and the child
27 has not been adopted; or

28 (4) ordered by the court in the best interest of the child.

29 (c) Notwithstanding (b)(1) - (3) of this section, the department may not
30 distribute the proceeds of a trust under this section if the payment would be made to a
31 guardian of a child who had been in the custody of the department immediately before

1 the establishment of the guardianship, unless the guardianship was established under
2 AS 13.26.090 - 13.26.155.

3 * Sec. 8. AS 47.17.290(2) is amended to read:

4 (2) "child abuse or neglect" means the physical injury or neglect,
5 mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the
6 age of 18 by a person under circumstances that indicate that the child's health or
7 welfare is harmed or threatened thereby; "child abuse or neglect" includes an act or
8 omission described in this paragraph that results in a determination, at delivery,
9 by a health care provider that a child has been adversely affected by, or is
10 withdrawing from exposure to, a controlled substance or alcohol; in this
11 paragraph,

12 (A) "controlled substance" has the meaning given in
13 AS 11.71.900, but does not include a substance lawfully taken under a
14 prescription from a health care professional;

15 (B) "mental injury" means an injury to the emotional well-
16 being, or intellectual or psychological capacity of a child, as evidenced by an
17 observable and substantial impairment in the child's ability to function:

18 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 INDIRECT COURT RULE AMENDMENT. Sections 1 - 3 of this Act have the effect
21 of amending Rule 18, Alaska Child in Need of Aid Rules of Procedure, relating to the
22 termination of parental rights proceedings by increasing the standard of proof concerning
23 some elements from proof by a preponderance of the evidence to proof by clear and
24 convincing evidence.

25 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 APPLICABILITY OF SECS. 1 - 3 OF THIS ACT. Sections 1 - 3 of this Act apply to
28 a child-in-need-of-aid proceeding that is pending before the court, that is on appeal to the
29 court, or for which the time for appeal to the court has not yet passed on or after the effective
30 date of this Act.

31 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 CONDITIONAL EFFECT. Sections 1 - 3 of this Act take effect only if sec. 9 of this
3 Act receives the two-thirds majority vote of each house required by art. IV. sec. 15.
4 Constitution of the State of Alaska.

5 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).



FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 2006

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "child abuse and neglect" for child protection purposes.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in cursive script, reading "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

Section of CAPTA Law that proposed legislation addresses

SECTION I: CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 106. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS. [42 U.S.C. 5106a]

b. ELIGIBILITY REQUIREMENTS.—

1. STATE PLAN.—

2. COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C. 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

A. an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

i. provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

ii. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition of such infants, except that such notification shall not be construed to—

I. establish a definition under Federal law of what constitutes child abuse; or

II. require prosecution for any illegal action.

iii. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;

iv. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports;

HB

408

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

DATE TURNED IN TO OFFICE: 24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
- adopt previous _____ CS CS forthcoming . (_____)
- 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#
HS Social Workers	11/4/05			✓	#1
HS Children's Sv.	3/7/06			✓	#2

APPROPRIATION - no fiscal note

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

FISCAL NOTE

REPORTED OUT
 APR 24 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 408(FIN)
 (H) Publish Date: 3/8/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: DHSS
 Title Relating to Child in Need of Aid RDIJ Children's Services
Proceedings Component Children's Services Management
 Sponsor (RLS) by Request of Governor
 Requester HFC Component No. 2666

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

Check 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)*

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date 3/7/2006

Rep. Miko Chenault, Co-Chair

COMMITTEE COPY

FISCAL NOTE

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR

Component No. 2305

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 (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
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: _____
 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)*

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner Phone 465-3791
 Division: Office of Children's Services Date/Time 11/04/2005
 Approved by: Karlern Jackson, Commissioner Date 11/08/2005
 Agency: Department of Health and Social Services

COMMITTEE COPY

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SENATE FINANCE

COMMITTEE

Amendment # #2

To Bill Number: HB 408

Sponsor: Green

Date: 4/22/06 Logged by: Mindy

24-GH2021\S.3

Mischel

4/22/06

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

by Sen. Green

- 1 Page 6, line 9:
2 Delete "a child"
3 Insert "an infant"
4
5 Page 6, line 12:
6 Delete "child's"
7 Insert "infant's"
8
9 Page 6, line 13, following "section,":
10 Insert "(1)"
11
12 Page 6, line 15, following "substance":
13 Insert ";"
14 (2) "infant" means a child who is less than 12 months of age"

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

DATE TURNED
IN TO OFFICE:

24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child-in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
- adopt previous _____ CS CS forthcoming (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input checked="" type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
HS Social Works	11/4/05			✓	#1
HS Children's Sv	3/7/06			✓	#2

APPROPRIATION - no fiscal note

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

SENATE FINANCE
COMMITTEE

Amendment # #1

To Bill Number: HB 408

24-GH2021\S.1

Sponsor: Green

Luckhaupt/Mischel

Date 4/27/06 Logged by: Mindy

4/6/06

AMENDMENT

OFFERED IN THE SENATE

by Sen. Green

TO: SCS CSHB 408(JUD)

1 Page 1, line 1, following "rights":

2 Insert "and for placement of a child"

3

4 Page 6, following line 6:

5 Insert a new bill section to read:

6 ** Sec. 8. AS 47.14.100(e) is amended to read:

7 (e) When a child is removed from a parent's home, the department shall place
8 the child, in the absence of clear and convincing evidence [A SHOWING] of good
9 cause to the contrary,

10 (1) in the least restrictive setting that most closely approximates a
11 family and that meets the child's special needs, if any;

12 (2) within reasonable proximity to the child's home, taking into
13 account any special needs of the child and the preferences of the child or parent;

14 (3) with, in the following order of preference,

15 (A) an adult family member;

16 (B) a family friend who meets the foster care licensing
17 requirements established by the department;

18 (C) a licensed foster home that is not an adult family member
19 or family friend;

20 (D) an institution for children that has a program suitable to
21 meet the child's needs."

22

23 Renumber the following bill sections accordingly.

1

2 Page 7, line 15:

3 Delete "sec. 10"

4 Insert "sec. 11"

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

DATE TURNED IN TO OFFICE: 24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
- adopt previous _____ CS CS forthcoming . (_____)
- 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#
HS Social Workers	11/4/05			✓	#1
HS Children's Svcs	3/7/06			✓	#2

APPROPRIATION - no fiscal note

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

SENATE FINANCE

COMMITTEE

Amendment #

#1

To Bill Number:

HB 408

Sponsor:

Green

Date

4/27/06

Logged by:

Mindy

24-GH2021AS.1

4/6/06

Adopted

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

by Sen. Green

1 Page 1, line 1, following "rights":

2 Insert "and for placement of a child"

3

4 Page 6, following line 6:

5 Insert a new bill section to read:

6 "** Sec. 8. AS 47.14.100(e) is amended to read:

7 (e) When a child is removed from a parent's home, the department shall place
8 the child, in the absence of clear and convincing evidence [A SHOWING] of good
9 cause to the contrary,

10 (1) in the least restrictive setting that most closely approximates a
11 family and that meets the child's special needs, if any;

12 (2) within reasonable proximity to the child's home, taking into
13 account any special needs of the child and the preferences of the child or parent;

14 (3) with, in the following order of preference,

15 (A) an adult family member;

16 (B) a family friend who meets the foster care licensing
17 requirements established by the department;

18 (C) a licensed foster home that is not an adult family member
19 or family friend;

20 (D) an institution for children that has a program suitable to
21 meet the child's needs."

22

23 Renumber the following bill sections accordingly.

1

2 Page 7, line 15:

3 Delete "sec. 10"

4 Insert "sec. 11"

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

by Sen. Green

- 1 Page 6, line 9:
- 2 Delete "a child"
- 3 Insert "an infant"
- 4
- 5 Page 6, line 12:
- 6 Delete "child's"
- 7 Insert "infant's"
- 8
- 9 Page 6, line 13, following "section,":
- 10 Insert "(1)"
- 11
- 12 Page 6, line 15, following "substance":
- 13 Insert ";
- 1' (2) "infant" means a child who is less than 12 months of age"



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 24 April 2006 TIME: 9:40am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

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

NOTES: Final Please

SCS CS HB 408 (FIN) 24-G#2021\5

Plus 2 amendments: \S.1, \S.3

Thanks.

Mindy

SENATE CS FOR CS FOR HOUSE BILL NO. 408(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the standard of proof required to terminate parental rights and for
2 placement of a child in child-in-need-of-aid proceedings; relating to a healing arts
3 practitioner's duty to report a child adversely affected by or withdrawing from exposure
4 to a controlled substance or alcohol; relating to disclosure of confidential or privileged
5 information about certain children by the Departments of Health and Social Services
6 and Administration; relating to permanent fund dividends paid to foster children and
7 adopted children; relating to child abuse or neglect investigations and training;
8 amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for
9 an effective date."

Amendment
#1

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

11 * Section 1. AS 47.10.086(c) is amended to read:

12 (c) The court may determine that reasonable efforts of the type described in

1 (a) of this section are not required if the court has found by clear and convincing [A
2 PREPONDERANCE OF THE] evidence that

3 (1) the parent or guardian has subjected the child to circumstances that
4 pose a substantial risk to the child's health or safety; these circumstances include
5 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

6 (2) the parent or guardian has

7 (A) committed homicide under AS 11.41.100 - 11.41.130 of a
8 parent of the child or of a child;

9 (B) aided or abetted, attempted, conspired, or solicited under
10 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this
11 paragraph;

12 (C) committed an assault that is a felony under AS 11.41.200 -
13 11.41.220 and results in serious physical injury to a child; or

14 (D) committed the conduct described in (A) - (C) of this
15 paragraph that violated a law or ordinance of another jurisdiction having
16 elements similar to an offense described in (A) - (C) of this paragraph;

17 (3) the parent or guardian has, during the 12 months preceding the
18 permanency hearing, failed to comply with a court order to participate in family
19 support services;

20 (4) the department has conducted a reasonably diligent search over a
21 time period of at least three months for an unidentified or absent parent and has failed
22 to identify and locate the parent;

23 (5) the parent or guardian is the sole caregiver of the child and the
24 parent or guardian has a mental illness or mental deficiency of such nature and
25 duration that, according to the statement of a psychologist or physician, the parent or
26 guardian will be incapable of caring for the child without placing the child at
27 substantial risk of physical or mental injury even if the department were to provide
28 family support services to the parent or guardian for 12 months;

29 (6) the parent or guardian has previously been convicted of a crime
30 involving a child in this state or in another jurisdiction and, after the conviction, the
31 child was returned to the custody of the parent or guardian and later removed because

1 of an additional substantiated report of physical or sexual abuse by the parent or
2 guardian;

3 (7) a child has suffered substantial physical harm as the result of
4 abusive or neglectful conduct by the parent or guardian or by a person known by the
5 parent or guardian and the parent or guardian knew or reasonably should have known
6 that the person was abusing the child;

7 (8) the parental rights of the parent have been terminated with respect
8 to another child because of child abuse or neglect, the parent has not remedied the
9 conditions or conduct that led to the termination of parental rights, and the parent has
10 demonstrated an inability to protect the child from substantial harm or the risk of
11 substantial harm;

12 (9) the child has been removed from the child's home on at least two
13 previous occasions, family support services were offered or provided to the parent or
14 guardian at those times, and the parent or guardian has demonstrated an inability to
15 protect the child from substantial harm or the risk of substantial harm; or

16 (10) the parent or guardian is incarcerated and is unavailable to care
17 for the child during a significant period of the child's minority, considering the child's
18 age and need for care by an adult.

19 * Sec. 2. AS 47.10.088(a) is amended to read:

20 (a) Except as provided in AS 47.10.080(o), the rights and responsibilities of
21 the parent regarding the child may be terminated for purposes of freeing a child for
22 adoption or other permanent placement if the court finds

23 [(1)] by clear and convincing evidence that

24 (1) [(A)] the child has been subjected to conduct or conditions
25 described in AS 47.10.011;

26 (2) [AND (B)] the parent

27 (A) [(i)] has not remedied the conduct or conditions in the
28 home that place the child at substantial risk of harm; or

29 (B) [(ii)] has failed, within a reasonable time, to remedy the
30 conduct or conditions in the home that place the child in substantial risk so that
31 returning the child to the parent would place the child at substantial risk of

1 physical or mental injury; and

2 (3) [(2) BY PREPONDERANCE OF THE EVIDENCE THAT] the
3 department has complied with the provisions of AS 47.10.086 concerning reasonable
4 efforts.

5 * Sec. 3. AS 47.10.088(b) is amended to read:

6 (b) In making a determination under (a)(2) [(a)(1)(B)] of this section, the court
7 may consider any fact relating to the best interests of the child, including

8 (1) the likelihood of returning the child to the parent within a
9 reasonable time based on the child's age or needs;

10 (2) the amount of effort by the parent to remedy the conduct or the
11 conditions in the home;

12 (3) the harm caused to the child;

13 (4) the likelihood that the harmful conduct will continue; and

14 (5) the history of conduct by or conditions created by the parent.

15 * Sec. 4. AS 47.10.092 is amended by adding a new subsection to read:

16 (f) Each department shall respond to a request made by an official identified
17 under (a) of this section within five working days after receiving the request, or by a
18 later date specified in the request, by providing access to all or part of the information
19 requested or by providing the specific citation to a federal or state law that prohibits
20 disclosure of all or part of the information requested.

21 * Sec. 5. AS 47.10.093(i) is amended to read:

22 (i) The commissioner of health and social services or the commissioner's
23 designee or the commissioner of administration or the commissioner's designee, as
24 appropriate, may disclose to the public, upon request, confidential information, as set
25 out in (j) of this section, when

26 (1) the parent or guardian of a child who is the subject of one or more
27 reports [A REPORT] of harm under AS 47.17 has made a public disclosure
28 concerning the department's involvement with the family;

29 (2) the alleged perpetrator named in one or more reports [A
30 REPORT] of harm under AS 47.17 has been charged with a crime concerning the
31 alleged abuse or neglect; or

1 (3) abuse or neglect [A REPORT OF HARM UNDER AS 47.17] has
 2 resulted in the fatality or near fatality of a [THAT] child who is the subject of one or
 3 more reports of harm under AS 47.17.

4 * **Sec. 6.** AS 47.10.093(j) is repealed and reenacted to read:

5 (j) The department may publicly disclose information pertaining to a child or
 6 an alleged perpetrator named in a report of harm described under (i) of this section, or
 7 pertaining to a household member of the child or the alleged perpetrator, if the
 8 information relates to a determination, if any, made by the department regarding the
 9 nature and validity of a report of harm under AS 47.17 or to the department's activities
 10 arising from the department's investigation of the report. The commissioner or the
 11 commissioner's designee

12 (1) shall withhold disclosure of the child's name, picture, or other
 13 information that would readily lead to the identification of the child if the department
 14 determines that the disclosure would be contrary to the best interests of the child, the
 15 child's siblings, or other children in the child's household; or

16 (2) after consultation with a prosecuting attorney, shall withhold
 17 disclosure of information that would reasonably be expected to interfere with a
 18 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
 19 criminal proceeding.

20 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

21 **Sec. 47.10.115. Permanent fund dividend.** (a) The department shall annually
 22 apply for a permanent fund dividend and retain in trust under AS 43.23.015(e) for the
 23 benefit of the child the dividend and accrued interest on the dividend if the child is in
 24 the custody of the department when the application is due.

25 (b) The department may not distribute the proceeds of a trust under this
 26 section unless

27 (1) the child has reached 18 years of age and is no longer in the
 28 custody of the department;

29 (2) the child has been adopted and one year has elapsed since the
 30 adoption;

31 (3) the child is no longer in the custody of the department and the child