

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3169

51

simulated conduct:(A) sexual penetration;(B) the lewd touching of a person's genitals, anus, or femalebreast;(C) masturbation;(D) bestiality;(E) the lewd exhibition of a person's genitals, anus, orfemale breast; or(F) sexual masochism or sadism; [AN ACT DESCRIBED IN AS 11.41.455(a)(1) - (7)] and(2) either [1](A) the other person is a child under 16 years of age; or(B) [(2)] the person believes that the other person is a child under 16 years of age.

* Sec. 6. AS 11.61.129(a) is amended to read:

(a) Property used to aid a violation of AS 11.61.123 - 11.61.128 [AS 11.61.123 - 11.61.127] or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.61.123 - 11.61.128 [AS 11.61.123 - 11.61.127] may be forfeited to the state upon the conviction of the offender.

* Sec. 7. AS 11.66.100(a) is amended to read:

(a) A person commits the crime of prostitution if the person

(1) engages in or agrees or offers to engage in sexual conduct in return for a fee; or

(2) offers a fee in return for sexual conduct.

* Sec. 8. AS 11.66.110(a) is amended to read:

(a) A person commits the crime of promoting prostitution in the first degree if the person

(1) induces or causes a person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a person under 18 [16] years of age to engage in prostitution; or

1 (3) induces or causes a person in that person's legal custody to engage
2 in prostitution.

3 * Sec. 9. AS 11.66.110(b) is amended to read:

4 (b) In a prosecution under (a)(2) of this section, it is not a defense that the
5 defendant reasonably believed that the person induced or caused to engage in
6 prostitution was 18 [16] years of age or older.

7 * Sec. 10. AS 11.66.110(c) is amended to read:

8 (c) Except as provided in (d) of this section, promoting prostitution in the first
9 degree is a class A [B] felony.

10 * Sec. 11. AS 11.66.110(d) is amended to read:

11 (d) A person convicted under (a)(2) of this section is guilty of an unclassified
12 [A CLASS A] felony.

13 * Sec. 12. AS 11.66.120(b) is amended to read:

14 (b) Promoting prostitution in the second degree is a class B [C] felony.

15 * Sec. 13. AS 11.66.130 is amended to read:

16 **Sec. 11.66.130. Promoting prostitution in the third degree.** (a) A person
17 commits the crime of promoting prostitution in the third degree if, with intent to
18 promote prostitution, the person

19 (1) manages, supervises, controls, or owns, either alone or in
20 association with others, a place of prostitution;

21 (2) as other than a patron of a prostitute, induces or causes a person 18
22 [16] years of age or older to engage in prostitution;

23 (3) as other than a prostitute receiving compensation for personally
24 rendered prostitution services, receives or agrees to receive money or other property
25 pursuant to an agreement or understanding that the money or other property is derived
26 from prostitution; or

27 (4) engages in conduct that institutes, aids, or facilitates a prostitution
28 enterprise.

29 (b) Promoting prostitution in the third degree is a class C felony [A
30 MISDEMEANOR].

31 * Sec. 14. AS 11.66 is amended by adding a new section to read:

1 **Sec. 11.66.135. Promoting prostitution in the fourth degree.** (a) A person
2 commits the crime of promoting prostitution in the fourth degree if the person engages
3 in conduct that institutes, aids, or facilitates prostitution under circumstances not
4 proscribed under AS 11.66.130(a)(4).

5 (b) Promoting prostitution in the fourth degree is a class A misdemeanor.

6 * **Sec. 15.** AS 11.66 is amended by adding a new section to read:

7 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
8 received or derived from, a violation of AS 11.66.110 - 11.66.135 shall be forfeited.

9 * **Sec. 16.** AS 11.81.250(a) is amended to read:

10 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
11 title, except murder in the first and second degree, attempted murder in the first
12 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
13 in the first degree, murder of an unborn child, sexual assault in the first degree, sexual
14 abuse of a minor in the first degree, misconduct involving a controlled substance in the
15 first degree, promoting prostitution in the first degree under AS 11.66.110(a)(2),
16 and kidnapping, are classified on the basis of their seriousness, according to the type
17 of injury characteristically caused or risked by commission of the offense and the
18 culpability of the offender. Except for murder in the first and second degree, attempted
19 murder in the first degree, solicitation to commit murder in the first degree, conspiracy
20 to commit murder in the first degree, murder of an unborn child, sexual assault in the
21 first degree, sexual abuse of a minor in the first degree, misconduct involving a
22 controlled substance in the first degree, promoting prostitution in the first degree
23 under AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into
24 the following categories:

25 (1) class A felonies, which characteristically involve conduct resulting
26 in serious physical injury or a substantial risk of serious physical injury to a person;

27 (2) class B felonies, which characteristically involve conduct resulting
28 in less severe violence against a person than class A felonies, aggravated offenses
29 against property interests, or aggravated offenses against public administration or
30 order;

31 (3) class C felonies, which characteristically involve conduct serious

1 enough to deserve felony classification but not serious enough to be classified as A or
2 B felonies;

3 (4) class A misdemeanors, which characteristically involve less severe
4 violence against a person, less serious offenses against property interests, less serious
5 offenses against public administration or order, or less serious offenses against public
6 health and decency than felonies;

7 (5) class B misdemeanors, which characteristically involve a minor
8 risk of physical injury to a person, minor offenses against property interests, minor
9 offenses against public administration or order, or minor offenses against public health
10 and decency;

11 (6) violations, which characteristically involve conduct inappropriate
12 to an orderly society but which do not denote criminality in their commission.

13 * Sec. 17. AS 12.10.010(a) is amended to read:

14 (a) Prosecution for the following offenses may be commenced at any time:

15 (1) murder;

16 (2) attempt, solicitation, or conspiracy to commit murder or
17 hindering the prosecution of murder;

18 (3) felony sexual abuse of a minor;

19 (4) [(3)] sexual assault that is an unclassified, class A, or class B
20 felony or a violation of AS 11.41.425(a)(2) or (3);

21 (5) [(4)] a violation of AS 11.41.425, 11.41.427, 11.41.450 -
22 11.41.458, AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed
23 against a person who, at the time of the offense, was under 18 years of age;

24 (6) kidnapping.

25 * Sec. 18. AS 12.30.020(j) is amended to read:

26 (j) If a person remains in custody after review of conditions by a judicial
27 officer under (f) of this section, a subsequent review of conditions may be held at the
28 request of the person. Unless the prosecuting authority stipulates otherwise or a
29 defendant has been incarcerated for a period equal to the maximum sentence for
30 the most serious charge for which the defendant is being held, a judicial officer
31 may not schedule a bail review hearing under this subsection unless

1 (1) the person provides to the court and the prosecuting authority a
2 written statement that new information not considered at the previous review will be
3 presented; the statement must include [AND INCLUDES] a description of the
4 [NEW] information and the reason the information was not presented at a
5 previous hearing; in this paragraph, "new information" does not include the
6 inability to post the required bail;

7 (2) the prosecuting authority has at least 48 hours' notice before the
8 time set for the review requested under this subsection; and

9 (3) at least seven days [48 HOURS] have elapsed between the
10 previous review and the time set for the review requested under this subsection.

11 * Sec. 19. AS 12.55 is amended by adding a new section to read:

12 Sec. 12.55.027. Credit for time spent toward service of a sentence of
13 imprisonment. (a) A court may grant a defendant credit toward a sentence of
14 imprisonment for time spent in a treatment program only as provided in this section.

15 (b) A court may grant a defendant one day of credit toward a sentence of
16 imprisonment for each full day the defendant resided in the facility of a treatment
17 program and observed the rules of the treatment program and the facility if

18 (1) the court finds that the treatment program meets the standards
19 described in (c) of this section;

20 (2) before the defendant entered the treatment program, the court
21 ordered the defendant to reside in the facility of the treatment program and participate
22 in the treatment program as a condition of bail release or a condition of probation; and

23 (3) the court has received a written report from the director of the
24 program that

25 (A) states that the defendant has participated in the treatment
26 plan prescribed for the defendant and has complied with the requirements of
27 the plan; and

28 (B) sets out the number of full days the defendant resided in the
29 facility of the treatment program and observed the rules of the treatment
30 program and facility.

31 (c) To qualify for credit against a sentence of imprisonment for time spent in a

1 treatment program, the treatment program and the facility of the treatment program
2 must impose substantial restrictions on a person's liberty that are equivalent to
3 incarceration, including the requirement that a participant in the program

4 (1) must live in a residential facility operated by the program;

5 (2) must be confined at all times to the grounds of the facility or be in
6 the physical custody of an employee of the facility, except for court appearances,
7 meetings with counsel, and work required by the treatment program and approved in
8 advance by the court;

9 (3) is subject to disciplinary sanctions by the program if the participant
10 violates rules of the program and facility; sanctions must be in writing and available
11 for court review; and

12 (4) is subject to immediate arrest, without warrant, if the participant
13 leaves the facility without permission.

14 (d) A court may not grant credit against a sentence of imprisonment for time
15 spent in a private residence or under electronic monitoring.

16 * Sec. 20. AS 12.55.035(b) is amended to read:

17 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
18 defendant who is not an organization may be sentenced to pay, unless otherwise
19 specified in the provision of law defining the offense, a fine of no more than

20 (1) \$500,000 for murder in the first or second degree, attempted
21 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
22 sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the
23 first degree under AS 11.66.110(a)(2), or misconduct involving a controlled
24 substance in the first degree

25 (2) \$250,000 for a class A felony;

26 (3) \$100,000 for a class B felony;

27 (4) \$50,000 for a class C felony;

28 (5) \$10,000 for a class A misdemeanor;

29 (6) \$2,000 for a class B misdemeanor;

30 (7) \$500 for a violation.

31 * Sec. 21. AS 12.55.090(c) is amended to read:

1 (c) The period of probation, together with any extension, may not exceed

2 (1) 25 years for a felony sex offense; or

3 (2) 10 years for any other offense.

4 * Sec. 22. AS 12.55.125(i) is amended to read:

5 (i) A defendant convicted of

6 (1) sexual assault in the first degree, [OR] sexual abuse of a minor in
7 the first degree, or promoting prostitution in the first degree under
8 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
9 than 99 years and shall be sentenced to a definite term within the following
10 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

11 (A) if the offense is a first felony conviction, the offense does
12 not involve circumstances described in (B) of this paragraph, and the victim
13 was

14 (i) less than 13 years of age, 25 to 35 years;

15 (ii) 13 years of age or older, 20 to 30 years;

16 (B) if the offense is a first felony conviction and the defendant
17 possessed a firearm, used a dangerous instrument, or caused serious physical
18 injury during the commission of the offense, 25 to 35 years;

19 (C) if the offense is a second felony conviction and does not
20 involve circumstances described in (D) of this paragraph, 30 to 40 years;

21 (D) if the offense is a second felony conviction and the
22 defendant has a prior conviction for a sexual felony, 35 to 45 years;

23 (E) if the offense is a third felony conviction and the defendant
24 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
25 to 60 years;

26 (F) if the offense is a third felony conviction, the defendant is
27 not subject to sentencing under (I) of this section, and the defendant has two
28 prior convictions for sexual felonies, 99 years;

29 (2) attempt, conspiracy, or solicitation to commit sexual assault in the
30 first degree, [OR] sexual abuse of a minor in the first degree, or promoting
31 prostitution in the first degree under AS 11.66.110(a)(2) may be sentenced to a

1 definite term of imprisonment of not more than 99 years and shall be sentenced to a
2 definite term within the following presumptive ranges, subject to adjustment as
3 provided in AS 12.55.155 - 12.55.175:

4 (A) if the offense is a first felony conviction, the offense does
5 not involve circumstances described in (B) of this paragraph, and the victim
6 was

7 (i) under 13 years of age, 20 to 30 years;

8 (ii) 13 years of age or older, 15 to 30 years;

9 (B) if the offense is a first felony conviction and the defendant
10 possessed a firearm, used a dangerous instrument, or caused serious physical
11 injury during the commission of the offense, 25 to 35 years;

12 (C) if the offense is a second felony conviction and does not
13 involve circumstances described in (D) of this paragraph, 25 to 35 years;

14 (D) if the offense is a second felony conviction and the
15 defendant has a prior conviction for a sexual felony, 30 to 40 years;

16 (E) if the offense is a third felony conviction, the offense does
17 not involve circumstances described in (F) of this paragraph, and the defendant
18 is not subject to sentencing under (I) of this section, 35 to 50 years;

19 (F) if the offense is a third felony conviction, the defendant is
20 not subject to sentencing under (I) of this section, and the defendant has two
21 prior convictions for sexual felonies, 99 years;

22 (3) sexual assault in the second degree, sexual abuse of a minor in the
23 second degree, unlawful exploitation of a minor, or distribution of child pornography
24 may be sentenced to a definite term of imprisonment of not more than 99 years and
25 shall be sentenced to a definite term within the following presumptive ranges, subject
26 to adjustment as provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction, five to 15 years;

28 (B) if the offense is a second felony conviction and does not
29 involve circumstances described in (C) of this paragraph, 10 to 25 years;

30 (C) if the offense is a second felony conviction and the
31 defendant has a prior conviction for a sexual felony, 15 to 30 years;

1 (D) if the offense is a third felony conviction and does not
2 involve circumstances described in (E) of this paragraph, 20 to 35 years;

3 (E) if the offense is a third felony conviction and the defendant
4 has two prior convictions for sexual felonies, 99 years;

5 (4) sexual assault in the third degree, incest, indecent exposure in the
6 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to
7 commit sexual assault in the second degree, sexual abuse of a minor in the second
8 degree, unlawful exploitation of a minor, or distribution of child pornography, may be
9 sentenced to a definite term of imprisonment of not more than 99 years and shall be
10 sentenced to a definite term within the following presumptive ranges, subject to
11 adjustment as provided in AS 12.55.155 - 12.55.175:

12 (A) if the offense is a first felony conviction, two to 12 years;

13 (B) if the offense is a second felony conviction and does not
14 involve circumstances described in (C) of this paragraph, eight to 15 years;

15 (C) if the offense is a second felony conviction and the
16 defendant has a prior conviction for a sexual felony, 12 to 20 years;

17 (D) if the offense is a third felony conviction and does not
18 involve circumstances described in (E) of this paragraph, 15 to 25 years;

19 (E) if the offense is a third felony conviction and the defendant
20 has two prior convictions for sexual felonies, 99 years.

21 * Sec. 23. AS 12.63.100(6) is amended to read:

22 (6) "sex offense" means

23 (A) a crime under AS 11.41.100(a)(3), or a similar law of
24 another jurisdiction, in which the person committed or attempted to commit a
25 sexual offense, or a similar offense under the laws of the other jurisdiction; in
26 this subparagraph, "sexual offense" has the meaning given in
27 AS 11.41.100(a)(3);

28 (B) a crime under AS 11.41.110(a)(3), or a similar law of
29 another jurisdiction, in which the person committed or attempted to commit
30 one of the following crimes, or a similar law of another jurisdiction:

31 (i) sexual assault in the first degree;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;

(v) AS 11.61.125 - 11.61.128 [AS 11.61.125 OR 11.61.127];

(vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or

(vii) AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;

* Sec. 24. AS 12.72 is amended by adding a new section to read:

Sec. 12.72.025. Applications based on claim of ineffective assistance of counsel. An application may not be brought under AS 12.72.010 or the Alaska Rules of Criminal Procedure if it is based on a claim that the assistance the applicant's attorney provided in a prior application under AS 12.72.010 or the Alaska Rules of Criminal Procedure was ineffective, unless it is filed within one year after the court's decision on the prior application is final under the Alaska Rules of Appellate Procedure.

* Sec. 25. AS 18.65.310 is amended by adding new subsections to read:

(h) The department shall cancel the identification card of a person on whom a restriction has been imposed under AS 04.16.160 unless the person's identification card contains the information required by (i) of this section. A cancellation under this

1 subsection remains in effect only during the period of time that the person is restricted
2 from purchasing alcoholic beverages under AS 04.16.160.

3 (i) The department shall, to the extent it is able, mark the identification card of
4 an applicant who is restricted from purchasing alcoholic beverages under
5 AS 04.16.160 in the same manner required for a driver's license under AS 28.15.111.
6 A person who has received a marked identification card under this subsection may
7 apply for an unmarked card when the period of restriction under AS 04.16.160 has
8 expired.

9 (j) The department shall charge a fee of \$50 for issuance of a marked
10 identification card under (i) of this section.

11 * Sec. 26. AS 28.15.111(a) is amended to read:

12 (a) Upon successful completion of the application and all required
13 examinations, and upon payment of the required fee, the department shall issue to
14 every qualified applicant a driver's license indicating the type or general class of
15 vehicles that the licensee may drive. The license must [DISPLAY] (1) display a
16 distinguishing number assigned to the license; (2) display the licensee's full name,
17 address, date of birth, brief physical description, and color photograph; (3) display
18 either a facsimile of the signature of the licensee or a space upon which the licensee
19 must write the licensee's usual signature with pen and ink; (4) display a holographic
20 symbol intended to prevent illegal alteration or duplication; [AND] (5) display, for a
21 qualified applicant who is under [AGE] 21 years of age, the words "UNDER 21"; and
22 (6) to the extent the department is able, be designed to allow the electronic
23 reading and electronic display of the information described under (2) of this
24 subsection and the electronic reading and display and a physical display on the
25 license that the person is restricted from purchasing alcoholic beverages under
26 AS 04.16.160. A license may not display the licensee's social security number and is
27 not valid until signed by the licensee. If facilities are not available for the taking of the
28 photograph required under this section, the department shall endorse on the license,
29 the words "valid without photograph."

30 * Sec. 27. AS 28.15.161(a) is amended to read:

31 (a) The department shall cancel a driver's license upon determination that

1 (1) the licensee is not medically or otherwise entitled to the issuance or
2 retention of the license, or has been adjudged incompetent to drive a motor vehicle;

3 (2) there is an error or defect in the license;

4 (3) the licensee failed to give the required or correct information in the
5 licensee's application; [OR]

6 (4) the license was obtained fraudulently; or

7 (5) the licensee is restricted from purchasing alcoholic beverages
8 under AS 04.16.160; if a license is cancelled under this paragraph, when a new
9 license is issued, it must reflect that restriction and the requirements of
10 AS 28.15.111 if the period of restriction under AS 04.16.160 is still in effect.

11 * Sec. 28. AS 28.15.191 is amended by adding new subsections to read:

12 (g) A court that has ordered a person to refrain from consuming alcoholic
13 beverages as part of a sentence for conviction of a crime under AS 28.35.030,
14 28.35.032, or a similar municipal ordinance or as a condition of probation or parole
15 following a conviction under those sections or a similar municipal ordinance shall

16 (1) require the surrender of the person's license and identification card
17 and forward the license and identification card to the department;

18 (2) report the order to the department within two days; and

19 (3) inform the person that the person's license and identification card
20 are subject to cancellation under AS 28.15.161 and AS 18.65.310 and, if the person is
21 otherwise qualified to receive a license or identification card, when the person obtains
22 a new license or identification card, the license or identification card must list the
23 restriction imposed by AS 04.16.160 for the period of probation or parole.

24 (h) The board of parole shall notify the department within two days whenever
25 a person has been ordered to refrain from consuming alcoholic beverages as a
26 condition of parole, shall require the person to surrender their license and
27 identification card, and shall inform the person that the person's license and
28 identification card are subject to cancellation under AS 28.15.161, and that, if the
29 person is otherwise qualified to receive a license or identification card, when the
30 person obtains a new license or identification card, the license or identification card
31 must list the restriction imposed by AS 04.16.160.

1 * Sec. 29. AS 28.15.271 is amended by adding a new subsection to read:

2 (e) The department shall charge \$50 for issuance of a new license to replace a
3 license cancelled under AS 28.15.161(a)(5) because the person is restricted from
4 purchasing alcoholic beverages under AS 04.16.160.

5 * Sec. 30. AS 33.20.010 is amended by adding a new subsection to read:

6 (c) A prisoner may not be awarded a good time deduction under (a) of this
7 section for any period spent in a treatment program, in a private residence, or while
8 under electronic monitoring.

9 * Sec. 31. AS 44.41.035(b) is amended to read:

10 (b) The Department of Public Safety shall collect for inclusion into the DNA
11 registration system a blood sample, oral sample, or both, from (1) a person convicted
12 in this state of a crime against a person or a felony under AS 11 or AS 28.35 or a law
13 or ordinance with elements similar to a crime against a person or a felony under AS 11
14 or AS 28.35, (2) a minor 16 years of age or older, adjudicated as a delinquent in this
15 state for an act that would be a crime against a person or a felony under AS 11 or
16 AS 28.35 if committed by an adult or for an act that would violate a law or ordinance
17 with elements similar to a crime against a person or a felony under AS 11 or AS 28.35
18 if committed by an adult, (3) a voluntary donor, (4) an anonymous DNA donor for use
19 in forensic validation, forensic protocol development, quality control, or population or
20 statistical data bases, [AND] (5) a person required to register as a sex offender or child
21 kidnapper under AS 12.63, and (6) a person arrested for a crime against a person
22 or a felony under AS 11 or AS 28.35, or a law or ordinance with elements similar
23 to a crime against a person or a felony under AS 11 or AS 28.35. The department
24 also may collect for inclusion into the DNA registration system a blood sample, oral
25 sample, or tissue sample from crime scene evidence or from unidentified human
26 remains. The DNA identification registration system consists of the blood, oral, or
27 tissue samples drawn under this section, any DNA or other blood grouping tests done
28 on those samples, and the identification data related to the samples or tests. Blood
29 samples, oral samples, and tissue samples not subject to testing under this section, and
30 test or identification data related to those samples, may not be entered into, or made a
31 part of, the DNA identification registration system.

1 * Sec. 32. AS 44.41.035(i) is amended to read:

2 (i) The Department of Public Safety shall, upon receipt of a court order,
3 destroy the material in the system relating to a person. The court shall issue the order
4 if the person's or minor's DNA was included in the system under

5 (1) (b)(1) or (2) of this section and the court [IT] determines that

6 (A) [(1)] the conviction or adjudication that subjected the
7 person to having a sample taken under this section is reversed; and

8 (B) [(2)] the person

9 (i) [(A)] is not retried, [OR] readjudicated, or convicted
10 or adjudicated for another crime that requires having a sample
11 taken under this section [FOR THE CRIME]; or

12 (ii) [(B)] after retrial, is acquitted of the crime or after
13 readjudication for the crime, and is not convicted or adjudicated for
14 another crime that requires a sample under this section, is not
15 found to be a delinquent;

16 (2) (b)(6) of this section and the court determines that

17 (A) the person arrested was released without being
18 charged; or

19 (B) the criminal complaint, indictment, presentment or
20 information for the offense for which the person was arrested was
21 dismissed, and a criminal complaint, indictment, presentment or
22 information for an offense requiring submission of a DNA sample is not
23 refiled.

24 * Sec. 33. AS 44.41.035(l) is amended to read:

25 (l) The Department of Public Safety may not include in the DNA registration
26 system a blood sample, oral sample, or tissue sample of the victim of a crime, unless
27 that person would otherwise be included under (b)(1) - (6) [(b)(1) - (5)] of this section.

28 * Sec. 34. AS 44.41.035 is amended by adding a new subsection to read:

29 (q) The department shall make every reasonable effort to process each sample
30 collected from a person under (b)(1), (b)(2), (b)(5), and (b)(6) of this section and
31 include the identification data resulting from the testing of the sample in the

1 identification registration system within 90 days after receiving the sample.

2 * Sec. 35. The uncodified law of the State of Alaska is amended by adding new sections to
3 read:

4 APPLICABILITY. (a) AS 12.55.027, enacted by sec. 19 of this Act, applies to credit
5 for time served for a sentence imposed on or after the effective date of sec. 19 of this Act,
6 regardless of when the criminal act was committed.

7 (b) AS 11.56.759, enacted by sec. 4 of this Act, and the amendments to
8 AS 11.61.128(a) and AS 12.10.010(a) made by secs. 5 and 17 of this Act apply to acts
9 committed on or after the effective date of secs. 4, 5, and 17 of this Act.

10 (c) AS 12.72.025, enacted by sec. 24 of this Act, applies to offenses committed
11 before, on, or after the effective date of sec. 24 of this Act. A person whose application for
12 post-conviction relief was denied before the effective date of sec. 24 this Act, has until July 1,
13 2008, to file a claim described in AS 12.72.025.

14 (d) Sections 7 - 16, 20, and 22 of this Act apply to offenses committed on or after the
15 effective date of secs. 7 - 16, 20, and 22 of this Act.

16 * Sec. 36. Sections 1 - 3 and 25 - 29 of this Act take effect January 1, 2008.

17 * Sec. 37. Section 34 of this Act takes effect July 1, 2009.

18 * Sec. 38. Except as provided in secs. 36 and 37 of this Act, this Act takes effect July 1,
19 2007.

SENATE FINANCE COMMITTEE
5/12/2007 COMMITTEE ACTION

Bill Number	HB 90		
Amendment			
Motion	to adopt CS "N"		
<u>Motion by</u>	Hoffman		
<u>Objection by</u>	Dyson		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Elton	✓		
Senator Huggins	✓		
Senator Olson	✓		
Senator Thomas	✓		
Senator Dyson			✓
Co-Chair Hoffman	✓		
Co-Chair Stedman	✓		
<u>Tally</u>			
Yea	6		
Nay	1		
Absent			
<u>MOTION</u>	PASSED		

Representative Ralph Samuels

Sponsor Statement
SCS CSHB90(JUD)

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license or card; relating to the information contained on driver's licenses; requiring the surrender and cancellation of driver's licenses and identification cards under certain circumstances; relating to the reporting of certain crimes; relating to prostitution; relating to the DNA registration system; relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

HB90 encompasses a wide variety of issues relating to our legal, correctional and public safety systems. Following are the specific changes:

A. Currently, there are very few tools law enforcement and public safety have in requiring that sex offenders, who are on probation or parole, comply with the conditions of their release. HB 90 will provide for a class A misdemeanor if a person violates certain conditions of their probation or parole.

B. Under current law, it is a crime to send indecent materials, if the materials depict minors, to minors. I believe that sending indecent materials to a minor whether or not the individuals depicted are underage or not, should be a crime. HB 90 does just this.

C. HB 90 allows for the forfeiture of property, such as computers used in committing electronic distribution of indecent materials to minors. This forfeiture could only occur after conviction.

D. The bill includes language from SB157 - "An Act relating to human trafficking and prostitution." The "Trafficking in Persons Task Force" asked for changes in Alaska Statutes to help in prosecuting those who are victimizing women and children in our State. They estimate 20-50 women or children are being forced or enticed into prostituting themselves every day in Alaska's cities.

E. Adding "attempt, solicitation, and conspiracy to commit murder", "hindering prosecution of murder" and "kidnapping" to the list of crimes for which the statute of limitations do not apply. Currently, the statute of limitations for these offenses is just 5

years. With the addition of a cold case prosecutor, the department of law feels that they can successfully bring those who fall under these categories to justice if the statute of limitations is lifted.

F. Currently, the courts are being asked to hold repeat bail review hearings based on little or no actual new information. The multiple bail review hearings are being used by defendants as a tactic to wear down an overburdened court system with repeat, inappropriate proposals to release a defendant.

HB 90 would require that the information offered supporting a subsequent bail review hearing actually be "new" information. It will help balance the constitutional right to bail with the constitutional right of victims to be treated with dignity, respect and fairness.

G. Under the premise that criminals should serve their sentenced time, HB 90 disallows credit toward a term of incarceration for time served while in a private residence, under electronic monitoring or for certain treatment programs that are not similar to incarceration.

H. In 2006, the legislature adopted extended periods of probation, including a minimum of 15 years for felony sexual assault in the first degree, for felony sex offenders. HB 90 would change the maximum years of probation for a felony sex offense to 25, allowing for conformity to current law and to allow more flexibility in setting probation requirements.

I. Currently, persons convicted of electronic distribution of indecent material to minors do not have to register as sex offenders. HB 90 requires that persons convicted of this crime register as a sex offender.

J. In an effort to stem the abuse of post conviction relief, HB 90 requires that a person who brings an action for post-conviction relief, based on the claim that the person's attorney in a prior application for post-conviction relief was ineffective, must file the claim within one year after the court's denial of the prior application.

K. HB 90 provides that a prisoner may not be granted a good time deduction for any period spent in a treatment program, private residence, or under electronic monitoring. The good time deduction is to reward good behavior while incarcerated, and not in a home or similar place.

L. Four sections of this bill relate to DNA testing. It would allow for DNA collection from individuals at the time of arrest. The bill also requires that the DNA collected shall be input into the identification system within 90 days of receiving it.

M. This bill contains language from SB5. Current law relates to the crime of failure to report the commission or attempted commission of certain crimes against children. This legislation will take current statute a step further to include violent crimes against adults as well as children under Alaska Statute 11.56.765(a). This law will make it a class C

felony if the crime not reported is an unclassified felony including violent crimes such as murder, kidnapping or rape. This law will also make it a class A misdemeanor offense if the crime not reported is other than an unclassified felony. This bill would preserve the defensible presumption that a report may have not have been made by a witness out of fear of physical injury to themselves, that determination of effective assistance was already being provided, or that action was taken to stop the commission of the crime.

N. This bill contains language taken from HB14. Repeat drunk drivers are often ordered not to consume alcohol as part of a sentence or as a condition of probation or parole. Currently there is no method by which a vendor of alcoholic beverages may determine whether an individual is under such restriction. House Bill 14 will require that the driver's license or state ID card of an individual court ordered not to drink be marked so that restaurants, bars and liquor stores are aware the individual is prohibited from consuming alcohol.

The bill does not require vendors to check the identification of every individual attempting to purchase alcohol; however, if a vendor catches a person with a marked license attempting to purchase alcohol, the vendor may pursue a \$1000 civil penalty.

Not offered.

SENATE FINANCE
COMMITTEE
Amendment # 1
To Bill Number: HB 90
Sponsor: Stedman
Date: 5/12/04 Logged by: Robin

SENATE FINANCE COMMITTEE

AMENDMENT No. 1

By _____

To: Sen CS CS HOUSE BILL No. 90 (JUD)

To: _____ SENATE BILL No. _____

→ DELETE Sections 5-9 on Page 4, Line 27
through Page 7, Line 13,

→ Modify Section 41:43 as necessary to
conform the bill to the deletion of Sections
5-9 above.

→ This amendment has the effect of removing
"Kiva's Law" provisions from the bill. These
provisions were originally contained in SB 5.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3000
State Capitol
Juneau, Alaska 99801-3000

FAX COVER SHEET

DATE: 5/12/07 TIME: 2:18PM

TO: LEGAL

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: ROBIN PAUL
SENATE FINANCE CMTE. ASST. SECRETARY
PHONE: 465-2618
FAX: 465-2187

NOTES: FINAL Pls.
SCS CS HB 90 (FIN)
Version 25-LS0331/N
Luckhaupt 5/12/07

with
No Changes.
Thank You.
Robin

SENATE COMMITTEE REPORT

DATE: 5/2/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/11/07

Judiciary Committee considered CS FOR HOUSE BILL NO. 90(FIN)

HB 90 BAIL

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 90 (JUD)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/
 SCR # 1 # 9
#9

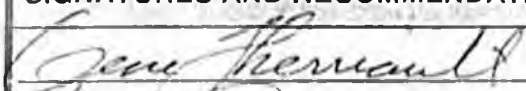
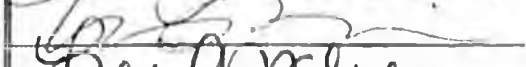
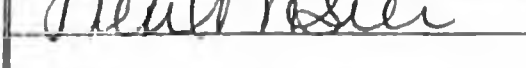

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	3/23			✓	2
Admin	2/9		✓		3
Admin PD	3/27		✓		4
COR	4/18		✓		7

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	HERRAULT	✓			
	Wieslechowski	✓			
	McGuire	✓			
CHAIR: 	Frucht	✓			

HB

92

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 92
(H) Publish Date: 3/26/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
Title "An Act removing the victims' advocate and the RDU Office of Victims' Rights"
staff of the office of victims' rights from the jurisdiction of the.." Component Office of Victims' Rights
Sponsor "Representatives Samuels and Stoltze, Hawker.."
Requester House State Affairs Component No. 2769

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Division: Legislative Affairs Agency
Approved by: Pamela Varni, Executive Director
Agency: Legislative Affairs Agency

Phone 465-6626
Date/Time 3/19/07 3:18 PM
Date 3/19/2007

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for:
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE

State Representative

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 92

Jurisdiction of Ombudsman

"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."

House Bill 92 would amend Alaska statutes to explicitly exempt the Office of Victims' Rights (OVR) from the jurisdiction of the ombudsman. The statute should be amended to clarify the legislature's intent to have the OVR act as a special ombudsman for the legislature in criminal matters on behalf of crime victims. If this is not cleaned up, several problems arise.

If the Ombudsman continues to have jurisdiction over the OVR, it will add an unnecessary layer of investigation in which the "ombudsman investigates the ombudsman".

The OVR is staffed by attorneys with specialized knowledge; the ombudsman is not. This raises the question of "institutional competency" when the Ombudsman lacks that special legal knowledge necessary to investigate. Additionally, since the victims' advocate and staff are attorneys, they are already subject to ethical obligations to their clients in the Alaska Rules of Professional conduct, including the ARPC 1.3 requirement to exercise due diligence.

The OVR has access to confidential information and records beyond the scope of the access allowed to the Ombudsman. Currently, the OVR is prohibited by statute from providing confidential information and documents to the Ombudsman under confidentiality requirements.

For these reasons it is imperative that the legislature clarify their intent and remove the OVR from the jurisdiction of the Ombudsman.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

LIBRARY

LEGAL SERVICES

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

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

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

MEMORANDUM

March 23, 2007

SUBJECT: Authority of Ombudsman over records of the Office of Victims' Rights

TO: Representative Andrea Doll
Attn: Terri Harvey

FROM: Tamara Brandt Cook
Director

of the state - 1000

TBC

(1) As an agency of the legislature, is the Office of Victims' Rights subject to the jurisdiction of the Ombudsman?

Under AS 24.55.150, the Ombudsman has jurisdiction to investigate an act of an agency if the ombudsman "has reason to believe" the act may be defective in one or more of the ways listed in the statute. In carrying out an investigation the Ombudsman is granted access to state records, including those of agencies not the subject of the investigation. AS 24.55.160(a) states:

In an investigation, the ombudsman may . . . (4) notwithstanding other provisions of law, have access at all times to records of every state agency, including confidential records, except sealed court records, production of which may only be compelled by subpoena, and except for records of active criminal investigations and records that could lead to the identity of confidential police informants.

Under AS 24.55.160(b) the ombudsman is forbidden from disclosing a confidential record obtained from an agency.

AS 24.55.330(2) provides a definition of "agency" for purposes of AS 24.55, the chapter that deals with the Office of the Ombudsman (emphasis added):

(2) "agency" includes a department, office, institution, corporation, authority, organization, commission, committee, council, or board of a municipality or in the executive, legislative, or judicial branches of the state government. . . .

Representative Andrea Doll

March 23, 2007

Page 2

Only certain elected officials and judicial officials are specifically exempted from coverage under the definition of "agency." The Alaska Office of Victims' Rights is an "agency" for purposes of AS 24.55 and is subject to the jurisdiction of the Ombudsman.

(2) Does the Office of Victims' Rights privilege not to produce documents under AS 24.65.110(d) and AS 24.65.200 yield to the Ombudsman's power to obtain information?

While the matter is not entirely free from doubt, it appears the better reading of the statutes would result in the conclusion that the Ombudsman does have access to records of the Office of Victims' Rights. AS 24.55.160(a) unambiguously grants access to confidential records of "every" state agency (with specific exceptions that probably do not apply to most records of the Office of Victims' Rights) and grants that access "**notwithstanding other provisions of law.**" I read that phrase as superseding contrary provisions in AS 24.65. Under (b) of that section the Ombudsman is, in turn, required to maintain the confidentiality of those records.

TBC:med
07-206.med

HB

95

HFIN

FILE

PERS #1

OPERATING BUDGET AMENDMENT

*adopted
3/20/07*

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96 (FIN)

OFFERED BY: Representative Chenault

DEPARTMENT: Various
APPROPRIATION: Various
ALLOCATION: Various

ADD:	53.1	GF/Match (1003)
	2,377.0	GF (1004)
	31.9	GF/PR (1005)
	119.1	GFMH (1037)

EXPLANATION: In the Governor's request, about 750 employees were budgeted as participants in the defined contribution retirement plan, with an employer contribution rate of less than 11 percent. In the fixed rate retirement plan envisioned by the House Finance Committee, agencies will contribute 22 percent of all employees' salaries to retirement accounts. This amendment adds 11 percent of the general fund portion of salaries budgeted for defined contribution employees in all agencies. Affected allocations and the amount and fund sources required to provide agencies with the money to pay a rate of 22 percent are listed on the attached seven pages.

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Administration				119.4	4.5	
	Centralized Admin. Services		-	8.7	-	-
		Finance	-	8.4	-	-
		Retirement and Benefits	-	0.3	-	-
	Division of Motor Vehicles		-	-	-	-
		Motor Vehicles	-	-	-	-
	Enterprise Technology Services		-	9.3	-	-
		Enterprise Technology Services	-	9.3	-	-
	Legal & Advocacy Services		-	101.4	4.5	-
		Office of Public Advocacy	-	17.6	-	-
		Public Defender Agency	-	83.8	4.5	-
Commerce				3.0		
	Alaska Aerospace Devel Corp		-	-	-	-
		AADC Facilities Maintenance	-	-	-	-
	Alaska Seafood Marketing Inst		-	-	-	-
		Alaska Seafood Marketing Inst	-	-	-	-
	Comm Assist & Ec Dev		-	-	-	-
		Office of Economic Development	-	-	-	-
	Corp, Bus & Prof Licenses		-	-	-	-
		Corp, Bus & Prof Licensing	-	-	-	-
	Exocutive Admin and Dev		-	3.0	-	-
		Administrative Services	-	3.0	-	-
	Investments		-	-	-	-
		Investments	-	-	-	-
	Reg Comm of Ak		-	-	-	-
		Reg Comm of AK	-	-	-	-

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Corrections			-	1,246.6	-	81.7
	Administration & Operation		-	1,175.9	-	-
		Administrative Services	-	21.9	-	-
		Anchorage Correctional Complex	-	201.5	-	-
		Anvil Mtn Correctional Center	-	25.7	-	-
		Classification and Furlough	-	39.8	-	-
		Combined Hiland Mtn Corr Ctr	-	55.0	-	-
		Fairbanks Correctional Center	-	155.3	-	-
		Information Technology MIS	-	20.0	-	-
		Institution Director's Office	-	5.6	-	-
		Ketchikan Correctional Center	-	31.4	-	-
		Lemon Creek Correctional Ctr	-	64.9	-	-
		Mat-Su Correctional Center	-	6.9	-	-
		Palmer Correctional Center	-	28.1	-	-
		Parole Board	-	5.4	-	-
		Prison Employment Program	-	-	-	-
		Pt. MacKenzie Correctional Farm	-	4.9	-	-
		Research and Records	-	21.8	-	-
		Spring Creek Correctional Ctr	-	172.5	-	-
		Statewide Probation and Parole	-	220.0	-	-
		Wildwood Correctional Center	-	43.2	-	-
		Yukon-Kuskokwim Corr Center	-	51.9	-	-
	Inmate Health Care		-	70.7	-	81.7
		Inmate Health Care	-	70.7	-	81.7
Educ & Early Devel			-	42.8	-	-
	Alaska Library and Museums		-	7.0	-	-
		Library Operations	-	7.0	-	-
	Alaska Postsecondary Education		-	-	-	-
		Program Admin & Operations	-	-	-	-
	Commissions and Boards		-	2.6	-	-
		Professional Teaching Practice	-	2.6	-	-
	Mt. Edgecumbe Boarding School		-	27.7	-	-
		Mt. Edgecumbe Boarding School	-	27.7	-	-
	State Facilities Maintenance		-	-	-	-
		State Facilities Maintenance	-	-	-	-
	Teaching and Learning Support		-	5.5	-	-
		Student and School Achievement	-	5.5	-	-

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Environ Conservation			4.6	41.3	8.7	
	Administration		0.3	0.9	-	-
		Information & Admin Services	0.3	0.9	-	-
	Air Quality		2.2	-	5.6	-
		Air Quality	2.2	-	5.6	-
	Spill Prevention and Response		-	-	-	-
		Contaminated Sites Program	-	-	-	-
		Industry Prep. & Pipeline Op.	-	-	-	-
		Prevention and Emerg. Response	-	-	-	-
	Water		2.1	40.5	3.2	-
		Facility Construction	-	0.4	-	-
		Water Quality	2.1	40.1	3.2	-
Fish and Game				56.9		
	Administration and Support		-	4.8	-	-
		EVOS Trustee Council	-	-	-	-
		State Subsistence	-	4.8	-	-
	Commercial Fisheries		-	46.5	-	-
		AYK Region Fisheries Mgmt.	-	5.7	-	-
		Central Region Fisheries Mgmt.	-	18.9	-	-
		Comm Fish Special F. ojects	-	-	-	-
		Headquarters Fisheries Mgmt.	-	3.9	-	-
		SE Region Fisheries Mgmt.	-	6.2	-	-
		Westward Region Fisheries Mgmt.	-	11.9	-	-
	Sport Fisheries		-	5.6	-	-
		Sport Fisheries	-	5.6	-	-

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Health & Social Svcs			17.9	273.6	-	37.4
	Alaska Pioneer Homes		-	4.7	-	3.3
		Pioneer Homes	-	4.7	-	3.3
	Behavioral Health		-	4.1	-	29.3
		Alaska Psychiatric Institute	-	4.1	-	23.9
		Behavioral Health Administration	-	-	-	5.5
	Children's Services		-	4.1	-	-
		Front Line Social Workers	-	4.1	-	-
	Departmental Support Services		3.4	6.1	-	-
		Administrative Support Svcs	3.4	4.2	-	-
		Information Technology Services	-	1.8	-	-
	Juvenile Justice		-	252.7	-	-
		Bethel Youth Facility	-	24.1	-	-
		Fairbanks Youth Facility	-	6.8	-	-
		Johnson Youth Center	-	30.4	-	-
		Ketchikan Regional Yth Facility	-	6.2	-	-
		Mat-Su Youth Facility	-	6.3	-	-
		McLaughlin Youth Center	-	113.0	-	-
		Nome Youth Facility	-	10.7	-	-
		Probation Services	-	55.2	-	-
	Public Assistance		7.3	1.8	-	-
		Child Care Benefits	0.6	-	-	-
		Public Assistance Field Svcs	6.7	1.8	-	-
	Senior and Disabilities Svcs		7.3	-	-	4.7
		Senior/Disabilities Svcs Admin	7.3	-	-	4.7

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Labor & Workforce			6.6	107.9		
	Administrative Services		1.2	23.9	-	-
		Labor Market Information	-	23.9	-	-
		Management Services	1.2	-	-	-
	Business Partnerships		-	49.4	-	-
		AVTEC	-	47.7	-	-
		AVTEC Facilities Maintenance	-	-	-	-
		Business Services	-	0.3	-	-
		Workforce Investment Board	-	1.3	-	-
	Employment Security		-	21.2	-	-
		Employment and Training Services	-	11.7	-	-
		Unemployment Insurance	-	9.5	-	-
	Labor Standards and Safety		-	9.5	-	-
		Mechanical Inspection	-	-	-	-
		Wage and Hour Administration	-	9.5	-	-
	Vocational Rehabilitation		5.4	4.0	-	-
		Client Services	5.4	3.3	-	-
		Disability Determination	-	-	-	-
		Special Projects	-	-	-	-
		Voc Rehab Administration	-	0.7	-	-
	Workers' Compensation		-	-	-	-
		Workers Comp Appeals Comm	-	-	-	-
		Workers' Compensation	-	-	-	-
Law				56.1		
	Administration and Support		-	5.6	-	-
		Administrative Services	-	5.6	-	-
	Civil Division		-	16.8	-	-
		Commercial and Fair Business	-	-	-	-
		Human Services/Child Protection	-	16.8	-	-
		Labor and State Affairs	-	-	-	-
		Timekeeping & Litigation Support	-	-	-	-
		Torts and Workers' Compensation	-	-	-	-
		Transportation Section	-	-	-	-
	Criminal Division		-	33.7	-	-
		First Judicial District	-	11.7	-	-
		Third Judicial Anchorage	-	21.9	-	-

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Military & Veterans Affairs			3.3	8.1	-	-
	Military & Veterans Affairs		3.3	8.1	-	-
		Alaska Military Youth Academy	-	0.7	-	-
		Emerg Communications	-	-	-	-
		Homeland Security & Emerg Mgt	-	7.0	-	-
		Office of the Commissioner	3.3	0.4	-	-
Natural Resources			20.7	55.2	7.0	-
	Resource Development		20.7	45.7	7.0	-
		Administrative Services	-	1.8	-	-
		Claims, Permits, & Lease.	-	-	7.0	-
		Coastal Mgt	20.7	-	-	-
		Commissioner's Office	-	2.1	-	-
		Forest Management & Develop	-	-	-	-
		Geological Development	-	6.5	-	-
		Habitat Mgt & Permitting	-	2.7	-	-
		Information Resource Mgmt.	-	1.6	-	-
		Interdept IT Chargeback	-	-	-	-
		Large Project Permitting	-	-	-	-
		Mental Health Lands Admin	-	-	-	-
		Oil & Gas Development	-	28.2	-	-
		Recorder's Office/UCC	-	-	-	-
		RS2477/Navigability	-	2.8	-	-
	Statewide Fire Suppression		-	9.5	-	-
		Fire Suppression Preparedness	-	9.5	-	-
Public Safety			-	91.7	-	-
	AK Fire Standards Council		-	-	-	-
		AK Fire Standards Council	-	-	-	-
	Alaska State Troopers		-	46.3	-	-
		AK W-life Troopers Aircraft Sect	-	10.0	-	-
		Alaska Wildlife Troopers	-	7.3	-	-
		AS T Detachments	-	23.6	-	-
		Judicial Services-Anchorage	-	5.3	-	-
	Fire Prevention		-	12.5	-	-
		Fire Prevention Operations	-	12.5	-	-
	Statewide Support		-	33.0	-	-
		Administrative Services	-	8.8	-	-
		Alaska Criminal Records and ID	-	1.9	-	-
		APSIN	-	-	-	-
		Laboratory Services	-	22.2	-	-

DEPT_NAME	RDU_NAME	COMP_NAME	1003 G/F Match	1004 Gen Fund	1005 GF/Prgm	1037 GF/MH
Revenue			-	180.8	11.7	-
	Alaska Housing Finance Corp		-	-	-	-
		AHFC Operations	-	-	-	-
	Child Support Services		-	-	-	-
		Child Support Services	-	-	-	-
	Taxation and Treasury		-	180.8	11.7	-
		Permanent Fund Dividend Division	-	-	-	-
		Tax Division	-	180.8	11.7	-
Transportation			-	93.6	-	-
	Administrative Services		-	1.6	-	-
		Statewide Procurement	-	1.6	-	-
	Design and Construction		-	6.2	-	-
		Central Construction & CIP	-	-	-	-
		Central Design & Eng Svcs	-	-	-	-
		Northern Construction & CIP	-	6.2	-	-
		Northern Design & Eng Svcs	-	-	-	-
		Southeast Design & Eng Svcs	-	-	-	-
		Southeast Region Construction	-	-	-	-
	Fairbanks International Airport		-	-	-	-
		FIA Operations	-	-	-	-
	Highways and Aviation		-	85.8	-	-
		Central Highways and Aviation	-	37.7	-	-
		Northern Highways & Aviation	-	48.2	-	-
	Planning		-	-	-	-
		Program Development	-	-	-	-
	State Equipment Fleet		-	-	-	-
		State Equipment Fleet	-	-	-	-
	Ted Stevens Airport		-	-	-	-
		AIA Administration	-	-	-	-
		AIA Facilities	-	-	-	-
		AIA Field & Equipment Maint	-	-	-	-
		AIA Operations	-	-	-	-
Grand Total			53.1	2,377.0	31.9	119.1

PERS #2

OPERATING BUDGET AMENDMENT

Adopted 3/29/07

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Representative Chenault

DEPARTMENT: Alaska Court System

APPROPRIATION: Alaska Court System

ALLOCATION: Appellate Courts

ADD: 493.5 General funds (1004)

ALLOCATION: Trial Courts

ADD: 3,272.3 General funds (1004)

ALLOCATION: Administration and Support

ADD: 43.6 General funds (1004)

EXPLANATION: The Judicial Retirement System rate remains at 56.98%; it does not drop to the 22% applicable to PERS employees.

PERS#3

OPERATING BUDGET AMENDMENT

*Adopted
3-20-07*

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Rep. Chenault

DEPARTMENT: Natural Resources

APPROPRIATION: Resource Development

ALLOCATION: Oil & Gas Development

ADD: \$0.7 General Funds (1004)

DELETE: \$0.7 Investment Loss Trust Fund (1053)

EXPLANATION: This amendment removes excess Investment Loss Trust Fund receipts that were appropriated as part of the PERS adjustments made in the draft committee substitute.

00A #1

OPERATING BUDGET AMENDMENT

*Adopted
3/20/07*

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Chenault

DEPARTMENT: Administration
APPROPRIATION: Legal and Advocacy Services
ALLOCATION: Office of Public Advocacy

ADD:

231.2

FUNDING SOURCE: General Funds

DELETE: N/A

FUNDING SOURCE: N/A

EXPLANATION: Increment for the support of Elder Fraud increased case load. Add Attorney II, Investigator and one Clerk II.

Attorney II	97,078
Investigator III	84,739
Clerk II	<u>49,382</u>
	\$ 231,199

DOA 2

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee
TO: CSHB 95(FIN)

*Adopted
3/20/07*

OFFERED BY: Rep. Thomas

DEPARTMENT: ADMINISTRATION
APPROPRIATION: Centralized Administrative Services
ALLOCATION: Office of the Commissioner

Amendment to Sec. 11. DEPARTMENT OF ADMINISTRATION

- (b) The sum of \$1,267,600 [\$2,251,600] is appropriated from the general fund to the Department of Administration, commissioner's office, for distribution to state agencies to offset a portion of chargeback rates for enterprise technology services for the fiscal year ending June 30, 2008.
- (c) It is the intent of the legislature that state agencies receiving money under (b) of this section will reimburse the money [FROM VARIOUS FUND SOURCES] as required by the enterprise technology services federally approved statewide cost allocation plan.
- (d) The sum of \$740,000 is appropriated from the general fund to the Department of Administration, commissioner's office, for distribution to state agencies to offset the increased rates for facilities covered by the Alaska public building fund (AS 37.05.570) for the fiscal year ending June 30, 2008.
- (e) It is the intent of the legislature that state agencies receiving money under (d) of this section will reimburse the money [FROM VARIOUS FUND SOURCES] as required by the Alaska public building fund federally approved cost allocation plan. The amounts distributed are intended to cover a portion of the costs of increased rates resulting from fiscal year 2008 operations.

EXPLANATION: This amendment is needed to reflect the Governor's amendments for subsection (b) for the following three items:

- (1) an addition of \$825,000 general fund for the exchange/active directory maintenance costs and training,
- (2) an addition of \$250,000 general fund for security-anti-virus software and server hosting, and
- (3) a reduction of \$1,826,000 for enterprise technology efficiencies.
- (4) a reduction of \$232,000 of non-GF fund sources that are available due to the PERS rate adjustment

Subsections (c) and (e) are amended to reflect a more accurate description of the reimbursement of money required by the enterprise technology services federally approved statewide cost allocation plan.

DOA 3

MENTAL HEALTH OPERATING BUDGET AMENDMENT

OFFERED BY: The House Finance Committee

TO: CS. 0 (FIN) /CSHB95(FIN)

OFFERED BY: Hawker

Adopted
3/20/07

DEPARTMENT: Administration
APPROPRIATION: Legal and Advocacy Services
ALLOCATION: Public Defender Agency

DELETE: (\$106,100)

FUNDING SOURCE: 1092 Mental Health Trust Authority Authorized Receipts

EXPLANATION: Available Mental Health Trust Authority Authorized Receipts are reduced by \$106,100 to match the Trust Authority's funding recommendation.

OPERATING BUDGET AMENDMENT

DCCED 1

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Representative Kelly

*adopted
3/20/07*

DEPARTMENT: Commerce, Community and Economic Development
APPROPRIATION: Corporations, Business and Professional Licensing
ALLOCATION: Corporations, Business and Professional Licensing

ADD THE FOLLOWING WORDAGE:

The amount appropriated by this appropriation includes the unexpended and unobligated balance on June 30, 2007, of the Department of Commerce, Community, and Economic Development, division of corporations, business and professional licensing, receipts from the fees under AS 08.01.065(a), (c), and (f) - (i).

EXPLANATION: This wordage was inadvertently left out of the Governor's request and is needed to allow the receipts collected from the various boards to be carried forward.

OPERATING BUDGET AMENDMENT

*DOCED 2
adopted 3/20/07*

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Representative Kelly

DEPARTMENT: Commerce, Community & Economic Development
APPROPRIATION: Alaska Seafood Marketing Institute
ALLOCATION: Alaska Seafood Marketing Institute

ADD: \$1,250.0 (One time Inc.)

FUNDING SOURCE: Receipt Supported Services

EXPLANATION: Increasing ASMI's RSS authorization to \$3M from \$1.725M will allow ASMI to complete the second year of the TV component of its consumer advertising campaign with only minor reductions and provide enough authorization industry generated funds to be used to match federal monies for the USDA Market Access Program which have been approved for this FY. The carry over of remaining industry funds will better level ASMI's financial picture in the coming fiscal year.

OPERATING BUDGET AMENDMENT

DCCED 3

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Representative Kelly

adopted
3/20/07

DEPARTMENT: Commerce, Community & Economic Development
APPROPRIATION: Qualified Trade Association Contract
ALLOCATION: Qualified Trade Association Contract

ADD: \$1,000.0

FUNDING SOURCE: Vehicle Rental Tax

EXPLANATION: Increase funding level for "Destination Marketing".

OPERATING BUDGET AMENDMENT

DCCED 4

OFFERED IN: The House Finance Committee

TO: CSHB 95 (FIN)

OFFERED BY: Representative Les Gara

*failed 4-7
3/20/07*

DEPARTMENT: Department of Commerce, Community & Economic Development.
APPROPRIATION: Community Assistance & Economic Development
ALLOCATION: Community Advocacy

ADD: \$250.0

FUNDING SOURCE: Gen Fund

EXPLANATION: This amendment will provide funding for the Alaska Legal Services Corporation (ALSC). ALSC provides legal advice and representation to help resolve serious legal problems of low-income Alaskans, promotes family, social and economic stability by upholding the rule of law and reduces the legal consequences of poverty. For more than 40 years, ALSC has responded to the civil legal needs of low-income Alaskans who would otherwise go without legal assistance. Their efforts improve the quality of life for our children, our families, the elderly and disadvantaged, and our community.

**2007 HOUSE FINANCE
COMMITTEE VOTE SHEET**

failed

DATE: 3/20/07

Amendment: DCCED4

MEMBER

Favor

Oppose

JOULE	✓	
KELLY		✓
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
CHENAULT		✓
MEYER		✓

Yea 4

Nay 7

DCCED 5

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/SCS CSSB 50(FIN)

OFFERED BY: Nelson

failed 4-7
3/20/07

DEPARTMENT: Commerce, Community & Economic Development
APPROPRIATION: *State* ~~Municipal~~ Revenue Sharing
ALLOCATION: *State* ~~Municipal~~ Revenue Sharing

ADD: \$51,500.0

FUNDING SOURCE: General Fund

EXPLANATION:

This appropriation would continue funding for the Municipal Revenue Sharing program at \$48.1 million plus \$3.4 million for unincorporated communities in Alaska. This is based on the Governor's proposal of \$40,000 minimum for municipal governments and \$25,000 for unincorporated communities. An additional allocation for municipal governments—cities and boroughs—would be allocated on a per capita basis.

To many Alaskan communities revenue sharing is money for essential services such as basics such as heating and electricity, insurance, and city clerks. Revenue sharing has helped fund community safety needs such as snow removal, street lights, and fire protection. In larger communities revenue sharing helps ease the burden off of local tax payers who are often the community's largest source of revenue. Revenue sharing is an important component of the State's overall economic health.

Many Alaskan communities have made a stable revenue sharing program their top legislative priority.

2007 HOUSE FINANCE
COMMITTEE VOTE SHEET

DATE: 3/20/07

Amendment: DCCED 5

MEMBER

Favor

Oppose

KELLY		✓
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
JOULE	✓	
MEYER		✓
CHENAULT		✓

Yea 4

Nay 7

OPERATING BUDGET AMENDMENT

*Adopted
3/20/07
Courts 1*

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Chenault

DEPARTMENT: Alaska Court System

APPROPRIATION: Alaska Court System

ALLOCATION:	Appellate		
	Courts	\$	32,500
	Trial Courts		293,300
	Administration		<u>31,000</u>
	Total	\$	356,800

ADD: 356.8

FUNDING SOURCE: General Fund

EXPLANATION: Creates a "G" Step for front line, Range 14 and below, employees allowing long term knowledgeable staff the opportunity and incentive to remain with the Court System. This increment will bring the court system on an even keel with the executive branch and in compliance with AS 22.20.037 (c)

OPERATING BUDGET AMENDMENT

Courts 2

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Representative Chenault

DEPARTMENT: Alaska Court System
APPROPRIATION: Alaska Court System
ALLOCATION: Trial Courts

Adopted
3/20/07

ADD: \$100.0

FUNDING SOURCE: General Funds

EXPLANATION: The court system has been excluded from the "trigger" distribution of fuel to be administered by the Governor's Office. This amendment adds funding included in the Governor's budget, that was removed in anticipation of the "trigger" distribution.

Courts 3

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95

OFFERED BY: Nelson

*failed 4-7
3/20/07*

DEPARTMENT: Alaska Court System
APPROPRIATION: ~~Trial Courts~~ *Alaska Court System*
ALLOCATION: ~~Bethel Court Security Services~~ *Trial Courts*

ADD: \$75.0

FUNDING SOURCE: General Funds

EXPLANATION: The court system received funding in FY 07 to pay for 1/2 year cost for screening services. This appropriation will provide operating funds for the full year court security screen at the Bethel courthouse. The Bethel court is one of the busiest court locations in the state and serves as the hub for communities in the Yukon-Kuskokwim Delta.

2007 HOUSE FINANCE
COMMITTEE VOTE SHEET

DATE: 3/20/07

Amendment: Courts 3

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
JOULE	✓	
KELLY		✓
CHENAULT		✓
MEYER		✓

Yea 4

Nay 7

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Representative Meyer

DEED 1
adopted
3/20/07

DEPARTMENT: Education and Early Development
APPROPRIATION: Mt. Edgecumbe Boarding School
ALLOCATION: Mt. Edgecumbe Boarding School

ADD: \$26,000

FUNDING SOURCE: General Funds—Inc. OTI

EXPLANATION: The Subcommittee's intent was to replace expiring grant funds of \$140,000 (funding for 4 live-in residential staff positions) with \$70,000 to fund 2 positions. This appropriation, when coupled with a \$44,000 remaining AASB grant, should be sufficient to hire 2 live in residential staff.

OPERATING BUDGET AMENDMENT

DEED 2
3/20/07

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Rep. Les Gara

Failed
A-7

DEPARTMENT: Dept. of Education and Early ~~Childhood~~ Development
APPROPRIATION: Alaska Postsecondary Education Commission
ALLOCATION: ~~Alaska Advantage Program~~ Program Administration
and Operations
ADD: \$3,000,000
FUNDING SOURCE: General Fund

EXPLANATION: Appropriates money to fund need-based education grants for Alaskan students attending Alaskan institutions. Alaska has ranked last in the country for the percentage of low-income students attending college for 13 of the past 14 years (8.6%). It ranks 49th in the level of financial aid it provides to low-income students. This appropriation will help educate students who seek higher education but cannot afford to do so, and will implement a recommendation by the University regents to fix an estimated \$4 to \$7 million shortfall in needs-based aid.

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3-20-07

Amendment: DEED 8

MEMBER

Favor

Oppose

STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
JOULE	✓	
KELLY		✓
NELSON	✓	
MEYER		✓
CHENAULT		✓

Yea 4

Nay 7

OPERATING BUDGET AMENDMENT

DEED 3

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Gara

for 4-7
3/20/07

DEPARTMENT: Education & Early Development
APPROPRIATION: Teaching and Learning Support
ALLOCATION: Head Start Grants

ADD: \$630,000

FUNDING SOURCE: General Fund

EXPLANATION: This amendment will provide additional general funds to the grants line of the Head Start program. State Head Start funding has remained flat for many years, and the current budget proposes flat state funding again. In real terms, that constitutes a funding reduction. National studies show that children who participate in quality preschools are more likely to graduate from high school than other children, are less likely to need expensive special education or remedial services, and are more likely to attend college and be employed later in life.

Alaska has no statewide early education program, and Head Start has been struggling to meet growing demand with flat or decreased funding. Since 2003, the Head Start program has been forced to eliminate services to 361 children, close services in 6 communities, reduce classroom hours, change program options, scale back transportation services, freeze staff wages, defer on-going maintenance and repairs to facilities, and rely more heavily on in kind donations from the communities for the provision of some essential services. The proposed increment would help keep this proven successful program in place until a statewide pre-school program can be implemented.

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3/20/07

Amendment: Deed 3

MEMBER	Favor	Oppose
THOMAS		✓
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
JOULE	✓	
KELLY		✓
NELSON	✓	
STOLTZE		✓
CHENAULT		✓
MEYER		✓

Yea 4

Nay 7

withdrawn 3/21/07

held
3/20/07

DEED 4

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

changed to #6
3/21/07

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Rep. Les Gara

DEPARTMENT: Language Section
APPROPRIATION: Fund Transfers *Capitalization*
ALLOCATION: Education Loan Fund

Add: "The sum of \$20,000,000 is appropriated from Alaska Student Loan Corporation receipts to the education loan fund (AS 14.42.210)."

FUNDING SOURCE: Alaska Student Loan Corporation receipts

EXPLANATION: Appropriates money to fund need-based education grants for University of Alaska students, reinserting what was in the language section of the Governor's original budget. The transfer of \$20 million from the Alaska Student Loan Corporation to the Education Loan Fund will provide approximately \$1 million/year in income to be used for needs-based financial aid grants. Combined with \$3 million from the general fund, there will be a total of \$4 million for student need-based aid. Alaska has ranked last in the country for the percentage of low-income students attending college for 13 of the past 14 years (8.6%). This appropriation will help educate students who seek higher education but cannot afford to do so.

OPERATING BUDGET AMENDMENT

DEED 5

3/20/07

Failed
4-7

OFFERED IN: The House Finance Committee

TO: CSHB 95 (FIN)

OFFERED BY: Representative Mary Nelson

DEPARTMENT: Department of Education & Early Development
APPROPRIATION: SEE ATTACHED LANGUAGE SECTION
ALLOCATION:

ADD: \$250.0

FUNDING SOURCE: Gen Fund

EXPLANATION: This amendment will provide funding for charter schools around the state that have less than 150 students. These charter schools receive less funding per student because they are funded as if they are part of the largest school in their district. The marginal funding received for each additional student at a large school is insufficient to operate a charter school. For the past three years, the Legislature has appropriated \$106,000-\$250,000 to the small charter schools to partially compensate for this huge discrepancy.

A M E N D M E N T

OFFERED IN THE HOUSE

BY

TO: CSHB 95(FIN), Draft Version "O"

1 Page 60, following line 8:

2 Insert a new subsection to read:

3 "(d) The sum of \$250,000 is appropriated from the general fund to the Department of
4 Education and Early Development for the fiscal year ending June 30, 2008, for payment as
5 grants to each school district that operates a charter school with an average daily membership
6 of less than 150 for support of those charter schools in those districts. The amount
7 appropriated for grants by this subsection is to be allocated among eligible school districts in
8 the proportion that the average daily membership of the eligible charter schools in a district
9 bears to the total average daily membership of all eligible charter schools in all school
10 districts that operate an eligible charter school."

2007 HOUSE FINANCE
COMMITTEE VOTE SHEET

DATE: 3-20-07

Amendment: DEED 5

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
CRAWFORD	✓	
FOSTER		✓
GARA	✓	
HAWKER		✓
JOULE	✓	
KELLY		✓
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CHENAULT		✓
MEYER		✓

Yea

4

Nay

7

Failed 3/21
4-6

DEED 6

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Rep. Les Gara

DEPARTMENT: Language Section
APPROPRIATION: Fund Capitalization
ALLOCATION: Education Loan Fund

Add: "The sum of \$20,000,000 is appropriated from Alaska Student Loan Corporation receipts to the education loan fund (AS 14.42.210)."

FUNDING SOURCE: Alaska Student Loan Corporation receipts

EXPLANATION: Appropriates money to fund need-based education grants for students attending Alaskan institutions, reinserting what was in the language section of the Governor's original budget. The transfer of \$20 million from the Alaska Student Loan Corporation to the Education Loan Fund will provide approximately \$1 million/year in income to be used for needs-based financial aid grants. Because it would restrict use of corporate assets to a non-loan purpose the ASLC regards this appropriation as a return of capital to the State. ASLC intends to complete the return of capital in FY 09 with \$40 million transfer of bond proceeds. The principal will not be spent and could be returned to the state for appropriation for other purposes in the future.

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3/21

Amendment: DEED # 6

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
FOSTER		
GARA	✓	
HAWKER		✓
JOULE	✓	
KELLY		✓
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
MEYER		✓
CHENAULT		✓

Yea 4

Nay 6

adopted 3/21

DEC 1

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)/CSHB 96(FIN)

OFFERED BY: Representative Meyer

DEPARTMENT: Department of Environmental Conservation
APPROPRIATION: Environmental Health
ALLOCATION: Laboratory Services

ADD: New language section:

"The sum of \$80,000 is appropriated from the Commercial Passenger Vessel Environmental Compliance Fund to the Department of Environmental Conservation for paralytic shellfish poisoning testing for commercial shellfish farmers and dive fishermen for the fiscal year ending June 30, 2008."

FUNDING SOURCE: Commercial Passenger Vessel Environmental Compliance
 OTI Fund (Fund code: 1166)

EXPLANATION: Provides funding to offset the fee increase (\$35 to \$125) shellfish farmers and dive fishermen face in FY2008 for paralytic shellfish poisoning testing. Funds are granted on a one time basis with the understanding that industry will continue to work with interested parties to find new fund sources in the future.

Funds from the Commercial Passenger Vessel Environmental Compliance Fund may be appropriated for "the department's operational costs necessary to carry out activities under AS 46.03.460 - 46.03.490 relating to commercial passenger vessels." AS 46.03.488(2) allows for "monitoring and studying of direct or indirect environmental effects of those vessels;" Excess funds will be available in FY2008 that may not be available in the future.

Failed 3-6 3/21/07

DEC 2

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Gara

DEPARTMENT:	Department of Environmental Conservation
APPROPRIATION:	Ocean-Rangers Water
ALLOCATION:	Ocean-Rangers Water Quality

ADD: N/A

Intent: It is the intent of the Legislature that the Department submit a FY 08 request to the legislature to fund the positions needed to provide Ocean Ranger services not already provided by other cruise ship personnel. If it is consistent with the statutory language, it is also the intent of the Legislature that Ocean Rangers board cruise ships to perform their work at the first available Alaska port of call.

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3/21

Amendment: DEC 2

MEMBER

Favor

Oppose

HAWKER		✓
JOULE		✓
KELLY		✓
NELSON	✓	
STOLTZE		.
THOMAS		✓
CRAWFORD	✓	
FOSTER		
GARA	✓	
MEYER		✓
CHENAULT		✓

Yea 14 3

Nay 6

3/21/07 Failed 4-6

DEC 3

OPERATING BUDGET AMENDMENT

OFFERED IN: The House Finance Committee

TO: CSHB 95(FIN)

OFFERED BY: Representative Les Gara

DEPARTMENT: Department of Environmental Conservation
APPROPRIATION: Administration
ALLOCATION: *Agency* Unallocated Reduction
write

ADD: \$500,000

FUNDING SOURCE: Oil and Hazardous Substance Release Prevention and Response Fund

~~DELETE:~~
~~FUNDING SOURCE:~~

EXPLANATION: The purpose of this amendment is to assure continued funding for existing core spill prevention and response programs without delay of newly proposed flow line integrity activities.

CSHB 95(FIN) reflects a departmental unallocated reduction in Response Fund spending authority of \$500,000. This reduction was predicated on a lapse report showing that the Division of Spill Prevention and Response had approximated \$800,000 in unspent expenditure authority during FY2006.

The division has been working to reduce lapse for several years, with the FY2006 amount being much less than prior years. Although it is necessary to retain some flexibility for unexpected events (spills of oil and hazardous substances), potentially excess authorization was again reduced \$775,000 through the FY2007 budget process with the expectation that lapse would become insignificant.

Current projections suggest that there will be very little, if any, response fund lapse at the end of fiscal year 2007. Without lapse, a further reduction of \$500,000 for fiscal year 2008 will impact current core spill prevention and response programs or may delay activities planned to address flow line integrity.

2007 HOUSE FINANCE COMMITTEE VOTE SHEET

DATE: 3/21

Amendment: DEC 3

MEMBER

Favor

Oppose

JOULE	✓	
KELLY		✓
NELSON	✓	
STOLTZE		✓
THOMAS		✓
CRAWFORD	✓	
FOSTER		
GARA	✓	
HAWKER		✓
CHENAULT		✓
MEYER		✓

Yea 4

Nay 6

3/21/07

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Overview - Response Fund Projections

2/12/2007

General Assumptions:

- There is no change to the 1¢/barrel surcharge funding *Response Account* activities.
- Revenue = \$2.4 million for each 1¢ per barrel increase;
- Increase is effective for FY2008, making Revenue available by FY2009
- Direct Appropriations continue to other Agencies.
- Personal Services salary & benefit costs continue to increase.
- Continued program commitment to find \$.5 million in savings each year.

NOTE: Surcharge revenue is not available for spending until the year after it is collected.

1¢ Increase - Projected Impacts

- ▶ Changes the surcharge funding *Prevention Account* activities from 4¢ to 5¢;
- ▶ Revenue increase = \$2.4 million per year.
- ▶ Fee revenues are added for potential FY2008 Legislation.
- ▶ No additional appropriations for Pipeline Corrosion issues.
- ▶ No additional Capital appropriations for Contaminated Sites cleanup.
- ▶ Program savings of \$500.0 per year is still required.

Impacts:

- a. Projected depletion of fund is extended 1 year to FY2010;
- b. Expenditures continue to exceed Revenues in all years;

2¢ Increase - Projected Impacts

- ▶ Changes the surcharge funding *Prevention Account* activities from 4¢ to 6¢;
- ▶ Revenue increase = \$4.8 million per year.
- ▶ Fee revenues are added for potential FY2008 Legislation.
- ▶ No additional appropriations for Pipeline Corrosion issues.
- ▶ No additional Capital appropriations for Contaminated Sites cleanup.
- ▶ Program savings of \$500.0 per year is still required.

Impacts:

- a. Projected depletion of fund is extended past FY2011;
- b. Expenditures begin to exceed Revenues again in FY2012;
- c. Small increase in fund balance, captured in FY2009 & FY2010, will help sustain the fund a bit past FY2011, if there are no increases in appropriations for pipeline integrity, contaminated sites cleanup, or other issues.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION Overview - Response Fund Projections

2/12/2007

General Assumptions:

- There is no change to the 1¢/barrel surcharge funding *Response Account* activities.
- Revenue = \$2.4 million for each 1¢ per barrel increase;
- Increase is effective for FY2008, making Revenue available by FY2009
- Direct Appropriations continue to other Agencies.
- Personal Services salary & benefit costs continue to increase.
- Continued program commitment to find \$.5 million in savings each year.

NOTE: Surcharge revenue is not available for spending until the year after it is collected.

3¢ Increase - Projected Impacts

- ▶ Changes the surcharge funding *Prevention Account* activities from 4¢ to 7¢;
- ▶ Revenue increase = \$7.2 million per year.
- ▶ Fee revenues are added for potential FY2008 Legislation.
- ▶ Appropriations for Pipeline Integrity are possible.
- ▶ Capital appropriations for Contaminated Sites are possible.
- ▶ Program savings of \$500.0 per year is still required.

Impacts:

- a. Funding is available for Pipeline issues.
- b. Some Contaminated Site cleanups are funded through Capital Budgets.
- c. A fund balance exists well after FY2011;
- d. Expenditures do not exceed Revenues after FY2009;
- e. Small increases in fund balance continue through FY2012, providing a small cushion within the fund.

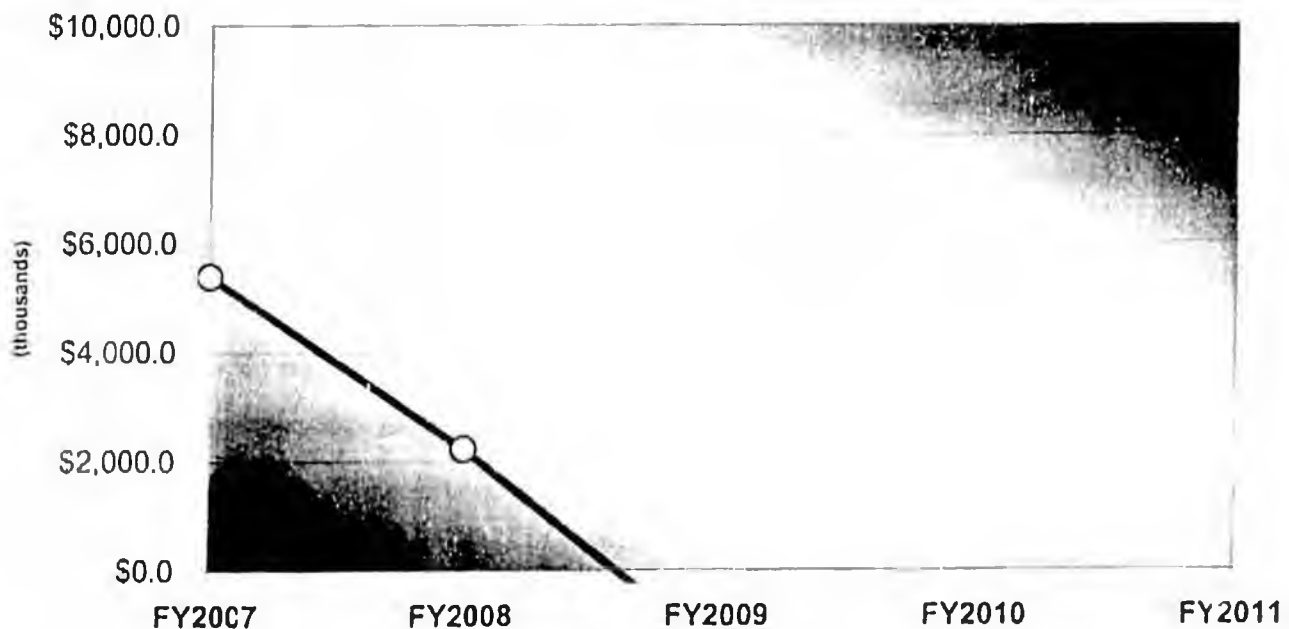
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESPONSE FUND**

*PREVENTION ACCOUNT - BALANCE PROJECTION
1¢ - 4¢ PROJECTION*

2/12/2007

	FY2006 FUND BALANCE	7,166.6				
	FY2007	FY2008	FY2009	FY2010	FY2011	
REVENUE to PREVENTION ACCOUNT	12,952.5	12,477.5	12,550.0	12,550.0	12,550.0	
4 Cent Surcharge (Fall 2006 Revenue Sources Book)	7,758.7	9,700.0	9,800.0	9,800.0	9,800.0	
Cost Recovery/Fines/Penalties	2,143.8	1,527.5	1,500.0	1,500.0	1,500.0	
Interest	1,250.0	1,250.0	1,250.0	1,250.0	1,250.0	
Transfers to the RF from other Funds	1,800.0					
TOTAL EXPENDITURES	14,725.0	15,637.5	16,237.5	16,837.5	17,437.5	
BUDGETED OPERATING EXPENDITURES	14,725.0	15,637.5	16,237.5	16,837.5	17,437.5	
DEC + Annual Salary Increases - FY2009 and Out Yrs	13,402.4	14,814.9	15,414.9	16,014.9	16,614.9	
DMVA -	497.6	497.6	497.6	497.6	497.6	
DOT - Continue Annual Approp from RF	825.0	825.0	825.0	825.0	825.0	
UNEXPENDED (estimated for 2008-2010)		(500.0)	(500.0)	(500.0)	(500.0)	
Proposed Changes	0.0	0.0	0.0	0.0	0.0	
DEC OPERATING						
DOT OPERATING						
DMVA OPERATING						
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	
ESTIMATED PREVENTION ACCOUNT BALANCE	5,394.1	2,234.1	(1,453.4)	(5,740.9)	(10,628.4)	
EXPENDITURES IN EXCESS OF REVENUE	(1,772.5)	(3,160.0)	(3,687.5)	(4,287.5)	(4,887.5)	

PREVENTION ACCOUNT BALANCE



**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESPONSE FUND**

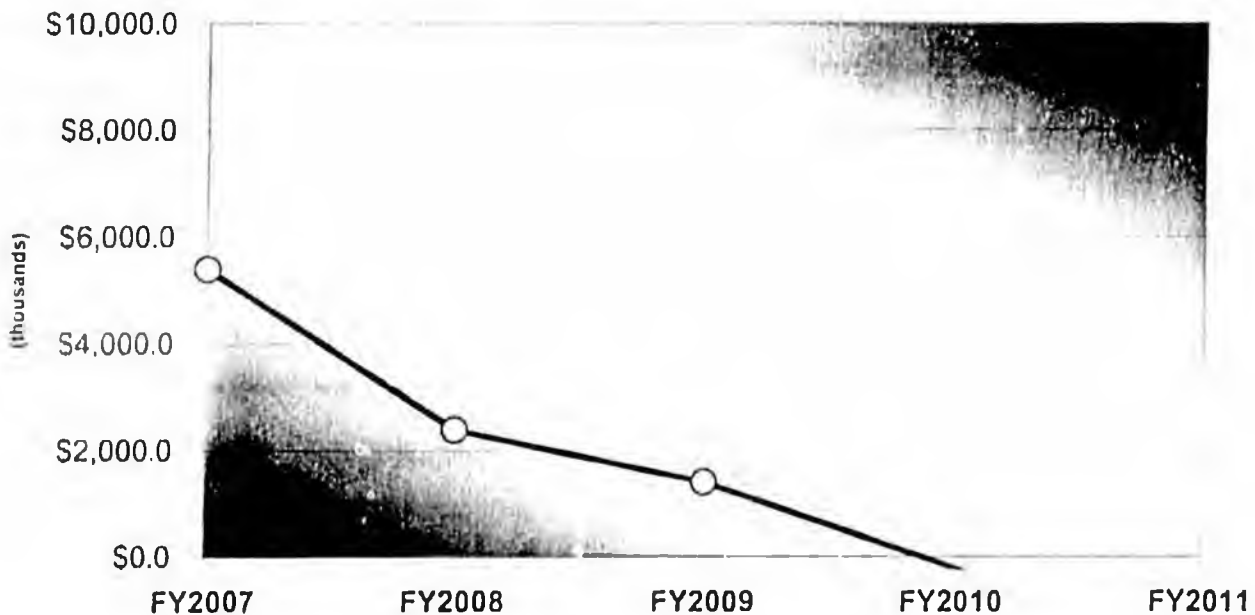
**PREVENTION ACCOUNT - BALANCE PROJECTION
1¢ / 5¢ SPLIT - IMPACT OF 1¢ INCREASE IN PREVENTION ACCOUNT SURCHARGE**

2/12/2007

	FY2006 FUND BALANCE	FY2007	FY2008	FY2009	FY2010	FY2011
REVENUE to PREVENTION ACCOUNT	7,166.6	12,952.5	12,627.5	15,250.0	15,250.0	15,250.0
4 Cent Surcharge (Fall 2006 Revenue Sources Book)		7,758.7	9,700.0	9,800.0	9,800.0	9,800.0
increase Surcharge to 5¢ per barrel		0.0	0.0	2,400.0	2,400.0	2,400.0
*New Legislation FY2008: Fee Bill			150.0	300.0	300.0	300.0
Cost Recovery/Fines/Penalties		2,143.8	1,527.5	1,500.0	1,500.0	1,500.0
Interest		1,250.0	1,250.0	1,250.0	1,250.0	1,250.0
Transfers to the RF from other Funds		1,800.0				
TOTAL EXPENDITURES		14,725.0	15,637.5	16,237.5	16,837.5	17,437.5
BUDGETED OPERATING EXPENDITURES		14,725.0	15,637.5	16,237.5	16,837.5	17,437.5
DEC + Annual Salary Increases - FY2009 and Out Yrs		13,402.4	14,814.9	15,414.9	16,014.9	16,614.9
DMVA -		497.6	497.6	497.6	497.6	497.6
DOT - Continue Annual Approp from RF		825.0	825.0	825.0	825.0	825.0
UNEXPENDED (estimated for 2008-2010)			(500.0)	(500.0)	(500.0)	(500.0)
Proposed Changes		0.0	0.0	0.0	0.0	0.0
DEC OPERATING						
DOT OPERATING						
DMVA OPERATING						
CAPITAL EXPENDITURES		0.0	0.0	0.0	0.0	0.0
ESTIMATED PREVENTION ACCOUNT BALANCE		5,394.1	2,384.1	1,396.6	(190.9)	(2,378.4)
EXPENDITURES IN EXCESS OF REVENUE		(1,772.5)	(3,010.0)	(987.5)	(1,587.5)	(2,187.5)

*Estimated impacts of fee legislation, if proposed for FY2008

PREVENTION ACCOUNT BALANCE



**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESPONSE FUND**

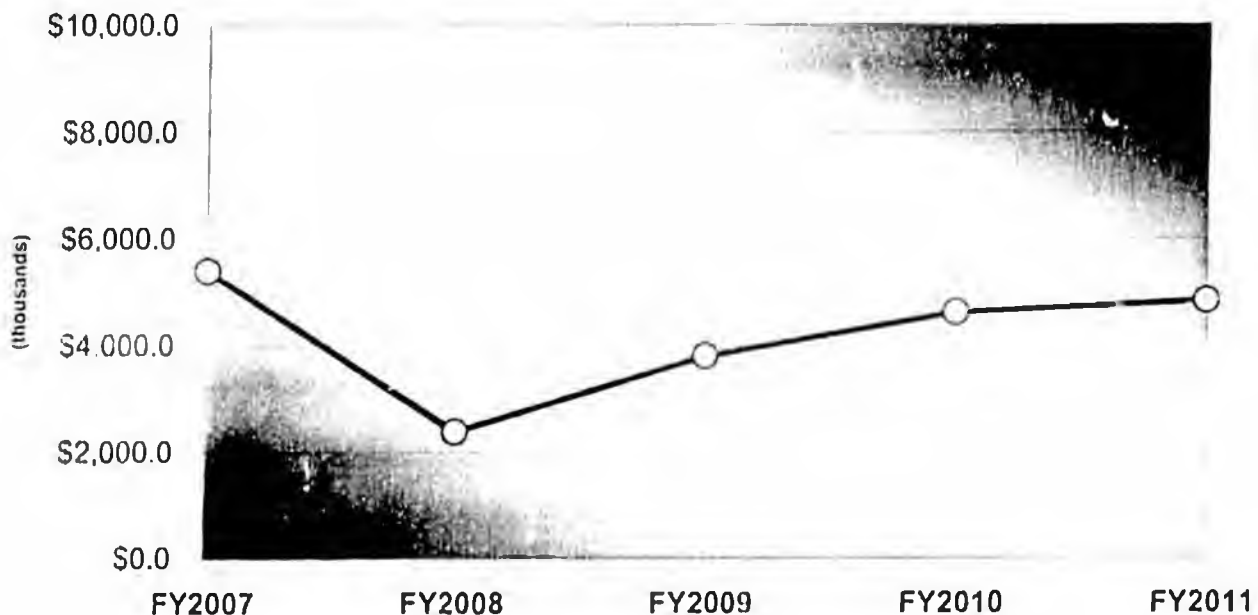
**PREVENTION ACCOUNT - BALANCE PROJECTION
1¢ / 6¢ SPLIT - IMPACT OF 2¢ INCREASE IN PREVENTION ACCOUNT SURCHARGE**

2/12/2007

	FY2006 FUND BALANCE	FY2007	FY2008	FY2009	FY2010	FY2011
REVENUE to PREVENTION ACCOUNT	7,166.6	12,952.5	12,627.5	17,650.0	17,650.0	17,650.0
4 Cent Surcharge (<i>Fall 2006 Revenue Sources Book</i>)		7,758.7	9,700.0	9,800.0	9,800.0	9,800.0
Increase Surcharge to 6¢ per barrel		0.0	0.0	4,800.0	4,800.0	4,800.0
New Legislation FY2008: Fee Bill			150.0	300.0	300.0	300.0
Cost Recovery/Fines/Penalties		2,143.8	1,527.5	1,500.0	1,500.0	1,500.0
Interest		1,250.0	1,250.0	1,250.0	1,250.0	1,250.0
Transfers to the RF from other Funds		1,800.0				
TOTAL EXPENDITURES		14,725.0	15,637.5	16,237.5	16,837.5	17,437.5
BUDGETED OPERATING EXPENDITURES		14,725.0	15,637.5	16,237.5	16,837.5	17,437.5
DEC + Annual Salary Increases - FY2009 and Out Yrs		13,402.4	14,814.9	15,414.9	16,014.9	16,614.9
DMVA -		497.6	497.6	497.6	497.6	497.6
DOT - Continue Annual Approp from RF		825.0	825.0	825.0	825.0	825.0
UNEXPENDED (estimated for 2008-2010)			(500.0)	(500.0)	(500.0)	(500.0)
Proposed Changes		0.0	0.0	0.0	0.0	0.0
DEC OPERATING						
DOT OPERATING						
DMVA OPERATING						
CAPITAL EXPENDITURES		0.0	0.0	0.0	0.0	0.0
ESTIMATED PREVENTION ACCOUNT BALANCE		5,394.1	2,384.1	3,796.6	4,609.1	4,821.6
EXPENDITURES IN EXCESS OF REVENUE		(1,772.5)	(3,010.0)	1,412.5	812.5	212.5

*Estimated impacts of fee legislation, if proposed for FY2008

PREVENTION ACCOUNT BALANCE



**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
RESPONSE FUND**

*PREVENTION ACCOUNT - BALANCE PROJECTION
1¢ / 7¢ SPLIT - IMPACT OF 3¢ INCREASE IN PREVENTION ACCOUNT SURCHARGE*

2/12/2007

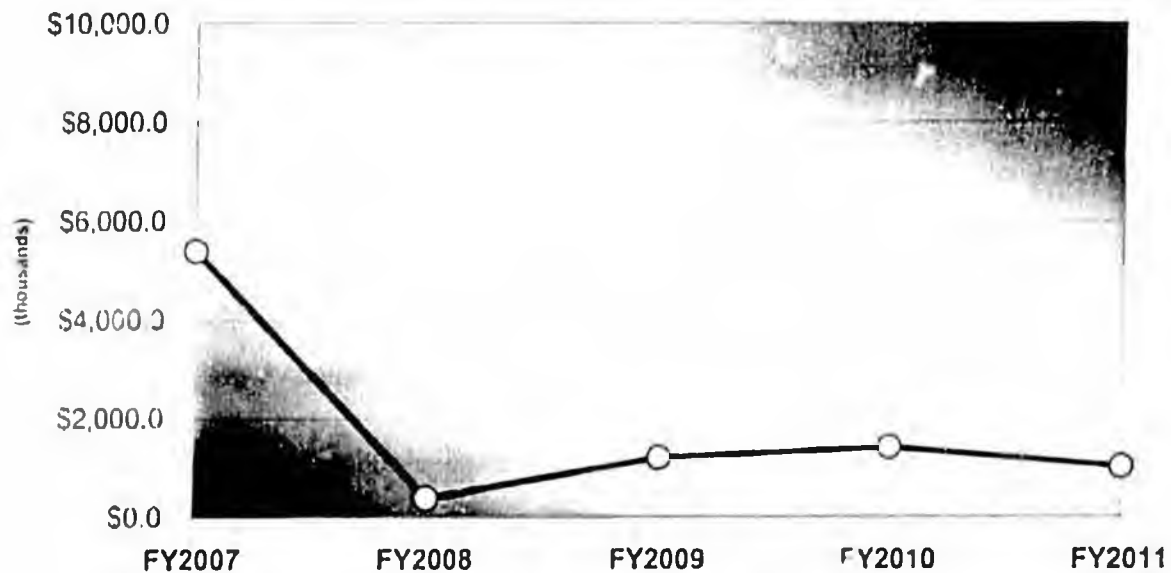
	FY2006 FUND BALANCE	7,166.6			
	FY2007	FY2008	FY2009	FY2010	FY2011
REVENUE to PREVENTION ACCOUNT	12,952.5	12,627.5	20,050.0	20,050.0	20,050.0
4 Cent Surcharge (Fall 2006 Revenue Sources Book)	7,758.7	9,700.0	9,800.0	9,800.0	9,800.0
Increase Surcharge to 7¢ per barrel	0.0	0.0	7,200.0	7,200.0	7,200.0
New Legislation FY2008: Fee Bill		150.0	300.0	300.0	300.0
Cost Recovery/Fines/Penalties	2,143.8	1,527.5	1,500.0	1,500.0	1,500.0
Interest	1,250.0	1,250.0	1,250.0	1,250.0	1,250.0
Transfers to the RF from other Funds	1,800.0				
TOTAL EXPENDITURES	14,725.0	17,637.5	19,237.5	19,837.5	20,437.5
BUDGETED OPERATING EXPENDITURES	14,725.0	15,637.5	18,237.5	18,837.5	19,437.5
DEC + Annual Salary Increases - FY2009 and Out Yrs	13,402.4	14,814.9	16,414.9	17,014.9	17,614.9
DMVA -	497.6	497.6	497.6	497.6	497.6
DOT - Continue Annual Approp from RF	825.0	825.0	1,825.0	1,825.0	1,825.0
UNEXPENDED (estimated for 2008-2010)		(500.0)	(500.0)	(500.0)	(500.0)
Proposed Changes	0.0	1,000.0	0.0	0.0	0.0
** DEC OPERATING - Add: Pipeline Integrity		1,000.0			
DOT OPERATING					
DMVA OPERATING					
<i>Note: Proposed changes are listed in the first year but continue to impact operating expenditures in the out years.</i>					
CAPITAL EXPENDITURES	0.0	1,000.0	1,000.0	1,000.0	1,000.0
***DEC Capital - Add: Contaminated Sites Cleanup		1,000.0	1,000.0	1,000.0	1,000.0
ESTIMATED PREVENTION ACCOUNT BALANCE	5,394.1	384.1	1,196.6	1,409.1	1,021.6
EXPENDITURES IN EXCESS OF REVENUE	(1,772.5)	(5,010.0)	812.5	212.5	(387.5)

*Estimated impacts of fee legislation, if proposed for FY2008

** Amount is not a valid estimate of cost - was chosen for projection purposes only for pipeline issues

*** Amount is not a valid estimate of cost - was chosen for projection purposes only

PREVENTION ACCOUNT BALANCE



AMENDMENT

passed
6-4

HSS 1

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY: *Chenault*

TO: CSHB 95 (FIN)

Department: Health and Social Services

Appropriation: Behavioral Health

Allocation: Behavioral Health Grants

Delete: Enhanced Detoxification and Dual Diagnosis Treatment in Anchorage

\$300.0 ~~GF~~ MH

~~general~~

general Fund / Mental Health

Explanation:

Deletes funding for enhanced detox and dual diagnosis treatment in Anchorage.

**2007 HOUSE FINANCE
COMMITTEE VOTE SHEET**

DATE: 3/21

Amendment: HSS

MEMBER

Favor

Oppose

KELLY	✓	
NELSON		✓
STOLTZE	✓	
THOMAS	✓	
CRAWFORD		✓
FOSTER		
GARA		✓
HAWKER	✓	
JOULE		✓
MEYER	✓	
CHENAULT	✓	

Yea 6

Nay 4

MENTAL HEALTH OPERATING BUDGET AMENDMENT

H 55 2

adopted
3/21

OFFERED IN: The House Finance Committee

TO: CSHB 96(FIN) / CSH1595(FIN)

OFFERED BY: Hawker

DEPARTMENT: DEPARTMENT OF HEALTH AND SOCIAL SERVICES
APPROPRIATION: Boards and Commissions
ALLOCATION: Governor's Council on Disabilities and Special Education

ADD: \$100,000

FUNDING SOURCE: Mental Health Trust Authority Authorized Receipts (MHTAAR)

EXPLANATION: At the March 12, 2007 Mental Health Trust meeting, the members approved a change of intent for the Micro Enterprise Designated Grant. This change of intent will transfer \$100,000 MHTAAR funding to the Governor's Council on Disabilities and Special Education to manage the Micro Enterprise Designated Grant program, which is an element of a portfolio of services that support self-employment opportunities for beneficiaries in collaboration with the Mental Health Trust Authority.

MENTAL HEALTH OPERATING BUDGET AMENDMENT

HSS 3

OFFERED IN: The House Finance Committee

adopted 3/21

TO: CSHB 96(FIN) / CSHB 95(FIN)

OFFERED BY: Hawker

DEPARTMENT: DEPARTMENT OF HEALTH AND SOCIAL SERVICES
APPROPRIATION: Department Support Services
ALLOCATION: Health Planning and Infrastructure

ADD: \$30,000

FUNDING SOURCE: Mental Health Trust Authority Authorized Receipts (MHTAAR)

EXPLANATION: At the March 12, 2007 Mental Health Trust meeting, the members approved an increase of \$30,000 MHTAAR funding for the Comprehensive Integrated Mental Health Plan. The department has made significant progress in developing this plan and the additional funding will ensure adequate funding for the development of this project.