

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3397

279

SB

259

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 259
 (S) Publish Dat: 3/19/08
 Dept. Affected: Health & Social Services
 RDU: Health Care Services
 Component: Medicaid Services

ID (File name) SB259-DHSS-MS-03-14-08
 Title: EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS
 Sponsor: RULES BY REQUEST OF LEG. COUNCIL
 Requester: SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information				
	Required						
OPERATING EXPENDITURES	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 206 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner
 Division: Department of Health and Social Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 334-2520
 Date/Time 02/11/2008
 Date 03/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 259
(S) Publish Date: 3/19/08

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
Title: "An act repealing certain provisions relating to RDU
applications for medical assistance coverage; making certain..." Component: Legislative Council
Sponsor: Senate Rules by Request Component: Council and Subcommittees
Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

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
Legislative Affairs Agency

Phone 465-6626
Date/Time 3/14/08 11:49 AM
Date 3/14/2008

LEGAL SERVICES

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

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Mail Stop 3101

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

MEMORANDUM

April 5, 2008

SUBJECT: Sectional Analysis of SB 259, Special Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program)
(Work Order No. 25-LS1339\C)

TO: Representative Mike Chenault
Representative Keven Meyer
Co-Chairs of the House Finance Committee

FROM: Kathryn L. Kurtz *KK*
Assistant Revisor

The following is a sectional summary of SB 259.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Bill section 1 repeals AS 47.07.020(j), (k), and (n) because those subsections require changes to the state plan, the department has submitted amendments to the plan to reflect those changes, and the federal government has disapproved of the amendments. Rather than give effect to sections that have proven unacceptable at the federal level, this section repeals them.

Bill section 2 would make section 6 and two subsections of AS 47.07.020 enacted in section 7 of ch. 96, SLA 2006, retroactive to October 1, 2006. Those sections required amendments to the state plan for which the department has received federal approval. Bill section 2 would also make sec. 11 of ch. 96, SLA 2006, the section requiring a report to the legislature, retroactive to the date the report was made, March 2, 2007. This section addresses the requirement in AS 01.10.090, which provides: "No statute is retrospective unless expressly declared therein."

Bill section 3 repeals sec. 16, ch. 96, SLA 2006, the section with the effective date provision that gives rise to the uncertainty of the status of the affected sections.

Bill section 4 of the bill gives an immediate effective date to secs. 2 - 7 and 9 - 11 of ch. 96, SLA 2006, those sections covered by the effective date provision in sec. 16 of that Act.

Representative Mike Chenault
Representative Kevin Meyer
April 5, 2008
Page 2

Bill section 5 gives the bill an immediate effective date.

TEXT OF REPEALED PROVISION

* **Sec. 16.** Except as provided in secs. 14 and 15 of this Act, this Act takes effect July 1, 2006, or on the date of notification under sec. 13 of this Act of federal approval of a revised state plan for medical assistance coverage incorporating the changes made by secs. 1 - 7 and 9 of this Act, whichever is later.

KLK:lmb
08-177.lmb

SB

259

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/19/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 259

SB 259 EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

"An Act repealing certain provisions relating to applications for medical assistance coverage; making certain provisions of ch. 96, SLA 2006, retroactive; providing for an effective date by repealing an effective date section in ch. 96, SLA 2006; providing for an effective date for certain sections of ch. 96, SLA 2006; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- 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 # _____

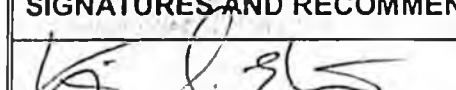
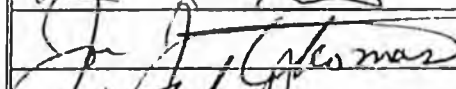
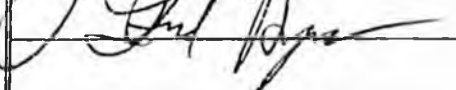
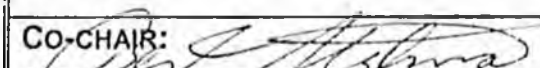
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	3/14/08			✓	1
LEG	3/19/08			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	E I Thomas	✓			
	Thomas	✓			
	Dyson	✓			
CO-CHAIR:					
CO-CHAIR: 	Spadman	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 259
(S) Publish Date: 3/19/08

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
Title: "An act repealing certain provisions relating to RDU Legislative Council
applications for medical assistance coverage; making certain..." Component: Council and Subcommittees
Sponsor: Senate Rules by Request
Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPEATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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
Legislative Affairs Agency

Phone 465-6626
Date/Time 3/14/08 11:49 AM
Date 3/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 259
 (S) Publish Date: 3/19/08
 Dept. Affected: Health & Social Services
 RDU: Health Care Services
 Component: Medicaid Services

ID(File name) SB259-DHSS-MS-03-14-08
 Title EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

Sponsor RULES BY REQUEST OF LEG COUNCIL
 Requester SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information					
	Required		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING			0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES (0)								

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 206 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner
 Division: Department of Health and Social Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 334-2520
 Date/Time: 02/11/2008
 Date: 03/14/2008

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 19, 2008

SUBJECT: SB 259, Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\C)

TO: Senator Lyman Hoffman
Senator Bert Stedman
Co-Chairs of the Senate Finance Committee

FROM: Kathryn L. Kurtz *KLK*
Assistant Revisor

Introduction

Enclosed is a sectional analysis of SB 259, a special revisor's bill relating to the effective date of changes made to the medical assistance program in ch. 96, SLA 2006. This bill is in addition to the regular revisor's bill. The changes proposed are presented in a special revisor's bill because the effective date and retroactivity issues involved are somewhat complex. This memo explains the situation that precipitated the need for this bill.

Situation Analysis

In 2006, the legislature passed an act amending the medical assistance program. Of the thirteen substantive sections in the Act, only four have clearly taken effect. The status of the remaining sections is uncertain because of the wording of a special effective date section in the Act. This section provided that the nine sections in question would take effect on July 1, 2006, or on the date of notification to the revisor of federal approval of "a revised state plan for medical assistance coverage" incorporating the changes made in the Act, whichever is later. This language assumed that there would be one plan submitted, and one approval received. This is not what has happened.

The Department of Health and Social Services determined that several of the statutory changes included under this special effective date did not require amendment of the state plan. The department submitted other changes to the federal authorities; some were approved on February 28, 2007, retroactive to October 1, 2006, others were disapproved.

Because not all of the changes made in secs. 1 - 7 and 9 of the Act (the sections specified in sec. 16) were submitted to the federal authorities for approval, and because not all of those that were submitted received approval, under the language of sec. 16 of ch. 96, SLA 2006, it appears to us that the bill sections subject to the effective date in sec. 16 have not and will not take effect without further legislative action. We are aware that this view may not be universal; one could certainly argue that the sections that required no

Senator Lyman Hoffman
Senator Bert Stedman
March 19, 2008
Page 2

change, or those that have been approved by the federal government, or both, have already taken effect. The situation is not clear, and can not be made clear through independent editorial action by the revisor.

The inconclusivity of sec. 16 of ch. 96, SLA 2006, is a deficiency in the statutes. Also, the disapproval of certain amendments in ch. 96, SLA 2006, arguably makes those provisions obsolete. Under AS 01.05.036, the revisor of statutes is empowered to prepare for submission to the legislature legislation that would correct deficiencies in the statutes and remove obsolete provisions.

Please call me if you have any questions.

K.I.K:med
08-205.med

Enclosure

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 19, 2008

SUBJECT: Sectional Analysis of SB 259, Special Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\C)

TO: Senator Lyman Hoffinan
Senator Bert Stedman
Co-Chairs of the Senate Finance Committee

FROM: Kathryn L. Kurtz *KLK*
Assistant Revisor

The following is a sectional summary of SB 259.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Bill section 1 repeals AS 47.07.020(j), (k), and (n) because those subsections require changes to the state plan, the department has submitted amendments to the plan to reflect those changes, and the federal government has disapproved of the amendments. Rather than give effect to sections that have proven unacceptable at the federal level, this section repeals them.

Bill section 2 would make section 6 and two subsections of AS 47.07.020 enacted in section 7 of ch. 96, SLA 2006, retroactive to October 1, 2006. Those sections required amendments to the state plan for which the department has received federal approval. Bill section 2 would also make sec. 11 of ch. 96, SLA 2006, the section requiring a report to the legislature, retroactive to the date the report was made, March 2, 2007. This section addresses the requirement in AS 01.10.090, which provides: "No statute is retrospective unless expressly declared therein."

Bill section 3 repeals sec. 16, ch. 96, SLA 2006, the section with the effective date provision that gives rise to the uncertainty of the status of the affected sections.

Bill section 4 of the bill gives an immediate effective date to secs. 2 - 7 and 9 - 11 of ch. 96, SLA 2006, those sections covered by the effective date provision in sec. 16 of that Act.

Senator Lyman Hoffman
Senator Bert Stedman
March 19, 2008
Page 2

Bill section 5 gives the bill an immediate effective date.

TEXT OF REPEALED PROVISION

* Sec. 16. Except as provided in secs. 14 and 15 of this Act, this Act takes effect July 1, 2006, or on the date of notification under sec. 13 of this Act of federal approval of a revised state plan for medical assistance coverage incorporating the changes made by secs. 1 - 7 and 9 of this Act, whichever is later.

KLK:med
08-206.mcd

SB

260

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 260(STA)
(S) Publish Date: 3/19/08

Identifier (file name): SB260-LEG-COU-03-14-08 Dept. Affected: Legislature
Title: "An Act making corrective amendments to the Alaska RDU: Legislative Council
Statutes as recommended by the revisor of statutes; and providing..." Component: Council and Subcommittees
Sponsor: Senate Rules by Request
Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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
Legislative Affairs Agency

Phone 465-6626
Date/Time 3/14/08 11:49 AM
Date 3/14/2008

Adopted

SLV

25-LS1022\C.1
Finley
4/7/08

A M E N D M E N T |

OFFERED IN THE HOUSE
TO: CSSB 260(STA)

By: Meyer For Request

1 Page 23, following line 15:

2 Insert a new bill section to read:

3 **** Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 REVISOR'S INSTRUCTION. In reconciling the repeal of AS 08.01.010(16) in sec. 4
6 of CSSB 149(L&C), Twenty-Fifth Alaska State Legislature, and the repeal and reenactment
7 of AS 08.01.010(16) in sec. 2 of this Act, the revisor of statutes shall ignore the repeal in
8 CSSB 149(L&C) and give effect to the repeal and reenactment in sec. 2 of this Act."

9

10 Renumber the following bill section accordingly.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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STATE OF ALASKA

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

MEMORANDUM

April 7, 2008

SUBJECT: Amendment C.1 to CSSB 260(STA)

TO: Representative Kevin Meyer
Representative Mike Chenault
Co-Chairs of the House Finance Committee

FROM: Pam Finley *PF*
Revisor of Statutes

Enclosed is an amendment that would add a revisor's instruction to CSSB 260(STA), the 2008 revisor's bill. The instruction concerns the Board of Dispensing Opticians, which was sunsetted several years ago. Both CSSB 260(STA) and CSSB 149(L&C) amend the statutes to reflect the fact that dispensing opticians are now regulated by the Department of Commerce, Community, and Economic Development. The duplication in the two bills is not a problem. However, CSSB 149(L&C) repeals AS 08.01.010(16), while CSSB 260(STA) (the revisor's bill) amends it by repeal and reenactment. Normally the repeal in CSSB 149(L&C) would take precedence. However, both Deborah Behr at the Department of Law and I agree that the repeal and reenactment of AS 08.01.010(16) should take precedence in order to retain the applicability of AS 08.01 to regulation of dispensing opticians. CSSB 149(L&C) has passed both houses, so the most efficient way to deal with this problem is by adding a revisor's instruction to CSSB 260(STA). If you have any questions, please contact me.

PF:ljw
08-209.ljw

Enclosure

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIAMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520

March 21, 2008

RECEIVED
MAR 21 2008

The Honorable Bert Stedman, Chair
Senate Finance Committee
Alaska State Legislature
State Capital, Room 516
Juneau, Alaska 99801-1182

Re: 2008 Revisor's Bill - CSSB 260(STA)


Dear Senator Stedman:

The Department of Law has reviewed CSSB 260(STA), 2008 revisor of statutes' bill. The bill makes technical improvements in the statutes. We believe these improvements are appropriate and will assist making necessary clarifications in the statutes.

If you need additional information, please let me know.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

DEB:ajh

cc: Russ Kelly, Legislative Director, Office of the Governor
Pam Finley, Revisor of Statutes, Legislative Affairs Agency

LEGAL SERVICES

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

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

MEMORANDUM

April 3, 2008

SUBJECT: 2008 Revisor's Bill; CSSB 260(STA)
(Work Order No. 25-LS1022\C)

TO: Representative Mike Chenault
Representative Kevin Meyer
Co-Chairs of the House Finance Committee

FROM: Pam Finley 
Revisor of Statutes

The following is a sectional analysis of the 2008 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 2 - 12, 19 - 27, 31, 40 - 44, 47, 49, 54, and 56 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1, 13 - 18, 28 - 30, 32 - 37, 39, 48, 50 - 53, and 55 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 38, 45, and 46 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 amends AS 06.50.020(a)(2)(C) to make the provision grammatical.

Bill sections 2 - 11 change references to the Board of Dispensing Opticians to references to the Department of Commerce, Community, and Economic Development. The Board

Representative Mike Chenault
Representative Kevin Meyer
April 3, 2008
Page 2

was sunsetted June 30, 2004, under AS 08.03.010(9), and the department is regulating the dispensing opticians.

Bill section 12 substitutes the current federal law citation for personal injury claims under the Jones Act for the previous citation.

Bill sections 13, 14, and 16 change the word "crime" to "offense" in statutes addressing unlawful possession of an official traffic control device, endangering the welfare of a child in the second degree, and failure to report a violent crime committed against an adult. All three of these offenses are punishable as a violation, which under AS 11.81.900(63) is defined as an offense that is punishable only by a fine. A "crime," on the other hand, is an offense for which a sentence of imprisonment is authorized. AS 11.81.900(11). The word "offense" as used in AS 11 covers both crimes and violations, AS 11.81.900(3), and therefore is substituted for "crime" in these three statutes.

Bill sections 15 and 17 add the words "or offense, as applicable" to statutes addressing unlawful contact in the second degree and promoting an exhibition of fighting animals. Both of these offenses may be either crimes or violations, depending on the circumstances, so it is appropriate to add a reference to "offense." See explanation for bill sections 13, 14, and 16.

Bill section 18 changes the word "crime" to "offense" in the statute addressing interference with the training of a service animal. See the explanation for bill sections 13, 14, and 16.

Bill sections 19 - 27 update references to federal statutes and regulations as a result of 2004 amendments. These changes were requested by the Department of Education and Early Development.

Bill section 28 substitutes "judicial retention" for "electoral confirmation" because, under art. IV, sec. 6 of Alaska's constitution, judges seek approval, not confirmation. See AS 15.35.040, 15.35.055, and 15.35.070.

Bill section 29 changes the word "crime" to "offense" in the statute addressing campaign misconduct in the third degree. Although the definitions in AS 11.81.900 do not apply outside AS 11, the term "offense" is more precise for the reasons set out in the explanation for bill sections 13, 14, and 16.

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Representative Mike Chenault
Representative Kevin Meyer
April 3, 2008
Page 3

Bill section 31 substitutes a reference to 1.4 G fireworks, as defined by the National Fire Protection Association, for a reference to class C common fireworks enumerated by the ICC. The ICC (Interstate Commerce Commission) was abolished in 1995 and many of its duties transferred to the Surface Transportation Board. However, I could find no indication that the Surface Transportation Board regulated fireworks. Mr. Belanger at the Department of Public Safety referred me to Griz, the president of Alaska Pyrotechnics Guild, who said that the current designation for what used to be called "Class C common fireworks" is 1.4 G fireworks, as defined by the National Fire Protection Association. It may be that other aspects of this statute need to be changed, but this bill section addresses only the obsolete reference to the ICC.

Bill sections 32 - 34 fix an error in ch. 58, SLA 1999, which transferred responsibility for vending machines on public property from the Department of Education to the Department of Labor and Workforce Development. By deleting the reference to education and early development, the reference to "commissioner" will be to the commissioner of labor and workforce development. AS 23.45.010. This change was requested by the Department of Law.

Bill section 35 amends the section governing terms of legislators (AS 24.05.080) so that the terms will begin on the third Tuesday in January. This corrects an error of omission in ch. 34, SLA 2007, which set the third Tuesday in January as the beginning of each regular legislative session.

Bill section 36 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 37 substitutes a generic description for a specific reference to the division of fish and wildlife protection. See explanation for bill section 30.

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Bill sections 40 - 44 amend AS 42.40 to substitute references to the Surface Transportation Board for references to the Interstate Commerce Commission, which was abolished in 1995. These changes were approved by the Alaska Railroad.

Bill sections 45 and 46 make the definition of "cigarette" that applies to AS 43.50.190 easier to find by adding a cross-reference in AS 43.50.190. Currently the definition of

Representative Mike Chenault
Representative Kevin Meyer
April 3, 2008
Page 4

the term appears in the preceding article, which is confusing. Note that, of the words defined in AS 43.50.170, only "cigarette" appears in AS 43.50.190.

Bill section 47 amends a reference to portions of the Jones Act in AS 44.19.035. When AS 44.19.035 was enacted by initiative in 1983, part of the Jones Act was codified at 46 U.S.C. 861 et seq. Those provisions are now scattered throughout 46 U.S.C. Yute Air Alaska v. McAlpine, 698 P.2d 1173 (Alaska 1985) suggests that the focus of the initiative that enacted AS 44.19.035 was the requirement ---now found in 46 U.S.C. 55102--- that U.S. vessels be used for transporting goods between U.S. ports. However, the citation that appears in AS 44.19.035 is much broader. To correct the citation without limiting the (none too clear) intent of the voters who enacted AS 44.19.035, I have substituted a reference to "those provisions of the Jones Act formerly codified at 46 U.S.C. 861 et seq."

Bill section 48 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 49 amends AS 45.55.900(a)(9) to substitute a reference to the Surface Transportation Board for a reference to the Interstate Commerce Commission, which was abolished in 1995. While the statute does include the "successor" of the ICC, it is more helpful to the user of the statutes to refer to the appropriate agency.

Bill sections 50 and 51 correct errors in 2006 Primary Election Ballot Measure No. 2 (the cruiseship initiative). The word "wastewaters" is substituted for "waster" in AS 46.03.465(a), "state or federal law" is substituted for "state of federal law" in AS 46.03.465(f), and a verb is supplied in AS 46.03.465(f).

Bill sections 52 and 53 correct an error in ch. 57, SLA 2005. AS 47.10.088(i) and AS 47.14.100(m) refer to "a foster care license under AS 47.35.019 or 47.35.021." However, AS 47.35.019 and 47.35.021 were repealed in ch. 57, SLA 2005. Instead the Department of Health and Social Services was authorized to adopt regulations to impose licensing requirements. See AS 47.32.030(a)(3)(B). These bill sections correct the error.

Bill section 54 updates references to federal education statutes to conform to the passage of 2004 amendments.

Bill section 55 corrects an error in AS 47.30.550(e) by changing "census date" to "census data". This amendment was requested by the Department of Law.

Bill section 56 repeals sections related to the Board of Dispensing Opticians, which was sunsetted in 2004. The text of these statutes is set out below.

Bill section 57 gives the bill an immediate effective date.

Representative Mike Chenault
Representative Kevin Meyer
April 3, 2008
Page 5

Please give me a call if you have any questions about the above.

TEXT OF REPEALED PROVISIONS

AS 08.03.010(9).

(9) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2004;

AS 08.71.010.

Sec. 08.71.010. Creation of board. There is created the Board of Dispensing Opticians.

AS 08.71.020.

Sec. 08.71.020. Membership. The board consists of four opticians licensed under AS 08.71.080 and one public member appointed by the governor.

AS 08.71.040.

Sec. 08.71.040. Election of officers. The board shall elect a chairman and secretary from among its members. The officers may administer oaths.

AS 08.71.240(1).

(1) "board" means the Board of Dispensing Opticians;

PF:ljw
08-199.ljw

SB

2660

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/19/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered

SENATE BILL NO. 260

SB 260 2008 REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS SB 260 (STA)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title

HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Leg	3/14/08			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DC PASS	DO NOT PASS	NO REC	AMEND
	E. H. ...	✓			
	Thomas	✓			
	Dyson	✓			
	Higgins	✓			
CO-CHAIR:					
	Stebbins	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 260(STA)
(S) Publish Date: 3/19/08

Identifier (file name): SB260-LEG-COU-03-14-08 Dept. Affected: Legislature
Title: "An Act making corrective amendments to the Alaska RDU: Legislative Council
Statutes as recommended by the revisor of statutes; and providing..." Component: Council and Subcommittees
Sponsor: Senate Rules by Request
Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

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
Legislative Affairs Agency

Phone 465-6626
Date/Time 3/14/08 11:49 AM
Date 3/14/2008

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

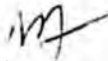
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 19, 2008

SUBJECT: 2008 Revisor's Bill; CSSB 260(STA)
(Work Order No. 25-LS1022\C)

TO: Senator Bert Stedman
Senator Lyman Hoffman
Co-Chairs of the Senate Finance Committee

FROM: Pam Finley 
Revisor of Statutes

The following is a sectional analysis of the 2008 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 2 - 12, 19 - 27, 31, 40 - 44, 47, 49, 54, and 56 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1, 13 - 18, 28 - 30, 32 - 37, 39, 48, 50 - 53, and 55 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 38, 45, and 46 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 amends AS 06.50.020(a)(2)(C) to make the provision grammatical.

Bill sections 2 - 11 change references to the Board of Dispensing Opticians to references to the Department of Commerce, Community, and Economic Development. The Board

Senator Bert Stedman
Senator Lyman Hoffman
March 19, 2008
Page 2

was sunsetted June 30, 2004, under AS 08.03.010(9), and the department is regulating the dispensing opticians.

Bill section 12 substitutes the current federal law citation for personal injury claims under the Jones Act for the previous citation.

Bill sections 13, 14, and 16 change the word "crime" to "offense" in statutes addressing unlawful possession of an official traffic control device, endangering the welfare of a child in the second degree, and failure to report a violent crime committed against an adult. All three of these offenses are punishable as a violation, which under AS 11.81.900(63) is defined as an offense that is punishable only by a fine. A "crime," on the other hand, is an offense for which a sentence of imprisonment is authorized. AS 11.81.900(11). The word "offense" as used in AS 11 covers both crimes and violations, AS 11.81.900(3), and therefore is substituted for "crime" in these three statutes.

Bill sections 15 and 17 add the words "or offense, as applicable" to statutes addressing unlawful contact in the second degree and promoting an exhibition of fighting animals. Both of these offenses may be either crimes or violations, depending on the circumstances, so it is appropriate to add a reference to "offense." See explanation for bill sections 13, 14, and 16.

Bill section 18 changes the word "crime" to "offense" in the statute addressing interference with the training of a service animal. See the explanation for bill sections 13, 14, and 16.

Bill sections 19 - 27 update references to federal statutes and regulations as a result of 2004 amendments. These changes were requested by the Department of Education and Early Development.

Bill section 28 substitutes "judicial retention" for "electoral confirmation" because, under art. IV, sec. 6 of Alaska's constitution, judges seek approval, not confirmation. See AS 15.35.040, 15.35.055, and 15.35.070.

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Senator Bert Stedman
Senator Lyman Hoffman
March 19, 2008
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Senator Bert Stedman
Senator Lyman Hoffman
March 19, 2008
Page 5

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AS 08.03.010(9).

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Sec. 08.71.040. Election of officers. The board shall elect a chairman and secretary from among its members. The officers may administer oaths.

AS 08.71.240(1).

(1) "board" means the Board of Dispensing Opticians;

PF:med
08-203.med

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIAMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2570

March 21, 2008

RECEIVED
MAR 21 2008

The Honorable Bert Stedman, Chair
Senate Finance Committee
Alaska State Legislature
State Capital, Room 516
Juneau, Alaska 99801-1182

Re: 2008 Revisor's Bill - CSSB 260(STA)

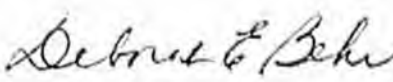
Dear Senator Stedman:

The Department of Law has reviewed CSSB 260(STA), 2008 revisor of statutes' bill. The bill makes technical improvements in the statutes. We believe these improvements are appropriate and will assist making necessary clarifications in the statutes.

If you need additional information, please let me know.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

DEB:ajh

cc: Russ Kelly, Legislative Director, Office of the Governor
Pam Finley, Revisor of Statutes, Legislative Affairs Agency

SB

265

HFIN

FILE

HOUSE COMMITTEE REPC T

4.9.08

(11)

Date Referred to Committee: March 31, 2008

FURTHER REFERRALS:

Date of Committee Action: 4/8/08

RULES

The FINANCE Committee considered:

CSSB 265(FIN)

CS FOR SENATE BILL NO. 265(FIN)

SEX OFFENDERS & CHILD KIDNAPPERS: PFD

"An Act relating to the payment of permanent fund dividends to certain individuals required to register as sex offenders or child kidnappers; relating to execution upon permanent fund dividends by civilian process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective date."

Recommends it be replaced with HCS or CS for CS SB 265 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

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

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

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CDR			✓	
LAW		✓		
HSS				✓
HSS				✓
DPS	1	✓		

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DPS	2	✓		
ADM	5			✓
REV	6	✓		

Signing with recommendations	Printed Last Name	DT	DNP	NR	AM
<i>[Signature]</i>	Hawker	8			
Mary Nelson	NELSON	✓			
Hardy Campbell	CAMPBELL	✓			
<i>[Signature]</i>	Squire			X	
<i>[Signature]</i>	KELLY			X	
<i>[Signature]</i>	Gora	✓			
Foster	Foster	✓			
William "Bill" Thomas	Thomas			✓	
Bill Storer	STORER	X			
Chair: K. Meyer	Meyer	X			
Chair: <i>[Signature]</i>	Chenault	X			

cc
cc

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB265HCS CS(FIN)-DOC-PM-04-09-08
() Publish Date: _____

Identifier (file name): _____ Dept. Affected: Corrections
Title "An Act relating to furnishing or delivering alcoholic beverages
to persons under 21 years of age; relating to shipping" RDU Population Management
Sponsor Rules Committee Component Institution Director's Office
Requester House Finance Component Number 524

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	*	*	*	*	*	*
Travel	0.0	0.0	*	*	*	*	*	*
Contractual	0.0	0.0	*	*	*	*	*	*
Supplies	0.0	0.0	*	*	*	*	*	*
Equipment	0.0	0.0	*	*	*	*	*	*
Land & Structures	0.0	0.0	*	*	*	*	*	*
Grants & Claims	0.0	0.0	*	*	*	*	*	*
Miscellaneous	0.0	0.0	*	*	*	*	*	*
TOTAL OPERATING	0.0	0.0	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	*	*	*	*	*	*
1003 GF Match	0.0	0.0	*	*	*	*	*	*
1004 GF	0.0	0.0	*	*	*	*	*	*
1005 GF/Program Receipts	0.0	0.0	*	*	*	*	*	*
1037 GF/Mental Health	0.0	0.0	*	*	*	*	*	*
Other Interagency Receipts	0.0	0.0	*	*	*	*	*	*
TOTAL	0.0	0.0	*	*	*	*	*	*

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	0.0	0.0	*	*	*	*	*	*
Part-time	0.0	0.0	*	*	*	*	*	*
Temporary	0.0	0.0	*	*	*	*	*	*

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections is unable to determine the fiscal impacts of passage of this legislation. The department cannot estimate the total number of actual violations that would occur since data is only looking at the previous five years (calendar year 2002 to 2007).

From calendar year 2002 to 2007 the department's data reflects:

Section 3: There may be an impact on the department. There have been four offenders with three convictions for transporting or bringing alcoholic beverages into a municipality or established village in violation of AS 04.11.499(a).

(See page 2)

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peebles, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
Date/Time 4/9/08 12:45 PM
Date 4/9/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

BILL NO. SB265HCS CS(FIN)-DOC-PM-04-09-08

ANALYSIS CONTINUATION

Below represents the departments estimated calculation for incarcerating these offenders.

Anticipated offender growth impact :						
Offender population is based on the one offender per year (average sentence length of 18 months)						
	2009	2010	2011	2012	2013	2014
Total Annual Offender Count :	0	1	1	1	1	1
Total 6 Months Offender Count :			1	1	1	1
Increased Mandays :	0	365	547	547	547	547
Estimated annual costs :						
Blended Daily bed rate w/o annual adjustment :	\$85 00					
Annual Incarceration Costs	\$0	\$31,025	\$46,495	\$46,495	\$46,495	\$46,495
Probation Officer Costs :	\$0	\$0	\$0	\$0	\$0	\$0
Total Annual Costs :	\$0	\$31,025	\$46,495	\$46,495	\$46,495	\$46,495

Section 10: May have a small impact on the department. Department data shows there have been 31 convictions for Criminally Negligent Burning (AS11.46.430). None of those convictions have prior convictions for arson (AS11.46.400-11.46.410), criminally negligent burning (AS11.46.430) or AS 41.15.150.

Sections 15, 16 & 17: These sections will have an impact on the department. At this time department is unable to estimate the number of individuals who would be committed to the custody of the department as a result of these sections.

The department would calculate costs associated with the potential increase in mandays based on a blended rate (average of in-state and out-of-state daily bed rates) of \$85.00 per day. One additional Adult Probation Officer position with support costs would also be necessary when the total crime legislation increases the offender population by 80. The estimated cost for each required position is \$85,600.

FISCAL NOTE

#17

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCS CS SB 265 (FIN)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU: Behavioral Health
 Component: Behavioral Health Administration

ID(File name) SB265HCSCS(FIN)-DHSS-BHA-04-08-08
 Title: SEX OFFENDERS & CHILD KIDNAPPERS: PFD
 Sponsor: MCGUIRE
 Requester: HOUSE FINANCE

Component No. 2665

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information				
	Required						
OPERATING EXPENDITURES	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (0)							

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other(Specify Type-do not abbreviate)							
Other(Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Section 26 of this bill will have no significant fiscal impact on Behavioral Health. The activities and strategies outlined in the bill, while significantly assisting Behavioral Health in the work of preventing and treating alcohol use, abuse and dependency among Alaska citizens, will not directly impact DHSS fiscal needs or operating budget.

Prepared by: Melissa Stone, Director
 Division: Behavioral Health
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 269-3410
 Date/Time: 04/08/2008
 Date: 04/08/2008

FISCAL NOTE

#18

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCS CS SB 265 (FIN)
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU: Behavioral Health
 Component: Alaska Psychiatric Institute

ID (File name) SB265HCSCS(FIN)-DHSS-04-08-08
 Title SEX OFFENDERS & CHILD KIDNAPPERS: PFD
 Sponsor MCGUIRE
 Requester HOUSE FINANCE

Component No. 311

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information				
	Required						
OPERATING EXPENDITURES	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (0)							

FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other (Specify Type-do not abbreviate)							
Other (Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The procedure for protecting the public from a person who, as a result of mental disease or defect, is incompetent to be tried for a crime is insufficient. This bill would address the gaps in two ways. It requires a person found incompetent to be referred to the commissioner of the Department of Health and Social Services for evaluation and treatment. It would also require 10 days notice to the prosecuting authority by the professional in charge of the person's care before the person may be released.

Sections 15, 16, 17, 30 and 31 of this bill will not have a significant fiscal impact on DHSS. However, if the current trend of increasing admissions to the Alaska Psychiatric Institute continues, it will cause capacity issues that may have to be addressed at a later date.

Prepared by: Melissa Stone, Director
 Division: Behavioral Health
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone: 269-3410
 Date/Time: 04/08/2008
 Date: 04/08/2008

FISCAL NOTE

SB-9

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB265HCSCS(FIN)-LAW-CRIM-04-09-(
 Bill Version: SB265HCSCS(FIN)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to the payment of PFD's to sex offenders RDU CRIMINAL
or child kidnappers Component Criminal Appeals/Special Litigation
 Sponsor SENATOR(S) MCGUIRE
 Requester HOUSE FINANCE Component Number 2203

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	182.0	0.0	182.0	182.0	182.0	182.0	182.0	182.0
Travel	10.5	0.0	10.5	10.5	10.5	10.5	10.5	10.5
Contractual	7.5	0.0	7.5	7.5	7.5	7.5	7.5	7.5
Supplies								
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	200.0	0.0	200.0	200.0	200.0	200.0	200.0	200.0
CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()	0.0	0.0	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	200.0	0.0	200.0	200.0	200.0	200.0	200.0	200.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	200.0	0.0	200.0	200.0	200.0	200.0	200.0	200.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	2	-	2	2	2	2	2
Part time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: Betty Martin, Administrative Services Division
 Division: Administrative Services
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone: (907) 465-3673
 Date/Time: 4/9/08 11:30 AM
 Date: 4/9/2008

FISCAL NOTE

ANALYSIS CONTINUATION

HCS CSSB 265(FIN) requires that the permanent fund dividend of a person required to register as a sex offender or child kidnapper be delayed until the person submits proof that the person has fully complied with the law addressing sex offender registration.

The bill also makes several changes in the criminal law regarding bootlegging, furnishing alcohol to a minor, search warrants, arson, criminally negligent burning, post-conviction relief applications, and how persons charged with a crime but found incompetent to be tried for the crime are treated.

The bill expands the reporting requirements for persons who develop photographs and repair computers who, in the course of their work, find images of child pornography.

The bill will expand the court's jurisdiction to issue search warrants outside the state and is designed to increase the number of cross-border crimes that can be prosecuted. It is anticipated that this will be especially true in computer-aided crimes and child pornography.

Internet crimes against children, like child pornography, child enticement, identity theft require specialized skills that prosecutors generally do not learn in law school. As specialized investigative units are developed, the district attorneys prosecuting these crimes need similar skills to those of the investigators. Special skills in communicating complex technical information to jurors is also important.

A new attorney to specialize in this work, as well as 1 Law Office Assistant, would work in the Office of Special Prosecutions and Appeals and would assist in the prosecution of Internet crimes throughout the state.

FISCAL NOTE

#110

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCS CSSB 265 (FIN)
() Publish Date: _____

Identifier (file name): SB265HCSCS(FIN)-DPS-AST-4-8-08 Dept. Affected: Public Safety
Title: Omnibus Crime Bill RDU: Alaska State Troopers
Component: Alaska Bureau of Investigation
Sponsor: Senator McGuire
Requester: House Finance Committee Component Number: 2744

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	146.0		146.0	146.0	146.0	146.0	146.0
Travel	18.0		18.0	18.0	18.0	18.0	18.0
Contractual	70.0		70.0	70.0	70.0	70.0	70.0
Supplies	4.0		4.0	4.0	4.0	4.0	4.0
Equipment	10.0		10.0	10.0	10.0	10.0	10.0
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	248.0	0.0	248.0	248.0	248.0	248.0	248.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	248.0		248.0	248.0	248.0	248.0	248.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	248.0	0.0	248.0	248.0	248.0	248.0	248.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary	2		2	2	2	2	2

ANALYSIS: (Attach a separate page if necessary)

Crime in Alaska is a significant issue. Statewide Crime Data for the year 2000 indicates a ranking of 22nd nationally. Violent crime statistics indicate a rate of 10th in the nation. Alaska is ranked 1st nationally in the category of sexual assault and sexual abuse. Alaska also has the highest per capita use of Internet resources. In Alaska, child enticement and child pornography occur in both urban and rural environments. To effectively respond to these crimes will require a significant shift in strategies to include embracing technology; training personnel to respond to the issues; and integrating resource groups to maximize the personnel and resources available to meet this need.

Prepared by: Lt. Rodney Dial
Division: Alaska State Troopers
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: 247-4480
Date/Time: 4/9/08 12:05 PM
Date: 4/8/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION

The Alaska Bureau of Investigation (ABI) is the only agency that has statewide law enforcement authority and the mandate to assist smaller rural agencies in the investigation of crime, including computer related crime.

As a component to this mission, ABI works closely local, state, and federal agencies to coordinate efforts in safeguarding our youth. This fiscal note focuses on strategies to address the five critical components of effective response to Internet crimes against children: investigation; forensics; prosecution; building capacity; and public education.

Qualified personnel are required. Internet crimes against children, like child enticement, child pornography, identity theft, or any other ways of injuring young people, are the type of offenses which require specialized skills by both investigators and prosecutors. Knowledge of hardware, software, connectivity, and identifying the offender are specialized areas of knowledge and skills. The legal issues are also unique. Specialized knowledge of the use of search warrants and interstate subpoenas are necessary.

Specialized equipment and on-going training to exceed projected need must be maintained. Computer technology is constantly evolving and equipment and training must keep up or surpass the opposition's. Much of this forensic training is only available outside the state, which increases the cost.

Rapid and accurate intelligence gathering, dissemination, and information sharing, not only among law enforcement, but also through public education on how to safeguard child Internet users as well as how to report Internet crimes against children is vital.

Due to passage of Amendment 6 in the House Finance Committee that pertains to mandatory reporting to law enforcement agencies by a person providing film, photo, or visual or printed matter processing, production, or finishing services or computer installation, repair, or other services, or Internet or cellular telephone services who, in the process of providing these services observes a film, photo, picture, computer file, image or other matter that depicts material enumerated in AS 11.41.455(a), a fiscal impact does occur.

Due to the severity of these crimes against children and the ease in which child pornography is viewed and distributed a special investigator trained to handle Internet sex crimes against children investigations and a computer technician positions are necessary.

This fiscal note includes funding for one criminal justice technician and one Alaska State Trooper investigator. Both employees will be classified as long-term / non-permanent positions. The reason for the non-permanent status is that experienced retired investigators can be hired and dedicated to this task far faster than hiring and training new employees with no previous experience. Also, the department is facing recruitment difficulties that necessitate the need to make these positions long term non-permanent at this time.

adopted
N/O

4/8/08

25-LS1449\W
Luckhaupt
4/6/08

HOUSE CS FOR CS FOR SENATE BILL NO. 265()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MCGUIRE, Dyson, Therriault, Bunde, Thomas, Stedman, Wielechowski, Ellis, Elton

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to furnishing or delivering alcoholic beverages to persons under 21
2 years of age; relating to shipping, sending, transporting, or bringing alcohol to a local
3 option area and providing alcohol to others in the local option area, including penalties
4 for violations; relating to reports of alcohol violations by minors; relating to the
5 payment of permanent fund dividends to certain individuals required to register as sex
6 offenders or child kidnappers; relating to certain persons who lend money on
7 secondhand articles; relating to arson and criminally negligent burning; relating to
8 defenses for the detention of persons suspected of committing concealment of
9 merchandise or theft; relating to controlled substances; relating to the determination of
10 time of a conviction; relating to issuance of search warrants; relating to persons found
11 incompetent to stand trial concerning criminal conduct; relating to probation for certain
12 offenses; relating to restitution for fish and game violations; relating to aggravating

1 factors at sentencing; relating to post-conviction relief proceedings; relating to criminal
2 extradition authority of the governor; removing the statutory bar to prosecution of
3 certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to
4 execution of warrants, and Rule 35.1, Alaska Rules of Criminal Procedure; and
5 providing for an effective date."

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

7 * Section 1. AS 04.16.051(a) is amended to read:

8 (a) A person may not furnish or deliver an alcoholic beverage to a person
9 under the age of 21 years. This subsection does not apply to a licensee or an agent
10 or employee of a licensee while working on licensed premises.

11 * Sec. 2. AS 04.16.052 is amended to read:

12 Sec. 04.16.052. Furnishing of alcoholic beverages to persons under the age
13 of 21 by licensees. A licensee or an agent or employee of the licensee may not with
14 criminal negligence

15 (1) allow another person to sell, barter, or give an alcoholic beverage
16 to a person under the age of 21 years within licensed premises;

17 (2) allow a person under the age of 21 years to enter and remain within
18 licensed premises except as provided in AS 04.16.049;

19 (3) allow a person under the age of 21 years to consume an alcoholic
20 beverage within licensed premises;

21 (4) allow a person under the age of 21 years to sell or serve alcoholic
22 beverages;

23 (5) while working on licensed premises, furnish or deliver alcoholic
24 beverages to a person under the age of 21 years.

25 * Sec. 3. AS 04.16.200(e) is amended to read:

26 (e) A person who sends, transports, or brings alcoholic beverages into a
27 municipality or established village in violation of AS 04.11.499(a) is, upon conviction,

28 (1) except as provided in (3) of this subsection, guilty of a class A
29 misdemeanor if the quantity of alcoholic beverages is less than 10 and one-half liters

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of distilled spirits, 24 liters of wine, or 12 gallons of malt beverages; [OR]

(2) guilty of a class C felony if the quantity of alcoholic beverages is 10 and one-half liters or more of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages; or

(3) guilty of a class C felony if the quantity of alcoholic beverages is less than 10 and one-half liters of distilled spirits, 24 liters of wine, or 12 gallons of malt beverages and the person has been previously convicted under this subsection or (b) of this section two or more times within 10 years of the date of the present offense.

* Sec. 4. AS 04.16.200 is amended by adding new subsections to read:

(g) Upon conviction of a class A misdemeanor under (e)(1) of this section, the court

(1) shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours and a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days and a fine of not less than \$3,000 if the person has been previously convicted once;

(C) not less than 60 days and a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (h) of this section;

(D) not less than 120 days and a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (h) of this section;

(E) not less than 240 days and a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (h) of this section;

(F) not less than 360 days and a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (h) of this section;

(2) may not

(A) suspend execution of sentence or grant probation except on

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the condition that the person

(i) serve the minimum imprisonment under (1) of this

subsection; and

(ii) pay the minimum fine required under (1) of this

subsection; or

(B) suspend imposition of sentence.

(h) Upon conviction of a class C felony under (b) or (e)(2) or (3) of this section, the court

(1) shall impose a fine of not less than \$10,000 and a minimum sentence of imprisonment of

(A) 120 days if the person has been previously convicted once;

(B) 240 days if the person has been previously convicted two

times;

(C) 360 days if the person has been previously convicted three

or more times;

(2) may not

(A) suspend execution of sentence or grant probation except on

the condition that the person

(i) serve the minimum imprisonment under (1) of this

subsection; and

(ii) pay the minimum fine required under (1) of this

subsection; or

(B) suspend imposition of sentence.

(i) In (g) of this section, "previously convicted" means having been convicted, within the 10 years preceding the date of the present offense, of an offense under (b) or (c) of this section or a law or ordinance of another jurisdiction having elements similar to those offenses.

(j) In (h) of this section, "previously convicted" means having been convicted, within the 10 years preceding the date of the present offense, of a felony offense under (b) or (c) of this section or a law or ordinance of another jurisdiction having elements similar to those felony offenses.

1 (k) The court shall consider the date of a previous conviction as
2 occurring on the date that sentence is imposed for the prior offense.

3 * Sec. 5. AS 08.76.010 is amended by adding a new subsection to read:

4 (b) A person who lends money on secondhand articles under (a) of this section
5 and is located in a municipality that has a population of over 5,000 shall also maintain
6 an electronic record that provides the information required by (a)(1) and (4) of this
7 section for the secondhand articles on which the person lends money. The person shall
8 submit the electronic record as required by the municipal law enforcement agency.

9 * Sec. 6. AS 08.76.020 is amended to read:

10 Sec. 08.76.020. Manner of recording entry. The entries in the book and the
11 electronic record required by AS 08.76.010 shall appear in chronological order and,
12 when made in a book, in ink or indelible pencil. Blank lines may not be left between
13 entries. Objections, alterations, or erasures may not be made. Corrections shall be
14 made by drawing a line [IN INK] through the entry without destroying its legibility,
15 and, when made in a book, the line shall be drawn in ink. The book shall be open
16 to the inspection of a peace officer at reasonable times.

17 * Sec. 7. AS 11.46.230(a) is amended to read:

18 (a) In a civil or criminal action upon the complaint of a person who has been
19 detained in or in the immediate vicinity of a commercial establishment for the purpose
20 of investigation or questioning as to the ownership of merchandise, it is a defense that

21 (1) the person was detained in a reasonable manner and for not more
22 than a reasonable time to permit investigation or questioning by a peace officer or by
23 the owner of the commercial establishment or the owner's agent; and

24 (2) the peace officer, owner, or owner's agent had probable cause to
25 believe that the person detained was committing or attempting to commit concealment
26 of merchandise or theft from the commercial establishment.

27 * Sec. 8. AS 11.46.295 is amended to read:

28 Sec. 11.46.295. Prior convictions. For purposes of considering prior
29 convictions in prosecuting a crime of theft under AS 11.46.130(a)(6) or
30 11.46.140(a)(3), or in prosecuting the crime of concealment of merchandise under
31 AS 11.46.220(c), a conviction for an offense under another law or ordinance with

1 similar elements is a conviction of an offense having elements similar to those of an
2 offense defined as such under Alaska law at the time the offense was committed. The
3 court shall consider the date of a prior conviction as occurring on the date that
4 sentence is imposed for the prior offense.

5 * Sec. 9. AS 11.46.410(a) is amended to read:

6 (a) A person commits the crime of arson in the second degree if the person
7 knowingly [INTENTIONALLY] damages a building by starting a fire or causing an
8 explosion.

9 * Sec. 10. AS 11.46 is amended by adding a new section to read:

10 Sec. 11.46.427. Criminally negligent burning in the first degree. (a) A
11 person commits the crime of criminally negligent burning in the first degree if the
12 person

13 (1) violates AS 11.46.430; and

14 (2) within the preceding 10 years, has been convicted of violating
15 AS 11.46.400 - 11.46.430 or AS 41.15.150 or a law or ordinance of this or another
16 jurisdiction with elements similar to those offenses.

17 (b) Criminally negligent burning in the first degree is a class C felony.

18 * Sec. 11. AS 11.46.430 is amended to read:

19 Sec. 11.46.430. Criminally negligent burning in the second degree. (a) A
20 person commits the crime of criminally negligent burning in the second degree if
21 with criminal negligence the person damages property of another by fire or explosion.

22 (b) Criminally negligent burning in the second degree is a class A
23 misdemeanor.

24 * Sec. 12. AS 11.71.170(b) is amended by adding new paragraphs to read:

25 (30) carisprodol;

26 (31) zolpidem;

27 (32) zopiclone.

28 * Sec. 13. AS 12.35.010(a) is amended to read:

29 (a) A judicial officer may issue a search warrant upon a showing of probable
30 cause, supported by oath or affirmation, and particularly describing the place to be
31 searched and the thing to be seized. The court may issue a search warrant for a

1 place or property located either in the state or outside the state.

2 * Sec. 14. AS 12.35.015(a) is amended to read:

3 (a) A judicial officer may issue a search warrant upon the sworn oral
4 testimony of a person communicated by telephone or other appropriate means, or
5 sworn affidavit transmitted by facsimile machine [, IF THE JUDICIAL OFFICER
6 FINDS THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT

7 (1) THE PRESENTATION OF THE APPLICANT'S AFFIDAVIT OR
8 TESTIMONY PERSONALLY BEFORE THE JUDICIAL OFFICER WOULD
9 RESULT IN A DELAY IN OBTAINING OR EXECUTING A SEARCH
10 WARRANT; AND

11 (2) THE DELAY MIGHT RESULT IN LOSS OR DESTRUCTION
12 OF THE EVIDENCE SUBJECT TO SEIZURE OR MIGHT INTERFERE WITH AN
13 ONGOING INVESTIGATION].

14 * Sec. 15. AS 12.47.110(a) is amended to read:

15 (a) When the trial court determines by a preponderance of the evidence, in
16 accordance with AS 12.47.100, that a defendant is so incompetent that the defendant is
17 unable to understand the proceedings against the defendant or to assist in the
18 defendant's own defense, the court shall order the proceedings stayed, except as
19 provided in (d) of this section shall, [AND MAY] commit a [THF] defendant
20 charged with a felony and may commit a defendant charged with any other crime
21 to the custody of the commissioner of health and social services or the commissioner's
22 authorized representative for further evaluation and treatment until the defendant is
23 mentally competent to stand trial, or until the pending charges against the defendant
24 are disposed of according to law, but in no event longer than 90 days.

25 * Sec. 16. AS 12.47.110(b) is amended to read:

26 (b) On or before the expiration of the initial 90-day period of commitment, the
27 court shall conduct a hearing to determine whether or not the defendant remains
28 incompetent. If the court finds by a preponderance of the evidence that the defendant
29 remains incompetent, the court may recommit the defendant for a second period of 90
30 days. The court shall determine at the expiration of the second 90-day period whether
31 the defendant has become competent. If, at the expiration of the second 90-day period,

1 the court determines that the defendant continues to be incompetent to stand trial, the
2 charges against the defendant shall be dismissed without prejudice, and continued
3 commitment of the defendant shall be governed by the provisions relating to civil
4 commitments under AS 47.30.700 - 47.30.915 unless the defendant is charged with a
5 crime involving force against a person and the court finds that the defendant presents a
6 substantial danger of physical injury to other persons and that there is a substantial
7 probability that the defendant will regain competency within a reasonable period of
8 time, in which case the court may extend the period of commitment for an additional
9 six months. If the defendant remains incompetent at the expiration of the additional
10 six-month period, the charges shall be dismissed without prejudice, and continued
11 [EITHER CIVIL] commitment proceedings shall be governed by the provisions
12 relating to civil commitment under AS 47.30.700 - 47.30.915 [INSTITUTED OR
13 THE COURT SHALL ORDER THE RELEASE OF THE DEFENDANT]. If the
14 defendant remains incompetent for five years after the charges have been dismissed
15 under this subsection, the defendant may not be charged again for an offense arising
16 out of the facts alleged in the original charges, except if the original charge is a class A
17 felony or unclassified felony.

18 * Sec. 17. AS 12.47.110 is amended by adding a new subsection to read:

19 (c) A defendant charged with a felony and found to be incompetent to proceed
20 under this section is rebuttably presumed to be mentally ill and to present a likelihood
21 of serious harm to self or others in proceedings under AS 47.30.700 - 47.30.915. In
22 evaluating whether a defendant is likely to cause serious harm, the court may consider
23 as recent behavior the conduct with which the defendant was originally charged.

24 * Sec. 18. AS 12.55.090(a) is amended to read:

25 (a) Probation may be granted whether the offense under AS 11 or AS 16 or
26 the crime is punishable by fine or imprisonment or both. If an offense under AS 11
27 or AS 16 or a crime is punishable by both fine and imprisonment, the court may
28 impose a fine and place the defendant on probation as to imprisonment. Probation may
29 be limited to one or more counts or indictments, but, in the absence of express
30 limitation, shall extend to the entire sentence and judgment.

31 * Sec. 19. AS 12.55.155(c)(8) is amended to read:

1 (8) the defendant's prior criminal history includes conduct involving
2 aggravated assaultive behavior or repeated instances of assaultive behavior; in this
3 paragraph, "aggravated assaultive behavior" means assault that is a felony
4 under AS 11.41, or a similar provision in another jurisdiction;

5 * Sec. 20. AS 12.55.155(f) is amended to read:

6 (f) If the state seeks to establish a factor in aggravation at sentencing

7 (1) under (c)(7), (8), (12), (15), (18)(B), (19), (20), (21), or (31) of this
8 section, or if the defendant seeks to establish a factor in mitigation at sentencing,
9 written notice must be served on the opposing party and filed with the court not later
10 than 10 days before the date set for imposition of sentence; the factors in aggravation
11 listed in this paragraph and factors in mitigation must be established by clear and
12 convincing evidence before the court sitting without a jury; all findings must be set out
13 with specificity;

14 (2) other than one listed in (1) of this subsection, the factor shall be
15 presented to a trial jury under procedures set by the court, unless the defendant waives
16 trial by jury, stipulates to the existence of the factor, or consents to have the factor
17 proven under procedures set out in (1) of this subsection; a factor in aggravation
18 presented to a jury is established if proved beyond a reasonable doubt; written notice
19 of the intent to establish a factor in aggravation must be served on the defendant and
20 filed with the court

21 (A) 20 days before trial, or at another time specified by the
22 court;

23 (B) within 48 hours, or at a time specified by the court, if the
24 court instructs the jury about the option to return a verdict for a lesser included
25 offense; or

26 (C) five days before entering a plea that results in a finding of
27 guilt, or at another time specified by the court.

28 * Sec. 21. AS 12.70.280(2) is amended to read:

29 (2) "governor" includes

30 (A) a person performing the functions of governor by authority
31 of the law of this state; and

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(B) the lieutenant governor or the head of a principal department in the executive branch appointed by the governor to act on behalf of the governor in performing extradition duties under this chapter; the appointment shall be in writing and filed with the lieutenant governor;

* Sec. 22. AS 12.72.020(a) is amended to read:

(a) A claim may not be brought under AS 12.72.010 or the Alaska Rules of Criminal Procedure if

(1) the claim is based on the admission or exclusion of evidence at trial or on the ground that the sentence is excessive;

(2) the claim was, or could have been but was not, raised in a direct appeal from the proceeding that resulted in the conviction;

(3) the later of the following dates has passed, except that if the applicant claims that the sentence was illegal there is no time limit on the claim:

(A) if the claim relates to a conviction, one year [TWO YEARS] after the entry of the judgment of the conviction or, if the conviction was appealed, one year after the court's decision is final under the Alaska Rules of Appellate Procedure;

(B) if the claim relates to a court revocation of probation, one year [TWO YEARS] after the entry of the court order revoking probation or, if the order revoking probation was appealed, one year after the court's decision is final under the Alaska Rules of Appellate Procedure;

(4) one year or more has elapsed from the final administrative decision of the Board of Parole or the Department of Corrections that is being collaterally attacked;

(5) the claim was decided on its merits or on procedural grounds in any previous proceeding; or

(6) a previous application for post-conviction relief has been filed under this chapter or under the Alaska Rules of Criminal Procedure.

* Sec. 23. AS 12.72.020(b) is amended to read:

(b) Notwithstanding (a)(3) and (4) of this section, a court may hear a claim

1 (1) if the applicant establishes due diligence in presenting the claim
2 and sets out facts supported by admissible evidence establishing that the applicant

3 (A) suffered from a physical disability or from a mental disease
4 or defect that precluded the timely assertion of the claim; or

5 (B) was physically prevented by an agent of the state from
6 filing a timely claim;

7 (2) based on newly discovered evidence if the applicant establishes due
8 diligence in presenting the claim and sets out facts supported by evidence that is
9 admissible and

10 (A) was not known within

11 (i) one year [TWO YEARS] after entry of the judgment
12 of conviction if the claim relates to a conviction;

13 (ii) one year [TWO YEARS] after entry of a court
14 order revoking probation if the claim relates to a court's revocation of
15 probation; or

16 (iii) one year after an administrative decision of the
17 Board of Parole or the Department of Corrections is final if the claim
18 relates to the administrative decision;

19 (B) is not cumulative to the evidence presented at trial;

20 (C) is not impeachment evidence; and

21 (D) establishes by clear and convincing evidence that the
22 applicant is innocent.

23 * Sec. 24. AS 12.72.020 is amended by adding a new subsection to read:

24 (d) The court may not consider a substantive claim in an application brought
25 under AS 12.72.010 or the Alaska Rules of Criminal Procedure until the court has first
26 determined that

27 (1) the application is timely; and

28 (2) except for an application described in AS 12.72.025 or allowed
29 under (c) of this section, no previous application has been filed.

30 * Sec. 25. AS 16.05.925(b) is amended to read:

31 (b) In addition to a penalty imposed under (a) of this section or any other

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penalty for violation of this title or a regulation adopted under this title, a person who is convicted of unlawfully taking an animal listed in this subsection may be ordered by the court to pay restitution to the state in the amount set out in this subsection for each animal unlawfully taken:

- (1) Bear, black \$ 600
- (2) Bear, brown or grizzly 1,300
- (3) Bison 1,300
- (4) Caribou 850
- (5) Deer 400
- (6) Elk 800
- (7) Goat 800
- (8) Moose 1,000
- (9) Musk oxen 3,000
- (10) Sheep 1,100
- (11) Wolf 500
- (12) Wolverine 500.

* **Sec. 26.** AS 28.15.191(a) is amended to read:

(a) A court that convicts a person of an offense under this title or a regulation adopted under this title, or another law or regulation of this state [,] or a municipal ordinance that regulates the driving of vehicles, or a violation of AS 04.16.050 shall forward a record of the conviction to the department within five working days. A conviction of a standing or parking offense need not be reported.

* **Sec. 27.** AS 28.35.028(a) is amended to read:

(a) Notwithstanding another provision of law, with the consent of the state and the defendant, the court may elect to proceed in a criminal case under AS 04.16.200(b) or (c), AS 28.35.030, or 28.35.032, including the case of a defendant charged with violating the terms of probation, under the procedure provided in this section and order the defendant to complete a court-ordered treatment program. The state may not consent to a referral under this subsection unless the state has consulted with the victim and explained the process and consequences of the referral to the victim. A court may not elect to proceed under this section if the defendant has previously

1 participated in a court-ordered treatment program under this section two or more
2 times.

3 * Sec. 28. AS 43.23 is amended by adding a new section to read:

4 **Sec. 43.23.021. Delayed payment of certain dividends.** (a) Notwithstanding
5 other provisions regarding the payment of permanent fund dividends, if an individual
6 is required to register as a sex offender or child kidnapper under AS 12.63 and has not
7 registered or has not completed the required periodic verifications or notices required
8 under AS 12.63, payment of the dividend for that individual shall be delayed.

9 (b) If payment of a dividend is delayed, the department shall notify the
10 individual in writing of the delayed payment status, explain the requirements of this
11 section, and request proof of registration and compliance with the verifications and
12 notices required under AS 12.63. The dividend may not be paid unless, within one
13 year after the notification, the department determines that the individual has registered
14 and is in compliance with the verifications and notices required under AS 12.63.

15 (c) Notwithstanding other provisions, a permanent fund dividend that has not
16 become payable to an individual under this section is not subject to levy, execution,
17 garnishment, attachment, or any other remedy for the collection of debt until that
18 dividend becomes payable or is paid to the individual.

19 (d) If an individual for whom payment of a permanent fund dividend has been
20 delayed but remains payable under (b) of this section dies before the dividend is paid
21 or payable, the department shall pay the dividend to a personal representative of the
22 individual's estate.

23 (e) The department shall include notice with the dividend application form of
24 the requirements of (a) and (b) of this section.

25 * Sec. 29. AS 43.23.025(a) is amended to read:

26 (a) By October 1 of each year, the commissioner shall determine the value of
27 each permanent fund dividend for that year by

28 (1) determining the total amount available for dividend payments,
29 which equals

30 (A) the amount of income of the Alaska permanent fund
31 transferred to the dividend fund under AS 37.13.145(b) during the current year;

1 (B) plus the unexpended and unobligated balances of prior
2 fiscal year appropriations that lapse into the dividend fund under
3 AS 43.23.045(d);

4 (C) less the amount necessary to pay prior year dividends from
5 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and
6 43.23.055(3) and (7) [UNDER AS 43.23.055(3) AND (7)];

7 (D) less the amount necessary to pay dividends from the
8 dividend fund due to eligible applicants who, as determined by the department,
9 filed for a previous year's dividend by the filing deadline but who were not
10 included in a previous year's dividend computation;

11 (E) less appropriations from the dividend fund during the
12 current year, including amounts to pay costs of administering the dividend
13 program and the hold harmless provisions of AS 43.23.075;

14 (2) determining the number of individuals eligible to receive a
15 dividend payment for the current year and the number of estates and successors
16 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

17 (3) dividing the amount determined under (1) of this subsection by the
18 amount determined under (2) of this subsection.

19 * Sec. 30. AS 47.30.780 is amended to read:

20 Sec. 47.30.780. Early discharge. Except as provided in (b) of this section,
21 the [THE] professional person in charge shall at any time discharge a respondent on
22 the ground that the respondent is no longer gravely disabled or likely to cause serious
23 harm as a result of mental illness. A certificate to this effect shall be sent to the court,
24 which shall enter an order officially terminating the involuntary commitment.

25 * Sec. 31. AS 47.30.780 is amended to add a new subsection to read:

26 (b) The professional person in charge shall give the prosecuting authority 10
27 days' notice before discharging a respondent who was committed after having been
28 found incompetent to proceed under AS 12.47.110.

29 * Sec. 32. The uncodified law of the State of Alaska enacted in sec. 36(c), ch. 24, SLA
30 2007, is amended to read:

31 (c) AS 12.72.025, enacted by sec. 25, ch. 24, SLA 2007 [OF THIS ACT],

1 applies to offenses committed before, on, or after the effective date of sec. 25, ch. 24,
2 SLA 2007 [OF THIS ACT]. A person whose application for post-conviction relief was
3 denied before the effective date of sec. 25, ch. 24, SLA 2007 [OF THIS ACT] has
4 until July 1, 2008, to file a claim described in AS 12.72.025. This subsection does not
5 authorize filing a claim under AS 12.72 or the Alaska Rules of Criminal
6 Procedure that is not otherwise available under AS 12.72, the Alaska Rules of
7 Criminal Procedure, or other provision of law.

8 * Sec. 33. AS 12.35.015(f) is repealed.

9 * Sec. 34. AS 11.71.310 and AS 12.20.010 are repealed.

10 * Sec. 35. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 DIRECT COURT RULE AMENDMENT. Rule 37(b), Alaska Rules of
13 Criminal Procedure, is amended to read:

14 (b) **Execution and Return with Inventory.** The warrant shall be executed
15 and returned within 30 [10] days after its date of issuance. However, upon sworn
16 application made before the expiration of the initial 30 [10] day period or any
17 subsequent extension, the court may for good cause extend the execution period for a
18 reasonable time not to exceed 30 [10] days. Good cause includes protecting the
19 confidentiality of an ongoing investigation and protecting a person working with
20 law enforcement authorities on an investigation. The officer taking property under
21 the warrant

22 (1) shall give to the person from whom or from whose premises the
23 property was taken a copy of the warrant, a copy of the supporting affidavits, and
24 receipt for the property taken, or

25 (2) shall leave the copies and the receipt at the place from which the
26 property was taken.

27 The return shall be made promptly and shall be accompanied by a
28 written inventory of any property taken as a result of the search pursuant to or in
29 conjunction with the warrant. The inventory shall be made in the presence of the
30 applicant for the warrant and the person from whose possession or premises the
31 property was taken, if they are present, or in the presence of at least one credible

1 person other than the applicant for the warrant or the person from whose possession or
2 premises the property was taken, and shall be signed by the officer under the penalty
3 of perjury pursuant to AS 09.63.020 or sworn to in front of a magistrate or judge, or a
4 notary public. The magistrate or judge or the court to which the return is made shall
5 upon request deliver a copy of the inventory to the person from whom or from whose
6 premises the property was taken and to the applicant for the warrant.

7 * Sec. 36. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 INDIRECT COURT RULE AMENDMENT. The provisions of AS 12.72.020(a) and
10 (b), as amended by secs. 22 and 23 of this Act, and the provisions of AS 12.72.020(d), as
11 added by sec. 24 of this Act, have the effect of amending Rule 35.1, Alaska Rule of Criminal
12 Procedure, by restricting the authority of a court to hear certain applications, claims, or
13 proceedings for post-conviction relief and by prescribing a procedure for a court to determine
14 if an application, claim, or proceeding may be considered.

15 * Sec. 37. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 APPLICABILITY. (a) Sections 1- 4, 9 - 12, 18 - 20, 25 - 27, and 34 of this Act apply
18 to an offense occurring on or after the effective date of this section. References to previous
19 convictions in secs. 3 and 4 of this Act apply to convictions occurring before, on, or after the
20 effective date of those sections.

21 (b) Section 8 of this Act applies to an offense occurring before, on, or after the
22 effective date of this section.

23 (c) Sections 13, 14, 33, and 35 of this Act apply to search warrants applied for on or
24 after the effective date of this section, regardless of whether the offense occurred before, on,
25 or after the effective date of this section.

26 (d) Sections 15 - 17, 30, and 31 of this Act apply to procedures occurring after the
27 effective date of this section, regardless of whether the offense occurred before, on, or after
28 the effective date of this section.

29 (e) Section 21 of this Act applies to applications for criminal extraditions submitted
30 on or after the effective date of this section, regardless of whether the offense occurred before,
31 on, or after the effective date of this section.

1 (f) Section 7 of this Act applies to offenses occurring and actions arising on or after
2 the effective date of this section.

3 (g) Sections 22 - 24 and 36 of this Act apply to applications submitted on or after the
4 effective date of this section.

5 * Sec. 38. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 RETROACTIVITY. Section 32 of this Act is retroactive to July 1, 2007.

8 * Sec. 39. Sections 32 and 38 of this Act take effect immediately under AS 01.10.070(c).

9 * Sec. 40. Sections 28 and 29 of this Act take effect January 1, 2009.

10 * Sec. 41. Except as provided in secs. 39 and 40 of this Act, this Act takes effect July 1,
11 2008.

HCS CS SB 265 ()
Version 25-LS1449\W
Luckhaupt, 4/6/2008

Sections 1 and 2

Provide that a licensee or agent or employee of a licensee is not subject to prosecution for furnishing alcohol to a minor under AS 04.16.051. Rather, licensees and their agents would be subject to prosecution under AS 04.16.052, which would be a class A misdemeanor.

Section 3

Provides that a person who sends, transports, or brings alcoholic beverages into a municipality or established village that has prohibited the importation of alcohol, upon the third offense within 10 years is guilty of a class C felony.

Section 4

Provides a minimum sentence of imprisonment and fines for a conviction under AS 04.16.200(e) (1), if the person is not subject to the changes made in Section 3.

Sections 5 and 6

Requires a person who lends money on secondhand articles in a municipality with over 5,000 residents to maintain in electronic format, the date of the transaction and a description of the property.

Section 7

Allows a peace officer or owner or owner's agent of a commercial establishment to detain a person for a reasonable time if there is probable cause to believe the person has committed or attempted to commit theft from the property.

Section 8

Clarifies that when a theft offense is enhanced one level because the defendant has two prior thefts within five years of the new crime, a prior conviction occurs on the date that the defendant was sentenced for the theft.

Section 9

Changes the culpable mental state for the crime of Arson in the 2nd Degree

Section 10

Adopts a new crime-First Degree Criminally Negligent Burning in the 1st Degree. It applies to persons convicted a second time within a 10 year period of arson or criminally negligent burning. This crime is a class C felony.

Section 11

Conforms the current law-Criminally Negligent Burning- by making it second degree criminally negligent burning.

Section 12

Adds 3 controlled substances under Schedule IVA:

- Carisprodol-commonly called Soma and listed as a controlled substance in 17 states.
- Zolpidem-commonly called Ambien and listed as a Schedule IV substance in federal schedules.
- Zopiclone-commonly called Lunesta and listed as a Schedule IV substance in federal schedules

These prescription drugs have been widely abused, and have been found by law enforcement to be present in drivers who are impaired.

Section 13

Clarifies that a court may issue a search warrant for property located outside the state. The issue of a court's authority out of state has arisen in white collar investigations where the state seeks stored electronic information. Companies that store this information are willing to provide it if law enforcement presents a search warrant for the information. This will clarify that a court may issue a warrant to obtain the information.

Section 14

Allows a judicial officer to issue a search warrant over the telephone or other electronic means in all cases. Alaskans rely on the telephone and other electronic communication in the important affairs of their lives. Law enforcement should not have to drive or fly to a judicial officer for a search warrant when electronic means are available for the court to fairly evaluate the evidence.

Sections 15, 16, 17, 30 and 31

Will help avoid potentially dangerous situations where a person charged with a crime, but found incompetent to be tried for it, is released back into a community without adequate consideration of the danger the individual may present, and without notice of release to the prosecution.

It requires a person charged with a felony and found incompetent to be evaluated for commitment and treatment. If the defendant remains incompetent after one year (for persons charged with crimes involving force and presenting a substantial danger to others), the bill would require that civil commitment proceedings be considered.

The bill would also adopt a rebuttable presumption that a person charged with a felony but found incompetent to proceed is mentally ill and likely to present a danger to themselves or others. It allows the court to consider the conduct with which the person was charged in making this determination.

Before a person found incompetent to proceed may be released from the hospital, the professional authorizing the release must give at least 10 days notice to the prosecution. This notice will allow the prosecution time to reinstate charges if appropriate under the

circumstances, and also give law enforcement forewarning that the person will be returning to the community.

Section 18

Allows the court to impose probation on a person who is convicted of a violation under AS 11 and AS 16.

Section 19

Defines "aggravated assaultive behavior" as a felony assault under AS 11.41 or a similar provision in another jurisdiction.

Section 20

Provides that the aggravating factor-that a defendant convicted of a felony sex offense has engaged in sexual offense against the same or another victim-is a factor that may be proven to the court at sentencing rather than to the jury.

Section 21

Allows the Governor to delegate extradition authority responsibilities either to the Lieutenant Governor or the head of a principal department in the executive branch. The appointment must be in writing and filed with the Lieutenant Governor.

Sections 22 and 23

Provides that a person has one year to bring an application for post-conviction relief after the entry of judgment if no appeal from the conviction is taken and one year to bring an application for post-conviction relief after the entry of an order revoking probation.

Section 24

Requires a court to first decide whether an application for post-conviction relief is timely and no previous application has been filed, before considering a substantive claim in an application.

Section 25

Allows a court to order a person convicted of violating any law or regulation under Title 16 for the unlawful taking of game to pay restitution for the unlawful taking.

Section 26

Provides that a court that convicts a person for a violation of AS 04.16.050 (Possession, control, or consumption by persons under the age of 21) shall forward a record of the conviction to the Division of Motor Vehicles within five working days.

Section 27

Provides that the court may order a person charged under AS 04.16.200(b) or (c) to complete a court-ordered treatment program.

Sections 28 and 29

Requires that payment of the Permanent Fund Dividend, for a person who is required by law to register as a sex offender or child kidnapper, be delayed until the person submits proof that the requirements for sex offender registration have been met by the applicant for the dividend.

Section 32

Dispels a potential misunderstanding in a section of the applicability clause in HB 90, adopted last year.

Section 33

Repeals AS 12.35.015(f) to conform the amendment in Section 12 that allows a court to issue search warrants by telephone and other electronic means.

Section 34

Repeals AS 11.71.310 and AS 12.20.010, that prohibit prosecution by the state for violations of state law if the federal government has prosecuted the same act for violation of federal law. Although this situation does not occur often, it is important that Alaska has the authority to enforce its laws and protect its interests and its citizens.

Section 35

Changes a Court Rule to allow more time for the return with inventory of a search warrant.

Section 36

A Court Rule change reflecting the provisions relating to post-conviction relief contained in Sections 22, 23, and 24.

Section 37

Applicability section

Section 38

Retroactive section for Section 32.

Section 39

Immediate effective date for Sections 32 and 38

Section 40

January 1, 2009 effective date for Sections 28 and 29

Section 41

July 1, 2008 effective date for all other sections not stipulated in Sections 39 and 40.

withdrawn 4/8/08

25-LS1449\W.6
Luckhaupt
4/7/08

New # 1

AMENDMENT

Rep Meyer by request

OFFERED IN THE HOUSE

TO: HCS CSSB 265(), Draft Version "W"

1 Page 2, line 1, following "sentencing;":

2 Insert "relating to sex offenders and child kidnappers;"

3

4 Page 12, following line 16:

5 Insert a new bill section to read:

6 "* Sec. 26. AS 18.65.087(g) is amended to read:

7 (g) The department, at least quarterly, shall compile a list of those persons
8 with a duty to register under AS 12.63.010 who have failed to register, whose
9 addresses cannot be verified under (f) of this section, or who otherwise cannot be
10 located. The department shall

11 (1) post this list on the Internet and request the public's assistance in
12 locating these persons; and

13 (2) distribute the list to each law enforcement agency in the state."

14

15 Renumber the following bill sections accordingly.

16

17 Page 16, line 17:

18 Delete "Sections 1- 4, 9 - 12, 18 - 20, 25 - 27, and 34"

19 Insert "Sections 1- 4, 9 - 12, 18 - 20, 25, 27, 28, and 35"

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21 Page 16, line 23:

22 Delete "Sections 13, 14, 33, and 35"

23 Insert "Sections 13, 14, 34, and 36"

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2 Page 16, line 26:

3 Delete "Sections 15 - 17, 30, and 31"

4 Insert "Sections 15 - 17, 31, and 32"

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6 Page 17, line 3:

7 Delete "Sections 22 - 24 and 36"

8 Insert "Sections 22 - 24 and 37"

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10 Page 17, line 7:

11 Delete "Section 32"

12 Insert "Section 33"

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14 Page 17, line 8:

15 Delete "Sections 32 and 38"

16 Insert "Sections 33 and 39"

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18 Page 17, line 9:

19 Delete "Sections 28 and 29"

20 Insert "Sections 29 and 30"

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22 Page 17, line 10:

23 Delete "secs. 39 and 40"

24 Insert "secs. 40 and 41"

Replaud 4/8/08

25-LS1449\W.1
Luckhaupt
4/7/08

AMENDMENT

OFFERED IN THE HOUSE

Rep Meyer By Request

TO: HCS CSSB 265(), Draft Version "W"

- 1 Page 13, line 14, following "AS 12.63.":
- 2 Insert "When the department notifies an individual under this subsection of a delayed
- 3 payment, the department shall also notify the Department of Public Safety of
- 4 (1) the delayed payment because of the individual's apparent lack of
- 5 compliance with AS 12.63; and
- 6 (2) the individual's contact information as listed on the application."

adopted 9/8/08

New AMENDMENT 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE MEYER BY REQUEST

TO: HCS CS SB 265 (), Version 25-I.S1449\W

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Page 6, line 14

After "convicted"

Insert "on two separate occasions"

4/8/08 Replaud

AMENDMENT 2

OFFERED IN THE HOUSE BY REPRESENTATIVE MEYER BY REQUEST

TO: HCS CS SB 265 (), Version 25-LS1449\W

- 1 Page 3, line 8
- 2 Delete "10"
- 3 Insert "15"
- 4
- 5 Page 4, line 25
- 6 Delete "10"
- 7 Insert "15"
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- 9 Page 6, line 14
- 10 After "convicted"
- 11 Insert "on two separate occasions"
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Adopted 4/8/08

25-LS1449W.4
Cook
4/7/08

AMENDMENT 3

By Meyer By Request

OFFERED IN THE HOUSE

TO: HCS CSSB 265(), Draft Version "W"

1 Page 13, lines 15 - 18:

2 Delete all material and insert:

3 "(c) The permanent fund dividend of an individual for whom payment has
4 been delayed, but that remains payable under (b) of this section, is subject to levy,
5 execution, garnishment, attachment, or any other remedy for the collection of debt.
6 The department shall immediately pay that dividend, or the portion of it that has been
7 claimed by a debtor, as provided in AS 43.23.065 - 43.23.068."

SCV

Adopted 4/8/08

25-LS1449\W.3
Cook
4/7/08

AMENDMENT 4

Meyer

OFFERED IN THE HOUSE

TO: HCS CSSB 265(), Draft Version "W"

1 Page 1, line 6, following "kidnappers;":

2 Insert "relating to public notice requirements relating to amounts that would have
3 been paid as dividends to certain individuals required to register as sex offenders or
4 child kidnappers;"

6 Page 14, following line 18:

7 Insert a new bill section to read:

8 **** Sec. 30. AS 43.23.028(b) is amended to read:**

9 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
10 total amount that would have been paid during the previous fiscal year to individuals
11 who were ineligible to receive dividends under AS 43.23.005(d) or under
12 AS 43.23.021(b) if they had been eligible, the notice requirements of (a)(3) of this
13 section do not apply to appropriations from the dividend fund to

14 (1) the crime victim compensation fund established under
15 AS 18.67.162 for payments to crime victims;

16 (2) the council on domestic violence and sexual assault established
17 under AS 18.66.010 for grants for the operation of domestic violence and sexual
18 assault programs;

19 (3) the Department of Corrections for incarceration and probation
20 programs;

21 (4) the office of victims' rights; or

22 (5) nonprofit victims' rights organizations for grants for services to
23 crime victims."

25-LS1449\W.3

- 1
- 2 Renumber the following bill sections accordingly.
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- 4 Page 16, line 17:
 - 5 Delete "Sections 1 - 4, 9 - 12, 18 - 20, 25 - 27, and 34"
 - 6 Insert "Sections 1 - 4, 9 - 12, 18 - 20, 25 - 27, and 35"
 - 7
- 8 Page 16, line 23:
 - 9 Delete "Sections 13, 14, 33, and 35"
 - 10 Insert "Sections 13, 14, 34, and 36"
 - 11
- 12 Page 16, line 26:
 - 13 Delete "Sections 15 - 17, 30, and 31"
 - 14 Insert "Sections 15 - 17, 31, and 32"
 - 15
- 16 Page 17, line 3:
 - 17 Delete "Sections 22 - 24 and 36"
 - 18 Insert "Sections 22 - 24 and 37"
 - 19
- 20 Page 17, line 7:
 - 21 Delete "Section 32"
 - 22 Insert "Section 33"
 - 23
- 24 Page 17, line 8:
 - 25 Delete "Sections 32 and 38"
 - 26 Insert "Sections 33 and 39"
 - 27
- 28 Page 17, line 9:
 - 29 Delete "Sections 28 and 29"
 - 30 Insert "Sections 28 - 30"
 - 31

25-LS1449\W.3

- 1 Page 17, line 10:
- 2 Delete "secs. 39 and 40"
- 3 Insert "secs. 40 and 41"

Adopted
4/8/02

AMENDMENT 5

OFFERED IN THE HOUSE BY REPRESENTATIVE MEYER BY REQUEST

TO: HCS CS SB 265(), Version 25-LS1449\W

- 1 Page 6, line 24-27
- 2 Delete all material
- 3
- 4 Renumber the remaining sections accordingly.
- 5
- 6 Drafting Instructions:
- 7 Make any conforming changes to section renumbering as a result of adoption
- 8 of amendment.
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4/8/09

adopted - NO change
will require conforming
title amend.

SCV

AMENDMENT 6

OFFERED IN THE HOUSE

BY Rep Stoltze

TO: HCS CS SB 265(), Version 25-LS1-449W

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Page 14, line 19

Insert new section

Sec. 30. AS 47.17.023 is repealed and reenacted to read:

Sec. 47.17.023. Reports from certain persons regarding child pornography. A person providing, either privately or commercially, film, photo, or visual or printed matter processing, production, or finishing services or computer installation, repair, or other services, or Internet or cellular telephone services who, in the process of providing those services, observes a film, photo, picture, computer file, image or other matter and has reasonable cause to suspect that the film, photo, picture, computer file, image, or other matter visually depicts a child engaged in conduct described in AS 11.41.455(a) shall immediately report the observation to the [nearest law enforcement agency] and provide the law enforcement agency with all information known about the nature and origin of the film, photo, picture, computer file, image, or other matter.

Renumber remaining sections accordingly.

Drafting instructions: make any conforming changes to sections. Renumber as a result of adoption of amendment.

" a local state or federal law enforcement agency "

Failed 1-7

sw

adopted 4/8/08

AMENDMENT 7

OFFERED IN THE HOUSE

TO: HCS CSSB 265(). Draft Version "W"

1 Page 17, following line 4:

2 Insert a new bill section to read:

3 ** Sec. 38. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application
6 of it to any person or circumstance, is held invalid, the remainder of this Act and the
7 application to other persons or circumstances are not affected."

8

9 Renumber the following bill sections accordingly.

10

11 Page 17, line 8:

12 Delete "Sections 32 and 38"

13 Insert "Sections 32 and 39"

14

15 Page 17, line 10:

16 Delete "secs. 39 and 40"

17 Insert "secs. 40 and 41"