

973 HJ

SB 511 - Sb 548

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CODE REVISION COMMISSION

ERRATA SHEET

To accompany tentative draft of revision of Title 4

(submitted April 18, 1979)

<u>Page</u>	<u>Line</u>	<u>Delete</u>	<u>Insert</u>
1	18	"wholesale"	<u>wholesaler</u>
2	15	"lease"	<u>least</u>
4	23	"and"	
5	12	"otherwise"	
6	9	"or"	after "issued": (comma) ,
6	18, 22	"(a)"	(d)
10	26		after "perty": <u>subject to this title</u>
11	5		after "title": <u>excluding sec. 11 of this chapter</u>
22	21		after "010": <u>and AS 04.14.030</u>
22	22	"reinststed"	<u>reinstated</u>
23	24	"or otherwise revoked"	
24	12	"this chapter"	<u>(a) and (b) of this section and sec. 200 of this chapter and AS 04.14</u>
25	1	"and"	
25	7	(period) "."	(semicolon) ;
27	14		after "fee": <u>and irrespective of the type of license he holds</u>
28	28	"order"	<u>orders</u>
30	19	"and certificate to operate"	
31	21		after "except": <u>alcoholic</u>
31	25		after "person.": <u>(b)</u>
31	29	"(b)"	(c)
32	4	"No"	after "(a)": <u>Except as provided in (b) of this section, no</u>
32	25	"deliver"	<u>furnish</u>
33	18	(first) "or"	(comma) ,
33	18, 23		after "serving": <u>or furnishing</u>
35	12	"Sec. 04.16.100"	<u>Sec. 04.16.110</u>
	17	"Sec. 04.16.110"	<u>Sec. 04.16.120</u>
35	23	(semicolon) ";"	(comma) ,
36	4	"Sec. 04.16.110"	<u>Sec. 04.16.130</u>
36	11	"Sec. 04.16.120"	<u>Sec. 04.16.140</u>
36	20	(period) "." following	
		"CHAPTER"	
		"ELECTIONS"	RESTRICTIONS
36	21		add: <u>AS 04.85.010(a)</u>
37	13		<u>licensee's certificate to operate</u>
37	16	"license"	<u>certificate to operate</u>
37	18, 19, 21	"license"	
37	25	(comma) ","	
38	4		after "section": , <u>and AS 04.11.130(d)(2)</u>
38	5	' license"	
42	3		after "licenses": <u>or permits</u>

STATE OF ALASKA

PUBLIC DEFENDER AGENCY

*copies members
(written original)*

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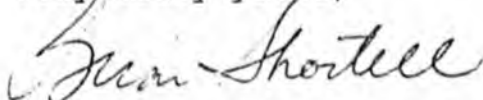
April 25, 1980

Rep. Charles H. Parr,
Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

Enclosed are copies of previous correspondence to Senator Robert H. Ziegler regarding Senate Bill 511. As I understand it, this bill has passed the Senate and is now in your committee. As I told Senator Ziegler, I don't want you to think my comments are a comprehensive analysis of the modifications, but I think it important that the Judiciary Committee realize that these proposed revisions are not all just corrections of drafting errors. Some of them pertain to substantive issues and deserve serious policy review by the committee.

Very truly yours,



Brian Shortell,
Public Defender

Enclosure

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

PUBLIC DEFENDER AGENCY

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Anchorage, Alaska 99501
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April 14, 1980

Senator Robert H. Ziegler, Sr.
Pouch V
State Capitol
Juneau, AK 99811

Re: SB 511

Dear Senator Ziegler:

I received a copy of SB 511 with a cover letter from Daniel Hickey, Chief Prosecutor, during the month of March. I have looked over the modifications to the new Criminal Code and have some comments to make about them. I hope you will not think that I have examined these provisions exhaustively, but I have circulated them to the various public defender offices around the state and asked for comments. When I receive them, I will certainly pass any relevant criticism or suggestions on to you.

For my own part, I would direct your attention to Section 11.46.220, which makes it a felony to shoplift a firearm. It seems to me that this statute will not do much to protect the public, and it threatens to make felons out of a class who do not need this kind of stigma. Presumably, the intent of the statutory modification is to provide protection for the public by making the penalties for theft of dangerous weapons so stringent that the class of people who might ordinarily shoplift them would be deterred. However, it is my experience that most shoplifters are young and are not the type of people who will pursue a life of crime. They are also frequently fascinated with firearms, not because they want to shoot someone, but because they, like many other Alaskans, are hunting or target practice enthusiasts. Thus, if the statute is modified to make a felony of what has traditionally been a misdemeanor, the class of people the legislature will be penalizing is not one we traditionally think of punishing as felons.

I have some other problems with the concealment of merchandise statute as it would be modified by Section 11.46.220. Addition of the vague phrase, "or with intent to appropriate the merchandise" merely dilutes traditional larceny requirement.

With regard to AS 11.41.440(a), I would ask that the legislature consider carefully the reasons why it would want to add the broad, "aids, induces, causes, or encourages" language to a statute which deals with the problem of sexual abuse of minors in a concise way. I am particularly bothered by the words "aids" and "encourages", which encompass a whole lot of behavior the legislature may not really want to punish by a term of imprisonment of up to five (5) years.

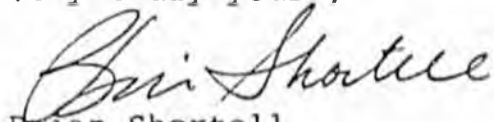
I would also urge deletion of the modifications to AS 11.51.130(b)(3) and (5). I think the reasons are obvious -- these statutory modifications are overbroad and really reach beyond the limits of reasonable criminal statutes.

The same type of criticism as has been made above in regard to other statutes may be applied to the proposed modifications in AS 11.81.620(b). The definition of factual mistake, I submit, does not need the language of reasonableness attached to it. Of course, this modification would give prosecutors more room to argue, but that does not necessarily make it desirable.

My final comment is directed at the proposed change to AS 11.81.900(b)(12). It does seem to be overkill to define the term "deadly force" as encompassing the pointing of a firearm and intentionally placing another person in fear of imminent serious physical injury. I would urge that the definition not be expanded.

I hope you will not take these comments as an exhaustive analysis of the proposed modifications to the criminal code. However, I hope you and the Judiciary Committee will take them into consideration when you decide whether or not SB 511 should pass in its current form.

Very truly yours,



Brian Shortell
Public Defender

BS:mb



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 19, 1980

RE: Request for HCS for SB 511.

Please provide the House Judiciary Committee with a CS in final version form that incorporates the Committee's intent as expressed in the attached mark-up.

Original sponsor: Judiciary Committee

Offered: 4/18/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 511 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the criminal laws of the state; and
7 providing for an effective date."

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

9 * Section 1. AS 11.31.100 is amended by adding a new subsection to read:

10 (e) If the crime attempted is an unclassified crime described in a
11 state law which is not part of this title and no provision for punishment
12 of an attempt to commit the crime is specified, the punishment for the
13 attempt is imprisonment for a term of not more than half the maximum
14 period prescribed as punishment for the unclassified crime, or a fine of
15 not more than half the amount of the maximum fine prescribed as punish-
16 ment for the unclassified crime, or both. If the crime attempted is
17 punishable by an indeterminate or life term, the attempt is a class A
18 felony.

19 * Sec. 2. AS 11.31.110 is amended by adding a new subsection to read:

20 (d) If the crime solicited is an unclassified crime described in a
21 state law which is not part of this title and no provision for punishment
22 of a solicitation to commit the crime is specified, the punishment for
23 the solicitation is imprisonment for a term of not more than half the
24 maximum period prescribed as punishment for the unclassified crime, or a
25 fine of not more than half the maximum fine prescribed as punishment for
26 the unclassified crime, or both. If the crime solicited is punishable
27 by an indeterminate or life term, the solicitation is a class A felony.

28 * Sec. 3. AS 11.41.115(e) is amended to read:

29 (e) Nothing in (a) or [,] (b) [, OR (d)] of this section precludes

5
→ sec. 4. AS 11.41.220 is amended by adding a new section to read:

Sec. 11.41.220. ASSAULT IN THE THIRD DEGREE (a) A person commits the crime of assault in the third degree if he recklessly places another person in fear of imminent serious physical injury by means of a dangerous instrument.
(b) Assault in the third degree is a class C felony.

1 a prosecution for or conviction of manslaughter or any other crime not
2 specifically precluded.

3 * Sec. 4. AS 11.41.210(a) is repealed and re-enacted to read:

4 (a) A person commits the crime of assault in the second degree if

5 (1) with intent to cause physical injury to another person,
6 he causes physical injury to any person by means of a dangerous instru-
7 ment;

8 (2) with intent to cause physical injury to another person,
9 he causes serious physical injury to any person; or

10 (3) he recklessly places another person in fear of imminent
11 serious physical injury by means of a dangerous instrument; or

12 (4) he recklessly causes serious physical injury to another
13 person by means of a dangerous instrument.

14 * Sec. 6. AS 11.41.230(~~is~~) is amended to read: - Add insert "A" - (blue page)

15 (1) he INTENTIONALLY OR recklessly causes physical injury
16 to another person;

17 * Sec. 7. AS 11.41.300(a)(1)(C) is amended to read:

18 (C) inflict physical injury upon him or sexually as-
19 sault him or place him or a third person in apprehension that any
20 person will be subjected to serious physical injury or sexual as-
21 sault;

22 * Sec. 8. AS 11.41.410(a)(3) is amended to read:

23 (3) being 16 years of age or older, he engages in sexual
24 penetration with another person under 13 years of age or aids, induces,
25 causes or encourages a person under 13 years of age to engage in sex-
26 ual penetration with another person; or

27 * Sec. 9. AS 11.41.440(a) is amended to read:

28 (a) A person commits the crime of sexual abuse of a minor if,
29 being 16 years of age or older, he [ENGAGES IN]

1 (1) engages in sexual penetration with a person who is under
2 16 years of age but 13 years of age or older or aids, induces, causes
3 or encourages a person under 16 years of age but 13 years of age or
4 older to engage in sexual penetration with another person; [OR]

5 (2) engages in sexual contact with a person who is under 13
6 years of age or aids, induces, causes or encourages a person under
7 13 years of age to engage in sexual contact with another person; or

8 (3) aids, induces, causes or encourages a person who is un-
9 der 16 years of age to engage in conduct described in AS 11.41.455(a)-
10 (2) - (6).

11 * Sec. 10. AS 11.46.210(b) is amended to read:

12 (b) It is not a defense to a prosecution based on theft by fail-
13 ure to make required disposition of funds received or held [UNDER THIS
14 SECTION] that it may be impossible to identify particular property as
15 belonging to the victim at the time of the defendant's failure to make
16 the required payment or disposition.

17 * Sec. 11. AS 11.46.220 is amended to read:

18 Sec. 11.46.220. CONCEALMENT OF MERCHANDISE. (a) A person commits
19 the crime of concealment of merchandise if without authority he know-
20 ingly conceals on or about his person the merchandise of a commercial
21 establishment, not purchased by the person, while still upon the premises
22 of the commercial establishment, with intent to deprive the owner of the
23 merchandise or with intent to appropriate the merchandise.

24 (b) Merchandise found concealed upon or about the person which has
25 not been purchased by the person is prima facie evidence of a knowing
26 concealment.

27 (c) Concealment of merchandise is

28 (1) a class C felony if the merchandise is a firearm or the
29 value of the merchandise is \$500 or more;

1 (2) a class A misdemeanor if the value of the merchandise is
2 \$50 or more but less than \$500;

3 (3) a class B misdemeanor if the value of the merchandise is
4 less than \$50.

5 * Sec. 12. AS 11.46.320(a)(1) is amended to read:

6 (1) on land [REAL PROPERTY] with intent to commit a crime on
7 the land [THAT REAL PROPERTY]; or

8 * Sec. 13. AS 11.46.482(a)(4) is amended to read:

9 (4) he drives, tows away, or takes the propelled vehicle of
10 another and the vehicle or any other property of another is damaged or
11 the owner incurs reasonable expenses as a result of the loss of use of
12 the vehicle in a total amount of \$500 or more [DAMAGES THE VEHICLE IN AN
13 AMOUNT OF \$500 OR MORE OR CAUSES THE OWNER TO INCUR REASONABLE EXPENSES
14 OF \$500 OR MORE AS A RESULT OF THE LOSS OF USE OF THE VEHICLE].

15 * Sec. 14. AS 11.46.600 is repealed and re-enacted to read:

16 Sec. 11.46.600. SCHEME TO DEFRAUD. (a) A person commits the
17 crime of scheme to defraud if he engages in conduct constituting a
18 scheme

19 (1) to defraud five or more persons or to obtain property or
20 services from five or more persons by false or fraudulent pretense, rep-
21 resentation, or promise and obtains property or services in accordance
22 with the scheme; or

23 (2) to defraud one or more persons of \$10,000 or to obtain
24 \$10,000 or more from one or more persons by false or fraudulent pretense,
25 representation, or promise and obtains property or services in accor-
26 dance with the scheme.

27 (b) Scheme to defraud is a class B felony.

28 * Sec. 15. AS 11.46.620(d) is repealed and re-enacted to read:

29 (d) Misapplication of property is

1 (1) a class C felony if the value of the property misapplied
2 is \$500 or more;

3 (2) a class A misdemeanor if the value of the property mis-
4 applied is less than \$500.

5 * Sec. 16. AS 11.51.130(a) is amended to read:

6 (a) A person commits the crime of contributing to the delinquency
7 of a minor if, being 19 years of age or older, he

8 (1) aids, induces, causes, or encourages [PERMITS] a child
9 under 18 years of age to do any act prohibited by state law;

10 (2) [INDUCES, CAUSES, OR PERMITS A CHILD UNDER 18 YEARS OF
11 AGE TO PARTICIPATE IN UNLAWFUL GAMBLING;]

12 (3) aids, induces, causes, or encourages [PERMITS] a child
13 under 18 years of age to enter or remain in a building where the unlawful
14 sale of a drug occurs; or *↳ the same room in*

15 (4) engages in sexual contact with a child under 16 years of
16 age but 13 years of age or older; or

17 (5) aids, induces, causes, or encourages a child under 16
18 years of age to be absent from the custody of a parent, guardian, or cus-
19 todian or from school, without just cause.

20 * Sec. 17. AS 11.56.310(a)(1)(B) is amended to read:

21 (B) official detention for [ON A CHARGE OF] a felony or
22 for extradition; or

23 * Sec. 18. AS 11.56.320 is repealed and re-enacted to read:

24 Sec. 11.56.320. ESCAPE IN THE THIRD DEGREE. (a) A person commits
25 the crime of escape in the third degree if he

26 (1) removes himself from official detention during any lawful
27 movement or activity incident to confinement within a correctional
28 facility for a misdemeanor; or

29 (2) violates AS 11.56.340 or 11.56.350 and leaves or attempts

→ * Sec. 24 AS 11.66.230(a) is amended to read

(a) A person commits the crime of possession of gambling records in the first degree if, with knowledge of its contents or character, he possesses a gambling record ~~used or intended to be~~ used or intended to be [OF A KIND COMMONLY] used in the operation or promotion of an unlawful gambling enterprise.

1 to leave the state.

2 (b) Escape in the third degree is a class C felony.

3 * Sec. 19. AS 11.56.330(a) is amended to read:

4 (a) A person commits the crime of escape in the fourth degree if,
5 without lawful authority, he removes himself from official detention for
6 [ON A CHARGE OF] a misdemeanor [OR IF HE VIOLATES AS 11.56.340 OR 11.56.-
7 350 AND LEAVES OR ATTEMPTS TO LEAVE THE STATE].

8 * Sec. 20. AS 11.56.370(a) is amended to read:

9 (a) A public servant who is required by law to have charge of a
10 person arrested for, charged with or convicted of a crime commits the
11 crime of permitting an escape if with criminal negligence he permits a
12 person under official detention to escape.

13 * Sec. 21. AS 11.61.210(a)(1) is amended to read:

14 (1) possesses on his person a firearm while under the in-
15 fluence [HIS PHYSICAL OR MENTAL CONDITION IS SUBSTANTIALLY IMPAIRED AS A
16 RESULT OF THE INTRODUCTION] of an intoxicating liquor or drug [INTO HIS
17 BODY];

18 * Sec. 22. AS 11.61.210 is amended by adding a new subsection to read:

19 (c) For purposes of (a)(1) of this section, a person is under the
20 influence of an intoxicating liquor or drug when, as a result of the
21 introduction of an intoxicating liquor or drug into his body, his physi-
22 cal or mental abilities are impaired so that he no longer has the ability
23 to possess a firearm with the caution characteristic of a sober person
24 of ordinary prudence under the same or similar circumstances.

25 * Sec. 23. AS 11.61.220(b)(1) is amended to read:

26 (1) in his dwelling or on land owned or leased by him [PRO-
27 PERTY] appurtenant to his dwelling; or

28 * Sec. 24. AS 11.81.300 is repealed and re-enacted to read:

29 Sec. 11.81.300. JUSTIFICATION; DEFENSE. Except as otherwise

1 specified in this title, justification as provided in AS 11.81.320 -
2 11.81.430 is a defense.

3 * Sec. ²⁶~~25~~. AS 11.81.400 is amended by adding new subsections to read:

4 (c) The exception in (a)(2) of this section is an affirmative
5 defense to a prosecution for an offense arising out of the use of force
6 in resisting an arrest under the circumstances specified.

7 (d) In this section, "unlawful" means that there was no probable
8 cause to arrest. The issue whether there was probable cause to arrest,
9 when an affirmative defense is raised under (c) of this section, is a
10 question of law to be established by the court sitting without a jury.

11 * Sec. ²⁷~~28~~. AS 11.81.600(b) is repealed and re-enacted to read:

12 (b) A person is not guilty of an offense unless he acts with a
13 culpable mental state, except that no culpable mental state must be
14 proved

15 (1) if the description of the offense does not specify a cul-
16 pable mental state and the offense is

17 (A) a violation; or

18 (B) designated as one of "strict liability"; or

19 (2) if a legislative intent to dispense with the culpable
20 mental state requirement is present.

21 * Sec. ~~28~~. AS 11.81.620(b) is amended to read:

22 (b) A person is not relieved of criminal liability for conduct
23 because he engages in the conduct under a mistaken belief of fact,
24 unless

25 (1) the factual mistake is a reasonable one that negates the
26 culpable mental state required for the commission of the offense;

27 (2) the provision of law defining the offense or a related
28 provision of law expressly provides that the factual mistake constitutes
29 a defense or exemption; or

→ * Sec. 33. AS 12.25.030(b) is amended to read:

(b) In addition to the authority granted under (a) of this section, a peace officer without a warrant may arrest a person when he has reasonable cause for believing that the person has committed assault in the third degree under AS 11.41.230(a)(1) against a member of the person's household.

→ Fourth

(3) the factual mistake is a reasonable one [OF A KIND] that supports a defense of justification as provided in AS 11.81.320 - 11.81.430.

* Sec. ~~28~~²⁹. AS 11.81.900(b)(11) is amended to read:

(11) "dangerous instrument" means any deadly weapon or anything which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury [, "DANGEROUS INSTRUMENT" INCLUDES "DEADLY WEAPON"];

* Sec. ~~29~~³⁰. AS 11.81.900(b)(12) is amended to read:

(12) "deadly force" means force which the person uses with the intent of causing, or uses under circumstances which he knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

* Sec. ~~30~~³¹. AS 11.81.900(b)(21) is repealed and re-enacted to read:

(21) "firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

* Sec. ~~31~~³². AS 11.81.900(b)(49) is amended to read:

(49) "serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a body member or [BODILY] organ, or physical injury which unlawfully terminates a pregnancy;

* Sec. ~~32~~³³. AS 12.25.180 is amended to read:

Sec. 12.25.180. WHEN PEACE OFFICER HAS OPTION TO TAKE PERSON

1 BEFORE JUDGE OR MAGISTRATE. (a) When a person is stopped or contacted
2 by a peace officer for the commission of a misdemeanor [OR AN INFRAC-
3 TION] or the violation of a municipal ordinance, he may, in the discre-
4 tion of the contacting peace officer, be issued a citation instead of
5 being taken before a judge or magistrate under AS 12.25.150, unless

6 (1) the person does not furnish satisfactory evidence of
7 identity;

8 (2) the contacting officer has reasonable and probable cause
9 to believe the person is a danger to himself or others;

10 (3) the crime for which the person is contacted is one invol-
11 ving violence or harm to another person or to property; or

12 (4) the person asks to be taken before a judge or magistrate
13 under AS 12.25.150.

14 (b) When a person is stopped or contacted by a peace officer
15 for the commission of an infraction or a violation, he shall be issued
16 a citation instead of being taken before a judge or magistrate under
17 AS 12.25.150, unless

18 (1) the person does not furnish satisfactory evidence of
19 identity; or

20 (2) the person refuses to accept the citation or to give his
21 written promise to appear as provided for under AS 12.25.190(c).

22 * Sec. 37. AS 12.30 is amended by adding a new section to read:

23 Sec. 12.30.025. RELEASE BEFORE TRIAL IN CASES INVOLVING DOMESTIC
24 VIOLENCE. (a) In determining the conditions of release under AS 12.30.-
25 020 in cases involving domestic violence, the court shall consider the
26 following conditions and impose one or more conditions it considers
27 reasonably necessary to protect the alleged victim of the domestic
28 violence, including ordering the defendant

29 (1) not to subject the victim to further domestic violence;

1 (2) to vacate the home of the victim;
2 (3) not to contact the victim other than through counsel;
3 (4) to engage in personal or family counseling;
4 (5) to refrain from the consumption of alcohol or the use of
5 drugs.

6 (b) As used in this section, "domestic violence" means a crime
7 specified in AS 11.41 committed against a spouse, a former spouse, or a
8 member of the social unit comprised of those living together in the same
9 dwelling as the defendant.

10 * Sec. 35. AS 12.30.040(b) is amended to read:

11 (b) Notwithstanding the provisions of (a) of this section, if the
12 offense a person has been convicted of is murder in the first degree,
13 robbery in the first degree, kidnapping, or sexual assault in the first
14 degree under AS 11.41.410(a)(1) [FIRST DEGREE MURDER, ARMED ROBBERY, KID-
15 NAPPING, OR RAPE (AS DEFINED IN AS 11.15.130)], he may not be released on
16 bail either before sentencing or pending appeal.

17 * Sec. 36. AS 12.55.015(b)(3) is amended to read:

18 (3) sentences [A SENTENCE] of lesser severity have been re-
19 peatedly [HAS BEEN] imposed for substantially similar offenses in the
20 past and have proven ineffective in deterring the defendant from further
21 criminal conduct.

22 * Sec. 37. AS 12.55.045(b) is amended to read:

23 (b) [BEFORE THE COURT MAY SENTENCE A DEFENDANT TO A PROGRAM OF
24 RESTITUTION, THE VICTIM MUST BE GIVEN NOTICE THAT RESTITUTION MAY BE
25 ORDERED.] An order of restitution under this section does not limit any
26 civil liability of the defendant arising from his conduct.

27 * Sec. 38. AS 12.55.155(c)(8) is amended to read:

28 (8) the defendant has a criminal history consisting of prior
29 convictions for offenses, including misdemeanors, that involved aggra-

1 vrred or repeated instances of assaultive behavior [ONE OR MORE CONVIC-
2 TIONS FOR MISDEMEANORS HAVING ASSAULT AS A NECESSARY ELEMENT];

3 * Sec. 39. AS 12.55.155(c) is amended by adding new paragraphs to read:

4 (15) tne defendant has three or more prior felony convictions;

5 (16) the defendant's criminal conduct was designed to obtain
6 substantial pecuniary gain and the risk of prosecution and punishment
7 for the conduct is slight;

8 (17) the offense was one of a continuing series of criminal
9 offenses committed in furtherance of illegal business activities from
10 which the defendant derives a major portion of his income;

11 (18) the offense was a crime specified in AS 11.41 and was
12 committed against a spouse, a former spouse, or a member of the social
13 unit comprised of those living together in the same dwelling as the
14 defendant.

15 * Sec. 40. AS 12.55.155(d) is amended by adding a new paragraph to read:

16 (13) the facts surrounding the commission of the offense and
17 any previous offenses by the defendant establish that the harm caused by
18 the defendant's conduct is consistently minor and inconsistent with the
19 imposition of a substantial period of imprisonment.

20 * Sec. 41. AS 12.80 is amended by adding a new section to read:

21 Sec. 12.80.040. VIOLATIONS AND INFRACTIONS. Except as provided in
22 AS 11.81.900(b)(55) and AS 28.35.230(d), all laws of the state relating
23 to misdemeanors apply to violations and infractions, including the powers
24 of peace officers, the jurisdiction of courts and the periods for com-
25 mencing actions and for bringing a case to trial.

26 * Sec. 42. AS 28.35.135(a) is amended to read:

27 (a) No person may knowingly make a false affidavit, statement, or
28 representation, or affirm falsely with respect to a matter or fact
29 required to be set out under this title, nor may the person use a name

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other than his true name. A person convicted of violating this section is guilty of unsworn falsification [PERJURY] and is punishable as prescribed by law.

* Sec. 43. AS 11.41.115(d) and AS 11.81.610(a) are repealed.

* Sec. 44. This Act takes effect immediately in accordance with AS 01.10.

070(c).

Insert "A"

Fourth

FOURTH

Sec. 11.41.230. ASSAULT IN THE [THIRD] DEGREE. (a) A person commits the crime of assault in the [third] degree if

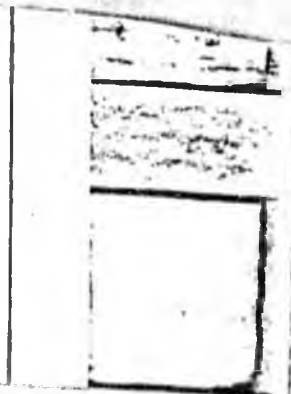
(1) he [intentionally or] recklessly causes physical injury to another person;

(2) with criminal negligence he causes physical injury to another person by means of a dangerous instrument; or

(3) by words or other conduct he intentionally places another person in fear of imminent physical injury.

(b) Assault in the [third] degree is a class A misdemeanor.

Fourth



SB

514

(9)

COMMITTEE REPORT

HOUSE

4/3/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had CSSB 514

"An Act amending the criminal provisions relating to cruelty to animals and establishing the crime of promoting and exhibition of fighting animals; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CSSB 514 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

P. O'Connell

Brickhill

Malcolm Anderson

Terry Hunter

Malone

Chairman

CHAIRMAN



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 14, 1980

Please provide the Committee with a CS for SB 514 in final version form that incorporates the Committee's intent as expressed in the attached mark-up.

Original sponsor: Resources Committee
by Request

Offered: 3/31/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 514

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL .

6

For an Act entitled: "An Act amending the criminal provisions relating to
7 cruelty to animals and establishing the crime of
8 promoting an exhibition of fighting animals; and
9 providing for an effective date."

10

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

11

* Section 1. AS 11.61.140 is repealed and re-enacted to read:

12

Sec. 11.61.140. CRUELTY TO ANIMALS. (a) A person commits the

13

crime of cruelty to animals if he intentionally inflicts severe and

14

prolonged physical pain or suffering on an animal; *OR (2) recklessly
neglects AN ANIMAL AND AS A RESULT OF THAT neglect CAUSES SEVERE PAIN OR*

15

(b) It is a defense to a prosecution under this section that the
suffering to AN animal.

16

conduct of the defendant

17

(1) conformed to accepted veterinary practice;

18

(2) was part of scientific research governed by accepted

19

standards; or

20

(3) was necessarily incident to lawful hunting or trapping

21

activities.

22

(c) In this section, "animal" means a vertebrate living creature

23

not a human being, but does not include fish.

24

(d) Cruelty to animals is a class A misdemeanor.

25

* Sec. 2. AS 11.61 is amended by adding a new section to read:

26

Sec. 11.61.145. PROMOTING AN EXHIBITION OF FIGHTING ANIMALS. (a)

27

A person commits the crime of promoting an exhibition of fighting ani-
28 mals if he

29

(1) owns, possesses, keeps, or trains an animal with intent

1 that it be engaged in an exhibition of fighting animals;

2 (2) instigates, promotes or has a pecuniary interest in an
3 exhibition of fighting animals; or

4 (3) attends an exhibition of fighting animals.

5 (b) The animals, equipment, vehicles, money and other items used
6 by a person in a violation of (a)(1) or (2) of this section shall be
7 forfeited to the state if the person is convicted of an offense under
8 this section.

9 (c) In this section, "animal" means a vertebrate living creature
10 not a human being, but does not include fish.

11 (d) Promoting an exhibition of fighting animals

12 (1) under (a)(1) or (2) of this section is a class C felony;

13 (2) under (a)(3) of this section is a violation for the first
14 offense and a class B misdemeanor for the second and each subsequent
15 offense.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

*Proof read
by Birch
& Veady
to go*

THIS BILL RESOLUTION CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 5-14-80

DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811

March 18, 1980

The Honorable Robert H. Ziegler, Sr.
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: SB 514

Dear Senator Ziegler:

At a recent hearing before the Senate Judiciary Committee you requested the Department of Law to draft a proposed committee substitute for SB 514, an act amending the penalty provisions for cruelty to animals.

To address the committee's concerns, it was necessary to separate the conduct of cruelty to animals from the conduct of promoting an exhibition of fighting animals. Two separate crimes therefore appear in the enclosed proposed committee substitute. The proposed committee substitute makes the following two changes regarding the penalty structure of the bill:

1. The penalty for Promoting an Exhibition of Fighting Animals is made a class C felony. This differs from the current classification of this conduct as a class A misdemeanor and the classification in the original version of the bill as a class B felony.
2. While a person who attends an exhibition of fighting animals is guilty of the offense of Promoting an Exhibition of Fighting Animals, the penalty for this conduct is a violation, punishable by a maximum \$300 fine for the first offense and a class B misdemeanor for second and subsequent offenses. This penalty structure differs from the current

classification of the conduct as a class
A misdemeanor and the original version of
the bill which classified the conduct as
a class B felony.

In addition to these two changes, a separate provision
has been added to AS 11.61.145 which authorizes forfeiture
of items that are used to facilitate the crime of Promoting
an Exhibition of Fighting Animals. This provision was added
pursuant to a requested by the Department of Public Safety
that was forwarded to your committee.

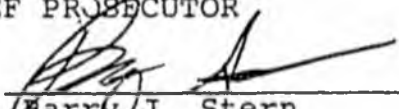
If we can be of further assistance to you on this
matter, please let us know at your earliest convenience.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By:


Barry J. Stern

Assistant Attorney General

BJS:gm

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Public Safety	SPONSOR (PRINCIPAL) Sen. Sumner	BILL NO. SB 514
DEPARTMENT POSITION Support		
DIVISION DIRECTOR Col. Fred Woldstad	DATE 3/11/80	COMMISSIONER William R. Nix
		DATE 3/11/80
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED		
BY: _____ DATE: _____		
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
(3) PROGRAM EFFECTS OF BILL		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:
 In addition to the penalty provided, on conviction of an act defined in (a)(2) or (a)(3) of this section, there should be a forfeiture clause. "Upon conviction or upon judgement of the court having jurisdiction, dogs, equipment, vehicles, money, and paraphenalia used in or possessed for training, staging, or promoting cruelty to animals under (a)(2), (a)(3) of this section shall be forfeited to the State".

Original sponsor: Resources Committee
by Request

Offered: 3/31/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 514

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the criminal provisions relating to
7 cruelty to animals and establishing the crime of
8 promoting an exhibition of fighting animals; and
9 providing for an effective date."

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

11 * Section 1. AS 11.61.140 is repealed and re-enacted to read:

12 Sec. 11.61.140. CRUELTY TO ANIMALS. (a) A person commits the
13 crime of cruelty to animals if he intentionally inflicts severe and
14 prolonged physical pain or suffering on an animal, or 2.

15 (b) It is a defense to a prosecution under this section that the
16 conduct of the defendant

17 (1) conformed to accepted veterinary practice;

18 (2) was part of scientific research governed by accepted
19 standards; or

20 (3) was necessarily incident to lawful hunting or trapping
21 activities.

22 (c) In this section, "animal" means a vertebrate living creature
23 not a human being, but does not include fish.

24 (d) Cruelty to animals is a class A misdemeanor.

25 * Sec. 2. AS 11.61 is amended by adding a new section to read:

26 Sec. 11.61.145. PROMOTING AN EXHIBITION OF FIGHTING ANIMALS. (a)
27 A person commits the crime of promoting an exhibition of fighting ani-
28 mals if he

29 (1) owns, possesses, keeps, or trains an animal with intent

*on 2/1/80
repealed
and result
severe
suffering
on an animal*

1 that it be engaged in an exhibition of fighting animals;

2 (2) instigates, promotes or has a pecuniary interest in an
3 exhibition of fighting animals; or

4 (3) attends an exhibition of fighting animals.

5 (b) The animals, equipment, vehicles, money and other items used
6 by a person in a violation of (a)(1) or (2) of this section shall be
7 forfeited to the state if the person is convicted of an offense under
8 this section.

9 (c) In this section, "animal" means a vertebrate living creature
10 not a human being, but does not include fish.

11 (d) Promoting an exhibition of fighting animals

12 (1) under (a)(1) or (2) of this section is a class C felony;

13 (2) under (a)(3) of this section is a violation for the first
14 offense and a class B misdemeanor for the second and each subsequent
15 offense.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 24, 1980

SUBJECT: CSSB 514, relating to cruelty to animals
and defining the crime of promoting fighting
animals

TO: Senator Robert H. Ziegler, Sr.
Chairman, Senate Judiciary Committee
Attn: Guy Van Doren, A.A.

FROM: John B. Chenoweth
Legislative Counsel

I would like to eliminate the two references to "except as authorized by law" at lines 12 and 27 of page 1. While the phrase appears in current law, the criminal code revision commentary does not indicate the exceptions the phrase was intended to cover, and I cannot think of any, either. If there are applicable exceptions, the bill would be better drafted if those could be specifically cited as references, if necessary, rather than providing indefinite exceptions as in the present statute and as proposed in this draft.

As our conversation concluded, Guy, the forfeiture of animals and property clause, AS 11.61.145(b) is limited to post-conviction situations.

JBC:ljb

Enclosure

CRUELTY TO ANIMALS

NEW CRIMINAL CODE

Sec. 11.61.140. CRUELTY TO ANIMALS. (a) A person commits the crime of cruelty to animals if, except as authorized by law, he

(1) intentionally inflicts severe and prolonged physical pain or suffering on an animal;

(2) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals; or

(3) instigates, promotes, attends or has a pecuniary interest in an exhibition of fighting animals.

(b) It is a defense to a prosecution under this section that the conduct of the defendant

(1) conformed to accepted veterinary practice;

(2) was part of scientific research governed by accepted standards; or

(3) was necessarily incident to lawful hunting or trapping activities.

(c) As used in this section, "animal" means a vertebrate living creature not a human being, but does not include fish.

(d) Cruelty to animals is a class A misdemeanor.

PRIOR CRIMINAL CODE

Sec. 11.40.480. CRUELTY TO ANIMALS. A person who cruelly beats or tortures or otherwise maltreats or neglects

an animal, whether it belongs to himself or to another, upon conviction, is punishable by imprisonment in a jail for not less than 10 days nor more than 30 days, or by a fine of not less than \$5 nor more than \$50.

See also former AS 11.40.490, Penalties for cruelty to domestic animals; AS 11.40.500, Abandoning disabled animals to die; AS 11.40.510, Use of live birds as targets; AS 11.40.520, Fighting or baiting animals or creatures and related offenses; AS 11.40.530, Maintaining kennel or pet shop in unsanitary or inhumane manner.

COMMENTARY

From Senate Journal, 98-99:

The Code classifies as an A misdemeanor the intentional infliction of "severe and prolonged physical pain or suffering on an animal." "Animal" is defined in subsection (c) to exclude human beings, fish and nonvertebrates. If the animal is simply killed without the consent of the owner and without the defendant inflicting severe pain, the conduct will constitute criminal mischief under AS 11.46.482-486.

Subsection (b) provides that it is a defense that the conduct conformed to accepted veterinary practice or was part of scientific research governed by accepted standards. The additional granting of the defense when the conduct is necessarily incident to lawful hunting or trapping activities avoids unnecessary overlap and potential conflict with rules and regulations established by the Board of Fish and Game.

Subsections (a)(2) & (3) substantially restate existing AS 11.40.520. Under subsection (3), as under existing law, persons who attend exhibitions of fighting animals are held to be equally culpable as persons who organize such conduct.

See also TD V, 90-91.

CROSS REFERENCES

Definition of "law", "defense", "possess" -
AS 11.81.900(b)

Definition of "intentionally" - AS 11.81.900(a)



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

March 26, 1980

To All Members of the
Senate Judiciary Committee

Gentlemen:

Guy or Landa will be attending to the bicycling of the committee substitute for SB 514, relating to cruelty to animals, etc. You will note that I have signed "Dc Pass" and I will conform the committee report to your several recommendations.

A brief explanation:

Section 1 provides that if you are cruel to animals and are convicted of that crime, you have committed a Class A misdemeanor (maximums, \$5,000 and one year).

Section 2 is a little bit more complex. If you keep a beast with the intent that it will one day fight, if you hustle, for financial reasons, an exhibition of "fighters", or if you attend such an exhibition, for the first two propositions a conviction is a Class C felony (maximums, \$50,000 and five years). For the third proposition (attending), the first trip is a violation (maximum, \$300), but any subsequent conviction would be a Class B misdemeanor (maximums, \$1,000 and ninety days).

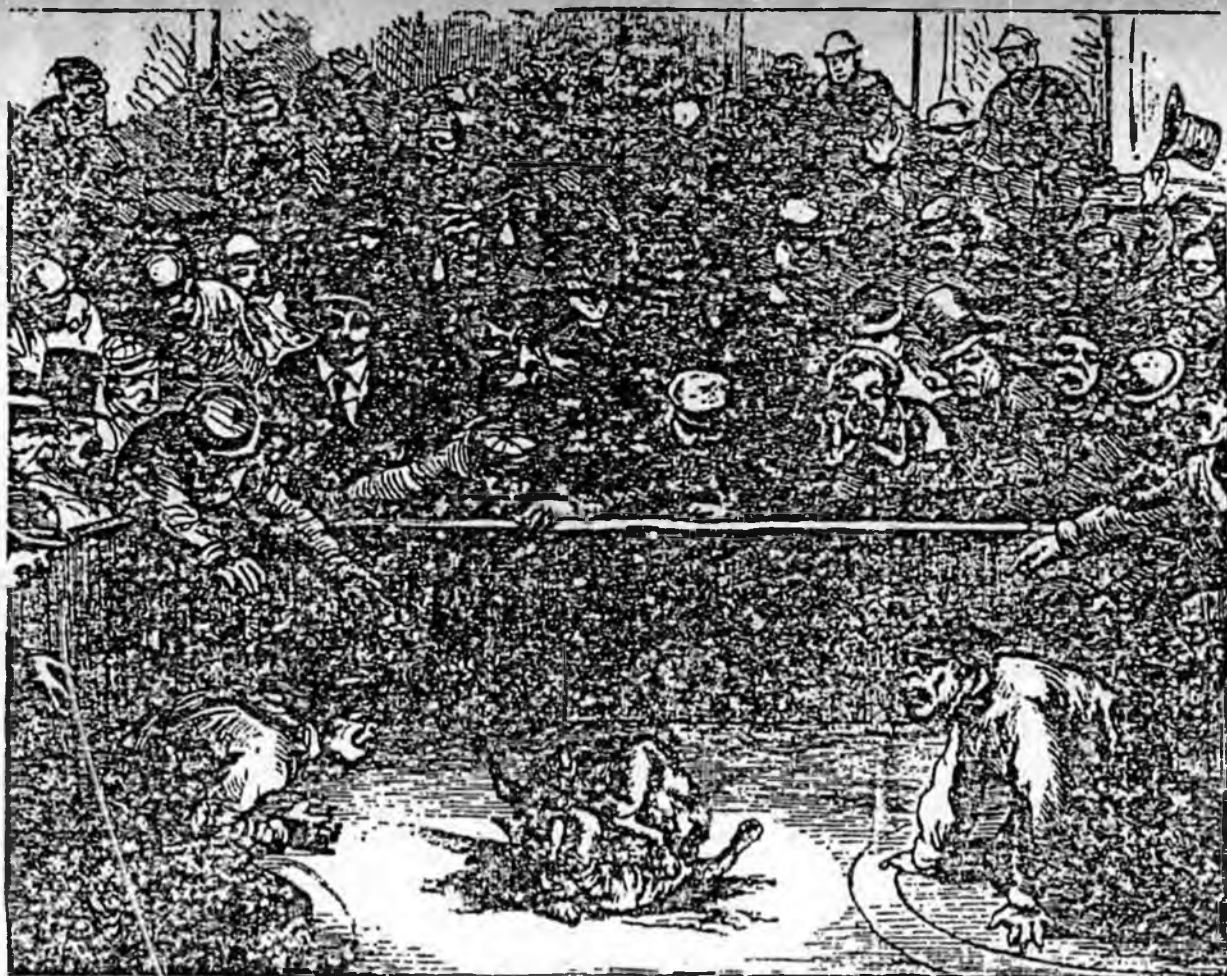
In addition, when the offense involves violation of .145 (1) (a) or (b) everything involved in the production shall be forfeited to the state.

It is still a tough bill, but one which makes more sense than the original.

I will carry the bill.

RHZ:lk

3 -



This drawing appeared in the Jan. 5, 1869 issue of the periodical, "Our Dumb Animals." Dogfighting has become a major gambling activity in Alaska in the last year.

*****SPECIAL BULLETIN*****

Take A Stand Against Dog-Fighting!!!

The Alaska SPCA has had reports of dog-fighting and its attendant high stake gambling for over three years. Please join in our efforts to bring a stop to this barbaric, blood-thirsty cruelty--called "sport" by those who participate.

The Alaska SPCA has sent packets to all Alaska Legislators containing information on dog-fighting and petitions signed by many residents requesting that dog-fighting be made a felony offense.

WATCH Channel 11, Monday, March 17, 9:00 PM

The Lou Grant Show will expose the brutal and illegal business of dog-fighting. We strongly urge you to watch this television program--then write to your legislators and Governor Hammond and make your feelings known!! (Pouch V, Juneau, Alaska 99811)

Alaska SPCA State Headquarters: 279-9853

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
----------------------------	-----------------------------	----------------------------

"A" Felony	0-20 3-[6]*-20	5-[10]-20	7 1/2-[15]-20
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000
 A, B, or C Felony - \$50,000
 A misdemeanor - \$ 5,000
 B misdemeanor - \$ 1,000
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or
 3 X pecuniary gain
 - whichever is greater

2-1

KEY

Number in bracket is presumptive sentence.
 Number to left is lowest mitigated sentence. Number to right is highest aggravated sentence.

* Six year presumptive term applies if first A felony conviction, other than manslaughter, and defendant used or possessed a firearm during the offense or caused serious physical injury.

MAXIMUM TERMS OF IMPRISONMENT FOR MISDEMEANORS

A misdemeanor - 1 year
 B misdemeanor - 90 days

CLASSIFICATION OF OFFENSES IN REVISED CRIMINAL CODE

UNCLASSIFIED FELONIES

Murder in the First Degree

AS 11.41.100

20-99 years

Murder in the Second Degree

AS 11.41.110

5-99 years

Kidnapping

AS 11.41.300

5-99 years

CLASSIFIED FELONIES

2-2

A	B	C
Attempted Murder or Kidnapping AS 11.31.100(d)(1)	Attempted A felony: AS 11.31.100(d)(2)	Attempted B felony AS 11.31.100(d)(3)
Solicitation of Murder or Kidnapping AS 11.31.110(c)(1)	Solicitation of A felony AS 11.31.110(c)(2)	Solicitation of B felony AS 11.31.110(c)(3)
Manslaughter AS 11.41.120	Assault II AS 11.41.210	Criminally Negligent Homicide AS 11.41.130
Assault I AS 11.41.200	Sexual Assault II AS 11.41.420	Custodial Interference I AS 11.41.320
Sexual Assault I AS 11.41.410	Unlawful Exploitation of a Minor AS 11.41.455	Sexual Assault III AS 11.41.430

CLASSIFIED FELONIES

A	B	C
Robbery I AS 11.41.500	Robbery II AS 11.41.510	Sexual Abuse of a Minor AS 11.41.440
Arson I AS 11.46.400	Extortion AS 11.41.520	Incest AS 11.41.450
Escape I AS 11.56.300	Theft I AS 11.46.120	Coercion AS 11.41.530
Criminal Possession of Explosives with Intent to Commit Murder or Kidnapping AS 11.61.240(b)(1)	Issuing a Bad Check, \$25,000 or more AS 11.46.280(d)(1)	Theft II AS 11.46.130
	Burglary I AS 11.46.300	Concealment of Merchandise, \$500 or more AS 11.46.220(c)(1)
	Arson II AS 11.46.410	Removal of Identification Marks, \$500 or more AS 11.46.260(b)(1)
	Criminal Mischief I AS 11.46.480	Unlawful Possession (of Altered Property), \$500 or more AS 11.46.270(b)(1)
	Forgery I AS 11.46.500	Issuing a Bad Check, \$500 or more AS 11.46.280(d)(2)
	Scheme to Defraud AS 11.46.600	Fraudulent Use of a Credit Card, \$500 or more AS 11.46.285(b)(1)
	Defrauding Creditors, \$25,000 or more AS 11.46.730(c)(1)	

2-3

CLASSIFIED FELONIES

B

Bribery
AS 11.56.100

Receiving a Bribe
AS 11.56.110

Perjury
AS 11.56.200

Escape II
AS 11.56.310

Interference with
Official Proceedings
AS 11.56.510

Receiving a Bribe by a
Witness or Juror
AS 11.56.520

Criminal Possession of
Explosives with Intent
to Commit A felony
AS 11.61.240(b) (2)

Promoting Prostitution I
AS 11.66.110

C

Obtaining a Credit Card by
Fraudulent Means
AS 11.46.290(a) (1), (2)

Burglary II
AS 11.46.310

Criminal Mischief II
AS 11.46.482

Forgery II
AS 11.46.505

Criminal Possession of Forgery
Device
AS 11.46.520

Criminal Simulation \$500 or
more
AS 11.46.530(b) (1)

Offering a False Instrument
for Recording
AS 11.46.550

Falsifying Business Records
AS 11.46.630

Commercial Bribe Receiving
AS 11.46.660

Commercial Bribery
AS 11.46.670

S B

523

(9)

COMMITTEE REPORT

HOUSE

4/25/80

FURTHER:

Date: _____

Mr. Speaker: (Commerce referral waived 4/24/80)

The Committee on JUDICIARY has had CSSB 523am

"An Act relating to public utilities; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with, CS for CSSB 523am same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Q. ROBERTSON - D. P. ...
Terry Masten
John B. Anderson
Malone

T. Buchholtz No Rec.

[Signature]

CHAIRMAN

③

misc. Amend - see Fred

*passed & signed CS * need h.A. to make use e.s.*

Original sponsor: Rules Committee
by Request

Offered: 4/11/80
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 523 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utilities; and providing for
7 an effective date."

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

9 * Section 1. AS 42.20.030 is amended to read:

10 Sec. 42.20.030. [PUNISHMENT AND] CIVIL LIABILITY FOR DAMAGES TO
11 OR INTERFERENCE WITH A UTILITY LINE AND FOR TAKING UTILITY SERVICE
12 [INJURY TO, INTERFERENCE WITH, OR OBSTRUCTION OF TELEGRAPH, TELEPHONE,
13 ELECTRIC, OR GAS LINES]. A person is civily [GUILTY OF A MISDEMEANOR,
14 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY
15 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to
16 the utility [COMPANY OR PERSON] whose property is damaged [INJURED, OR
17 LINE OBSTRUCTED, OR CURRENT DIVERTED,] in a sum equal to three times the
18 amount of the actual damages sustained [,] and three times the value of
19 the service taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED
20 OR USED,] if he intentionally or in the exercise of gross negligence

21 (1) damages [WILFULLY AND MALICIOUSLY CUTS, BREAKS, OR THROWS
22 DOWN] a pole, tree, pipeline, or other object used in a utility line [OF
23 TELEGRAPH, TELEPHONE, GAS LINE, OR SYSTEM FOR THE TRANSMISSION OF LIGHT
24 OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

25 (2) damages [WILFULLY AND MALICIOUSLY BREAKS, DISPLACES, OR
26 INJURES] an insulator in use in the line [,] or damages or [WILFULLY AND
27 MALICIOUSLY CUTS, BREAKS, AND] removes from its insulator any wire used
28 in a utility line [FOR ANY OF THE PURPOSES SET FORTH IN (1) OF THIS
29 SECTION];

1 (3) damages [BY ANY INTERFERENCE WILFULLY AND MALICIOUSLY
2 DESTROYS] the insulation of the line [,] or interrupts the transmission
3 of the service [ELECTRIC CURRENT] through it [,] or damages [WILFULLY
4 AND MALICIOUSLY DESTROYS] the protective wrapping of a water, oil, or
5 gas pipeline;

6 (4) damages [WILFULLY AND MALICIOUSLY INJURES, MOLESTS, OR
7 DESTROYS] property or materials [APPERTAINING TO ANY OF THESE LINES OR]
8 belonging to a utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER
9 COMPANY, OR GAS COMPANY];

10 (5) [WILFULLY AND MALICIOUSLY] interferes with the use of a
11 utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER LINE OR GAS]
12 line, or obstructs or postpones the transmission of service over a uti-
13 lity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line [,] or procures or
14 advises damage [INJURY, INTERFERENCE, OR OBSTRUCTION] to any utility
15 [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT, POWER OR GAS] line;

16 (6) [WILFULLY AND MALICIOUSLY] interferes with or alters a
17 meter or other device for the measuring of service from a utility [CUR-
18 RENT, POWER, OR GAS]; or

19 (7) without the permission of the utility taken service from
20 the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES A
21 MESSAGE OR CURRENT] or taps a wire or line used for the transmission of
22 service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises this
23 to be done.

24 * Sec. 2. AS 42.20.030 is amended by adding a new subsection to read:

25 (b) A person is civilly liable to the utility whose property is
26 negligently damaged under (a)(1), (2), (3), or (4) of this section in a
27 sum equal to the amount of the damages sustained.

28 * Sec. 3. AS 42.20 is amended by adding a new section to read:

29 Sec. 42.20.031. JURISDICTION. The district court has jurisdiction

1 of civil actions filed under AS 42.20.030.

2 * Sec. 4. AS 42.20 is amended by adding new sections to read:

3 Sec. 42.20.032. PRESUMPTION FROM USE OF NONMEASURED UTILITY SER-
4 VICE. It is presumed that a person intended to deprive a utility of
5 compensation for service from the utility if

6 (1) the person possesses or has access to a utility service
7 metering device which is being used to meter utility service and has
8 been interfered with, avoided, or altered to inhibit or prevent the
9 accurate measurement of utility service without the permission of the
10 utility or the person has access to a utility line which has been tapped
11 without the permission of the utility; and

12 (2) the person enjoys the use or receives the economic bene-
13 fit of the unmetered utility service; provided, however, that privately
14 owned telecommunication "disks" are excepted if they are in compliance
15 with AS 42.20.30.

16 Sec. 42.20.034. DEFINITIONS. In AS 42.20.030 - 42.20.034

17 (1) "utility" means an enterprise, whether publicly or pri-
18 vately owned or operated, which provides gas, electric, steam, water,
19 sewer, or telecommunications service;

20 (2) "service" means a commodity, product, use, facility,
21 convenience or other form of service which is offered and provided by a
22 utility.

23 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 6, 1980

RE: Request for CS

Please provide the House Judiciary Committee with a CS for SB 523 that comports with the committee intent as expressed in the attached mark-up.

Original sponsor: Rules Committee
by Request

Offered: 4/11/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 523 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utilities; and providing for
7 an effective date."

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

9 * Section 1. AS 42.20.030 is amended to read:

10 Sec. 42.20.030. [PUNISHMENT AND] CIVIL LIABILITY FOR DAMAGES TO
11 OR INTERFERENCE WITH A UTILITY LINE AND FOR TAKING UTILITY SERVICE
12 [INJURY TO, INTERFERENCE WITH, OR OBSTRUCTION OF TELEGRAPH, TELEPHONE,
13 ELECTRIC, OR GAS LINES]. A person is civilly [GUILTY OF A MISDEMEANOR,
14 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY
15 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to
16 the utility [COMPANY OR PERSON] whose property is damaged [INJURED, OR
17 LINE OBSTRUCTED, OR CURRENT DIVERTED,] in a sum equal to three times the
18 amount of the actual damages sustained [,] and three times the value of
19 the service taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED
20 OR USED,] if he intentionally or in the exercise of gross negligence

21 (1) damages [WILFULLY AND MALICIOUSLY CUTS, BREAKS, OR THROWS
22 DOWN] a pole, tree, pipeline, or other object used in a utility line [OF
23 TELEGRAPH, TELEPHONE, GAS LINE, OR SYSTEM FOR THE TRANSMISSION OF LIGHT
24 OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

25 (2) damages [WILFULLY AND MALICIOUSLY BREAKS, DISPLACES, OR
26 INJURES] an insulator in use in the line [,] or damages or [WILFULLY AND
27 MALICIOUSLY CUTS, BREAKS, AND] removes from its insulator any wire used
28 in a utility line [FOR ANY OF THE PURPOSES SET FORTH IN (1) OF THIS
29 SECTION];

1 (3) damages [BY ANY INTERFERENCE WILFULLY AND MALICIOUSLY
2 DESTROYS] the insulation of the line [,] or interrupts the transmission
3 of the service [ELECTRIC CURRENT] through it [,] or damages [WILFULLY
4 AND MALICIOUSLY DESTROYS] the protective wrapping of a water, oil, or
5 gas pipeline;

6 (4) damages [WILFULLY AND MALICIOUSLY INJURES, MOLESTS, OR
7 DESTROYS] property or materials [APPERTAINING TO ANY OF THESE LINES OR]
8 belonging to a utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER
9 COMPANY, OR GAS COMPANY];

10 (5) [WILFULLY AND MALICIOUSLY] interferes with the use of a
11 utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER LINE OR GAS]
12 line, or obstructs or postpones the transmission of service over a uti-
13 lity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line; [,] ⁽⁶⁾ or procures or
14 advises damage [INJURY, INTERFERENCE, OR OBSTRUCTION] to any utility
15 [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT, POWER OR GAS] line;

16 (7) ~~(6)~~ [WILFULLY AND MALICIOUSLY] interferes with or alters a
17 meter or other device for the measuring of service from a utility [CUR-
18 RENT, POWER, OR GAS]; or

19 (8) ~~(7)~~ without the permission of the utility takes service from
20 the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES A
21 MESSAGE OR CURRENT] or taps a wire or line used for the transmission of
22 service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises this
23 to be done.

24 * Sec. 2. AS 42.20.030 is amended by adding a new subsection to read:

25 (b) A person is civilly liable to the utility whose property is
26 negligently damaged under (a)(1), (2), (3), or (4) ^{or (5)} of this section in a
27 sum equal to the amount of the damages sustained.

28 * Sec. 3. AS 42.20 is amended by adding a new section to read:

29 Sec. 42.20.031. JURISDICTION. The district court has jurisdiction

1 of civil actions filed under AS 42.20.030.

2 * Sec. 4. AS 42.20 is amended by adding new sections to read:

3 Sec. 42.20.032. PRESUMPTION FROM USE OF NONMETERED UTILITY SER-
4 VICE. It is presumed that a person intended to deprive a utility of
5 compensation for service from the utility if

6 (1) the person possesses or has access to a utility service
7 metering device which is being used to meter utility service and has
8 been interfered with, avoided, or altered to inhibit or prevent the
9 accurate measurement of utility service without the permission of the
10 utility or the person has access to a utility line which has been tapped
11 without the permission of the utility; and

12 (2) the person enjoys the use or receives the economic bene-
13 fit of the unmetered utility service; ~~provided, however, that privately~~
14 ~~owned telecommunication "disks" are excepted if they are in compliance~~
15 ~~with AS 42.20.30.~~] *delete*

16 Sec. 42.20.034. DEFINITIONS. In AS 42.20.030 - 42.20.034

17 (1) "utility" means an enterprise, whether publicly or pri-
18 vately owned or operated, which provides gas, electric, steam, water,
19 sewer, or telecommunications service;

20 (2) "service" means a commodity, product, use, facility,
21 convenience or other form of service which is offered and provided by a
22 utility.

23 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).

SB

548

COMMITTEE REPORT

SENATE

FURTHER: None

4/7/80

Date: 4/15/80

Mr. President:

The Committee on JUDICIARY has had SB 548
processing of permits by state agencies

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 548 same title
 new title
- and recommends CS 548 Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
 CHAIRMAN



Alaska State Legislature
House

JUNEAU ALASKA

TO: Legislative Affairs Agency
FROM: Margaret W. Berck, Staff, House Judiciary Committee
DATE: May 31, 1980

Please prepare a House Judiciary Committee CS in final version form for CS for SB 548 that incorporates the Committee's intent as expressed in the attached Committee mark-up.

Should you have any questions please contact me. Thank you.

Original Sponsor: Rules/Administrative
Regulation Review Committee

1 IN THE SENATE

House
BY THE JUDICIARY COMMITTEE

2 *HCS for* CS FOR SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the processing of permits by state
7 agencies; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the orderly development of state resources is being unneces-
11 sarily delayed by the length of time required to obtain permits from state
12 agencies, by the complexity of the permitting process, and by the number of
13 agencies involved in the permitting process;

14 (2) the uncertainties created by the lack of specific time limits;
15 the proliferation of agency reviews, the number of agencies involved in the
16 permit process, and unjustified agency requirements upon the processing of
17 permit applications have cost Alaskans millions of dollars in lost employ-
18 ment and higher prices;

19 (3) the public interest has not been advanced by protracted
20 delay in the processing of permit applications by state agencies;

21 (4) by reducing the number of agencies and agencies' reviews
22 involved in the permit process, and by requiring state agencies to process
23 permit applications in an expeditious manner, the social, economic, and
24 environmental health and well-being of Alaska citizens will be promoted;
25 and

26 (5) there are many administrative orders and similar documents
27 which have been promulgated by the executive branch relating to interagency
28 review which conflict and overlap, retarding the permit issuing process.

29 * Sec. 2. AS 44.62 is amended by adding new sections to read:

ARTICLE 8A. PERMIT PROCESSING.

1
2 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) No later than August
3 1, 1980, each state agency which issues permits shall publish notice
4 of proposed regulations which would classify each of the permits
5 issued by that agency within one of the three following categories:.

6 (1) Class I permits, which include all permits not covered
7 by (2)-(3) of this subsection, and for which the agency must issue
8 a final, pre-adjudicatory decision within 30 days after receipt of
9 a completed application;

10 (2) Class II permits, for which, because of a specifically
11 required public notice, public hearing, or interagency review period,
12 a final, pre-adjudicatory decision cannot be issued until 65 days
13 after receipt of a completed application; and

14 (3) Class III permits, which, because of their unique
15 complexity or other compelling reason, cannot receive a final pre-ad-
16 judicatory decision until 90 days after receipt of a completed appli-
17 cation.

18 (b) Final agency regulations classifying the permits shall be
19 adopted no later than October 1, 1980, after which permits must be
20 issued in accordance with the time periods specified in (a) of this
21 section. Regulations issued under this section may be revised.

22 (c) Draft and final environmental impact statements are consider-
23 ed separate permits for the purposes of (a) of this section. (Not-
24 withstanding AS 44.62.^{632(a)(3)}~~633(3)~~, the failure of an agency to make timely
25 comments on a permit application before another agency does not
26 preclude the agency from making timely comments in response to a
27 change in the permit or impact statement.

28 Sec. 44.62.633. REGULATORY REQUIREMENTS. (a) Each agency
29 required by AS 44.62.632 to adopt regulations classifying its permits

1 shall also adopt regulations establishing uniform deadlines for in-
2 teragency consultation, public notice, and public hearing.

3 (b) The applicant and each permit-issuing ~~the~~ agency may agree
4 to waive any time limit required by the classification of the appli-
5 cable permit.

6 (c) Upon a finding (subject to judicial review) by the head of
7 a permit-issuing agency that the specific Class II or III permit being
8 considered by the agency is so complex that even with due diligence by
9 the agency the permit cannot receive a final, pre-adjudicatory decision
10 within the time period specified in AS 44.62.632(a)(2)-(3), the head
11 of the agency may prescribe a time period within which the final, pre-
12 adjudicatory decision will be made.

13 (d) Subject to (b) and (c) of this section, failure of the agency
14 to make a final, pre-adjudicatory decision within 30 days after receipt
15 of a completed application for a Class I permit, 65 days for a Class
16 II permit, or 90 days for a Class III permit, constitutes approval of
17 the application.

18 (e) The final decision on a Class II or III permit application,
19 other than a comment on a pending permit application before another
20 agency, must include the following information:

21 (1) the name and address of the state agency, and the
22 division of the agency, if any, issuing the final decision;

23 (2) the name of the state employee or employees responsible
24 for issuing the final decision;

25 (3) the name and address of the applicant or applicants;

26 (4) citation of the statute which requires the issuance of
27 the permit and empowers the agency to process the application;

28 (5) a general statement concerning the nature of the project
29 for which the permit is sought;

1 (6) findings made by the agency concerning the project's
2 compliance with the statutes and regulations of the permitting agency;

3 (7) conclusions of the agency which support its decision
4 concerning the permit application, including justification of any con-
5 ditions or stipulations to which the permit is subject; and

6 (8) the final decision on the permit application by the
7 agency.

8 Sec. 44.62.634. DEFECTIVE APPLICATIONS; NOTICE TO APPLICANT.

9 (a) If an agency receives a permit application requesting a permit
10 which the agency believes it does not have authority to issue, or
11 which it believes is unnecessary, it shall notify the applicant within
12 10 days after its receipt of the application. A notice given under
13 this subsection is the final agency decision.

14 (b) If an agency receives a permit application which it believes
15 is not a completed application because it does not contain sufficient
16 information concerning the location or nature of the project to allow
17 the agency to determine compliance of the project with state law, it
18 shall notify the applicant within 10 days after its receipt of the
19 application. The notice must specify all information which the agency
20 requires to determine compliance of the project with state law.

21 * Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

22 (c) As used in AS 44.62.632-44.62.634:

23 (1) "date of receipt" means the date on which an agency
24 actually receives an application requesting issuance of a permit;

25 (2) "final decision" means that decision of an agency
26 arising out of an adjudicatory decision or mandatory administrative
27 appeal or the pre-adjudicatory or appeal decision if an adjudicatory
28 hearing or appeal is not timely requested;

29 (3) "final, pre-adjudicatory decision" means that decision

1 of an agency, or recommendation of its staff, which would form the
2 basis for a timely request for an adjudicatory hearing, or mandatory
3 administrative appeal, and which would become the agency's final
4 decision if an adjudicatory hearing or mandatory administrative appeal
5 is not timely requested; and

6 (4) "permit" means a permit, license, certification, con-
7 sistency determination, comments on pending permit applications before
8 other governmental entities (including environmental impact statement
9 comments), plan review, or other authorization or approval issued as
10 a written document which is required to be obtained or is solicited
11 from a state agency before the construction or operation of a project;
12 the term does not include conveyances of interests in state land or
13 water, but does include all authorizations and approvals, whether
14 proprietary or regulatory, necessary to undertake a project under a
15 previously conveyed property interest; the term also does not include
16 the provision of financial assistance;

17 (5) "permit application" includes the following documents:

18 (A) a document requesting the issuance of a permit
19 containing sufficient information concerning the location and nature
20 of a project to allow the state agency to which it is directed to
21 determine compliance of the project with state law; and

22 (B) a document, submitted to a state agency by a
23 governmental entity, which solicits comments in connection with a
24 permit being processed by that governmental entity;

25 (6) "project" means a new activity or expansion or addition
26 to an existing activity for which permits are required before construc-
27 tion or operation; the term does not include pursuing a trade or pro-
28 fession, providing a regulated public or health service, or operating
29 a financial institution;

(7) "state agency" means a state department, commission, board or other agency of the state; the term also includes local or regional air pollution control authorities, established under AS 46.-03.210, and coastal resource districts and coastal resource service boards established under AS 46.40.010 - 46.40.210;

* Sec. 4. PERMIT REFORM COMMISSION. (a) There is established the Permit Reform Commission, composed of the following members:

(1) the lieutenant governor who shall chair the commission;

(2) one representative each of the oil, timber, fishing, mining, and construction industries, appointed by the governor under (b) of this section;

(3) one representative of small business in Alaska appointed by the governor under (b) of this section;

(4) one representative of an Alaska Native corporation appointed by the governor under (b) of this section;

(5) one representative of a major Alaska environmental organization appointed by the governor under (b) of this section;

(6) ~~the director of the division of policy development and planning, and~~ ONE representative of the ALASKA MUNICIPAL League appointed by the governor under (b) of this section; and

(7) the attorney general and the commissioners of the Departments of Natural Resources, Environmental Conservation, Fish and Game, and Commerce and Economic Development.

(b) Appointments made by the governor under (a) of this section shall be made with due consideration to the availability and willingness of an appointee to devote the time and effort necessary to permit the commission to function effectively. The governor ~~shall~~ ^{MAY} solicit ~~three~~ nominations from each represented industry, the Alaska Chapter of the National Federation of Independent Businessmen or the Alaska Chamber of Commerce, ^{regional corporations established under} the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.), and environmental groups

[^]
the ALASKA MUNICIPAL League

WOMEN.

1 At least two members of the Commission shall be
2 within this state. ~~and shall appoint from among these nominations.~~ All
3 appointments shall be made, if possible, within 30 days after the effective
4 date of this Act, or after the effective date of any vacancy in the member-
5 ship of the commission.

6 (c) Persons to fill vacancies in office shall be appointed in the
7 manner provided in (b) of this section.

8 (d) Private members of the commission do not receive compensation
9 for their services, but are entitled to the same travel allowance and per
10 diem as state officials and employees.

11 (e) The Department of Law shall provide necessary staff assistance
12 to the commission. However, the commission, with the approval of the
13 attorney general, may retain additional legal counsel.

14 (f) Two-thirds of the membership of the commission constitutes a
15 quorum.

16 (g) A public official appointed under (a) of this section may appoint
17 a designee to perform the duties of that official under this Act.

18 * Sec. 5. POWERS AND DUTIES OF THE PERMIT REFORM COMMISSION.

19 (a) To redress the findings set out in sec. 1 of this Act, the commis-
20 sion:

21 (1) shall review all permit classifications made by state agencies
22 under sec. ²/₇ of this Act, and advise the agencies and the legislature, with
23 respect to each permit classification, whether the classification is appro-
24 priate;

25 (2) may administer oaths, certify to all official acts, and
26 issue subpoenas and other process to compel the attendance of witnesses and
27 the production of testimony, records, papers, accounts and documents in
28 an inquiry, investigation, hearing or proceeding before the commission in
29 any part of the state; the commission may petition the superior court to
enforce its subpoenas & other process; and

1 (3) not later than the 10th day of the 1st session of the 12th Legis-
2 iature, transmit to the presiding officer of each house a report and accom-
3 panying proposed legislation with respect to the following matters:

4 (A) recommended changes in the Administrative Procedure Act
5 (AS 44.62.320 - 44.62.550) which would:

6 (i) expedite the permit application process;
7 (ii) expedite the conclusion of adjudicatory proceedings;
8 (iii) make adjudicatory proceedings more equitable; and
9 (iv) enable the Administrative Procedure Act to be more
10 uniformly utilized by state agencies; and

11 (B) recommended changes in applicable laws which would:

12 (i) minimize number of state agencies commenting on permits;
13 and

14 (ii) reduce both the frequency of state agency review of
15 permits, and redundant reviews of the same project by the same agency.

16 (b) In preparing the report and legislative proposals, the commission
17 shall consider methods of eliminating duplication within the permitting
18 process, including duplication within:

19 (1) the consistency procedure required by the Alaska Coastal
20 Management Act (AS 46.40); and

21 (2) the federal Circular A-95 process as administered by the
22 division of policy development and planning. ~~include consideration of~~
23 ~~the lead agency concept in the Circular A-95 process.~~

24 ~~(c) The commission may do all things necessary to the exercise of its~~
25 ~~powers under this Act, whether or not specifically designated in this Act.~~

26 * Sec. 6. REVIEW BY PERMIT REFORM COMMISSION. At the same time that
27 it issues public notice of regulations under AS 44.62.632(a), a permit-
28 issuing agency shall submit the proposed regulations to the Permit Reform
29 Commission for its recommendations. To the extent feasible, the commission

1 shall respond to the proposed regulations during the public comment period
2 for the regulations. In those cases where the commission's recommendations
3 are not followed or are substantially modified, the agency shall provide a
4 detailed explanation for the deviation. Copies of the agency's detailed
5 explanation shall be forwarded by it to the resources committees of both
6 houses of the legislature.

Sec. 7 Insert see Attached.

7 * Sec. 8. TERMINATION OF COMMISSION. The Permit Reform Commission
8 terminates June 30, 1981.

9 * Sec. 9. EFFECTIVE DATE. This Act takes effect immediately in accor-
10 dance with AS 01.10.070(c).

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K—STATE CAPITOL
JUNEAU, ALASKA 99811

(907) 465-3600

May 14, 1980

The Honorable Charles H. Parr
Chairman, House Judiciary
Committee
Eleventh Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 548
Our file J-66-628-80

Dear Chairman Parr:

Attached is a proposed House Judiciary Committee Substitute for Senate Bill No. 548, "an Act relating to the processing of permits by state agencies; and providing for an effective date." It is the result of several days of negotiation between representatives of industries most affected by state permitting procedures and the administration. The proposed committee substitute is a compromise which everyone finds acceptable although not ideal.

Section 1 of the proposed committee substitute contains certain legislative findings demonstrating the need for such a bill. Basically, the findings indicate that the procedural process which must be followed is too complicated and lengthy, and that orderly development of resources in the state is being delayed unnecessarily as a result.

The remainder of the bill is directed toward solving the procedural problems. In that sense, the bill is not intended to be a substitute for or to impliedly repeal the substantive provisions of law which currently govern permits; its thrust is to reduce the procedural delay in the permitting process as it currently exists, and to create a vehicle for reviewing and suggesting changes to the state's overall approach to permitting.

Section 2 would add a new article, Permit Processing, to AS 44.62, the Administrative Procedure Act. The new provisions require each state agency with permitting authority to classify its permits into one of three classes depending on the length of time it takes the agency to make a final pre-adjudicatory decision on an application for those permits. These time frames could be waived by agreement between the agency and the applicant, and the head of the permitting agency, upon making a specific finding (subject to judicial review) regarding the complexity of a particular project, could establish a different time period for rendering a final pre-adjudicatory decision. If a final pre-adjudicatory decision is not rendered within the time frame specified, the application would be deemed automatically approved. Such automatic approval, of course, would still be subject to judicial review for substantive compliance with applicable laws governing the permit even though it was granted as a result of agency inaction. Agencies also would be required to adopt uniform deadlines for public notice, public hearing and inter-agency consultation, and would be required to include certain items in any final decision on an application for one of the more substantive permits (Classes II and III).

After substantial discussion and consideration of a variety of judicial review provisions, all parties agreed that it was more appropriate not to create a new, separate judicial review provision. Accordingly, judicial review would be governed by the existing provisions of the Administrative Procedure Act, particularly AS 44.62.560-570, the current Rules of Court, particularly Alaska Rule of Appellate Procedure 45(a)(2), and the various judicial doctrines which have developed under those provisions. See, e.g., Jager v. State, 537 P.2d 1100, 1107 (Alaska 1975). Again, this is an area where this bill would not change existing substantive law.

Section 4 of the proposed committee substitute would create the Permit Reform Commission. Composed of representatives of industry, the Native community, environmental groups, the executive branch, and chaired by the lieutenant governor, it would have two distinct missions. First, it would oversee the classification of permits by agencies under the provisions added to the Administrative Procedure Act. Where the commission disagreed with a

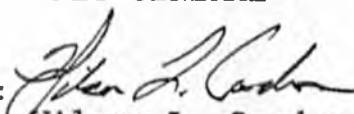
classification made by an agency, the agency would be required to submit to the resource committees of both houses of the Twelfth Alaska State Legislature, First Session, a detailed explanation of its reasons for deviating from the commission's recommendation. The commission's second task would be to recommend changes in the Administrative Procedure Act to facilitate the permitting process. While addressing the time frame issue in the proposed committee substitute, all parties recognized that there are other problem areas with the permitting process which cannot be solved by merely mandating action within a specified time frame. A comprehensive review of the whole process is needed to recommend substantive changes to streamline the system while retaining the necessary substance; the commission would accomplish this.

We have spoken with Senator Bennett, and he believes the approach set out in the proposed committee substitute is worth trying for a year. We believe it has the potential to benefit all interested parties in that it addresses certain concrete problems -- the timing of agency action -- immediately while also establishing a framework for a comprehensive review of the permitting process to recommend fundamental changes where appropriate.

We hope you will give favorable consideration to calendaring the proposed committee substitute before the House Judiciary Committee at an early date. If we can provide any further information, we will be happy to do so at your convenience.

Yours very truly,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Wilson L. Condon
Deputy Attorney General

WLC/lm
Attachment

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSR 548
 Title Processing of permits by state agencies
 Requested by House Judiciary Committee Date 5/14/80

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Executive Operations
 BRU, Program, or Subprogram(s) Affected Lieutenant Governor's Office
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		-				
200 TRAVEL		9.6				
300 CONTRACTUAL		-				
400 COMMODITIES		-				
500 EQUIPMENT		-				
600 LAND & STRUCTURES		-				
700 GRANTS, CLAIMS, ETC.		-				
TOTAL		9.6				

FUNDING (Thousands of Dollars)

GENERAL FUND		9.6				
FEDERAL FUNDS		-				
OTHER (Specify Fund Source)		-				

POSITIONS

FULL TIME		-				
PART TIME		-				
TEMPORARY		-				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

3 meetings of 2 days each.

10 of 15 members will require travel and per diem.

Per diem @ \$60.

Travel at \$200.

Total \$9,600.

IV. DATE 5/15/80 PREPARED BY Rod Mourant
 AGENCY Office of the Governor
 PHONE 465-3547

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SB 548

RESOLUTION NUMBER 16

Resolution of the Alaska Coastal Policy Council

WHEREAS, the Alaska Coastal Policy Council is charged with determining whether coastal resource district plans meet certain Guidelines and Standards, and;

WHEREAS, the Alaska Coastal Policy Council must recommend approval of coastal resource district plans to the Alaska State Legislature, and;

WHEREAS, the Alaska State Legislature is required to approve district plans by Concurrent Resolution, and;

WHEREAS, the Attorney General has ruled that the Coastal Policy Council, because of a recent court case, may have final approval of District Programs, and;

WHEREAS, the legislative intent of the Coastal Management Act was for legislative oversight on all additions, modifications or regulations affecting the Coastal Management Act.

NOW, THEREFORE, be it resolved by the Alaska Coastal Policy Council that:

Section 1. The Alaska Coastal Policy Council requests the 11th Alaska State Legislature amend 46:40.080 to read as follows:

Effective date of Alaska Coastal Management Program. The Alaska Coastal Management Program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon [adoption of a concurrent resolution] enactment by the legislature of a statutory amendment pursuant to this section approving the program or any addition, revision or amendment of the program. [by a majority of the members of each house of the legislature or by vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor.]

Section 2. This resolution takes effect immediately.

Annal E. Sherman Co-chairman

J. G. [Signature] Co-chairman

Dated this 30 day of May 1980

passed unanimously

Attest A. P. Knutson

SB 548

SC 18 947

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AS 46. 40. 080 is hereby amended to read as follows:

Effective date of Alaska Coastal Management Program. The Alaska Coastal Management Program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon [adoption of a concurrent resolution] enactment by the legislature of a statutory amendment pursuant to this section approving the program or any addition, revision or amendment of the program. [by a majority of the members of each house of the legislature or by vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor.]

Former said no problem with placement sunset clause - if voters pass const. amend. allowing leg. to approve by concurrent resolution.

amendment

SB 548

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However this AMENDMENT shall automatically be repealed if the ~~rest~~ voters Amend the Alaska Constitution permitting the annulment of regulations by concurrent resolution.

Insert amendment

(Note to drafter see CS for AJR 82 am.)

Original Sponsor: Rules/Administrative
Regulation Review Committee

1 IN THE SENATE

House
BY THE JUDICIARY COMMITTEE

2 HCS for CS FOR SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the processing of permits by state
7 agencies; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the orderly development of state resources is being unneces-
11 sarily delayed by the length of time required to obtain permits from state
12 agencies, by the complexity of the permitting process, and by the number of
13 agencies involved in the permitting process;

14 (2) the uncertainties created by the lack of specific time limits,
15 the proliferation of agency reviews, the number of agencies involved in the
16 permit process, and unjustified agency requirements upon the processing of
17 permit applications have cost Alaskans millions of dollars in lost employ-
18 ment and higher prices;

19 (3) the public interest has not been advanced by protracted
20 delay in the processing of permit applications by state agencies;

21 (4) by reducing the number of agencies and agencies' reviews
22 involved in the permit process, and by requiring state agencies to process
23 permit applications in an expeditious manner, the social, economic, and
24 environmental health and well-being of Alaska citizens will be promoted;
25 and

26 (5) there are many administrative orders and similar documents
27 which have been promulgated by the executive branch relating to interagency
28 review which conflict and overlap, retarding the permit issuing process.

29 * Sec. 2. AS 44.62 is amended by adding new sections to read:

ARTICLE 8A. PERMIT PROCESSING.

1
2 Sec. 44.62.632. PERMIT CLASSIFICATION. (a) No later than August
3 1, 1980, each state agency which issues permits shall publish notice
4 of proposed regulations which would classify each of the permits
5 issued by that agency within one of the three following categories:

6 (1) Class I permits, which include all permits not covered
7 by (2)-(3) of this subsection, and for which the agency must issue
8 a final, pre-adjudicatory decision within 30 days after receipt of
9 a completed application;

10 (2) Class II permits, for which, because of a specifically
11 required public notice, public hearing, or interagency review period,
12 a final, pre-adjudicatory decision cannot be issued until 65 days
13 after receipt of a completed application; and

14 (3) Class III permits, which, because of their unique
15 complexity or other compelling reason, cannot receive a final pre-ad-
16 judicatory decision until 90 days after receipt of a completed appli-
17 cation.

18 (b) Final agency regulations classifying the permits shall be
19 adopted no later than October 1, 1980, after which permits must be
20 issued in accordance with the time periods specified in (a) of this
21 section. Regulations issued under this section may be revised.

22 (c) Draft and final environmental impact statements are consider-
23 ed separate permits for the purposes of (a) of this section. Not-
24 withstanding AS 44.62.632 a(3), the failure of an agency to make timely
25 comments on a permit application before another agency does not
26 preclude the agency from making timely comments in response to a
27 change in the permit or impact statement.

28 Sec. 44.62.633. REGULATORY REQUIREMENTS. (a) Each agency
29 required by AS 44.62.632 to adopt regulations classifying its permits

1 shall also adopt regulations establishing uniform deadlines for in-
2 teragency consultation, public notice, and public hearing.

3 (b) The applicant and each permit-issuing ~~the~~ agency may agree
4 to waive any time limit required by the classification of the appli-
5 cable permit.

6 (c) Upon a finding (subject to judicial review) by the head of
7 a permit-issuing agency that the specific Class II or III permit being
8 considered by the agency is so complex that even with due diligence by
9 the agency the permit cannot receive a final, pre-adjudicatory decision
10 within the time period specified in AS 44.62.632(a)(2)-(3), the head
11 of the agency may prescribe a time period within which the final, pre-
12 adjudicatory decision will be made.

13 (d) Subject to (b) and (c) of this section, failure of the agency
14 to make a final, pre-adjudicatory decision within 30 days after receipt
15 of a completed application for a Class I permit, 65 days for a Class
16 II permit, or 90 days for a Class III permit, constitutes approval of
17 the application.

18 (e) The final decision on a Class II or III permit application,
19 (other than a comment on a pending permit application before another
20 agency,) must include the following information:

21 (1) the name and address of the state agency, and the
22 division of the agency, if any, issuing the final decision;

23 (2) the name of the state employee or employees responsible
24 for issuing the final decision;

25 (3) the name and address of the applicant or applicants;

26 (4) citation of the statute which requires the issuance of
27 the permit and empowers the agency to process the application;

28 (5) a general statement concerning the nature of the project
29 for which the permit is sought;

1 (6) findings made by the agency concerning the project's
2 compliance with the statutes and regulations of the permitting agency;

3 (7) conclusions of the agency which support its decision
4 concerning the permit application, including justification of any con-
5 ditions or stipulations to which the permit is subject; and

6 (8) the final decision on the permit application by the
7 agency.

8 Sec. 44.62.634. DEFECTIVE APPLICATIONS; NOTICE TO APPLICANT.

9 (a) If an agency receives a permit application requesting a permit
10 which the agency believes it does not have authority to issue, or
11 which it believes is unnecessary, it shall notify the applicant within
12 10 days after its receipt of the application. A notice given under
13 this subsection is the final agency decision.

14 (b) If an agency receives a permit application which it believes
15 is not a completed application because it does not contain sufficient
16 information concerning the location or nature of the project to allow
17 the agency to determine compliance of the project with state law, it
18 shall notify the applicant within 10 days after its receipt of the
19 application. The notice must specify all information which the agency
20 requires to determine compliance of the project with state law.

21 * Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

22 (c) As used in AS 44.62.632-44.62.634:

23 (1) "date of receipt" means the date on which an agency
24 actually receives an application requesting issuance of a permit;

25 (2) "final decision" means that decision of an agency
26 arising out of an adjudicatory decision or mandatory administrative
27 appeal or the pre-adjudicatory or appeal decision if an adjudicatory
28 hearing or appeal is not timely requested;

29 (3) "final, pre-adjudicatory decision" means that decision

1 of an agency, or recommendation of its staff, which would form the
2 basis for a timely request for an adjudicatory hearing, or mandatory
3 administrative appeal, and which would become the agency's final
4 decision if an adjudicatory hearing or mandatory administrative appeal
5 is not timely requested; and

6 (4) "permit" means a permit, license, certification, con-
7 sistency determination, comments on pending permit applications before
8 other governmental entities (including environmental impact statement
9 comments), plan review, or other authorization or approval issued as
10 a written document which is required to be obtained or solicited
11 from a state agency before the construction or operation of a project;
12 the term does not include conveyances of interests in state land or
13 water, but does include all authorizations and approvals, whether
14 proprietary or regulatory, necessary to undertake a project under a
15 previously conveyed property interest; the term also does not include
16 the provision of financial assistance;

17 (5) "permit application" includes the following documents:

18 (A) a document requesting the issuance of a permit
19 containing sufficient information concerning the location and nature
20 of a project to allow the state agency to which it is directed to
21 determine compliance of the project with state law; and

22 (B) a document, submitted to a state agency by a
23 governmental entity, which solicits comments in connection with a
24 permit being processed by that governmental entity;

25 (6) "project" means a new activity or expansion or addition
26 to an existing activity for which permits are required before construc-
27 tion or operation; the term does not include pursuing a trade or pro-
28 fession, providing a regulated public or health service, or operating
29 a financial institution;

1 (7) "state agency" means a state department, commission,
2 board or other agency of the state; the term also includes local or
3 regional air pollution control authorities, established under AS 46.-
4 03.210, and coastal resource districts and coastal resource service
5 boards established under AS 46.40.010 - 46.40.210;

6 * Sec. 4. PERMIT REFORM COMMISSION. (a) There is established the Permit
7 Reform Commission, composed of the following members:

8 (1) the lieutenant governor who shall chair the commission;

9 (2) one representative each of the oil, timber, fishing, mining,
10 and construction industries, appointed by the governor under (b) of this
11 section;

12 (3) one representative of small business in Alaska appointed
13 by the governor under (b) of this section;

14 (4) one representative of an Alaska Native corporation appointed
15 by the governor under (b) of this section;

16 (5) one representative of a major Alaska environmental organi-
17 zation appointed by the governor under (b) of this section;

18 (6) the director of the division of policy development and
19 planning; and

20 (7) the attorney general and the commissioners of the Departments
21 of Natural Resources, Environmental Conservation, Fish and Game, and Com-
22 merce and Economic Development.

23 (b) Appointments made by the governor under (a) of this section shall
24 be made with due consideration to the availability and willingness of an
25 appointee to devote the time and effort necessary to permit the commission
26 to function effectively. The governor shall solicit three nominations from
27 each represented industry, the Alaska Chapter of the National Federation of
28 Independent Businessmen or the Alaska Chamber of Commerce, ^{regional corporations established} the Alaska Native
29 Claims Settlement Act (43 U.S.C. § 1601 et seq.), and environmental groups

At least two member of the Commission must be women.
1 within this state, and shall appoint from among those nominations. All
2 appointments shall be made, if possible, within 30 days after the effective
3 date of this Act, or after the effective date of any vacancy in the member-
4 ship of the commission.

5 (c) Persons to fill vacancies in office shall be appointed in the
6 manner provided in (b) of this section.

7 (d) Private members of the commission do not receive compensation
8 for their services, but are entitled to the same travel allowance and per
9 diem as state officials and employees.

10 (e) The Department of Law shall provide necessary staff assistance
11 to the commission. However, the commission, with the approval of the
12 attorney general, may retain additional legal counsel.

13 (f) ^{Two thirds} ~~Two thirds~~ of the membership of the commission constitutes a
14 quorum.

15 (g) A public official appointed under (a) of this section may appoint
16 a designee to perform the duties of that official under this Act.

17 * Sec. 5. POWERS AND DUTIES OF THE PERMIT REFORM COMMISSION.

18 (a) To redress the findings set out in sec. 1 of this Act, the commis-
19 sion:

20 (1) shall review all permit classifications made by state agencies
21 under sec. 2 of this Act, and advise the agencies and the legislature, with
22 respect to each permit classification, whether the classification is appro-
23 priate;

24 (2) may administer oaths, certify to all official acts, and
25 issue subpoenas and other process to compel the attendance of witnesses and
26 the production of testimony, records, papers, accounts and documents in
27 an inquiry, investigation, hearing or proceeding before the commission in
28 any part of the state; the commission may petition the superior court to
29 enforce its subpoenas or other process; and

1 (3) not later than the 10th day of the 1st session of the 12th Legis-
2 lature, transmit to the presiding officer of each house a report and accom-
3 panying proposed legislation with respect to the following matters:

4 (A) recommended changes in the Administrative Procedure Act
5 (AS 44.62.320 - 44.62.550) which would:

6 (i) expedite the permit application process;
7 (ii) expedite the conclusion of adjudicatory proceedings;
8 (iii) make adjudicatory proceedings more equitable; and
9 (iv) enable the Administrative Procedure Act to be more
10 uniformly utilized by state agencies; and

11 (B) recommended changes in applicable laws which would:

12 (i) minimize number of state agencies commenting on permits;
13 and

14 (ii) reduce both the frequency of state agency review of
15 permits, and redundant reviews of the same project by the same agency.

16 (b) In preparing the report and legislative proposals, the commission
17 shall consider methods of eliminating duplication within the permitting
18 process, including duplication within:

19 (1) the consistency procedure required by the Alaska Coastal
20 Management Act (AS 46.40); and

21 (2) the federal Circular A-95 process, as administered by the
22 division of policy development and planning, to include consideration of
23 the lead agency concept in the Circular A-95 process.

24 (c) The commission may do all things necessary to the exercise of its
25 powers under this Act, whether or not specifically designated in this Act.

26 * Sec. 6. REVIEW BY PERMIT REFORM COMMISSION. At the same time that
27 it issues public notice of regulations under AS 44.62.632(a), a permit-
28 issuing agency shall submit the proposed regulations to the Permit Reform
29 Commission for its recommendations. To the extent feasible, the commission

1 shall respond to the proposed regulations during the public comment period
2 for the regulations. In those cases where the commission's recommendations
3 are not followed or are substantially modified, the agency shall provide a
4 detailed explanation for the deviation. Copies of the agency's detailed
5 explanation shall be forwarded by it to the resources committees of both
6 houses of the legislature.

7 * Sec. 7. TERMINATION OF COMMISSION. The Permit Reform Commission
8 terminates June 30, 1981.

9 * Sec. 8. EFFECTIVE DATE. This Act takes effect immediately in accor-
10 dance with AS 01.10.070(c).

SB 548

RESOLUTION NUMBER 16

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Section 2. This resolution takes effect immediately.

Annard E. Gilman Co-chairman

J. A. [unclear] Co-chairman

Dated this 30 day of May 1980

passed unanimously

Attest A. P. Knutson

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

May 6, 1980

The Honorable Charles Parr
Chairman
House Judiciary Committee
Room 124 - Capitol Building
Juneau, Alaska 99811

Dear Mr. Parr:

Re: CS for Senate Bill No. 548

CS for Senate Bill No. 548, an Act relating to processing of permits by state agencies, was read the first time in the House on April 23, 1980 and was referred to the House Judiciary Committee.

For the consideration of the House Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by P. A. Wall, Director, Administrative Services Division of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

P. A. Wall, Director
Administrative Services Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 548

Title Relating to the processing of permits by State agencies

Requested by House Rules Committee

Date 5-6-80

II. FISCAL DETAIL

Agency Affected _____ Revenue

Program Category Affected _____ General Government

BRU, Program, or Subprogram(s) Affected Administration & Support, Management Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		20.1	21.5	23.0	24.6	26.4
200 TRAVEL						
300 CONTRACTUAL		2.5	2.7	2.9	3.1	3.3
400 COMMODITIES		.2	.2	.2	.2	.2
500 EQUIPMENT		.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		23.3	24.4	26.1	27.9	29.9

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		23.3	24.4	26.1	27.9	29.9
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	1/12mm	1/12mm	1/12mm	1/12mm	1/12mm
FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Under CSSB 548, the Department of Revenue would review each permit application addressed to any State agency and issue a decision on the license and tax requirements which would condition the issuance of the permit. We have found, in responding to master applications under AS 46.35.030, that each application must be reviewed, the related tax and license effect identified, a packet of material assembled and attached to the questionnaire from the Master Application Review Center and the questionnaire must be completed.

(continued on next page)

IV. DATE May 6, 1980

PREPARED BY _____

AGENCY _____

PHONE _____


P. A. Wall

Revenue

465-2313

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)