

ALPHABETICALLY BY NUMBER

1625 HJ

578 - HB

624 HB

I would also like to address the difficulty in the process of servicing the assailants. We would like to suggest that legislation be passed that makes it mandatory that all peace officers ^{be} required to serve process so the victims can be protected and not find out upon his appearance that in fact this has not occurred.

HB 573 Tampering with a witness - making this a Class C Felony

We support this bill as in crimes such as domestic violence and sexual assault the only witness is the victim. It is not uncommon to have an assailant threaten or actually assault the victim again in order to have them revoke their testimony.

HB 578 Release on bail after certain crimes

We support this bill as many times victims are reluctant to press charges for fear of retaliation in the time before sentencing or pending appeal. Experience attests to the fact that the victims are in extreme danger, and the crime committed again, before they appear for trial.

HB 576 Regards the videotaping or the exclusion of the public during testimony of young victims of sexual assault or abuse.

We firmly support this bill for the fact that young victims are often traumatized by public testimony.

We would like to suggest that this bill be amended to include all victims of sexual assault.

In addition to this we would ask that crimes of this nature be given first priority on the court calendar.

We have found that both public testimony as well as long, protracted trials traumatize not only the victim under 16, but all victims of sexual assault and/or abuse.

H

B

500

POSITION PAPER

HOUSE BILL NO. 590

"An Act increasing the number of superior court judges."

This bill increases the number of superior court judges from 23 to 24 by locating a superior court in Wrangell.

Adult Corrections

Historically, whenever a new judgeship and court is created at the superior level in a remote location of the state, a full workload is created for a district probation office. Probation officers are officers of the superior court and subject to the court's instruction and direction with regards to completing investigations for the court and supervising probationers. Probation itinerant service is acceptable when the judge also travels, but becomes unacceptable service to the court when the judge's position is fixed in one location but without the constant services of a probation officer. The court's policy of taking justice proceedings to the location of the incident to be adjudicated also demands the presence of a probation officer as part of the court retinue. The department's having to establish probation offices in Nome, Sitka, and Bethel in the past are examples of what this position paper purports.

The town of Wrangell is presently serviced by itinerant probation officer. It is not possible for the Division of Adult Corrections to relocate probation officer positions because of the present workloads in Ketchikan and Juneau.

A workload standard of 65 units per month per officer is considered manageable. Last year's workload figures indicated that the Wrangell itinerant officer averaged 20 units per month. This figure does not represent the true picture as only mandatory minimum work was completed. No counseling, arranging services or ongoing supervision of any significance was offered to probationers or parolees.

If a superior court judge position is established in Wrangell, we project a full workload will be assigned within the year. Also, the Wrangell office could serve Petersburg on an itinerant basis.

The department feels this increase in workload, along with the already high workload, necessitates the addition of one Probation Officer II and a Clerk Typist III, as well as a vehicle for the Wrangell office.

Family and Youth Services

The addition of a superior court judge in Wrangell would increase the number of legal documents required to be submitted by the Wrangell office of the Division of Family and Youth Services. To meet the increased workload, the existing Clerk Typist III position must be upgraded from part-time to full-time.

POSITION PAPER/Department of Health & Social Services

Recommended by:

C. F. Campbell
Charles F. Campbell, Director
Division of Adult Corrections

Date:

6/5/81

John Pugh
John Pugh, Director
Division of Family & Youth Servs.

Date:

6/5/81

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner

Date:

6-16-81

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 590
 Title "An Act relating to the number of superior court judges."
 Requested by Haugen Date 5/22/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Social Services
 BUD. Program, or Subprogram(s) Affected Social 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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		12.9	14.1	15.4	16.8	18.3
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		12.9	14.1	15.4	16.8	18.3

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		12.9	14.1	15.4	16.8	18.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		1.0	1.0	1.0	1.0	1.0
PART TIME		(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
TEMPORARY						

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

Enactment of House Bill No. 590 would increase the legal documents required to be submitted by the Division of Family and Youth Services. Upgrading the only existing Clerk Typist III, PCN 06-3399, from part-time to full-time would meet the additional workload. Personal Services costs are as follows:

Salary	\$1,502/mo. x 6 mos. =	\$9,012
Benefits	at .1655 =	1,491
Supp. Benefits	at .06/3 =	552
Health Ins.	at \$150/mo. =	1,800
		<u>\$12,885</u>

IV. DATE 5/22/81 PREPARED BY John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 PHONE 465-3170
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) _____ M&B Approval _____ Date 5/22/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 590
 Title An Act increasing the number of superior court judges
 Requested by Haugen Date 5/22/81

II. FISCAL DETAIL

Agency Affected Health and Social Services
 Program Category Affected Offender Confinement, Reformation and Supervision
 BRU, Program, or Subprogram(s) Affected Adult Probation & Community Programs
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		60.3	65.7	71.6	78.1	85.1
200 TRAVEL		3.0	3.3	3.6	3.9	4.2
300 CONTRACTUAL		25.8	19.4	21.1	23.1	25.1
400 COMMODITIES		1.4	1.5	1.7	1.8	2.0
500 EQUIPMENT		4.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		94.5	89.9	98.0	106.9	116.4

FUNDING (Thousands of Dollars)

GENERAL FUND		94.5	89.9	98.0	106.9	116.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

A. Assumptions

1. With the creation of a judgeship in Wrangell, a full probation work load will result. To carry out the prescribed duties, one Probation Officer II and one Clerk Typist III will be required.
2. A vehicle will be required by the Probation Officer.
3. Since there is no Adult Probation Office existing in Wrangell, approximately 400 square feet of space will have to be leased.

IV. DATE June 5, 1981 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections, H&SS
 PHONE 465-3376

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator named) M&B Approval _____ Date _____

B. Expenditures

1. Personal Services	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Probation Officer II	\$28,536	\$ 8,272	\$36,808
Clerk Typist III	17,700	5,814	23,514
	<u>\$46,236</u>	<u>\$14,086</u>	<u>\$60,322</u>
2. Travel			
Probation Officer field and administrative			
Travel			\$ 3,000
3. Contractual			
Telephone, Postage, Repairs, Utilities		\$2,800	
Rent 400 sq. ft. x \$1.75 x 12 =		8,400	
Copier Rental		2,400	
Vehicle DOT HWCF			
Purchase Cost - \$8,000			
Monthly Rental & Mileage - \$3,948		11,948	
Insurance		<u>226</u>	
			\$25,774
4. Commodities			
Office Supplies			\$ 1,400
5. Office Equipment			
Desks, Chairs, Dictation Equipment			
Typewriter, File Cabinet			<u>\$ 3,976</u>
	Total		\$94,472

C. Inflation was estimated at a constant 9% per year for years subsequent to FY 1982.

D. One time expenditures on car and office equipment were deducted for FY 1983 computations.

Introduced: 5/22/81
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY HAUGEN

2 HOUSE BILL NO. 590

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court
7 judges; and providing for an effective date."

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

9 * Section 1. AS 22.10.120 is amended to read:

10 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists
11 of 24 [23] judges, five [FOUR] of whom shall be judges in the first
12 judicial district, two of whom shall be judges in the second judicial
13 district, 12 of whom shall be judges in the third judicial district,
14 and five of whom shall be judges in the fourth judicial district. At
15 the time of submitting the names of nominees to the governor to fill a
16 vacancy on the superior court bench, the judicial council shall also
17 designate the district in which the appointee is to reside and serve.

18 * Sec. 2. This Act takes effect July 1, 1981.
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 590

Title An Act Relating to the Number of Superior Court Judges

Requested by House Judiciary Committee Date 1/29/82

II. FISCAL DETAIL

Agency Affected Alaska Court System

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Trial Courts

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		24.6	27.0	29.7	32.6	35.8
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		24.6	27.0	29.7	32.6	35.8

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		24.6	27.0	29.7	32.6	35.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME		.3	.3	.3	.3	.3
TEMPORARY						

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

See attached analysis.

IV. DATE 1/29/82

PREPARED BY Richard P. Barrier

AGENCY Alaska Court System

Original: Legislative Finance

PHONE 264-0545

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

WRANGELL JUDICIAL UPGRADE TO SUPERIOR COURT JUDGE

JUDICIAL SALARY DIFFERENTIAL:

Superior Court Judge	\$69,240
District Court Judge	<u>59,844</u>
Difference	9,396
Variable Benefits (JRS & variable--1.0648)	<u>10,004</u>
COST TO UPGRADE JUDGE	<u>19,400</u>

CLERK UPGRADE:

Full Time, Range 10	17,196
Part Time, Range 10 (9 months)	<u>12,897</u>
Salary Difference	4,299
Variable Benefits (PERS, SBS, etc.)	<u>936</u>
COST TO UPGRADE CLERK	<u>5,235</u>

TOTAL COST \$24,635

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 590
 Title An Act Relating to the Number of Superior Court Judges
 Requested by House Judiciary Committee Date 1/29/82

II. FISCAL DETAIL

Agency Affected Alaska Court System
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 BRU, Program, Or Subprogram(s) Affected Trial Courts
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III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached analysis.

IV. DATE 1/29/82 PREPARED BY Richard P. Barrier
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 Original: Legislative Finance PHONE 264-0545
 cc: Budget and Management
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 590 No. 1 (Page 1 of 2)
 Title An Act Relating to the Number of Superior Court Judges
 Requested by House Judiciary Committee Date 1/29/82

II. FISCAL DETAIL
 Agency Affected Alaska Court System
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POSITIONS

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FULL TIME						
PART TIME		.3	.3	.3	.3	.3
TEMPORARY						

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

See attached analysis.

IV. DATE 1/29/82 PREPARED BY Richard P. Barrier
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 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

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I. REQUEST

Bill/Resolution No. House Bill No. 590
 Title "An Act relating to the number of superior court judges."
 Requested by Haugen Date 5/22/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Social Services

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FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0	1.0	1.0	1.0	1.0
PART TIME		(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
TEMPORARY						

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

Enactment of House Bill No. 590 would increase the legal documents required to be submitted by the Division of Family and Youth Services. Upgrading the only existing Clerk Typist III, PCN 06-3399, from part-time to full-time would meet the additional workload. Personal Services costs are as follows:

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Supp. benefits	at .06/3	=	552
Health Ins.	at \$150/mo.	=	1,800
			<u>\$12,885</u>

IV. DATE 5/27/81 PREPARED BY John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 PHONE 465-3170
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) _____ M&B Approval _____ Date 5/15/81

FISCAL NOTE

No. 3
(Page 1 of 2)

I. REQUEST
 Bill/Resolution No. House Bill No. 590
 Title An Act increasing the number of superior court judges
 Requested by Haugen Date 5/22/81

II. FISCAL DETAIL
 Agency Affected Health and Social Services
 Program Category Affected Offender Confinement, Reformation and Supervision
 BRU, Program, or Subprogram(s) Affected Adult Probation & Community Programs
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600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
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FUNDING (Thousands of Dollars)

GENERAL FUND		94.5	89.9	98.0	106.9	116.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

A. Assumptions

1. With the creation of a judgeship in Wrangell, a full probation work load will result. To carry out the prescribed duties, one Probation Officer II and one Clerk Typist III will be required.
2. A vehicle will be required by the Probation Officer.
3. Since there is no Adult Probation Office existing in Wrangell, approximately 400 square feet of space will have to be leased.

IV. DATE June 5, 1981 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections, H&SS
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval _____ Date _____

B. Expenditures

1. Personal Services	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
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Clerk Typist III	<u>17,700</u>	<u>5,814</u>	<u>23,514</u>
	\$46,236	\$14,086	\$60,322
2. Travel			
Probation Officer field and administrative			
Travel			\$ 3,000
3. Contractual			
Telephone, Postage, Repairs, Utilities		\$2,300	
Rent 400 sq. ft. x \$1.75 x 12 =		8,400	
Copier Rental		2,400	
Vehicle DOT HWCF			
Purchase Cost - \$8,000			
Monthly Rental & Mileage - \$3,948		11,948	
Insurance		<u>226</u>	
			\$25,774
4. Commodities			
Office Supplies			\$ 1,400
5. Office Equipment			
Desks, Chairs, Dictation Equipment			
Typewriter, File Cabinet			<u>\$ 3,976</u>
Total			\$94,472

C. Inflation was estimated at a constant 9% per year for years subsequent to FY 1982.

D. One time expenditures of car and office equipment were deducted for FY 1983 computations.

H

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1

STATE OF ALASKA
THE LEGISLATURE

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

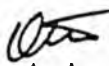
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1982

SUBJECT: The Revisor's Bill
(CSHB 591 (Judiciary))

TO: House Judiciary Committee
Attn: Bill Cook, Professional Assistant

FROM: David T. Walker 
Co-Revisor of Statutes

I have enclosed the original and 10 copies of the Revisor's bill and its accompanying analysis. I do look forward to meeting with you and the Chair to discuss scheduling the bill and answer any questions either of you may have about this bill or its purposes.

I am on call to respond to any questions or concerns surrounding this bill.

Thank you for assistance.

DTW:ljb

Enclosures

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 591 (Judiciary)
 Title Revisor's Bill -- corrective amendments in Alaska Statutes
 Requested by House Judiciary Committee Date April 2, 1982

II. FISCAL DETAIL
 Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, Or Sub: rogram(s) Affected Division of Legal 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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The revisor's bill corrects or removes deficiencies, conflicts or obsolete provisions in the Alaska Statutes. Preparation of the bill is one of the statutory responsibilities of the revisor. The bill has no fiscal impact.

IV. DATE April 2, 1982 PREPARED BY David T. Walker
 AGENCY Legislative Affairs Agency
 Original. Legislative Finance PHONE 465-2450
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Phillips

Final copy
4-2-82 ✓

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3600

MEMORANDUM

April 1, 1982

SUBJECT: "An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes" (CSHB 591 (Judiciary))

TO: Representative Ramona L. Barnes
Chairman, House Judiciary Committee

FROM: Donna Spragg Pegues *Donna Spragg Pegues*
David T. Walker
Co-Revisor of Statutes

This bill was prepared by the revisor of statutes under AS 01.05.036 which provides in part that the revisor of statutes shall

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

It is suggested that the explanatory memorandum accompany the bill through its legislative course.

SECTIONAL ANALYSIS

Section 1 corrects an error which dates back to the bulk formal revision of the Alaska Statutes in 1963. The original act (Chapter 123, S.A 1949) contemplated that municipalities could act jointly and jointly accept airport aid under this section. That provision was changed in the bulk formal revision so as to create an anomaly.

Section 2. See note concerning Sec. 24.

Section 3 Amends the law that establishes the Athletic Commission to make it clear that each commissioner is to

supervise boxing and wrestling events in the Senate district from which the commissioner is appointed.

Section 4 and 5 rearrange the exemption of school events from the regulation of certain boxing and wrestling exhibitions. Under present law, the exemption is buried in a substantive law section.

Section 6 straightens out the syntax in a section establishing penalties for participating in a sham boxing or wrestling contest.

Section 7 clarifies an exemption to the requirement that a snow machine have an exhaust muffler in good working order.

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Section 102 clarifies the exempt public facilities for which a contribution for "art in public places" must be made.

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Section 104 repeals the defunct Northwestern Alaska Development Committee which dissolved by its own terms on April 1, 1968.

Section 105 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 106 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Section 107 repeals AS 44.62.320(a). This section was declared unconstitutional by the Alaska Supreme Court in State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (1980).

Sections 108, 109 and 110 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 111 corrects a mistake made in the Uniform Commercial Code when it was adopted in 1962. This change from "instrument" to "indorsement" brings this paragraph into conformity with the official text of the Uniform Commercial Code.

Section 112 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 113 straightens out confusion introduced by a 1981 floor amendment to the Alaska Securities Act.

Section 114 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Section 115 substitutes "low level radioactive materials" for "radionuclides" in AS 46.03.290(a) relating to radiation and hazardous waste protection. This change was made throughout the law by Chapter 93, SLA 1981 but this section was apparently missed.

Sections 116, 117, 118, 119, 120 and 125 substitute references to AS 43.04 (Oil Pollution Control) for obsolete references to repealed AS 30.25. AS 30.25 was substantially replaced by AS 46.04. However in Section 116 a reference to an AS 30.25 section is completely eliminated since there is no comparable section in AS 43.04.

Section 121 deletes an obsolete reference to the definition of a "motor vehicle" and supplies the current correct definition.

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Section 122 repeals a definition of "radionuclides" from AS 46.03. As noted in reference to Section 115, this term is no longer used in AS 46.03.

Sections 123 and 124 correct references to the Federal Clean Water Act enacted in 1980.

Sections 126, 127, and 128 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 129 and 130 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 16, 1982

SUBJECT: "An Act making corrective amendments in the
Alaska Statutes as recommended by the revisor
of statutes" (CSHB 591 (Judiciary))

TO: Representative Ramona L. Barnes
Chairman, House Judiciary Committee

FROM: Donna Spragg Pegues *Donna Spragg Pegues*
David T. Walker *David T. Walker*
Co-Revisors of Statutes

This bill was prepared by the revisor of statutes under
AS 01.05.036 which provides in part that the revisor of
statutes shall

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

It is suggested that the explanatory memorandum accompany
the bill through its legislative course.

SECTIONAL ANALYSIS

Section 1 corrects an error which dates back to the bulk
formal revision of the Alaska Statutes in 1963. The
original act (Chapter 123, SLA 1949) contemplated that
municipalities could act jointly and jointly accept airport
aid under this section. That provision was changed in the
bulk formal revision so as to create an anomaly.

Section 2 See note concerning Sec. 23.

Section 3 Amends the law that establishes the Athletic
Commission to make it clear that each commissioner is to

supervise boxing and wrestling events in the Senate district from which the commissioner is appointed.

Section 4 and 5 rearrange the exemption of school events from the regulation of certain boxing and wrestling exhibitions. Under present law, the exemption is buried in a substantive law section.

Section 6 straightens out the syntax in a section establishing penalties for participating in a sham boxing or wrestling contest.

Section 7 clarifies an exemption to the requirement that a snow machine have an exhaust muffler in good working order.

Section 8 repeals a definition in the chapter regulating accountants. The repealed section defines "attest function". That phrase is not used in the chapter for which it is defined. It was used in a companion bill which did not pass in 1980.

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Section 45 makes it clear that AS 18.07.071(c) covers only a temporary but not an emergency certificate of need for a health care facility.

Section 46 supplies a needed definition of a certificate of need to the chapter dealing with issuance of these certificates.

Sections 47, 48, 49, 52 and 54 change a number of minor offenses in the Health and Safety Code from misdemeanors to violations. Each of these offenses presently carries a fine less than a misdemeanor under the Criminal Code and none calls for a sentence of imprisonment. Each is therefore more logically described as a violation rather than a misdemeanor.

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Section 109 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 110 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Section 111 repeals AS 44.62.320(a). This section was declared unconstitutional by the Alaska Supreme Court in State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (1980).

Sections 112, 113 and 114 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 115 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 116 straightens out confusion introduced by a 1981 floor amendment to the Alaska Securities Act.

Section 117 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Section 118 substitutes "low level radioactive materials" for "radionuclides" in AS 46.03.290(a) relating to radiation and hazardous waste protection. This change was made throughout the law by Chapter 93, SLA 1981 but this section was apparently missed.

Sections 119, 120, 121, 122, 123 and 128 substitute references to AS 43.04 (Oil Pollution Control) for obsolete references to repealed AS 30.25. AS 30.25 was substantially replaced by AS 46.04. However in Section 119 a reference to an AS 30.25 section is completely eliminated since there is no comparable section.

Section 124 deletes an obsolete reference to the definition of a "motor vehicle" and supplies the current correct definition.

Section 125 repeals a definition of "radionuclides" from AS 46.03. As noted in reference to Section 118, this term is no longer used in AS 46.03.

Representative Ramona L. Barnes
Page 12
March 16, 1982

Sections 126 and 127 correct references to the Federal Clean Water Act enacted in 1980.

Sections 129, 130, and 131 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 132 and 133 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

H B

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H T R

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Alaska State Legislature



House of Representatives

RAY METCALFE

POUCH V
JUNEAU, ALASKA 99811

P.O. BOX 4-2766
ANCHORAGE, ALASKA 99509

19 January 1982

Honorable Ramona Barnes
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Re: HB-618 and HJR-66

HB-618 and HJR-66 are companion pieces of legislation.
HJR-66 is in your Judiciary Committee.

I have enclosed copies of the several resolutions from communities throughout the State that support the concept of HJR-66 and HB-618 and would request that you schedule a hearing on HJR-66.

If you do so, I feel that it would be appropriate to schedule a teleconference and possibly consider a joint hearing between the Judiciary Committee and State Affairs Committee to enable HB-618 to be heard simultaneously.

Sincerely,

A handwritten signature in cursive script that reads "Ray H. Metcalf".

Ray H. Metcalf
Chairman, State Affairs Committee

RHM/emc
Enclosures



THE CITY OF WHITTIER

22 October 1981

Rep. Ray Metcalfe, Chairman
House State Affairs Committee
600 W. 41st Avenue Suite 201A
Anchorage, Alaska 99503

Re: House Bill 618

Dear Ray:

The City of Whittier supports the general concept of House Bill 618. However, it would be more equitable for the formula suggested for A.S. §29.96.010(b) to read as follows:

$$\frac{(A - (M \times N \times W))}{TP} \times P + M = \text{entitlement}$$

where

M = some minimum allowance regardless of population. (The state may wish to require that this minimum allowance be matched by the municipality for eligibility.)

N = the number of eligible municipalities



Letter to Rep. Ray Metcalfe - 22 October 1981

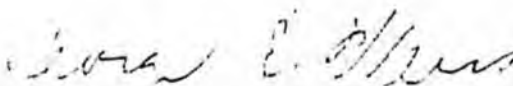
W = a weighting factor less than or equal to one determined by the expectancy of meeting of qualifications for entitlement to any portion of the minimum allowance which may require matching or some other minimum qualification.

And where all other variables are the same as set forth in House Bill 618 as introduced on 23 June 1981.

The reason for this need for a change is that population is not the only proxy for the need of a community for capital improvement. In fact, population could well be inequitable for small communities where the demonstrated benefit per capital improvement dollar per person is less than for large population centers.

The minimum figure would be relatively inconsequential for a large municipality but could make a big difference for a small community.

Sincerely,



George E. Weiss, Whittier City Manager

cc: Senator Mike Colletta
Whittier City Council
Planning and Zoning Commission



Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ASSEMBLY

October 15, 1981

Representative Ray Metcalf, Chairman
House State Affairs Committee
600 West 41st Street
Anchorage, Alaska 99503

Dear Representative Metcalf:

Thank you very much for furnishing the Matanuska-Susitna Borough with copies of House Bill 618 "State Aid to Municipalities for Capital Projects".

Your bill would be an improvement over the current law in that it gives local governments greater control over local government capital projects within their geographic boundaries. This means that we can plan better, the public can participate in the development of our capital improvement program more effectively and we will be able to schedule work better. Further, it would reduce the chances of a veto by the governor on a specific project which may be high on the priorities of the local government.

The formula contained in this bill should provide more equality between urban and remote areas of the State which does not always exist under the current law. As you are aware, urban areas many times fare less generously than do remote areas of the State in capital improvement legislation.

The language in Section 2 of the bill affecting Alaska Statute 29.96.030 is an improvement over current law as it makes the appropriation of funds to municipalities mandatory rather than permissive.

This legislation, although it provides several improvements over existing law, nonetheless leaves local governments with the dilemma of being able to project in a reasonable manner the income that will be available to them from the State for constructing capital projects. This is particularly critical where the capital projects are large enough that they logically should be constructed in phases that span more than one year. It is desirable that a method be achieved to afford local governments the ability to project their income for capital purposes for a few years in advance. This would then allow local governments to plan effectively and to budget their capital dollars in a manner that is consistent with achieving maximum benefits to their citizens from those dollars.

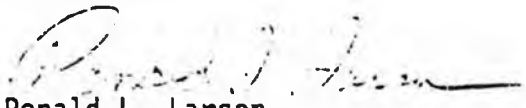
We note that your bill permits local governments to pass through funds to a non-profit corporation for public purposes of the non-profit

corporation. This is similar to SB 168. Different municipal attorneys have interpreted this language in different ways. Some have said that this language grants powers to local governments to carry on, through the non-profit corporation, functions which they could not otherwise carry out. Others say it is not a grant of an additional power. This ambiguity should be eliminated.

We will be very interested in public hearings on this piece of legislation if response to your correspondence is sufficient to generate those public hearings. Again, thank you for your consideration in mailing us advance copies of this bill.

The Assembly has reviewed this letter and has asked that these comments be furnished to you.

Sincerely,



Ronald L. Larson
Borough Mayor

GT:er

cc: Borough Manager
Finance Department

KODIAK ISLAND BOROUGH

Telephones 486-5736 - 486-5737 — Box 1246

KODIAK, ALASKA 99615

October 8, 1981

The Honorable Ray Metcalfe, Chair
House State Affairs Committee
State of Alaska
Box 4-2766
Anchorage, Alaska 99509

Re: House Bill 618 and Public Hearing

Dear Mr. Metcalfe:

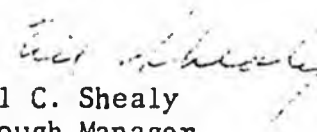
Enclosed please find a certified copy of Kodiak Island Resolution No. 81-73-R which was unanimously adopted at the Borough's meeting on October 1, 1981 indicating their support for House Bill 618 and proposed public hearings.

The Kodiak Island Borough Assembly strongly supports the proposed amendment to the constitution of the State of Alaska which would dedicate on a permanent basis, proceeds from an increase in the State's severance tax on oil or gas production to all organized boroughs and cities on an equal per capita basis for municipal purposes.

We would appreciate being notified as to the time and place of future scheduled public hearings in order that we may submit either oral or written testimony on behalf of the proposed amendment.

If I may be of any further assistance to you in this matter, please contact me at your earliest convenience.

Sincerely,


Phil C. Shealy
Borough Manager

Enclosure

mdd

KODIAK ISLAND BOROUGH
RESOLUTION NO. 81-73-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY SUPPORTING HOUSE
BILL 618 (STATE AID TO MUNICIPALITIES FOR CAPITAL PROJECTS).

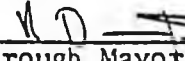
WHEREAS, the Kodiak Island Borough Assembly support the allocation of
funds to municipalities for capital projects from the general fund by a formula,
and

WHEREAS, these funds would be made available by the passage of HJR 66
proposing an amendment to the constitution of the State of Alaska which would
dedicate on a permanent basis, proceeds from an increase in the State's severance
tax on oil or gas production to all organized boroughs and cities on an equal per
capita basis for municipal purposes.


NOW, THEREFORE, BE IT RESOLVED by the Kodiak Island Borough Assembly
that the Committee on State Affairs is respectfully encouraged to hold public
hearings on House Bill 618 (State Aid to Municipalities for Capital Projects)
and that the bill be recommended for adoption.

PASSED AND APPROVED this 1st day of October, 1981 by the
Borough Assembly.

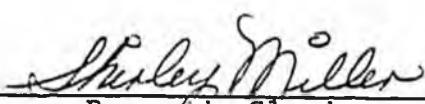
KODIAK ISLAND BOROUGH

By 
Borough Mayor

ATTEST:

By 
Borough Clerk

I hereby certify that the above is a true and correct
copy of Kodiak Island Borough Resolution No. 81-73-R.


Borough Clerk

CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF "98"

P. O. BOX 415 SKAGWAY, ALASKA 99840

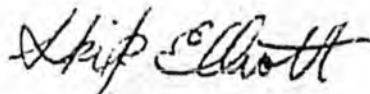
October 5, 1981

Representative Ray Metcalfe, Chairman
House State Affairs Committee
600 W. 41st/Suite 201A
Anchorage, Alaska 99503

Dear Representative Metcalfe:

The Skagway City Council discussed HB618 "State Aid to Municipalities for Capital Projects" at its October 1, 1981 meeting. After some discussion, the Council voted to support public hearings on HB618. The Council recognizes the greater flexibility and ease with which funds ~~are~~^{get} "out onto the streets" when planned and administered locally rather than at the State level. However, there was some concern that smaller communities might be forgotten concerning the very large capital projects if too many funds are administered locally. Also, there is some sentiment that a differential cost-of-construction factor should be added to the distribution formula reflecting the very high capital projects cost in the bush communities. At any rate, Skagway supports the holding of public hearings on HB618 in order that these issues might be discussed.

Sincerely,



Skip Elliott
City Manager

CITY OF ANIAK

P.O. BOX 43

ANIAK, ALASKA 99557

Phone 675-4324

25 September, 1981

Honorable Ray Metcalf Chairman
House State Affairs Committee
600 W41st Street Suite 201A
Anchorage, Alaska 99503

Dear Representative Metcalf:

We have received your letter of September 7th regarding House Bill 618 State Aid to Municipalities For Capital Projects.

We are definitely interested in this bill and would welcome a public hearing here in Aniak. As you are undoubtedly aware, Aniak is the largest city in the Middle Kuskokwim River Area which includes Aniak, Chuathbaluk, Crooked Creek, Georgetown, Lime Village, Lower Kalskag, Napaimute, Red Devil, Sleetmute, Stony River and Upper Kalskag.

Most regional hearings in our area are held in Bethel. Unfortunately, this eliminates most of the Middle Kuskokwim communities from participating because of the high costs of transportation and lodging. We, therefore, request that you schedule a hearing here in Aniak.

As a constructive comment, I believe the formula proposed in the House Bill should be changed in order that each community receive an equitable share of the total money available.

The House Bill formula is written $\frac{TA}{TP} \times P = \text{entitlement}$ where TA is total money, TP is total population and P is the population of the community. I would alter this to read $\frac{TA}{TAP} \times P \times CF = \text{entitlement}$ where TA is total money, TAP is total adjusted population, P is population of the community and CF is the cost of construction factor.

To explain; Assume that Anchorage has the lowest construction cost per square foot in the State. Anchorage would have a CF of 1. Assume the construction costs in Fairbanks are 1.3 times higher than Anchorage. Fairbanks would then have a CF of 1.3. Assume the cost of construction in Aniak is 1.9 times Anchorage. Aniak would have a CF factor of 1.9.

The CF factors could be established for every eligible community in the State. Figures can be developed by DOT/PF to determine these factors. Once all factors are assigned it then becomes a simple matter to determine the per capita dollars for each community.

This determination is made by establishing the TAP (total adjusted population) of the State. It would work this way:

Multiply the true population of each community by its CF factor as established above. Example:

Anchorage: True Population	160,000	x its CF of 1	= Adjusted pop.	= 160,000
Fairbanks True Population	40,000	x its CF of 1.3	= Adj. pop.	= 52,000
Aniak True Population	400	x its CF of 1.9	= Adj. pop.	= 760

Once this is done for every community, all adjusted populations would be added together. The sum of these adjusted populations would equal the TAP (Total adjusted population).

To see how this would result in a more equitable distribution of funds we can run through two examples, one using the formula written in HB 618, the other using the proposed formula.

- First assumption: The true total population of the State is 400,000. (TP)
- Second assumption: The adjusted total population of the State is 600,000. (TAP) (derived by adding all the adjusted populations of qualifying communities)
- Third assumption: The total money available for distribution is \$400 million. (TA)
- Fourth assumption: True Anchorage population is 160,000. (P)
- Fifth assumption: True Fairbanks population is 40,000. (P)
- Sixth assumption: True Aniak population is 400. (P)

APPLY FORMULA IN HB 618: $\frac{TA}{TP} \times P = \text{entitlement}$

For Anchorage: TA = \$400,000,000 TP = 400,000 P= 160,000

Then: $\frac{\$400,000,000}{400,000} \times 160,000 = \$160,000,000$ Total entitlement for Anchorage

For Fairbanks: TA = \$400,000,000 TP = 400,000 P= 40,000

Then: $\frac{\$400,000,000}{400,000} \times 40,000 = \$ 40,000,000$ Total entitlement for Fairbanks

For Aniak: TA = \$400,000,000 TP = 400,000 P= 400

Then: $\frac{\$400,000,000}{400,000} \times 400 = \$ 400,000$ Total entitlement for Aniak

APPLY PROPOSED FORMULA: $\frac{TA}{TAP} \times P \times CF = \text{entitlement.}$

Assume: CF (Construction Factor) for Anch. is 1, Fair. is 1.3, Aniak is 1.9

For Anch: TA = \$400,000,000 TAP is 600,000 P = 160,000 CF = 1

Then: $\frac{\$400,000,000}{600,000} \times 160,000 \times 1 = \$106,666,667$ Total entitlement for Anch.

For Fair: TA = \$400,000,000 TAP is 600,000 P = 40,000 CF = 1.3

Then: $\frac{\$400,000,000}{600,000} \times 40,000 \times 1.3 = \$ 34,666,667$ Total entitlement for Fair.

For Aniak: TA = \$400,000,000 TAP is 600,000 P = 400 CF = 1.9

Then: $\frac{\$400,000,000}{600,000} \times 400 \times 1.9 = \$ 506,666,667$ Total entitlement for Aniak.

Under the proposed formula, Anchorage would receive $66\frac{2}{3}\%$ of the amount they would receive under the HB 618 formula. Fairbanks would receive $86\frac{2}{3}\%$ of the amount under HB 618 and Aniak would receive $126\frac{2}{3}\%$ of the amount under HB 618.

At first glance, it would appear that everyone in the State would benefit at Anchorage's expense. A closer look will show that this is not necessarily true.

If most bush communities are like Aniak, they depend almost entirely on either Anchorage, Fairbanks or Juneau for not only all of their construction materials and equipment but also on the cities to provide their professional and technical needs.

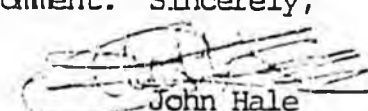
For the City of Aniak all of our engineering and legal services are purchased from Anchorage firms. All of our equipment purchases are made in Anchorage. All of our office furniture and paper supplies are purchased in Anchorage. All of our freight is shipped from Anchorage by air. Almost all of our long distance phone calls are placed to Anchorage. Most of the State and Federal Agencies that service our city and our native population are headquartered in Anchorage. Most of the money we spend when on vacation is spent in Anchorage. It probably could be said that without a lot of Aniaks spread around the State there would be no Anchorage as we know it and by the same token if there were no Anchorage there would be no Aniaks as we know them.

The saying that "The Bush is a money recycling center for Anchorage" is undoubtedly based on the generally acknowledged fact that a great deal of bush money works its way back to our cities. The loss of DIRECT grant monies to Anchorage under the proposed formula will be greatly, if not totally, offset by the increased INDIRECT monies that Anchorage would receive under the proposed formula. I'm sure that figures developed by the State Department of Labor or the State Department of Commerce and Economic Development would verify this premise.

Almost every federal program that bases its payment to States on a linear population factor has been aggressively fought by our participating State agencies and usually this has resulted in the amendment of the federal formulas to allow an adjustment factor for areas such as Alaska.

As a final observation: A fire truck delivered to Aniak costs \$12,000 more than the identical fire truck delivered to Anchorage. Based on HB 618's formula, the cities will be able to build concert halls and convention centers while the Bush will be lucky to get a basic day care center. The proposed Construction Cost Factor is not designed to penalize our cities but rather to equalize the sharing of Alaska's non-renewable resources.

Thanks for the chance to comment. Sincerely,


John Hale
City Manager

25 September 1981

Aniak, AK.

Dear Ray -

Hope this letter does not sound too critical. I would like to express my personal thanks for your bill which allows all of Alaska's citizens to share in its largesse. I hope you will be able to arrange a hearing for Aniak. If you've never been here before, I'm sure you will pleasantly be surprised.

Good luck in the wars at Juneau.

Thank you for your interest in our state

John H. H.

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827

September 24, 1981

The Honorable Ray Metcalfe
Chairman House State Affairs
Committee
Interim Office
600 W. 41st, Suite 201A
Anchorage, Ak. 99503

Dear Representative Metcalfe,

Thank you for giving me an opportunity to comment on House Bill 618.

At first reading the bill seems to be fair to everyone since the distribution of funds is based on population. However, in rethinking through this bill, together with the results I have seen with our funding of the Dankworth Bill, I see things a little differently - at least from the point of view of the small municipality.

Let me use the Haines Borough as an example. We have a population of 687 outside of the City limits. If the full Dankworth funds were to be paid, we would have received only \$687,000. This is not enough for many kinds of capital improvements. Currently we are building a swimming pool at 1.7 million and a new school at Mosquito Lake at 1.5 million. It so happened we were able to use our Dankworth funds to add a locker and shower room to the swimming pool already under construction. Otherwise, it would have been hard to find use for the approximately \$367,000 which was the Haines Borough's entitlement.

One suggestion I have for your bill would be a method to allow a municipality to accumulate several years of payments until they have enough for a major capital improvement project. Either the municipality or the State could put the yearly funds on deposit to accumulate interest, thus, speeding up the time frame for the project to begin.

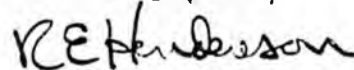
Page Two
Representative Metcalfe

September 24, 1981

Another fault I find with the bill at least as it applies to the Haines Borough, is that all of the money we collect for those who live outside the city goes for educational facilities that are used by all - both those in the city and those outside the city. However, the city spends its money for the benefit of the city residents only. This is a very difficult problem and at present I see no way to resolve it.

I believe others, especially those in small municipalities, should have an opportunity to voice their views at a public hearing.

Sincerely yours,



R. E. Henderson

Mayor

REH;kk.

Hollis Henrichs, Mayor

Ferry D. Lovett, Manager
Donna M. Sherby, Clerk / Treasurer

Council Members
Ken Van Brocklin
Don Narrance
Jay Bynum
Dick Groff
R.J. Kopchak
Ed Maxwell



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

September 16, 1981

Representative Ray Metcalfe, Chair
House State Affairs Committee
600 W. 41st., Suite 201A
Anchorage, AK 99503

Dear Representative Metcalfe:

We have had the opportunity to review proposed 'B 618, and it gave rise to a couple of comments and questions.

First, Cordova strongly disagrees with basing the population figures on the "latest figures of the U.S. Bureau of Census." These figures were collected by individuals making \$5.35/hour in a bush community where the average wage is near \$12.00/hour and the results of the census, again, proves you get what you pay for.

This summer, the City conducted a census under the direction of the State Demographer using the same criteria as the U.S. Census enumerators used, and the population figures increased from 1879 to 2223. These figures do not take into account the influx of fishing-generated personnel which our community must provide services for over a 4 to 6 month period. The Alaska Municipal League will sponsor a bill, to correct this inequity, which we hope you too will sponsor. I have dwelled at length on the subject of determining population as this is the very heart of the matter of the proposed formula.

Second, why shouldn't severance tax on coal be included in Section 4? Within the next several years, coal exports may approach oil and gas.

Section 1.(3)[d] pass through to non-profits bothers me. Almost anyone can form a non-profit corporation with any benevolent sounding name including spin-off of long-recognized service organizations. These shaky non-profits could very well glean off a great deal of State dollars before they are put out of business. I suggest either much tighter language or elimination of non-profit organization from the bill.

Also, Section 1 (c) should be revised to resolution only. Ordinances are cumbersome and must be incorporated in the codified codes of the municipalities.

With these changes, I believe the bill has considerable merit in dedicating a portion of the severance tax for the funding of capital projects. As I understand, municipalities would still be able to go to the legislature for specific capital projects.

If I can be of further assistance, please call.

Very truly yours,


Perry D. Lovett, City Manager



CITY OF NOME

P.O. BOX 281 - NOME, ALASKA 99762
TELEPHONE (907) 443-5242

September 14, 1981

Representative Ray Metcalfe
Committee on State Affairs
600 W 41st, Suite 201A
Anchorage, Alaska 99503

Dear Representative Metcalfe:

Thank you for sending me a copy of HB 618.


I have one comment I'd like to make regarding your bill. Sec. 29.96.020 Determination of Population., is according to the latest figures of the Federal Census. As you are aware, those figures are wrong in many areas of the State. They are already a year and a half old and will be completely wrong within several years.

The City of Nome and other cities and boroughs are working on a new census with strict criteria designed by the Dept. of Community & Regional Affairs.

I would suggest that all future legislation be tied to the Federal census or an updated census approved by the State.

Thank you for the opportunity to comment.

Sincerely,


Ivan L. Widom
City Manager

cc: Senator Ferguson
Representative Fuller
Mayor & Council





Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ASSEMBLY

October 15, 1981

Representative Ray Metcalf, Chairman
House State Affairs Committee
600 West 41st Street
Anchorage, Alaska 99503

Dear Representative Metcalf:

Thank you very much for furnishing the Matanuska-Susitna Borough with copies of House Bill 618 "State Aid to Municipalities for Capital Projects".

Your bill would be an improvement over the current law in that it gives local governments greater control over local government capital projects within their geographic boundaries. This means that we can plan better, the public can participate in the development of our capital improvement program more effectively and we will be able to schedule work better. Further, it would reduce the chances of a veto by the governor on a specific project which may be high on the priorities of the local government.

The formula contained in this bill should provide more equality between urban and remote areas of the State which does not always exist under the current law. As you are aware, urban areas many times fare less generously than do remote areas of the State in capital improvement legislation.

The language in Section 2 of the bill affecting Alaska Statute 29.96.030 is an improvement over current law as it makes the appropriation of funds to municipalities mandatory rather than permissive.

This legislation, although it provides several improvements over existing law, nonetheless leaves local governments with the dilemma of being able to project in a reasonable manner the income that will be available to them from the State for constructing capital projects. This is particularly critical where the capital projects are large enough that they logically should be constructed in phases that span more than one year. It is desirable that a method be achieved to afford local governments the ability to project their income for capital purposes for a few years in advance. This would then allow local governments to plan effectively and to budget their capital dollars in a manner that is consistent with achieving maximum benefits to their citizens from those dollars.

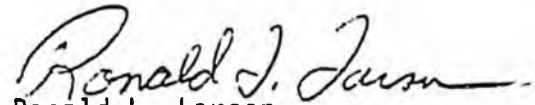
We note that your bill permits local governments to pass through funds to a non-profit corporation for public purposes of the non-profit

corporation. This is similar to SB 168. Different municipal attorneys have interpreted this language in different ways. Some have said that this language grants powers to local governments to carry on, through the non-profit corporation, functions which they could not otherwise carry out. Others say it is not a grant of an additional power. This ambiguity should be eliminated.

We will be very interested in public hearings on this piece of legislation if response to your correspondence is sufficient to generate those public hearings. Again, thank you for your consideration in mailing us advance copies of this bill.

The Assembly has reviewed this letter and has asked that these comments be furnished to you.

Sincerely,


Ronald L. Larson
Borough Mayor

GT:er

cc: Borough Manager
Finance Department



Unique - even in Alaska!

THE CITY OF WHITTIER

22 October 1981

Rep. Ray Metcalfe, Chairman
House State Affairs Committee
600 W. 41st Avenue Suite 201A
Anchorage, Alaska 99503

Re: House Bill 618

Dear Ray:

The City of Whittier supports the general concept of House Bill 618. However, it would be more equitable for the formula suggested for A.S. §29.96.010(b) to read as follows:

$$\frac{(A - (M \times N \times W))}{TP} \times P + M = \text{entitlement}$$

where

M = some minimum allowance regardless of population. (The state may wish to require that this minimum allowance be matched by the municipality for eligibility.)

N = the number of eligible municipalities



Letter to Rep. Ray Metcalfe - 22 October 1981

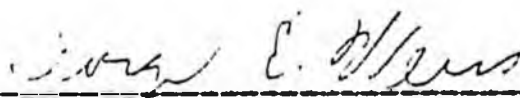
W = a weighting factor less than or equal to one determined by the expectancy of meeting of qualifications for entitlement to any portion of the minimum allowance which may require matching or some other minimum qualification.

And where all other variables are the same as set forth in House Bill 618 as introduced on 23 June 1981.

The reason for this need for a change is that population is not the only proxy for the need of a community for capital improvement. In fact, population could well be inequitable for small communities where the demonstrated benefit per capital improvement dollar per person is less than for large population centers.

The minimum figure would be relatively inconsequential for a large municipality but could make a big difference for a small community.

Sincerely,



George E. Weiss, Whittier City Manager

cc: Senator Mike Colletta
Whittier City Council
Planning and Zoning Commission

Hollis Henrichs, Mayor

Perry D. Lovett, Manager
Donna M. Sherby, Clerk / Treasurer

Council Members
Ken Van Brocklin
Don Narrance
Jay Bynum
Dick Groll
R.J. Kupchak
Ed Maxwell



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

REC'D SEP 21 1981

September 16, 1981

Representative Ray Metcalfe, Chair
House State Affairs Committee
600 W. 41st., Suite 201A
Anchorage, AK 99503

Dear Representative Metcalfe:

We have had the opportunity to review proposed HB 618, and it gave rise to a couple of comments and questions.

First, Cordova strongly disagrees with basing the population figures on the "latest figures of the U.S. Bureau of Census." These figures were collected by individuals making \$5.35/hour in a bush community where the average wage is near \$12.00/hour and the results of the census, again, proves you get what you pay for.

This summer, the City conducted a census under the direction of the State Demographer using the same criteria as the U.S. Census enumerators used, and the population figures increased from 1879 to 2223. These figures do not take into account the influx of fishing-generated personnel which our community must provide services for over a 4 to 6 month period. The Alaska Municipal League will sponsor a bill, to correct this inequity, which we hope you too will sponsor. I have dwelled at length on the subject of determining population as this is the very heart of the matter of the proposed formula.

Second, why shouldn't severance tax on coal be included in Section 4? Within the next several years, coal exports may approach oil and gas.

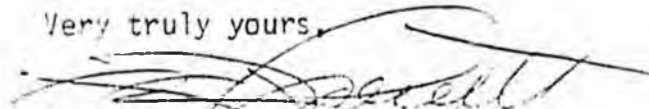
Section 1.(3)[d] pass through to non-profits bothers me. Almost anyone can form a non-profit corporation with any benevolent sounding name including spin-off of long-recognized service organizations. These shaky non-profits could very well glean off a great deal of State dollars before they are put out of business. I suggest either much tighter language or elimination of non-profit organization from the bill.

Also, Section 1 (c) should be revised to resolution only. Ordinances are cumbersome and must be incorporated in the codified codes of the municipalities.

With these changes, I believe the bill has considerable merit in dedicating a portion of the severance tax for the funding of capital projects. As I understand, municipalities would still be able to go to the legislature for specific capital projects.

If I can be of further assistance, please call.

Very truly yours,


Perry D. Lovett, City Manager

CITY OF KENAI

RESOLUTION NO. 81-115

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, EXPRESSING SUPPORT OF HOUSE BILL 618 "STATE AID TO MUNICIPALITIES FOR CAPITAL IMPROVEMENT PROJECTS" SPONSORED BY REPRESENTATIVE RAY METCALFE AND INTRODUCED ON JUNE 23, 1981, AND IS NOW IN THE HOUSE STATE AFFAIRS COMMITTEE FOR CONSIDERATION.

WHEREAS, the City of Kenai is desirous of the State of Alaska establishing a consistent and equitable method of funding capital projects for municipalities, and

WHEREAS, House Bill 618 is designed to establish funding on a per-capita basis which is an effort by Representative Metcalfe to provide equitable funding based on population, and

WHEREAS, passage of House Bill 618 would create consistent funding for each municipality and give each municipality predictability for capital improvement projects knowing in advance the amounts of money that would be provided under House Bill 618, and

WHEREAS, under existing capital improvement requests from the State of Alaska there exist many discrepancies and inequities as to the method used in awarding grants to the various communities, and

WHEREAS, the City of Kenai is desirous of the stability of consistent funding on a perennial basis.

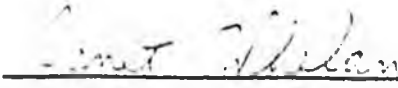
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that House Bill 618 receive a favorable recommendation with certain reservations from the House State Affairs Committee.

BE IT FURTHER RESOLVED that upon adoption a copy be sent to Representative Ray Metcalfe.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 8th day of November, 1981.


VINCENT O'REILLY, MAYOR

ATTEST:


Janet Whelan, City Clerk



PIONEER PROGRESS



CITY OF FAIRBANKS

410 CUSHMAN ST.

FAIRBANKS, ALASKA 99701



November 30, 1981

Representative Ray Metcalfe
P.O. Box 4-2766
Anchorage, AK 99509

Dear Representative Metcalfe:

As you know, many Alaskan municipalities were outraged by the inadequate job done in 1980 by the Federal Census Bureau.

We suspect those municipalities feeling most strongly of being undercounted are those which funded recounts. The City of Fairbanks commissioned a recount, and found the population to be nearly 13% higher - 2,881 more people - than determined by the Federal census. These recounts were monitored by the State Administration, and the results of the recounts are being accepted for various revenue distribution programs.

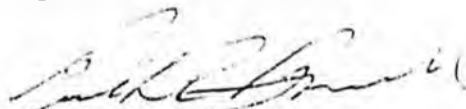
We believe the City of Fairbanks, and other Alaskan municipalities, have been done an injustice - though not intentionally - by the current per capita grants legislation (popularly known as SB 168). If the census bureau had done its work properly, the City of Fairbanks would have received substantially more from that program.

We ask, in the interest of fairness, that you work for a supplemental appropriation to the SB 168 program in the upcoming legislative session, so that each municipality in Alaska that received a deficient appropriation, can be made whole.

We have written to the Governor asking for his support. Please let us know if you will work for and support a supplemental appropriation.

Cordially,

CITY OF FAIRBANKS


Ruth E. Burnett
Mayor



Alaska State Legislature

House of Representatives

Committee on State Affairs

Interim Office

600 W. 41st/Suite 201A

Anchorage, Alaska 99503

Pouch V

State Capitol

Juneau, Alaska 99811

Official Business

DATE: September 7, 1981

TO: All interested parties

FROM: Rep. Ray Metcalfe, Chair
House State Affairs Committee

SUBJ: House Bill 618 & public hearings

The attached House Bill 618 "State Aid to Municipalities for Capital Projects," sponsored by Rep. Ray Metcalfe was introduced on June 23, 1981 and is now before this Committee for consideration.

House Bill 618 would allocate funds to the municipalities for capital projects from the general fund, via the formula outlined in the bill. These funds would be made available through the passage of HJR 66 proposing an amendment to the Constitution of the State of Alaska which would dedicate on a permanent basis, proceeds from an increase in the state severance tax on oil or gas production to all organized boroughs and cities on a equal per capita basis for municipal purposes.

We would like your input on these pieces of legislation and if enough interest is generated we plan to schedule public hearings on House Bill 618 at a future date, to be announced.

December 9, 19981



Honorable Ray Metcalfe
Representative
Alaska State Legislature
Committee on State Affairs
600 W. 41st Street, Suite 201A
Anchorage, Alaska 99503

Dear Representative Metcalfe:

On behalf of the City of Kodiak, I would like to express support of House Bill 618 and HJR 66. By passage of these items of proposed legislation, Alaska municipalities would greatly benefit and receive funding assistance on a permanent basis for capital projects. As I am sure you are probably aware, the construction costs of capital projects and improvements have been increasing at a very rapid rate, especially in Kodiak. Consequently, some very necessary capital projects do not materialize due to a lack of funds to accomplish same. Our community is growing; however, due to increased costs, it is becoming more difficult to provide for and meet the needs of growth and development. With this in mind, the Kodiak City Council passed and approved Resolution 56-81, copy enclosed, supporting House Bill 618 at their meeting of November 30, 1981.

If the City of Kodiak can offer further support or input on these pieces of legislation, please do not hesitate to contact me.

Sincerely,

CITY OF KODIAK

WILLIAM C. RIVIN
City Manager

WCB/LKG/tnw

Enclosure

CITY OF KODIAK
RESOLUTION 56-81

A RESOLUTION OF THE CITY OF KODIAK EXPRESSING SUPPORT OF HOUSE BILL 618, "STATE AID TO MUNICIPALITIES FOR CAPITAL PROJECTS".

WHEREAS, the passage of House Bill 618 would allocate funds to Alaskan municipalities for capital projects computed in accordance with the stated formula for entitlement; and

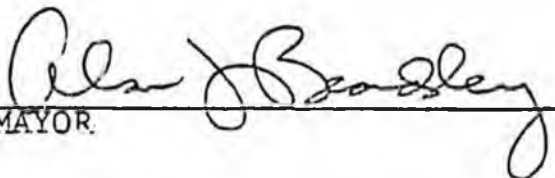
WHEREAS, funds for the program outlined in HB 618 would be made available through the passage of HJR 66 proposing an amendment to the Constitution of the State of Alaska which would dedicate on a permanent basis the proceeds from an increase in the State severance tax on oil or gas production to all organized municipalities on an equal per capita basis for municipal purposes; and

WHEREAS, construction costs for capital projects throughout Alaska and, more specifically, Kodiak, have increased at a very rapid rate.

NOW, THEREFORE, BE IT RESOLVED by the Kodiak City Council that the City of Kodiak hereby expresses support of House Bill 618, "An Act relating to State aid to municipalities for capital projects", and encourages passage of same.

PASSED AND APPROVED this 30th day of November, 1981.

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

H

B

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22

Alaska State Legislature



POUCH V
JUNEAU, ALASKA 99811

REPRESENTATIVE
ROBERT H. "BOB" BETTISWORTH

P.O. BOX 80288
COLLEGE, ALASKA 99708

January 13, 1982

TO: Rep. Ramona Barnes,
House Judiciary Committee Chairperson

FROM: Rep. Bob Bettisworth *Bob B*

RE: H.B. 622

This hous bill was submitted by your committee, and introduced the first day of session.

I had had the Division of Legal Services write a bill concerning this same matter during the interim, and am enclosing it.

I believe that this bill is much more concise, than the one submitted, and would appreciate you consideration in using this bill instead of the previously submitted one.

Thank you for your time in this matter.

H

B

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STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

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

January 19, 1982

The Honorable Terry Martin
Chairman
House Labor & Commerce Committee
Room 211 - Behrends Building
Juneau, AK 99811

Dear Mr. Martin:

Re: House Bill No. 623

House Bill No. 623, an Act relating to games of chance and contests of skill, was introduced in the House on January 11, 1982, and was referred to the House Labor & Commerce and Judiciary Committees.

For consideration of the House Labor & Commerce Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Ervin B. Jones, Supervisor, Audit Division, Department of Revenue, concerning the proposed legislation.

Sincerely,

R. D. Stevenson
Special Assistant

RDS:jas

Enclosure

cc: The Honorable Ramona L. Barnes
Chairwoman
House Judiciary Committee

Joseph K. Donohue
Deputy Commissioner, Taxation
Department of Revenue

Ervin B. Jones, Supervisor
Audit Division
Department of Revenue

I. REQUEST
 Bill/Resolution No. HB 623
 Title An Act relating to games of chance and contests of skill; and
~~Requested by~~ providing for an effective date Date January 18, 1982
 Requested by: House Labor and Commerce Committee

II. FISCAL DETAIL
 Agency Affected Department of Revenue
 Program Category Affected Revenue Collection and Management
 BRU, Program, Or Subprogram(s) Affected Audit Division
 (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) None

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) None

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						


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

See attached memo to R. D. Stevenson dated January 18, 1982.

IV. DATE January 18, 1982 PREPARED BY Ervin B. Jones
 AGENCY Audit Division
 Original: Legislative Finance PHONE 465-2320
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

R.D. Stevenson
Legislative Assistant

January 18, 1982


Ervin Jones
Office Audit Manager
Audit Division

HB 623
(Labor and Commerce)

This bill proposes to amend three sections of AS 05.15.

The effect of these proposed changes is to considerably broaden the privileges granted with the issuance of a games of chance and skill permit. The original language of AS 05.15.100 limited the games of chance to only those activities listed (i.e., bingo, raffles, lotteries, ice classics, rain classics, dog mushers' contests and fish derbies). New games of chance would have to then be allowed under one of those listed. The proposed language removes that limitation and taken in context with sections 2 and 3 of the bill, would allow any game of chance which could be contrived where the element of chance and luck is foremost, regardless of whether those games of chance existed in Alaska prior to statehood. Since the original intent of the legislation was to permit continuance of those gaming activities after statehood which existed in territorial days, this change is a considerable divergence.

The only remaining limitation would be the limitation on use of gambling implements found in AS 05.15.180(a). This would presumably prevent the introduction of casino type hardware and coin operated video games as games of chance, but would not prevent the legal introduction of games of chance such as can be contrived by profit-seeking individuals and nonprofit organizations striving to maximize their take in an extremely competitive industry. Additionally, this bill would allow for large scale betting as it imposes no limitation on the allowable charge to participate in a pull-tab game. With no limit, and given the competitive nature of the industry, the prizes and charges to participate can be expected to escalate.

If the author's intent is simply to legalize pull-tabs, I would recommend this bill to legal counsel to arrive at a simpler way of accomplishing that goal without opening Pandora's box.

EJ:jg

H B

6 2 4

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 18, 1982

SUBJECT: Judicial retention elections -- HB 624

TO: Representative Ramona L. Barnes
Chairman, House Judiciary Committee

FROM: Richard A. Bradley
Legislative Counsel *B*

You have asked that I explain the provision of HB 624 that ties judicial retention election districts to the legislative election districts as they existed in 1959. Sec. 22.18.050(b) (as enacted in Sec. 1 of HB 624) provides:

(b) For purposes of the section, the judicial retention election districts of the state are the election districts as they are described in art. XIV of the state constitution as it existed on March 19, 1959.

March 19, 1959 has no particular significance in itself; it is merely the effective date of Chapter 50, SLA 1959, the Act that established the Alaska court system and became the basis for AS 22.

The source of the date is AS 22.10.010, the section providing for the "establishment of the superior court" and establishing the borders of the four judicial districts of the superior court. The language of the section establishes each judicial district with reference to identified election districts, "as said districts are described in art. XIV of the state constitution on March 19, 1959".

Ever since the Alaska court system was established, the jurisdiction of the superior court has been tied to the 1959 election district borders. While the districts for the election of members of the legislature have varied since then, no alteration of the borders of the four judicial districts has occurred.

Representative Ramona L. Barnes

Page 2

February 18, 1982

I have no idea whether the judicial districts are obsolete in their borders or would benefit from revision. I am aware that there was some interest in that question several years ago but I believe the difficulties that caused the proposals may have been resolved otherwise. But I suggest that this bill should not seek to establish retention districts for judges in terms of the recent reapportionment, for example, without simultaneously altering the judicial districts of the superior court. Since the judicial districts establish lines in which cases may be brought and heard by particular judges, they should also establish the districts in which the judges seek retention.

If I may assist further, please advise. If you wish me to attend your hearing tomorrow, give me a call and I will come over.

RAB:ljb

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

"STATE OF ALASKA ELECTION DISTRICTS"
AS DETERMINED BY STATE SUPREME COURT
DECISION 6/26/74



THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 624 - "An Act relating
Title to judicial retention elections; and providing for an effective
Requested by House Judiciary Date 2/2/82 date."

II. FISCAL DETAIL

Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		66.0		81.8		101.4
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	66.0	-0-	81.8	-0-	101.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	66.0	-0-	81.8	-0-	101.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

No additional positions required.

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

ASSUME:

1. The passage of this legislation will initially affect the 1982 Election ballots.
2. There would be 24 election districts as were designated in 1959.
3. Necessity of 24 separate ballots--one for each of the judicial election districts.
4. Additional 12% inflation for each of the subsequent election years affected (x2 since the Division of Elections operates on a two-year budget cycle).

No additional funds are required beyond the Contractual Services area. Additional postage, printing and advertising costs will be required for the printing of 24 separate ballots, the printing of additional Official Election Pamphlet pages, advertising costs and additional postage for the Pamphlet.

IV. DATE 2/3/82

PREPARED BY Danith D. Arnoldt

AGENCY Division of Elections

Original: Legislative Finance

PHONE 596-6181

cc: Budget and Management

Prime Sponsor (First Legislator Named)