

WINDY AND CLOUDY
2000-2000

1967 HB 74
HOUSE INTIM COMM.

296/

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election year

1978

INTERIM LEGISLATIVE COMMITTEES
and
PERMANENT INTERIM COMMITTEES

I N D E X

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Leg. Leadership 183,343 (staff H+S)

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1975

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Higher Education Rep. Ostrosky
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Judicial Selection and Retention
Mental Retardation and Mental Health
Code Revision
Mortuary Science

H 2 B

COMMITTEE REPORT

HOUSE

4/6

(11)

FURTHER:

Ruler

3/12/82

Date:

4-3-82

Mr. Speaker:

The Committee on FINANCE has had HB 2

"An Act relating to the use and disposal of state land."

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 HB 2 (FINANCE) same title new title
- and recommends individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back ^{individual} without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

P. Buttrick

J. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

David Cuddy - piggy back bill, do not pass

Joseph ... - DO NOT PASS!

Melkins No Rec

Jack Fuller No Rec

Abt. Adams - No Rec

Montgomery - No Rec

Abt. Adams
CHAIRMAN

COMMITTEE REPORT

3/12

HOUSE

4
2/3/81
(11)

FURTHER: FINANCE

Date: March 10, 1982

Mr. Speaker:

The Committee on RESOURCES has had HB 2

"An Act relating to the use and disposal of state land."

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 HB 2 (Resources) same title
and ^{may} recommends do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Ken Fenner DO PASS

Eric Sutcliffe

Rick Halford

Ben [unclear]

Totah [unclear] Carney

Dan [unclear] Barner

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Ken Fenner
CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB - 2 (Finance)
 Title An Act relating to Land: effective date.
 Requested by Finance Committee Date 4-6-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
			-0-			

POSITIONS

FULL TIME			-0-			
PART TIME						
TEMPORARY						

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

IV. DATE 4-7-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 PHONE 465-2400
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

MAR 26 1982

I. REQUEST

Bill/Resolution No. CSHB 2
Title An Act relating to state land: establishing a homestead entry program
Requested by Resources Committee Date 3-12-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
Program Category Affected _____
BRU, Program, or Subprogram(s) Affected _____
(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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND			-0-			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This program can be handled with present staff for the next fiscal year.

IV. DATE March 24, 1982 PREPARED BY Jeff Hayes
AGENCY Natural Resources
PHONE 465-2400

COMMITTEE REPORTS (House)

Election Code COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 299 (JUD), (see
(misc. amend- pages 139; '97;224). Reported back to the House on March 10 by
ments to) Stat Affairs with the committee recommending it be replaced
with a SUBSTITUTE and that it do pass. To Judiciary.

The SUBSTITUTE adds an immediate effective date to the bill and makes a change to the procedure for challenging a voter's eligibility to vote. Original bill required a questioned voter to "subscribe to an oath and affidavit" before being allowed to vote. SUBSTITUTE would allow questioned voter the option of subscribing to an oath or an affirmation. Eliminates requirement that questioned voter also sign an affidavit.

AK Railroad SENATE JOINT RESOLUTION NO. 67, (see pages 187;334;340).
Employees Reported back to the House on March 12 by Transportation with
(exemptions) the committee recommending it do pass. To Rules.

AK Railroad SENATE JOINT RESOLUTION NO. 76, (see pages 262;332). Re-
(right-of-way/ ported back to the House on March 12 by the Spec. Committee on
Susitna Dam) Railroads and Coal Development with the committee recommending
it do pass. To Rules.

Homesteading HOUSE BILL NO. 2, (see pages 125 & 239, 1981 report). Re-
on state ported back to the House on March 12 by Resources with the com-
land mittee recommending it be replaced with SUBSTITUTE and that
it do pass. To Finance.

SUBSTITUTE completely rewrites the bill. Sets up a homestead entry program for state land. Would allow Alaskans who qualify for the existing land disposal programs to obtain a maximum 320-acre parcel from the land lottery program (AS 38.05.077) or a maximum 160-acre parcel from the remote parcel program (AS 38.05.057). A successful entrant in the land lottery or remote parcel programs could apply to receive patent to the land under the new homestead program. The person cannot have leased a remote parcel from the state or applied for homestead entry within the eight years immediately preceding the date of application. An applicant is eligible to receive a patent to the land "if, within seven years from the date of the application, the applicant (1) occupies the land for a total of 35 months; (2) erects a habitable dwelling; (3) clears and prepares for cultivation not less than (A) one-fourth of the land entered if the land is limited to agricultural use; or (B) one-eighth of the land entered if the land is not limited to agricultural use; (4) brushes the boundaries of the homestead entry and maintains the brushed boundaries so that they are easily visible from the ground; (5) causes a survey of the homestead entry to be made that is acceptable to the director." If these conditions are not fulfilled, the homestead application is void. A person who has applied for or received homestead land under the program would be ineligible for a loan from the state Agricultural Loan Fund (AS 03.10) to erect the habitable dwelling or to clear the land. Provisions are added to AS 38 under new Chapter 9, "Homestead Entry."

Amends AS 38.04.020(g)(3)(Land Availability for Private Use-Land Disposal Bank) by adding: "Land designated agricultural or suitable for disposal other than as commercial or industrial may be sold under

COMMITTEE REPORTS (House)

HB 2 (cont'd)

AS 38.05.077 [remote parcel program]." Amends paragraph to delete requirement that land designated as agricultural, commercial, industrial, or suitable for other disposal be sold under AS 38.05.055 (disposal by auction) or AS 38.05.057 (disposal by lottery).

Amends lottery provisions in 38.05.057 by deleting: "An applicant may be represented by an agent on the day of the lottery if the land offered for sale is commercial, industrial, or agricultural land." Would also allow a person who cannot attend the lottery because of military service, in or outside the state, to be eligible to win (existing law only allows the exemption if the military service is outside the state). Adds: "If the land is designated for homestead entry, the applicant selected by lottery for homestead entry must file an application under AS 38.09.030(a) [new program created by bill]."

Amends portions of AS 38.05.077 (remote parcel program). Amended to allow a person to either purchase a remote parcel, or to receive patent to it under the new homestead program. If a remote parcel is purchased, it may not exceed 40 acres. If it is acquired as a homestead, it may not exceed 160 acres. To qualify to lease a remote parcel, a person must (among other things) certify that he has not made application for homestead entry on state land within eight years immediately preceding the date of staking a remote parcel.

Act effective on July 1, 1982.

State Taxes
(motor fuel)

HOUSE BILL NO. 37, (see page 143, 1981 report). Reported back to the House on March 12 by State Affairs with a majority of the committee recommending it be replaced with SUBSTITUTE and that it do pass. Reps. Metcalfe (Chmn.), Abood and Fanning signed "do pass." Reps. Miller and Brown signed "no recommendation." To Finance.

The original bill would have repealed all state taxes except for the Oil and Gas Corporate Income Tax (AS 43.21). The SUBSTITUTE relates to levy of the motor fuel tax (AS 43.40). The tax, which ranges from 2-1/2 to 8 cents per gallon depending on the type of motor fuel, is currently levied on all motor fuel sold or otherwise transferred within the state and on all motor fuel consumed by a user. The bill would add a new provision to read: "If a dealer has a reasonable belief at the time of sale or transfer that fuel that is sold or transferred is not to be used as motor fuel, the dealer need not collect the motor fuel tax. If the tax is not collected, the dealer shall obtain a certificate of use from the buyer or transferee stating that the fuel that has been or will be purchased or received is not intended for use as motor fuel. The Department of Revenue may not collect the motor fuel tax from a dealer for fuel for which a certificate of use has been properly obtained under this subsection. The dealer shall retain a copy of each certificate of use obtained under this subsection for examination or audit on request by the Department of Revenue. The form of a certificate of use may be prescribed by regulation adopted by the Department of Revenue."

H P
2 3

Edith:
adopted

AMENDMENT

0

By: O'Connell

HOUSE BILL No. C.S.S.N.B. 23

SENATE BILL No. _____

PAGE: 1

LINE: 21

delete: ~~state wealth~~

insert: "the state's income derived from the development and production of the natural resources of the state"

adopted

#6

A M Edick
adopted

OFFERED IN THE HOUSE:

D'CONNELL

To: ~~CSSSHB 23~~ HOUSE BILL No. CSSSHB 25

SENATE BILL No. _____

PAGE: 2

LINE: 4 - 6

delete (4) as follows:

(4) the search for additional mechanisms for a permanent program of equitable direct distribution of Alaska's wealth is important and should be continued.

*Adopted
etc*

7

AMENDMENT

OFFERED IN THE HOUSE:

By: MEEKINS

To: CSSS ~~XXXXXX~~

HOUSE BILL No. 23 (FIN)

SENATE BILL No. _____

PAGE: 1

LINE: 12

~~del~~

delete "wealth" insert "revenues"

Page 11 line 21

~~delete "wealth" insert "revenues"~~

Edith
adopted

Edith

*Edith
adopted*

8

OFFERED IN THE HG

By: FANNING

To: SSHB 23 HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: 5

LINE: 12

line 12 Delete "whichever is earlier"

Add: ^{after 1982 on line 12} "if the ~~US~~ United States Supreme

Court has not reached a decision
by that date"

adopted

COMMITTEE REPORT

HOUSE

4/5
Rules

4/23/81

FURTHER:

(11)

Date: 4/5/82

Mr. Speaker:

The Committee on FINANCE has had SSHB 23

"An Act establishing a personal loan program for Alaska residents; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 23 (FIN) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note (4)
- (11650.4) 1319.4
- reports it back without recommendation. (416.0) 46.8
- referred to the _____ Committee Supp 37

MEMBERS SIGNING
DO PASS

Robert H. Adams

R. B. Stewart

Harvey

Paul

David Liddy

Mickens

Jack Miller

MEMBERS HAVING
OTHER RECOMMENDATIONS:

No Rec - Montgomery

Jim Costa

Joseph

Joseph

COMMITTEE COPY

Robert H. Adams
CHAIRMAN

FURTHER: FINANCE

2/18/81

(5)

Date: 4-22-81

Mr. Speaker:

The Committee on LABOR & COMMERCE has had SSHB 23

"An Act establishing a personal loan program for Alaska residents; 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 _____ same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

David [Signature]

David [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Vernon Hulbert (No Rec)

Jan Miller No way

Terry Maarten - No Rec.

Tom [Signature] - No Rec

Vernon Hulbert

CHAIRMAN

Permanent Fund Distribution Plan Bills

HB 23

One-time payment of \$1,000

6 months residency

for all ages - parent files
on behalf of a child

public assistance exemptions:
only General Relief Medical

SB 842 (Governor)

if Supreme Court rules payments
can't be linked to residency,
gives all 6 month residents
\$1,000 for 1982

If can link it to residency,
would provide for cumulative
payments for each year since 1979,
when the Permanent Fund plan was
approved

6 months residency

over 18 - when a child turns 13,
he can file for eligible years
prior to 18

public assistance exemptions:
exempts all social services
payments up to \$1,500/year
(this is in the existing program)

SB 684 cont'd

(4) AS 37.13.140 (sec. 10 of the bill) has been amended to provide that unrealized gains and losses are excluded when computing net income. This provision is consistent with the present generally accepted accounting principles (GAAP) which are incorporated by AS 37.13.140, but we are advised that the GAAP may be revised to allow inclusion of unrealized gains and losses when computing net income. While it is important for sound management to know the market value of the fund, this concern is satisfied by the reporting requirement of AS 37.13.170. The Board of Trustees has determined, and I concur, that since the amount of income available for distribution is fixed by statute and may not be altered by the Board, it is imperative for sound management of the fund to ensure the exclusion of unrealized gains and losses when computing distributable income.

Sincerely,

Jay S. Hammond
Governor

SB 842

SENATE BILL NO. 842 by Rules Committee by request of the Governor, entitled:

"An Act providing for permanent fund dividends; and providing for an effective date."

was read the first time and referred to the Finance Committee.

Governor's transmittal letter of March 9 follows;

The Honorable Jalmar Korttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill providing for contingent alternatives to the permanent fund dividend program still before the United States Supreme Court.

I had expected that we would by now have received the decision from the United States Supreme Court upholding the existing permanent fund dividend program, and I continue to be hopeful that we will get a favorable decision in the near future. However, we are now well into this legislative session, and the possibility exists that the decision might

SB 842 cont'd

not be favorable and might not be issued until it is too late in the legislative session to take effective action. In light of this uncertainty and because I am absolutely committed to the continuation of an ongoing dividend program, I feel compelled to introduce legislation at this time to provide for the unhappy contingency of an unfavorable decision from the Court.

In presenting these contingent alternatives to you, I want to emphasize in the strongest possible terms that in no way have I retreated from my view that the program enacted in 1980 is far and away the best method of dividend distribution. The alternatives I offer will help to achieve the objectives of the existing program, though in my view not nearly so well.

The bill includes two alternatives to the existing dividend program. If the Supreme Court decides that it is unconstitutional to determine the amount of a dividend payment by accumulated years of state residency regardless of whether the years are counted from 1959 or from some later date, then sections 1 and 2 of the bill would go into effect. These sections repeal the existing statutes and provide for an ongoing dividend program under which one-half of distributable permanent fund income would be distributed to Alaskans on a per capita basis. Unlike the existing program, there would be no minimum dollar amount established for each dividend under this alternative. The per capita provisions are structured so that the entire program would run on a current calendar-year basis. All applications would be due on or before July 1 of each year. By the following August 1, the Department of Revenue would have completed the screening of applications to determine the number of eligible applicants. The department would then divide that number into one-half of the distributable earnings of the permanent fund for the fiscal year just ended to determine the amount of that year's dividend payment.

The per capita program provisions also include a six-month residency requirement. Many persons come to Alaska for relatively short periods of time for vacations or to participate in seasonal employment with no intention of remaining permanently or of giving up the benefits provided by their states of residence. For each nonresident who applies for and receives a dividend, the annual share of the dividend program for each Alaskan is proportionately reduced. Further, disproving a spurious claim of residency is not an easy task. A six-month residency requirement provides at least some evidence of a person's intent to remain, and strikes an appropriate balance between the state's interest in insuring that dividends are paid only to Alaska residents and the interests that new residents with less than six-months' residency have in receiving an immediate dividend. Many other features of the existing program's provisions have been included in the ongoing per capita program provisions, including exemption of 50 percent of the dividend from execution and an exemption of up to \$1,500 of the dividend amount from income determinations for state assistance programs.

SB 842 cont'd

The bill also includes a second alternative. If the Supreme Court should decide that the existing program would have been constitutional if the years of residency had begun to accumulate prospectively, then sections 3, 4 and 8 of the bill would take effect. Under these sections, the provisions of the existing program would continue in effect except that the number of an individual's total dividends would be based on years of residency beginning this year, with dividends accumulating each year in the future.

If the Court upholds the existing program, section 5 of the bill would take effect. This section adds a provision to the existing statutes to allow persons, when they turn 18 years of age, to claim dividends for their prior years of state residency during which they were minors. Dividends for children would also be handled in this manner under either of the alternative dividend distribution programs contained in the bill. I have considered other possibilities that have been suggested for including children in a dividend distribution program -- namely distributing children's dividends each year through their parents or guardians or putting their dividends each year in individual trust accounts administered by the state. Two concerns prompted me not to provide in this bill for actual payments to children during their minority years. First, while most parents or guardians would see that the money went to the child's benefit, there unfortunately would be many children whose parents or guardians would not apply the money for the children's benefit. There is no practical way to keep this from happening if children were to receive dividends while they are minors.

Second, experience that has been gained from ANCSA distributions to minors teaches that, even after extensive litigation, there are no truly satisfactory solutions for distributing money to the many Alaskan children who do not live in a traditional nuclear family, particularly those in the state's custody and those with divorced parents. Under this bill, a person turning 18 can claim dividends for his or her minority years, with interest, but there is no right to receive the prior years' dividends before the child actually turns 18 and makes application. Thus, this method of including children in a dividend distribution program also avoids the serious problem that would attend a formal trusteeship arrangement between the state and every Alaskan child.

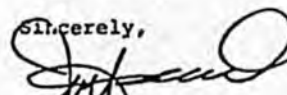
Finally, in the event of an unfavorable decision by the Court and under either of the alternative programs included in the bill, the distribution for 1982 only would be on a per-capita basis, with each eligible person receiving a dividend payment of \$1,000. This amount was determined by taking the total amount of money currently available for distribution of 1979 and 1980 dividends under the existing program (\$319,870,000) and dividing that amount by the number of eligible Alaskans who now have applications on file plus an estimate of the number of additional eligible Alaskans. Under the bill, Alaskans who filed timely applications during 1980 or 1981 for dividends under the existing

SB 842 cont'd

program are automatically eligible for the 1982 distribution. Thus, if the existing program is invalidated, an immediate distribution can be made to the vast majority of eligible Alaskans without requiring a new application process for everyone. All other eligible Alaskans who do not have applications on file would, of course, have an opportunity to apply for and receive the 1982 dividend as soon as possible.

The bill is structured in such a way that if we do receive a ruling from the Supreme Court during your consideration of the bill, those provisions of the bill that are no longer necessary can be easily deleted from the bill.

Sincerely,



Jay S. Hammond
Governor

SB 843

SENATE BILL NO. 843 by the Rules Committee by request of the Governor, entitled:

"An Act relating to surface coal mining and the surface effects of underground coal mining; and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

Fiscal note and Section by Section Analysis appears in Senate Supplement No. 14 to today's journal.

Governor's transmittal letter of March 9 follows:

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. II, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to surface coal mining and the surface effects of underground coal mining. The bill is an edited and corrected version of HB 762, introduced at my request February 12, 1982.

This bill is a response to the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87 (SMCRA), which provides for the establishment of a nationwide program for the

Permanent fund backup plan ready for full Senate vote

By The Associated Press

Gov. Jay Hammond's backstop permanent fund distribution plan was advanced from the Senate Finance Committee Thursday, clearing the way for a vote of the full Senate.

The bill is aimed at guaranteeing Alaskans will gain a share of the state's resource wealth this year even if the U.S. Supreme Court outlaws the ex-

isting permanent fund dividend program.

Alaska's permanent fund distribution plan has been challenged by two Anchorage attorneys who say it violates the U.S. Constitution's equal protection clause by discriminating among residents based on length of residency.

Hammond's backstop plan attempts to second guess what the high court will rule. The Su-

preme Court is in recess until April 19.

The governor said a backup distribution plan is needed to avoid a special legislative session should an adverse ruling come after the Legislature adjourns.

At present, the dividend program calls for adult Alaskans to receive annual payments of \$50 for each year of residency here since 1959.

If Hammond's bill is approved by the Legislature the plan would be amended to allow payments for residents who are younger than 18 years of age, no matter what the high court decides.

That means a resident who is 18 by the 1983 deadline for filing for permanent fund dividends may file a claim for all dividends for prior years in which he or she was eligible.

If the Supreme Court rules payments cannot be linked to residency, the state instead would give every Alaskan who is older than 18 years of age and who has been in Alaska for six months before applying for a dividend a one-time cash payment of \$1,000 for 1982.

UNIVERSITY OF ALASKA, ANCHORAGE SCHOOL OF NURSING

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Gail Mintken, R.N., M.S.

789-4431

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Permanent fund bill to go before Senate

Associated Press

Juneau — Gov. Jay Hammond's backstop permanent fund distribution plan was advanced from the Senate Finance Committee Thursday, clearing the way for a vote of the full Senate.

The bill is aimed at guaranteeing Alaskans will gain a share of the state's resource wealth this year even if the U.S. Supreme Court outlaws the existing permanent fund dividend program.

Alaska's permanent fund distribution plan has been challenged by two Anchorage attorneys who say it violates the U.S. Constitution's equal protection clause by discriminating among residents based on length of residency.

Hammond's backstop plan attempts to second guess what the high court will rule. The Supreme Court is in recess until April 19.

The governor said a backup distribution plan is needed to avoid a special legislative session should an adverse ruling come after the Legislature adjourns.

At present, the dividend program calls for adult Alaskans to receive annual payments of \$50 for each year

of residency here since 1959.

If Hammond's bill is approved by the Legislature the plan would be amended to allow payments for residents who are younger than 18 years of age, no matter what the high court decides.

That means a resident who is 18 by the 1983 deadline for filing for permanent fund dividends may file a claim for all dividends for prior years in which he or she was eligible.

If the Supreme Court rules payments cannot be linked to residency, the state instead would give every Alaskan who is older than 18 years of age and who has been in Alaska for six months before applying for a dividend a one-time cash payment of \$1,000 for 1982, under Hammond's plan.

If the court rules it would not violate the U.S. Constitution if the amount of the permanent fund dividend was determined by years of residency starting in 1979 when the plan was approved, then cumulative payments would be made to residents in increased amounts for each year of residency since 1979, rather than 1959 as currently stated.

AMENDED TITLE: SS HB 23
AN ACT ESTABLISHING A PERSONAL LOAN PROGRAM FOR ALASKA
RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: RANDOLPH.

CO-SPONSORS: BEIRNE, FANNING.

CURRENT STATUS: 6/16/81 IN (H) FINANCE

HB 23 HOUSE ACTION

09:13 4/06/82 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

02/18/81 01 0281 FIRST READING -- COMMITTEE REPORTS
04/23/81 02 1042 L&C -- DP01, DNP01, NR03
06/16/81 03 2163 NOT MOVED FROM FIN COMM BY DIV 15-23-02
FINAN E
RUE

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HOUSE JOURNAL

HOUSE FINANCE COMMITTEE
LETTER OF INTENT
FOR

CSSSHB 23 (Fin) and CSSSHB 24 (Fin)

The Committee intends that the passage of this legislation result in the payment of Permanent Fund dividends long awaited by Alaskans.

The Committee's interest in this legislation was spurred by evidence that per capita spending by the State of Alaska has increased more than seven times in real terms since substantial petroleum revenues first appeared in 1969. The Committee finds that few Alaskans are receiving seven times as much in benefits from the State than they were 13 years ago. The disparity between dramatically increased government spending and the benefits the public receives from that spending can be attributed to inefficiency in the delivery of government services and inequity in their distribution. Distribution of a portion of the state's wealth directly to state residents partially compensates for this problem.

The Committee recognizes that virtually all the petroleum development in Alaska has occurred on publicly owned lands. This is in sharp contrast to other states, where vast accumulations of wealth have accrued to private landholders. One purpose of this distribution is to share some of the income from the state's petroleum development with private citizens in an equitable manner.

The Committee does not intend Permanent Fund dividends as public assistance, but recognizes that these payments may be helpful in helping Alaskans to meet some of the high energy and housing costs faced by Alaskans. Federal statistics have long shown Anchorage at or near the top of the list of expensive American cities, and the cost of living in almost all other Alaska communities is uniformly estimated to be higher than Anchorage's. These high costs are caused in part by some natural disadvantages of extreme isolation and harsh climate inherent in Alaska. The Committee intends that some of the income from the energy wealth that is a natural advantage of Alaska and is owned in common by all Alaskans be used to help pay these costs.

The Committee believes that the program for Permanent Fund income distribution set out in this legislation is appropriate, but also believes additional mechanisms for direct distribution may be useful to Alaskans. The Committee thus includes in the companion appropriation bill funding for a package of two studies of (1) the effects of direct distribution on Alaska's people, economy, and society, and (2) the potential benefits and questions surrounding the creation and operation of a royalty trust for Alaskans.

The first study should be a reconnaissance of direct distribution which should:

- (1) define the relevant policy questions;
- (2) answer those which can be answered;
- (3) determine what needs to be done to answer the others.

Specifically, the Committee intends that there be investigation of the effects of direct distribution on:

- (a) income (both before and after taxes);

House Finance Committee
 Letter of Intent
 CSSSHB 23 and CSSSHB 24

- (b) employment, unemployment, labor force, and unemployment rates;
- (c) prices and wage rates; and
- (d) population.

The first study should compare the effects of direct distribution with alternative uses of the state's wealth, including using equivalent amounts for increases in the state operating budget, capital budget, and loan appropriations.

The first study should be conducted by an investigator with in-depth experience in researching the Alaska economy, and should be completed within three months of the effective date of the Act.

The second study should examine in detail the full range of issues raised by the royalty trust proposal embodied in HB 642. The Committee intends that the study be conducted by a widely known investigator, preferably a nationally recognized accounting firm, and include contributions from economists, public finance experts, demographers, sociologists, and lawyers specializing in securities law, taxation law, and constitutional law. The Committee intends that the second study be completed by February 15, 1982.

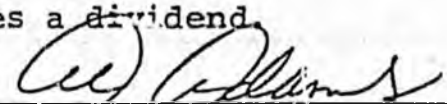
The Committee chose a six months' residency requirement to ensure a link between the distribution of income from the state's resource wealth and the receipt of that income by bonafide state residents. The unique nature of this program increases the difficulties in administering it, and the Committee has determined this six-month residency requirement will aid in this administration.

The Committee also imposed the six months' residency requirement to reduce the possibility of applications by persons who are not bonafide residents. The likelihood of spurious applications may have been increased because of the extensive publicity which has surrounded the legislation and the Permanent Fund dividend legislation passed in 1980.

The Committee intends that the Department of Revenue engage in careful audit of Permanent Fund dividend applications and vigorously enforce the laws pertaining to fraud.

The Committee intends that the state general relief medical assistance program provide services to those state residents who lose benefits under the federal Medicaid program as a result of their receipt of Permanent Fund dividends. The Committee further intends that the Department of Health and Social Services monitor the impacts of Permanent Fund dividends on public assistance programs and make a report to the Legislature within 90 days after the first payment of Permanent Fund dividends.

The Committee intends that no individual's eligibility for public assistance under a state program be affected by the receipt of a Permanent Fund dividend in any month except for the month he or she receives a dividend.


 Al Adams, Chairman
 House Finance Committee

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 23(Fin). No. 1 Page 1 of 2
Title An Act providing for contingency distribution of permanent fund dividends...
Requested by Finance Date 4/4/82

II. FISCAL DETAIL

Agency Affected Health and Social Services
Program Category Affected See Analysis
BRU, Program, Or Subprogram(s) Affected See Analysis
(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		175.2				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		(11825.6)				
TOTAL		(11650.4)				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		(4889.6)				
FEDERAL FUNDS		(6760.8)				
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME		8				
TEMPORARY						

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

(A) Assumptions include:

- (1) A one month ineligibility period for aged, blind, disabled, and general relief cash assistance recipients;
- (2) A three month period of ineligibility for all Aid to Families with Dependent Children recipient families, under new federal regulations which would consider a one-time-only permanent fund distribution as available income for several months even if the family has spent all of their distribution;
- (3) No in-migration of new assistance recipients attracted here by the distribution, and no "deterrent effect" of distribution that would decrease current FY83 estimates of number of recipients;
- (4) A 5.6% FY83 Cost of Living Increase for AFDC and an 11.2% COLA for aged, blind and disabled; and
- (5) Current operations and policies of the General Relief cash assistance program will be continued without significant change for FY83.

(See Page 2)

IV. DATE

4/5/82

PREPARED BY

Andrew S. Lohr

AGENCY Division

Public Assistance

Original: Legislative Finance

PHONE 465-3347

cc: Budget and Management

Prime Sponsor (First Legislator Named)

BRU Component	Pers Serv 100	Grants 700	FY83 TOTAL	GF	FED
<u>Soc & Econ Assist for Gen Pop Assistance Payments BRU</u>					
AFDC		(10498.2)	(10498.2)	(5249.1)	(5249.1)
Aid to Disabled		(582.4)	(582.4)	(582.4)	
Aid to Blind		(14.4)	(14.4)	(14.4)	
Gen Relief Assistance		(75.0)	(75.0)	(75.0)	
<u>PA Administration BRU</u>					
Elig Determination	175.2		175.2	106.9	68.3
<u>Soc & Econ Assist for Aged</u>					
Old Age Assistance BRU		(495.6)	(495.6)	(495.6)	
<u>Public Health</u>					
Medicaid BRU		(3160.0)	(3160.0)	(1580.0)	(1580.0)
GRM BRU		<u>3000.0</u>	<u>3000.0</u>	<u>3000.0</u>	
TOTAL	175.2	(11825.6)	(11650.4)	(4889.6)	(6760.8)

(C) Explanation of Increases

- (1) Staff resources necessary to promptly terminate and promptly reopen entire caseload without adverse effects on accuracy or timeliness:

Overtime for existing field staff:	100.0
8 seasonal new field staff (full-time, 4 months each):	75.2
Total	<u>175.2</u>
State Funds	106.9
Federal Funds	68.3

- (2) "Safety net" General Relief - Medical new costs (state funds) to protect ineligible persons from suffering medical expenses costing more than the amount of their distribution payment:

<u>Nursing Home recipients</u>	
(\$1750 X 450 recipients)	787.5
<u>"Accident" Cases</u>	
Total	<u>2212.5</u>
	<u>3000.0</u>

Accident case funding is only an estimate. No data can be developed to indicate how many ineligible people would suffer an unaffordable medical need during their time of ineligibility, or to indicate how many of these would need to apply.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 23 No. 2
 Title Providing for contingency distribution of Permanent Fund Dividends
 Requested by House Finance committee Date 4/3/82

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected _____ General Government _____
 BRU, Program, Or Subprogram(s) Affected Administrative 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						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		416.01				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	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)

The 1981 population estimate is 416,000. The source of funds for Permanent Fund distribution is the general fund, however should the Committee Substitute for HB 23 be amended to allow dedicated fund participation, the earnings of the Permanent Fund available for the payment of dividends through June 30, 1982 is 45,042,000.

IV. DATE 4/5/82 PREPARED BY *P. A. Wall*
 AGENCY Revenue
 PHONE 465-2393
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST

Bill/Resolution Number: CS HB 23 No. 3 (Page 1 of 8)

Title: An act providing for contingency distribution of Permanent Fund Dividends

Requested by: House Finance Committee

Date: 3/30/82

II. FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: General Government
 BRU, Program, or Subprogram(s) Affected: Administrative and Public 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	219.5	642.9	-	-	-	-
200 TRAVEL	35.0	-	-	-	-	-
300 CONTRACTUAL	272.0	388.6	-	-	-	-
400 COMMODITIES	-	5.0	-	-	-	-
500 EQUIPMENT	-	125.0	-	-	-	-
600 LAND & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL	526.5	1,319.4	-	-	-	-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	526.5	1,319.4	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-	9/103nm	-	-	-	-
PART TIME	24/72nm	20/158nm	-	-	-	-
TEMPORARY	-	-	-	-	-	-

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

See attached.

IV. DATE: 3/30/82

PREPARED BY: *F. A. Wall*

AGENCY: Revenue

PHONE: 465-2393

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

CS HB 23 contains provisions which will take effect immediately on the date the U. S. Supreme Court invalidates the existing Permanent Fund Dividend program or on July 10, 1982, whichever occurs first. The FY82 expenditures continue the resources previously authorized for administering AS 43.23. These expenditures will require supplemental appropriations.

If this program becomes effective, it would provide for the following:

- a. Each eligible individual would receive a dividend payment of \$1,000.
- b. Eligible individuals would be those who were Alaska residents for at least six months immediately preceding the date of application.
- c. Parents or guardians of minors or incompetent individuals who are eligible individuals, may claim the dividends of those minor or incompetent individuals.
- d. Individuals must file a claim in order to receive a dividend, except in the case of minors or incompetent individuals in which case the parent or guardian of such person must file the claim.
- e. There are approximately 400,000 potential eligible individuals.

Assumptions:

- a. 400,000 payments in 1982
- b. The program will become effective in FY82 due to court action, for purposes of identifying costs to a fiscal year.

Program Summary:

Emergency regulations will be adopted, further defining eligibility and the application and proof of eligibility requirements. Application forms will be designed, ordered and distributed. Processing and computer programs will be designed, written and implemented. The new program will be advertised and a rapid response public assistance program will be mounted to provide information and assistance in filing to the general public and specific assistance to residents of rural areas throughout the state to establish eligibility and to apply for the dividend.

Applications will be opened, placed in control, reviewed, batched, data captured, edited and corrected, and payments prepared and mailed. Appropriate files, reports and enforcement processing steps will be performed. Payments matching garnishments and other attachments will be adjusted as required.

FY82Administrative Services

3 PFT positions to continue positions presently authorized in support of AS 43.23 which provide:

- a. Recruitment, hiring, EEO and contract administration, leave accounting and related personnel/payroll services.
- b. Design and/or modification of authorized distribution system for eligible individuals.
- c. Forms procurement and distribution. Accounts payable including voucher preparation. Supply services.

PFT PCN 1100, R 12C @ \$1,870 mo. plus
32% costs for 3 mos. = 7.4

PFT PCN 1124, R 12F @ \$1,153 mo. plus
32% costs for 3 mos. = 12.5

PFT PCN 1104, R 8A @ \$1,393 mo. plus
32% costs for 3 mos. = 5.5

6 PPT positions for batch control, correction, dividend payment release, stop payments or garnishments and other attachments, data capture of address changes, mail opening and distribution, document numbering, batching.

6 PPT Tax Scanners R 8 @ \$1,487 mo. plus
32% costs for 3 mos. = 35.3

Total Administrative Services positions = 60.7

Public Services

6 PFT Positions to continue positions presently authorized in support of AS 43.23 which provides assistance to the public through response to phone, mail and in-person inquiries at Service Counters and in rural communities. Design and maintenance of address changes system and returned warrant system.

PFT PCN 2018, R 12B @ \$1,814 mo plus
32% costs for 3 mos. = 7.2

PFT PCN 2019, R 20F @ \$3,623 mo. plus
32% costs for 3 mos. = 14.3

PFT PCN 2027, R 7A @ \$1,319 mo. plus
32% costs for 3 mos. = 5.2

PFT PCN 2030, R 15F @ \$2,548 mo. plus
32% costs for 3 mos. = 10.1

PFT PCN 2033, R 18A @ \$2,640 mo. plus
32% costs for 3 mos. = 10.5

PFT PCN 2099, R 8A @ \$1,393 mo. plus
32% costs for 3 mos. = 5.5

PPT position for:

Phone, letter and counter response to
inquiries at Juneau, Anchorage, and Fairbanks.
Application assistance in urban and rural communities.
Receipt, filing and reissue of returned undeliverable
or unclaimed dividend payments. Furnish copies of
applications upon authorized request.

18 PPT Tax Scanners R 8 @ \$1,487 mo plus
32% costs for 3 mos. = 106.0

Total Public Services Positions 158.8

FY83

Administrative Services

PFT PCN 1100, R 12D @ \$20,073 mo. plus
32% costs. = 32.8

PFT PCN 1124, R 18F @ \$3,371 mo. plus
32% costs. = 53.4

PFT PCN 1104, R 8A @ \$1,393 mo. plus
32% costs. = 22.1

9 PPT Tax Scanners R 8 @ \$1,487 mo. plus
32% costs. = 159.0

Batch control, correction. dividend payments
release, stop payments on garnishments and
other attachments, mail opening and distribution,
document control numbering, batching.

Total Administrative services positions for FY83 267.3

Public Services

PFT PCN 2018, R 12C @ \$2,010 mo. plus
32% costs = 31.8

PFT PCN 2019, R 20F @ \$3,851 mo. plus
32% costs = 61.0

PFT PCN 2027, R 7A @ \$1,408 mo. plus
32% costs = 22.3

PFT PCN 2030, R 15F @ \$2,739 mo. plus
32% costs = 43.4

PFT PCN 2033, R 18B @ \$2,640 mo. plus
32% costs = 41.8

PFT PCN 2099, R 8B @ \$1,530 mo. plus
32% costs = 24.2

11 PPT Tax Scanners R 8 @ \$1,487 mo.
plus 32% costs for 7 mos. = 151.1

Phone, letter and counter response to inquiries
at Juneau, Anchorage, and Fairbanks. Application
assistance in urban and rural communities. Receipt,
filing, and re-issue of returned undeliverable and
undeliverable dividend payments. Furnish copies of
applications upon authorized request

Total Public Services positions for FY83 375.6

Total positions for FY83 642.9

Other Expenditures

FY82

Contracts

Toll calls, including Zenith calls	=	4.0
Forms and Instructions:		
250,000 pre-addressed @ \$78 M	=	19.5
200,000 for handout and response to requests due to minors being eligible @ \$13 M	=	2.6
Postage:		
Forms & Instructions:		
250,000 @ .22	=	55.0
100,000 @ .25	=	25.0
Data Processing: (includes development, data capture and production)		
Computer Resource Units: 25,000 @ 1.25 per Unit	=	31.3
Common Output Units: 100 @ \$31 (Reports, Warrants, COM)	=	3.0
Storage Units: Master and Distribution File, 1,750 @ \$14, Disk	=	24.5
Misc. Storage including garnishments, 500 @ \$14, Disk	=	7.0
Back-Up File - Tape	=	.1
Public Services Contracts for rural application assistance	=	70.0
Advertising and Media - Public Services	=	<u>30.0</u>
Total Contractual for FY82		272.0

Travel:

Public Services rural application assistance = 35.0

Total Travel for FY82 35.0

FY83

Contractual

Postage:

Correspondence - 10,000 @ .25 = 2.5

Forms and Instructions -
50,000 @ .25 = 12.5

Dividend Payment Warrants -
400,000 @ .25 = 100.0

Data Processing:
(Includes development, data capture and production)

Production:

Computer Resource Units: 90,000 @ 1.25/unit = 112.5

Common Output Units: 275 @ \$31 (reports, warrants COM) = 8.5

Storage Units: Master and Distribution File: 3700 @ \$14 = 51.8

Misc. including garnishments: 500 @ \$14 = 7.0

Backup - Tape: = .1

Warrant Stock: 400,000 @ \$35 M = 14.0

Warrant Envelopes: 400,000 @ \$12.43 M = 5.0

Terminals:	Data Capture CRT's: 4 @ \$3,900 ea.	=	15.6	
	Data Management CRT's 4 @ \$4,600 ea.	=	18.4	
	Printer - 1 @ \$7,026	=	7.0	
	Controller - 1 @ \$4,679	=	4.7	
Toll Calls including Zenith:				
	Administrative Services	=	4.0	
	Public Services	=	15.0	
Misc. Contractual:				
	Administrative Services	=	4.0	
	Public Services	=	6.0	<u> </u>
Total Contractual for FY83				388.6
Commodities:				
	Administrative Services	=	2.0	
	Public Services	=	3.0	<u> </u>
Total Commodities				5.0
Equipment & Microfilm System		=	125.0	<u> </u>
Total Equipment				125.0

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 23 No. 4 (2-page memo)
 Title Act providing for contingency distribution of permanent fund dividends
 Requested by House Finance Date 4/5/82

II. FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected Revenue Collection & Management
 BRU, Program, Or Subprogram(s) Affected Enforcement 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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	63.0	377.9	408.1	440.7	476.0	514.1
200 TRAVEL	1.3	30.0	33.0	36.3	39.9	43.9
300 CONTRACTUAL	20.1	50.0	54.5	59.4	64.7	70.5
400 COMMODITIES	.6	3.9	4.3	4.7	5.1	5.6
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	85.0	461.8	499.9	541.1	585.7	634.1

FUNDING (Thousands of Dollars)

	85.0	461.8	499.9	541.1	585.7	634.1
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	12/24mm	12/144mm	12/144mm	12/144mm	12/144mm	12/144mm
FULL TIME						
PART TIME						
TEMPORARY						

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

See memorandum to Joseph K. Donohue from Marilla L. Gemmer dated April 5, 1982.

Marilla L. Gemmer

IV. DATE April 5, 1982 PREPARED BY Marilla L. Gemmer, Director
 AGENCY Department of Revenue - Enforcement Division
 Original: Legislative Finance PHONE 465-2366
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)


MEMORANDUM

State of Alaska

TO: Joseph K. Donohue
Deputy Commissioner - Taxation

DATE: April 5, 1982

FILE NO:

FROM:  Marilla L. Gemmer
Director
Enforcement Division

TELEPHONE NO:

CSHB 23

SUBJECT:

Provided that CSHB 23 is enacted in the content as the work draft paper dated March 22, 1982, the act will allow for a one-time distribution of permanent fund dividend payments of \$1000 to each eligible individual, including minor children. This act will also provide for the collection of improperly made payments.

The Enforcement Division will be impacted under sec. 3 which provides for the determination of eligible applicants. With the addition of applications for minors, not provided for under the current AS 43.23, we estimate approximately 420,000 applications. Determining the eligibility of applications for minors between the age of 6 months and school age will be the major problem area.

The Enforcement Division will also be responsible under sec. 4(b) for the collection of improperly paid dividends from individuals who are determined not to be eligible.

We request that for the balance of FY 82 funding be continued for the current staff level. Funding for the current staff has also been projected thru FY 87. We will analyze our staff requirements prior to the end of FY 84 and submit our budget accordingly.

NOTE: The following amendments are presented for your consideration:

(b) The department shall prescribe and furnish an application for claiming a permanent fund dividend that contains a statement of eligibility and a certification of residency in substantially the following form:

Joseph K. Donohue
Deputy Commissioner - Taxation

April 5, 1982
Page 2

I certify that (individual's) name (I am) the individual for whom I am making application is a state resident and has (have) been a state resident for at least six months before the date of this application. I also understand that a false claim of residency to obtain a permanent fund dividend payment is a criminal offense and that if convicted I must repay all payments that have been paid to me or paid to the individual in whose name I have made application. I understand that this penalty is in addition to any criminal penalties imposed.

Page 3, line 8

Sec. 4(b) should be amended as follows:

(b) If a final determination is made that a payment has been improperly made to an individual, the commissioner may use the collection procedures and remedies set out in AS 43. for the collection of tax to recover the permanent fund dividend. A notice of an improperly paid dividend must be sent to the individual within 6 years after the improper payment. If a notice is not sent within the 6 year period, proceedings may not be commenced in court for the recovery of the improper payment.

Page 3, line 11

Sec. 5(a) should be amended as follows:

The department shall adopt emergency regulations under AS 44.62.250 to establish procedures and time limits for claiming a permanent fund dividend under this Act.

MLG:lw

Original sponsors: Randolph, Beirne
and Fanning

Offered: 4/5/82
Referred: Rules

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 23 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

6 A BILL

6 For an Act entitled: "An Act providing for permanent fund dividends; and
7 providing for an effective date."

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

9 * Section 1. POLICY, PURPOSES, AND FINDINGS. (a) It is the policy of
10 the state to promote the concept of government that derives its just powers
11 from the people it serves by placing a substantial portion of Alaska's com-
12 monly owned natural resource ^{revenues} [wealth] into the hands of individual Alaskans.

13 (b) The purposes of this Act are to

14 (1) share a portion of the state's income derived from the develop-
15 ment and production of the natural resources of the state directly and equit-
16 ably with state residents; and

17 (2) encourage increased awareness and involvement by the residents
18 of the state in the management and expenditure of the Alaska permanent fund
19 (art. IX, sec. 15, Constitution of the State of Alaska).

20 (c) The legislature finds that

21 (1) equitable distribution of a portion of ^{the state's income derived from the} ^{development & production of the natural} ^{resources of the state} [state wealth] directly
22 to the people of the state is in the public interest and serves a public
23 purpose;

24 (2) distribution of a portion of state mineral resource revenues
25 directly to state residents will maximize efficiency, promote individual
26 freedom of choice, and stimulate private sector development through indivi-
27 dual consumer choice;

28 (3) the costs for energy and housing paid by residents of the
29 state are far higher than those paid by most citizens of the United States

1 and it is in the public interest to return to state residents a portion of
2 the state's income from oil, gas, and other mineral production to help offset
3 rising costs for energy and housing; and

4 (4) the search for additional mechanisms for a permanent program
5 of equitable direct distribution of Alaska's wealth is important and should
6 be continued.

7 * Sec. 2. ELIGIBILITY FOR PERMANENT FUND DIVIDEND. (a) An individual is
8 eligible to receive a one-time permanent fund dividend in the amount of
9 \$1,000 if that individual

10 (1) applies to the Department of Revenue on a form prescribed by
11 the department; and

12 (2) was a state resident for a period of at least six months
13 immediately preceding the date of application.

14 (b) A parent or guardian may claim a permanent fund dividend on behalf
15 of a minor or incompetent individual who is eligible to receive a payment
16 under this section.

17 * Sec. 3. PROOF OF ELIGIBILITY. (a) The commissioner shall adopt regu-
18 lations for determining eligibility under this Act as emergency regulations
19 under AS 44.62.250. The commissioner may require an individual to provide
20 proof of eligibility, or may use other information available from other de-
21 partments or agencies of the state to determine eligibility under this Act.

22 (b) The department shall prescribe and furnish an application form for
23 claiming a permanent fund dividend that contains a statement of eligibility
24 and a certification of residency in substantially the following form:

25 I certify that I am a state resident and have been a state
26 resident for at least six months before the date of this appli-
27 cation. I also understand that a false claim of residency to
28 obtain a permanent fund dividend payment is a criminal offense
29 and that if convicted I must repay all payments that have been

1 paid to me. I understand that this penalty is in addition to
2 any criminal penalties imposed.

3
4 _____
5 (signature of individual
6 or parent or guardian)

7 * Sec. 4. PENALTIES AND ENFORCEMENT. (a) In addition to any criminal
8 penalties imposed by law, if an individual is convicted of a crime in connec-
9 tion with a false statement made in a certification of residency for purposes
10 of claiming a payment under this Act, and the conviction is not reversed,
11 that individual is not eligible for a permanent fund dividend and must pay
12 back any permanent fund dividend received.

13 (b) If a final determination is made that a payment has been improperly
14 made to an individual, the commissioner may use the collection procedures or
15 remedies set out in AS 43 to recover the permanent fund dividend.

16 * Sec. 5. DUTIES OF THE DEPARTMENT. (a) The department shall adopt as
17 emergency regulations under AS 44.62.250 procedures and time limits for
18 claiming a permanent fund dividend under this Act. The deadline for claiming
19 a permanent fund dividend under this Act may not be later than 120 days after
20 the effective date of this Act. Payments shall be made as soon as possible
21 after the department determines that an applicant is eligible for the payment.

22 (b) The department shall assist residents of rural areas who because of
23 language, illness, old age, or inaccessibility need assistance to establish
24 eligibility and to apply for the permanent fund dividend provided under this
25 Act.

26 * Sec. 6. EXEMPTIONS OF PERMANENT FUND DIVIDENDS. Fifty percent of a
27 permanent fund dividend that is payable to or has been paid to an individual
28 under this Act is exempt from levy, execution, garnishment, and other remedy
29 for the collection of a debt. An exemption under this section may be claimed
by an individual whether or not the payment has been commingled with other

1 money.

see attached
No exemption for child support obligations

2 * ~~Sec. 7.~~ ELIGIBILITY FOR STATE PUBLIC ASSISTANCE PAYMENTS. In determin-
3 ing the eligibility of an individual for general relief medical assistance
4 under AS 47, the Department of Health and Social Services may not consider a
5 permanent fund dividend as income.

+ New Section 8

6 * Sec. 8. DEFINITIONS. In this Act,

7 (1) "commissioner" means the commissioner of revenue;

8 (2) "department" means the Department of Revenue;

9 (3) "individual" means a natural person;

10 (4) "state resident" means an individual who is physically present
11 in the state with the intent to remain permanently in the state or, if he is
12 not physically present in the state, intends to return to the state and is
13 absent for any of the following reasons:

14 (A) vocational, professional, or other special education for
15 which a comparable program was not reasonably available in the state;

16 (B) postsecondary education;

17 (C) military service;

18 (D) medical treatment;

19 (E) service in Congress; or

20 (F) other reasons that the commissioner may establish by
21 regulation under the Administrative Procedure Act (AS 44.62).

22 * Sec. 9. AS 43.23 and secs. 1, 3 and 4, ch. 21, SLA 1980, as amended by
23 sec. 1, ch. 60, SLA 1980, are repealed.

24 * Sec. 10. AS 43.23.010(b) is amended to read:

25 (b) For each year, an individual is eligible to receive payment of
26 the permanent fund dividends for which he is entitled under this section
27 if he

28 [(1) IS AT LEAST 18 YEARS OF AGE; AND

29 (2)] is a state resident during all or part of the year for

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which the permanent fund dividend is paid.

* Sec. 11. AS 43.23.010 is amended by adding a new subsection to read:

(g) A parent or guardian may claim a permanent fund dividend on behalf of a minor or incompetent individual who is eligible to receive a payment under this section.

* Sec. 12. Section 4, ch. 21, SLA 1980, is repealed.

* Sec. 13. Sections 10 - 12 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 14. Sections 1 - 9 of this Act take effect on the date of a decision by the United States Supreme Court that invalidates any portion of AS 43.23 or secs. 1, 3, and 4, ch. 21, SLA 1980, as amended by sec. 1, ch. 60, SLA 1980, or on July 10, 1982, [whichever is earlier.] if the U.S. Supreme Court has not reached a decision by that date.

A M E N D M E N T

Edell

#1

*These amendments
were adopted*

Clocks in

Offered in the HOUSE

TO: CSSH B 23 (Finance)

Page 4, lines 2-5, delete Section 7 and insert the following:

*Sec. 7. ELIGIBILITY FOR PUBLIC ASSISTANCE. (a) In determining the eligibility of an individual under a public assistance program administered by the Department of Health and Social Services and in which eligibility for assistance is based on financial need, the Department of Health and Social Services shall, to the extent allowed by federal law or regulation, not consider a permanent fund dividend as income or resources for the month the dividend was received by the recipient of public assistance. The Department of Health and Social Services shall notify all recipients of public assistance of the effects of receiving a permanent fund dividend.

(b) An individual who is denied medical assistance under Title XIX of the federal Social Security Act (42 USC 1396 et seq) solely because of the receipt of a permanent fund dividend shall be eligible for state-funded medical assistance under the General Relief Assistance program (AS 47.25.120-.300). The individual shall receive the same level of medical assistance as the individual would have received under Title XIX of federal Social Security Act had there been no permanent fund dividend program.

(c) An individual who is denied cash assistance because permanent fund dividends are counted as income or resources under federal law or regulation shall be eligible for cash assistance under the General Relief Assistance program (AS 47.120-.300). The individual shall, despite the limit in AS 47.25.130, receive the same amount as the individual would have received under other public assistance programs had there been no permanent fund dividend program.

Edell

2

A M E N D M E N T

Offered in the HOUSE

By Clocksin

TO: CSSH B 23 (Finance)

8

Page 4, line 6, add a new section ~~9~~ and renumber accordingly:

*Sec. ~~8~~⁸. ELIGIBILITY FOR STATE PROGRAMS. No program administered by the state or any of its instrumentalities or municipalities, the eligibility for which is based upon financial need, shall consider a permanent fund dividend as income or resources unless required to do so by federal law or regulation.

adopted

u/c

3.

A M E N D M E N T

Offered in the HOUSE

By Clocksin

TO: CSSSHB 23 (Finance)

Page 4, line 1, after "money." insert:

"No exemption is available under this section for permanent fund dividends taken to satisfy child support obligations required by court order."

adopted

v/c

HB 2 TITLE & SPONSOR SUMMARY

16:30 4/06/82 PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE USE AND DISPOSAL OF STATE LAND

PRIME SPONSOR: BEIRNE.

CO-SPONSORS: BETTISWORTH, RANDOLPH.

CURRENT STATUS: 3/12/82 IN (H) FINANCE

HB 2 HOUSE ACTION

16:30 4/06/82 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

02/04/81 01 0115 FIRST READING -- COMMITTEE REPORTS
03/12/82 02 0779 RE? -- CS06
FINANCE
RULES

*** ** ** *** ** *

H B

4 7

Mandatory Prison & fines: winter waste
moose & caribou

HB 477

Grussendorf
Bethisworth, Fanning
Phillips, Randolph

technical sk; but Title 8VI

toughens winter waste law -
mandatory minimum fines & jail
for total waste (hindquarters)
broadens edible meat to include
neck and rib meat
takes away Beard's power to provide
exceptions
if convicted, forfeit hunting license
that year & the next, for 5 years
for total waste

COMMITTEE REPORT

HOUSE

3/1

5/22/81

FURTHER:

Relev

(7)

Date:

Mar 1, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 47

"An Act establishing mandatory imprisonment and fines as penalties for violation of hunting laws prohibiting waste of moose and caribou."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS HB 47 (Judiciary) same title new title
- and recommends it do pass
- AND attaches a "Letter of Intent" ~~NEW~~ Fiscal Note ^{w/analysis}
- reports it back without recommendation ₂₋₀ ^{Suppl.}
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

[Signature]

[Signature]

R. L. E. [Signature] D. Pen

[Signature]

[Signature]

MEMBERS HAVING

OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

COMMITTEE REPORT

HOUSE

5/22

2/3/81

FURTHER: JUDICIARY

(11)

Date: MAY 22, 1981

Mr. Speaker:

The Committee on RESOURCES has had HB 47

"An Act establishing mandatory imprisonment and fines as penalties for violation of hunting laws prohibiting waste of moose and caribou."

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 HB 47 (Rec) 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:

Jerry Gaudin

Bob Jones

Rick Halfoil

Eric Sutcliffe

Vernon Huselby

Barney

Paul F. Zharoff No Rec

Jerry Gaudin
CHAIRMAN

Paul F. Zharoff

as per (?)

Original sponsors: Grussendorf, Bettisworth,
Fanning, et al

Offered: 3/1/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 47 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the prohibition against waste of
7 the meat of big game animals and wild fowl."

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

9 * Section 1. AS 16.30.010 is repealed and reenacted to read:

10 Sec. 16.30.010. WANTON WASTE OF BIG GAME ANIMALS AND WILD FOWL.

(1 year, \$5,000 fine max.)

11 (a) It is a class A misdemeanor for a person who kills a big game
12 animal or a species of wild fowl to fail, intentionally, knowingly,
13 recklessly, or with criminal negligence, to salvage for human consump-
14 tion the edible meat of the animal or fowl.

NEW

15 (b) A person convicted of violating this section who has failed to
16 salvage from a big game animal at least the hindquarters as far as the
17 distal joint of the tibia-fibula (stifle joint) shall be sentenced to

Mandatory

18 (1) a definite term of imprisonment of not less than 160
19 consecutive hours; and *6 months now* "not more than 6 mos. or

b⁷ 3 days

20 (2) a fine of not less than \$2,500. *5,000 now \$5,000*

21 (c) A sentence imposed under (b) of this section may not be sus-
22 pending, nor may imposition of the sentence be suspended.

23 * Sec. 2. AS 16.30 is amended by adding new sections to read:

24 Sec. 16.30.015. SURRENDER OF SALVAGED PORTIONS, LICENSE FORFEITURE.

25 A person convicted of violating AS 16.30.010

26 (1) shall surrender to the department all salvaged portions
27 of the animal or fowl;

28 *NEW* (2) forfeits his hunting license;

29 (3) is ineligible to hold a hunting license for

2/2/82

1 (A) the year in which the conviction is entered and the
2 year following the year in which the conviction is entered;

3 (B) a period of five years from the date of the convic-
4 tion if he has failed to salvage from a big game animal at least
5 the hindquarters as far as the distal joint of the tibia-fibula
6 (stifle joint).

7 Sec. 16.30.017. DEFENSES. It is a defense to a criminal charge
8 under AS 16.30.010 that the failure to salvage the edible meat was due
9 to circumstances beyond the control of the person charged, including

- 10 (1) theft of the animal or fowl;
11 (2) unanticipated weather conditions or other acts of God;
12 (3) unavoidable loss in the field to another wild animal.

13 * Sec. 3. AS 16.30.030 is amended by adding new paragraphs to read:

14 (3) "big game animal" means moose, caribou, mountain sheep,
15 mountain goat, feral reindeer, deer, elk, bison, walrus, or musk-ox;

16 (4) "criminal negligence" means criminal negligence as
17 defined in AS 11.81.900(a)(4);

18 (5) "edible meat" means, in the case of big game animals, the
19 meat of the ribs, neck, brisket, front quarters as far as the juncture
20 of the humerus and the radius-ulna (knee), hindquarters as far as the
21 distal joint of the tibia-fibula (stifle joint), and that portion of the
22 animal ~~between the front and hindquarters~~ *[meat of ribs ~~is~~ used to be excluded]* in the case of wild fowl, the
23 meat of the breast; however, "edible meat" of big game or wild fowl does
24 not include

25 (A) meat of the head;

26 (B) meat that has been damaged and made inedible by the
27 method of taking;

28 (C) bones, sinew, and incidental meat reasonably lost as
29 a result of boning or a close trimming of the bones;

1 (D) viscera;

2 (6) "intentionally" means intentionally as defined in AS 11.-
3 81.900(a)(1);

4 (7) "knowingly" means knowingly as defined in AS 11.81.900(a)-
5 (2);

6 (8) "recklessly" means recklessly as defined in AS 11.81.900-
7 (a)(3);

8 (9) "wild fowl" means species of wild fowl for which seasons
9 or bag limits have been established by state or federal law.

10 * Sec. 4. AS 16.30.020 is repealed.

11 *animals the board has exempted*
12 *by regulation - allows no exceptions*
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 47

Title "An act relating to the prohibition against waste of the meat of

Requested by Repr. Barnes, House Judiciary Date Feb. 22, 1982
wild food animals."

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Prosecution

(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)

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

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

This bill makes amendments to the state's laws pertaining to the waste of the meat of wild food animals, including minimum mandatory fines and jail terms. Additionally, the bill now categorizes the meat of the neck and the ribs as part of "most of the edible meat" of big game wild food animals. There is the distinct possibility that the number of guilty pleas for violating the state's wanton waste laws will decrease in view of the more severe penalties specified, and that with corresponding increase in trials a need for additional attorney positions may arise. While this possibility is speculative and consequently no additional positions have been requested at this time, any legislative action diminishing the resources available to the department in FY 83, coupled with the enactment of this and other crime bills requiring a greater prosecution effort will severely hamper the department's overall ability to prosecute criminal offenses.

IV. DATE February 22, 1982

PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
Department of Law

Original: Legislative Finance

PHONE 65-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Richard I. Pegues

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 47

Title "An Act Establishing Mandatory Imprisonment/Fines for Violation of Hunting Laws....
Requested by House Resources Date 1/29/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected NRMEC

BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection

(Note: If more than one budget component is affected, sep rate 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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	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)

NO FISCAL IMPACT

IV. DATE 1/29/82

PREPARED BY AS Col. Robert J. Stickle

AGENCY Fish & Wildlife Protection, DPS

PHONE 269-5534

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

AMENDED TITLE:
AN ACT ESTABLISHING MANDATORY IMPRISONMENT AND FINES AS
PENALTIES FOR VIOLATION OF HUNTING LAWS
PROHIBITING WASTE OF MOOSE AND CARIBOU

PRIME SPONSOR: GRUSSENDORF.

CO-SPONSORS: BETTISWORTH, FANNING, PHILLIPS, RANDOLPH.

CURRENT DATE: 3/01/82 IN (H) RULES

HB 47 HOUSE ACTION

DATE SEQ PAGE

LEGISLATIVE ACTION

02/04/81 01 0126
05/22/81 02 1623
03/01/82 03 0631
03/01/82 04 0631

FIRST READING -- COMMITTEE REPORTS
RES -- CS06, NR01
JUD -- CS05
F/NOTES EQUAL ZERO HSE SJPL #19
RULES
RULES

**** ** ** *** ** *

HA B

7 4

re. rights of debtors & creditors

HB 17
Code Revision
Commission

Notification OK

Judiciary CS raises the exempted
amounts in several cases

Barnes will carry

Homestead exemption -

can trace property & keep it
exempt - sell it, get
cash, keep it exempt -
clocks in - extend from 3 to 6 mos.

- NO -

continuing lien -

but it saves legal expenses
now, to garnish wages, have to
do it every pay period - bill
would make it you'd not care.
makes justice swifter. saves
creditor \$\$

figures came from 1975

technical changes in CS, - put back in
original bill -

yes

make child support exempt when it's
in the hands of the mother - it's
she kid's money

COMMITTEE REPORT

HOUSE

3/17
Rules

FURTHER:

2/4/81

(7)

Date: Apr. 16 81

Mr. Speaker:

The Committee on JUDICIARY has had HB 74

"An Act relating to the rights of debtors and creditors."

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 HB 74 (Judiciary) same title
 new title
 and ^{may} recommends it do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation zero 1 w/analysis
- referred to the _____ Suppl. C 26
Committee

MEMBERS SIGNING
DO PASS

Charles Anderson

Buchholdt

ROBERT PELL D. Pass

Lanora B. Barnes

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Freeman No Rec

Lanora B. Barnes
CHAIRMAN

AMENDMENT

#1

OFFERED IN THE HOUSE:

By: Clockwin

To: CS HOUSE BILL No. 74 (Jud)

SENATE BILL No. _____

PAGE: 6

LINE: 5

after "maintenance" insert ", except that
child support required by court order is
excluded from this section."

AMENDMENT

#2

OFFERED IN THE HOUSE:

By: Clocksin

To: CS

HOUSE BILL No. 74 (Jud)

SENATE BILL No. _____

PAGE: 6

LINE: 16

delete from p. 6, line ~~11~~¹⁶ through p. 7,
line 19.

AMENDMENT

#3

OFFERED IN THE HOUSE:

By: Clackson

To: CS HOUSE BILL No. 74 (J.L.)

SENATE BILL No. _____

PAGE: 8

LINE: 21

change "three" to "six"

AMENDMENT

#4

OFFERED IN THE HOUSE:

BY: Clocksin

To: CS HOUSE BILL No. 74 (Jud)

SENATE BILL No. _____

PAGE: 9

LINE: ~~8~~ 7

On line 7, delete "; or "

On line 8, delete "(C) state or
local taxes "

AMENDMENT

#5

OFFERED IN THE HOUSE:

By: Clocksie

To: CS HOUSE BILL No. 74 (Jud)

SENATE BILL No. _____

PAGE: 14

LINE: 5

before " AS 09.38.080(c) " insert

" AS 09.38.075(b) " and "

AMENDMENT

#6

OFFERED IN THE HOUSE:

By: Clocksin

To: C-5 HOUSE BILL No. 74 (Jud)

SENATE BILL No. _____

PAGE: 14

LINE: 16

after "property," insert "changing
venue,"

AMENDMENT

OFFERED IN THE HOUSE:

BY: Moss + Buchholdt

TO: CS

HOUSE BILL No. 74 (Judiciary)

SENATE BILL No. _____

PAGE: 3, 4

LINE: _____

Page 3, line 22 delete \$2,000, replace with ~~\$2,000~~ \$3,500;

Page 4, line 2 delete \$700, replace with ~~\$700~~ \$1,000;

Page 4, line 4, delete \$1,400, replace with ~~\$1,400~~ \$5,000;

Page 4, line 8, delete ~~\$4,300~~ \$4,300, replace with ~~\$4,300~~ \$1,000

MEMORANDUM

TO: Billy Berrier, Director
Division of Legal Services

FROM: Rep. Jack Fuller, Chairman
House Rules Committee

DATE: March 30, 1982

A draft Rules Committee Substitute for CSHB 74 has been prepared by your office. The Rules Committee has adopted that CS with the following changes:

Page 1, lines 26 and 28: change \$40,000 to \$27,000.

Page 3, lines 9 and 10: DELETE (9) child support paid or required to be paid under court order.

Page 4, line 4: Keep the amount at \$1,400, as in the Judiciary CS.

Please prepare a final Rules CS incorporating these changes.

Thank you.

CODE REVISION COMMISSION



HB 74

COMMISSIONERS
JOHN W. ABBOTT - CHAIRMAN
SUSAN A. BURKE - VICE CHAIRMAN
PATRICK M. RODEY
FRED E. BROWN
L.S. KURTZ, JR.
WM. GRANT CALLOW

ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Chairman, Alaska Legislative Council

FROM: John W. Abbott, Chairman *John W. Abbott*
Alaska Code Revision Commission

DATE: January 9, 1981

RE: Revision of State Exemptions Law

Pursuant to the authority granted in AS 24.20.075(c), the Alaska Code Revision Commission has reviewed that portion of the Alaska Statutes which provides protection for certain property of an individual from seizure by creditors to enforce the payment of an unsecured debt. The commission has determined that the exemption laws of the state are out of date and do not provide adequate protection for property in the possession of an individual which is necessary to provide the basic necessities of life for the individual and his family. In addition, Congress has been considering bills which would dramatically revise the bankruptcy laws of the United States. The bankruptcy law revision is significant because the exemptions provided under the state law of the petitioner's domicile are applied by the bankruptcy courts. As a result of this congressional consideration of the bankruptcy laws, the National Conference of Commissioners on Uniform State Laws (NCCUSL) has prepared and presented for consideration by the states a uniform exemptions act. The NCCUSL has stated that the area of exemptions law is one of the few for which the plea for uniformity is most appropriate. The commission utilized the uniform exemptions act as a guide in preparing and recommending for your consideration, the Alaska Exemptions Act. The Act contains the basic structure of the uniform act with amendments relating to specific items and increases in the value of some exemptions with a value limit. The Alaska Exemptions Act increases the value of the homestead exemptions by allowing the aggregation of homestead exemptions held by joint owners of the residence. The Act also provides for exemptions of property with a value limitation, property exempt without a value limit, exemption of unmaturing life insurance, and establishes procedures which specify how debtors and creditors may exercise rights conferred under the Act.

The Alaska Code Revision Commission has attempted to present suggested legislation which balances the often-competing

interests of both debtors and creditors. Creditors need simple and inexpensive procedures for collecting unsecured debts while debtors must have protection for their property so that they are not deprived of property which supplies the basic necessities of life or be required to seek public assistance benefits. The Alaska Exemptions Act includes a procedure for garnishment which would end the current practice of obtaining a writ of garnishment of wages. Seasonally employed individuals are afforded protection from garnishment of their earnings in a way that permits the exercise of an exemption for funds accumulated during the work season over the entire year. The Act also has an automatic cost of living provision which provides for the adjustment of dollar amounts based on increases or decreases in the Anchorage metropolitan area cost of living index. This provision is intended to avoid the necessity for continuing legislative oversight of value limit exemptions provided in the Act.

The Alaska Code Revision Commission has prepared and included an official text of the Act with commentary as an aid during your detailed consideration of this suggested legislation.

This Act was submitted to the Eleventh Legislature as House Bill No. 56.

JWA:bgg:chw

cc: Hon. Jay S. Hammond, Governor
Hon. Jay A. Rabinowitz, Chief Justice
Myrton R. Charney, Executive Director
Legislative Affairs Agency

Attachments

MEMORANDUM

TO:

Joseph K. Donohue
Deputy Commissioner - Taxation
Department of Revenue

DATE :

March 22, 1982

FROM:

Marilla L. Gemmer
Director
Enforcement Division

SUBJECT:

Committee
Substitute for
House Bill 74

The Enforcement Division would not have any problem if CSHB 74 were to be enacted. The right to levy against exempt property under AS 09.35.080(b)(2)(C) which would be repealed by CSHB 74, would be preserved under 09.38.030(c) and 09.38.065(a)(1)(C).

There would be no additional costs.

NOTE: A new Sec. 15 should be added to CSHB 74 as follows:

Sec. 15. AS 43.20.270 is amended to read:

Sec. 43.20.270. DISTRAINT ON PROPERTY. (b) Notwithstanding the provisions of AS 09.35.070, 09.38.010-09.38.020 (-09.35.090) or any other provision of law exempting property from execution, only the following property, if it belongs to the head of a family, is exempt from distraint and sale under this chapter:

Sec. 16. Sec. 15 as it currently appears on CSHB 74 would now become Sec. 16.

MLG:lw

cc: Art Peterson
Assistant Attorney General
Department of Law

Changes between CSHB 74 (Judiciary) and proposed CSHB 74 (Rules)

Draft CSHB 74 (Rules) includes the following amendments to the original bill that are now in the Judiciary substitute:

- (1) the amendment to the original bill that would retain the exemption of liquor licenses and limited entry permits without substantive change from existing law;
- (2) technical amendments to correct an error in the repealer and to reflect a change in the name of the consumer price index;
- (3) the adjustments for inflation of only the homestead exemption and the wage exemption (based on the 43 percent increase in the Anchorage consumer prices index since the bill was originally drafted in December, 1977).

Draft CSHB 74 (Rules) does not include the balance of the Judiciary Committee's markup of figures in the original bill.

Draft CSHB 74 (Rules) contains the following changes that were not in the Judiciary substitute:

- (1) clarifying that child support paid to or required to be paid by, the judgment debtor under court order is exempt;
- (2) extending the period in which proceeds of the voluntary sale of a homestead are exempt from three to six months;
- (3) requiring that a notice of rights be served on the judgment debtor along with an order temporarily restraining him from disposing of his exempt property;
- (4) requiring notice of procedures for seeking a change of venue;
- (5) reducing the exemption for pets from \$4,300 to \$500.

Clocksini's amendments -
adopted w/ the changes marked

Amendments to CSHB 74 (Judiciary)

Page 3, line 8: Change period to semicolon.

~~Page 3, following line 8:~~

Insert "(9) child support paid or required to be paid under court order."

Page 3, line 22: Change "\$2,000" to "\$1,500".

Page 4, line 2: Change "\$700" to "\$500".

Page 4, line 4: Change "\$1,400" to "\$1,000". No-keep at 1,400

Page 4, line 8: Change "\$4,300" to "\$500".

Page 4, line 10: Change "\$2,100" to "\$1,500".

Page 4, line 11: Change "\$14,500" to "\$10,000".

Page 4, line 16: Change "\$7,200" to "\$5,000".

Page 6, line 4: Delete "support,".

Page 8, line 5: Change "\$200" to "\$275".

Page 8, line 7: Change "\$800" to "\$1,100".

Page 8, line 21: Change "three" to "six".

Page 11, line 14: Delete "and".

Page 11, line 16: Change period to comma.

Page 11, following line 16: Insert "(D) of the information required by AS 09.38.085(a)".

Page 14, line 5: Before "AS 09.38.080(c)" insert "AS 09.-38.075(b) and".

Page 14, line 16: After "property" insert "changing venue,".

plus: page 1, lines 26 + 28 - change
\$40,000 to \$27,000 (O'Connell + Phillips
wanted this)

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

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

March 26, 1982

The Honorable John G. Fuller
Chairman
House Rules Committee
Room 204 - Capitol Building
Juneau, Alaska

Dear Mr. Fuller:

Re: CS for House Bill No. 74 (Judiciary)

CS for House Bill No. 74 (Judiciary), an Act relating to the rights of debtors and creditors, was referred on March 17, 1982 by the House Judiciary Committee to the House Rules Committee.

Subsequently, on March 24, 1982 the House by floor vote failed to adopt CS for House Bill No. 74 (Judiciary) and House Bill No. 74 was returned to the House Rules Committee.

For the consideration of the House Rules Committee, I am enclosing copies of Fiscal Notes prepared by Ms. Marilla L. Gemmer, Director Enforcement Division and Mr. Dan R. Copeland, Director, Child Support Enforcement of the Department of Revenue concerning the Committee Substitute and suggesting certain amendments.

Sincerely,



R. D. Stevenson
Special Assistant

Enclosures

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Marilla L. Gemmer, Director
Enforcement Division
Department of Revenue

Dan R. Copeland, Director
Child Enforcement Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 74
 Title Relating to the rights of debtors and creditors
 Requested by House Rules Committee Date 3/22/82

II FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected Revenue Collection & Management
 BRU, Program, Or Subprogram(s) Affected Enforcement 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)

	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	NONE					

FUNDING (Thousands of Dollars)

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 memorandum from Marilla L. Gemmer to Joseph K. Donohue.

Marilla L. Gemmer

IV. DATE 3/22/82 PREPARED BY Marilla L. Gemmer, Director
 AGENCY Department of Revenue - Enforcement Division
 PHONE 465-2366
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

MEMORANDUM


TO:

Joseph K. Donohue
Deputy Commissioner - Taxation
Department of Revenue

DATE :

March 22, 1982

FROM:

Marilla L. Gemmer 
Director
Enforcement Division

SUBJECT:

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Substitute for
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MLG:lw

cc: Art Peterson
Assistant Attorney General
Department of Law

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 74 (Jud)
 Title "An Act relating to the Rights of debtors and creditors"
 Requested by Home Rules Date 3/18/82

II. FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected Revenue Collection and Management
 BRU, Program, Or Subprogram(s) Affected Child Support Enforcement 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)

	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						
	None					

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
None						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						
None						

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

Statutes affecting child support enforcement AS 09.65.132(g) and AS 47.23.250(i) include references to sections of current law (AS 09.35) which section 14 of HB 74 moves to repeal. These references exempt certain child support enforcement actions from the restrictions from execution by judgment debtors under AS 09.35 and impose specific restrictions for child support actions. Language in HB 74 under AS 09.38.065 presents every indication that child support enforcement should continue to maintain this exemption.

With the reference changes from AS 09.35 to AS 09.38 in both AS 09.65.132(g) and AS 47.23.250(i), the child support agency and the obligor should experience the benefits of the procedures for execution on judgments. Without the reference changes the child support agency would experience additional legal expense in executing on judgments where two sets of requirements and restrictions are in effect.

IV. DATE 3/27/82

PREPARED BY Dan R Copeland

AGENCY Child Support Enforcement - Dept. of Revenue

Original: Legislative Finance

PHONE 276-3441

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 74 (Jud)
 Title "An Act relating to the Rights of debtors and creditors"
 Requested by Home Rules Date 3/18/82

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700 GRANTS, CLAIMS, ETC.						
TOTAL	None					

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FEDERAL FUNDS						
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FULL TIME						
PART TIME						
TEMPORARY						
None						

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 AGENCY Child Support Enforcement - Dept. of Revenue
 Original: Legislative Finance PHONE 276-3441
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