

1972

HRLS

HB 357

-

HB 637

1972

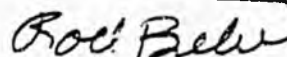
Representative Adams

-2-

April 12, 1982

The Department of Health and Social Services and the Department of Law continue to support the need for the above referenced changes. Any assistance you may be able to offer in this regard will be greatly appreciated.

Sincerely,



Rod Estit
Director

cc: Thomas H. Robertson,
Assistant Attorney General

Allen Korhonen,
Deputy Commissioner

Alice Farnan

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COMMITTEE REPORT

HOUSE

3/19

Rules

FURTHER:

3/25/81

(11)

7

Date: March 19, 1982

Mr. Speaker:

The Committee on RESOURCES has had HB 400

"An Act relating to the maximum length of salmon seine vessels; 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 HB 400 (RESOURCES) [same title [] new title

and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without ^{individual} recommendations

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Ken Penning
[Signature]
[Signature]
Rick Halford

MEMBERS HAVING

OTHER RECOMMENDATIONS: *50*

Eric Sutchff *NO REC*
Tom Vest *NO REC*

Ken Penning
CHAIRMAN

AMENDED TITLE:

AN ACT RELATING TO THE MAXIMUM LENGTH OF SALMON SEINE VESSELS;
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: HAUGEN.

CO-SPONSORS:

CURRENT STATUS: 3/25/81 IN (H) RESOURCES

HB 400 HOUSE ACTION

DATE SEQ PAGE

LEGISLATIVE ACTION

03/25/81 01 0692

FIRST READING -- COMMITTEE REPORTS
RESOURCES
RULES

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 400
 Title RELATING TO MAXIMUM LENGTH OF SALMON SEINE VESSELS
 Requested by _____ Date 3/25/81

II. FISCAL DETAIL

Agency Affected DEPARTMENT OF FISH AND GAME
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected COMMERCIAL FISHERIES
 (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-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

NO FISCAL IMPACT

IV. DATE APRIL 3, 1981 PREPARED BY JANET B. GREEN

AGENCY DEPARTMENT OF FISH AND GAME

PHONE 465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

RONALD L. GREEN, OFFICE OF THE GOVERNOR

March 23, 1982

Mr. John G. Fullex
Chairman
House Rules Committee
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Mr. Fuller:

AS 16.05.835 is the section that establishes maximum length for salmon seine vessels. The prohibition is essentially duplicated by regulation of the Board of Fisheries, (5 AAC 39.160). After the introduction of limited entry in the salmon net fisheries, there has been increasing interest in removing the prohibition in some seine fishing areas. The statute is inflexible; it should be repealed which would enable the Board of Fisheries to determine vessel limits by reasonable regulations based on conservations and development considerations for each area of the state under AS 16.05.251 (a) (4).

Thank you for your consideration in this matter.

Sincerely,

Roger Ingman
Roger Ingman *BHW.*
3316 Arnold Street
Ketchikan, Alaska 99901

cc: Joe Hayes
Randy Phillips
Patrick O'Connell
Sally Smith

H B

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COMMITTEE REPORT

HOUSE

3/1

Rules

(7)

FURTHER:

2/8/82

Date: February 25, 1982

Mr. Speaker:

The Committee on RESOURCES has had SSHB 409

"An Act relating to guiding; 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)

[X] replace with CS for SSHB 409 (Resources) [X] same title [] new title

and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without ~~recommendation~~ or "as follows"

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Rich Halford
Ben [unclear]

MEMBERS HAVING OTHER RECOMMENDATIONS:

Earl G. Lutchfe NO REC
Thomas [unclear] NO REC
Kent [unclear] NO REC

[Signature]
CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: _____

To: _____ HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: _____

LINE: _____

AS 16.05.407 is amended by adding a new subsection to read:

(d) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take walrus or a big game animal as defined by the Board of Game unless personally accompanied by a person who is licensed as a master guide, registered guide, [or] class-A assistant guide, or marine mammal guide under AS 08.14.

COMMITTEE REPORT

HOUSE

3/1

Ruler

FURTHER:

(7)

2/8/82

Date: February 25, 1982

Mr. Speaker:

The Committee on RESOURCES has had SSHB 409

"An Act relating to guiding; 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)

[X] replace with CS for SSHB 409 (Resources) [X] same title [] new title and recommends

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without ~~recommendation~~ or "as follows"

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Rich Halford
Jan [signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

Em G. Lutchffe NO REC
Tommy Barnes No Rec
Ken [signature] No Rec

[signature] CHAIRMAN

Original sponsors: Hurlbert, Zharoff
and Grussendorf

Offered: 3/1/82
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 409 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

~~HUNTING~~ ~~BY RESIDENT ALASKANS~~ ~~AND~~ ~~ASSISTANT~~ ~~GUIDES~~

6 For an Act entitled: "An Act relating to ~~guiding~~, and providing for an
7 effective date."

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

9 * Section 1. AS 16.05.407 is amended by adding new subsections to read:

10 (d) It is a class A misdemeanor for a nonresident alien to hunt,
11 pursue or take ~~brown bear, grizzly bear, polar bear, sheep caribou, or~~
12 ~~moose~~ ^{as defined SAAC 90.020(3) and 90.020(4)} in this state unless personally accompanied by a person who is
13 licensed as a master guide, registered guide, or assistant guide under
14 AS 08.54, ~~or by a resident Alaskan over 19 years of age who is the spouse~~
15 ~~of or is related by blood within and including the second degree of~~
16 ~~kindred to the alien.~~

17 (e) A nonresident alien when purchasing a big game tag for the
18 taking of an animal specified in this section shall first furnish to the
19 state, on a form provided by the state, an affidavit showing that he
20 will be accompanied in his hunt by a person who is qualified under the
21 terms of this section. A nonresident shall have a copy of the affidavit
22 in his possession while in the field hunting. A person who falsifies
23 the required affidavit is guilty of perjury under AS 11.56.200.

24 (f) In this section, "nonresident alien" means a person who is not
25 a citizen of the United States and whose permanent place of abode is not
26 in the United States.

27 ~~* Sec. 2. AS 16.05.340(e) and 16.05.407(c) are repealed.~~

28 * Sec. 3. This Act takes effect July 1, 1982.

29

It is the intent of the legislature, with the passage of CSSSHB 409 "An Act relating to guiding; and providing for an effective date", not to unduly discriminate against nonresident aliens who desire to hunt in Alaska.

It is also the legislature's intent that there are clear and compelling reasons why nonresident aliens should not be hunting big game animals alone in the wilds of Alaska. Paramount among those reasons are 1.) that nonresident aliens as a class may be expected to have greater difficulty in understanding game regulations written in English than would either resident Alaskans or nonresident U.S. citizens; and 2.) that hunting traditions and customs in foreign countries in many cases are significantly different from such customs in Alaska and the United States.

For these reasons, we have determined that to ensure the adequate and proper protections of Alaska's game resources, we will limit the activities of nonresident alien hunters as CSSSHB 409 indicates.

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409(Res)

Page 1, line 6: delete "guiding" and insert:
"hunting by nonresident aliens"

Page 1, line 11:

After "take" insert "black bear,"

Before "sheep" insert "mountain or Dall"

After "caribou" delete "or"

Page 1, line 12:

After "moose" insert ",bison, Sitka blacktail deer, elk, mountain
goat, musk-ox, wolf, wolverine, or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence

Page 1, line 27:

Delete all material.

Page 1, line 28:

Change "Sec. 3" to Sec. 2".

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409 (Res)

Page 1, line 6: delete "guiding" and insert:

"hunting"

Page 1, lines 11 - 12:

Delete "brown bear, grizzly bear, polar bear, sheep, caribou, or moose"
and insert "a big game animal as defined in 5 AAC 90.020(3), or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence.

Page 1, line 27:

Delete "Sec. 2. AS 16.05.340 (e) and 16.05.407 (c) are repealed."

and insert "Sec. 2. AS. 16.05.255 (11) New Section (11) added:

Whenever it is necessary to restrict the taking of big game so that the opportunity of Alaskan residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and by nonresident aliens to accomplish that purpose."

Page 1, line 28:

Retain "Sec. 3. This Act shall take effect July 1, 1982."

HB 409 TITLE & SPONSOR SUMMARY

11:14 3/05/82 PAGE 1 OF 2

AMENDED TITLE: SSHB 409

AN ACT RELATING TO GUIDING; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: HURLBERT.

CO-SPONSORS: ZHAROFF, GRUSSENDORF.

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

HB 409 HOUSE ACTION

11:14 3/05/82 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
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02/08/82	01	0268	FIRST READING -- COMMITTEE REPORTS
03/01/82	02	0624	RES -- CS02, NR03
			RULES
			RULES

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 409
 Title An Act Relating to Guiding and Providing and Effective Date
 Requested by Hurlbert, Zharoff and Grussendorf Date 2/19/82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected NNRMEC
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

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

IV. DATE 2/19/82 PREPARED BY Colonel Robert J. Stickles
 AGENCY Department of Public Safety
 Original: Legislative Finance PHONE 269-5532
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) *(Signature)*
 33-001 (Rev. 12/81)

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409 (Res)

Page 1, line 6: delete "guiding" and insert:

"hunting

Page 1, lines 11 - 12:

Delete "brown bear, grizzly bear, polar bear, sheep, caribou, or moose"
and insert "a big game animal as defined in 5 AAC 90.020(3), or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence.

Page 1, line 27:

Delete "Sec. 2. AS 16.05.340 (e) and 16.05.407 (c) are repealed."
and insert "Sec. 2. AS. 16.05.255 (11) New Subsection (11) added:

Whenever it is necessary to restrict the taking of big game so that the opportunity of Alaskan residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and by nonresident aliens to accomplish that purpose."

Page 1, line 28:

Retain "Sec. 3. This Act shall take effect July 1, 1982."

A M E N D M E N T

By Hurlbert

TO: C S S S H B 409 (Res)

Page 1, line 6: delete "guiding" and insert:
"hunting by nonresident aliens"

Page 1, line 11:

After "take" insert "black bear,"

Before "sheep" insert "mountain or Dall"

After "caribou" delete "or"

Page 1, line 12:

After "moose" insert ",bison, Sitka blacktail deer, elk, mountain
goat, musk-ox, wolf, wolverine, or walrus"

Page 1, lines 14 - 16:

After "AS 08.54" delete rest of sentence

Page 1, line 27:

Delete all material.

Page 1, line 28:

Change "Sec. 3" to Sec. 2".

5/10 - Senate passed for needed
effective date

Nonresident
Hunters

SCS FOR CS FOR SS FOR HOUSE BILL NO. 409 (JUD)(AM S), (see pages 201;388;438;468;506;613;790). On May 8 the bill was held until the May 10 calendar. The Senate later rescinded its action and the bill was taken up on May 8. The Senate Judiciary substitute was adopted (see page 790). Amendment 2 by Senator Kelly was adopted, providing the Board of Game may (was "shall"), through a permit system, limit the taking of big game by nonresidents and nonresident aliens to provide an opportunity for Alaska residents to take the game. Amendment 3 by Senator Kelly was adopted, changing the effective date to January 1, 1983 (was July 1, 1982). The bill was then held in second reading until May 10.

Nonresident
Hunters

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 409 (RLS), (see pages 201;388;438;468;506;613). Reported back to the Senate on April 26 by Judiciary with the committee recommending it be replaced with Senate Judiciary CS and as follows: Rodey (Chmn.), Ray and Parr signed no recommendation; Anderson signed do pass. To Rules.

The Senate Judiciary CS makes the following changes to the Senate Resources version:

--Adds new Sec. 3. Would add new section to AS 16.05 to read: "Sec. 16.05.256. NONRESIDENT AND NONRESIDENT ALIEN PERMITS. Whenever it is necessary to restrict the taking of big game so that the opportunity for Alaska residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose."

--Adds new Sec. 1 making technical amendments to AS 16.05.407(a) and offers slightly reworded version of new subsection (e) to make it clear that (a) applies to nonresidents and (d)-(e) apply to nonresident aliens.

Nonresident
Hunters

COMMITTEE SUBSTITUTE FOR SS FOR HOUSE BILL NO. 409 (RLS), see pages 201;388;438;468;506). Reported back to the Senate by Resources with a majority recommending it be replaced with a Senate substitute and that it do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Gilman, Sturgulewski and Mulcahy. To Judiciary.

The Senate Resources substitute deletes a section of the bill dealing with nonresident and nonresident alien permits. The deleted section stated: "Whenever it is necessary to restrict the taking of big game so that the opportunity for Alaska residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game shall, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose."

This was in the House version but had been removed by Senate Resources →

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 409
 Title An Act Relating to Guiding and Providing and Effective Date
 Requested by Hurlbert, Zharoff and Grussendorf Date 2/19/82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected NNRMEC
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

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

IV. DATE 2/19/82 PREPARED BY Colonel Robert J. Stickles
 AGENCY Department of Public Safety
 Original: Legislative Finance PHONE 269-5532
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) (Signature)
 33-001 (Rev. 12/81)

Court asked to kill law on alien hunters' guides

By CRAIG MEDRED
Daily News reporter

Alaska businesses catering to foreign hunters have gone to court in an attempt to head off a new state law requiring that alien big-game hunters be personally accompanied by a guide.

In a class action lawsuit filed Thursday in Anchorage Superior Court, a guide, an air taxi service, an outfitter and a West German hunter argued that the court should overturn the law before its Sept. 1 effective date.

By making it impossible for air taxis and outfitters to meet existing contracts with foreign hunters, the law "amounts to retroactive legislation and results in a taking of property in violation" of the due process provisions of the state and U.S. constitutions, according to the suit.

Pressured by Alaska hunters angry about a growing influx of foreigners, the state legislature this year approved legislation making it a misdemeanor for non-resident aliens to hunt, pursue or take walrus or big game unless

personally accompanied by a guide.

Toni Salmeier, one of the plaintiffs in the suit, said there simply aren't enough guides to accompany all of the foreigners who want to hunt in Alaska.

"There's no way I can find a guide," she said. Salmeier, who owns and operates Lake Creek Lodge with her husband, Dean, said some of their regular alien hunters have asked her to find them guides, but she has been unable to do so.

If the new law stands, Sal-

meier said, it's going to cost her \$30,000 in lost business this year.

Another plaintiff in the suit, Dave Klosterman of Alaska Bush Carrier Inc., said he has already turned away foreign hunters interested in being flown into the Bush.

"It's going to cost this company between 35 to 40 percent of its gross income," he said. "Even with a restraining order (before Sept. 1) . . . it's still a total loss for this year."

Guide Henry B. Rust con-

tends that he, too, will lose business because of the law.

Rust, according to the suit, "has entered into contracts with numerous foreign nationals whereby the plaintiff became obligated to perform guide services for multiple hunting parties in the exclusive game management unit number 9, Lake Clark area."

Because he can "personally" accompany only one hunter at a time, Rust will be unable to meet the terms of all of his contracts with alien hunters if the new state law

stands, according to the suit.

And West German Leo Stahl, the fourth plaintiff in the suit and an experienced Alaska hunter, argues that the new guide law violates the equal protection clauses of the state and U.S. constitutions by requiring guides for hunters who pose no special threat to themselves or the big-game resource.

Foreign hunters like Stahl don't need guides, Klosterman added.

"Some of them are better woodsmen than most residents of this state," he said.

Kathleen McGuire

276-3550

420 L Suite 100

Anchorage 99

meets
MMW

As's office

HB 409

what's legal
in (a) is not
legal in (d)

(d)

① 3 types who can accompany
alien

only class-A assistant

②

only says "big game" - doesn't
include polar bear - polar bear
was in when they were named, then not
in final version

HB 409 TITLE & SPONSOR SUMMARY

14:27 3/01/82 PAGE 1 OF 2

AMENDED TITLE: SSHB 409

AN ACT RELATING TO GUIDING; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: HURLBERT.

CO-SPONSORS: ZHAROFF, GRUSSENDORF.

CURRENT STATUS: 2/08/82 IN (H) RESOURCES

HB 409 HOUSE ACTION

14:27 3/01/82 PAGE 2 OF 2

DATE SEQ PAGE

LEGISLATIVE ACTION

02/08/82 01 0268

FIRST READING -- COMMITTEE REPORTS
RESOURCES
RULES

**

**

H

B

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COMMITTEE REPORT

HOUSE

FURTHER:

(5)

Date: April 8, 1981

Mr. Speaker:

The Committee on RULES has had HB 590

"An Act increasing the number of superior court judges"

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 590 (Rules) 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 RECOMMLNDATIONS:

CHAIRMAN

AMENDED TITLE: SSHB 590
AN ACT INCREASING THE NUMBER OF SUPERIOR COURT JUDGES

PRIME SPONSOR: HAUGEN.

CO-SPONSORS: CATO.

CURRENT STATUS: 4/02/82 IN (H) RULES

HB 590 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/10/82	01	0373	FIRST READING -- COMMITTEE REPORTS
03/08/82	02	0720	MOVED FROM JUD TO FIN BY UNAN CONSENT
04/02/82	03	1019	FIN -- DP11
04/02/82	04	1048	TWO F/NOTES HSE SUPPL #36 RULES RULES

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

increasing # superior court judges

SSHB 590
Haugen

fiscal notes; \$ 519.5 FY82

Judiciary renewal waived 3-8-82

passed unanimously out of finance

DID NOT give 5 days notice, & include in weekly calendar, was announced on that day's calendar, & removed schedule

adds 2 probation officers Barrow & Whangell

sup. of judges in Barrow's Palmer upgrade

Whangell district of judge to superior court

2 secretaries, 1 clerk upgrade

COMMITTEE REPORT

HOUSE

4/2
Reuben

FURTHER:

(11)

3/8/82

Date:

4/1/82

Mr. Speaker: (Judiciary referral waived 3/8/82)

The Committee on FINANCE has had SSAB 590

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

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 (2)
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Robert Adams
Laurel
RB Bennett
Paul Jones
Robert Harney
Jim Costello
David Liddy
Joseph Underhill
Russ Muckers
Josh Fuller
Montgomery

Robert Adams
 CHAIRMAN

Amendment to SSB 590

The amendment will allow the Court System to negotiate for lease or rental space in those communities where Superior Court judgeships are being created under the legislation.

By allowing the Court System to negotiate for lease or rental space, the state is saving money by not having to construct a capital facility for each judgeship.

Also, this encourages private enterprise to construct buildings rather than have a state owned facility.

The second amendment upgrades the district court judge in Valdez to a superior court judge. This increases the number of superior court judges to 27 (line 10), with 14 (line 12) in the third judicial district.

According to the director of the Court System this upgrade will cost \$22,000.

Introduced: 2/10/82
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY HAUGEN

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 590

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the number of superior court judges."

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

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

9 27 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of
10 26 [23] judges, five [FOUR] of whom shall be judges in the first judicial
11 district, three [TWO] of whom shall be judges in the second judicial
12 district, 13 [12] of whom shall be judges in the third judicial district,
13 and five of whom shall be judges in the fourth judicial district. At
14 the time of submitting the names of nominees to the governor to fill a
15 vacancy on the superior court bench, the judicial council shall also
16 designate the district in which the appointee is to reside and serve.

17
18
19 *Cost of Amendment*
20 *\$22,000*

21
22
23
24 *District position to be abolished*
25 *upgrading Valdez to Superior Court judge*
26
27
28
29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SSHB 590 Page 1 of 3 No. 1
 Title increasing the number of superior court judges.
 Requested by House Finance Committee Date April 1, 1982

II. FISCAL DETAIL
 Agency Affected Department of Health & Social Services
 Program Category Affected Offender Confinement Reformation & Supervisor
 BRU, Program, Or Subprogram(s) Affected Probation & Community Programs
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		88.5	111.6			
200 TRAVEL		22.0	9.0			
300 CONTRACTUAL		22.8	11.0			
400 COMMODITIES		1.9	2.0			
500 EQUIPMENT		3.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		145.3	133.6			

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		145.3	133.6			
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2	2			
PART TIME						
TEMPORARY						

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

Two probation officers will cost a minimum of \$145,300 to operate for ten months in FY 83 and approximately \$133,600 in operate in FY 84.

The probation officers in Barrow and Wrangell will be functioning in one officer offices in remote locations. Therefore the Probation Officer III classification will be necessary. FY 83 costs are figured for a 10 month period to adjust for time necessary to establish the positions and select and transfer officers to these locations. FY 84 costs include 12 months funding for the Probation Officers' salaries, office space rent, deletion of first year moving expenses and purchase of Highway working capital fund vehicles, and application of 5% inflation rate.

IV. DATE 4/1/82 PREPARED BY Bob Schroeder, Fiscal Analyst
 AGENCY Legislative Finance
 Original: Legislative Finance PHONE 465-3795
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

<u>Probation Officer III Barrow</u>		10 month cost
Annual Salary @ 3917/mo. =	47,004	\$ 39,170
Variable Benefits @ 16.63%	7,817	6,514
Supplemental Bene. @ 6.13%	2,881	2,401
Health Insurance @ 183/mo.	2,196	1,830
	<u>\$59,898</u>	<u>\$ 49,915</u>
<u>Travel</u>		
Employee moving expense		\$ 8,000
Field Travel		<u>5,000</u>
		\$ 13,000
<u>Contractual Services</u>		
Space Expense - 120 sq. ft. @ \$2.77/sq.ft./mo. at Ukpeagvik Inupiat Corp.		3,320
Communications & other expenses		1,200
Highway Working Capital Fund vehicle & operating costs		12,000
		<u>\$ 16,520</u>
<u>Commodities</u>		
Office Supplies, statutes, rules, etc.		1,000
<u>Equipment</u>		
Desk, chair, typewriter, file cabinet, etc.		<u>2,000</u>
	Total	\$ 82,435

ONE TIME ITEMS

Moving expense	\$8,000
H.W.C.F. Vehicle Purchase	<u>9,500</u>
	<u>\$17,500</u>

Probation Officer III Wrangell 10 month cost
Annual Salary @ \$2998/mo. \$35,976 \$29,980
Variable Benefits @ 16.63% 5,983 4,986
Supplemental Benefits @6.13% 2,205 1,839
Health Insurance @ \$183/mo. 2,196 1,830
\$46,360 \$38,635

Travel

Employee moving expense \$ 6,000
Field Travel 3,600
9,600

Contractual Services

Space Expense
120 sq.ft./ \$1.10 sq.ft./mo. \$ 1,320
Communications & Other Expenses 1,000
Highway Working Capital fund Vehicle Purchase & 10,000
operating costs
\$12,320

Commodities

Office Supplies, statutes, rules, etc. 900

Equipment

Desk, chair, typewriter, file cabinet, etc. \$ 1,500

TOTAL ~~\$66,455~~
62,955

C.NE TIME ITEMS

Moving Expenses \$6,000
H.W.C.F. Vehicle Purchase 7,600
\$13,600

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SSHB.590 No. 2 Page 1 of 2
 Title An Act Relating to the Numbers of District & Superior Court Judge
 Requested by House Finance Date 3/26/82

II. FISCAL DETAIL

Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Trial Courts
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		341.7	438.8	469.5	502.4	537.6
200 TRAVEL		13.0	4.4	4.8	5.3	5.8
300 CONTRACTUAL						
400 COMMODITIES		4.5	4.9	5.3	5.8	6.3
500 EQUIPMENT		15.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		374.2	448.1	479.6	513.5	549.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		374.2	448.1	479.6	513.5	549.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		5	5	5	5	5
PART TIME						
TEMPORARY						

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

This bill will create superior court judge positions in Barrow and Palmer and will upgrade the Wrangell District Court judge position to the Superior Court level

IV. DATE 3/30/82

PREPARED BY Robert G. Fisher

AGENCY Alaska Court System

Original: Legislative Finance

PHONE 264-0561

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

FY 83 COST OF IMPLEMENTING SPONSOR SUBSTITUTE FOR HB 590

	<u>BARROW</u>	<u>PALMER</u>	<u>WRANGELL</u>
JUDGE			(Upgrade)
Salary	\$ 78,600 (5)	\$ 69,240	\$ 9,396
Benefits:			
JRS, Accident, W.C.,			
T.L. (1.0648)	83,693	73,727	10,005
HI	2,196	2,196	-
SBS	2,188	2,188	-
TOTAL	<u>\$166,677</u>	<u>\$147,352</u>	<u>\$ 19,401</u>
SECRETARY/IN-COURT CLERK			
Salary (12B)	29,460	22,440	
Benefits:			
Variable	4,608	3,510	
SBS	1,806	1,376	
HI	2,196	2,196	
TOTAL	<u>\$ 38,070</u>	<u>\$ 29,522</u>	
CLERK UPGRADE:			
Fulltime, Range 12B			22,400
Part-time, Range 10B			(14,958)
(9 months)			<u>\$ 7,442</u>
Salary Difference			
Benefits Difference (Variable & SBS)			<u>1,620</u>
			<u>\$ 9,062</u>
TOTAL PERSONAL SERVICES	204,747	176,873	28,463
LESS: Two Months			
Recruitment time	<u>(34,200)</u>	<u>(29,480)</u>	<u>(4,744)</u>
FIRST YEAR FUNDING	\$170,547	\$147,393	\$ 23,719
TRAVEL (Including Moving			
Expense)	9,000	4,000	-
COMMODITIES	2,000	2,000	500
EQUIPMENT	<u>7,000</u>	<u>7,000</u>	<u>1,000</u>
TOTAL FY 83 BUDGET	<u>\$188,547</u>	<u>\$160,393</u>	<u>\$ 25,219</u>

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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

II. FISCAL-DETAIL
 Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Trial Courts
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

See attached analysis.

IV. DATE 1/29/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 264-0545
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

JUDICIAL SALARY DIFFERENTIAL:

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

CLERK UPGRADE:

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

TOTAL COST \$24,635

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST No. 3
 Bill/Resolution No. House Bill No. 590 (Page 1 of 2)
 Title An Act increasing the number of superior court judges
 Requested by Haugen Date 5/22/81

II. FISCAL DETAIL
 Agency Affected Health and Social Services
 Program Category Affected Offender Confinement, Reformation and Supervision
 BRU, Program, or Subprogram(s) Affected Adult Probation & Community Programs
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		60.3	65.7	71.6	78.1	85.1
200 TRAVEL		3.0	3.3	3.6	3.9	4.2
300 CONTRACTUAL		25.8	19.4	21.1	23.1	25.1
400 COMMODITIES		1.4	1.5	1.7	1.8	2.0
500 EQUIPMENT		4.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		94.5	89.9	98.0	106.9	116.4

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

A. Assumptions

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

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

Original: Legislative Finance
 cc: Budget and Management
 PRIONE 465 3376
 Prime Sponsor (First Legislator Named) M&B Approval _____ Date _____

B. Expenditures

No. 3
(Page 2 of 2)

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

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

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

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Social Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		12.9	14.1	15.4	16.8	18.3
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		12.9	14.1	15.4	16.8	18.3

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

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

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

IV. DATE 5/22/81 PREPARED BY John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 PHONE 465-3170
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval Date 5/21/81

H

B

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1

COMMITTEE REPORT

HOUSE

4/5

5/25/81

FURTHER:

Rules

(7)

Date:

Apr. 5, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 591

"An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes."

under consideration and reports it back as follows:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HB 591 (Judiciary) [H] same title [] new title and recommends _____

[] AND attaches a "Letter of Intent" [0] ~~New~~ Fiscal Note

[X] reports it back without recommendation

zero

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

{ with from Revisor

Roll E. Reed Do Pass

Denise H. Barnes

MEMBERS HAVING OTHER RECOMMENDATIONS:

No Rec - C. Anderson

T. Buchholdt - No Rec

Patrick M. O'Connell - No Rec

Denise H. Barnes
CHAIRMAN

AMENDED TITLE:
AN ACT MAKING CORRECTIVE AMENDMENTS IN THE ALASKA STATUTES
AS RECOMMENDED BY THE REVISOR OF STATUTES

PRIME SPONSOR: HOUSE RULES COMMITTEE.
CO-SPONSORS:
CURRENT STATUS: 5/25/81 IN (H) JUDICIARY

HB 591 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/25/81	01	1649	FIRST READING -- COMMITTEE REPORTS
05/25/81	02	1650	SECTIONAL ANALYSIS JUDICIARY RULES

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

Linda:

the original bill,
HB 591, makes 64
sectional corrections
to the Statutes.

the Judiciary CS
makes 128 sectional
corrections to the
Statutes.

All seem - on the
surface - to be necessary
corrections relating
to defunct, obsolete
references & sometimes
to pre-statehood
provisions.
Further investigation
necessary ??

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 5, 1982

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

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

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

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

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

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

SECTIONAL ANALYSIS

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

Section 2. See note concerning Sec. 24.

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

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

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

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

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

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

Section 9 eliminates a special exemption that allowed certain persons to serve on the legislative legal staff without taking and passing the Alaska bar examination. Under the exemption certain persons serving the legislature as legal counsel to the legislature in September 1976 were allowed to continue in that capacity without admission to the Alaska bar association. The persons who benefited from this exemption are no longer employed on the legislative legal staff and this exemption serves no purpose. The amendment makes it clear that all legislative lawyers must be licensed to practice law after the results of the third Alaska bar examination following employment.

Section 10 corrects a mistaken AS reference in the chapter that regulates the practice of dentistry.

Sections 11 and 12 eliminate technical errors in amendments to the law regulating architects, engineers and land surveyors.

Sections 13 and 14 reinstate sections of the law regulating pharmacists that were amended and then apparently repealed by mistake in Chapter 166, SLA 1980.

Section 15 makes a correction to AS 08.88.475(b). In 1980 the administration of the real estate surety fund was made a responsibility of the real estate commission. Amendment of this section to eliminate responsibility of the court for surety fund administration was apparently an aspect overlooked at that time.

Section 16 corrects AS 08.98.040 to make it clear that the board of veterinarians is to hold three meetings each year.

Section 17 corrects a technical error in AS 09.16.010(f) (Alaska Uniform Contribution Among Tortfeasors Act) that was made when the statute was enacted in 1970. The correction brings this subsection into conformity with the uniform act.

Section 18 makes it clear that the definitions in the law relating to the privilege of public officials and reporters apply only to that law and not to all of AS 09.25 (which is a general chapter on evidence).

Section 19 repeals two subsections in the code of civil procedure which expired by their own terms on July 1, 1975.

Sections 20 and 21 clarify a 1981 amendment to child support statutes so as to make it clear who is responsible for the filing and mailing of income assignment orders and related documents.

Section 22 corrects a mistake in a 1980 amendment to AS 10.-05.711(a)(2) (fees for changing capital stock) that resulted in the opposite effect from that intended.

Section 23 corrects an outdated reference to the statute relating to the certification of documents.

Section 24 and Section 2 correct a discrepancy between AS 11.61.140(a)(3) and AS 03.60.005. Under a 1980 enactment, AS 11.61.140(a)(3) provides that it is a class A misdemeanor to kill an animal using a decompression chamber unless the killing conforms to accepted veterinary practice and AS 03.60.005 makes it unlawful for a veterinarian to use a decompression chamber to kill an animal under any circumstances. Under this statute it would never be acceptable veterinary practice to kill an animal by use of a decompression chamber. To resolve this inconsistency the

revisor's bill would repeal AS 03.50.005 (in Sec. 2) and amend AS 11.61.140(b) (in Sec. 11) so that the exceptions to the prohibition of using a decompression chamber to kill an animal are eliminated as a defense to the crime of cruelty to animals.

Section 25 repeals AS 12.25.080. That section relating to the use of force by a police officer was superseded by AS 11.81.370. This was the conclusion of the Alaska Supreme Court in the case of State v. Sundberg, 611 P.2d 44 (1980).

Section 26 corrects AS 12.55.135(c) relating to sentencing in domestic violence cases so that the subsection refers to in the fourth degree rather than assault in the third degree. Assault in the third degree was changed to assault in the fourth degree by Chapter 102, SLA 1980.

Section 27 repeals AS 12.55.150 that established a fine for violations under a heading of "Sentences for Violations". The fine for violation may also be found at AS 12.55.-035(b)(5). The additional material at AS 12.55.140 is not needed and causes some confusion because of its placement and title.

Section 28 corrects a minor error in the list of duties of the Department of Education.

Section 29 amends AS 14.07.050 to eliminate obsolete references to state schools and state operated schools.

Sections 30, 31 and 32 correct technical errors made in Chapter 119, SLA 1981 relating to education. (See also SB 649 to same effect)

Section 33 corrects outdated AS references in a section of the Teachers Retirement System.

Section 34 amends AS 14.40.160(b) to make it clear that references to the "board" in that section are to the Board of Regents of the University of Alaska and not to the Board of Education (see AS 14.60.010(2) which defines "board" for purposes of AS 14).

Section 35 repeals certain statutes which refer to the tuition grant program which was held unconstitutional by the

Alaska State Supreme Court in the case of Sheldon Jackson College v. State, 599 P.2d 127 (1979).

Sections 36 and 39 change references in the election code from "lieutenant governor" to "director" (of elections). This change was made throughout the code in 1980. These sections were missed.

Section 37 changes an incorrect AS reference in the election code.

Sections 38 and 42 eliminate election code references to "canvassing" in state elections. "Canvassing" was eliminated throughout the election code by Chapter 100, SLA 1980. These sections were overlooked. The former canvassing work is now done by a state ballot counting review board. See also HCSCSSE 299.

Sections 40 and 41 reinstate sections in the election code which were extensively amended in 1980 and then repealed by the same act that amended them. The repeals were apparently made in error. See same corrections in HCSCSSB 299.

Sections 43 and 44 amend AS 16.05.407 to make it clear that guides are licensed under the Guide Licensing and Control Board rather than the Department of Fish and Game. In 1973 this responsibility was transferred to the board but amendment to AS 16.05.407 was apparently overlooked.

Section 45 amends the law establishing the Alaska Seafood Institute so as to define "value" in terms of "seafood" rather than in terms of "fisheries resource". "Seafood" is the term used throughout the law relating to the Institute. Value predicated on "fisheries resource" makes no sense in light of the rest of the enabling legislation.

Section 46 makes it clear that AS 18.07.071(c) covers only a temporary but not an emergency certificate of need for a health care facility.

Section 47 supplies a needed definition of a certificate of need to the chapter dealing with issuance of these certificates.

Section 48 clarifies the allowable investments of the Alaska Medical Facility Authority. The present law on the subject is garbled.

Section 49 repeals an obsolete requirement of the Health and Safety Code that expired by its own terms in 1976.

Section 50 deletes an obsolete portion of the Health and Safety Code that expired by its own terms in 1976.

Section 51 removes an obsolete provision relating to terms of members of the Alaska State Housing Authority.

Section 52 amends AS 18.65.310(a) to correct a reference to a repealed section which formerly governed issuance of drivers' licenses.

Section 53 repeals and reenacts AS 18.80.060 relating to the Human Rights Commission to create a subsection out of a responsibility of the commission that had been improperly codified as a numbered paragraph.

Section 54 repeals and reenacts for clarity a badly garbled section of the law relating to construction standards for access roads.

Section 55 corrects a definition in the law passed in 1980 concerning the north slope haul road. AS 19.40.100 states that the department shall maintain the highway and keep it open to "industrial or commercial traffic" throughout the year. However, rather than defining "industrial or commercial traffic" the bill defined "industrial or commercial travel".

Section 56 repeals AS 19.65.010 which required that Marine Highway System employees be relieved at duty stations inside the state. This statute was declared unconstitutional by the United States District Court in January, 1981 (District No. 1 v. Ward, 505 F. Supp. 98 (W.D. W 1981)). The case was not appealed.

Sections 57 and 58 eliminate reference to "associate justice" of the Supreme Court. Throughout the statutes the term "justice" is used without the added term "associate".

Section 59 adds to the jurisdiction of the district court in AS 22.15 those actions for taking utility service and for damages to or interference with a utility line. AS 42.-20.030 establishes this jurisdiction. Section 63 adds an appropriate cross reference to the AS section on the jurisdiction of the district court.

Section 60 removes a temporary provision from the statute relating to the commission on judicial qualifications.

Section 61 repeals and reenacts AS 23.10.130 so as to eliminate that portion of AS 23.10.130(b) that was struck down by the Alaska Supreme Court in Nolan v. Sea Airmotive Inc., 627 P.2d 1035 (1981). In that case the court held that most of AS 23.10.130(b) relating to class actions was properly a matter of court rule of procedure.

Section 62 removes obsolete references to the alcoholic beverages title from AS 23.10.355.

Section 63 repeals an obsolete pre-statehood provision that sets a definite term for the director of employment security.

Sections 64 and 65 attempt to straighten out a mistake of the publisher when AS 23.20.195(d) was somehow simply dropped from the statutes although its form and substance was presumed in AS 23.20.195(c). These amendments formalize what is actually the law.

Section 66 amends the veterans loan act to substitute the official date of the end of the hostilities in Viet Nam for a reference to "the present national emergency".

Section 67 corrects an obsolete reference to AS 04.

Section 68 repeals an obsolete reference to repealed (but not replaced) lien foreclosure procedures.

Section 69 supplies the correct year for the "January" found in AS 29.90.010 as amended in 1981.

Section 70 deletes an obsolete reference to the magistrate court.

Section 71 repeals the Alaska Paperwork Reduction and Simplification Act which expired by its own terms on July 1, 1979. Section 2 of Chapter 147, SLA 1977 repealed the act effective on that date.

Section 72 corrects an apparent error in the State Land Act that dates back to the original codification. The bill in which AS 38.05.351 was enacted referred to "this act" rather than "this section". In the context of the section, "this Act" or "this chapter" has meaning where "this section" does not.

Sections 73, 74, 94, 95, and 96 carry out the directive of Chapter 110, SLA 1981 that all references to the Alaska Pipeline Commission be changed to the Alaska Public Utilities Commission.

Section 75 corrects a mistaken AS reference in AS 38.-50.130(a).

Section 76 repeals a reference to the defunct North Commission. See also Sec. 100.

Sections 77 and 78 revise pre-statehood law concerning the confirmation of board members and state officials. The sections delete provisions that allow either house to confirm an appointment. The Alaska Constitution provides for only joint confirmation action. The sections also clarify that the governor is the appointing authority in the executive branch.

Section 79 repeals an obsolete pre-statehood law which had the attorney general of the United States establishing schedules of mileage and other fees for state officials.

Section 80 repeals an obsolete reference to the state operated schools.

Sections 81 and 83 delete references to the "director of the division of personnel and labor relations". The proper term is "director of the division of personnel". See AS 39.25.030. Section 81 also removes an obsolete reference to July 9, 1978.

Section 82 repeals a section in the 1960 personnel act that related only to the classification, etc. of employees employed on April 19, 1960. Everything that was supposed to happen under this section has happened and the section is obsolete.

Sections 84, 85, 86 and 87 amend the law under which the state originally entered into a contract for federal social security for its employees and for the employees of political subdivisions. Effective in 1980 state employees are no longer part of the social security system. These amendments make that clear.

Section 88 makes a clarifying amendment to the public employees retirement act to make the law consistent as to references to credited service in the amended section.

Section 89 repeals an obsolete provision in the public employee retirement act which sets out what will happen if a retired person receives a pension of less than \$25 a month. Under AS 39.35.485 as of January 1, 1981, the minimum retirement benefit is \$25 a month so 39.35.470 no longer has any purpose.

Section 90 repeals defunct boards from the list of board members subject to financial disclosure.

Sections 91 and 92 substitute references to "Division of Forestry" which replaced "Division of Forest, Land, and Water Management".

Section 93 clarifies an amendment to the public utilities law made in 1980. This amendment makes it clear that the exemption in AS 42.05.711(i) applies to all utilities which have gross annual revenues of \$200,000 or less on and after June 30, 1980. As the law presently reads it could possibly be interpreted to mean that only those utilities which met the qualifications on the precise date of June 30, 1980 qualify for the exemption.

Section 97 eliminates an inconsistency in the fisheries business license tax. Under the 1979 enactment of AS 43.-75.011 a processor must obtain a license under AS 43.75.020 before engaging in a fisheries business. However, under AS 43.75.020(b) (enacted in 1949) an applicant may carry on the business from the date the application is filed.

Section 98. Sec. 5 substitutes the word "summons" for the word "subpoenas" in AS 43.80.035(b)(1) to make that paragraph consistent with AS 43.05.040. Under AS 43.05.040 summons rather than subpoenas are sought and issued for the administrative purposes of the Department of Revenue.

Section 99 corrects an error made in the bulk formal revision in 1963. In its original form (sec. 20, Chapter 64, SLA 1959), AS 4.19.028 provided that the governor could establish interim boards, councils, etc. until the adjournment of the next regular or reconvened session of the legislature. In the first revision process this was changed so that the board or commission could exist only until the beginning of the next regular or reconvened session of the legislature. This amendment takes the law back to its original form.

Section 100 repeals the defunct North Commission.

Section 101 clarifies the exempt public facilities for which a contribution for "art in public places" must be made.

Section 102 corrects a reference to "Aid to Dependent Children" to "Aid to Families with Dependent Children". This is the correct designation for the program.

Section 103 repeals the defunct Northwestern Alaska Development Committee which dissolved by its own terms on April 1, 1968.

Section 104 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 105 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Sections 106, 107 and 108 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 109 corrects a mistake made in the Uniform Commercial Code when it was adopted in 1962. This change from "instrument" to "indorsement" brings this paragraph into conformity with the official text of the Uniform Commercial Code.

Section 110 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 111 straightens out confusion introduced by a 1981 floor amendment to the Alaska Securities Act.

Section 112 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Section 113 substitutes "low level radioactive material" for "radionuclides" in AS 46.03.290(a) relating to radiation and hazardous waste protection. This change was made throughout the law by Chapter 93, SLA 1981 but this section was apparently missed.

Sections 114, 115, 116, 117, 118 and 123 substitute references to AS 43.04 (Oil Pollution Control) for obsolete references to repealed AS 30.25. AS 30.25 was substantially replaced by AS 46.04. However in Section 114 a reference to an AS 30.25 section is completely eliminated since there is no comparable section in AS 43.04.

Section 119 deletes an obsolete reference to the definition of a "motor vehicle" and supplies the current correct definition.

Section 120 repeals a definition of "radionuclides" from AS 46.03. As noted in reference to Section 113, this term is no longer used in AS 46.03.

Sections 121 and 122 correct references to the Federal Clean Water Act enacted in 1980.

Sections 124, 125 and 126 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 127 and 128 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1981

SUBJECT: "An Act making corrective amendments in the Alaska Statutes as recommended by the revisor of statutes"

TO: Alaska Legislative Council

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

HOUSE BILL NO. 591

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

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

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

SECTIONAL ANALYSIS

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

Section 2. See note concerning Sec. 11.

Section 3 repeals a definition in the chapter regulating accountants. The repealed section defines "attest function". That phrase is not used in the chapter for which it is defined. It was used in a companion bill which did not pass in 1980.

Sections 4 and 5 eliminate technical errors in amendments to the law regulating architects, engineers and land surveyors.

Sections 6 and 7 reinstate sections of the law regulating pharmacists which were amended and then apparently repealed by mistake in Chapter 166, SLA 1980.

Section 8 makes a correction to AS 08.88.475(b). In 1980 the administration of the real estate surety fund was made a responsibility of the real estate commission. Amendment of this section to eliminate responsibility of the court for surety fund administration was apparently an aspect overlooked at that time.

Section 9 corrects AS 08.98.040 to make it clear that the board of veterinarians is to hold three meetings each year.

Section 10 repeals two subsections in the code of civil procedure which expired by their own terms on July 1, 1975.

Section 11 and Section 2 correct a discrepancy between AS 11.61.140(a)(3) and AS 03.60.005. Under a 1980 enactment, AS 11.61.140(a)(3) provides that it is a class A misdemeanor to kill an animal using a decompression chamber unless the killing conforms to accepted veterinary practice and AS 03.60.005 makes it unlawful for a veterinarian to use a decompression chamber to kill an animal under any circumstances. Under this statute it would never be acceptable veterinary practice to kill an animal by use of a decompression chamber. To resolve this inconsistency the revisor's bill would repeal AS 03.50.005 (in Sec. 2) and amend AS 11.61.140(b) (in Sec. 11) so that the exceptions to the prohibition of using a decompression chamber to kill an animal are eliminated as a defense to the crime of cruelty to animals.

Section 12 repeals AS 12.25.080. That section relating to the use of force by a police officer was superseded by AS 11.81.370. This was the conclusion of the Alaska Supreme Court in the case of State v. Sundberg, 611 P.2d 44 (1980).

Section 13 corrects AS 12.55.135(c) relating to sentencing in domestic violence cases so that the subsection refers to assault in the fourth degree rather than assault in the third degree. Assault in the third degree was changed to assault in the fourth degree by Chapter 102, SLA 1980.

Section 14 amends AS 14.07.050 to eliminate obsolete references to state schools and state operated schools.

Section 15 amends AS 14.40.160(b) to make it clear that references to the "board" in that section are to the Board of Regents of the University of Alaska and not to the Board of Education (see AS 14.60.010(2) which defines "board" for purposes of AS 14).

Section 16 repeals certain statutes which refer to the tuition grant program which was held unconstitutional by the Alaska State Supreme Court in the case of Sheldon Jackson College v. State, 599 P.2d 127 (1979).

Section 17 eliminates an election code reference to "canvassing" in state elections. "Canvassing" was eliminated throughout the election code by Chapter 100, SLA 1980. This section was overlooked. The former canvassing work is now done by a state ballot counting review board.

Sections 18 and 19 reinstate sections in the election code which were extensively amended in 1980 and then repealed by the same act that amended them. The repeals were apparently made in error.

Sections 20 and 21 amend AS 16.05.470 to make it clear that guides are licensed under the Guide Licensing and Control Board rather than the Department of Fish and Game. In 1973 this responsibility was transferred to the board but amendment to AS 16.05.470 was apparently overlooked.

Section 22 amends AS 18.65.310(a) to correct a reference to a repealed section which formerly governed issuance of drivers' licenses.

Section 23 corrects a definition in the law passed last year concerning the north slope haul road. AS 19.40.100 states that the department shall maintain the highway and keep it open to "industrial or commercial traffic" throughout the year. However, rather than defining "industrial or commercial traffic" last year's bill defined "industrial or commercial travel".

Section 24 repeals AS 19.65.010 which required that Marine Highway System employees be relieved at duty stations inside the state. This statute was declared unconstitutional by the United States District Court in January, 1981 (District No. 1, Pacific Coast District, M.E.B.A., and Gary A. Cramer, et al. v. Robert W. Ward, Commissioner of the Department of Transportation and Public Facilities, et al.) (Nos. C78-607 SR and C78-617SR). The case was not appealed.

Section 25 removes a temporary provision from the statute relating to the commission on judicial qualifications.

Section 26 corrects a reference to a nonexistent National Law Institute in the statute relating to the Code Revision Commission. The proper name is the American Law Institute.

Section 27 amends the veterans loan act to substitute the official date of the end of the hostilities in Viet Nam for a reference to "the present national emergency".

Section 28. For information on this section see the note to Sec. 52.

Section 29 deletes an obsolete reference to the magistrate court.

Section 30 repeals the Alaska Paperwork Reduction and Simplification Act which expired by its own terms on July 1, 1979. Section 2 of Chapter 147, SLA 1977 repealed the act effective on that date.

Section 31 repeals a reference to the defunct North Commission. See also Sec. 47.

Sections 32 and 33 revise pre-statehood law concerning the confirmation of board members and state officials. The sections delete provisions that allow either house to confirm an appointment. The Alaska Constitution provides for only joint confirmation action. The sections also clarify that the governor is the appointing authority in the executive branch.

Section 34 repeals an obsolete pre-statehood law which had the attorney general of the United States establishing schedules of mileage and other fees for state officials.

Section 35 repeals an obsolete reference to the state operated schools.

Section 36 repeals a section in the 1960 personnel act that related only to the classification, etc. of employees employed on April 19, 1960. Everything that was supposed to happen under this section has happened and the section is obsolete.

Section 37 deletes a reference to the "director of the division of personnel and labor relations". The proper term is "director of the division of personnel". See AS 39.25.030.

Sections 38, 39 and 40 amend the law under which the state originally entered into a contract for federal social security for its employees and for the employees of political subdivisions. Effective in 1980 state employees are no longer part of the social security system. These amendments make that clear.

Section 41 makes a clarifying amendment to the public employees retirement act to make the law consistent as to references to credited service in the amended section.

Section 42 repeals an obsolete provision in the public employee retirement act which sets out what will happen if a retired person receives a pension of less than \$25 a month. Under AS 39.35.485 as of January 1, 1981, the minimum retirement benefit is \$25 a month so 39.35.470 no longer has any purpose...

Section 43 clarifies an amendment to the public utilities law made in 1980. This amendment makes it clear that the exemption in AS 42.05.711(i) applies to all utilities which have gross annual revenues of \$200,000 or less on and after June 30, 1980. As the law presently reads it could possibly be interpreted to mean that only those utilities which met the qualifications on the precise date of June 30, 1980 qualify for the exemption.

Section 44 eliminates an inconsistency in the fisheries business license tax. Under the 1979 enactment of AS 43.75.011 a processor must obtain a license under AS 43.75.020 before engaging in a fisheries business. However, under AS 43.75.020(b) (enacted in 1949) an applicant may carry on the business from the date the application is filed.

Section 45. Sec. 5 substitutes the word "summons" for the word "subpoenas" in AS 43.80.035(b)(1) to make that paragraph consistent with AS 43.05.040. Under AS 43.05.040 summons rather than subpoenas are sought and issued for the administrative purposes of the Department of Revenue.

Section 46 corrects an error made in the bulk formal revision in 1963. In its original form (sec. 20, Chapter 64, SLA 1959), AS 44.19.028 provided that the governor could establish interim boards, councils, etc. until the adjournment of the next regular or reconvened session of the legislature. In the first revision process this was changed so that the board or commission could exist only until the beginning of the next regular or reconvened session of the legislature. This amendment takes the law back to its original form.

Section 47 repeals the defunct North Commission.

Section 48 repeals the defunct Northwestern Alaska Development Committee which dissolved by its own terms on April 1, 1968.

Section 49 corrects a reference to "Aid to Dependent Children" to "Aid to Families with Dependent Children". This is the correct designation for the program.

Section 50 deletes an obsolete reference to the "four major senatorial election districts" in the law governing local boundary commission appointments. A reference to the current four judicial districts described in AS 22.10.010 is substituted.

Section 51 substitutes the Department of Law for the Legislative Council as the agency responsible for the indexing, numbering, and etc. of the Alaska Administrative Code. The basic responsibility for the style and general preparation of regulations to be published in the Administrative Code was given to the Department of Law in 1978 but this particular section was overlooked at that time (See AS 44.62.050 and AS 44.62.060).

Section 52 repeals AS 44.62.320(a). This section was declared unconstitutional by the Alaska Supreme Court in State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (1980).

Sections 53, 54 and 55 correct obsolete references to the commissioner of public works. The amended sections required the commissioner of public works and the commissioner of highways were to cooperate in various ventures. With the creation of the new Department of Transportation and Public Facilities this commissioner is one and the same person.

Section 56 substitutes the commissioner of commerce and economic development for the "secretary of state" as the person who may accept proof of the use of a trademark. Trademark regulation is currently the responsibility of the Department of Commerce and Economic Development.

Section 57 repeals AS 45.95.020(c). This subsection was tied to the existence of AS 45.95.020(b) which was repealed by sec. 4, Chapter 122, SLA 1980.

Sections 58 and 59 correct references to the Federal Clean Water Act enacted in 1980.

Sections 60, 61, and 62 correct references to "Aid to Dependent Children" to read "Aid to Families with Dependent Children". This is the correct designation for the program.

Sections 63 and 64 correct references to the former Advisory Board on Alcoholism.

DSP:ljb

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

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

II. FISCAL DETAIL
 Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Division of Legal Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

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

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



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

May 22, 1981

TO: Honorable Sally Smith, Chairman
House Rules Committee


FROM: Representative Hugh Malone, Chairman
Senator Bill Ray, Vice Chairman
Legislative Council

RE: Revisor's Bill HB 591


Attached is a bill making corrective amendments to the Alaska Statutes submitted by the Co-Revisors of Statutes as required by law.

We would appreciate it if this bill could be introduced in the House by the Rules Committee by Request of Legislative Council. In addition, we would request that if you do introduce the bill, that the memorandum attached to the bill by the Co-Revisors accompany the bill through the committee process.

Thank you for your consideration of this.


Representative Hugh Malone

Enclosure


Senator Bill Ray

H B

608

COMMITTEE REPORT

HOUSE

3/10
Ruler

(11)

FURTHER:

2/24/82

Date: Mar. 9, 1982

Mr. Speaker.

The Committee on FINANCE has had HB 608

"An Act establishing uniform administrative procedures for grants to and contracts with nonprofit organizations; 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 HB 608 (FIN) same title
 new title
- and ^{majority} 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:

Haugen Haugen
Bethisworth Bethisworth
Hurlbert Hurlbert
Carnegie Carnegie
Chuckwale Chuckwale
Fuller Fuller
Adams Adams
Montgomery Montgomery

Cotton Cotton
no rec
Cuddy Cuddy
no rec

Robert P. Adams
 CHAIRMAN

COMMITTEE REPORT

2/24

HOUSE

6/9/81

FURTHER: FINANCE

(5)

Date: 2-22-82

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 608

"An Act establishing uniform administrative procedures for grants to and contracts with nonprofit organizations; 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 HB 608 (sa) 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

[Signature] Flood

[Signature] Miller

[Signature] McCall

MEMBERS HAVING OTHER RECOMMENDATIONS:

[Signature] - No Rec

[Signature]
CHAIRMAN

HB 608

The intent of this bill is to provide a uniform administrative procedure within State government. Presently, every state department has a different policy regarding administrative procedure or the development of indirect costs. This creates many administrative and financial problems for non-profit corporations. For instance, if Kawerak has an indirect rate of 20% established by the Federal government auditing them and the state department of Community and Regional Affairs only allows 10%, then Kawerak goes in a "hole" or subsidizes the state for running their program.

HB 608 would establish a procedure that all departments would use in determination of indirect and other things. What would happen is the state would audit the non-profit and determine an indirect rate. If the state determines Kawerak rate at 20%, then they can recover that amount and not go in a "hole!".

The bill also insures that the non-profit has a good accounting system, administrative structure, management structure, prior to granting state funds. Makes good fiscal sense.

The bill was drafted by twelve controllers fo non-profit corporations with ~~the my~~ assistance. ~~If you need the names let me know or any other information.~~
of Gordon Jackson.

H B

6 3 3

COMMITTEE REPORT

HOUSE

1/25
file 1

(7)

FURTHER:

1/11/82

Date:

Jan. 25, 81

Mr. Speaker:

The Committee on JUDICIARY has had HB 633

"An Act prohibiting personal recognizance release when the offense charged is a violent crime."

under consideration and ~~(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)~~ 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

Charles Anderson

Patrick D. O'Connell

Mitros

Barnes

MEMBERS HAVING
OTHER RECOMMENDATIONS:

T. Buchholtz No Rec

Freeman No Rec

Lamar Barnes
CHAIRMAN

The bill would prohibit the release of an individual on his own recognizance, if he was charged with certain violent crimes.

The bill does not prohibit pre-trial release. The individual could still be released on bail. The bill amounts to a legislative determination that the individual poses a danger to the community and should be subject to the statutes governing appearance bonds (bail) or other conditional releases.

The bill does not impinge on any constitutional rights. Article I, Section 11 of the Alaska Constitution speaks only in terms of "...the accused is entitled...to be released on bail, except for capital offenses when the proof is evident or the presumption great..."

Article I, Section 13 speaks in terms of "excessive bail"

Nor does the bill violate the rights of indigents. In Reeves v. State, 411 P2d 212, the Alaska Supreme Court held: "... that an indigent defendant does not have an absolute right to pretrial release on his own recognizance."

*Mark
Johnson
44942*

(1977), that one who is arrested and brought to jail for a minor offense for which bail has already been set in a bail schedule should be given a reasonable opportunity to post bail before being booked and searched, should normally be followed unless exigencies demand a different course of action, and that whether circumstances justify a variance will depend on the particular facts involved and must be determined in an adversary proceeding on a case-by-case basis.

Such released arrestee should not be subjected to booking procedures. — Where a jail had been provided with a bail schedule for petty offenses, the purpose of which was to afford an arrestee the opportunity to avoid incarceration by posting the established bail without need to appear before a magistrate, if one is arrested for a petty offense and has sufficient funds on his person to post the established bail when brought to the jail facility, he should be released immediately. There is no reason to subject

such an arrestee to booking procedures with the resultant inventory search of his person since he is not to be incarcerated. *Zehrunge v. State*, Sup. Ct. Op. No. 1501 (File No. 2823), 569 P.2d 189 (1977), modified on rehearing, 573 P.2d 858 (1978), wherein the supreme court held that its rule set forth in 569 P.2d 189 (1977), that one who is arrested and brought to jail for a minor offense for which bail has already been set in a bail schedule should be given a reasonable opportunity to post bail before being booked and searched, should normally be followed unless exigencies demand a different course of action, and that whether circumstances justify a variance will depend on the particular facts involved and must be determined in an adversary proceeding on a case-by-case basis.

As to lack of authority of trial courts to conduct in camera bail hearings, see note to AS 12.30.020. *Carman v. State*, Sup. Ct. Op. No. 1428 (File No. 3255), 564 P.2d 361 (1977).

Sec. 12.30.020. Release before trial. (a) A person charged with an offense shall, at his first appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the officer determines that the release of the person will not reasonably assure the appearance of the person as required, or will pose a danger to other persons and the community. If the offense with which a person is charged is a felony, or motion of the prosecuting attorney, the judicial officer may allow the prosecuting attorney up to 48 hours to demonstrate that release of the person on his personal recognizance or upon the execution of an unsecured appearance bond will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community.

(b) If a judicial officer determines under (a) of this section that the release of a person will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community, the judicial officer may

- (1) place the person in the custody of a designated person or organization agreeing to supervise him;
- (2) place restrictions on the travel, association, or place of abode of the person during the period of release;
- (3) require the person to return to custody after daylight hours on designated conditions;
- (4) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security, a sum not to exceed 10 per cent of the amount of the bond; the

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(e) The jud may be impo advise him th upon a violat

(f) A perso before a judic of release sha reviewed by t who imposed judicial offic conditions ar judicial offic conditions im

(g) A judici specified in (impose addit person under

(h) Informa officer to dete rules governi 20 SLA 1966;

Cross refer Section imp afforded by AS

deposit to be returned upon the performance of the condition of release;

(5) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash; ~~or~~

(6) impose any other condition considered reasonably necessary to assure the defendant's appearance as required and the safety of other persons and the community.

(c) In determining the conditions of release under (b) of this section, the judicial officer shall take into account

- (1) the nature and circumstances of the offense charged,
- (2) the weight of the evidence against the person,
- (3) the person's family ties,
- (4) the person's employment,
- (5) the person's financial resources,
- (6) the person's character and mental condition,
- (7) the length of the person's residence in the community,
- (8) the person's record of convictions,
- (9) the person's record of appearance at court proceedings,
- (10) the flight of the accused to avoid prosecution or his failure to appear at court proceedings.

(d) A judicial officer authorizing the release of a person under this section shall issue an order containing a statement of the conditions imposed.

(e) The judicial officer shall inform the person of the penalties which may be imposed for a violation of the conditions of his release and advise him that a warrant for his arrest will be issued immediately upon a violation.

(f) A person who remains in custody 48 hours after his appearance before a judicial officer because of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any other judicial officer in the district may review the conditions. If the conditions are not amended and the person remains in custody, the judicial officer shall set out in writing the reasons for requiring the conditions imposed.

(g) A judicial officer who orders the release of a person on a condition specified in (b) of this section may at any time amend his order to impose additional or different conditions of release, or to release the person under (a) of this section.

(h) Information offered or introduced at a hearing before a judicial officer to determine the conditions of release need not conform to the rules governing the admissibility of evidence in a court of law. (§ 1 ch 20 SLA 1966; am § 1, 2 ch 112 SLA 1967; am §§ 1, 2 ch 39 SLA 1974)

(i)

Cross reference. — See Cr. R. 41. this section and AS 12.30.010 were part of the Alaska Bail Reform Act, this section must be taken to recognize and to

Section implements right to bail afforded by AS 12.30.010. — Since both

HB 633: prohibiting personal recognizance release when the offense charged is a violent crime

prohibits R.O.R. when the crime is:

- murder
- manslaughter
- negligent homicide
- assault
- kidnapping
- sexual assault
- robbery, first and second degree
- burglary, first degree
- arson, first degree
- escape, first degree
- riot

courts rarely give R.O.R. for these crimes now.

no personal recog / violent crime	HB 633
	by Anderson
1. write in weekly announcements for a Monday hearing - not 5 days - + a Thurs. hearing	
2. votes	
3. amendments:	
4. attendance	
5. no fiscal note	
6. Anderson's bill. Violent crime is a house priority, but this bill isn't on the House priority list	
8. carrier	

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 633
 Title "An Act prohibiting personal recognizance release when the offense charged is
 Requested by Anderson Date 1/11/82 a violent crime

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program, Or Subprogram(s) Affected Adult Confinement
 (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)

It is relatively uncommon for anyone to be granted R.O.R. release from pre-trial incarceration having been charged with those offenses listed in this bill. Thus the infrequency of such occurrences plus the normally short length of pre-trial detention seems to imply that any impact from this statute upon Corrections' bed space needs will be quite small.

IV. DATE 1-21-82 PREPARED BY Roger Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3375
 Original: Legislative Finance
 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. House Bill 633

Title "An Act prohibiting personal recognizance release when the offense charged is

Requested by Anderson Date 1/11/82 a violent crim

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation & Supervision

BRU, Program, Or Subprogram(s) Affected Adult Confinement

(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)

It is relatively uncommon for anyone to be granted R.O.R. release from pre-trial incarceration having been charged with those offenses listed in this bill. Thus the infrequency of such occurrences plus the normally short length of pre-trial detention seems to imply that any impact from this statute upon Corrections' bed space needs will be quite small.

IV. DATE 1-21-82

PREPARED BY

Roger C. Lange
Roger Lange

AGENCY

Division of Adult Corrections

Original: Legislative Finance

PHONE

465-3376

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

H B

6 3 7

COMMITTEE REPORT

HOUSE

FURTHER:

(5)

Date: April 8, 1982

Mr. Speaker:

The Committee on RULES has had HB 637

"An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit, interim-use permit, or emergency transfer slip, and an identification card."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 637(Fin) same title
 new title
- and recommends place on April 12 calendar
- AND attaches a ~~"Letter of Intent"~~ [2] ~~XXX~~ Fiscal Notes
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Jan Full

Patrick W. O'Connell

RODNEY PERRY

Jim L. Payne

MEMBERS HAVING
OTHER RECOMMENDATIONS:

P. Smith - No Rec

Jan Full

CHAIRMAN

COMMITTEE REPORT

HOUSE

4/7
Rules

FURTHER:

(11)

4/1/82

Date: 4/5/82

(Finance referral added 4/1/82)

Mr. Speaker:

The Committee on FINANCE has had HB 637

"An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit, interim-use permit, or emergency transfer slip, and an identification card."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 637 (FIN) 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:

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

[Signature] no rec

[Signature]
 CHAIRMAN

COMMITTEE REPORT

HOUSE

4/1

Speaker

(7)

1/11/82

FURTHER:

Finance

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had HB 637

"An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit, interim-use permit, or emergency transfer slip, and an identification card."

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 637 (Res) same title new title

and recommends Finance Referral

AND attaches a "Letter of Intent" New Fiscal Note Supp 34

reports it back without ^{*individual*} recommendation

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Eric Sutchiffe
Ben Sussman

MEMBERS HAVING
OTHER RECOMMENDATIONS:

John Alexander Barnes
Ken Fanning North

Eric G. Sutchiffe
CHAIRMAN

J. REQUEST
 Bill/Resolution No. CS HB 637 (Res)
 Title An Act Relating to limited entry...
 Requested by House Resources Date 3-25-82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, Or Subprogram(s) Affected Driver/Vehicle 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	4.0	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	4.0	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	4.0	.2	.2	.2	.3	.3
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)

Basic assumption of fiscal note is applicants for photographic ID cards are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain ID cards. Film for issuance of 5,000 ID cards, at \$.79 each, equals \$3,950.00.

If bill not effective until FY83, then the \$3,950 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 3-26-82 PREPARED BY Bill Brown
 AGENCY Division of Motor Vehicles
 PHONE 465-4335 Department of Public Safety

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

33-001 (Rev. 12/81)

II. FISCAL DETAIL

Agency Affected labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards and Safety
 (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	1.0	0	0	0	0	0
400 COMMODITIES	.2	0	0	0	0	0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.2	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	1.2	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

Assumes effective date of June 1, 1982.

Assumes requirement for mass mailing is one-time only.

Contractual includes printing of 1,600 notices and letters and postage for mailing - \$995.

Commodities include envelopes and mailing labels - \$195.

IV. DATE 3/24/82

PREPARED BY *Nico Bus*
 AGENCY Department of Labor
 PHONE 465-2720

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

FISCAL NOTE

637

I. REQUEST

Bill/Resolution No. Committee Substitute for House bill 637 (Resources)
 Title "An Act relating to limited entry and providing penalties for the taking"
 Requested by House Resources Date 3/24/82

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards and Safety
 (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	1.0	0	0	0	0	0
400 COMMODITIES	.2	0	0	0	0	0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.2	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	1.2	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

Assumes effective date of June 1, 1982.

Assumes requirement for mass mailing is one-time only.

Contractual includes printing of 1,600 notices and letters and postage for mailing - \$995.

Commodities include envelopes and mailing labels - \$195.

IV. DATE 3/24/82

PREPARED BY Nico Bus
 AGENCY Department of Labor
 PHONE 465-2720

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

Original sponsor: Chuckwuk

Offered: 4/7/82
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 637 (Finance)

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 regulation of the taking,
7 purchase, or sale of certain fishery resources; and
8 providing for an effective date."

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

10 * Section 1. AS 16.10 is amended by adding new sections to read:

11 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is
12 unlawful for an individual while acting as a fish processor or primary
13 fish buyer, or as an agent, director, officer, member, or employee of a
14 fish processor, of a primary fish buyer, or of a cooperative corporation
15 organized under AS 10.15 to intentionally or knowingly purchase raw fish
16 from a seller who does not hold an entry permit or an interim-use permit
17 issued or transferred to the seller in accordance with AS 16.43.

18 (b) An individual who violates (a) of this section is
natural person

19 (1) upon a first conviction, guilty of a class B misdemeanor
20 and shall be sentenced to a fine of not less than \$1,000 nor more than
21 \$5,000, and may be sentenced to a definite term of imprisonment of not
22 more than 90 days;

23 (2) upon a second conviction, guilty of a class A misdemeanor
24 and shall be sentenced to a fine of not less than \$5,000 nor more than
25 \$10,000, and may be sentenced to a definite term of imprisonment of not
26 more than one year;

27 (3) upon a third or subsequent conviction, guilty of a
28 class A misdemeanor and shall be sentenced to a fine of not less than
29 \$10,000 nor more than \$25,000, and may be sentenced to a definite term