

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3409 HJUD SB 226 - SB 254

285



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

5/9/86

8:00 AM

"

"

5/10/86

7:30 PM

Offered: 4/24/85
Referred: Judiciary

Original sponsor: P.Fischer

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 226 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the violation of compulsory
8 education laws."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 14.30.020 is repealed and reenacted to read:
11 Sec. 14.30.020. PENALTY. A person violating AS 14.30.010 is
12 guilty of a class B misdemeanor. Each day of unlawful absence is a
separate offense.



0-11 111

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 21, 1985

Senator Paul Fischer
State Senate
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Fischer:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

Several years ago, we worked out a procedure with the District Attorney to appropriately carry out the steps required before we turn matters over to his office.

All administrators carry out building level counseling and disciplinary procedures in all truancy cases. Emphasis is given to procedures that keep students in class rather than suspending them for not coming to school.

Students with 10 or more days of unexcused absence are referred to my office and I initiate a series of three formal parent contacts that inform them of their rights and responsibilities, offer assistance, inform them of alternatives to regular school attendance, and, finally, indicate that they will be referred to the District Attorney's office if student truancy continues.

After students have been truant for 20 or more days, I request permission for the School Board, as required by current law, to make and file a report with the District Attorney who represents the branch of government empowered to take further action.

At this point, the issue has been transferred to the judicial arena and further delays occur as the case is processed, calendared and heard.

And, at this point, the wording of the law cited above renders both the school district and the District Attorney's office powerless to act whenever parents or their attorneys arrange delays that extend beyond the end of the school year because -

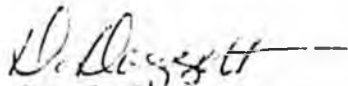
"In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section." from Sec. 14.30.020. See attached.

At the present, state law only requires students to attend school from age 7 to 16 or nine years of a 13 year K-12 system. Current truancy law makes it impossible to really require parents to have their children in school for the nine years.

I request your assistance in modifying the existing law by deleting the sentence noted above. This action would permit school districts, through the District Attorney's office, to enforce the law from year to year.

Please contact me if I can provide you with assistance or information.

Cordially,



Dr. Dennis Daggett
Associate Superintendent
Instructional Services

encl

cc: Shannon Turner
Thomas Wardell
District Principals

DD/set

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- 1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE: (907) 277-8622
- P.O. BOX 3070
DILLINGHAM, ALASKA 99576
PHONE: (907) 842-2482
- 145 MAIN STREET LOOP, ROOM 201
KENAI, ALASKA 99611
PHONE: (907) 283-3131
- 326 CENTER AVE, SUITE 205
KODIAK, ALASKA 99615
PHONE: (907) 486-5744
- 809 S. CHUGACH ST.
PALMER, ALASKA 99645
PHONE: (907) 745-5027
- P.O. BOX 671
VALDEZ, ALASKA 99686
PHONE: (907) 835-2462

February 8, 1985

Dr. Dennis Daggett
Associate Superintendent
Instructional Services
Box 1200
Soldotna, Alaska 99669

Re: Tony Hansen
Johnny Colwell



Dear Dr. Daggett,

On May 24, 1984, we received your letter regarding the above students and a complaint alleging failure to educate a child was filed June 26, 1984. Because of difficulty in serving a summons, Mrs. Hanson was not arraigned until November 28, 1984. Her trial was set for February 11, 1985.

The public defender has indicated they would seek to have the case dismissed because of the wording of the statute which seems to relieve the parent of responsibility at the end of each school year. I have dismissed the case because I do not believe we could convince the court of any other interpretation of that statute.

Hopefully, we can begin these cases earlier in the school year so that we could get to trial (or whatever disposition is appropriate) before the statute creates a problem. Perhaps the statute should be changed.

If you have any questions, please call.

Very truly yours,

A handwritten signature in cursive script that reads "Shannon D. Turner".

Shannon D. Turner
Assistant District Attorney

SDT:11

Chapter 30. Pupils and Educational Programs for Pupils.

Article

- 1. Compulsory Education (§§ 14.30.010 — 14.30.050)
- 2. Physical Examinations and Screening Examinations (§§ 14.30.060 — 14.30.170)
- 3. Education for Exceptional Children (§§ 14.30.180 — 14.30.350)
- 4. Health Education (§§ 14.30.360 — 14.30.370)
- 5. Bilingual-Bicultural Education (§§ 14.30.400 — 14.30.410)
- 6. Adventure-Based Education (§ 14.30.500)
- 7. Alaska Student Leadership Development Fund (§ 14.30.510)

Article 1. Compulsory Education.

Section

- 10. When attendance compulsory
- 20. Violation
- 30. Report of violations and procedures
- 40. [Repealed]
- 45. Grounds for suspension or denial of admission

Section

- 47. Admission or readmission, when cause no longer exists
- 50. Truant officers

Collateral references. — 68 Am. Jur. 2d Schools, §§ 219-233.

79 C.J.S. Schools and School Districts, §§ 463 — 470.

Right to refuse diploma or other evidence of pupil's completion of course. 6 ALR 1533; 68 ALR 928; 121 ALR 1471.

Extent of power of school district to provide for the comfort and convenience of teachers and pupils. 7 ALR 791; 52 ALR 249.

Free textbooks and other school supplies for individual use of pupils. 17 ALR 299; 67 ALR 1196.

Discretion of school authorities to deny to pupils or teachers scholarship, certificate, diploma, license or other like privi-

lege, to which they would be otherwise entitled by law. 121 ALR 1471.

Teacher's civil liability for administering corporal punishment. 43 ALR2d 469.

Regulations as to fraternities and similar associations connected with educational institution. 10 ALR3d 389.

Student organization registration statement, filed with public school or state university or college, as open to inspection by public. 37 ALR3d 1311.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 35 ALR3d 1222

Sec. 14.30.010. When attendance compulsory. (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

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(B) tutoring by personnel certificated according to AS 14.20.020; or
 (C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the department with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved;

(2) attends a school operated by the federal government;

(3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to AS 14.30.045;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the child resides within two miles of a federal or private school which the child is eligible and able to attend;

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;

(9) has completed the 12th grade;

(10) is enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;

(11) is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends. (§ 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975; am § 1 ch 30 SLA 1976; am § 1 ch 10 SLA 1977; am § 4 ch 126 SLA 1978)

Effect of amendments. — The 1978 amendment, in paragraph (1) of subsection (b), added the subparagraph (A) and (B) designations, deleted "or by" from the end of present subparagraph (A), added "or" to the end of present subparagraph (B), and added subparagraph (C).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, ch. 58, SLA 1982.

Additionally, the words "of education" were deleted following "department" by the revisor under AS 01.05.031 and 14.60.010.

Legislative history reports. — For report on ch. 10, SLA 1977 (HB 60), see 1977 House Journal, p. 45.

14.30.010

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NOTES TO DECISIONS

Quoted in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Stated in *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Cited in *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), *D.R.C. v. State*, Ct. App. Op. No. 94 (File No. 4905), 646 P.2d 252 (1982).

Collateral references. — Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Inmates of charitable institutions as residents entitled to school privileges. 48 ALR 1098.

Constitutionality, construction, and effect of statutes in relation to admission of nonresident pupils to school privileges. 72 ALR 499; 113 ALR 177.

Religious beliefs of parents as defense to prosecution for failure to comply with compulsory attendance law. 3 ALR2d 1401.

What constitutes "private school" within statute making attendance at such a school compliance with compulsory school attendance law. 14 ALR2d 1369.

Applicability of compulsory attendance law covering children of a specified age, with respect to a child who has passed the anniversary date of such age. 73 ALR2d 874.

Power of public school authorities to set minimum or maximum age requirements for pupils in absence of specific statutory authority. 78 ALR2d 1021.

Residence for purpose of admission to public school. 83 ALR2d 497.

What constitutes a private, parochial or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Sec. 14.30.020. Violation. A person violating AS 14.30.010 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until the convicted person has served one day for every \$2 of the fine and costs, at which time the fine and costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (§ 37-7-2 ACIA 1949; am § 37 ch 98 SLA 1966)

Editor's notes. — The words "the convicted person" were substituted for "he" in the first sentence by the revisor of

statutes under AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district or state-operated school shall report all apparent violations of AS 14.30.010 to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB-226
Title: ...compulsory education...

Sponsor: Fischer, Paul
Requestor: Senate HESS
Date of Request: 4-16-85

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: _____

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill has no fiscal impact on this Department.

Prepared By: Steve Hole Phone: 2800
Division: Commissioner's Office Date: 4-16-85
Approved by Commissioner: Harold Reynolds, Jr. Date: 4-16-85
Agency: Education

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Juneau, Alaska 99809
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau:

Pouch V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Representative Nilo Koponen, Co-Chairman
House HESS

✓ Representative Max Greunberg, Jr., Co-Chairman
House HESS

FROM: Senator Paul Fischer

RE: Senate Bill 226 (An act relating to the violation of compulsory education laws.)

DATE: January 15, 1986

I would appreciate your scheduling a hearing on this legislation at your earliest convenience.

The bill would eliminate one sentence as follows: "in any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section."

This sentence is evidently being interpreted as relieving a parent of responsibility for their child's truancy at the end of each school year. Not only does the provision 'wash the slate' of any penalty imposed, but it is being misused to cause dismissal of cases unless actually brought to trial before the end of the final school term.

SB 226 would delete the provision of the state's compulsory education law which releases and discharges a parent or guardian from all penalties associated with their child's truancy at the end of the school year. Under current statute, a parent who fails to send a child to school is guilty of a misdemeanor punishable by a fine or imprisonment but these penalties expire at the end of each school year. SB 226 is intended to enhance enforcement of the truancy law, since court proceedings can often not be completed within the term of one school year.

Local school and law enforcement personnel have strongly urged remedial action and I believe this problem merits our serious consideration.

Thank you.

4/25

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCS CSSB 226 (HESS)
Title : ...relating to the violation
of compulsory education laws.
Sponsor : P. Fischer
Requestor : House HESS
Date of Request : April 11, 1986

FISCAL DETAIL

Agency Affected : Department of Education
BR# : _____
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact on this department.

Prepared by : Steve Hole
Division : Commissioner's Office

Phone : 465-2800
Date : April 11, 1986

Approved by Commissioner : Marshall L. Lind
Agency : Department of Education

Date : April 11, 1986

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



0-4 111

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 21, 1985

Senator Paul Fischer
State Senate
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Fischer:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

Several years ago, we worked out a procedure with the District Attorney to appropriately carry out the steps required before we turn matters over to his office.

All administrators carry out building level counseling and disciplinary procedures in all truancy cases. Emphasis is given to procedures that keep students in class rather than suspending them for not coming to school.

Students with 10 or more days of unexcused absence are referred to my office and I initiate a series of three formal parent contacts that inform them of their rights and responsibilities, offer assistance, inform them of alternatives to regular school attendance, and, finally, indicate that they will be referred to the District Attorney's office if student truancy continues.

After students have been truant for 20 or more days, I request permission for the School Board, as required by current law, to make and file a report with the District Attorney who represents the branch of government empowered to take further action.

At this point, the issue has been transferred to the judicial arena and further delays occur as the case is processed, calendared and heard.

Letters From School District

And, at this point, the wording of the law cited above renders both the school district and the District Attorney's office powerless to act whenever parents or their attorneys arrange delays that extend beyond the end of the school year because -

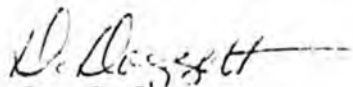
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At the present, state law only requires students to attend school from age 7 to 16 or nine years of a 13 year K-12 system. Current truancy law makes it impossible to really require parents to have their children in school for the nine years.

I request your assistance in modifying the existing law by deleting the sentence noted above. This action would permit school districts, through the District Attorney's office, to enforce the law from year to year.

Please contact me if I can provide you with assistance or information.

Cordially,



Dr. Dennis Daggett
Associate Superintendent
Instructional Services

encl

cc: Shannon Turner
Thomas Wardell
District Principals

DD/set



February 21, 1985

*See -
check out.
Draft response.*

Senator Bettye Farhenkamp
Chairman
Health Education and Social Services
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Farhenkamp:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

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nd/set

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- 1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE (907) 277-8622
- P.O. BOX 3070
DILLINGHAM, ALASKA 99576
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February 8, 1985

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Associate Superintendent
Instructional Services
Box 1200
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Shannon D. Turner
Assistant District Attorney

SDT:ll

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Regulations as to fraternities and similar associations connected with educational institution. 10 ALR3d 389.

Student organization registration statement, filed with public school or state university or college, as open to inspection by public. 37 ALR3d 1311.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Sec. 14.30.010. When attendance compulsory. (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

part-time

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Board
 ch 142
 am §§ 1,
 111 SLA
 1968: am
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 166 SLA
 § 12, 13
 169 SLA
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(B) tutoring by personnel certificated according to AS 14.20.020; or
 (C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the department with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved:

(2) attends a school operated by the federal government;

(3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to AS 14.30.045;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the child resides within two miles of a federal or private school which the child is eligible and able to attend;

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;

(9) has completed the 12th grade;

(10) is enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;

(11) is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends. (§ 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975; am § 1 ch 30 SLA 1976; am § 1 ch 10 SLA 1977; am § 4 ch 126 SLA 1978)

Effect of amendments. — The 1978 amendment, in paragraph (1) of subsection (b), added the subparagraph (A) and (B) designations, deleted "or by" from the end of present subparagraph (A), added "or" to the end of present subparagraph (B), and added subparagraph (C).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, ch. 58, SLA 1982.

Additionally, the words "of education" were deleted following "department" by the revisor under AS 01.05.031 and 14.60.010.

Legislative history reports. — For report on ch. 10, SLA 1977 (HB 60), 1977 House Journal, p. 45.

14.30.010

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EDUCATION

§ 14.30.030

NOTES TO DECISIONS

Quoted in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Stated in *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Cited in *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961); *D.R.C. v. State*, Ct. App. Op. No. 94 (File No. 4905), 546 P.2d 252 (1982).

Collateral references. — Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Inmates of charitable institutions as residents entitled to school privileges. 48 ALR 1098.

Constitutionality, construction, and effect of statutes in relation to admission of nonresident pupils to school privileges. 72 ALR 499; 113 ALR 177.

Religious beliefs of parents as defense to prosecution for failure to comply with compulsory attendance law. 3 ALR2d 1401.

What constitutes "private school" within statute making attendance at such a school compliance with compulsory school attendance law. 14 ALR2d 1369.

Applicability of compulsory attendance law covering children of a specified age, with respect to a child who has passed the anniversary date of such age. 73 ALR2d 874.

Power of public school authorities to set minimum or maximum age requirements for pupils in absence of specific statutory authority. 78 ALR2d 1021.

Residence for purpose of admission to public school. 83 ALR2d 497.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Sec. 14.30.020. Violation. A person violating AS 14.30.010 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until the convicted person has served one day for every \$2 of the fine and costs, at which time the fine and costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (§ 37-7-2 ACCLA 1949; am § 37 ch 98 SLA 1966)

Editor's notes. — The words "the convicted person" were substituted for "he" in the first sentence by the revisor of

statutes under AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district or state-operated school shall report all apparent violations of AS 14.30.010 to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation



Official Business

Alaska State Legislature

House of Representatives

*Mary
Fuller*

Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1986

Dr. Dennis Daggett
Associate Superintendent
148 North Binkley Street
Soldotna, Alaska 99669

Dear Dr. Daggett:

Thank you for your letter urging support of SB 226, which relates to violation of compulsory education laws. Senate Bill 226 is in the HESS Committee.

Senate Bill 226 has not been scheduled for a hearing as of this date. I have taken the liberty of forwarding a copy of your comments to the HESS Committee.

Your comments are well taken and when Senate Bill 226 comes before the full House for action I will certainly take your comments into consideration before voting.

Thank you again for your letter.

Sincerely,

Representative John G. (Jack) Fuller



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 6, 1986

Representative Jack Fuller
Pouch V
Juneau, Alaska 99811

Dear Representative Fuller:

During the last session, I requested legislative support to revise Chapter 30. Pupils, Article 1. Compulsory Education, Sec. 14.30.020 that deals with student truancy.

Existing policy and procedures in most school districts effectively handle most of these cases. Truancy is often a family problem and current practices attempt to deal with the causes behind the behavior. But every year there are several cases in which parental attitudes deny the child's right to do an education and we are powerless to act because we cannot get the parent to court in a timely manner.

As written, the statute cited above concludes by saying, "In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section."

We are informed by the District Attorney that, to beat this "sundown" provision in the statute, we must identify the student as chronically truant (10 or more days unexcused absence), exhaust all remedial efforts in our policy, notify the parent in three subsequent letters of our administrative intent and then ask our Board of Education for permission to file a complaint with the District Attorney. That office must then investigate and set a court date.

If we can't accomplish all of the above prior to January 1 annually, a competent public defender can delay until the end of school and render our complaint moot. The District Attorney's office cannot consider truancy referrals after January 1 since there is no chance of getting them to court.

I ask you to support the changes in Sec. 14.30.020 contained in SB 226 now in House HESS Committee. We need your help to keep more students in school where we can help them improve their lives.

Cordially,

Dr. Dennis Daggett
Associate Superintendent
Instructional Services

DD/set

4/25

COMMITTEE REPORT

HOUSE

(7)

5/10/85

FURTHER:

JUDICIARY

Date:

April 23, 1986

The Committee on HEALTH, EDUCATION
SOCIAL SERVICES has had CSSB 226 (HESS)
"An Act relating to the violation of compulsory education laws."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ^{HC}CS for CSSB 226 (HESS) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the Joint Committee

**MEMBERS SIGNING
DO PASS**

Mr. J. G. ...

Mr. ...

Mr. ...

Mr. ...

Mr. ...

Mr. ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Mr. J. G. ... Co-Ch
CHAIRMAN
Mr. E. ... Co-Ch

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau

Pouch V
Juneau, Alaska 99811
(907) 485-3791

M E M O R A N D U M

To: Representative Mike Miller, Chairman
House Judiciary Committee

From: Senator Paul Fischer

Date: April 25, 1986

Subject: SB 226, violation of compulsory education laws, SJR
40, legislative annulment of regulations.

I would appreciate it very much if you would schedule Senate Bill 226 and Senate Joint Resolution 40 at the earliest possible time.

Attached are backup for both of these bills.

Thank you.

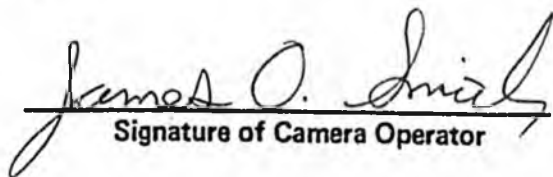
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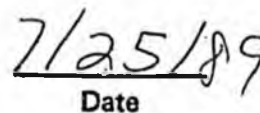


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

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

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/15/86	1:30 pm
"	4/16/86	1:30 pm

Original sponsors: Ray and Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 252 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to applications for absentee bal-
7 lots."

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

9 * Section 1. AS 15.07.070 is amended by adding a new subsection to
10 read:

11 (g) In preparing forms necessary to achieve the purposes of this
12 chapter, the director shall ensure that a form used by a voter to
13 apply for an absentee ballot also permits the person to register to
14 vote and the director may accept a single application from a person
15 that requests absentee ballots for each state election to be held that
16 year.

17 * Sec. 2. AS 15.20.071(a) is amended to read:

18 (a) A qualified voter who is physically disabled, imprisoned, or
19 confined to an institution may vote by [APPLY FOR AN] absentee ballot
20 through a personal representative. A personal representative may
21 apply for an absentee ballot on behalf of a physically disabled voter
22 or a voter imprisoned or confined to an institution to the following
23 election officials at the times specified:

24 (1) to an absentee voting official in the election district
25 in which the voter resides on or after the 15th day before an election
26 up to and including the day of the election;

27 (2) to an election supervisor

28 (A) after a date announced by the director under
29 AS 15.20.048(b); and

1 (B) on or after the 15th day before an election up to
2 and including the date of the election;

3 (3) to an absentee voting official at an absentee voting
4 station designated under AS 15.20.045(b) at a time when the absentee
5 voting station is operating;

6 (4) to a member of the election board [CHAIRMAN OR HIS
7 DESIGNEE] on election day in the precinct in which the voter is enti-
8 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
9 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
10 DESIGNATED].

11 * Sec. 3. AS 15.20.071(b) is amended to read:

12 (b) Upon receipt of a written application and exhibition of
13 proof of identification as required in AS 15.15.225 by the personal
14 representative, the election official authorized to issue the absentee
15 ballot shall provide the ballot and other absentee voting material to
16 the personal representative [IF THE WRITTEN APPLICATION IS SIGNED BY
17 THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN
18 OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLI-
19 CANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL
20 DISABILITY].

21 * Sec. 4. AS 15.20.071(d) is amended to read:

22 (d) Each election official shall keep a record of the name and
23 signature of each personal representative requesting an absentee
24 ballot and the name of the person on whose behalf the ballot is re-
25 quested. The election official shall record the date [AND TIME] the
26 absentee ballot is provided and the date [TIME] the ballot is returned
27 to the election official.

28 * Sec. 5. AS 15.20.081(b) is amended to read:

29 (b) An application for an absentee ballot by mail must be

1 postmarked not more than six months nor less than 14 [SEVEN] days
2 before the election for which the absentee ballot is sought. The
3 application for an absentee ballot shall permit the person to register
4 to vote under AS 15.07.070 and to request an absentee ballot for each
5 state election held that year in which the voter is eligible to vote.
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Original sponsors: Ray and Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 252 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to absentee voting."

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

8 * Section 1. AS 15.07.070 is amended by adding a new subsection to
9 read:

10 (g) In preparing forms necessary to achieve the purposes of this
11 chapter, the director shall ensure that a form used by a voter to
12 apply for an absentee ballot also permits the person to register to
13 vote and the director may accept a single application from a person
14 that requests absentee ballots for each state election to be held that
15 year.

16 * Sec. 2. AS 15.20.071(a) is amended to read:

17 (a) A qualified voter who is physically disabled, imprisoned, or
18 confined to an institution may vote by [APPLY FOR AN] absentee ballot
19 through a personal representative. A personal representative may
20 apply for an absentee ballot on behalf of a physically disabled voter
21 or a voter imprisoned or confined to an institution to the following
22 election officials at the times specified:

23 (1) to an absentee voting official in the election district
24 in which the voter resides on or after the 15th day before an election
25 up to and including the day of the election;

26 (2) to an election supervisor

27 (A) after a date announced by the director under

28 AS 15.20.048(b); and

1 and including the date of the election;

2 (3) to an absentee voting official at an absentee voting
3 station designated under AS 15.20.045(b) at a time when the absentee
4 voting station is operating;

5 (4) to a member of the election board [CHAIRMAN OR HIS
6 DESIGNEE] on election day in the precinct in which the voter is enti-
7 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
8 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
9 DESIGNATED].

10 * Sec. 3. AS 15.20.071(b) is amended to read:

11 (b) Upon receipt of a written application and exhibition of
12 proof of identification as required in AS 15.15.225 by the personal
13 representative, the election official authorized to issue the absentee
14 ballot shall provide the ballot and other absentee voting material to
15 the personal representative [IF THE WRITTEN APPLICATION IS SIGNED BY
16 THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN
17 OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLI-
18 CANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL
19 DISABILITY].

20 * Sec. 4. AS 15.20.071(c) is amended to read:

21 (c) The personal representative shall deliver the absentee
22 ballot to the voter as soon as practicable. Upon receipt of an absen-
23 tee ballot through a personal representative, the voter shall proceed
24 to mark the ballot in secret, to place the ballot in the small enve-
25 lope, to place the small envelope in the larger envelope, and to sign
26 the voter's certificate on [THE BACK OF] the envelope [IN THE PRESENCE
27 OF THE PERSONAL REPRESENTATIVE WHO SHALL SIGN AS ATTESTING WITNESS AND
28 DATE HIS SIGNATURE]. The voter must mark the ballot and sign the
29 voter's certification not later than election day. The voter shall

1 then return the absentee ballot to the [HIS] personal representative
2 who shall deliver the ballot to the election official who provided the
3 ballot. The absentee ballot must be returned to the election official
4 [WITHIN THREE DAYS FROM THE DATE IT IS OBTAINED BUT] not later than
5 8:00 p.m. on election day. [AN ABSENTEE BALLOT THAT IS NOT RETURNED
6 TO THE ELECTION OFFICIAL BY THE CLOSE OF BUSINESS ON THE THIRD DAY
7 FROM THE DAY IT IS OBTAINED MAY NOT BE COUNTED BUT THE VOTER MAY VOTE
8 IN THE ELECTION.]

9 * Sec. 5. AS 15.20.071(d) is amended to read:

10 (d) Each election official shall keep a record of the name and
11 signature of each personal representative requesting an absentee
12 ballot and the name of the person on whose behalf the ballot is re-
13 quested. The election official shall record the date [AND TIME] the
14 absentee ballot is provided and the date [TIME] the ballot is returned
15 to the election official.

16 * Sec. 6. AS 15.20.081(b) is amended to read:

17 (b) An application for an absentee ballot by mail must be post-
18 marked not more than six months nor less than 14 [SEVEN] days before
19 the election for which the absentee ballot is sought.
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: April 4, 1985

REQUEST

Bill/resolution No.: CSSB 252
 Title: An act relating to absentee ballot applications
 Sponsor: Ray, Kelly
 Requestor: Senate State Affairs
 Date of Request: 4/4/85

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Division of Elections
 BRU, Program or Subprogram(s) Affected: Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FI 85	FI 86	FI 87	FI 88	FI 89	FI 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	2.5	-0-	-0-	-0-	-0-
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	2.5	-0-	-0-	-0-	-0-
CAPITAL					-0-	
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.5				
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

This fiscal note reflects the estimated one-time costs incurred in the initial printing of a revised absentee ballot application. The quantity to be produced in the initial printing is 40,000.

Prepared By: [Signature] Phone: 465-4611
 Division: Division of Elections Date: 4/4/85

Approved by Commissioner: [Signature] Date: 4/4/85
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SB 252
CSSB 252 FIN

MEASURE HISTORY

PAGE 01 OF 02

AN ACT RELATING TO APPLICATIONS FOR ABSENTEE BALLOTS.

PRIME SPONSOR: RAY
CO-SPONSORS: KELLY

\$2,500 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (H) JUD

DATE		PAGE	ACTION
03/22/85	(S)	613	READ THE FIRST TIME - REFERRAL(S)
04/08/85	(S)	731	SA RPT CS 4DP NEW TITLE
04/08/85	(S)	731	FISCAL NOTE SS#28
04/08/85	(S)	731	FIN REFERRAL ADDED
04/26/85	(S)	940	FIN RPT CS 4DP NEW TITLE
04/29/85	(S)	964	RLS RPT CALENDAR TODAY
04/29/85	(S)	966	READ THE SECOND TIME
04/29/85	(S)	966	FIN CS ADOPTED UNAN CONSENT
04/29/85	(S)	966	ADVANCED TO THIRD READING UNAN CONSENT
04/29/85	(S)	966	READ THE THIRD TIME CSSB 252 FIN

SB 252

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/29/85	(S)	967	PASSED Y19 N1 A1
04/29/85	(S)	971	TRANSMITTED TO (L)
04/30/85	(H)	1179	READ THE FIRST TIME - REFERRAL(S) JUDICIARY FINANCE RULES

SECTIONAL ANALYSIS FOR CS FOR SENATE BILL 252 (Fin)

An Act relating to applications for absentee

Section 1

Would require the Division of Elections to revise the absentee ballot application to incorporate information which would allow the Division to also register the requestor to vote.

Section 2 (Added in Senate Finance CS)

Requests for absentee ballot applications would have to be postmarked at least 14 days before the election instead of the current 7 days.

There is Division of Elections fiscal note for one time \$2,500 cost associated with the reprinting of absentee ballot applications.

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

RECOMMENDED ADDITION TO
SENATE BILL 252

Submitted by
Division of Elections
April 25, 1985

Congress recently passed House Joint Resolution 1250 relating to voting accessibility for the elderly and handicapped. The Act was signed into law by the President on September 28, 1984. Public Law 98-435, under Section 5 of the Act reads:

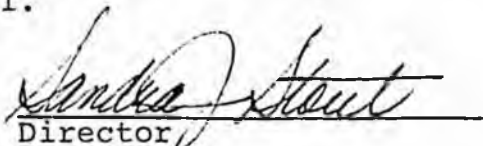
(2) (b) No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such a ballot...

The amendment proposed below seeks to revise an existing statute in the Alaska Election Code which if not amended will be inconsistent with this new Federal law which takes effect December 31, 1985.

Sec. 15.20.071(4) (b) is amended to read:

(b) Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant [AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL DISABILITY].

We appreciate the consideration of the sponsor and the committee in reviewing this proposal.


Director



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 3, 1986

SB252

The Honorable Mike Miller
House State Affairs Committee
State Capitol
Juneau, Alaska 99811

Dear Mr. Miller:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. These statutes deal with the absentee voting rights of military personnel, their dependents and U.S. citizens overseas.

State legislatures have supported changes in their absentee voting laws to make it easier for military personnel and overseas citizens to vote absentee. Over the last four years tremendous progress has been made in achieving this goal. Particularly encouraging is the recent change in Alaska procedure in 1985, which allows the FPCA to serve as a simultaneous request for absentee ballot and registration if certain information is included.

Our survey of military and overseas citizens conducted after the 1984 Presidential election, indicates that the problem of mail ballot transit time continues to be a major barrier to successful absentee voting by military and overseas voters. Nearly sixteen percent of Alaska voters were unsuccessful because they did not receive their absentee ballot or received it too late to return it in time to be counted. We would appreciate your consideration and support to eliminate this problem and the remaining problem areas this session so that military and overseas voters will have a better opportunity to vote in November 1986. The legislative initiatives are listed in priority order.

Surveys of international and U.S. military postal services indicate a need for forty-five days transit time for absentee ballots sent through international mail or military overseas post offices to allow timely return of such ballots to local election officials. This transit time is necessary due to the remoteness of many military personnel and American citizens overseas. Alaska permits the counting of absentee ballots received as late as fifteen days after the election. Ballots are mailed anywhere from fifteen to thirty days prior to the election. While the outer limit affords adequate mailing time the fifteen day mailing is insufficient. We urge you to address this problem this session.

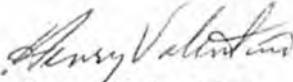
We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various other locations during an election year encouraging persons to submit

registration and/or absentee ballot applications. On other occasions a candidate may address a large gathering of personnel to encourage them to register and vote. A voter motivated by these sessions will usually send an application at that time. In some cases, the application is returned to the voter because it was received too early. This can be very discouraging to first time voters. We recommend the "not earlier than" acceptance date be eliminated.

We also recommend Alaska provide for voting by military and other persons overseas who, due to military contingencies or special circumstances such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot ninety days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine, Oregon and Washington have adopted such a ballot. (Sample enclosed)

Your support of these initiatives will improve the absentee voting process for military and overseas citizens. Please let me know if we may be of further assistance. You may contact my office at (202) 695-0663 for further information.

Sincerely,


Henry Valentino
Director

Enclosure

21-2-381.1. Procedures for voting with special write-in absentee ballot by qualified absentee electors.

(a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as defined in Code Section 21-2-380, may apply not earlier than 90 days before an election for a special write-in absentee ballot. This ballot shall be for presidential electors and United States senator or representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal post card application form or on a form prescribed by the Secretary of State.

(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal post card application or on a form prepared by the Secretary of State and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of said application, the superintendent shall issue the special write-in absentee ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office. (Code 1981, § 21-2-381.1, enacted by Ca. L. 1984, p. 1, § 12.)



COPY M. MILLER (House Jud)
SB 252 - more backup

FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 3, 1986

The Honorable Bill Ray
Senate State Affairs Committee
State Capitol
Juneau, Alaska 99811

Dear Senator Ray:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. These statutes deal with the absentee voting rights of military personnel, their dependents and U.S. citizens overseas.

State legislatures have supported changes in their absentee voting laws to make it easier for military personnel and overseas citizens to vote absentee. Over the last four years tremendous progress has been made in achieving this goal. Particularly encouraging is the recent change in Alaska procedure in 1985, which allows the FPCA to serve as a simultaneous request for absentee ballot and registration if certain information is included.

Our survey of military and overseas citizens conducted after the 1984 Presidential election, indicates that the problem of mail ballot transit time continues to be a major barrier to successful absentee voting by military and overseas voters. Nearly sixteen percent of Alaska voters were unsuccessful because they did not receive their absentee ballot or received it too late to return it in time to be counted. We would appreciate your consideration and support to eliminate this problem and the remaining problem areas this session so that military and overseas voters will have a better opportunity to vote in November 1986. The legislative initiatives are listed in priority order.

Surveys of international and U.S. military postal services indicate a need for forty-five days transit time for absentee ballots sent through international mail or military overseas post offices to allow timely return of such ballots to local election officials. This transit time is necessary due to the remoteness of many military personnel and American citizens overseas. Alaska permits the counting of absentee ballots received as late as fifteen days after the election. Ballots are mailed anywhere from fifteen to thirty days prior to the election. While the outer limit affords adequate mailing time the fifteen day mailing is insufficient. We urge you to address this problem this session.

We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various other locations during an election year encouraging persons to submit

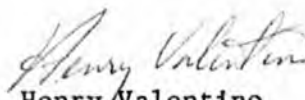
request for all elections in a calendar year would eliminate the voter's confusion and decrease the administrative burden on the voter and election officials.

Current West Virginia law provides that the Federal Post Card Application (FPCA) and all other forms used to register, and the affidavit on the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates a problem for those individuals living overseas where such services are difficult and expensive if not impossible to obtain. Some voters have paid \$50 to obtain notarial services if they were fortunate to find such services. In many countries there are no provisions for notaries in their system of jurisprudence. In some small military installations, there may be no commissioned officer assigned. We recommend removal of the notary requirement on all forms listed above. If necessary a self-administered oath similar to the one on the current FPCA could be used.

We also recommend West Virginia provide for voting by military and other persons overseas who, due to military contingencies or special circumstances such as submariners, Peace Corps volunteers or missionaries, will be "out of communication" for an extended period and cannot receive the normal absentee ballots within a reasonable forty-five day transit time. In this case, a blank ballot could be made available ninety days before the election whereby the voter could write in the name of the candidate or party preferences. California, Connecticut, Georgia, Maine, Oregon and Washington have adopted such a ballot. (Sample enclosed)

Your support of these initiatives will improve the absentee voting process for military and overseas citizens. Please let me know if we may be of further assistance. You may contact my office at (202) 695-0663 for further information.

Sincerely,


Henry Valentino
Director

Enclosure

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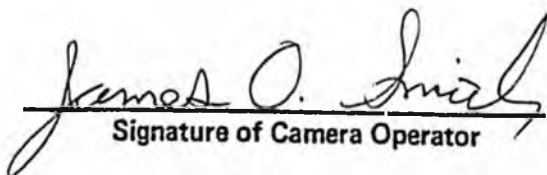
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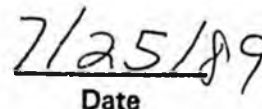


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

S B

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UNFINISHED BUSINESSCSSB 254(L&C)

The Speaker waived the Judiciary Committee referral on COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 254 (Labor & Commerce) (relating to workers' compensation) at the request of the Chairman. CSSB 254(L&C) was sent to the Rules Committee.

SECOND READING OF HOUSE BILLSHB 123

HOUSE BILL NO. 123 (extending the termination date of the Board of Pharmacy; effective date) was read the second time with the Labor & Commerce Committee report (page 357), the Health, Education & Social Services Committee report (page 600), the Finance Committee report (page 1261) and the Rules Committee report (page 1513).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 123 (Rules) (same title) be adopted in lieu of the original bill.

Representative Navarre objected and withdrew his objection.

Representative Furnace objected.

The question being: "Shall CSHB 123(RLS) be adopted in lieu of the original bill?" The roll was taken with the following result:

CSHB 123(RLS) ADOPT

Yeas:	23	Cato, Clocksin, Cotten, Frank, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Marrou, Martin, Miller, M.M., Miller, M.W., Navarre, Phillips, Ringstad, Shultz, Taylor, Thompson, Wallis
Nays:	8	Collins, Furnace, Hanley, Jenkins, Pearce, Pettyjohn, Signalberi, Rieger
Excused:	0	
Absent:	9	Adams, Binkley, Boucher, Davis, Duncan, Pourchot, Sund, Szymanski, Uehling

SB 254

MEASURE HISTORY

PAGE 01 OF 02

CSSB 254 L&C

AN ACT RELATING TO WORKERS' COMPENSATION.

PRIME SPONSOR: FISCHER.P

CO-SPONSORS:

CURRENT STATUS: (H) L&C

DATE		PAGE	ACTION
03/26/85	(S)	638	READ THE FIRST TIME
04/25/85	(S)	921	L&C RPT CS 3DP
04/26/85	(S)	941	RLS RPT CALENDAR TODAY
04/26/85	(S)	944	READ THE SECOND TIME
04/26/85	(S)	944	L&C CS ADOPTED UNAN CONSENT
04/26/85	(S)	945	ADVANCED TO THIRD READING UNAN CONSENT
04/26/85	(S)	945	READ THE THIRD TIME CSSB 254 L&C
04/26/85	(S)	945	PASSED Y17 N- X3
04/26/85	(S)	950	TRANSMITTED TO (H)
04/27/85	(H)	1133	READ THE FIRST TIME

SB 254

MEASURE HISTORY

PAGE 02 OF 02

DATE	PAGE	ACTION
		LABOR&COMMERCE
		JUDICIARY
		RULES

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 254

SENATE BILL NO. 254 by Senator Paul Fischer, entitled:

"An Act relating to workers' compensation."

was read the first time and referred to the Labor and Commerce Committee.

SB 255

SENATE BILL NO. 255 by Senator Coghill, entitled:

"An Act relating to leases on certain land formerly described as university-grant land; and providing for an effective date."

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

SB 256

SENATE BILL NO. 256 by Senators Coghill and Josephson, entitled:

"An Act relating to exposure to microwave radiation in the workplace."

was read the first time and referred to the Labor and Commerce Committee.

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 57

SENATE BILL NO. 57 (preferential use of Alaska agricultural products) was read the second time.

Senator Kerttula moved and asked unanimous consent that Senator Eliason be added as a co-sponsor to SENATE BILL NO. 57. Without objection, it was so ordered.

SB 57 cont'd

Senator Kelly moved and asked unanimous consent for the adoption of the Rules Committee Substitute and new title offered on page 636. Without objection, CS FOR SENATE BILL NO. 57 (RLS) (preferential use of Alaska agricultural or fisheries products; efd) was adopted.

CS FOR SENATE BILL NO. 57 (RLS) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 57 (RLS) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 57 (RLS) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 57 (RLS) (preferential use of Alaska agricultural or fisheries products; efd) pass the Senate?" The roll was taken with the following result:

CS SB 57 RLS JRD

Yeas: 18 Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Helford, Josephson, Kelly, Kerttula, Rodey, Sackett, Zharoff, Ziegler

Nays: 0

Excused: 2 Ray, Sturgulewski

and so, CS FOR SENATE BILL NO. 57 (RLS) passed the Senate.

Senator Halford moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 57 (RLS) was referred to the Secretary for engrossment.

COMMUNICATIONS

The Secretary announced receipt of

REVENUE SOURCES, FY 1984-1987, QUARTERLY UPDATE,
MARCH 1985
in accordance with AS 37.07.060(b)(4) from
Commissioner Nordal, Department of Revenue

The report is on file in the Office of the Secretary of the Senate.

STANDING COMMITTEE REPORTS

SB 218

The Labor and Commerce Committee considered SENATE BILL NO. 218 (barbers, cosmetologists, and estheticians; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 218 (L&C), entitled:

"An Act extending the termination date of the Board of Barbers and Hairdressers; and providing for an effective date."

with a majority do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Sackett and Eliason.

Department of Commerce and Economic Development fiscal note is zero.

Senator Fahrenkamp, Chairman, moved and asked unanimous consent that the Health, Education and Social Services Committee referral on SENATE BILL NO. 218 be waived. Without objection, it was so ordered.

SENATE BILL NO. 218 was referred to the Finance Committee.

SB 247

The Labor and Commerce Committee considered SENATE BILL NO. 247 (extending the termination date of the Alaska Public Utilities Commission; efd) and recommended it be replaced with

CS FOR SENATE BILL NO. 247 (L&C)

with a majority do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Sackett and Eliason.

SB 247 cont'd

"Letter of Intent
CSSB 247 (L&C)

Due to the time constraints imposed by the 120 day session limit, and the complexities of utility regulation, it is the intent of the Senate Labor and Commerce Committee to conduct research during the interim to examine regulatory practices of the Alaska Public Utilities Commission. Passage of CSSB 247 (L&C) will extend the Alaska Public Utilities Commission until June 30, 1986, and it is the intention of the committee to continue the more formal sunset review during the second session of the 14th Legislature."

SENATE BILL NO. 247 was referred to the Rules Committee.

SB 254

The Labor and Commerce Committee considered SENATE BILL NO. 254 (workers' compensation) and recommended it be replaced with

CS FOR SENATE BILL NO. 254 (L&C)

with a majority do pass. The report was signed by Senator Zharoff, Chairman and concurred in by Senators Sackett and Eliason.

SENATE BILL NO. 254 was referred to the Rules Committee.

SB 273

The Resources Committee considered SENATE BILL NO. 273 (classification of state land for retention; efd) and a majority of the committee recommended do pass. Senator Sturgulewski, Chairman and Senator Zharoff signed "no recommendation". Senators Fahrenkamp, Halford, Coghill, Vic Fischer and Eliason signed "do pass".

SENATE BILL NO. 273 was referred to the Rules Committee.

HCR

The State Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 6 (provision of office space in the capitol building for each member of the legislature). Senator Abood, Chairman, signed "in deep thought". Senators DeVries and Vic Fischer signed "do pass". Senator Kelly signed "pondering".

HOUSE CONCURRENT RESOLUTION NO. 6 was referred to the Judiciary Committee.

SB 273

SENATE BILL NO. 273 (classification of state land for retention; efd) was read the second time.

Senator Sturgulewski moved and asked unanimous consent that her "no recommendation" be changed to "do pass" on the Resources Committee report, page 921. Without objection, it was so ordered.

Senator Halford moved and asked unanimous consent that SENATE BILL NO. 273 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE BILL NO. 273 was read the third time.

The question being: "Shall SENATE BILL NO. 273 (classification of state land for retention; efd) pass the Senate?" The roll was taken with the following result:

SB 273 3RD

Yeas: 17 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul, Halford,
Josephson, Kelly, Kerttula,
Sackett, Sturgulewski, Zharoff,
Ziegler

Nays: 0

Excused: 3 Fischer Vic, Ray, Rodey

and so, SENATE BILL NO. 273 passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered.

SENATE BILL NO. 273 was referred to the Secretary for engrossment.

SB 254

SENATE BILL NO. 254 (workers' compensation) was read the second time.

Senator Zharoff moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 921. Without objection, CS FOR SENATE BILL NO. 254 (L&C) was adopted.

SB 254 cont'd

CS FOR SENATE BILL NO. 254 (L&C) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 254 (L&C) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 254 (L&C) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 254 (L&C) (workers' compensation) pass the Senate?" The roll was taken with the following result:

CSSB 254 LC 3RD

Yeas: 17 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul, Halford,
Josephson, Kelly, Kerttula,
Sackett, Sturgulewski, Zharoff,
Ziegler

Nays: 0

Excused: 3 Fischer Vic, Ray, Rodey

and so, CS FOR SENATE BILL NO. 254 (L&C) passed the Senate and was referred to the Secretary for engrossment.

SB 247

SENATE BILL NO. 247 (extending the termination date of the Alaska Public Utilities Commission; efd) was read the second time.

Senator Zharoff moved and asked unanimous consent for the adoption of the Labor and Commerce Committee Substitute offered on page 920 and Letter of Intent offered on page 921. Without objection, CS FOR SENATE BILL NO. 247 (L&C) and the Senate Letter of Intent was adopted.

CS FOR SENATE BILL NO. 247 (L&C) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 247 (L&C) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 247 (L&C) was read the third time.

Introduced March 25 and referred to Labor & Commerce and Finance.

Workers' Compensation
(partners & sole proprietor)

SENATE BILL NO. 254, by Senator Paul Fischer. Would allow persons who are sole proprietors or members of a partnership to participate in the workers' compensation program. Provides that a sole proprietor or partner "may elect coverage as an employee ... by making written application to an insurer. The insurer may accept the application and fix an assumed monthly wage at which the person shall be carried on the payroll for purposes of this chapter." Does not provide for an effective date (becomes law 90 days after signed). Amends AS 23.30--Alaska Workers' Compensation Act.

page 507

Introduced March 26 and referred to Labor & Commerce.

University-Grant Land
(leases)

SENATE BILL NO. 255, by Senator Coghill. Identical to the Resources Substitute for HB 248, see pages 369 and Allows for the conveyance of former University land to current lessees. Establishes procedure for determining purchase price. Effective immediately.

and the bill passed, 17-0-3. Excused: Vic Fischer, Ray, Rodey. The effective date was adopted.

Workers' Compensation
(partners & sole proprietors)

CS FOR SENATE BILL NO. 254 (L&C), (see page 507;718). Reported back to the Senate on April 25 by Labor & Commerce with the committee recommending it be replaced with a Labor & Commerce CS and that it do pass. Concurring: Zharoff (Chairman), Sackett and Eliason. To Rules.

The Labor & Commerce CS rewrites subsections (c) and (d) to read:

page 706

(c) Notwithstanding the provisions of AS 23.30.120(a), a person covered under (a) of this section bears the burden of proof of the validity of the claim.

BILLS PASSED IN THE SENATE (cont'd)

CSSB 254 (L&C), (cont'd)

(d) A person who has elected coverage under (a) of this section may cancel the election by giving written notice to the insurer. Notwithstanding AS 23.30.030(5), the cancellation becomes effective the day following the filing of notice with the insurer.

Original (c) read: "A claim may not be allowed or paid to a person covered under (a) of this section except upon corroborative evidence in addition to the evidence of the claimant." Does not make substantive changes to (d).

Before the Senate on April 26. The Labor & Commerce CS was adopted and the bill passed, 17-0-3. Excused: Vic Fischer, Ray, Rodey.

M E M O R A N D U M

To: All Members, House Labor and Commerce Committee

From: Roger Poppe, Committee Aide

Date: May 6, 1985

Subject: Overview, CSSB 254 (L & C), Relating to Worker's Compensation

There has been no previous legislation dealing with this issue; there is no companion legislation in the House; the bill is modeled after a similar law in Oregon; the Fiscal Note is zero.

The coverage for worker's compensation under the current laws appears to contain an inequity. Sole proprietors and partners, though they are small, independent businessmen, are required by law to provide workman's compensation insurance for all employees and for all uninsured independent contractors. However, they cannot obtain insurance coverage for themselves under the same program. This bill would allow them to be covered also. Currently, major contractors are reluctant to award contracts to uninsured sole proprietors or partnerships because the liability might fall back on them.

The Department of Labor supports the bill, and proposed two amendments in the Senate L & C, both of which were adopted (see April 4, 85 Position Paper in your file). With amendments, the bill passed the Senate L & C unanimously, and was waived by Senate Judiciary. It then passed the Senate 17-0-3.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS SB 254 (L&C)
 Title: "An Act relating to workers' compensation"
 Sponsor: P. Fischer
 Requestor: House Labor & Commerce
 Date of Request: 4/30/85

FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Public Protection
 BRU, Program or Subprogram(s) Affected: Workers' Compensation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

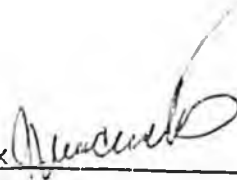
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						


ANALYSIS: Attach a separate page if necessary

Prepared By: ¹³ Jacque McClintock  Phone: 465-2790
 Division: Workers' Compensation Date: 4/30/85
 Approved by Commissioner: ¹³ Jim Robison Date: 4/30/85
 Agency: Labor

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

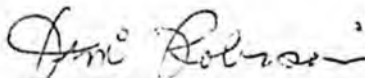
Bill No. Committee Substitute
for Senate Bill No. 254 (L&C)
Title "An Act relating to workers'
compensation."

Date April 30, 1985
Contact:  J. L. McClintock
465-2790

The Department of Labor supports the provisions of CSSB 254 which gives sole proprietors and partners the opportunity to obtain workers' compensation coverage for on-the-job injury or illness.

By providing this option to small business owners, the bill will resolve problems that sole proprietors and partners are currently experiencing in obtaining contracts. Contracting agencies or prime contractors are often reluctant to award contracts to sole proprietors or partnerships because of the possibility that liability for workers' compensation on an uninsured employee may fall back on the contracting agency or prime contractor. This bill will resolve that problem for the small businessperson who elects to obtain workers' compensation insurance and will also provide clarification of employer/employee relationships between contractors and sub-contractors.

APPROVED:



Jim Robison
Commissioner

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

Memo

April 22, 1985

To: Senator Fred Zharoff, Chairman
Senate State Affairs Committee

From: Senator Paul Fischer *PF*

Subject: Senate Bill 254

I introduced this legislation to enable sole proprietors and partners to be covered under workmans' compensation laws. The statutes allow coverage for corporate owners, but do not permit coverage by sole proprietors and partners. This legislation is modeled after a similar Oregon law.

I have reviewed the amendments proposed by the Department of Labor and would support a committee substitute including Labor's proposed amendments.

I would appreciate your expeditious consideration of this bill.

attachments:

Dick
Mueller
Realty

100 TRADING BAY RD., SUITE 1
KENAI, AK 99611
907-283-5888



February 20, 1985

State of Alaska
Director of Insurance
Dept. of Commerce &
Economic Development
Juneau, Alaska 99801

Sir:

I wish to call your attention to discrimination in Alaska Workman's Compensation laws and ask what can be done about it.

According to my insurance agent a sole proprietor of a business must furnish workmans's compensation insurance for all employees and all uninsured independent contractors. But, he can not be insured on this policy which he is forced to buy. Not even to the extent of injuries received on the job, doing the same work his insured employees and independent contractors are doing and this is discrimination against the small independent business man.

I can see some possible reason for excluding the employer from receiving compensation for lost time, but even this is hard to justify.

In the case of real estate brokers, they must cover all independent contractors. Builders and other business owners are only required to cover independent contractors if they do not have insurance. Why can real estate agents who are independent contractors not insure themselves? This is an unfair burden on the broker owner.

Most real estate brokers in our area work on listing and sales the same as their agents and pay commissions to themself the same as the agents.

The operation of running the business is done in addition to sales. In my case most of my income is from sales based exactly the same as my agents.

Thank you for prompt answers to my questions.

Sincerely,

Richard R. Mueller, GRI, CRS,
Broker/Owner

RRM:rm

cc; Sen. Paul Fisher, Rep. Mike Navarre & Rep. Andre Marrou

Date April 4, 1985

Title "An Act relating to Workers' Compensation."

Contact J. L. McClintock
465-2790

The Department of Labor supports the concept of legislation that would give sole proprietors and partners the opportunity to obtain coverage for workers' compensation. We would propose two amendments to the bill to correct potential problems, as follows:

1. Amend AS 23.30.239(c) which begins on line 19 to read:

(c) Notwithstanding the provisions of AS 23.30.120(a), a person covered under (a) of this section bears the burden of proof of the validity of the claim.

Since there is no employee/employer relationship for persons who would be covered under this bill, there is no party to raise an affirmative defense in connection with a claim filed by a sole proprietor or partner. The proposed subsection (c) attempts to address this problem by the inclusion of a requirement of "corroborative evidence." That term could be defined quite broadly, however, leading to an interpretation which is not necessarily consistent with the intent of the Alaska Workers' Compensation Act. Our proposed amendment of subsection (c), which specifically provides that sole proprietors and partners do not get the benefit of the presumption contained in AS 23.30.120(a), would clarify the provision and avoid the potential for interpretations inconsistent with the intent of the Act.

2. Amend line 23 to read:

may cancel the election by giving written notice to the insurer. Notwithstanding the provisions of AS 23.30.030(5), the

This would eliminate the conflict between the proposed subsection (d), which provides that "The cancellation becomes effective the day following the filing of notice with the insurer;" and AS 23.30.030(5), which provides that "A termination of the policy by cancellation is not effective as to the employees of the insured employer covered by it until 20 days after written notice of the termination has been received by the board."

APPROVED:



Jim Robison
Commissioner

Introduced: 3/26/85
Referred: Labor & Commerce

1 IN THE SENATE

BY P.FISCHER

2

SENATE BILL NO. 254

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to workers' compensation."

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

8 * Section 1. AS 23.30 is amended by adding a new section to read:

9 Sec. 23.30.239. SOLE PROPRIETORS AND PARTNERS AS EMPLOYEES. (a)

10 A person who is a sole proprietor, or a member of a partnership, may
11 elect coverage as an employee under this chapter by making written
12 application to an insurer. The insurer may accept the application and
13 fix an assumed monthly wage at which the person shall be carried on
14 the payroll for purposes of this chapter.

15 (b) When the application is accepted, the person is subject to
16 the provisions and entitled to the benefits of this chapter. The
17 person shall promptly notify the insurer whenever there is a change in
18 the status of the person as a sole proprietor or partner.

19 (c) A claim may not be allowed or paid to a person covered under
20 (a) of this section except upon corroborative evidence in addition to
21 the evidence of the claimant.

22 (d) A person subject to this chapter as provided in this section
23 may cancel the election by giving written notice to the insurer. The
24 cancellation becomes effective the day following the filing of notice
25 with the insurer.