

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

4061 SJUD SB 56 (FILE 6) - SB 69 937

ALASKA STATE SENATE

PATRICK RODEY
SENATOR

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3793
(907) 465-3754



April 8, 1985

M. A. Miles
1407 Otter St.
Anchorage, AK 99504

Dear (M.A.): MAXWELL

Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,

Patrick M. Rodey

PMR/acp

I agree that a "step" approach to the longevity bonus is a good idea.

1ST IND. 4-25-85

JUST ANY OLD "STEP" APPROACH IS NOT GOOD. I FEEL THAT AN INTERMITTENT OR "STUTTER-STEP" METHOD IS BEST,

WE BOTH REALIZE THAT THE STATE CANNOT CONTINUE THE LONGEVITY BONUS PROGRAM INDEFINITELY - WE SOON RUN OUT OF MONEY, AND THE ANNUITY - PERMANENT FUND APPROACH IS FRAUGHT WITH INNUNERABLE PITFALLS. HENCE MY SUGGESTED APPROACH OF A CARROT AND AN AXE. INCREASE THE ELIGIBILITY AGE ONE YEAR EVERY TWO YEARS

THANKS FOR YOUR CONTINUED INTEREST,

Maxwell



April 8, 1985

Anna M. Hansen
309 East Manor Avenue
Anchorage, AK 99501

Dear Anna:


Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,


Patrick M. Rodey

PMR/acp

*I agree with you
on "stairstepping"*



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Senator Pat Roddy, Chair
Senator Tim Keli, Vice-Chair
Senator Jan Faiks
Senator Rick Halford
Senator Robert Ziegler

Pouch V
State Capitol
Juneau, Alaska 99811

March 25, 1985

Dear Friend:

I'm sure you're aware that the solution to the longevity bonus dilemma is one of the most difficult decisions facing the Alaska Legislature this year. This dilemma was caused by last year's Alaska Supreme Court decision declaring our current program unconstitutional. There is much debate about what form the new program should take. Proposals include an annuity program, a "stair-stepping" approach, and a program with special emphasis on helping low and middle-income senior citizens.

Please be assured that whatever form of longevity bonus replacement emerges from the legislature, my primary concern is to protect those seniors who are currently enrolled in the longevity bonus program. I am also committed to resolving the issue this year - - Alaska's seniors deserve the certainty of knowing their longevity bonus payments are secure.

The Senate Judiciary Committee, which I chair, recently held hearings on SB56, a bill which asks all Alaskans under age sixty-five to trade their annual permanent fund dividend checks for annuity shares which will produce monthly payments after sixty-five. Much work has gone into SB56, but some questions remain to be answered. The Senate favors the annuity approach and passed this bill on March 21.

this one - The House appears to be headed towards approving a "stair-stepping" approach, which would limit the number of people who would participate in the future by raising the age of eligibility each year. As the group of eligible Alaskans dwindles over the years, the program would eventually phase itself out.

I am confident that by working with a spirit of cooperation, the House and Senate will work out a compromise bill this session which will also meet the Governor's approval. Meanwhile, I invite you to contact my office if you have questions or comments concerning SB56 or any other longevity bonus proposal.

Kindest regards,

Pat
Patrick M. Rodey

I like the 'stair stepping' approach bill. It is more like the original one!

ANN M. HANSEN
309 East Manor Avenue
Anchorage, AK 99501

*Sincerely,
Anna M. Hansen*



April 8, 1985

William M. Mack
2620 Karluck Street
Anchorage, AK 99508

Dear Mr. Mack:

Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick M. Rodey", is written over the typed name.

Patrick M. Rodey

PMR/acp

April 1, 1985

Senator Patrick M. Rodey
Pouch V, State Capital
Juneau, Alaska 99811

Dear Senator Rodey:

I thank you very much for your recent letter regarding the longevity bonus program and apologize for not responding sooner as I have been outside.

Frankly, I feel that the program never should have been started but since it is operating, there is no reason current legislators should take the heat of cancellation.

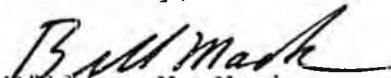
I am adamantly against the Governor's proposal to make this a welfare program as there are other ways of satisfying the needs of those with financial problems.

Other than that I would leave it up to your own good judgement to focus on the best proposal before you.

Please know that I greatly appreciate your letter and inquiry. Others have not expressed an interest in seeking our opinion.

Thanks again and know that you have my future support as in the past.

Sincerely,


William M. Mack

2620 Karluk Street
Anchorage 99508



April 8, 1985

Margaret A. Cook
Box 4-458
Anchorage, AK 99509

Dear Margaret:

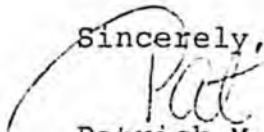
Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,


Patrick M. Rodey

PMR/acp

*I agree with you
on phasing out of
the program*

Box 4--458
Anchorage, Alaska 99509
April 1, 1985

Senator Pat Rodey, Chair
Senate Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Rodey: Re: Longevity Bonus Program

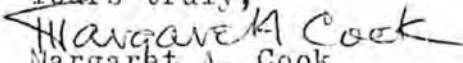
The original intent of the longevity bonus program was to reward Alaskans who had been up during the developmental days of this great state. The program would have gradually phased itself out. I feel that the original plan was generally understood and accepted by most Alaskans. Unfortunately, the Supreme Court disagreed with this commendable plan and its constitutionality was denied, which has thrown our state into a turmoil and changing the intent of the legislature to reward the old-timers.

As Alaskans expected it to be phased out eventually, I suggest that you support a phasing out of the program. I do not think that any of the legislators would have voted a bonus to everyone over 65; our state was not financially able to offer this luxury to all Alaskans forever. If it is phased out now, I know that some of those who have been here since before statehood will be unable to receive a reward as intended. However, the state cannot continue the program indefinitely.

I urge you to support a phasing out of the program. I realize that this program has become an albatross to the legislature, but I believe that the majority of the people consider stair-stepping approach as an equitable solution. I think the permanent dividend checks will have to be phased out eventually, too, and we'd be faced with a similar problem.

Thank you for asking.

Yours truly,


Margaret A. Cook

April 8, 1987

Alice O'Day
2224 Candy Place
Anchorage, AK

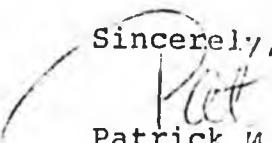
Dear Mrs. O'Day:

Thank you for your response to my recent letter regarding the longevity issue.

The legislature is continuing in its effort to solve the longevity issue. Senate and House members have been asked to a joint committee for the purpose of harmonizing differences between the two primary proposals. I am confident an available compromise will emerge by the end of the session.

Again, thank you for your response.

Sincerely,


Patrick M. Pease

PMR/acp

March 31, 1985

Senator Rodey

Re: Longevity - Annuity

At seventy-plus years, I fall well within the criteria of either the Senate or House Program. But I strongly favor the annuity plan put together by the Task Force chaired by Governor Hammond and put into bill form by Senator Ray. I am totally against the stair stepping program by some members of the House. Longevity, in its original concept, was to reward the "old timers" by giving funding to cover Alaska ex-

woods protected from the
moose by his father
carrying a gun, to catch a
school bus (for which we were
so thankful) to go to school in
shifts.

AND we had it easy!
just read Once Upon The
Kenai. (I think that book
should be required reading
for many members of the House.)

Many of our Alaska families
today are out establishing homes
in what is now the "middle-
of nowhere", going through
many of the same experiences
we did. Their contributions to
the State of Alaska will be
as great as ours (perhaps greater)

and they too should share! ⁴

My son strongly favors the annuity plan - as do others who went through those days with him that I have talked too. Alaska is my son's home; it is the home of ~~the~~ many who have ^{Dad's} his experienced!

He is in favor of depositing his Permanent Fund checks into the Senate Annuity Plan.

Remember! there is only one alternative to growing old -

Alice O'Ray



April 8, 1985

Rev. Peter Houck O.S.B.
Pouch 6604
3200 Providence Dr.
Anchorage, AK 99502

Dear Reverend Houck:

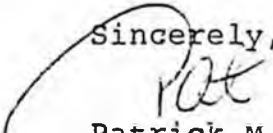
Thank you for your response to my recent letter regarding the longevity bonus proposals.

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Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,


Patrick M. Rodey

PMR/acp



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Senator Pat Rodey, Chair
Senator Tim Kelly, Vice-Chair
Senator Jan Faika
Senator Rick Halford
Senator Robert Ziegler

Pouch V
State Capitol
Juneau, Alaska 99811

March 25, 1985

Dear Friend:

I'm sure you're aware that the solution to the longevity bonus dilemma is one of the most difficult decisions facing the Alaska Legislature this year. This dilemma was caused by last year's Alaska Supreme Court decision declaring our current program unconstitutional. There is much debate about what form the new program should take. Proposals include an annuity program, a "stair-stepping" approach, and a program with special emphasis on helping low and middle-income senior citizens.

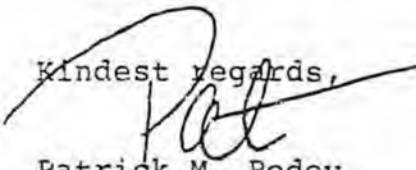
Please be assured that whatever form of longevity bonus replacement emerges from the legislature, my primary concern is to protect those seniors who are currently enrolled in the longevity bonus program. I am also committed to resolving the issue this year - - Alaska's seniors deserve the certainty of knowing their longevity bonus payments are secure.

The Senate Judiciary Committee, which I chair, recently held hearings on SB56, a bill which asks all Alaskans under age sixty-five to trade their annual permanent fund dividend checks for annuity shares which will produce monthly payments after sixty-five. Much work has gone into SB56, but some questions remain to be answered. The Senate favors the annuity approach and passed this bill on March 21.

The House appears to be headed towards approving a "stair-stepping" approach, which would limit the number of people who would participate in the future by raising the age of eligibility each year. As the group of eligible Alaskans dwindles over the years, the program would eventually phase itself out.

I am confident that by working with a spirit of cooperation, the House and Senate will work out a compromise bill this session which will also meet the Governor's approval. Meanwhile, I invite you to contact my office if you have questions or comments concerning SB56 or any other longevity bonus proposal.

Kindest regards,


Patrick M. Rodey

The Senate Bill is the better one
Rev Peter Hunk
Providence Hospital
June 99502



April 8, 1985

Fermo Albertini
Box 978
Anchorage, AK 99510

Dear Mr. Albertini:

Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Above all, you may rest assured that both the Senate and House are committed to continuing longevity bonus payments to current recipients.

Again, thank you for your comments.

Sincerely,

Patrick M. Rodey

PMR/acp

*I appreciate your
confidence.*

Anchorage, 3 - 28 - 85

Dear Mr. Rodey, I appreciate the nobility of your letter, I don't deny that I would be delighted of the permanency of the longevity bonus, I dread to express an opinion or start a polemic in that regard; with a stalwart like you, I got little to worry about the decision trend in Juneau.

Hoping you will forgive me for abstain in any advices I am trusting you in full.

Fermo Albertini



April 8, 1985

Joe Graham
4107 Minnesota Dr.
Anchorage, AK 99503

Dear Mr. ^{JOE}Graham:

Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals. I feel certain an equitable compromise will emerge by the end of session.

Again, thank you for your comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat", is written over the word "Sincerely,".

Patrick M. Rodey

PMR/acp

ALASKA SERVICESP. O. BOX ~~XXXX~~ 101157
ANCHORAGE, ALASKA 99510

March 29, 1985

Dear Pat:

Your letter of March 25th sure gets ones goat. You guys have been down there nearly 3 months and you are pissing around with non things like seat belts and lawyers pension program like the bar owners liability crap.

Why have you not got that legislative pay back to reason. It was even too high before it was raised?????????

Why have you not straightened out the present credit reporting scandal where one person's credit affects another party??????

Why have you not eliminated ALL pensions for elected governmental positions (I will npt call them jobs) in Alaska so there is some fairness in the system??????????

Why do you not call the longevity by its right name so that it does not suffer attack for the wrong reasons????????? The intent of the program was to be RESIDENCY RETAINMENT FOR US CITIZENS IN ALASKA. With the right name it probably would not have gotten so screwed up in court. Additipnally it was pursued in court by those with not will to win or who were against the program. It should have been taken to the US Supreme Court where it could have beer. looked at along with the thousands of government programs that have discriminating but not unfair guidelines such as:

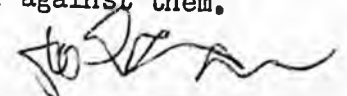
1. To run for president one must be 35 not 2 years old.
2. The above also applys to US seantors.
3. Entrance to federal academeys have very strict rules.
4. Military rank advancement has numerous requirements.
5. To raise a marine engineer or mate license takes definte years and more.
6. To collect social security one must be at least 62.
7. To get a passport one must be a citizen.
8. Government recognizes validity of business retirement rules.
9. I could spend weeks on this discrimination list and still only scratch the surface and am sure you could to.

This residency retainment program is not all one way. The state and local government retain stabalized families businesses have customers children know grandparents and aunt and uncles communities have continuity there us no brain drain there e volunteers to do so much of the necessary volunteer work and this can go on for page after page.

The three bills under consideration with regard to the residency retainment are stinking swindles and to think that is all you overpaid clowns can come up with leads one to the overwhelming conclusion that government is crime and crime is growing by leaps and bounds. The fact that I have to tell you all this proves my point.

For a change do something FOR the citizens instead of against them.

Yours truly, Joe Graham



ALASKA STATE SENATE

PATRICK RODEY
SENATOR

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3793
(907) 465-3754



TO: Senator Robert Ziegler

FROM: Senator Patrick Rodey, Chairman
Senate Judiciary Committee

DATE: April 8, 1985 *Pat*

RE: SB7; Reinstating State Income Tax

Thank you for your kind note regarding career opportunities. You may rest assured that SB7 will be calendared for hearing in Senate Judiciary Committee very shortly.

Alaska State Legislature

SENATOR
ROBERT H ZIEGLER SR
307 BAWDEN STREET
KETCHIKAN ALASKA 99901

WHALE IN JUNEAU
POUCH V
JUNEAU ALASKA 99811



Senate

MEMBER
SENATE JUDICIARY COMMITTEE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
EXECUTIVE COMMITTEE
WESTERN LEGISLATIVE CONFERENCE
COUNCIL OF STATE GOVERNMENTS

ALTERNATE MEMBER
NATIONAL CONFERENCE OF STATE LEGISLATURES
STATE AND FEDERAL ASSEMBLY
COMMITTEE C:
FEDERAL TAXATION TRADE AND ECONOMIC DEVELOPMENT

April 2, 1985

PERSONAL AND CONFIDENTIAL

Senator Patrick Rodey,
Chairman - Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Re: SB 7.

Dear Pat:

After we hear the Governor tomorrow, consideration of SB 7 might become appropriate.

This might be your opportunity to become a statesman as contradistinguished from a politician!!!

Regards,

Robert H. Ziegler, Sr.

RHZ:lk

*Send note -
Committee (will
schedule it)*

April 16 1985

Franklin J. Lunde
1025 E. 1st Ave, Apt 2
Anchorage, Alaska 99501

APR 19 1985

State of Alaska
Sergey Bonny
Department of Administration
Juneau, Alaska 99801

april 12

To whom it may concern:

I recently learned a
certain person Alaska State Legislature
was being a personal letter pertaining
to the Sergey Bonny

I am quite interested
in finding out how the Sergey
Bonny is handled. It would be

most important to be placed
 in an appropriate states and also
 to receive a commitment in some form
 from the 1950s - also must have
 some of the details - in 1950s. At
 least they will receive citizens
 a good deal of a success that
 legislative was for problems
 slowly a parliament that take the way
 they announce in circles and
 cannot come to a conclusion
 a - 1950s

What if the state
 citizens - some Alaska, come back
 here to live and have to start
 from scratch all over again. Also,
 that only who come to Alaska

to get back in the excellent performance.

Produce to say that
we are fortunate that the
state is for the land and we see.
The attorney is very kind
to us all.

I take out way you
request a receipt of money received.
You seem to be content and
would not, I do not try to take
advantage of your help.

Yours truly,

Francis J. Kelly

April 28, 1985
1250 E 17th Ave., Apt 336
Anchorage, AK 99501

Senator Pat Rodley
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Rodley,

Thank you for your letter of March 25th. I have been interested and watching the progress, or lack thereof, of the Longevity Bonus problems.

My own feelings are: It is stepping would be almost criminal in eliminating Alaskans born and living continuously in Alaska for just short of 65 years.

The annuity program had me puzzled for some time as nobody was mentioning the amount of annuity would be available at age 65. Now I've read it would be \$250-. My question with this is that children would have their funds put into an annuity and receive only \$250- at 65. With the fund acquiring interest for 40 to 64 years, \$250- seems not a fair return. Exponentially, recalling that old saw for 65 years, any amount would have earned a sum well over \$250- plus.

to Senator Ted Ruker.
from Edna Adrian

April 25th
Page 7.00

Perhaps a percentage of one's contributions
based on life expectancy could be a viable
procedure

Also, perhaps a base of some sum could
be used to return to one's beneficiary if
no return is never paid to the annuitant.

Sincerely,
Edward Adrian

EDNA ADRIAN
1280 E. 17th Ave
Anch, AK 99501

Please excuse writing
by eye, you know.
Hope you can decipher.

Alaska State Legislature

Senator Pat Roddy

Dear friend:

Thank you for your letter and
your caring about the Seniors.

S B 56 sounds like a good
way to handle the issue.

And I think a good many of true
Alaskans will agree.

I leave the job you are doing
for the Alaskans.

Sincerely
Harold J. Leggett



May 3, 1985

Harold T. Isgrigg
1904 Jefferson Ave.
Anchorage, AK 99503

Dear Mr. Isgrigg:

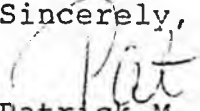
Thank you for your response to my recent letter regarding the longevity bonus proposals.

The legislature is continuing in its' effort to solve the longevity bonus question this year. Senate and House members have been appointed to a joint committee for the purpose of hammering out differences between the two primary proposals.

Above all, you may be assured that both the Senate and the House are committed to continuing full longevity bonus payments to current recipients.

Please don't hesitate to contact me again regarding this or any other issue of interest to you.

Sincerely,


Patrick M. Rodey

PMR/acp



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

11/7/89
Date

SB

56

(FILE 7):

PRESS

Governor to sign

by Rita R. Robison

Gov. Bill Sheffield will sign the legislature's controversial Longevity bill, even though he's unhappy with the last-minute compromise between the House and Senate.

"The governor can't change the bill, and the issue cannot be solved now by a veto," said John Greeley, Sheffield's press secretary.

The bill, CCSSB 56, calls for an advisory vote of the people on whether the state should set up an annuity plan to replace the current Longevity Bonus program.

It would continue monthly payments of \$250 for those now in the program, and add to the bonus roster Alaskan seniors who turn 65 on or before January 1, 1988.

State officials estimate over

3,500 more seniors will be eligible to receive the bonus by that cutoff date.

Under the compromise measure passed by legislators, it appears lawmakers will be able to take up the bonus issue again in 1987. They are not required to institute the annuity system even if the voters give the annuity their okay.

Sheffield is concerned that the cost to the state treasury of the legislature's bonus compromise in times of declining revenue could be significant, said Greeley.

And the governor thinks the wording of the ballot proposition needs to be clearer, the press secretary added.

Greeley said the wording must state exactly what a vote means.

"What are they (the people)

Tenakee Springs, many residents lost their homes.

Since then most of the residents have qualified for disaster assistance loans from the Housing Assistance Division of the Department of Community and Regional Affairs (CRA).

But three seniors — Russell and Grace Heath and Martha Pasqua — did not qualify for relief and when CRA loan examiner Mary Jo Genes discovered that she couldn't "okay"

Genes was a nated designs, and transportate the two homes for seniors.

Throughout ear May, a labo. work \$10,000. wort build homes in the

According Alaska Marine tem gave free

Governor to sign bonus bill

Continued from page 1

current system is a temporary.

Legislators adopted it at the end of the 1984 session after the Alaska Supreme Court declared the original Longevity Bonus program unconstitutional because of its 25-year residency requirement. Bonuses are now available to people age 65 and over who have lived in Alaska one year.

Finding a permanent solution to the bonus issue topped the

list of priorities for lawmakers and the governor this year due to the anticipated increase in the cost of providing the \$250-monthly payments for a growing senior population.

Even though solving the bonus issue topped everyone's priority list a solution proved elusive. The House-passed version of the bonus bill called for a phase-out of the program, so that those who turned 65 after this year would never receive a bonus. The Senate passed the an-

nunity bill, which will appear on the ballot.

The first conference committee appointed to resolve differences between the two bills failed to come to an agreement. The second committee, faced with Sheffield's threat to call a special session if the issue was not resolved, decided to put the question on the ballot.

Despite final passage of the bill, there are those who claim the legislature actually made no decision.



Governor raises important questions about Longevity Bonus proposals

By Gov. Bill Sheffield

RIGHT NOW, there's only one sure thing about the Alaska Longevity Bonus program: The courts have changed the original intent, and we have to change our program.

The debate about what form that program will take is far from over. It may be an annuity program, a "stair-stepping" approach, a program with a special emphasis on helping low and middle-income senior citizens — or any combination of the three. Each approach has its advocate. I'm not choosing sides yet; as long as the final proposal is sound, I'll sign the bill.

THE IMPORTANT THING is to debate the proposals, choose the best one, and get it done this year. We can't keep older Alaskans in limbo any longer. To get the longevity program out of limbo, we've got to get the debates out of the fo

What's clear is that Alaska has a long tradition of respecting senior citizens. Today, a wide variety of benefits, tax credits, health care and other programs for seniors are backed up by more than \$100 million in state funds. About half of that goes to the Longevity Bonus program.

These benefits date back to the first Territorial Legislature, which set up the first Pioneer Home in 1913. Two years later, the territory decided that older Alaskans who were in need should get \$12.50 a month (about \$145 in current dollars) to help them stay in Alaska. Later, former Gov. Ernest

Gruening called it "the first old-age pension in the United States."

That pension was revived in 1972, with a similar intent. The \$100-per-month bonus (later increased to \$250 monthly) was targeted specifically for a group of older Alaskans who had lived and worked in the state for many years.

LAST YEAR the Alaska Supreme Court struck down that residency requirement. Citing federal court decisions, the justices said "pioneer" status can't be used as a standard for a benefit program. As a result, we now have various plans for replacing the current stop-gap longevity program under debate in the legislature. Each answers the residency question, but other questions remain.

The "stair-stepping" approach, proposed last year by Rep. Al Adams, D-Kotzebue, comes close to meeting the intent of the original Longevity Bonus program. Simply put, the bill limits the number of recipients by setting a cut-off date (to be eligible, you must turn 65 by 1992) and raising the age of eligibility each year (65 in 1992, 66 in 1993, 67 in 1994, and so on). That way, seniors who are now eligible would remain eligible for the rest of their lives; in addition, seniors between the ages of 60 and 65 (who may have been planning on the bonus to supplement retirement income) would also be "protected" for life. As that group of older Alaskans dwindled over the years, the program would

eventually phase itself out.

THE ANNUITY PROGRAM, introduced as a bill with 17 co-sponsors in the Alaska State Senate, combines the "stair-stepping" approach with a retirement insurance program. Like the "stair-stepping" program, the current group of older Alaskans would continue to receive a Longevity Bonus, but the amount would get smaller every year, and eventually disappear. Payments from the annuity fund would take the place of the bonus — but only if you bought into the annuity program. The price is your annual Permanent Fund dividend.

In short, if you're 40 years old now and want a full longevity payment after the age of 65, you must defer your permanent fund dividend each year and put it in your retirement account. If you choose to keep your dividends each year, you'll get no annuity from the state.

It's an intriguing idea. However, some questions remain.

Senior Voice, the newspaper serving the community of older Alaskans, raised a number of those questions in a recent editorial. Among them were these: Will enough younger Alaskans give up their dividends, join the plan and make the annuity financially sound? Will the plan provide any benefit to the poor and near-poor who can't afford to give up their dividends? Will the program offer a secure investment for younger Alaskans? And what will happen to the approximately 800 needy senior citizens who will lose federal benefits because the Alaska program isn't based on need?

Good questions, and we should have the answers before we make a decision.

I HAVE SIMILAR concerns. First of all, there's no guarantee people will contribute their permanent fund dividends to the annuity program. The incentive to join the program is a tax break: If you put your check in now, you won't have to pay federal income tax on it until you retire. However, according to the federal tax code, the annuity would not be a tax-exempt investment without the state's \$79 million "front-loading."

Without the "front-loading," there's no tax break; without the tax break, many people would probably choose to invest their permanent fund dividends differently.

Like the editorial writer at the Senior Voice, I'm concerned that tying the annuity to permanent fund dividends could make it difficult for many Alaskans to invest in the program. Low-income families, working single mothers and rural Alaskans might have a hard time giving up needed cash now for a long-term investment.

Then there's a question the Voice didn't ask:

What about the \$79 million in state money needed to build up the annuity fund over the first three years? If we decide that the annuity program is best, we may be faced with some serious changes in our spending priorities over the next several years. Considering the recent downturn in our revenue forecasts — and the continuing downward pressure on the price of oil — that three-year, \$79 million commitment could reduce our financial flexibility, along with our ability to meet other needs.

ALL THESE QUESTIONS need to be answered before we create a new longevity program. But whatever we choose — an annuity program, a "stair-stepping" proposal, a needs-based program, or any combination of the three — it must be fair, it must be cost-effective, and it must be created this year.

It should also retain the spirit of the laws passed by the territorial legislature in 1915, and the state legislature in 1972. The Longevity Bonus is a way to help keep older Alaskans in the state. That's not welfare; it's an investment in Alaska's future. Because without the wisdom and experience of the past, we wouldn't have much of a future.

Annuity plan sent to finance panel

News
1/30/85

Daily News wire services

JUNEAU — A plan to create a state-backed retirement account for Alaskans moved a step closer to approval Tuesday — with provisions to protect low-income oldtimers and offer benefits to family survivors.

The so-called "annuity plan" was forwarded to the Senate Finance Committee — with two changes. If approved, the plan would replace the Longevity Bonus program that was deemed unconstitutional because it only paid oldtimers who had lived in Alaska for 25 years.

Under the proposal by Sen. Bill Ray, D-Juneau, the current Longevity Bonus program would be gradually phased out and would be replaced by the annuity program. Alaskans would be able

to place their permanent fund dividend checks into the program and collect a \$250 stipend each month once they turn age 65.

The Senate State Affairs Committee amended the annuity bill, Senate Bill 56, so that if an Alaskan chooses to contribute to the program and dies before reaching age 65, his contributions revert to his family instead of staying in the annuity pool.

However, the bill says the state would keep the annuity money if the resident reaches 65 and begins drawing on the account before dying.

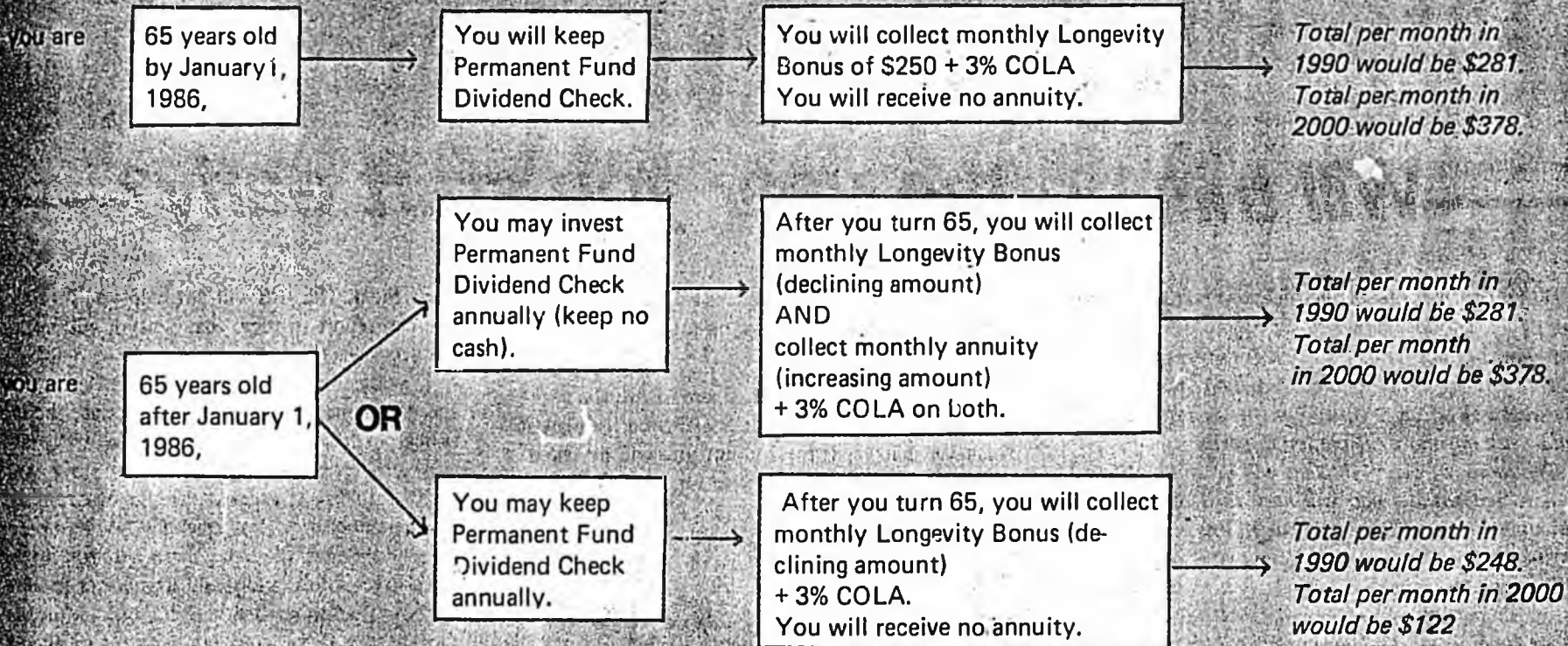
The committee also voted to protect some low-income oldtimers who would continue to receive the \$250-a-month Longevity Bonus but could lose federal benefits because of the additional income.

Senior Visa January 1985

SB56

How annuity would affect you

Senate bill would replace bonus for future seniors



Senior Employment

is available for those 55 and older... you may qualify!

Legislature takes up bonus

Continued from page 1

these individuals would receive monthly payments of \$250 plus an annual 3 percent cost of living increase. Payments would be a mix of an-

ment Fund checks today in return for retirement payments in the future.

Although the Senate is expected to pass the measure quickly, the plan will likely face rougher going in the House.

less bonus and annuity plans are based on need, state officials say they have been told, about 800 seniors on public assistance will be forced over the income limits for cash and/or medical benefits.

Annuity bill needs complete airing

Our minds are far from settled on SB 56.

That's the bill that would set up an annuity, or retirement plan as a replacement for the current Longevity Bonus Program for Alaska's seniors 65 and over.

A lot of work has gone into this bill. The Longevity Bonus Task Force has met monthly since last August. SB 56 is the result of intensive effort by the nine member task force, its staff and a bevy of experts including government officials, private insurance consultants, lawyers and tax analysts.

Most seniors who participated in teleconference hearings on the bill in late January voiced overwhelming support for the bill, saying they much preferred it to needs-based proposals. Nonetheless, these seniors had concerns about the annuity proposal. We share their concerns.

Under the proposal, many here-and-now seniors - all those 65 and over - would be "grandfathered" into the current bonus program and would continue to receive the current \$250 per month for the rest of their lives.

COMMENTS

For these people, the annuity program would have no effect. They would continue to receive \$250 a month; they would continue to receive a yearly Permanent Fund Dividend check.

But what about the seniors of today who are not yet 65? And the seniors of tomorrow?

Will the program offer a secure investment to younger citizens?

Will estate-conscious Alaskans who want to leave their assets to their children choose this plan, in which benefits end with the death of the recipient? Or, will they choose another more flexible plan for investing their available funds?

Will enough younger citizens of any age join the plan - and give up their Permanent Fund Dividend - to make the annuity fiscally sound?

Will the legislature in future years continue to appropriate money to the plan, as it would have to do annually?

Will the plan provide any benefits to the state's poor who cannot afford to "buy in" at the cost of their annual Permanent Fund Dividend?

Will the plan offer any benefits to 800 current bonus recipients who will lose medical and/or cash public assistance if the program continues to be non-needs based?

You don't set up a retirement program for half a million people - potentially the entire state population - without looking at the plan from every conceivable direction.

In addition to the hard work of the special task force committee, the legislature must be urged to study the plan long and hard.

Hopefully legislators - in both houses - will give not only the annuity proposal, but also these concerns, the full airing they deserve.

LETTERS

Waste led Voice to 'tin cup'?

Dear editor,

I must say I'm quite disappointed with January's issue report. "An urgent appeal to Senior Voice readers," and/or "who pays for Senior Voice?"

For the past two years that I have handled our subscription (my late husband subscribed for the previous two years) I have purchased three subscriptions (two extra) in 1983 and two subscriptions (one extra) last year so I'm certainly among the "Anchorage 99503's paid!"

I do volunteer work at the (Anchorage) Senior Center and I've observed a number of left-over monthly copies on occasion. This is wasteful and uncalled for and could be one of the reasons you again have the "tin cup in hand." I certainly can understand why you must cut back, why haven't you done it before this? Did it take the \$18,000 loss in state and city funding for you to come to this conclusion? It's not hard to figure out why we "pays" couldn't possibly make up for the 1,500 people who receive it "free" or "2,100 to 2,900." This doesn't seem fair to people like me, or to the other paying subscribers, especially when a lot more of these freeloaders could have paid, I imagine.

Needless to say, I only wish to renew my single subscription this year with no extra contribution for the "24 or fewer pages per issue" in 1985.

I've decided to add this postscript as a suggestion: If you asked the recipients of gift subscriptions to write a thank-you note to the contributor it would help to convince people like me that my gift copies actually went to someone and were not among the wasted copies I saw at the Senior Center. I know I wouldn't mind sending a card or note if I had been on the receiving end

to show my appreciation.

The cost of a card doesn't amount to \$10 a year! I'm a widow on a fixed income and I gave gladly but I do expect some proof that my money went for what it was intended.

Nancy O. Austin
Anchorage

We agree that there is no excuse for wasting copies of Senior Voice. We appreciate your past and continuing support for Senior Voice and truly regret that

when we have extra copies to give. Usually, these deliveries are made in response to calls from center employees asking for more papers.

At other sites in Anchorage, and at other senior centers around the state, our deliveries are based on past usage. In Anchorage, if our delivery man delivered 20 copies to a site in September, then noticed 15 remained when he delivered the October issue, he would leave fewer October copies. Similarly,

'Needless to say I only want to renew my single subscription. . . with no extra contribution . . .'

those extra copies at the Anchorage Senior Center have made you feel Senior Voice is a sloppily-run ship.

Having said as much, let me try to explain some possible reasons for those extra copies, which turned out to be leftover, unwanted and wasted.

First of all, no newspaper worth its typesetter prints exactly as many copies as it will send out to subscribers or place on news stands. When we order a press run of 7,500, there's no practical way to go back and get more. In the past five years, we have run out of papers at least five times because we have underestimated the demand. (We are currently "hoarding" our three remaining copies of last January's issue.)

We almost always print 200 extra papers to prevent running out of Senior Voice when a particular story or report proves popular. Often, these are not "extra" at all and come very close to just meeting the demand.

The situation at the Anchorage Senior Center, we hope to

we have in the past responded to project directors' requests that we send fewer (or more) papers to meet the demand.

With our current funding situation so tight, we are cutting our "extra" copies to 100, which likely will barely cover the demand in the Senior Voice office during the month between issues.

We can appreciate your skepticism regarding gift subscriptions. Your suggestion that those who "receive" acknowledge their thanks to those who "give" has merit.

However, one of the basic tenets of the Older Americans Act (and the Older Alaskans Commission which partially funds Senior Voice) is that the confidentiality - and consequently the dignity - of those seniors we serve be safeguarded. We currently have on file the names of more than 80 seniors who have told us they cannot afford to pay, and we suspect that at least double this amount are actually on our mailing list but have not told us so. We cannot reveal their names in the public domain.

Have
you

Senior Voice January 1985



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

11/7/89
Date

S B

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7

BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/24	Suzie Truik - MOA - "Please don't hear"
	Anchorage P.D. Wants to do this voluntarily
	rather than by force."
3/2	Letter from Knowles "please don't hear"
1/80	Suzie Truik - "Mum, no longer wishes to hold
	the bill"
1/24/00	Bill passed out (Judith King CS.)

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER -CSSB 67(HESS)

Support

April 26, 1985

CSSB 67(HESS) - "An act relating to the service of domestic violence injunctions."

This legislation will require municipal police agencies to serve domestic violence injunctions that are initiated as a result of their investigations within their jurisdiction.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve the orders.

During the last two years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the service of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.


Robert J. Sundberg
Commissioner

Prepared for Tony Knowles, Mayor

Municipality of Anchorage

Prepared by the Special Committee

on Domestic Violence,

Anchorage Women's Commission

16. Service of domestic violence restraining orders in the Municipality of Anchorage should be by the Anchorage Police Department. (Adopted 6/14/85)

The Committee adopted the philosophy that protection of victims should be the primary consideration in the Municipality of Anchorage's domestic violence intervention system. Restraining orders are civil orders and are currently served by the Alaska State Troopers as charged by State Statutes.

The APD is charged with enforcement of criminal violations. Violations of restraining orders is a criminal offense and must therefore be enforced by the Anchorage Police Department.

The system works in the following manner: APD responds to the initial abuse incident. APD often transports the victim to the court for a restraining order, and then returns to enforce violations of the restraining orders. It appears to the Committee that the same police officer should serve the domestic violence restraining order since he/she is already familiar with the subjects involved. It does not appear efficient for the officer nor for the victims to have a different officer, an Alaska State Trooper, involved in only the third of four police officer contacts.

In making this recommendation the Committee also considered the following facts: 1) of the 1300-1400 domestic violence restraining orders served in 1984, over 90% originated within the Municipality. 2) APD received 5-7 calls of domestic violence each day. 3) The APD has a backlog of 9,000 citations, if parking and traffic warrants are included. 4) The current APD contract does not allow contracting out police services such as service of subpoenas. 5) The average cost for private service of a subpoena is \$26. 6) The Alaska State Troopers received an 8 person reduction to the Anchorage post since 1985.



ALASKA BAR ASSOCIATION

P.O. BOX 100279, ANCHORAGE, ALASKA 99510, (907) 272-7469

FAMILY LAW SECTION

April 22, 1985

Senator Rodey
Alaska Senate
Senate Judiciary Committee
Juneau AK 99811

RE: Senate Bill No. 67

Dear Senator Rodey:

The Family Law Committee of the Alaska Bar Association strongly urges your support of Senate Bill 67. The Domestic Violence Act is one of the most effective legal tools available to victims of family violence. However, the effectiveness of domestic violence orders is seriously undercut when there are delays in the service of these orders upon the perpetrator of the violence. This is particularly true with domestic violence orders which are not enforceable against the respondent until the respondent has actually been served with the papers. As practitioners and judges in the area of family violence, we have seen too many occasions when the issuance of emergency restraining orders has been delayed because of the unavailability of Alaska State Troopers Judicial Services Branch to serve the papers in a timely fashion. Local law enforcement personnel are the logical people to serve the domestic violence orders. Local law enforcement personnel are also charged with enforcing the domestic violence restraining orders and therefore their service of the orders would not only assure prompter delivery of these critical papers but would also increase enforcement of the orders by alerting the officers to the orders existence from the very beginning.

Please pass Senate Bill 67 so that victims of family violence and their children can receive reliable service and enforcement of the domestic violence restraining orders.

While the Family Law Committee is encouraged by the Municipality of Anchorage's recent formation of a committee to study the multi-faceted issue of domestic violence and the Municipality's responses to domestic violence; it is still the firm belief of the Family Law Committee that the needs of the victims of family violence would be best served by the immediate passage of SB 67. The municipalities of the state



ALASKA BAR ASSOCIATION

P.O. BOX 100279, ANCHORAGE, ALASKA 99510, (907) 272-7469

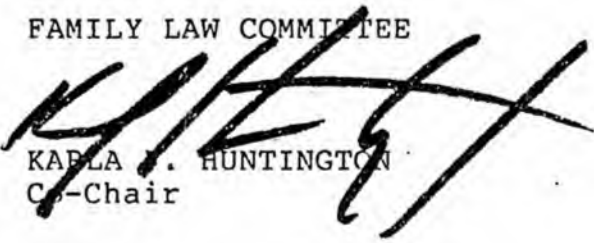
FAMILY LAW SECTION

April 22, 1985
Page Two

could be given time to prepare for the onset of this new burden if the bill was given a late effective date. This would give Anchorage several months for its taskforce to assemble a total response that would increase the speed and effectiveness of the service of domestic violence papers.

Sincerely,

FAMILY LAW COMMITTEE


KARLA J. HUNTINGTON
Co-Chair

KFH/trc

cc: Full Committee



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will transfer primary responsibility for the service of process for domestic violence injunctions from the state troopers to local police departments. Current law places primary responsibility for service of these court orders on the state troopers, but provides that a court may order any other peace officer to serve them if a state trooper is not available. AS 25.35.040. This bill would require local officers to serve the orders if the person to be served is present or resides within the local department's jurisdiction. If a local officer is not available, the court may direct a state trooper to serve the court order.

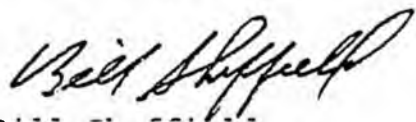
This change in the law is needed because the number of domestic violence orders issued by courts each year has increased dramatically since AS 25.35.010 -- 25.35.060 (formerly AS 09.55.600 -- 09.55.640) took effect in September of 1980. In Anchorage alone, the number of domestic violence orders that must be served has climbed from an average of 15 to an average of 100 a month. The vast majority of these orders (approximately 90 percent) is directed to persons who reside within municipalities that have local police departments.

In many cases, a local police officer was called to the domestic disturbance that gave rise to the need to obtain a domestic violence injunction. The officer may even have transported the victim of the assault to the local magistrate or judge to obtain the order. To require that the resulting court order be served by a state trooper whose primary patrol area is often outside of the city or borough and who has had no previous contact with the victim or the case is not an efficient use of law enforcement

resources, and may cause a delay in the service of the order. In the larger cities, service of these injunctions is made by officers in the judicial services section of the state troopers. The need to ensure adequate security in courtrooms, transport prisoners, and serve criminal arrest warrants and subpoenas severely limits the amount of time and effort a judicial services officer may devote to service of domestic violence injunctions.

In the interests of providing the quickest and best possible protection for victims of domestic violence, and of making the wisest possible use of available law enforcement resources, I urge your prompt passage of this bill.

Sincerely,



Bill Sheffield
Governor

**Municipality
of
Anchorage**



P.O. BOX 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4960

TONY KNOWLES,
MAYOR

INTERGOVERNMENTAL AFFAIRS

Dear Pat,

I am requesting that SB 67 not be acted upon this legislative session. That bill merely transfers responsibility financially to the Municipality without addressing the comprehensive issue of domestic violence and how all agencies — the Municipal prosecutor, State Troopers, Anchorage Police Department, the DA, Counseling services, Social Services, Human Services and others — can address promote a better handling of this priority item.

I have asked just such an approach from the Anchorage Women's Commission

**Municipality
of
Anchorage**



P.O. BOX 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4960

TONY KNOWLES,
MAYOR

INTERGOVERNMENTAL AFFAIRS

*and expect a report from them within
the next 120 days. This should provide
important information needed before any
legislative action is taken.*

Thanks for your consideration,

Tony Knowles

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: 67
 Title: SERVICE OF DOMESTIC
 VIOLENCE INJUNCTIONS
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: PUBLIC SAFETY
 Program Category Affected: _____
ALASKA STATE TROOPERS
 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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338
 Division: ADMINISTRATIVE SERVICES Date: 12-6-84
 Approved by Commissioner: [Signature] Date: 12/11/84
 Agency: PUBLIC SAFETY

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB57 (Jud)
 Title : "An Act Relating to Arrest by a
 Peace Officer without a Warrant &
 Service of process in cases of D.V."
 Sponsor : Senate Judiciary
 Requestor : Governor/ HOUSE HESS
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Council on Domestic
 Violence and Sexual Assault
 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	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Barbara Miklos, Exec. Dir. Phone : 465-4356
 Division : Council on Domestic Violence & S.A. Date : 1/31/86

Approved by Commissioner : [Signature] Date : 2/13/86
 Agency : Dept. of Public Safety

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CS for SB 67 (Jud)

January 31, 1986

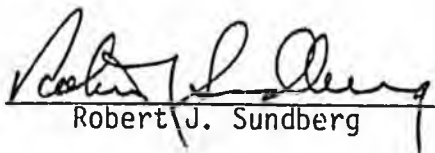
Support

CS for SB 67 - "An Act relating to arrest by a peace officer without a warrant and service of process in cases of domestic violence."

The Council on Domestic Violence and Sexual Assault supports CS for SB 67.

Section 1 amends AS 12.25.030(b) to allow warrantless arrests for certain domestic violence cases under municipal ordinance. It is already permissible under state statute. This change is important for the larger communities so police officers may arrest and municipal prosecutors may prosecute under municipal code.

Section 3 amends AS 25.35.040 so municipal police officers of a specific jurisdiction have the responsibility to serve domestic violence restraining orders in their jurisdiction. The Council on Domestic Violence and Sexual Assault is concerned about the rights of victims to be protected as soon as a domestic violence restraining order is issued. When available, local police officers are in the best position to respond quickly to the need to serve orders. Delays in service of the orders could mean that specific orders of no violence, no contact, etc. are not given as quickly as possible and therefore the victim is kept in jeopardy of harm for longer than necessary. If there are no local peace officers in a municipality, this revision in the legislation enables the court to designate any other peace officer as the server. Thus state peace officers could concentrate on areas with no other police protection.


Robert J. Sundberg

Lauterbach
01/21/86 ✓

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 67 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL.

arrest by a peace officer w/o a warrant and service of process in cases of domestic violence

6 For an Act entitled: ~~"An Act relating to domestic violence."~~

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

8 * Section 1. AS 12.25.030(b) is amended to read:

9 (b) In addition to the authority granted under (a) of this
10 section, a peace officer without a warrant may arrest a person when
11 the peace officer has reasonable cause for believing that the person
12 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120,
13 or has violated an ordinance with elements substantially similar to
14 the elements of a crime under AS 11.41, AS 11.46.330, or AS 11.61.120,
15 when the victim is a spouse or former spouse of the person who commit-
16 ted the crime; a parent, grandparent, child, or grandchild of the
17 person who committed the crime; a member of the social unit comprised
18 of those living together in the same dwelling as the person who
19 committed the crime; or another person who is not a spouse or former
20 spouse of the person who committed the crime but who previously lived
21 in a spousal relationship with the person who committed the crime.

22 * Sec. 2. AS 22.20.110 is amended to read:

23 Sec. 22.20.110. DUTY OF THE COMMISSIONER IN THE COURT OF AP-
24 PEALS, THE SUPERIOR COURT AND DISTRICT COURTS. When required by the
25 supreme court, and except as otherwise provided in AS 25.35.040, the
26 commissioner shall serve and execute all process issued by the court
27 of appeals, the superior court, and the district courts; [,] attend to
28 and wait upon grand and petit juries; [,] maintain order; [,] attend
29 the sessions of the courts; [,] and exercise the power and perform the

1 duties concerning all matters within the jurisdiction of the courts as
2 may be assigned. The commissioner is the executive officer of the
3 court of appeals, the superior court, and district courts.

4 * Sec. 3. AS 25.35.040 is amended to read:

5 Sec. 25.35.040. SERVICE OF PROCESS. Process issued under
6 AS 25.35.010 or 25.35.020 shall be promptly served and executed. If
7 process is to be served upon a person believed to be present or resid-
8 ing in a municipality, as defined in AS 29.78.010, or in an unincor-
9 porated community, process shall be served by a peace officer of that
10 municipality or unincorporated community who has jurisdiction within
11 the area of service. If a peace officer of the municipality or unin-
12 corporated community who has jurisdiction [A STATE PEACE OFFICER] is
13 not available, a superior court, district court, or magistrate may
14 designate any other peace officer to serve and execute process issued
15 under AS 25.35.010 or 25.35.020. A state peace officer shall serve
16 process in any area that is not within the jurisdiction of a peace
17 officer of a municipality or unincorporated community. A peace offi-
18 cer shall use every reasonable means to serve process issued under
19 AS 25.35.010 or 25.35.020.
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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.

James O. Smith
Signature of Camera Operator

11/7/89
Date

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BILL FILE LOG

BILL # SB 68

1/25 Original bill - Fiscal Note +
Letter of Transmittal

2/12 Letter from Milt Barker, Dept. of
Revenue



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that repeals certain accounts, funds, and dedications of state revenue, and makes amendments to delete language that might look too much like a dedication of certain revenue.

Sections 1 -- 4 of the bill make amendments to the motor fuel tax statutes (AS 43.40), which remove provisions that appear to segregate or dedicate for special purposes tax revenue earned from the sale of motor fuel. Certain statutes repealed in sec. 5 also relate to the amendments made by secs. 1 -- 4 of the bill. The repeal of AS 44.40.-010(f), (g), (i), and (j) in sec. 5 is consistent with the policy set out in art. IX, sec. 7 of the Alaska Constitution, which prohibits the earmarking of state tax revenue.

Section 5 of the bill repeals statutes that appear to create dedicated funds in a manner that is not consistent with the limitations imposed by the Alaska Constitution. Repealed in sec. 5 are: (1) the reserve for capital outlay account (AS 37.05.157); (2) the reserve for energy facilities development account (AS 37.05.158); and (3) a reference to AS 37.05.157 (reserve for capital outlay) in AS 37.07.062 dealing with the capital budget. The accounts and the funds are inactive because it has been determined that they violate the dedicated fund prohibition contained in art. IX, sec. 7 of the Alaska Constitution. On the advice of the attorney general, no deposits were ever made to these accounts, and none has an outstanding balance.

Also, in sec. 5 of the bill, the dedication of revenue to the Alaska Native fund (AS 37.20.040) is repealed because the fund is no longer needed to implement the Alaska

2668

Native Claims Settlement Act. AS 43.05.210 is repealed because the dedication, for specific uses, of a part of the revenue received under 36 U.S.C. sec. 191 (the Federal Mineral Leasing Act) is no longer required by federal law.

Under some circumstances, the dedication of state revenue might be appropriate. However, I believe that a dedication, if made at all, should be effected by amending the Alaska Constitution.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: 68
 Title: Repealing certain accounts, funds, and dedications of revenue
 Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	-	-	-	-	-

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker MB
 Division: Treasury

Phone: 465-2350
 Date: October 22, 1984

Approved by Commissioner: _____
 Agency: Department of Revenue

Date: _____

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA

DEPARTMENT OF REVENUE

TREASURY DIVISION

BILL SHEFFIELD, GOVERNOR

ELEVENTH FLOOR
STATE OFFICE BUILDING
POUCH SB
JUNEAU, ALASKA 99811
PHONE:

February 11, 1985

The Honorable Pat Rodey
Chairman
Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Dear Senator Rodey:

To assist in your consideration of SB 68, I would like to offer the following explanation of the bill's provisions.

1. Sections 1 - 4 and portions of section 5 of SB 68 amend the motor fuel tax statutes (AS 43.40) to remove provisions establishing the aviation, watercraft, and highway fuel tax accounts and the nonpublic highway use account in the General Fund and appearing to dedicate motor fuel tax receipts to the various accounts for certain purposes. These purposes are appropriations from the aforementioned accounts respectively for aviation facilities, water and harbor facilities, maintenance of highways and construction of highway projects and ferries, and trail staking and shelter construction and maintenance.

In recent years, appropriations for the above purposes have not been designated as being funded from these accounts.

Moreover, there seem to be implications in the statutes that monies in the account may be appropriated for other purposes since the monies are in accounts of the General Fund, rather than in special funds, and since the Legislature may, rather than shall, appropriate the monies to the above purposes.

In light of the dormant application of these statutes and their possible lack of substance, the Department of Revenue has suggested the repeal of the special accounts and seeming dedication of taxes thereto. The provisions for sharing of these taxes with municipalities are not affected by SB 68.

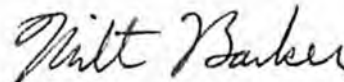
2. In section 5, the bill repeals the reserve for capital outlay account (AS 37.05.157), and a reference thereto

Hon. Pat Rodey
February 11, 1985
Page 2

(AS 37.07.062(c)(4), and the reserve for energy facilities development account (AS 37.05.158). These statutes require dedications of 25% and 5% of mineral revenues respectively to each account. The Attorney General in a November 30, 1982 opinion held that these statutes were unconstitutional dedications. No monies have ever been deposited in the accounts.

3. In section 5, the repeal of AS 37.20.040 (enclosed) would eliminate a requirement that the Commissioner of Revenue pay to the Alaska Native Fund amounts due to the Fund under section 9 of the Alaska Native Claims Settlement Act (enclosed). AS 37.20.040 became obsolete when the State had paid a total of \$500 million to the Fund. The State's payments were in the amount of two percent of the gross value of minerals produced and two percent of the mineral rentals and bonuses from State and Federal lands. An appropriation of \$292,585,100 was included in the FY81 General Appropriations Act, Ch. 120, SLA 1980, to extinguish the State's obligation.
4. Finally, in section 5, the repeal of AS 43.05.210 (enclosed) would eliminate a dedication in the Alaska Statutes of a portion of federal mineral leasing revenues. This dedication was enacted to conform to a requirement in Federal Statutes, 30 USC section 191. However, the Federal Statute has been amended to eliminate this required dedication. Both versions of 30 USC section 191 are enclosed. Inasmuch as the State has never identified this dedicated revenue stream as a fund source in its budgeting practices and since the requirement for dedication no longer exists, the Department of Revenue is suggesting the repeal of this dedication.

Sincerely yours,



Milt Barker
Deputy Commissioner

MB/gb

Enclosures

cc: Mary A. Nordale
85-22

Sec. 37.20.040. Alaska Native Fund. The amount required by federal law to be paid into the Alaska Native Fund established by P. L. 92-203 is not revenue of the state, except for the purpose of calculating the amount to be placed in the Alaska Permanent Fund, and shall be paid by the commissioner of revenue to the Alaska Native Fund directly on receipt. (§ 1 ch 107 SLA 1977)

Sec. 43.05.210. Funds received under the Federal Mineral Leasing Act. The initial 37½ per cent of federal mineral leasing revenues paid to the state under 30 U.S.C. 191 (Federal Mineral Leasing Act), as amended, shall be paid into the state general fund and appropriated by the legislature for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as required by the Act of Congress allocating the revenue to the state. The additional 52½ per cent of the revenues paid to the state under 30 U.S.C. 191, as amended, shall be paid into the state general fund for disposition by the legislature. (§ 1 ch 75 SLA 1951; am § 1 ch 45 SLA 1962)

REVENUE SHARING

SEC. 9. (a) The provisions of this section shall apply to all minerals that are subject to the disposition under the Mineral Leasing Act of 1920, as amended and supplemented.

(b) With respect to conditional leases and sales of minerals heretofore or hereafter made pursuant to section 6(g) of the Alaska Statehood Act, and with respect to mineral leases of the United States that are or may be subsumed by the State under section 6(h) of the Alaska Statehood Act, until such time as the provisions of subsection (c) become operative the State shall pay into the Alaska Native Fund from the royalties, rentals, and bonuses hereafter received by the State (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under such leases or sales) of such minerals produced or removed from such lands, and (2) 2 per centum of all rentals and bonuses under such leases or sales, excluding bonuses received by the State at the September 1969 sale of minerals from tentatively approved lands and excluding rentals received pursuant to such sale before the date of enactment of this Act. Such payment shall be made within sixty days from the date of revenues are received by the State.

(c) Each patent hereafter issued to the State under the Alaska Statehood Act, including a patent of lands heretofore selected and tentatively approved, shall reserve for the benefit of the Natives, and for payment into the Alaska Native Fund, (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any disposition by the State) of the minerals thereafter produced or removed from such lands, and (2) 2 per centum of all revenues thereafter derived by the State from rentals and bonuses from the disposition of such minerals.

(d) All bonuses, rentals, and royalties received by the United States after the date of enactment of this Act from the disposition by it of such minerals in public lands in Alaska shall be distributed as provided in the Alaska Statehood Act, except that prior to calculating the shares of the State and the United States as set forth in such Act, (1) a royalty of 2 per centum upon the gross value of such minerals produced (as such gross value is determined for royalty purposes under the sale or lease), and (2) 2 per centum of all rentals and bonuses shall be deducted and paid into the Alaska Native Fund. The respective shares of the State and the United States shall be calculated on the remaining balance.

(e) The provisions of this section shall be enforceable by the United States for the benefit of the Natives, and in the event of default by the State in making the payments required, in addition to any other remedies provided by law, there shall be deducted annually by the Secretary of the Treasury from any grant-in-aid or from any other sums payable to the State under any provision of Federal law an amount equal to any such underpayment, which amount shall be deposited in the Fund.

(f) Revenues received by the United States or the State as compensation for estimated drainage of oil or gas shall, for the purposes of this section, be regarded as revenues from the disposition of oil and gas. In the event the United States or the State elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.

(g) The payments required by this section shall continue only until a sum of \$500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaska Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of \$500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.

(h) When computing the final payment into the Fund the respective shares of the United States and the State with respect to payments to the Fund required by this section shall be determined pursuant to this subsection and in the following order:

- (1) first, from sources identified under subsections (b) and (c) hereof; and
- (2) then, from sources identified under subsection (d) hereof.

(i) The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf. (Amended November 16 1973, P.L. 93-153 Title IV § 407(b), 87 stat. 591)

Effect of amendments. — The 1973 amendment rewrote subsection (g).

NOTES TO DECISIONS

State's right to oil lease proceeds resolved. — By providing that tentative approvals of state land selections extinguished any aboriginal title thereto, Congress affirmed the Secretary of the Interior's authority to tentatively approve the state land selections pursuant to the Alaska Statehood Act and resolved all questions as to the validity of the state's right to the oil lease proceeds. *United States v. Atlantic Richfield Co.*, 435 F. Supp. 1009 (D. Alas. 1977), aff'd, 612 F.2d 1132 (9th Cir.), cert. denied, 449 U.S. 888, 101 S. Ct. 244, 66 L. Ed. 2d 113 (1980).

State must pay certain mineral revenues to settlement fund. — The settlement act requires the state to contribute a portion of its oil and mineral

revenues to the settlement fund. Under this section, the natives have the right to receive \$500 million in revenues to be derived from mineral leases on public lands in Alaska, including lands tentatively approved to the state or selected by the state. Thus, Congress has already determined that the state must pay a certain amount of its mineral revenues towards settlement of native claims. *United States v. Atlantic Richfield Co.*, 435 F. Supp. 1009 (D. Alas. 1977), aff'd, 612 F.2d 1132 (9th Cir.), cert. denied, 449 U.S. 888, 101 S. Ct. 244, 66 L. Ed. 2d 113 (1980).

Cited in *Ukpeagvik Inupiat Corp. v. Arctic Slope Regional Corp.*, 517 F. Supp. 1255 (D. Alas. 1981).

§ 191. Disposition of moneys received

All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this chapter shall be paid into the Treasury of the United States; 37½ per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to the State within the boundaries of which the leased lands or deposits are or were located; said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and, excepting those from Alaska, 52½ per centum thereof shall be paid into, reserved and appropriated, as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this chapter from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts", as provided by the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252). All moneys received under the provisions of this chapter not otherwise disposed of by this section shall be credited to miscellaneous receipts.

Feb. 25, 1920, c. 85, § 35, 41 Stat. 450; May 27, 1917, c. 83, 61 Stat. 119; Aug. 3, 1950, c. 527, 64 Stat. 402; July 10, 1957, Pub.L. 85-88, § 2, 71 Stat. 282; July 7, 1958, Pub.L. 85-508, §§ 6(k), 28(b), 72 Stat. 343, 351.

Historical Note

References in Text. Reclamation Act, approved June 17, 1902, referred to in the text, is classified generally to Title 43, Public Lands. See Tables Volume for distribution.

Act June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252), referred to in the text, was classified to section 521 of former Title 31, Navy, was repealed by Act Aug. 10, 1950, c. 1011, § 53, 70A Stat. 611, and is now covered by section 7133(b) of Title 10, Armed Forces.

Codification. Provisions which authorized the payment of monies to the Territory of Alaska were omitted as superseded by the provisions authorizing the payment of monies to the State of Alaska.

1958 Amendment. Pub.L. 85-508, §§ 6(k), 28(b), eliminated provisions which related to disposition of proceeds or income derived by the United States from mineral school sections in the Territory of Alaska and substituted "and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof" for "and of those from Alaska 52½ per centum thereof shall be paid to the Territory of Alaska for disposition by the Legislature of the Territory of Alaska" preceding the proviso, respectively.

1957 Amendment. Pub.L. 85-88 inserted "and of those from Alaska 52½ per centum thereof shall be paid to the Territory of Alaska for disposition by the Legislature of the Territory of Alaska" preceding the proviso.

1950 Amendment. Act Aug. 3, 1950, in providing that payments to States be made bi-annually instead of annually, substituted "as soon as practicable after December 31 and June 30 of each year" for "after the expiration of each fiscal year".

1917 Amendment. Act May 27, 1917, extended provisions by allocating 37½% of the money received from sales, bonuses, royalties, and rentals of public lands to the Territory of Alaska, for the construction and maintenance of public schools or other public educational institutions and added provisions relating to disposition of proceeds or income derived by the United States from mineral school sections in the Territory of Alaska.

Admission of Alaska as State. Effectiveness of amendment of this section by Pub.L. 85-508 was dependent upon the admission of Alaska into the Union under sections 6(k) and 8(b) of Pub.L. 85-508. Admission was accomplished Jan. 3, 1959 upon issuance of Proc.No. 3269, Jan. 3, 1959, 21 P.R. 81, 73 Stat. 616, as required by sections 1 and 8(e) of Pub.L. 85-508. See notes preceding section 21 of Title 48, Territories and Insular Possessions.

Outer Continental Shelf; Revenues from Leases. Disposition of revenues from leases on submerged lands of outer Continental Shelf, see sections 1337(g) and 1368 of Title 43, Public Lands.

Legislative History and Congressional Comment. For legislative history and

§ 191. Disposition of moneys received

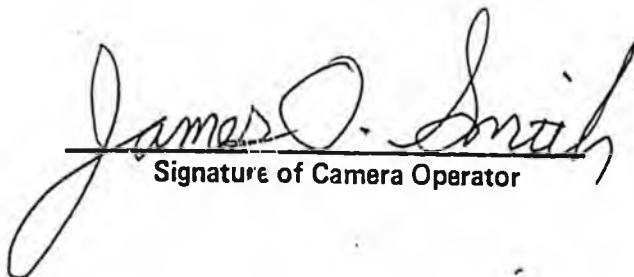
All money received from sales, bonuses, royalties, including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982, and rentals of the public lands under the provisions of this Act and the Geothermal Steam Act of 1970 [30 USCS §§ 1001 et seq.], notwithstanding the provisions of section 20 thereof [30 USCS § 1019], shall be paid into the Treasury of the United States; 50 per centum thereof shall be paid by the Secretary of the Treasury to the State other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service; and excepting those from Alaska, 40 per centum thereof shall be paid into, reserved, appropriated, as part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska as soon as practicable after March 31 and September 30 of each year, 90 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: Provided, That all moneys which may accrue to the United States under the provisions of this Act and the Geothermal Steam Act of 1970 [30 USCS §§ 1001 et seq.] from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts", as provided by the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252). All moneys received under the provisions of this Act and the Geothermal Steam Act of 1970 [30 USCS §§ 1001 et seq.] not otherwise disposed of by this section shall be credited to miscellaneous receipts. Payments to States under this section with respect to any moneys received by the United States, shall be made not later than the last business day of the month in which such moneys are warranted by the United States Treasury to the Secretary as having been received, except for any portion of such moneys which is under challenge and placed in a suspense account pending resolution of a dispute. Such warrants shall be issued by the United States Treasury not later than 10 days after receipt of such moneys by the Treasury. Moneys placed in a suspense account which are determined to be payable to a State shall be made not later than the last business day of the month in which such dispute is resolved. Any such amount placed in a suspense account pending resolution shall bear interest until the dispute is resolved.

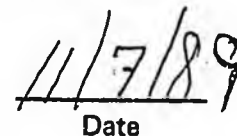
(As amended Jan. 12, 1981, P.L. 97-451, Title I, §§ 104(a), 111(g), 96 Stat. 2452, 2456.)



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Signature of Camera Operator


Date

S B

G O

BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/30/84	1st hearing - Pat Sharrock testimony
	held over.
1/27/86	Committee C.S. - passed out 1/28/86

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 69 (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 licensing and regulation of the
7 sale and distribution of alcoholic beverages; and
8 providing for an effective date."

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

10 * Section 1. AS 04.11.240(b) is amended to read:

11 (b) An application for a special events permit [MUST BE RECEIVED
12 IN THE MAIN OFFICE OF THE BOARD AT LEAST 10 DAYS BEFORE THE DATE FOR
13 WHICH THE PERMIT IS REQUESTED. THE APPLICATION] must be signed by
14 both the president and secretary of the organization applying for the
15 permit. A sworn affidavit showing the length of time the organization
16 has been in existence must accompany the application, together with a
17 certified copy of the resolution of the board of directors authorizing
18 the application. The written approval of the law enforcement agency
19 having jurisdiction over the designated premises of the occasion for
20 which the permit is sought must also be obtained and accompany the
21 application.

22 * Sec. 2. AS 04.11.330(a)(3) is amended to read:

23 (3) the applicant has not operated the licensed premises
24 for at least 45 [30] eight-hour days during the immediately preceding
25 calendar year, unless the board determines that the licensed premises
26 are under construction or cannot be operated through no fault of the
27 applicant;

28 * Sec. 3. AS 04.11.330(a) is amended by adding a new paragraph to read:

29 (10) the application contains false statements of material

1 fact.

2 * Sec. 4. AS 04.11.490(c) is amended to read:

3 (c) If a majority of the voters vote "no" on the question set
4 out in (a) of this section or vote "yes" on a question set out in
5 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
6 AS 04.11.502 after an election in which the voters voted "yes" on the
7 question set out in (a) of this section, the board shall be notified
8 immediately after certification of the results of the election.
9 Thereafter, the prohibitions imposed under (b) of this section on the
10 issuance, renewal, or transfer of licenses between holders and lo-
11 cation as a result of the earlier election are removed except insofar
12 as those prohibitions are imposed in accordance with the results of
13 the subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

14 * Sec. 5. AS 04.11.492(c) is amended to read:

15 (c) If a majority of the voters vote "no" on the question set
16 out in (a) of this section or vote "yes" on a question set out in
17 AS 04.11.490, 04.11.496, or 04.11.500 in an election conducted in
18 accordance with AS 04.11.502 after an election in which the voters
19 voted "yes" on the question set out in (a) of this section, the board
20 shall be notified immediately after a certification of the results of
21 the election. The prohibitions imposed under (b) of this section on
22 the issuance, renewal, or transfer of licenses between holders and
23 locations as a result of the earlier election are removed 90 days
24 after the results of the election are certified except insofar as
25 those prohibitions are imposed in accordance with the results of the
26 subsequent election and under AS 04.11.504(b) and AS 04.11.510(d).

27 * Sec. 6. AS 04.11.496(c) is amended to read:

28 (c) If a majority of the voters vote "no" on the question set
29 out in (a) of this section or vote "yes" on the questions set out in

1 AS 04.11.492 or 04.11.500 in an election conducted in accordance with
2 AS 04.11.502 after an election in which the voters voted "yes" on the
3 question set out in (a) of this section, the prohibition on the impor-
4 tation of alcoholic beverages and the prohibition on the issuance,
5 renewal, or transfers of licenses between holders and locations,
6 imposed as a result of the earlier election in which the voters voted
7 "yes" on the question set out in (a) of this section are removed
8 effective on the first day of the month following certification of the
9 results of the election except as those prohibitions continue to be
10 imposed in accordance with the results of the subsequent election and
11 under AS 04.11.504(b) and AS 04.11.510(d).

12 * Sec. 7. AS 04.11.500(c) is amended to read:

13 (c) If the majority of the voters vote "no" on the question set
14 out in (a) of this section or vote "yes" on the questions set out in
15 AS 04.11.490, 04.11.492, or 04.11.496 [, OR THIS SECTION IF DIFFERENT
16 TYPES OF LICENSES ARE LISTED ON THE BALLOT] in an election conducted
17 in accordance with AS 04.11.502 after an election in which the voters
18 voted "yes" on the question set out in (a) of this section, the board
19 shall be notified immediately after certification of the results of
20 the election. Licenses in effect in the municipality and [,] in the
21 unincorporated area outside of but within five miles of the boundaries
22 of the municipality or established village which were excepted from
23 the prohibition on sale in accordance with the results of the earlier
24 election are void 90 days after the results of the election are cer-
25 tified. Thereafter the board may not issue, renew, or transfer be-
26 tween holders or locations a license for licensed premises located
27 within the boundaries of the municipality, [OR] within the perimeter
28 of an established village, or in an unincorporated area within five
29 miles of the boundaries of the municipality, except a license which

1 may be issued to a municipality or to one of the types of licenses
2 listed on the ballot as a result of a majority of the voters voting
3 "yes" on the question set out in AS 04.11.492 or this section, respec-
4 tively. A license which will expire during the 90 days after the
5 results of a local option election under this section are certified
6 may be extended, until it is void under this subsection, by payment of
7 a prorated portion of the annual license fee.

8 * Sec. 8. AS 04.11.502(b) is amended to read:

9 (b) The lieutenant governor, whenever 35 percent of the regis-
10 tered voters residing within an established village petition the
11 lieutenant governor to do so, shall place upon a separate ballot at a
12 special election that question or combination of questions set out in
13 AS 04.11.490, 04.11.496, and [-] 04.11.500 which constitutes the
14 subject of the petition. The lieutenant governor shall conduct the
15 election in the general manner prescribed by the Alaska Election Code
16 (AS 15.05.010 - AS 15.60.020).

17 * Sec. 9. AS 04.11.506(b) is amended to read:

18 (b) If a majority of the voters vote "yes" on a question set out
19 in AS 04.11.496, the following actions, in addition to those pre-
20 scribed in (a) of this section, shall be undertaken before the date
21 the prohibition on importation becomes effective:

22 (1) the board shall notify by registered or certified mail
23 all holders of package store licenses of the prohibition;

24 (2) the municipality or established village shall post
25 notice of the prohibition in the municipality or village.

26 * Sec. 10. AS 04.11.510(d) is amended to read:

27 (d) The board may not accept an application for the issuance,
28 renewal, or transfer of a license within one year after a local option
29 election, other than an application for a temporary extension of a

1 license under AS 04.11.490(b), 04.11.492(b), 04.11.496(b), or 04.11.-
2 500(b).

3 * Sec. 11. AS 04.16.030 is amended to read:

4 Sec. 04.16.030. SALE OR DISPOSITION OF ALCOHOLIC BEVERAGES TO
5 DRUNKEN PERSONS. A licensee, a licensee's [HIS] agent, or employee
6 may not with criminal negligence

7 (1) sell, give, or barter alcoholic beverages to a drunken
8 person;

9 (2) allow another person to sell, give, or barter an
10 alcoholic beverage to a drunken person within licensed premises;

11 (3) allow a drunken person to [ENTER AND REMAIN WITHIN
12 LICENSED PREMISES OR TO] consume an alcoholic beverage within licensed
13 premises;

14 (4) permit a drunken person to sell or serve alcoholic
15 beverages.

16 * Sec. 12. AS 04.21.080(b)(8) is amended to read:

17 (8) "established village" means [(A)] an unincorporated
18 community [THAT IS IN THE UNORGANIZED BOROUGH AND] that

19 (A) has 25 or more permanent residents; [OR]

20 (B) is within a circle, with a five-mile radius,
21 around a United States post office or, if there is no United
22 States post office, around another site reasonably designated by
23 the local governing body or, if there is no local governing body,
24 by the board; and

25 (C) if it [(B) AN UNINCORPORATED COMMUNITY THAT] is in
26 an organized borough, [HAS 25 OR MORE PERMANENT RESIDENTS, AND]

27 (i) is on a road system and is located more than
28 50 miles outside the boundary limits of a unified municipal-
29 ity, or

1 (ii) is not on a road system and is located more
2 than 15 miles outside the boundary limits of a unified
3 municipality;

4 * Sec. 13. Section 2 of this Act takes effect January 1, 1986⁸⁷.

5 * Sec. 14. Sections 1 and 3 - 12 of this Act take effect immediately in
6 accordance with AS 01.10.070(c).
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB69(C&RA)
 Title: Relating to sale of
alcoholic beverages
 Sponsor: Request of the Governor
 Requestor: Senate Judiciary
 Date of Request: 4/11/85

FISCAL DETAIL

Agency Affected: Dept. of Revenue
 Program Category Affected: Public
Protection
 BRU, Program or Subprogram(s) Affected:
Alcoholic Beverage Control Board

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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638
 Division: Alcoholic Beverage Control Board Date: 4/19/85
 Approved by Commissioner: Marv A. Nordale Date: 4/24/85
 Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing and regulation of the sale and distribution of alcoholic beverages.

This bill, which was requested by the Alcoholic Beverage Control Board, includes mostly technical, housekeeping amendments to AS 04.11, "Licensing," and a technical amendment to AS 04.16, "Regulation of Sales and Distribution." The most substantive of the amendments made by this bill are at sec. 2 and sec. 12.

Section 2 of the bill increases from 30 days to 90 days the minimum number of days for which all businesses with liquor licenses must operate each year. Businesses that do not operate for the minimum period are denied license renewal unless the premises are under construction or cannot be operated for another reason that is not the fault of the owner.

Section 12 of the bill amends the definition of the term "established village" to allow for ready determination of the boundaries of such a village. Before 1983, these boundaries were determined by drawing a circle, with a five-mile radius, around a U.S. post office. That provision was deleted as part of an extensive revision to the definition in 1983, and under present law there is no clear way of determining village boundaries. The attached bill restores the five-mile-radius method of determining the boundaries, and also makes provision for villages that do not have a U.S. post office. Several provisions of AS 04 cannot be adequately implemented in the absence of readily determinable village boundaries. These provisions include: (1) AS 04.11.480, under which a village council may "protest" the issuance of a liquor license inside the

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village; (2) AS 04.11.400, under which the number of licenses that may be issued inside a village is based upon the size of the population residing inside the village; and (3) AS 04.11.490 -- 04.11.502, under which established villages may, on the approval of a majority of residents within the village, exercise a "local option" restricting or prohibiting the sale or importation of alcohol inside the village and within a fixed distance beyond the "perimeter" of the village. The selection of five miles as the length of the radius is based on previous law. The substitution of any other reasonable distance would also resolve the problems this section of the bill is intended to resolve.

Section 1 of the attached bill deletes from AS 04.11.240(b) the requirement that requests for special events permits be received by the board 10 days before the event. The 10-day requirement is often impossible to meet and is unnecessary.

Section 9 of the bill amends AS 04.11.506(b)(1) to give the board the option of using certified mail rather than registered mail to notify all package stores in the state of the results of local option elections under AS 04.11.496. The present requirement is too costly and unnecessary.

The other amendments in the bill are more technical in nature and either add or remove cross references to other sections of AS 04.11.15 and 04.16; eliminate inconsistencies between sections (such as between AS 04.11.330(a) [denial of license renewal] and AS 04.11.320(a) [denial of initial license]); or eliminate unnecessary, confusing, or repetitive language (such as in AS 04.11.500(c), in which the deleted language is covered by AS 04.11.500(b)).

I am working with the board in urging passage of this bill.

Sincerely,



Bill Sheffield
Governor