

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

4145 SJUD HB 237 - HB 247 1025



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Sec. 14.25.110. Retirement benefits.

NOTES TO DECISIONS

Applied in *Casperson v. Alaska Teachers' Retirement Bd.*, Sup. Ct. Op. No. 2677 (File No. 6198), 664 P.2d 583 (1983).

Sec. 14.25.115. Unused sick leave credit.

NOTES TO DECISIONS

Applied in *Casperson v. Alaska Teachers' Retirement Bd.*, Sup. Ct. Op. No. 2677 (File No. 6198), 664 P.2d 583 (1983).

Sec. 14.25.130. Disability benefits.

NOTES TO DECISIONS

"Membership years." — Teachers' Retirement Board erred when it interpreted the term "membership years" in subsection (a) as being the equivalent of "years of service" as defined in AS 14.25.220(16). *Casperson v. Alaska Teachers' Retirement Bd.*, Sup. Ct. Op. No. 2677 (File No. 6198), 664 P.2d 583 (1983).

Sec. 14.25.168. Medical benefits. (a) The following persons are entitled to major medical insurance coverage:

- (1) a person receiving a monthly benefit from the system;
- (2) the spouse of a person receiving a monthly benefit from the system;
- (3) a natural or adopted child of a person receiving a monthly benefit, if the child is a dependent child as defined in AS 14.25.220(12).

(b) Major medical insurance coverage takes effect on the same date as retirement benefits begin and stops when the retired person or survivor is no longer eligible to receive a monthly benefit. The coverage for persons over age 65 is the same as that available for persons under age 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program. (§ 18 ch 151 SLA 1966; am § 1 ch 200 SLA 1975; am § 22 ch 137 SLA 1982)

Revisor's notes. — In 1984, the word "under" was inserted in the last sentence of subsection (b) to correct a manifest error of omission in § 22, ch. 137, SLA 1982.

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the retirement system. An employee may not (1) receive duplicate credit under this system for the same period of service, (2) receive more than one year of service credit in the course of any calendar year, or (3) receive a benefit while accruing service credit under this system, except as provided in this section. (§ 42 ch 143 SLA 1960; am § 61 ch 137 SLA 1982)

Effect of amendments. - The 1982 amendment added the second and third sentences.

Sec. 39.35.535. Medical benefits. (a) The following persons are entitled to major medical insurance coverage:

- (1) a person receiving a monthly benefit from the system;
- (2) the spouse of a person receiving a monthly benefit from the system;
- (3) a natural or adopted child of a person receiving a monthly benefit from the system, if the child is a dependent child under AS 39.35.680(11).

(b) Major medical insurance coverage takes effect on the same date as retirement benefits begin, and stops when the retired employee or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same coverage available for a person under 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program. (§ 2, ch 200 SLA 1975; am § 62 ch 137 SLA 1982)

Effect of amendments. - The 1982 amendment rewrote this section. Editor's notes. - Provisions relating to federal old-age, survivors, and disability insurance benefits may be found in 42 U.S.C. 301-1397f (Social Security Act).

Sec. 39.35.540. Minimum benefit. [Repealed, § 75 ch 137 SLA 1982.]

Sec. 39.35.541. Actuarial reduction of benefit. If, as a result of service credit claimed for which there is a corresponding indebtedness existing at retirement, the member's retirement benefit is actuarially reduced and the resultant benefit is less than it would have been if the service credit had not been claimed, the retirement benefit shall be equal to the amount it would have been had the service credit not been claimed. (§ 63 ch 137 SLA 1982)

Sec. 39.35.545. Duplicate benefits. [Repealed, § 6 ch 81 SLA 1976.]

Sec. 39.35.546. Tax exemption. Benefits of this chapter are exempt from Alaska state and municipal income taxes. (§ 17 ch 109 SLA 1970; am § 50 ch 128 SLA 1977)

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Sec. 22.25.080. Tax exemption. Benefits paid under this chapter are exempt from state and municipal income taxes. (§ 4 ch 160 SLA 1972)

Sec. 22.25.090. Medical benefits. (a) The following persons are entitled to major medical insurance coverage:

(1) a person receiving a monthly benefit under this chapter;

(2) the spouse of a person receiving a monthly benefit under this chapter;

(3) a natural or adopted child of a person receiving a monthly benefit under this chapter, if the child is a dependent child under (c) of this section.

(b) Major medical insurance coverage takes effect on the same date as retirement benefits begin, and stops when the retired person or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same as that available for persons under 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors, and disability insurance program.

(c) In this section, "dependent child" means an unmarried child of a justice, judge, or administrative director who is dependent on the justice, judge, or administrative director for support and who is either (1) less than 19 years old, or (2) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education. The age limits set out in this subsection do not apply to a child who is totally and permanently disabled. (§ 4 ch 245 SLA 1976; am § 32 ch 137 SLA 1982)

Effect of amendments. — The 1982 amendment, effective July 1, 1982, rewrote this section, which formerly read "Each person who is entitled to receive a monthly benefit from the retirement system under this chapter shall be provided with major medical insurance coverage. Coverage shall become effective on the same date as retirement benefits com-

mence and cease when the retired employee or survivor is no longer eligible to receive a monthly benefit. The level of coverage for persons over age 65 shall be the same as that available before reaching age 65 except that the benefits payable shall be supplemental to those afforded under federal Old Age Survivor and Disability Insurance Program, if any."

Chapter 28. Contributory Judicial Retirement System.

22.28.010 — 22.28.130. Application; administration; regulations; contributions; retirement and retirement pay of justices and judges; survivors' benefits; tax exemptions; appropriations; accounting; refunds; prior service credits; medical benefits.

Rejected at referendum.

Alaska Women's Commission

HB 237 - Pension Reform

TESTIMONY

Kathy Marshall

Senate State Affairs Committee

March 5, 1986

THE ALASKA WOMEN'S COMMISSION REQUESTED THE GOVERNOR TO INTRODUCE THIS LEGISLATION BECAUSE OF OUR CONCERN FOR OLDER WOMEN. ONE OF THE UNHAPPY FACTS OF LIFE FOR OLDER PEOPLE IN THIS COUNTRY IS THAT AT RETIREMENT THEIR INCOME IS REDUCED BY HALF. THE SITUATION IS EVEN WORSE FOR OLDER WOMEN. IN ALASKA, OLDER WOMEN HAVE THE HIGHEST INCIDENCE OF POVERTY OF ANY GROUP. THEIR MEDIAN ANNUAL INCOME IS \$4700. HARDEST HIT ARE THOSE WHO ARE NO LONGER MARRIED.

ONE IMPORTANT FACTOR CONTRIBUTING TO THESE SHOCKING STATISTICS IS THE FACT THAT THE ONLY SOURCE OF INCOME FOR MOST OLDER WOMEN IS SOCIAL SECURITY. ONLY ONE IN FIVE WOMEN RECEIVE ANY TYPE OF PRIVATE OR PUBLIC PENSION. RECOGNIZING THE PLIGHT OF OLDER WOMEN THE RETIREMENT EQUITY ACT WAS PASSED IN 1984. THIS LAW, HOWEVER, IMPACTS ONLY PRIVATE PENSION PLANS.

HB 237 PROVIDES THE SAME RIGHTS AND PROTECTION OFFERED TO THE PRIVATE SECTOR TO PUBLIC EMPLOYEES IN OUR STATE. ALTHOUGH THE LEGISLATION APPEARS LENGTHY IT AMENDS ONLY THESE GENERAL AREAS OF THE STATE'S RETIREMENT SYSTEM:

- 1) SPOUSES BECOME THE AUTOMATIC BENEFICIARIES OF SURVIVOR BENEFITS.

CURRENT LAW DOES NOT REQUIRE A MARRIED EMPLOYEE TO SELECT SURVIVOR BENEFITS NOR IS THE EMPLOYEE REQUIRED TO INFORM THE SPOUSE THAT SURVIVOR BENEFITS WERE NOT SELECTED. UNFORTUNATELY, MOST PUBLIC EMPLOYEES SELECT A HIGHER MONTHLY RETIREMENT AND FOREGO THE SURVIVOR BENEFITS. IN FACT, LAST YEAR ONLY 20 PERCENT OF PUBLIC EMPLOYEES SELECTED SURVIVOR BENEFITS.

THE SECOND PROVISION OF THE BILL:

- 2) REQUIRES CONSENT OF THE EMPLOYEES SPOUSE IN WRITING IF AN EMPLOYEE CHOOSES TO WAIVE SURVIVOR BENEFITS.
- MOST SPOUSES ARE UNAWARE THAT RETIREMENT BENEFITS WILL NOT CONTINUE UPON THE DEATH OF THEIR SPOUSE. THIS PROVISION ENSURES THAT THEY WILL HAVE ADEQUATE INFORMATION AND TIME TO PREPARE IN THE EVENT THEIR SPOUSE WERE TO DIE.

THE THIRD REQUIREMENT:

- 3) PERMITS RETIREMENT BENEFITS TO BE ASSIGNED IF ORDERED IN A DIVORCE DECREE.

PENSIONS ARE LIKE WAGES IN THAT THEY ARE PART OF WHAT WORKERS EARN DURING MARRIAGE. HOWEVER, THEY ARE DEFERRED

COMPENSATION BECAUSE THEY ARE PAID IN THE FUTURE RATHER THAN THE PRESENT. PENSIONS ARE INCREASINGLY BEING RECOGNIZED AS PART OF THE JOINT PROPERTY ACQUIRED DURING MARRIAGE, AND AS PART OF THE ASSETS TO BE DIVIDED UPON DIVORCE. IN LONGER MARRIAGES, THEY MAY BE THE MOST VALUABLE ASSET A COUPLE OWNS. HOWEVER, UNDER CURRENT LAW, IF A PORTION OF THE RETIREMENT IS AWARDED IN A DIVORCE THE ONLY OPTION AVAILABLE IS TO "CASH-OUT" THAT VALUE. THIS CAN CAUSE PROBLEMS FOR BOTH SPOUSES. IF THE RETIREMENT ASSET IS WORTH VERY MUCH, THERE MAY NOT BE SUFFICIENT ASSETS TO TRADE. SECONDLY, THE EMPLOYEE IS FORCED TO PAY OFF THE OTHER SPOUSE IN A LUMP SUM AT THE TIME OF THE DIVORCE. THIS PROVISION WOULD ALLOW AN EMPLOYEE TO DELAY DIVISION OF THE RETIREMENT BENEFIT UNTIL ACTUAL RETIREMENT.

THE WOMEN'S COMMISSION BELIEVES THIS BILL WILL BE A CONCRETE STEP FORWARD IN IMPROVING THE LIKELIHOOD THAT WOMEN WILL RECEIVE PENSION INCOME IN THEIR RETIREMENT YEARS.



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Background

Retirement age represents a time of economic uncertainty for most women whether they have worked outside the home or have spent most of their lives as homemakers. At age 65 most people experience a reduction in their income by 44 percent. As a group, older women's incomes are yet smaller since most exist only on Social Security benefits. Older women have the highest incidence of poverty in the state as well as in the nation. The median annual income for older women in Alaska is \$4,700 which is about one-half that for older Alaskan men.

Today more women work outside the home than ever before. In Alaska, women's participation in the labor force increased by over 500% in thirty years and presently hold over 40 percent of the jobs in Alaska. Yet, the incomes of women are not keeping pace with that of their male counterparts. In fact, Alaska women earn only 58 cents for every dollar a man earns and over one-quarter of Alaska families headed by women were in poverty which is triple that for all families. Additionally, women over the age of 65 had the highest incidence of poverty of any age group of either sex.

Alaska's situation is not unique. The disparity in the economic status of men and women is nationally recognized and formed the basis for a package of federal legislation known as the Economic Equity Act. A major portion of this package passed Congress and was signed by President Reagan in 1984. Called the Retirement Equity Act, it brought equitable treatment and important protections to members and their spouses of private retirement plans.

The authors of the federal Retirement Equity Act recognized the significance that pensions play toward insuring a viable future for retired persons. At age 65 most people experience a reduction in their income by nearly half. As a group, older women's incomes are even smaller since many pension plans do not consider the rights or needs of

spouses. Thousands of homemakers unknowingly were excluded as beneficiaries to their husbands' pensions or were not eligible because their husbands died before reaching the earliest retirement age. Many of these women were left to survive only on social security. In the state's retirement plans for public employees and teachers, only 20 percent and 30 percent, respectively, of the married members have chosen survivor benefits for their spouses.

The new federal law recognized that the member and the spouse both have an interest in the member's retirement benefits and tightened the law to protect those interests. The Act requires pension plans to provide automatic survivor benefits and pre-retirement survivor benefits for spouses. These benefits can be waived, however only with the the written consent of the spouse. The Act also lowered the number of years to one that a spouse must be married to a member in order to qualify for survivor benefits.

The Act also addressed the rights of former spouses to retirement benefits. Under the new provision, retirement benefits are considered marital property in which both partners to the marriage have an interest. Private pension plans were previously protected from assignment of any type. Consequently, when marital property was divided during divorce, the courts could do nothing more than establish a value to the retirement benefit and adjust for its value from other assets if they existed. Since retirement benefits are often times the only asset and one of the most valuable, equitable distribution was very often inequitable. The Retirement Equity Act now permits assignment of retirement benefits to satisfy marital property rights, child support or alimony payments to the extent that a qualified domestic relations order sets out. Retirement benefits remain protected from all other assignments.

HB 237 - Pension Equity for Public Employees

In comparing the federal legislation which impacts only private plans to the state's retirement plans which cover employees from state and local governments and the legislature, many of the federal reforms currently exist in our state's retirement plans. However, certain rights and protections must be strengthened in order to conform with federal standards to insure equity in the state's retirement plans. HB 237 corrects these shortcomings. While the proposed legislation appears lengthy, the bill amends only five general areas of the state's retirement systems:

1. Spouses become the automatic beneficiaries in retirement plans and for death benefits.
2. Consent of the employee's spouse is required in writing if an employee chooses to waive survivor benefits for retirement or death benefits. Consent in writing must also be obtained if a vested employee wishes to obtain a refund upon termination of employment.

3. Former spouses may share in survivor benefits, to the extent that a qualified domestic relations order sets out. A qualified domestic relations order is also defined in this legislation.
4. Prohibition against assignment of the Teachers and Public Employees Retirement Systems are removed for the purposes of satisfying marital property rights, spousal support and child support. The plans remain protected, however, from all other assignments.
5. The eligibility requirement for a spouse to become a beneficiary under the Judicial Retirement System is changed from a minimum of two years to one year that the spouse be married prior to the death of the member. This change conforms with the Public Employee's Retirement System definition of surviving spouse and the Retirement Equity Act requirements for eligibility as a surviving spouse.

It is important to note that the state's Supplemental Benefits System Plan has already been amended to comply with the Retirement Equity Act to provide a joint and survivor benefit unless the spouse waives that form of benefit. The plan also requires payment of a pre-retirement survivor benefit for the spouse unless the spouse waives that form of benefit. These amendments to SBS were necessary to maintain the plan's tax deferred status under IRS.

A M E N D M E N T

Offered in the JUDICIARY COMMITTEE

By Rodey

TO: SCS CSHB 237 (SA)

Page 8, after line 21, insert new bill sections to read:

"* Sec. 16. AS 14.25.168 is amended to read:

Sec. 14.25.168. MEDICAL BENEFITS. (a) Except as provided in (c) of this section, the [THE] following persons are entitled to major medical insurance coverage:

(1) a person receiving a monthly benefit from the system;

(2) the spouse of a person receiving a monthly benefit from the system;

(3) a natural or adopted child of a person receiving a monthly benefit, if the child is a dependent child as defined in AS 14.25.220(12).

(b) Except as provided in (c) of this section, major [MAJOR] medical insurance coverage takes effect on the same date as retirement benefits begin and stops when the retired person or survivor is no longer eligible to receive a monthly benefit. The coverage for persons over age 65 is the same as that available for persons under age 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program.

* Sec. 17. AS 14.25.168 is amended by adding an new subsection to read:

(c) Receipt under a qualified domestic relations order of a

monthly benefit from the system does not entitle a person or the person's spouse or child to insurance coverage under (a) of this section. However, a member's former spouse who receives a monthly benefit under a qualified domestic relations order is entitled to receive major medical insurance coverage if the former spouse

(1) elects the coverage within 60 days after the first monthly benefit paid under the order is mailed first class or otherwise delivered; and

(2) pays the premium established by the administrator for the coverage."

Renumber remaining bill sections accordingly.

Page 10, after line 17, insert new bill sections to read:

"* Sec. 23. AS 22.25.090(a) is amended to read:

(a) Except as provided in (d) of this section, the [THE] following persons are entitled to major medical insurance coverage:

(1) a person receiving a monthly benefit under this chapter;

(2) the spouse of a person receiving a monthly benefit under this chapter;

(3) a natural or adopted child of a person receiving a monthly benefit under this chapter, if the child is a dependent child under (c) of this section.

* Sec. 24. AS 22.25.090(b) is amended to read:

(b) Except as provided in (d) of this section, major [MAJOR]

medical insurance coverage takes effect on the same date as retirement benefits begin, and stops when the retired person or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same as that available for persons under 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors, and disability insurance program.

* Sec. 25. AS 22.25.090 is amended by adding a new subsection to read:

(d) Receipt under a qualified domestic relations order of a monthly benefit from the system does not entitle a person or the person's spouse or child to insurance coverage under (a) of this section. However, a member's former spouse who receives a monthly benefit under a qualified domestic relations order is entitled to receive major medical insurance coverage if the former spouse

(1) elects the coverage within 60 days after the first monthly benefit paid under the order is mailed first class or otherwise delivered; and

(2) pays the premium established by the administrator for the coverage."

Renumber remaining bill sections accordingly.

Page 22, after line 16, insert new bill sections to read:

** Sec. 48. AS 39.35.535 is amended to read:

Sec. 39.35.535. MEDICAL BENEFITS. (a) Except as provided in (c) of this section, the [THE] following persons are entitled to major

medical insurance coverage:

- (1) a person receiving a monthly benefit from the system;
- (2) the spouse of a person receiving a monthly benefit from the system;
- (3) a natural or adopted child of a person receiving a monthly benefit from the system, if the child is a dependent child under AS 39.35.680(11).

(b) Except as provided in (c) of this section, major [MAJOR] medical insurance coverage takes effect on the same date as retirement benefits begin, and stops when the retired employee or survivor is no longer eligible to receive a monthly benefit. The coverage for persons age 65 or older is the same coverage available for a person under 65. The benefits payable to those persons age 65 or older supplement any benefits provided under the federal old age, survivors and disability insurance program.

* Sec. 49. AS 39.35.535 is amended by adding a new subsection to read:

(c) Receipt under a qualified domestic relations order of a monthly benefit from the system does not entitle a person or the person's spouse or child to insurance coverage under (a) of this section. However, a member's former spouse who receives a monthly benefit under a qualified domestic relations order is entitled to receive major medical insurance coverage if the former spouse

(1) elects the coverage within 60 days after the first monthly benefit paid under the order is mailed first class or otherwise delivered; and

(2) pays the premium established by the administrator for

the coverage."

Renumber remaining bill sections accordingly.

Page 23, line 27, delete "45" and insert "52"

Page 23, line 29, delete "44" and insert "51"

HB 237

MEMORANDUM

State of Alaska

TO: Terry Cramer
Legal Division
Legislative Affairs Agency

DATE April 18, 1986

FILE NO

TELEPHONE NO 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: CSHB 237(R1s),
retirement bill

By: Virginia B. Ragle
Assistant Attorney General
Governmental Affairs-Juneau

At the Senate State Affairs Committee hearing yesterday on CSHB 237(R1s), the committee adopted the committee substitute dated March 14, 1986, with the following changes:

In secs. 7 and 39, substitute the following language for the current language:

A former spouse shall be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

In sec. 20, substitute the following language for the current language:

A former spouse who was married to the justice or judge for at least one year and who has not remarried shall be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Rights under the order do not take effect until the order is filed with the administrator.

In addition, the committee voted to amend all pertinent provisions of the bill to include a provision that consent of the spouse is not required if the administrator determines that the member and the spouse have been married for two years or less and if the member establishes that the member and spouse are no longer cohabiting. We suggest that this provision be included in the March 14, 1986 committee substitute as follows:

On page 3, line 6, delete "or."

On page 3, line 7, insert a new paragraph (4) to read "(4) the member and spouse have been married for two years or less and the member establishes that the member and

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Re: CSHB 237(Rls), retirement bill

April 18, 1986
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spouse are no longer cohabiting; or" and renumber current paragraph (4) as "(5)."

On page 5, line 13, after "order" insert a semicolon and "consent of the present spouse is not required if the member establishes that the member and spouse have been married for two years or less and are not cohabiting as of the date the revocation is filed and if the member and present spouse were not married for more than two years as of the date of the member's death."

On page 7, lines 17-21, delete the current language and insert the following language in its place:

(2) the spouse if

(A) the member is not married;

(B) the member was not married to the spouse during any period of the member's employment with an employer;

(C) the spouse has no rights to the option because of the terms of a qualified domestic relations order;

(D) the spouse cannot be located;

(E) the member and the spouse have been married for two years or less and the member establishes that the member and spouse are no longer cohabiting; or

(F) for other reasons established by the administrator by regulation."

On page 12, line 25, after "department," insert a semicolon and "consent of the present spouse is not required if the member establishes that the member and present spouse have been married for two years or less and are not cohabiting as of the date the revocation is filed and if the member and present spouse were not married for more than two years as of the date of the member's death."

On page 14, line 27, delete "or."

On page 14, line 28, insert a new paragraph (4) to read "(4) the employee and spouse have been married for two

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years or less and the member establishes that the member and spouse are no longer cohabiting; or" and renumber current paragraph (4) as "(5)."

On page 18, line 19, delete "reason" and insert "reasons" in its place.

On page 18, lines 20-25, delete the current language and insert the following language in its place:

(2) the spouse if

(A) the employee is not married;

(B) the employee was not married to the spouse during any period of the employee's employment with an employer;

(C) the spouse has no rights to the option because of the terms of a qualified domestic relations order;

(D) the spouse cannot be located;

(E) the employee and the spouse have been married for two years or less and the employee establishes that the member and spouse are no longer cohabiting; or

(F) for other reasons established by the administrator by regulation."

On page 20, line 9, after "order" insert a semicolon and "consent of the present spouse is not required if the employee establishes that the employee and spouse have been married for two years or less and are not cohabiting as of the date the revocation is filed and if the member and present spouse were not married for more than two years as of the date of the employee's death."

In addition to these changes, in accordance with the committee's instructions at a previous hearing and for the sake of consistency, on page 5, line 12, insert "present" between "the" and "spouse."

Terry, I am not positive that the changes I have suggested in this memo concerning revocation of the present spouse as beneficiary for death benefits (secs. 10, 25, and 40) exactly

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effectuate the intent of the committee. The committee's expressed concern in amending provisions of the bill that require spousal consent under certain circumstances was that an estranged spouse who has only been married to a member for a short time should not have the right to withhold consent to disposition of the contribution account or benefits in accordance with a member's wishes. The problem is somewhat one of timing. A member's decision to withdraw the contribution account or to choose a benefit other than a joint and survivor option occurs at or after termination, when it can be determined exactly how long the marriage has lasted and what the status is of the marriage as of the date the account is refunded or a normal or early retirement benefit is paid. Revocation of a present spouse as beneficiary for death benefits, on the other hand, must take place sometime before the member dies, when the member may still be working and when there is no way to tell how long the marriage will last or whether there will be a reconciliation before the member dies. If a married couple remains married or even reconciles after revocation is filed without the spouse's consent and remains married for a period of time, especially if additional benefits are accrued during that period, it seems that allowing the revocation to stand would not effectuate either the basic underlying purposes of this bill or the intent of the committee in adopting amendments to the bill.

I would like to discuss with you alternate language to accomplish the committee's purpose in amending the bill. The committee indicated that it would consider this bill again after the committee substitute is prepared.

VBR/pjg

cc: Kathy Marshall, Executive Director
Alaska Women's Commission

Ken Humphreys, Director
Division of Retirement & Benefits
Department of Administration



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 09/

HIB 237

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to pension reform. This bill amends statutes pertaining to the state's retirement systems to include provisions similar to those enacted by the U.S. Congress in the Retirement Equity Act of 1984 (P.L. 98-397).

The bill amends a number of sections of the public employees' retirement system and teachers' retirement system statutes to require consent of an employee's spouse before the employee may waive a joint and survivor benefit, obtain a refund of contributions if the employee has a vested interest in benefits, or revoke a designation of the spouse as the employee's beneficiary for various death benefits. Consent of the spouse is also required by this bill for revocation of a designation of the spouse as beneficiary for death benefits under AS 26.05.224. Until consent is obtained, the joint and survivor benefit and designation of the spouse as beneficiary are required. The judicial retirement system statute is amended to allow the spouse of a justice or judge to receive survivors' benefits if the spouse was married to the justice or judge for one year before death, instead of the current two years.

The bill allows former spouses to share in survivor's benefits, to the extent provided in a "qualified domestic relations order," as defined in secs. 16, 18, 23, and 39 of the bill.

Prohibitions against assignment of retirement benefits are removed with respect to assignments of those benefits made to satisfy marital property rights, spousal support, and child support under a qualified domestic relations order.

The commissioner of administration is required to inform retirement system participants and their spouses of the changes accomplished by this bill, and effective dates are established to assure an orderly transition to the provisions of this pension reform bill.

This bill recognizes, as does the federal Retirement Equity Act of 1984, that rights to benefits accrued during a marriage are property rights in which both partners to the marriage have an interest. The bill has been drafted to require the joint and survivor option, and spousal consent for revocation of designation of the spouse as beneficiary for benefits, only if the spouse was married to the employee during a period when rights to those benefits were being accrued.

I note that the state's Supplemental Benefits System (SBS) plan has already been amended to comply with the Retirement Equity Act requirements that the plan require a joint and survivor benefit unless the spouse waives that form of benefit, and that the plan require payment of a preretirement survivor benefit to the spouse unless the spouse waives that form of benefit. These amendments to the SBS were necessary to maintain the plan's tax-deferred status under the Internal Revenue Code.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

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JUNEAU, ALASKA 99811
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DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 12, 1986

Honorable Mitch Abood, Chairman
Senate State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: CSHB 237(Rls), retirement bill

Dear Senator Abood:

You have requested a section-by-section analysis of CSHB 237(Rls), relating to the rights of spouses to be beneficiaries under the state's pension systems. The sections of that bill provide:

Sec. 1. Amends AS 14.25.110(a). Makes eligibility for a normal teacher's retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 2. Amends AS 14.25.110(b). Makes eligibility for an early teacher's retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 3. Amends AS 14.25.125(a). Makes a teacher's eligibility for a normal conditional service retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 4. Amends AS 14.25.125(b). Makes a teacher's eligibility for an early conditional service retirement benefit subject to the requirements of amended AS 14.25.167. See secs. 13-15.

Sec. 5. Amends AS 14.25.150. Makes current provisions into subsection (a); makes terminated teacher's entitlement to refund of contribution account subject to provisions of new AS 14.25.150(b). See sec. 6.

Sec. 6. Amends AS 14.25.150. Adds new subsection (b) that makes terminated teacher's entitlement to refund of contribution account subject to consent of the teacher's spouse and of each person entitled to benefits under a "qualified domestic re-

lations order" if the teacher is vested, deferred vested, or entitled to a conditional service retirement benefit. Consent of the spouse may be waived by the administrator if the teacher was not married to the spouse during the teacher's employment with an employer; if the spouse has no rights to benefits under AS 14.25 because of the terms of a qualified domestic relations order (see sec. 17); if the spouse cannot be located; or for other reasons established by regulation.

Sec. 7. Amends AS 14.25. Adds a new section 14.25.153 which establishes a person's priority of rights to benefits of under a qualified domestic relations order over rights of a spouse, surviving spouse or dependent child. Establishes right of a person to be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. See sec. 17. Provides that the person's rights do not take effect until the order is filed with the administrator.

Sec. 8. Amends AS 14.25.155(c). Makes teacher's designation of person other than spouse as beneficiary for nonoccupational death benefits subject to requirements of amended AS 14.25.166. See secs. 10-12.

Sec. 9. Amends AS 14.25.157(a). Makes teacher's designation of person other than spouse as beneficiary for occupational death benefits subject to requirements of amended AS 14.25.166. See secs. 10-12.

Sec. 10. Amends AS 14.25.166(a). Makes teacher's spouse at time of death automatically the teacher's designated beneficiary for death benefits, unless the spouse was not married to the teacher during a period of the teacher's employment with an employer. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the teacher. The designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation.

Sec. 11. Amends AS 14.25.166(b). Makes teacher's right to revoke beneficiary subject to requirements of amended AS 14.25.166(a). See sec. 10.

Sec. 12. Amends AS 14.25.166. Adds new subsection (d) that requires persons who claim entitlement to death benefits under AS 14.25 to provide the administrator with evidence of entitlement, such as a marriage certificate, divorce or dissolution

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Re: CSHB 237(R1s)

judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the administrator immediately after the teacher is married or divorced. A person who claims entitlement to death benefits under AS 14.25 is not entitled to receive from the division of retirement and benefits any death benefits already paid by the administrator if the administrator does not receive notification of a claim before 10 days after the teacher's death.

Sec. 13. AS 14.25.167(a) is repealed and reenacted. The new provisions of AS 14.25.167(a) require a teacher who retires or who becomes eligible for retirement under AS 14.25.130-(e) to designate his or her spouse at the time of appointment to retirement as the contingent beneficiary for a joint and survivor benefit, unless the designation is revoked under AS 14.25.167(c). See sec. 14. If the designation is revoked, the teacher may choose normal or early retirement benefits under AS 14.25.110 or 14.25.125.

Sec. 14. Amends AS 14.25.167(c). Permits a teacher to revoke a joint and survivor option only by filing a revocation and a written consent to the revocation signed by the teacher's spouse and each person entitled to benefits under a qualified domestic relations order. See sec. 17. The administrator may waive the requirement of written consent from a person entitled under a qualified domestic relations order if the person cannot be located or for other reasons established by regulation. The administrator may waive the requirement that the teacher file written consent to a revocation signed by the teacher's spouse if the teacher is not married, if the teacher was not married to the spouse during any period of the teacher's employment with an employer, if the spouse has no right to be contingent beneficiary because of the terms of a qualified domestic relations order, if the spouse cannot be located, or for other reasons established by regulation.

Sec. 15. Amends AS 14.25.167. Adds a new subsection (f) which requires the teacher and any person who claims to be a contingent beneficiary to file with the administrator evidence necessary to determine the identity of any contingent beneficiary. New subsection (g) limits the liability of the Teachers' Retirement System if the administrator determines that a teacher may choose a benefit other than a joint and survivor option and no contrary evidence is presented to the administrator within 60 days after the teacher's retirement. Under those circumstances, no claim of a spouse or former spouse may be paid if payment would result in an increase in actuarial liability to the system. Under new subsection (h), if the teacher fails to specify which

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of the three joint and survivor options is elected, the 50 percent option provided in AS 14.25.167(a)(2) is considered elected.

Sec. 16. Amends AS 14.25.200(a). Provides that a teacher's right to receive benefits under AS 14.25 may be assigned under a qualified domestic relations order. See sec. 17.

Sec. 17. Amends AS 14.25.220. Adds a new paragraph (43), defining "qualified domestic relations order." A qualified domestic relations order is a divorce or dissolution judgment, including an order approving a property settlement, that recognizes the right of an alternate payee to receive all or a portion of a benefit payable with respect to a teacher. The order must set out the names and addresses of the member and of each alternate payee covered by the order. It must set out the amount or percentage (or manner of determining the amount or percentage) of any benefit to be paid to the alternate payee and the number of payments or period to which the order applies.

A qualified domestic relations order may not require any type or form of benefit or option not otherwise provided by AS 14.25, nor may it require an increase, based on actuarial value, of benefits in excess of the amount provided by AS 14.25. A qualified domestic relations order may not require the payment to an alternate payee of benefits that are required to be paid to another alternate payee under an order previously determined to be a qualified domestic relations order. An example of the effect of these provisions is that, since the systems do not provide for any form of partial health benefit for a spouse of a member and since provision of a full health benefit to more than one spouse would require an increase of benefits in excess of the amount provided by AS 14.25, a qualified domestic relations order cannot require that more than one person is entitled to the health benefits provided to the spouse of a retiree.

Sec. 18. Amends AS 22.25.030(b). Reduces from two to one the number of years a spouse must have been married to a judge for the spouse to be eligible for a survivors' benefit under the Judicial Retirement System (JRS).

Sec. 19. Amends AS 22.25.030. Adds a new subsection (f), providing that the rights of a surviving spouse or dependent to JRS survivors' benefits are subject to the rights of a previous spouse or a dependent under a qualified domestic relations order. See sec. 21.

Sec. 20. Amends AS 22.25. Adds a new section 22.25.-035 which provides that a person who was married to a judge for

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at least one year and has not remarried may be treated as the spouse or surviving spouse of a judge to the extent required by a qualified domestic relations order. See sec. 21.

Sec. 21. Amends AS 22.25. Adds a new section 22.25.-900, defining "qualified domestic relations order." See sec. 17.

Sec. 22. Amends AS 25.24.160. Adds a new subsection (b), providing that, in order to distribute Teachers', Judicial, Public Employees' or Alaska National Guard and Naval Militia retirement or death benefits to an alternate payee, a divorce judgment must meet the requirements of a qualified domestic relations order. See secs. 17, 21, 26, 43.

Sec. 23. Amends AS 25.24.230. Adds a new subsection (g), providing that, in order to distribute Teachers', Judicial, Public Employees' or Alaska National Guard and Naval Militia retirement or death benefits to an alternate payee, a dissolution judgment must meet the requirements of a qualified domestic relations order. See secs. 17, 21, 26, 43.

Sec. 24. Amends AS 26.05.224(d). Makes Alaska National Guard or Naval Militia member's right to revoke designation of spouse as beneficiary for death benefits subject to requirements of new AS 26.25.224(e). See sec. 25. If no beneficiary is designated or if the designated beneficiary does not survive the member, the Department of Military and Veterans' Affairs is required to pay the death benefit to the member's surviving spouse, except as required by a qualified domestic relations order. See sec. 26.

Sec. 25. Amends AS 26.05.224. A new subsection (e) is added which makes Alaska National Guard or Naval Militia member's spouse at time of death automatically the member's designated beneficiary, unless the spouse was not married to the member during a period of the member's service. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the member. See sec. 26. Designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation. A new subsection (f) requires persons who claim entitlement to death benefits under AS 26.05.224 to provide the department with evidence of entitlement, such as a marriage certificate, divorce or dissolution judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the department immediately after the member is married

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or divorced. A person who claims entitlement to death benefits under AS 26.05.224 is not entitled to receive from the Departments of Administration or Military and Veterans' Affairs any death benefits already paid by the department if the department does not receive notification of a claim before 10 days after the member's death.

Sec. 26. Amends AS 26.05.227. Adds a new paragraph (4), defining "qualified domestic relations order." See sec. 17.

Sec. 27. Amends AS 39.35.200(a). Makes terminated employee's right to refund of contribution account subject to requirements of new AS 39.35.200(c). See sec. 28.

Sec. 28. Amends AS 39.35.200. Adds new subsection (c) that makes terminated employee's entitlement to refund of contributions subject to consent of spouse and each person entitled to benefits under a "qualified domestic relations order" (see sec. 43 if the employee is vested, deferred vested, or entitled to a conditional service retirement benefit. Consent of the spouse may be waived by the administrator if the employee was not married to the spouse during any period of the employee's employment with an employer; if the spouse has no rights to benefits under AS 39.35 because of the terms of a qualified domestic relations order; if the spouse cannot be located; or for other reasons established by regulation.

Sec. 29. Amends AS 39.35.370(a). Makes employee's eligibility for a normal retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 30. Amends AS 39.35.370(b). Makes employee's eligibility for an early retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 31. Amends AS 39.35.385(a). Makes an employee's eligibility for a normal conditional service retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 32. Amends AS 39.35.385(b). Makes an employee's eligibility for an early conditional service retirement benefit subject to the requirements of amended AS 39.35.450. See secs. 36-38.

Sec. 33. Amends AS 39.35.420(c). Makes employee's designation of beneficiary other than spouse for nonoccupational

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death benefits subject to requirements of amended AS 39.35.490.
See sec. 40.

Sec. 34. Amends AS 39.35.430(f). Makes employee's designation of beneficiary other than spouse for occupational death benefits subject to requirements of amended AS 39.35.490.
See sec. 40.

Sec. 35. Amends AS 39.35.440(b). Makes employee's designation of beneficiary other than spouse for benefits payable upon death of employee after occupational disability subject to requirements of amended AS 39.35.490. See sec. 40.

Sec. 36. AS 39.35.450(a) is repealed and reenacted. The new provisions of AS 39.35.450(a) require an employee who retires or who becomes eligible for normal retirement under AS 39.35.400(f) or 39.35.410(h) to designate his or her spouse at the time of appointment to retirement as the contingent beneficiary for a joint and survivor benefit, unless the designation is revoked under AS 39.35.450(c). See sec. 37. If the designation is revoked, the employee may choose normal or early retirement benefits under AS 39.35.370 or 39.35.385 or a level income option under AS 39.35.460.

Sec. 37. Amends AS 39.35.450(c). Permits an employee to revoke a joint and survivor option only by filing a revocation and a written consent to the revocation signed by the employee's spouse and each person entitled to benefits under a qualified domestic relations order. See sec. 43. The administrator may waive the requirement of written consent from a person entitled under a qualified domestic relations order if the person cannot be located or for other reasons established by regulation. The administrator may waive the requirement that the employee file written consent to a revocation signed by the employee's spouse if the employee is not married, if the employee was not married to the spouse during any period of the employee's employment with an employer, if the spouse has no right to be contingent beneficiary because of the terms of a qualified domestic relations order, if the spouse cannot be located, or for other reasons established by regulation.

Sec. 38. Amends AS 39.35.450. Adds a new subsection (f) which requires the employee and any person who claims to be a contingent beneficiary to file with the administrator evidence necessary to determine the identity of any contingent beneficiary. New subsection (g) limits the liability of the Public Employees' Retirement System if the administrator determines that an employee may choose a benefit other than a joint and survivor

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Alaska State Legislature

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option and no contrary evidence is presented to the administrator within 60 days after the employee's retirement. Under those circumstances, no claim of a spouse or former spouse may be paid if payment would result in an increase in actuarial liability to the system. Under new subsection (h), if the employee fails to specify which of the three joint and survivor options is elected, the 50 percent option provided in AS 39.35.450(a)(2) is considered elected.

Sec. 39. Amends AS 39.35. Adds a new section 39.35.-455, which establishes a person's priority of rights under a qualified domestic relations order over rights of a spouse, surviving spouse or dependent child. See sec. 43. Establishes right of a person to be treated as a spouse or surviving spouse to the extent required by a qualified domestic relations order. Provides that the person's rights do not take effect until the order is filed with the administrator.

Sec. 40 Amends AS 39.35.490. Makes employee's spouse at time of death automatically the employee's designated beneficiary for death benefits, unless the spouse was not married to the employee during a period of the employee's employment with an employer. The spouse is the automatic designated beneficiary except to the extent that a qualified domestic relations order requires payment to a former spouse or dependent of the employee. The designation of the spouse as beneficiary can be revoked if the spouse consents in writing to revocation. A person's entitlement under a qualified domestic relations order can be revoked if the person consents in writing to revocation.

Sec. 41. Amends AS 39.35.490. Adds new subsection (d) that requires persons who claim entitlement to death benefits under AS 39.35 to provide the administrator with evidence of entitlement, such as a marriage certificate, divorce or dissolution judgment, or other evidence. Marriage certificates and divorce or dissolution decrees may be filed with the administrator immediately after the employee is married or divorced. A person who claims entitlement to death benefits under AS 39.35 is not entitled to receive from the division of retirement and benefits any death benefits already paid by the administrator if the administrator does not receive notification of a claim before 10 days after the employee's death.

Sec. 42. Amends AS 39.35.500. Provides that an employee's right to receive benefits under AS 39.35 may be assigned under a qualified domestic relations order. See sec. 43.

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Senate State Affairs Committee
Alaska State Legislature

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Sec. 43. Amends AS 39.35.680. Adds a new paragraph (40), defining "qualified domestic relations order." See sec. 17.

Sec. 44. Requires the Department of Administration to publish notice of the provisions of the Act and make available the forms necessary to implement the Act within 90 days after the effective date of sec. 44.

Sec. 45. Gives sec. 44 an immediate effective date.

Sec. 46. Makes secs. 1-43 of the Act effective on January 1, 1986. (This date should be changed to January 1, 1987.)

Very truly yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Virginia E. Ragle
Assistant Attorney General

VBR/pjg

cc: J. Kenneth Humphreys, Director
Division of Retirement & Benefits
Department of Administration

MEMORANDUM

State of Alaska

TO: Ken Humphreys, Director
Admin. - Div. of Rtmt. & Benefits

DATE: April 25, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Pension reform bill
(HB 237)

By: Virginia B. Ragle
Assistant Attorney General
Governmental Affairs-Juneau

Last year you agreed to a zero fiscal note on HB 237 relating to pension reform, based on my advice that certain provisions in the definition of "qualified domestic relations order" (QDRO) protected the systems from having to provide major medical insurance coverage to multiple spouses and other persons unrelated to a member. Those provisions provide that a QDRO is an order that

(E) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(F) does not require an increase of benefits in excess of the amount provided by this chapter determined on the basis of actuarial value; and

(G) does not require the payment to an alternate payee of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

See secs. 17, 21, 26, and 43. After further thought on this, I have concluded that the statutes providing for medical benefits (AS 14.25.168; AS 22.25.090; and AS 39.35.535) should be amended to make it very clear that multiple spouses and other persons who are completely unrelated to a member are not entitled to medical coverage. My concern is that a divorced spouse who is receiving an ongoing benefit under a QDRO may argue that he or she is entitled to medical benefits under AS 39.35.535(a)(1), that his or her new spouse is entitled under AS 39.35.535(a)(2) and that any number of additional children born to or adopted by the divorced spouse are also covered under AS 39.35.535(a)(3). Although this would obviously "require an increase in benefits ... determined on the basis of actuarial value," the divorced spouse might argue that the increase is not "in excess of the amount provided by

this chapter." I do not know whether this argument would be successful, especially given the fact that we have explained to at least two legislative committees that the definition of QDRO was intended to prevent coverage of multiple spouses and persons not related to a member, and since your fiscal note is based on the assumption that the definition has that effect. However, in order to be sure this intent is effectuated, I suggest the following two possible options for amending the statutes concerning medical benefits:

OPTION #1

On page 8, line 22 of the bill insert the following:

Sec. 16. AS 14.25.168 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, a member's former spouse who is receiving benefits under this chapter in accordance with a qualified domestic relations order is entitled to major medical insurance coverage only for himself or herself, and if the member remarries, must pay the monthly premium established by the administrator.

OPTION #2

On page 8, line 22 of the bill insert the following:

Sec. 16. AS 14.25.168(a) is repealed and reenacted to read:

(a) The following persons are entitled to major medical insurance coverage:

- (1) a retired or disabled member;
- (2) the spouse of a retired or disabled member, unless a former spouse of the member is entitled to medical coverage under a qualified domestic relations order;
- (3) a surviving spouse who is receiving a monthly benefit under this chapter, unless a former spouse of the member is entitled to medical coverage under a qualified domestic relations order;
- (4) the natural or adopted dependent child of a retired, disabled or deceased member;

Ken Humphreys, Director
Div. of Retirement & Benefits
Re: HB 237, pension reform

April 25, 1986
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(5) after the death of the member, the spouse and natural or adopted dependent child of

(A) the member's surviving spouse if the surviving spouse is receiving a monthly benefit under this chapter and no former spouse is entitled to medical coverage under a qualified domestic relations order; or

(B) the member's former spouse who is entitled to medical coverage under a qualified domestic relations order.

Renumber subsequent sections accordingly.

(AS 22.25.090 and AS 39.35.535 would be similarly amended.)

VBR/pjg



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 D. Smith
Signature of Camera Operator

11/7/89
Date

H B

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/28	WPKS ✓
	HEBOD
	ADMIN (MIKE ARCHONAKIS) (2700)
	REGINA HART (789-6705)
4/30	NOTIFIED OF MONY TODAY:
	ADMIN, REGINA HART & WPKS

NOTIFIED OF
4/29 meeting

Alaska Women's Commission

CSHB 238 - Parental Leave

TESTIMONY

Kathy Marshall

Senate Judiciary Committee

April 29, 1986

The Alaska Women's Commission requested the Governor to introduce CSHB 238 because we are concerned about the plight of Alaska's children.

The Alaskan work place has changed dramatically over the past three decades. This change is the result of a number of social forces, the most important of which is the increasing feminization of the work force. The labor force participation of women in Alaska has increased 548 percent since 1950. Approximately 1/2 of the work force employed by the State of Alaska are women. 80 percent are of child-bearing age and it is estimated that 93 percent of these women will become pregnant sometime during their work career. Yet, little has been done to ensure that Alaska's children will receive the care necessary to reach their full emotional, physical, and psychological potential. According to Dr. T. Berry Brazelton, the first four months of life are critical in a child's development. Without the "irrational love", that only a parent or grand-parent can provide, children suffer irreparable harm.

CSHB 238 would increase the amount of leave without pay from 9 to 16 weeks. The Women's Commission believes that increasing leave without pay will strengthen families and provide a benefit to Alaska's children. Since this is leave without pay, there would be no cost to the state. While employees are absent, the state would have the funds to hire temporary employees for the position. Another important fact is that less than 1/2 percent of the time spent on leave without pay last year was taken for maternity purposes. Not many employees can afford to be without a pay check for any length of time. Most utilize accrued leave, which they are entitled to use whether for maternity purposes or some other purpose.

CSHB 238 would also change maternity to parental leave. Under current law only women can take maternity leave. However, there are often circumstances under which the husband may need to take the leave to care for the newborn. We believe this decision should be left to the parents. Here, again, experience indicates that not many men will choose to take parental leave unless it is absolutely

necessary. When Sweden changed its law to guarantee both men and women up to one year of paid leave following the birth of a child, only two percent of the men utilized the benefit in the first year.

The Commission believes this bill promotes the welfare of both Alaska's children and working parents.



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

H B

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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

1111 West 8th Street, Room 108
Juneau, Alaska 99801

PUBLIC SERVICES DIVISION

October 7, 1985

The Honorable Patrick Rodey
Alaska State Senate
2335 Lord Baranof
Anchorage, AK 99503

Dear Pat:

Several legislators have requested that I provide the legislative membership with a brief status report on the Department of Revenue's seminars respecting HB 247 (charitable gaming). Many of you in the legislature are aware of the problems the state is experiencing with charitable gaming. The current law was written in the early 1960's and has never experienced substantial revisions--only add-ons. As a result, the law has failed to keep pace with the burgeoning growth of the industry and certain flagrant abuses that have occurred.

Gross receipts from charitable gaming in 1983 were reported at \$30 million. Of this amount 18 percent, or \$5,485,676, was available for charitable, educational and political contributions. \$68,501 accrued to the state through the collection of permit fees and a one percent assessment on the reported net proceeds for 1983 gaming activities.

In September of 1984 the department hired its first staff member devoted full-time to charitable gaming efforts. In his brief tenure he conducted limited audits which indicated that unreported gross receipts might total \$50 million. If these figures are accurate, charitable gaming has become an \$80 million industry in Alaska with only 37 1/2% of the revenues being reported. Unreported revenues do not accrue to the non-profit organizations, nor are they subject to taxation by the state.

This administration intends to bring charitable gaming under control, assuring that receipts from activities accrue to the charitable, educational and political efforts intended. Toward this end Governor Sheffield introduced HB 247, a bill which has been scrutinized by, and passed through, House State Affairs and House Judiciary.

Because those who are underreporting receipts wish to see this bill fail, much misinformation and confusion has been circulated. In an attempt to counter this misinformation I invited holders of gaming permits in Fairbanks and Anchorage (where they are most concentrated) to attend a seminar on HB 247. To date I have conducted ten seminars and met with 156 permit holders--57% of the total invited. Total attendance was 181 people.

The Honorable Patrick Rodey
October 7, 1985
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At each meeting I explained the provisions of HB 247 and the reasoning behind the administration's request. I also explained our need for five staff members to enforce either the existing law or provisions of HB 247. I believe that the meetings were very successful. Many people stayed beyond the meeting time to ask further questions; some expressed frustration that we can't do more to police the current situation. Most were highly supportive of our request to establish enforcement capabilities.

Despite the fact our invitation was to permittees only, each session was also attended by operators. I mention this because, while I am hopeful you will hear comments supportive of HB 247, I am also aware that certain operators have a lot to gain by its failure. For \$50 million these few can afford to apply a lot of pressure. Were these additional dollars to accrue to the charities, the demand on the state's general fund could be reduced. With passage of HB 247 the state would possibly realize an additional \$500,000 in gaming revenues--double the administrative costs of \$250,000.

Legalized gambling is a difficult issue, but one that needs immediate and careful attention to stop the flow of dollars away from the intended purposes. I will be pleased to discuss the issue and the seminars with you further.

Sincerely,



Sally Smith
Director
Phone (907) 465-2392

SS:cv



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 998

Mr. Dan Anderson
Division of Public Services
Department of Revenue
Pouch S
Juneau, Alaska 99811

Dear Mr. Anderson:

This letter is to confirm our request for a listing of permit holders licensed to operate charitable gaming events. I appreciate your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin K. Bruce".

Kevin K. Bruce
Committee Aide

Offered: 5/9/85
Referred: Finance

~~Good Book~~
~~AL MED HOUSE~~

~~CHANGE IN FULL HE RAFFLES~~

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 247 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to games of chance and contests of skill."

7

8

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

9

* Section 1. AS 05.15.020 is amended to read:

10

Sec. 05.15.020. ANNUAL PERMIT AND FEE. An activity permitted

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under this chapter may not be conducted by a municipality or a quali-

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fied organization, and a raffle may not be conducted by a political

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organization, unless an annual permit issued by the department is

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first obtained and a fee of \$50 [\$20] is paid to the department. [AN

15

ADDITIONAL FEE OF ONE PER CENT OF THE NET PROCEEDS SHALL BE PAID BY

16

EACH PERMITTEE ANNUALLY. THIS FEE IS DUE AND PAYABLE AT THE SAME TIME

17

AS THE ANNUAL FINANCIAL STATEMENT.]

18

* Sec. 2. AS 05.15.020 is amended by adding new subsections to read:

19

(b) An activity permitted under this chapter, except a raffle

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permitted under AS 05.15.100(c), may be conducted by an operator for a

21

municipality or qualified organization if an annual operator's permit

22

is obtained from the department, a fee of \$200 is paid to the depart-

23

ment, and a bond or other security acceptable to the department is

24

filed with the department in an amount equal to 10 percent of esti-

25

mated gross receipts from all activities to be conducted by the opera-

26

tor in the calendar year. The operator's permit is in addition to the

27

permit required to be obtained by the municipality or qualified orga-

28

nization on whose behalf the operator conducts the activity.

29

(c) An additional fee of one and one-half percent of the gross

1 receipts, less the value of prizes awarded, from an activity permitted
2 under this chapter shall be paid to the department annually by the
3 municipality, qualified organization, or political organization au-
4 thorized to conduct the activity, except that an operator is liable
5 for and shall pay to the department the additional fee for activities
6 conducted by the operator on behalf of a municipality or qualified
7 organization.

8 * Sec. 3. AS 05.15 is amended by adding a new section to read:

9 Sec. 05.15.025. BOND CONDITIONS AND FORFEITURE. (a) The bond
10 or security filed under AS 05.15.020(b) must be made payable to the
11 department and must be conditioned upon payment to the department of
12 the fee required by AS 05.15.020(c) and payment to the authorizing
13 permittee of net proceeds as required by AS 05.15.165(b). If the
14 operator fails to make the required payments, the operator forfeits
15 the bond or security to the department.

16 (b) The amount forfeited under (a) of this section shall be
17 first used to satisfy delinquent fees, interest, and penalties due the
18 department under this chapter. If the amount forfeited is not ex-
19 hausted by payment of delinquent fees, interest, and penalties, the
20 department may use the remaining amount to pay net proceeds due an
21 authorizing permittee. The total amount available for payment of net
22 proceeds shall be prorated among the permittees to whom proceeds are
23 due from that operator.

24 * Sec. 4. AS 05.15.030 is repealed and reenacted to read:

25 Sec. 05.15.030. NOTIFICATION OF LOCAL GOVERNMENTS, REQUIRED
26 APPROVALS, AND PROTESTS. (a) At the time of filing an initial or
27 renewal application for a permit, a qualified organization shall
28 notify the local government of the proposed activity of the applica-
29 tion and the location where the proposed activity will be conducted.

1 (b) Local government approval by resolution is required for
2 three activities: bingo games, pull-tabs, and special-draw games. The
3 commissioner may not issue a permit to a qualified organization for
4 these activities in a jurisdiction that has not approved the activity.
5 The qualified organization shall include evidence of approval with its
6 initial application.

7 (c) A local government may protest issuance of a permit for
8 activities other than those described in (b) of this section, and the
9 renewal of a permit for an activity that requires approval under (b)
10 of this section, by filing with the commissioner a resolution stating
11 the reasons for the protest. A protest may be based on the organiza-
12 tion's lack of qualifications for a permit or a finding that the
13 proposed activity is not in the best interests of the public. The
14 commissioner may consider the protest resolution in the determination
15 to issue or renew a permit.

16 (d) If a permittee changes the location of an activity in the
17 jurisdiction for which a permit has been issued, the permittee shall
18 notify the department and the local government within 30 days after
19 moving to the new location.

20 (e) To conduct an activity in an additional jurisdiction, a
21 permittee shall file an application with the department and shall
22 notify the local government of the proposed activity. An activity may
23 not be conducted in an additional jurisdiction until approval from the
24 commissioner is obtained.

25 (f) The commissioner may limit the locations in which activities
26 under this chapter may be conducted.

27 (g) To conduct an activity at a location that is more than five
28 miles from a local government or that is within the unorganized bor-
29 ough, a qualified organization, in accordance with the procedures

1 established by the commissioner, shall obtain the approval of the
2 commissioner, and is not required to comply with (a) - (e) of this
3 section.

4 * Sec. 5. AS 05.15.060 is repealed and reenacted to read:

5 Sec. 05.15.060. REGULATIONS. In accordance with the Administra-
6 tive Procedure Act (AS 44.62), the commissioner shall adopt regula-
7 tions necessary to implement this chapter, including regulations on
8 the control and issuance of permits, authorized expenses, investi-
9 gations and audits, recordkeeping and accounting, bond and security
10 forfeiture, prizes, equipment, suspension and revocation of permits
11 and licenses, definition of special-draw games, distribution of pull-
12 tabs, and other matters that the commissioner considers necessary.

13 * Sec. 6. AS 05.15.070 is amended to read:

14 Sec. 05.15.070. COMMISSIONER OF REVENUE MAY EXAMINE PERMITTEES.
15 The commissioner may examine or have examined the books and records of
16 a permittee, including a political organization and an operator, and
17 the books and records of a person licensed to distribute pull-tab
18 games in the state [THE COMMISSIONER MAY REQUIRE THE PERMITTEE TO PAY
19 THE REASONABLE COST OF THE EXAMINATION]. The commissioner may issue
20 subpoenas for the attendance of witnesses and the production of books,
21 records, and other documents.

22 * Sec. 7. AS 05.15.080 is repealed and reenacted to read:

23 Sec. 05.15.080. REPORTS REQUIRED OF AND PAYMENT OF FEE BY MUNI-
24 CIPALITIES, QUALIFIED ORGANIZATIONS, AND POLITICAL ORGANIZATIONS. (a)
25 A municipality or a qualified organization issued a permit to conduct
26 an activity authorized under this chapter shall file a report with the
27 department no later than the last business day of the month following
28 the month in which the activity was conducted. A political organiza-
29 tion that has been issued a permit to conduct a raffle shall file a

1 report with the department no later than the last business day of the
2 month when the raffle was completed. The report must include the type
3 of activity conducted, the date and location of the activity, the
4 amount of gross receipts, the amount of authorized expenses, the value
5 of prizes awarded, the amount of net proceeds, and other information
6 the commissioner may require by regulation.

7 (b) In addition to the reports required by (a) of this section,
8 a municipality, qualified organization, and political organization
9 issued a permit to conduct an activity authorized under this chapter
10 shall file an annual report with the department no later than Janu-
11 ary 31 of the year following the year in which activities were con-
12 ducted, accompanied by the payment of the additional fee required by
13 AS 05.15.020(c). The report must list the types of activities
14 conducted, and, for each activity, the total amount of gross receipts,
15 the total amount of authorized expenses, the total value of prizes
16 awarded, and the total amount of net proceeds. The report must also
17 include the disposition or intended disposition of the net proceeds.
18 If a municipality or qualified organization authorizes an operator to
19 conduct activities on its behalf, it shall include in its annual
20 report each activity conducted on its behalf, the name of the operator
21 conducting the activity, the date and location of each activity, and
22 the net proceeds received from the operator for each activity.

23 * Sec. 8. AS 05.15 is amended by adding a new section to read:

24 Sec. 05.15.085. REPORTS REQUIRED OF AND PAYMENT OF FEE BY OPERA-
25 TORS. (a) An operator shall file a report with the department no
26 later than the last business day of the month following the month in
27 which an activity was conducted. For each municipality and qualified
28 organization on whose behalf an activity was conducted, the report
29 must include the date and location of each activity, the type of

1 activity conducted, the amount of gross receipts, the amount of au-
2 thorized expenses, the value of prizes awarded, the amount of net
3 proceeds paid, and other information the commissioner may require by
4 regulation.

5 (b) An operator shall file an annual report with the department
6 no later than January 31 of the year following the year in which
7 activities were conducted, accompanied by the payment of the addition-
8 al fee required by AS 05.15.020(c). The report must list the types of
9 activities conducted, the municipalities and qualified organizations
10 on whose behalf the activities were conducted, the total amount of
11 gross receipts, the total amount of authorized expenses, the total
12 value of prizes awarded, and the total amount of net proceeds paid to
13 each municipality and qualified organization.

14 * Sec. 9. AS 05.15 is amended by adding a new section to read:

15 Sec. 05.15.095. GENERAL PROVISIONS RELATING TO THE FILING OF
16 REPORTS AND PAYMENT OF FEES. (a) The applications and reports re-
17 quired by this chapter must be filed and executed under penalty of
18 perjury and signed by the following, as applicable:

19 (1) a bona fide member in good standing of the qualified
20 organization;

21 (2) a person authorized to sign on behalf of the municipal-
22 ity;

23 (3) the candidate or campaign treasurer of the political
24 organization;

25 (4) the operator; or

26 (5) the person licensed to distribute pull-tab games in the
27 state.

28 (b) Upon a showing of reasonable cause for delay, the commis-
29 sioner may grant an extension, not exceeding 30 days, for the filing

1 of a report required under this chapter. An extension of time for the
2 payment of a fee may not be granted.

3 (c) A permittee may not conduct an activity under this chapter
4 during a period in which a report or fee is delinquent.

5 (d) A delinquent fee bears interest at the rate set by AS 43.-
6 05.225.

7 * Sec. 10. AS 05.15.100(a) is amended to read:

8 (a) The commissioner [OF REVENUE] may issue a permit to a muni-
9 cipality or qualified organization. The permit gives the municipality
10 or organization the privilege of conducting bingo, raffles and lotter-
11 ies, ice classics, rain classics, and dog mushers' contests [, FISH
12 DERBIES AND CONTESTS OF SKILL].

13 * Sec. 11. AS 05.15.100 is amended by adding new subsections to read:

14 (c) The commissioner may issue a permit to conduct a raffle to a
15 political ~~organization~~ ^{organization}. No more than six raffles may be conducted by
16 a political organization ~~in a calendar year~~. An operator's permit may
17 not be issued under (d) of this section for a raffle permitted under
18 this subsection.

19 (d) The commissioner may issue an operator's permit to a natural
20 person authorized by a municipality or a qualified organization to
21 conduct an activity permitted under this chapter on its behalf. The
22 commissioner may also issue an operator's permit to a municipality or
23 a qualified organization authorized by another municipality or qual-
24 ified organization to conduct an activity on its behalf.

25 * Sec. 12. AS 05.15.120 is amended to read:

26 Sec. 05.15.120. ELIGIBILITY FOR PERMIT. An applicant shall be a
27 municipality or qualified organization to be eligible for a permit,
28 except that a raffle permit may be issued to a political organization
29 under AS 05.15.100(c), and an operator's permit may be issued to a

1 natural person under AS 05.15.100(d).

2 * Sec. 13. AS 05.15.140(a) is amended to read:

3 (a) The commissioner [OF REVENUE] may not issue or renew a
4 permit except on [UPON] satisfactory proof that (1) the applicant is a
5 municipality, a [OR] qualified organization, or an operator; (2) the
6 activity may be permitted under this chapter; [,] and (3) the issuance
7 of a permit is not detrimental to the best interests of the public.
8 On [UPON] request of the commissioner [OF REVENUE], the applicant
9 shall prove conclusively each of these requirements before a permit
10 may be issued or renewed.

11 * Sec. 14. AS 05.15.140(b) is amended to read:

12 (b) In an application for a permit, a municipality, a [OR]
13 qualified organization, or an operator shall disclose the name and
14 address of each person responsible for the operation of the activity
15 and whether a [ANY] person named

16 (1) has ever been convicted of a felony or gambling misde-
17 meanor; or

18 (2) has a [PROHIBITED] financial interest [, AS DEFINED IN
19 REGULATIONS ADOPTED BY THE COMMISSIONER,] in the operation of the
20 activity except that an operator may be paid compensation for services
21 rendered.

22 * Sec. 15. AS 05.15.140(c) is repealed and reenacted to read:

23 (c) The commissioner may not issue a permit for an activity that
24 is conducted by

25 (1) an operator who has been convicted of a felony or a
26 gambling misdemeanor or who has a financial interest in the activity
27 other than being paid compensation for services rendered;

28 (2) a person whose name and address must be disclosed under
29 (b) of this section who has been convicted of a felony or gambling

1 misdemeanor or who has a financial interest in the activity other than
2 being paid compensation for services rendered.

3 * Sec. 16. AS 05.15.160 is amended to read:

4 Sec. 05.15.160. AUTHORIZED EXPENSES. The only expenses that [NO
5 ITEM OF EXPENSE] may be incurred or paid in connection with the opera-
6 tion of an activity under a permit issued under this chapter are
7 [EXCEPT FOR] bona fide expenses reasonably necessary for

8 (1) goods, wares, and merchandise necessary for the opera-
9 tion of the activity;

10 (2) personal services [RENDERED THAT ARE NOT DIRECTLY OR
11 INDIRECTLY] involved with the operation of the activity, including
12 those [; OR

13 (3) PERSONAL SERVICES INVOLVED WITH THE OPERATION OF THE
14 ACTIVITY PROVIDED THE SERVICES ARE] performed by

15 (A) an employee of the permittee; [MUNICIPALITY, QUALI-
16 FIED ORGANIZATION,] or

17 (B) a consultant hired by the permittee [MUNICIPALITY
18 OR QUALIFIED ORGANIZATION] conducting the activity [AND THE
19 COMPENSATION IS NOT RELATED TO THE RECEIPTS FROM THE ACTIVITY].

20 * Sec. 17. AS 05.15.160 is amended by adding a new subsection to read:

21 (b) The expenses authorized by (a) of this section may not
22 exceed 25 percent of a permittee's annual gross receipts from the
23 authorized activity.

24 * Sec. 18. AS 05.15 is amended by adding new sections to read:

25 Sec. 05.15.163. NET PROCEEDS. The annual net proceeds of a
26 qualified organization from activities authorized under this chapter
27 may not be less than 15 percent of the organization's annual gross
28 receipts from the activities.

29 Sec. 05.15.165. OPERATORS. (a) An operator may not operate an

1 activity for more than one authorizing permittee in a 24-hour period.

2 (b) An operator shall pay the authorizing permittee the net
3 proceeds from an activity within 15 calendar days after the date of
4 the activity. The payment shall be made by check, and the operator
5 shall obtain a signed receipt from the authorizing permittee. The
6 authorizing permittee shall keep a copy of the receipt for its re-
7 cords.

8 (c) An authorizing permittee shall designate a representative as
9 its agent to work with the operator. The representative of a quali-
10 fied organization shall be a bona fide member in good standing of the
11 organization. The representative is entitled to access to all books
12 and records of the operator relating to the activity conducted by the
13 operator for the authorizing permittee. The commissioner may order
14 the production of the books and records of an operator if the operator
15 does not voluntarily make them available to the representative.

16 (d) If the department finds that an operator has incurred ex-
17 penses that are not authorized under AS 05.15.160(a), or has incurred
18 expenses in excess of the amount authorized under AS 05.15.160(b), or
19 has paid an authorizing permittee less than the minimum amount of net
20 proceeds required by AS 05.15.163, the department shall order the
21 operator to refund to the authorizing permittee the amount of the
22 unauthorized expenses, or the difference between the minimum amount of
23 net proceeds set under AS 05.15.163 and the amount of the net proceeds
24 actually paid, whichever is greater. The operator shall pay the
25 authorizing permittee interest on the amount ordered to be paid at the
26 rate of 1.5 percent a month for each month or fraction of a month
27 between the date of the activity and the date the refund is made.

28 (e) The name of the operator and the name of each authorizing
29 permittee on whose behalf an activity is conducted must be disclosed

1 in each advertisement of an activity. The operator shall post its
2 operator's permit and a copy of the permit of the authorizing per-
3 mittee at the location of the activity.

4 * Sec. 19. AS 05.15.180(a) is amended to read:

5 (a) This [EXCEPT AS PROVIDED IN AS 05.15.100(b), THIS] chapter
6 does not authorize the use of [PLAYING CARDS, DICE, ROULETTE WHEELS,
7 COIN-OPERATED] instruments, [OR] machines, or other objects [OR IN-
8 STRUMENTS] used, designed, or intended primarily for gaming or gam-
9 bling unless [OR ANY OTHER METHOD OR IMPLEMENT NOT] expressly au-
10 thorized by regulation and used in an activity authorized under this
11 chapter [THE COMMISSIONER].

12 * Sec. 20. AS 05.15 is amended by adding a new section to read:

13 Sec. 05.15.185. PULL-TAB GAMES. (a) A person may not dis-
14 tribute pull-tab games to another person in this state for use within
15 this state, unless the person first obtains a license from the commis-
16 sioner authorizing that person to distribute pull-tab games in the
17 state.

18 (b) All pull-tabs distributed in the state by a person licensed
19 by the commissioner shall be numbered, and each set of pull-tabs shall
20 be sealed and marked with a numbered label purchased by the licensee
21 from the department.

22 (c) A person licensed under this section may distribute pull-tab
23 games only to a municipality or a qualified organization that has
24 obtained a permit authorizing it to conduct a pull-tab game under this
25 chapter.

26 (d) A person licensed by the commissioner to distribute pull-tab
27 games in the state shall

28 (1) pay an annual fee of \$1000; and

29 (2) report, as required by the commissioner, for all pull-

1 tab games distributed in the state, the name of the permittee to whom
2 the games are distributed, the numbers on the pull-tabs, and the
3 number on the label marking each set of pull-tabs.

4 (e) The commissioner may suspend or revoke a license issued
5 under this section if the licensee fails to comply with the require-
6 ments of this section.

7 (f) In this section, "distribute" means to sell, distribute,
8 furnish, or supply.

9 * Sec. 21. AS 05.15.200(b) is repealed and reenacted to read:

10 (b) If a person wilfully makes and signs an application, report
11 or other document required under this chapter that contains a written
12 declaration that it is made under the penalty of perjury and the
13 person does not believe the declaration to be true, the person is
14 guilty of perjury.

15 * Sec. 22. AS 05.15.210(6) is amended to read:

16 (6) "dog mushers' contest" means a game of chance [CONTEST]
17 in which prizes are awarded for the correct guess of the racing time
18 of a dog team or of team position in the race [, INCLUDING PRIZES TO
19 THE RACE CONTESTANTS];

20 * Sec. 23. AS 05.15.210(12) is amended to read:

21 (12) "ice classic" means a game of chance in which a prize
22 of money is awarded for the closest guess of the time the ice moves in
23 a body of water or watercourse in the state [AND IS LIMITED TO THE
24 NENANA AND CHENA ICE POOLS IN THE SAME MANNER AS THEY WERE CONDUCTED
25 IN 1959 AND PREVIOUS YEARS];

26 * Sec. 24. AS 05.15.210(15) is repealed and reenacted to read:

27 (15) "net proceeds" means the gross receipts from an autho-
28 rized activity less the fee described in AS 05.15.020(c), the expenses
29 authorized by AS 05.15.160(a), and the prizes awarded at the activity;

1 * Sec. 25. AS 05.15.210(18) is repealed and reenacted to read:

2 (18) "political organization" means a candidate who, or a
3 group that, has registered and filed with the Alaska Public Offices
4 Commission as required by AS 15.13.050 and 15.13.060, or a candidate
5 for nomination or election to the Presidency or the Vice-Presidency of
6 the United States or the U.S. Congress, or an authorized committee of
7 a candidate for national office;

8 * Sec. 26. AS 05.15.210(19) is repealed and reenacted to read:

9 (19) "qualified organization" means a domestic corporation
10 organized under AS 10.20 that has been in existence for three years
11 after the issuance of its certificate of incorporation, a religious
12 corporation formed under AS 10.40 that has been in existence for three
13 years after the date of filing its articles of incorporation, a labor
14 organization that has been in existence for three years, or a politi-
15 cal party as defined in AS 15.60.010;

16 * Sec. 27. AS 05.15.210(20) is amended to read:

17 (20) "raffle and lottery" means the selling of rights to
18 participate, and the awarding of prizes [, IN THE SPECIFIED KINDS OF
19 GAMES OF CHANCE SOMETIMES KNOWN AS PULL-TAB GAMES IN WHICH THE PRICE
20 OF EACH CHANCE IS \$2 OR LESS AND] in the specified kind of game of
21 chance sometimes known as a raffle or lottery, conducted by the draw-
22 ing for prizes by chance;

23 * Sec. 28. AS 05.15.210 is amended by adding new paragraphs to read:

24 (24) "authorizing permittee" means a municipality or qual-
25 ified organization that authorizes an operator to conduct on its
26 behalf an activity subject to this chapter;

27 (25) "commissioner" means the commissioner of revenue;

28 (26) "department" means the Department of Revenue;

29 (27) "established village" means an unincorporated community

1 where 25 or more people reside permanently as a social unit;

2 (28) "local government" means an established village or
3 municipality, except for the unorganized borough, that covers or is
4 within five miles of the site of an activity that is the subject of a
5 permit or application for a permit under this chapter;

6 (29) "operator" means a natural person who, or a municipal-
7 ity or qualified organization that, has obtained a permit authorizing
8 it to operate an activity subject to this chapter on behalf of another
9 permittee;

10 (30) "pull-tab game" means a game of chance where a card,
11 the face of which is covered to conceal a number, symbol, or set of
12 symbols, is purchased by the participant for a price of \$2 or less and
13 where a prize is awarded for a card containing certain numbers or
14 symbols designated in advance and at random.

15 * Sec. 29. AS 05.15.180(b), 05.15.210(2), (3), (4), (5), (7), (8), (9),
16 (10), (17), (22), and (23) are repealed.

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ALASKA NATIVE SISTERHOOD #13
GENERAL DELIVERY
YAKUTAT AK 99689

ALASKA NATIVE SISTERHOOD
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WRANGELL AK 99929

ALASKA NURSES ASSOCIATION
237 E THIRD AVENUE
ANCHORAGE AK 99501

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BOX 8955
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2501 COMMERCIAL DRIVE
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ALASKA STATE ELKS TRUST FUND
PO BOX 373
KING SALMON AK 99613

ALASKA STATE FAIR INC
BOX 1120
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FAIRBANKS AK 99701

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111 STEDMAN STREET
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ASSOCIATION
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ANCHORAGE AK 99511

ALEUTIAN HOUSING AUTHORITY
1689 C STREET
ANCHORAGE AK 99501

ALEUTIAN/PRIPILOF ISLANDS
ASSOCIATION INC
1689 C STREET
ANCHORAGE AK 99501

ALIVE VOLUNTARY
BOX 102092
ANCHORAGE AK 99510

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1549 E TUDOR SUITE 203
ANCHORAGE AK 99507

ALTERNATIVE HIGH SCHOOL
PO BOX 808
DCLGLAS AK 99824

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES LOCAL 1874

AMBLER DOG MUSHERS ASSOCIATION
C/O SUSAN YACKANUS

AMERICAN ASSOCIATION OF
RETIRED PERSONS

GOVERNMENT EMPLOYEES LOCAL 1034
PO BOX 3526
FT WAINWRIGHT AK 99703

AMBLER AK 99786

RETIRED PERSONS
BOX 310
KENAI AK 99611

AMERICAN DIABETES ASSOCIATION
ALASKA AFFILIATE
201 E 3RD AVENUE SUITE 301
ANCHORAGE AK 99501

AMERICAN BUSINESS WOMENS ASSOC
ARCTIC NUGGET CHAPTER
200 W 34TH AVENUE #330
ANCHORAGE AK 99503

AMERICAN CANCER SOCIETY
ALASKA DIVISION
1345 G STREET
ANCHORAGE AK 99501

AMERICAN HEART ASSOCIATION
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AMERICAN LEGION ALX. UNIT 1
PO BOX 2-2511
ANCHORAGE AK 99509

AMERICAN LEGION
BOX 1019
WRANGELL AK 99929

AMERICAN LEGION ALX
PO BOX 2643
HOMER AK 99603

AMERICAN LEGION AUXILIARY
BOX 2630
KENAI AK 99611

AMERICAN LEGION AUXILIARY #5
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SEWARD AK 99564

AMERICAN LEGION AUXILIARY 2
BOX 192
CORDOVA AK 99574

AMERICAN LEGION AUXILIARY 17
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KODIAK AK 99615

AMERICAN LEGION AUXILIARY 27
PO BOX 282
GLENNALLEN AK 99558

AMERICAN LEGION ALX 28
7001 BRAYTON DRIVE
ANCHORAGE AK 99507

AMERICAN LEGION AUXILIARY 6
BOX 546
WRANGELL AK 99925

AMERICAN LEGION AUXILIARY 7
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SKAGWAY AK 99840

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540 FIREWEEED LANE
ANCHORAGE AK 99503

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PO BOX 387
KODIAK AK 99615

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NINILCHIK AK 99639

AMERICAN LEGION POST 20
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KENAI AK 99611

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DELTA JUNCTION AK 99737

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PO BOX 27
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WASILLA AK 99687

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ALASKA NATIVE SISTERHOOD #18
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ALASKA NATIVE BROTHERHOOD 9
BOX 14
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ALASKA NATIVE BROTHERHOOD
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ANCHORAGE AK 99510

ANCHORAGE SOFTBALL ASSOCIATION
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ANCHORAGE AK 99509

ANDERSON CLEAR LIONS CLUB
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CLEAR AK 99704

2
3
4
5
6
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GENERAL DELIVERY
ST MARYS AK 99652

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ANIAK AK 99557

ALASKA NATIVE SISTERHOOD 19
PO BOX 57
CRAIG AK 99921

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10
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12
ALASKA NATIVE SISTERHOOD
GLACIER VALLEY CAMP 70
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19
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ASSOC FOR RETARDED CITIZENS
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POLAR BEAR CHAPTER
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ATKA RURAL BRANCH
ATKA AK 99502

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26
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30
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C/O THOMAS G PETERSON
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ANCHORAGE AK 99508

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34
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ANCHORAGE AK 99508

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42
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11500 BAYSHORE DRIVE
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DILLINGHAM AK 99578

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KODIAK AK 99615

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BERING SEA WOMENS GRCLP
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1617 BELIEF LANE
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FCMEP AK 99603

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BETHEL REGIONAL HIGH SCHOOL
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BIG LAKE AK 99520

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EAGLE RIVER AK 99577

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SCAMMON BAY AK 99862

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BPO ELKS LODGE 4162
BOX 724
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BPO ELKS LODGE #1642
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PALMER AK 99645

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ANCHORAGE AK 99510

BPO ELKS LODGE 1429
PO BOX 5177
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BPO ELKS LODGE 1463
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PO BOX 1427
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BOX 609
PETEESBURG AK 99835

BPO ELKS LODGE 1773
PO BOX 428
SEWARD AK 99664

BPO ELKS LODGE 2127
215 W JENNY LANE
FCMER AK 99603

BPO ELKS LODGE 2425
BOX 600
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EPO ELKS LODGE 2537
BOX 1207
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JUNEAU AK 99802

EPO ELKS LODGE 431
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HAINES AK 99827

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COUNCIL
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ANCHORAGE AK 99501

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FT WAINWRIGHT AK 99703

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CHEFCHNAK AK 99561

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FAIRBANKS AK 99703

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COUNCIL
GENERAL DELIVERY
CHUATHBALLK AK 99557

CHUATHBALLK VOL FIRE DEPT
GENERAL DELIVERY
CHUATHBALLK AK 99557

CHUGACH REBEKAH LODGE 10-A
BOX 877C
ANCHORAGE AK 99503

CHUGACH SCHOOL
1705 F STREET

CHUGIAK ELEMENTARY SCHOOL PTA
PO BOX 148

CHUGIAK HIGH SCHOOL
PO BOX 148

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GENERAL DELIVERY
CHIGNIK AK 99564
CITY OF COORDOVA
PO BOX 1210
COORDOVA AK 99574
CITY OF CRAIG
PO BOX 23
CRAIG AK 99921

CITY OF DILLINGHAM
BOX 191
DILLINGHAM AK 99576
CITY OF FT YLCON
PO BOX 269
FT YLCON AK 9974C
CITY OF COOPER BAY
BOX 37
COOPER BAY AK 99604

CITY OF KAKE
PO BOX 500
KAKE AK 9983C
CITY OF MARSHALL
GENERAL DELIVERY
MARSHALL AK 99555
CITY OF MOUNTAIN VILLAGE
PO BOX 32085
MOUNTAIN VILLAGE AK 99632

CITY OF NEWTCK POLICE & FIRE
DEPARTMENTS
GENERAL DELIVERY
NEWTCK AK 99559
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PILOT STATION AK 9965C
CITY OF POINT HOPE
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POINT HOPE AK 9976C

CITY OF PORT LIONS
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PORT LIONS AK 99550
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PO BOX 29
SAINT PALL AK 9966C
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SAVOONGA AK 99769

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GENERAL DELIVERY
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SHISHMAREF AK 99772
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SKAGWAY AK 9984C

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HAIDA INDIAN TRIBES OF ALASKA
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COFFMAN COVE CIVIC CLUB
POUCH L
KETCHIKAN AK 99901

CCHO SWIM CLUB
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ANCHORAGE AK 99503

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COPPER CENTER VILLAGE COUNCIL
PO BOX 40
COPPER CENTER AK 99573

CORDOVA CHAMBER OF COMMERCE
PO BOX 40
CORDOVA AK 99574

CORDOVA HIGH SCHOOL
BOX 140
CORDOVA AK 99574

CORDOVA ICECREAM FESTIVAL
PO BOX 319
CORDOVA AK 99574

CRAIG AND CAMP 15
PO BOX 119
CRAIG AK 99921

DELTA DOG MUSHERS
C/O LAURA CRANDALL
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DELTA JUNCTION AK 99737

DELTA JUNCTION SCHOOL
FOUCH 1
DELTA JUNCTION AK 99737

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BOX 80422
COLLEGE AK 99708

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DELTA JUNCTION AK 99737

DELTA SENIOR INC
BOX 749
DELTA JUNCTION AK 99737

DELTA/GREELY ARTS COUNCIL INC
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DELTA JUNCTION AK 99737

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OF THE US
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ANCHORAGE AK 99510

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LITTLE DIOMEDE ISLAND
LITTLE DIOMEDE AK 99762

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EXECUTIVE COMMITTEE

DISTRICT 16 REPUBLICAN PARTY
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DISTRICT 15 REPUBLICANS
PO BOX 770000
EAGLE RIVER AK 99577

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14210 SPECKING AVENUE
ANCHORAGE AK 99515

DOUGLAS LIONS CLLE
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DOUGLAS AK 99604

DUCKS UNLIMITED
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FOYER AK 99603

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EAGLE RIVER ROTARY
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ANCHORAGE AK 99508

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ANCHORAGE AK 99510

EMMONAK PARISH COUNCIL
LOWER YUKON DELTA
EMMONAK AK 99581

EXCHANGE CLUB OF ANCHORAGE
6071 PIONEER DRIVE
ANCHORAGE AK 99504

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DRAWER 2701
KENAI AK 99611

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2112 CUSHMAN ST
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FAIRBANKS FIREMENS BENEFIT ASN
226 7TH AVENUE
FAIRBANKS AK 99701

FAIRBANKS LIBERTARIAN PARTY
1105 CUSHMAN ST
FAIRBANKS AK 99701

FAIRBANKS FRONTIER CHAPTER OF
SWEET ADELINES
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FAIRBANKS AK 99707

FAIRBANKS YOUTH FOOTBALL
1000 COLLEGE ROAD
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FAIRBANKS YOUTH SOCCER ASSOC
PO BOX 78915
FAIRBANKS AK 99707

FAIRBANKS YOUTH SPORTS INC
229 JUDITH RD
FAIRBANKS AK 99701

FAIRBANKS AMATEUR HOCKEY ASSOC
PO BOX 81502
FAIRBANKS AK 99708

FAIRBANKS BUILDING &
CONSTRUCTION TRADES COUNCIL
315 BARNETTE ST
FAIRBANKS AK 99701

FAIRBANKS CHAPTER SPBSGSA
1135 SUNSET DRIVE
FAIRBANKS AK 99701

FAIRBANKS CHAPTER SPBSGSA
1135 SUNSET DRIVE
FAIRBANKS AK 99701

FAIRBANKS DOWNTOWN ASSOCIATION
555 1/2 2ND AVENUE
FAIRBANKS AK 99701

FAIRBANKS LODGE OF PERFECTION
SCOTTISH RITE
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FAIRBANKS AK 99707

FAIRBANKS MONTESSORI ASSOC
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FAIRBANKS AK 99708

FAIRBANKS WEAVERS & SPINNERS
GUILD
PO BOX 10595
FAIRBANKS AK 99710

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KODIAK AK 99615

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3031 LATOUCHE
ANCHORAGE AK 99508

FRATERNAL ORDER OF EAGLES AUX
PO BOX 5043
KETCHIKAN AK 99901

FRATERNAL ORDER OF EAGLES
AUXILIARY 25
PO BOX 257
SKAGWAY AK 99840

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AUXILIARY 1037
C/O CNETTA COLLINS
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FORT YUKON LIONS CLUB

FORTUNA LEDGE HEADSTART

FRATERNAL ORDER OF EAGLES 1037

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AK 99740

MARSHALL

AK 99585

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AK 99701

14

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KETCHIKAN AK 99901

FRATERNAL ORDER OF EAGLES 1971
PO BOX 324
VALDEZ AK 99686

FRATERNAL ORDER OF EAGLES 3525
BOX 201
KENAI AK 99611

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HEADQUARTERS
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WIVES CLUB
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FORT RICHARDSON AK 99503

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BOX 3354
FT WAINWRIGHT AK 99703

FT YUKON DOG PUSHERS
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FT YUKON AK 99740

GREATER ANCHORAGE INC
FLR BONDY

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CAMBELL AK 99742

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ADVISORY COUNCIL
10014 CRAZY HORSE
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