

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5082 HSTA HB 276 - HB 308

854

Section 17. Effective date of July 1, 1987 but note HB 192 proposes a delay.

Summary:

Section 1.	10,000	
Section 2.	4,000	
Section 3.	2,000	
Section 4.	3,000	
Section 5.	-	(Time only)
Section 6.	-	(DOA)
Section 7.	17,000	
Section 8.	14,000	
Section 9.	-	(DC&ED)
Section 10.	-	(DC&ED)
Section 11.	-	(DC&ED)
Section 12.	-	(Time only)
Section 13.	-	(Impractical to estimate)
Section 14.	-	(Impractical to estimate)
Section 15.	0	
Section 16		
AS 36.30.050(d)	-	(See section 7)
AS 36.30.362	1,000	
AS 36.30.380	85,000	
Section 17.	-	(Effective date
	<u>\$136,000**</u>	

** \$85,000 would be assumed to be in the Capital Budget the remaining \$51,000 would be in the Operating Budget.

HB

281

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version : HB-281
Publish Date : _____

REQUEST: _____

Revision Date: _____
Title: ... placing students employed in state institutions in the exempt service...
Sponsor: Rep. Bette Cato
Requestor: House State Affairs

Agency Affected: Education
BRU: Alaska Vocational Technical Center, and Mt. Edgecumbe
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The bill will not require an increased appropriation.

Prepared by Steve Hoke Phone: 465-2200
Division: Commissioner's Office Date: May 1, 1987
Approved by Commissioner: William G. Demmert Date: May 1, 1987
Agency: Education

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

H B 281

STEVE COWPER, GOV

2

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
301 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 21, 1987

APR 22 1987

The Honorable Bette Cato
Alaska State Legislature
PO Box V
Mail Stop 3100
Juneau, Alaska 99811

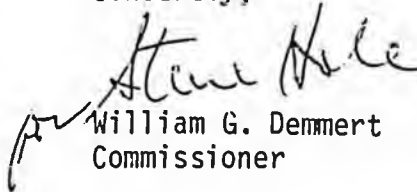
Dear Representative Cato:

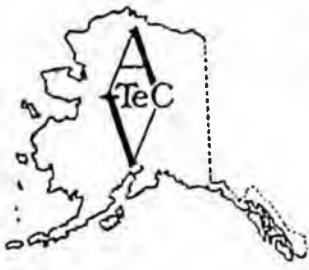
The Department of Education supports the efforts of the Alaska Vocational Technical Center (AV Tech) to attain the statutory change necessary to enable educational institutions such as AV Tech to hire students under the exempt category of service. From a practical standpoint we believe that this will benefit both the students and the employing institutions. The students will benefit through job experience and income; the employers through the accomplishment of tasks and functions on an as-needed basis and in a cost effective manner. Given the budget reductions over the past years, it is no longer possible to hire full time employees to cover the range of functions previously accomplished by staff. This approach to hiring of students will enable AV Tech to meet its program needs while benefitting participating students.

If you have further questions or wish to discuss this matter, please contact Bob Booher, Director of AV Tech, or me.

Thank you for your consideration of this matter.

Sincerely,


William G. Demmert
Commissioner



STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF ADULT AND VOCATIONAL EDUCATION

ALASKA VOCATIONAL TECHNICAL CENTER



VOCATIONAL/TECHNICAL TRAINING
FOR HIRE EDUCATION

P. O. BOX 889
SEWARD, ALASKA 99664

(907) 224-3322

April 13, 1987

Representative Betty Cato
Pouch V, Mail Stop 3100
Juneau, AK 99811

The Honorable Betty Cato:

Representative Cato, we are proposing that AVTEC be able to hire students to perform work tasks for the Center. In the past we were able to do this through the Student Intern program. This was not a satisfactory situation. The costs were exceptionally high. Students hired through APEA were paid at a range 5. In Seward we were paying \$7 to \$8 an hour for student trainees. We had worked out an agreement with Local 71, however, the same problem existed. If we hired a student to perform Local 71 work, the classification was dependent upon what tasks the student was performing. For example, if the student was changing the oil in a car he/she would be classified as an automobile mechanic and would receive 75% of Local 71's starting wage for automotive mechanics. Usually this meant that the student would be receiving a higher hourly wage as compared to permanent Local 71 employees in lower paid classifications. The paper-work associated with running these positions through the State personnel system was horrendous.

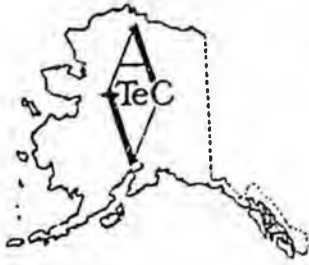
If we establish work experience positions, and if these positions are exempt positions, we establish the pay rates, and the amount of State personnel paper-work is reduced significantly. Students in work experience positions would be paid the prevailing wage rate for student work at other educational institutions in Alaska.

In order to meet the FY87 budgetary reductions AVTEC deleted many student services. This enabled us to keep the instructional staff intact. However, we are now discovering that many of the services are sorely missed. Many of the services being provided by the positions that were deleted did not require a high skill level.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA



DEPARTMENT OF EDUCATION

OFFICE OF ADULT AND VOCATIONAL EDUCATION

ALASKA VOCATIONAL TECHNICAL CENTER

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FOR HIRE EDUCATIONP. O. BOX 889
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If we establish work experience positions, and if these positions are exempt positions, we establish the pay rates, and the amount of State personnel paper-work is reduced significantly. Students in work experience positions would be paid the prevailing wage rate for student work at other educational institutions in Alaska.

In order to meet the FY87 budgetary reductions AVTEC deleted many student services. This enabled us to keep the instructional staff intact. However, we are now discovering that many of the services are sorely missed. Many of the services being provided by the positions that were deleted did not require a high skill level.

Page 2
Letter, Representative Betty Cato
April 13, 1987

These services could be provided by student workers at approximately 40% of the cost of the same service being provided by a State employee. In these extraordinary times we believe that in order to continue to provide a full range of student services a viable student work program is essential. A statute which allows AVTEC to hire student workers as exempt employees would allow the Center to provide each training area with a work experience component in their curriculum. This would be a major benefit for students attending the Center.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "R. D. Booher".

R. D. Booher, Director, AVTEC

H B

2 8 2

International Conference of Building Officials

Alaska Southeast Chapter



We support the following amendments;

AS 13.70.095. Smoke detection devices. Smoke detection devices shall be installed and maintained in all [living] dwelling units and mobile homes [built, manufactured or sold] in the state. The devices shall be of a type and deployed in a manner approved by the state fire marshall.

A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

Add to AS 34.03.100 It shall be the duty of the landlord to provide smoke detection devices in rental units.

Add to AS 34.03.120 It shall be the duty of the tenant to maintain smoke detection devices in rental units.

Justification

Current statute and regulation 13.AAC 50.020 require smoke detectors in all guest rooms in hotels and lodging houses used for sleeping purposes. They are also required in all dwelling units (apartments, condos etc.) except single family homes, duplexes and triplexes built before 1975 that have never been sold. Living units are not defined in the Uniform Building Code (UBC). Dwelling units are defined in the UBC and used in the state fire marshall's regulations. Responsibility for smoke detection devices and maintenance in rental property is not clearly defined.

Alaska has the highest per capita death rate by fire in the western world. These amendments would help reduce fire deaths in Alaska.

This act would have negligible financial impact on rural and urban Alaskans. There is no fiscal note to the state due to implementation of this amendment. This change is also supported by the fire service in Alaska.

Sincerely,

Stephen O. Shows
President

Position Paper

CSHB 282(SA)

For an Act entitled: "An Act relating to smoke detection devices."

This bill would amend AS 18.70.095 to include the requirement that smoke detectors be maintained, changes the term "living" unit to "dwelling" unit, requires a landlord to install smoke detectors in apartments, and requires a tenant to replace batteries in DC powered units.

Smoke detectors are proven life savers in fires, but only an estimated 50 percent of all households are equipped with smoke detectors. Also, many homes have smoke detectors that will not operate due to lack of maintenance. The fire services estimate that the existence of a functioning smoke detector increases an occupant's chance of surviving a fire by 86 percent. According to the Alaska Division of Fire Prevention, in 1986, there were no fire deaths in Alaska in buildings with functioning smoke detectors.

The Department of Health and Social Services supports passage of CSHB 282(SA) because it will require functioning smoke detectors in all dwellings, which should help reduce the rates of deaths and injuries due to fires.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.

Director

Division of Public Health

Date:

January 29, 88

Approved by:

Myra M. Munson
Myra M. Munson

Commissioner

Department of Health and
Social Services

Date:

2-2-88

FISCAL NOTE

REQUEST:

Revision Date: 5/12/87
Title: An Act relating to smoke detection devices.
Sponsor: Hudson et al.
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of CSHB 282(SA) would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: _____

Approved by Commissioner: Maria M. Munson *Maria M. Munson* Date: 2-2-88
Agency: Department of Health & Social Services

Distribution (by preparer):

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

Alaska State Legislature



REPRESENTATIVE BILL HUDSON

P.O. BOX V
Juneau, Alaska
99811
(907)+65-3744 or 4991

COMMITTEES:
Transportation
HESS
Telecommunications
Fisheries
International Trade

27 April 28, 1987

Representative Fran Ulmer
Chair - House State Affairs Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Ulmer:

I would be very appreciative if you would schedule HB 282, relating to smoke detection devices, for a committee hearing in the House State Affairs Committee within the next week.

The Alaska Task Force on Fire Prevention concluded that Alaska has the highest rate of fire death per capita in the western world. This legislation will produce the greatest potential for saving lives, as well as substantially reducing the many millions of dollars in property loss.

The legislation is also supported by the International Conference of Building Officials, Alaska Southeast Chapter.

Your favorable consideration to this request for a committee hearing will be appreciated.

Respectfully yours,

Bill
Bill Hudson

BILL NO: HB 282

DATE: April 20, 1987



TITLE: An act relating to smoke detection devices

CONTACT: Gordon Brunton

AS 18.70.095 would be amended by this bill to include the requirement that smoke detection devices be maintained; and changes the term "living" unit to "dwelling" unit.

DEPARTMENT OF PUBLIC SAFETY

Smoke detectors have proven to be effective life savers in fires, to the extent that, nationally, deaths by fire dropped substantially during the 1970's. 50 percent of all households are estimated to be equipped with detectors. There continues to be fire fatalities in dwellings where detectors are present, but not operating properly. It is estimated that a person's chances of surviving a fire are increased to 86 percent where a properly installed and functioning smoke detector is present.

The Department of Public Safety will continue its educational efforts to have dwellings provided with regularly maintained smoke detectors.

The Department of Public Safety supports passage of HB 282.

Arther English
Commissioner



1986 FIRE LOSS ANALYSIS
SMOKE DETECTOR PERFORMANCE

Nationally, detectors operated in 4.3% of all fires.

In Alaska, detectors operated in 7.3% of all fires.

No fire deaths occurred in Alaska where operating detectors were present.

In 24.6% of all fires in Alaska, NO detectors were present.

There is an indication that in the presence of operating detectors, property losses are less than where there are no detectors (not bad for an initial investment of about \$10.00 and \$3/year for batteries):

\$14,648 loss/incident where detectors are present.

\$15,470 loss/incident where no detectors present.

BASE-REPORT 18
SUMMARY OF FIRES BY ELEMENT
FOR TYPE OF SITUATION FOUND AND/OR FIXED PROPERTY USE

REPORT PERIOD - 01-01-86 THRU 12-31-86

COMPUTER RUN DATE - 04-22-87

STATE- AK

COUNTY- ALL

FIRE DEPARTMENT- ALL

FDID - ALL

STRUCTURE FIRES

	FIXED PROPERTY USE									TOTAL	
	UNCLASS- IFIED	PUBLIC ASSEMBLY PROPERTY	EDUCA- TIONAL PROPERTY	INSTITU- TIONAL PROPERTY	RESIDEN- TIAL PROPERTY	STORE OFFICE PROPERTY	BAS INDS UTILITY DEFENSE	MANUFAC- TURING PROPERTY	STORAGE PROPERTY		SPECIAL PROPERTY
TOTAL STRUCTURE FIRES BY DETECTOR PERFORMANCE.....:											
UNKNOWN											
# OF OCCURRENCES		9	3	4	160	2	4	5	5	3	195
% OF COLUMN TOTAL		15.78	9.67	18.18	13.38	2.94	16.00	26.31	6.57	4.05	12.44
IN RM OF FIRE/OPERATED											
# OF OCCURRENCES		8	10	8	128	3	1	1			159
% OF COLUMN TOTAL		14.03	32.25	36.36	10.71	4.41	4.00	5.26			10.14
NOT IN ROOM/OPERATED											
# OF OCCURRENCES		2	2	2	89				2	1	98
% OF COLUMN TOTAL		3.50	6.45	9.09	7.44				2.63	1.35	6.25
IN ROOM/NOT OPERATED											
# OF OCCURRENCES		3	1	1	82	1	1				89
% OF COLUMN TOTAL		5.26	3.22	4.54	6.86	1.47	4.00				5.67
NOT IN ROOM/NOT OPERAT											
# OF OCCURRENCES		1	3	1	86	2			3	2	98
% OF COLUMN TOTAL		1.75	9.67	4.54	7.19	2.94			3.94	2.70	6.25
IN ROOM/FIRE TOO SMALL											
# OF OCCURRENCES		3	3	1	50	3					60
% OF COLUMN TOTAL		5.26	9.67	4.54	4.18	4.41					3.82
NO DETECTORS PRESENT											
# OF OCCURRENCES		31	9	5	594	52	19	12	66	68	856
% OF COLUMN TOTAL		54.38	29.03	22.72	49.70	76.47	76.00	63.15	86.84	91.89	54.62
OTHER											
# OF OCCURRENCES					6	5		1			12
% OF COLUMN TOTAL					.50	7.35		5.26			.76
** COLUMN TOTALS **		57	31	22	1195	68	25	19	76	74	1567

TALLY-REPORT 22

LISTING OF ALL FIRE ELEMENTS BY FREQUENCY OF OCCURRENCE
 REPORT PERIOD - 01-01-86 THRU 12-31-86 COMPUTER RUN DATE - 04-22-87

STATE- AK

COUNTY- ALL

FIRE DEPARTMENT- ALL

FDID - ALL

FIRE INCIDENT ELEMENTS

	NUMBER OF INCIDENTS	PERCENTAGE OF TOTAL	NUMBER SERVICE INJURIES	NUMBER CIVILIAN INJURIES	NUMBER SERVICE DEATHS	NUMBER CIVILIAN DEATHS	DOLLAR LOSS
DETECTOR PERFORMANCE							
0 UNKNOWN	194	5.5	3	6		4	6377836
1 IN RM OF FIRE/OPERATED	159	4.5	1	4			2656478
2 NOT IN ROOM/OPERATED	98	2.8		4			1108097
3 IN ROOM/NOT OPERATED	89	2.5	1	4			524923
4 NOT IN ROOM/NOT OPERAT	98	2.8		6			574053
5 IN ROOM/FIRE TOO SMALL	60	1.7		1			15400
8 NO DETECTORS PRESENT	856	24.6	10	21		7	12678390
9 OTHER	12	.3					79000
BLANK	1908	54.9	6	4		2	2792147
TOTAL	3474	100.0	21	50		13	26806324

SPRINKLER PERFORMANCE

0 UNKNOWN	100	2.8	1				2831095
1 EQUIPMENT OPERATED	33	.9		2			474750
2 EQP SHOULD OPERA/DIDNT	1						7000
3 EQP PRESENT/FIRE SMAL	62	1.7					53894
8 NO EQUIP PRESENT	1362	39.2	14	44		11	20582438
9 OTHER	8	.2					65000
BLANK	1908	54.9	6	4		2	2792147
TOTAL	3474	100.0	21	50		13	26806324

PROPERTY DAMAGE CLASSIFICATION

0 UNKNOWN	2						2000000
1 1 TO 99 DOLLARS	148	4.2					5335
2 100 TO 999 DOLLARS	660	18.9		2			229700
4 10000 TO 24999	819	23.5	7	26		6	4211004
5 25000 TO 49999	112	3.2	3	11		3	3608590
6 50000 TO 249999	48	1.3	1	5		1	2704157
7 250000 TO 999999	79	2.2	9	5		1	12847538
8 1000000 OR MORE	1						1200000
9 NO DOLLAR LOSS	1605	46.2	1	1		2	
TOTAL	3474	100.0	21	50		13	26806324

BASE-REPORT 18
SUMMARY OF FIRES BY ELEMENT
FOR TYPE OF SITUATION FOUND AND/OR FIXED PROPERTY USE

REPORT PERIOD - 01-01-86 THRU 12-31-86

COMPUTER RUN DATE - 04-02-87

STATE- ALL

COUNTY- ALL

FIRE DEPARTMENT- ALL

FDID - ALL

STRUCTURE FIRES

	FIXED PROPERTY USE										TOTAL	
	UNCLASS- IFIED	PUBLIC ASSEMBLY PROPERTY	EDUCA- TIONAL PROPERTY	INSTITU- TIONAL PROPERTY	RESIDEN- TIAL PROPERTY	STORE OFFICE PROPERTY	BAS INDS UTILITY DEFENSE	MANUFAC- TURING PROPERTY	STORAGE PROPERTY	SPECIAL PROPERTY		
TOTAL STRUCTURE FIRES BY DETECTOR PERFORMANCE.....:												
UNKNOWN												
# OF OCCURRENCES	614	761	217	327	18593	933	189	512	1217	682	24045	
% OF COLUMN TOTAL	46.83	21.73	17.90	17.56	22.83	18.60	19.48	18.53	15.40	20.35	21.99	
IN RM OF FIRE/OPERATED												
# OF OCCURRENCES	60	179	183	571	6642	247	34	276	47	2	8261	
% OF COLUMN TOTAL	4.57	5.11	15.09	30.66	8.15	4.92	3.50	9.98	.59	.65	7.55	
NOT IN ROOM/OPERATED												
# OF OCCURRENCES	36	82	50	153	5763	119	8	54	59	23	6347	
% OF COLUMN TOTAL	2.74	2.34	4.12	8.21	7.07	2.37	.82	1.95	.74	.68	5.80	
IN ROOM/NOT OPERATED												
# OF OCCURRENCES	14	79	48	96	2776	89	4	40	22	7	3175	
% OF COLUMN TOTAL	1.06	2.25	3.96	5.15	3.40	1.77	.41	1.44	.27	.20	2.90	
NOT IN ROOM/NOT OPERAT												
# OF OCCURRENCES	25	114	71	87	4635	102	11	58	51	17	5171	
% OF COLUMN TOTAL	1.90	3.25	5.85	4.67	5.69	2.03	1.13	2.09	.64	.50	4.73	
IN ROOM/FIRE TOO SMALL												
# OF OCCURRENCES	10	138	61	249	2623	122		89	41	11	3344	
% OF COLUMN TOTAL	.76	3.94	5.03	13.37	3.22	2.43		3.22	.51	.32	3.05	
NO DETECTORS PRESENT												
# OF OCCURRENCES	538	2119	568	355	39271	3345	714	1703	6414	2555	57582	
% OF COLUMN TOTAL	41.03	60.52	46.86	19.06	48.22	66.69	73.60	61.63	81.16	76.26	52.67	
OTHER												
# OF OCCURRENCES	14	29	14	24	1128	58	10	31	51	33	1392	
% OF COLUMN TOTAL	1.06	.82	1.15	1.28	1.38	1.15	1.03	1.12	.64	.98	1.27	
** COLUMN TOTALS **	1311	3501	1212	1862	81431	5015	970	2763	7902	3350	109317	

TALLY-REPORT 22

LISTING OF ALL FIRE ELEMENTS BY FREQUENCY OF OCCURRENCE
 REPORT PERIOD - 01-01-86 THRU 12-31-86 COMPUTER RUN DATE - 04-02-87

STATE- ALL

COUNTY- ALL

FIRE DEPARTMENT- ALL

FDID - ALL

FIRE INCIDENT ELEMENTS

	NUMBER OF INCIDENTS	PERCENTAGE OF TOTAL	NUMBER SERVICE INJURIES	NUMBER CIVILIAN INJURIES	NUMBER SERVICE DEATHS	NUMBER CIVILIAN DEATHS	DOLLAR LOSS
EXTENT OF SMOKE DAMAGE							
0 UNKNOWN	42782	12.8	203	174	1	52	53138657
1 CONFINED OBJECT ORIGIN	14210	4.2	61	138	1	16	22694844
2 CONFINED PART RM ORIGIN	9416	2.8	72	233		8	12951517
3 CONFINED ROOM OF ORIGIN	9407	2.8	83	330		13	18675854
4 CONF FIRE-RATED COMPAR	1610	.4	33	157		13	7870638
5 CONFINED FLOOR ORIGIN	7415	2.2	207	506	1	51	50961610
6 CONFINED BLDG ORIGIN	33260	10.0	2294	1920	2	506	1506248565
7 EXTENDED BEYOND BLDG	6178	1.8	638	292	3	90	174493504
8 NOT A STRUCTURE FIRE	9714	2.9	26	25		3	3142125
9 NO DAMAGE	20012	6.0	211	318		39	165164523
INVALID CODE	50						6024
BLANK	178115	53.6	605	931	1	192	743052472
TOTAL	332169	100.0	4433	5024	9	983	2758400333

DETECTOR PERFORMANCE

0 UNKNOWN	55456	16.6	807	661	1	226	467068594
1 IN RM OF FIRE/OPERATED	8289	2.4	271	368		38	89828560
2 NOT IN ROOM/OPERATED	6378	1.9	244	383		38	53799387
3 IN ROOM/NOT OPERATED	3189	.9	90	225		.2	18512747
4 NOT IN ROOM/NOT OPERAT	5223	1.5	142	196	1	30	22622350
5 IN ROOM/FIRE TOO SMALL	3392	1.0	15	50		2	3036722
8 NO DETECTORS PRESENT	65451	19.7	2205	2127	4	441	1341581026
9 OTHER	1977	.5	39	56	2	13	17134493
INVALID CODE	109		1	2			265279
BLANK	182705	55.0	619	956	1	183	744551175
TOTAL	332169	100.0	4433	5024	9	983	2758400333

SEEN ELSEWHERE

No smoke alarms in fatal fire; landlord jailed, fined
A landlord has been sentenced to 90 days in jail for failing to install smoke alarms in a home in South St. Louis where a 4-year-old boy was killed in a fire.

Judge Christopher Smith of the St. Louis Municipal Court ordered the landlord, Richard Lewis of Kirkwood, Mo., to bring his wife to court so that the judge could give her the same sentence, said Vincent Sabella, housing court coordinator for St. Louis. Lewis's wife, Sharon Lewis, also is an owner of the house, Sabella said.

Smith also fined Richard Lewis \$500 and indicated that he would impose the same fine on Sharon Lewis.

The fine and jail term are the maximum allowed by the ordinance requiring smoke alarms in city dwellings.

On November 14, Jacob Daniel Wiley was killed in a fire at the house. Fire fighters found the boy unconscious and wedged into a closet in the front room.

The boy's mother, Patty Wiley, 27, told authorities that she had scolded Jacob earlier in the day for sticking pieces of paper into a space heater.

(St. Louis Post-Dispatch, January 9, 1987)

Homeless burning

BOSTON (AP)—The death of a homeless man whose clothes caught fire in his makeshift shelter graphically illustrates the growing problem of homelessness in American cities, said Mayor Raymond L. Flynn, who knew the victim.

John Griffin, 55, known in the South Boston neighborhood as "Dukey," was a Navy veteran and welfare recipient who walked the beach along Dorchester Bay for the past 2½ years, according to Flynn and Police Superintendent Paul Evans.

One Saturday night, he crawled under a cement staircase behind a city bathhouse and covered the opening with planks. Evans said it was unclear whether Griffin built a fire to keep warm in the 33 degree weather, or if it was a cigarette that ignited his clothes.

Griffin apparently tried to crawl 40 feet to the bay, but collapsed. His body was found about halfway between the bathhouse and the water, Evans said. Cigarette butts and empty vodka bottles were found strewn behind the bathhouse.

The Midland Syn-Tech Challenge...

In 1982 some people simply didn't believe the Midland Syn-Tech™ synthesized two-way radio. That it had more capability than existing radios, was field programmable, yet cost less than anything comparable. We said, "Match it against any other radio."



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Here at last was an affordable high-capability radio, that could be tailored to the user's exact needs by their own maintenance operation or local two-way dealer. And reprogrammed if needs changed. Up to 80 channels. Channel scanning. Choice of priority and scan mode CTCSS and DCS squelch. DTMF. Wideband options and more.

Circle No. 014 on Reader Service Card

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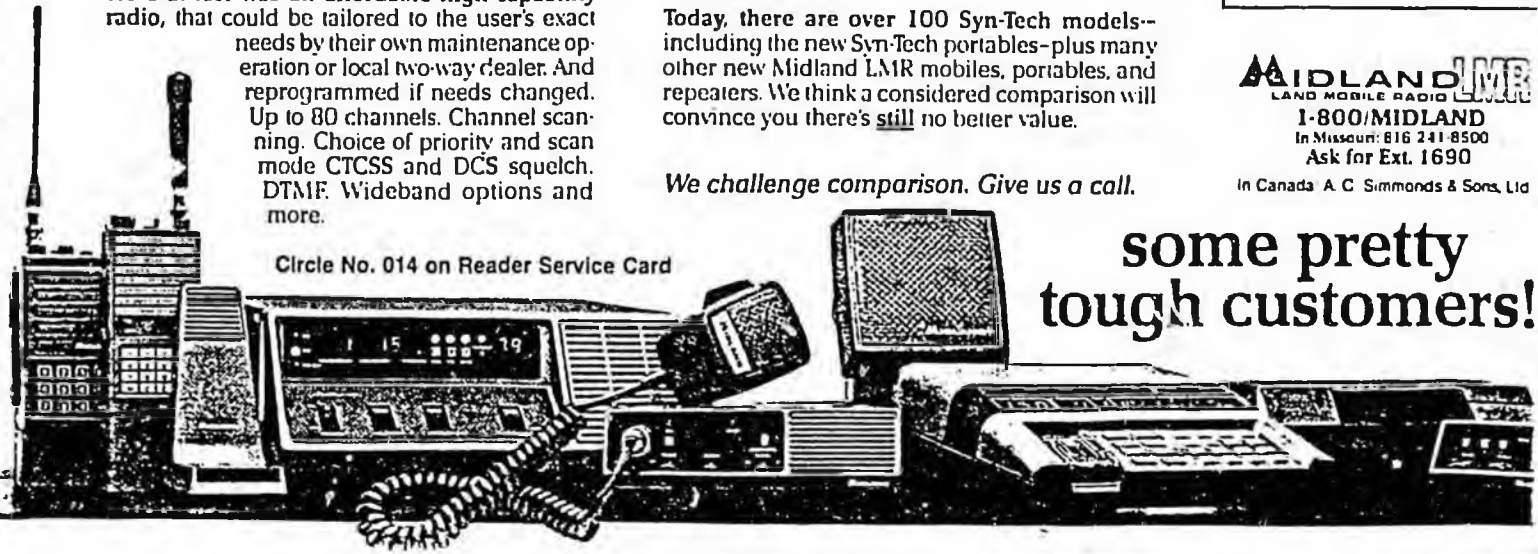
"The large channel capacity, plus the ability to reprogram the Syn-Tech quickly, means I can operate anywhere in or out of my service territory on an instant's notice."

Harold M. Knabe
Public Information Officer
Kansas City, MO Fire Department

MIDLAND LMR
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some pretty tough customers!





Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

HOUSE BILL 282

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5. LETTER FROM REPRESENTATIVE HUDSON TO REPRESENTATIVE ULMER, DATED APRIL 28, 1987
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8. STATE OF ALASKA, DIVISION OF FIRE PREVENTION, SPRING EDITION, PAGE 16
9. 1985 ANNUAL REPORT, DIVISION OF FIRE PREVENTION, DEPARTMENT OF PUBLIC SAFETY
10. AS 18.70.095. SMOKE DETECTION DEVICES

FISCAL NOTE

- A. DEPARTMENT OF PUBLIC SAFETY, FIRE PREVENTION: -0-

Introduced: 4/17/87
Referred: State Affairs and
Health, Education & Social Services

1 IN THE HOUSE

BY HUDSON AND GRUENBERG

HOUSE BILL NO. 282

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoke detection devices."

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

8 * Section 1. AS 18.70.095 is amended to read:

9 Sec. 18.70.095. SMOKE DETECTION DEVICES. Smoke detection de-
10 vices shall be installed and maintained in all dwelling [LIVING] units
11 [BUILT, MANUFACTURED OR SOLD] in the state. The devices shall be of a
12 type and deployed in a manner approved by the state fire marshal.

13 * Sec. 2. AS 18.70.095 is amended by adding new subsections to read:

14 (b) In a dwelling unit occupied under the terms of a rental
15 agreement or under a month-to-month tenancy, the landlord shall
16 provide the smoke detection devices and the tenant shall maintain the
17 devices.

18 (c) In this section, "dwelling unit," "landlord," "rental agree-
19 ment," and "tenant" have the meanings given in AS 34.03.360.

20 effective date?

21 Enforcement → ?

22 → uninsured?

23 → effort FOR UNIFORM LAW.
24 STANDARD

25 NOT SO MUCH A
26 CREATOR PROBLEM
27 BUT SETTING A
28 STANDARD.

Local LRU; Anselm + Joncau

New + Remodeled Building -

university -

International Conference of Building Officials

Alaska Southeast Chapter

Building and Fire Safety
March 30, 1967

Governor Steve Cowper
State of Alaska

Dear Governor Cowper,

The Alaska Chapters of the International Conference of Building Officials are composed of dedicated and trained career professionals in the fields of life and property safety. Our membership represents every major municipality, several Federal and State agencies, and private sector design professionals in Alaska. We respectfully request your consideration and support of three proposals that we strongly believe to be in the best interest of all Alaskans.

1. In December 1984 the Alaska Task Force on Fire Prevention concluded that Alaska has the highest rate of fire death per capita in the western world. We would like to have you introduce an amendment to AS 18.70.095 which would require the installation of smoke detectors in all dwelling units. This action would produce the greatest potential for saving lives under currently available technology. The financial impact of this action on both rural and urban citizens would be negligible.

In addition, funding for the State Fire Commission would greatly help the efforts of those who serve in this State as firefighters, fire chiefs and construction code officials.

2. During the unprecedented construction boom of the early eighties cities and boroughs learned that increased efficiency and communication occurred when related functions were consolidated into "one-stop permit departments". They were also far less expensive to administer. The consensus of the construction industry, from our perspective, is that it would be timely for the State to adopt a similar organizational structure now that construction activity has cooled down.

Smaller Alaskan communities which have taken the initial steps to regulate construction activity within their boundaries often need continued assistance from the State because of staff limitations. The Departments of Public Safety, Labor, Environmental Conservation and others often complement the local staff. We fear that funding cuts may erode the current level of service.

Most rural communities currently have some degree of fire service personnel. In addition, larger municipalities usually provide some level of building inspection services. As an integrated extension of a State department governing fire prevention and building safety, the State could maintain a strong commitment to help train

these local government officials to deliver services within their jurisdictions. This would save the State revenue and also increase services at the local level. In most cases disputes or questions could be resolved locally with a telephone call or an appeal hearing rather than by purchasing a plane ticket and sending a State inspector out into the field. Currently disputes with State inspectors must usually be resolved in civil court.

It just makes good sense to promote State goals by having them supported and reinforced at the local level. We support consolidation of State building regulations within one department.

3. We urge your support for adoption of the 1955 Uniform Plumbing Code (UPC), without amendment. The objections to the UPC by the plumbers union are no more than traditional "featherbedding". The plastic pipes in dispute have been used in thousands of buildings and for many years in Alaska with no problems of fire safety, water quality, sanitation or mechanical durability. In addition to low cost, plastic pipes have many other advantages in cold climates.

We were pleased with the State's dismissal of case #4FA-53-1077 against Fairbanks. The court held that Article X, Section II of the Alaska Constitution permits local governments to adopt and enforce newer editions of the UPC than the State. Recent correspondence, however, with Commissioner Sampson indicates his reluctance to respect that decision in the other districts in Alaska. We respectfully request that your office explain to us any compelling interest the State may have in pursuing this matter beyond an examination of fire and building safety issues by our membership and the court. Please consider the time and expense involved for both sides to litigate this matter further.

The State Fire Marshal currently defers their regulatory authority to municipalities who have demonstrated an ability to enforce the fire safety provisions of the codes. This saves the State money and avoids duplication of services. We request that you review this policy with your Commissioner of Labor for implementation within all jurisdictions that have adopted and currently enforce newer versions of the UPC.

Thank you for your attention to these matters. We appreciate the opportunity to help resolve any areas of conflict that may exist and look forward to cooperating with your administration in a positive manner to promote safety related issues in Alaska.

Sincerely



Stephen O. Shows
President

8

STATE OF ALASKA

DIVISION OF FIRE PREVENTION

FIRE MARSHAL UNIT

SPRING EDITION 1987

FIRE SERVICE TRAINING UNIT



INSIDE

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Sylvester (Sam) Neal, Director

Alaska State Fire Marshal

HOME FIRES KILL 4,885 in 1985
Fire Chief Magazine
October 1986

Fire deaths in U.S. homes increased 19.8% in 1985 over the previous year, according to a report from the National Fire Protection Association (NFPA).

The report, "Fire Loss in the United States During 1985", stated in 1985, 4,885 people died in home fires compared to 4,075 in 1984. A total of 6,185 civilian deaths (non fire fighters) were reported, an increase of 18% over 1984.

According to a 1985 Lou Harris poll, nearly 75% of all U.S. homes have at least one smoke detector, however studies have suggested that nearly one-third of the installed smoke detectors are inoperative due to dead batteries or faulty detection mechanisms. Further studies indicate that the majority of home fires occur in homes without smoke detectors.

In 1985 a total of 2,371,000 fires in the U.S. were recorded, accounting for more than \$7.324 billion in property losses, up 9.2% over 1984. Also reported were 825 fire fatalities in road, water, and air vehicles, an increase of 30% over 1984. Approximately 770 of these fire deaths occurred in road vehicles on U.S. highways.

In 1985, 122 fire fighters died in the line of duty. This represents a 3.4% increase over 1984.

According to Dr. John R. Hall, Jr., director of fire analysis at NFPA, home fire deaths are still down 18.8% from 1978. However, return to the fire death levels of 1982 and 1983 may signal the U.S. has "reached a plateau in reducing fire deaths".

IN ALASKA, HOME FIRES KILL 26 in 1985

Out of the 26 home fire deaths there were no known operating SMOKE DETECTORS.

Nine of the 26 home fire deaths had inoperative SMOKE DETECTORS.

SMOKE DETECTORS

As in any home, smoke detectors should be installed on each living level. They should be installed and maintained as directed by the manufacturer, and in good working order.

Single-Family Dwelling, South Carolina, January 30, 1983. Electric heater too close to combustibles; two killed.

This fire in a single-story dwelling of wood-frame construction started in the living room when an electric space heater on top of a coffee table ignited books and newspapers also located on the table.

A neighbor telephoned the fire department at 4:30 am. Fire fighters attempted to rescue the two occupants while battling the fire, but were unable to reach them initially due to the intense heat and fire. Both male victims, ages 21 and 19, were found in the living room, where both had succumbed to smoke inhalation.

Officials said that one victim had fallen asleep on the couch while the other was sleeping in a back bedroom. They believe that the latter awoke and was overcome by smoke while trying to rescue his sleeping friend on the couch.

Officials believe that if smoke detectors had been installed, these two deaths could have been prevented. The fire had a head start of approximately 15 to 20 minutes because the neighbor who discovered the fire had no telephone and had to make the call at another neighbor's home.

Damage from this fire was estimated at \$55,000.



1985 ANNUAL REPORT

DIVISION OF FIRE PREVENTION

DEPARTMENT OF PUBLIC SAFETY

STATE OF ALASKA

1981 - 1985 COMPARISONS

	1981	1982	1983	1984	1985
Civilian Fire Deaths	28	16	27	35	29
Deaths/Million Pop.	64.3	34.7	54.5	66.9	54.2
Civilian Injuries	84	62	70	63	70
Firefighter Injuries	46	28	42	36	37
Number of Fires	3,119	3,109	3,214	3,680	3,475
Total Calls	7,777	10,527	14,035	14,876	14,813
\$ Losses (in millions)	\$40.6	\$42.6	\$72.8	\$34.5	\$38.3
\$ Loss per capita	\$93.29	\$92.44	\$146.98	\$65.95	\$72.56

FIRE DEATHS

Once again, Alaska leads the Nation in deaths by fire, based upon the number of fatalities per million population. Of the 29 who died, 27 were in their homes, either single or multi-family dwellings.

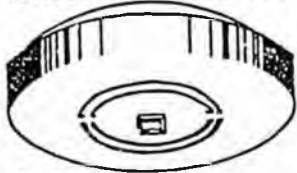
17 were males, 12 females. 10 were under the age of 9. The continued need to install and maintain smoke detectors is demonstrated by these losses.

The discussion of fire deaths would be incomplete without examining the rates. Fairbanks, for example, appears to have the highest urban fire death rate during 1985, with 148 deaths per million population, compared to Anchorage, which was 32. Similar comparisons show Naknek, for example, to have a fire death rate per million population during 1985, of 3,333. Small communities such as this, however, must be looked at over a longer period of time, as the real picture is biased by their size and experience.

Table No. 1 in the appendices lists the fatalities in Alaska since 1979 by location. Local departments are urged to compare their fatality problem with the rest of the state.

DETECTOR AND SPRINKLER PERFORMANCE

Smoke Detectors



**DON'T STAY HOME
WITHOUT ONE!**

Detectors operated in 249, or 15.5% of all structure fires. Of the 1,187 fires in residential structures, no detectors were present in 58% of the incidents.

Automatic sprinkler systems operated in 16 fires, or 1% of the incidents. It should be noted that these were all non-residential (single or two-family dwellings) properties.



Studies by the Federal Emergency Management Agency indicate that the installation of home fire sprinkler systems could save thousands of lives and prevent millions of dollars in property loss.

New technology has made fire sprinklers much more practical for residential use. Sprinkler heads are smaller, more esthetically designed and react at lower temperatures than conventional industrial fire sprinklers. In addition, installation costs and water requirements are minimal. For home builders, fire sprinklers are a low-cost safety option that would attract buyers, and the trade-offs between sprinklers and code requirements can mean lower construction costs or more units per area. For homeowners, the advantages of fire sprinklers include a safer environment for the family, protection for irreplaceable family possessions, and potentially lower insurance rates.

There is currently a movement in Alaska to encourage the installation of sprinkler systems in dwellings. Any success in this effort should see a reduction in life and property losses.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**



Bill Version: HB 282

Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: An act relating to smoke detection devices.

Agency Affected: Public Safety

BRU: Fire Prevention

Sponsor: Rep. Hudson

Requestor: House State Affairs

Components: _____

EXP. NDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
----------------	--	---	---	---	---	---

REVENUE		0	0	0	0	0
----------------	--	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

*JVE
4/21/87*

Prepared by: Gordon E. Brunton *gmb*
Division: Fire Prevention

Phone: 465-4331
Date: 4-20-87

Approved by Commissioner: *Y hmn/bs*
Agency: Public Safety

Date: 4/21/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

H B

2 9 3

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/24/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 5-6-87

The State Affairs Committee has considered HB 293

"An Act relating to elections."

RECOMMENDS:

- replace with CS HB 293 (SA) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING TO PASS:

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

Chairman's signature

Original sponsors: Pourchot and Ulmer

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 293 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to elections."

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

* Section 1. AS 15.07.090(a) is amended to read:

(a) A voter whose name is changed by marriage or court order may vote under the previous name, but a [IF THE] voter who desires to use a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

* Sec. 2. AS 15.15.030(10) is amended to read:

(10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be designed for each judicial district in which a justice or judge is seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be divided into four parts and each part shall bear a heading indicating the court to which the candidate is seeking approval. Within each part the question of whether the justice or judge shall be approved or rejected shall be set out in substantially the following manner: (A) "Shall be retained as justice of the supreme court for 10 years?"; (B) "Shall be retained as judge of the court of appeals for eight years?"; (C) "Shall be retained as judge of the superior court for six years?"; or (D) "Shall be retained as judge of the district court for four years?" Provision shall be made for marking each question "Yes" or "No."

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

1 (a) A qualified voter who is physically disabled, imprisoned, or
2 confined to an institution may vote by [APPLY FOR AN] absentee ballot
3 through a personal representative. A personal representative may
4 apply for absentee ballots on behalf of physically disabled voters or
5 voters imprisoned or confined to an institution to the following
6 election officials at the times specified:

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

10 (2) to an election supervisor

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

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

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

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

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

(b) Upon receipt of a written application and proof of identi-
fication from a [BY] personal representative, the election official
authorized to issue the absentee ballots under (a) of this section
[BALLOT] shall provide the ballots [BALLOT] and other absentee voting
material to the personal representative [IF THE WRITTEN APPLICATION IS
SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED

PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL DISABILITY].

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

(c) The personal representative shall deliver the application for an absentee ballot to the voter as soon as practicable. On the completion and receipt of the application for an absentee ballot, the personal representative shall deliver an absentee ballot to the voter. The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTATIVE, THE] voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must complete the application for the absentee ballot, mark the ballot, and sign the voter's certification not later than election day. The voter shall then return the application and the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The application and the absentee ballot must be returned to the election official not later than 8:00 p.m. on election day.

* Sec. 6. AS 15.20.480 is amended to read:

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate and the review. The

director shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of hand- marked ballots and the rules in AS 15.20.730 governing the counting of punch-card ballots shall be followed in the recount. The ballots and other election material shall remain in the custody of the director during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel necessary to assist in the recount.

* Sec. 7. AS 15.20.730(b) is amended to read:

(b) The computer shall be programmed to count ballots as follows:

(1) a vote may be counted only if the punch is clearly spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of the candidate the voter desires to select;

(2) if there is only one [PLUS-MARKED] square marked for a team whose names are on separate lines, such as president and vice-president or governor and lieutenant governor, a punch in the square or elsewhere in the rectangle following the names shall be counted for that team;

(3) a failure to properly punch a ballot card as to one or more candidates does not itself invalidate the entire ballot;

(4) if a voter punches fewer names than there are persons

to be elected to the office, a vote shall be counted for each candidate properly marked;

(5) if a voter punches more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted;

(6) improper marks on the ballots shall not be counted and shall not invalidate punches for candidates properly made;

(7) an erasure or correction invalidates only that section of the ballot in which it appears;

(8) a vote marked for the candidate for President of the United States is considered and counted as a vote for the election of presidential electors.

* Sec. 8. AS 15.25.055 is amended to read:

Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candidate's name will appear on the primary election ballot unless notice of the [HIS] withdrawal from the primary is received by the director at least 54 [40] days before the date of the primary election.

* Sec. 9. AS 15.25.110 is amended to read:

Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candidate nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding the office for which the candidate [HE] is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 54 [40] days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the director a sworn statement made by a panel of three licensed physicians, not more than two of whom may [SHALL] be of the same

political party, that the candidate is physically or mentally incapacitated to an extent that would [IN HIS JUDGMENT] prevent the candidate from active service during the term of office if elected. The director shall place the name of the person nominated by party petition on the general election ballot. The name of a candidate disqualified under this section may [SHALL] not appear on the general election ballot.

* Sec. 10. AS 15.35.050 is amended to read:

Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT. The director shall place the name of a supreme court justice who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in each judicial district of the state for the general election at which approval is sought.

* Sec. 11. AS 15.35.059 is amended to read:

Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON BALLOT. The director shall place the name of a judge of the court of appeals who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in each judicial district of the state for the general election at which approval is sought.

* Sec. 12. AS 15.35.090 is amended to read:

Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT. The director shall place the name of a superior court judge who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in the judicial district designated in the [HIS] declaration of candidacy for the general election at which approval is sought.

* Sec. 13. AS 15.35.130 is amended to read:

Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The director shall place the name of a district judge who has properly

1 filed a declaration of candidacy for retention on the [JUDICIAL]
2 ballot in the judicial district designated in the [HIS] declaration of
3 candidacy for the general election at which approval is sought.
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Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

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JUNEAU, AK 99811
(907) 465-3712

MEMORANDUM

DATE: May 6, 1987

TO: Members of the House State Affairs Committee
Rep. Fran Ulmer, Chairman
Rep. Lyman Hoffman, Vice-Chairman
Rep. "Red" Boucher
Rep. Cliff Davidson
Rep. Dave Donley
Rep. Terry Martin
Rep. Curt Menard

FROM: Rep. Pat Pourchot *Pat*

SUBJECT: House Bill 293 - Relating to Elections

The bill addresses the issue of voters who change their name due to marriage or divorce; eliminates a statutory requirement that judicial retention candidates be placed on a separate ballot; simplifies the process by which a disabled or otherwise confined person can vote; changed the deadline for withdrawal of a candidate's name from the ballot from 40 days to 54 days before the election; deletes references to the language "designated by a plus sign" when describing ballots.

Finally, this bill would eliminate the provision that allows ballots to be counted in a recount that are received after the statutory deadlines thus reducing the potential for fraud.

A brief summary of House Bill 293 is attached for your information. Thank you for your consideration of this bill.

Rep. Pat Pourchot
May 5, 1987

SUMMARY OF HOUSE BILL 293
"An Act relating to elections"

Section 1. Current statute states that a voter who has changed their name may vote under their previous name, but if the voter desires to vote under their new name they must change their registration 30 days prior to the election.

Questions concerning this section of the statute were raised in the recent Fischer/Uehling recount. The Supreme Court ordered the ballots counted of those voters who voted under their new name but had not updated their registration records as required by statute. In order to clarify this statute, this proposed amendment simply allows the voter to vote under their previous name or vote a questioned ballot if they wish to vote using their new name.

Section 2, 8-11. These sections address the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot. Often there is adequate space on the first ballot card to include the judges. The Division of Elections believes they could reduce costs by eliminating the statutory requirement of printing an additional, separate ballot card for retention of judges. Each ballot card costs approximately 16 cents.

Historically it was necessary to print the judicial retention on separate nonpartisan ballot cards when territorial elections involved closed partisan races. The Alaska Court System indicates that the Judicial Branch has no problem with the elimination of this statutory reference.

Section 3. This proposed change allows for a simplified process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative. Currently the process is cumbersome, impractical and leads to discouraging people from voting.

Section 4. Current law allows absentee ballots to be counted during a recount regardless of when the ballots were received. The statute change in this section would disallow the counting of absentee ballots received via the mail after their respective deadlines. In a recount, domestically mailed ballots would be included only when received through the 10th day after the election. Military or Internationally mailed ballots received through the 15th day after the election would be included in a recount.

This change would help limit the possibility of "ballot-stuffing" of unvoted absentees after the day of elections. Alaska currently has the longest time periods in which to receive absentee ballots after election day.

Section 5. This suggested change is "housekeeping" in nature. This section proposes the deletion of the references to the language "designated by a plus sign" when describing the square box in which the voter punches the ballot. The plus sign serves no purpose. Statutory citations regarding handmarked ballots contain no such descriptive language and no other sections of the election law contains any reference to this "plus sign".

Sections 6 and 7. Current statute set the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot at 40 days prior to the election. A change in the deadline from 40 to 54 days would significantly improve the Division of Elections ability to meet the other statutory deadlines which are dependent on completion of ballot printing.

3

RECOMMENDED CONFORMING AMENDMENT
FOR SPONSOR OR COMMITTEE SUBSTITUTE
HB 293

Division of Elections
May 4, 1987

The following amendment to be inserted after line 22 is recommended to assure that paragraphs (b) and (c) of AS 15.20.071 conform with the intent prescribed by the amendment to paragraph (a). As it stands, paragraph (b) requires that the personal representative be issued ballots for the voter if the written application has already been signed by the voter. It is the intent of this bill to reduce the number of separate trips the personal representative must make in order to assist the disabled or confined voter in voting. In addition, it is recommended that paragraph (b) be further amended to eliminate language regarding a signed statement from a physician or two qualified voters stating that the voter is unable to vote at the polling place because of physical disability. The requirement is prohibited under federal law.

AMENDMENT:

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

(c) The personal representative shall deliver the voter's application for an absentee ballot and the ballot to

the voter as soon as practicable. Upon receipt of the application and an absentee ballot through a personal representative, the voter shall proceed to complete and sign the application and to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certificate and application not later than election day. The voter shall then return the application and the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official not later than 8:00 p.m. on election day.

A

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST: _____

Bill Version: HB 293
Publish Date: _____

Revision Date: _____
Title: An Act relating to elections

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Pourchot and Ulmer
Requestor: House State Affairs

Components: 11 Primary and General

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	0	(*)	0	(*)	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	(*)	0	(*)	0

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

REVENUE	0	0	(*)	0	(*)	0
---------	---	---	-----	---	-----	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	(*)	0	(*)	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	(*)	0	(*)	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* See Attached Sheet

Prepared by: Linda Edgeworth
Division: Division of Elections
Approved by Commissioner: *Carol P. Kestler*
Agency: Office of the Governor

Phone: 465-4611
Date: 5-1-87
Date: 5/4/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

CONTINUATION FISCAL NOTE
HB 293

Division of Elections
May 1, 1987

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

1984 (14.8)

1986 (18.1)

COMMENTS IN SUPPORT OF
HOUSE BILL 293
"An Act relating to elections"

Prepared by
The Division of Elections
April 30, 1987

The Division of Elections has reviewed HB 293 and supports its provisions in their entirety.

Section 1 eliminates the current requirement that voters who change their names may vote under the previous name, but must update their registration record 30 days prior to the election in which they seek to vote, in order to vote under their new names. In the Supreme Court action regarding the Fischer/Uehling recount, the Division was directed to count the ballots of voters who voted under their new names but had not updated their registration as required by statute. While we have not received the formal opinion on which the court based its decision, we believe that the amendment proposed by the sponsor is in keeping with the intent of the court. We believe that this amendment is a step forward in assuring that no otherwise qualified voter is disenfranchised on the basis of an administrative technicality.

Sections 2 and 8 through 11 relate to a requirement that judicial retention candidates be placed on a separate ballot. Often there is adequate space on other ballot cards to include the judicial candidates for a specific district. While several districts consistently require printing of a third card during a general election, we anticipate that in any given election year, 1/3 to 1/2 of the districts in the state could be accommodated with just 2 ballot cards if the requirement for a separate card for judicial candidates were eliminated. Based on a review of the number of districts which would have fallen into this category in the 1986 general election, 14 districts would have required the printing of only 2 ballot cards if the judicial candidates had been printed on the same card as other candidates. This would have resulted in a savings of nearly \$15,000 in ballot printing costs.

Section 5 of this bill calls for a "housekeeping" amendment which would also result in simplification of ballot printing requirements and additional savings in printing costs. No reference is made to the box in which the voter marks his or her vote having "a plus sign", in sections of the statute setting out guidelines for form of the ballot. However, citing the rules by which the director is directed to count or not count the votes on punch card ballots based on the positioning of the punch mark within the square, the

statute includes language "in the square designated by the plus sign". This is the only reference to a plus sign but because of the inference, the Division has been printing two versions of the same ballot in all instances where there is punch card voting and handmark voting in the same district. The plus sign serves no viable purpose, but does complicate the printing, collating, packaging and distribution of ballot preparation. While simplification of the logistics involved outweighs other advantages of this amendment, the state could expect to save an additional \$2,000 dollars in its ballot printing costs.

Section 3 of the bill relates to personal representative voting. The provisions of this section simplify the process by which a disabled or confined individual votes through the assistance of another party. Under the existing statutes, an individual attempting to help a disabled voter vote must make two round trips between the voter and the Division of Elections to complete the process.

1. The personal representative must visit the Division of Elections to pick up an application for the voter. Once the voter has completed the application, the personal representative returns it to the Division.
2. The personal representative then picks up the ballots, goes back to the voter who votes the ballots, and then the personal representative must return the voted ballots back to the Division.

Under this amendment, the personal representative would apply to be a personal representative on behalf of the disabled voter, pick up the application to be completed by the voter, and the voter's ballots all at the same time. The voter's completed application and ballots would be returned in a single trip.

This proposed amendment duplicates language in Senate Bill 252 which successfully passed the Senate and all committees in the House during the 14th Legislature. At that time it was a companion bill to House Bill 284 which was passed into law. However, SB 252 died in House Rules in the final hours of the session. It is our belief that there was a misunderstanding at the time, that the provisions of SB 252 had already been incorporated into the HB 284 which was passed out.

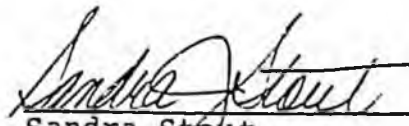
We support this provision which has been introduced again, because we believe that the existing statutes put an undue burden on personal representatives, and discourage voting by disabled and institutionalized voters.

Section 4 of the bill eliminates the provision in current statutes which allows ballots that are received after the statutory deadlines from being opened and counted in recounts. Concern has been expressed that the allowance for counting ballots received after the statutory deadline enhances the opportunity for inappropriate use of the system. In a review of 1,800 by mail ballots from the 1984 general election it was determined that approximately 1/3 of mailed ballots had no readable postmark. Recounts are usually called for in very close races. More and more voters are voting by mail, and individuals have greater access to absentee voter lists than ever before. Concern has been expressed that these circumstances combined with inconsistent use of postmarks could result in individuals working the absentee lists to solicit voters who did not return their ballots to cast them after election day, potentially impacting the outcome of the recount.

Sections 6 and 7 suggest conforming amendments to the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot prior to the election. The amendments change the deadline from 40 days to 54 days prior to the election. The Division strongly supports this change. The 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. For example, for general elections, the existing deadline allows only 10 days for preparing camera ready samples of each finalized ballot for inclusion in the Official Election Pamphlet which, by statute, must be printed and in the mail to voters 30 days before the election.

In addition, by mail absentee voters should be mailed their ballots at least three full weeks before election day, and absentee in person voting starts 15 days before each election. That means that even in primary elections, allowing adequate shipping time for rural absentee sites, and adequate preparation for mass mailing of by mail ballots, the Division has at best, three weeks in which to finalize, typeset, proofread, print, receive and sort, and finally distribute ballots across the State. This tight three week period can be further dwindled in situations where lawsuits are filed contesting a candidate's eligibility, such as occurred in the 1986 gubernatorial race which affected the printing of every candidate card statewide.

May 1, 1984
Date


Sandra Stout
Director

H B

2 9 7

2. Bill Benjey
President
Airport Heights C.C.
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3. Patrick Sharrock
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269-5551
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4. Larry Ostrovsky
Special Assistant
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400 Willoughby Avenue
Juneau, AK 99801
465-2400
Testified on HB 297

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

House Community & Reg. Affrs:
May 11, 1988

House State Affrs:

January 27, 1988



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

HOUSE BILL 297

FILE CONTENTS

1. HB 297: AN ACT RELATING TO THE NOTIFICATION TO COMMUNITY COUNCILS AND POSTMASTERS OF CERTAIN STATE ACTIONS.
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3. MEMORANDUM FROM REPRESENTATIVE DONLEY TO COMMUNITY AND REGIONAL AFFAIRS COMMITTEE, DATED MAY 8, 1987
4. SECTIONAL ANALYSIS OF HB 297 FROM DEPARTMENT OF REVENUE
5. LETTER FROM COMMISSIONER BRADY, DEPARTMENT OF NATURAL RESOURCES, TO REPRESENTATIVE SPRINGER, DATED MAY 8, 1988
6. LETTER FROM PATRICK SHARROCK, ALCOHOLIC BEVERAGE CONTROL BOARD, TO REPRESENTATIVE SPRINGER, DATED MAY 8, 1987
7. HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE REPORT, DATED MAY 15, 1987
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9. RESOLUTION OF THE PLANNING COMMISSION OF THE MATANUSKA-SUSITNA BOROUGH, DATED JANUARY 4, 1988
10. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POSITION PAPER, DATED JANUARY 25, 1988

FISCAL NOTES

- A. DEPARTMENT OF REVENUE, ALCOHOLIC BEVERAGE CONTROL BOARD, \$27,200 (FY 88 FISCAL NOTE PENDING)
- B. DEPARTMENT OF NATURAL RESOURCES, \$12,200 (FY 88 FISCAL NOTE PENDING)
- C. DEPARTMENT OF CORRECTIONS, -0- (FY 88 FISCAL NOTE PENDING)
- D. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, -0-

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/16/87

FURTHER REFERRALS: Finance

DATE: 1-27-89

The State Affairs Committee has considered HB 297

"An Act relating to the notification to community councils and postmasters of certain state actions."

RECOMMENDS:

- replace with CS HB 297 the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

David Bouley

Lynne Hoffel

Clyff Davidson

Carl [unclear]

Ed G. [unclear]

[unclear]

SIGNING OTHER RECOMMENDATIONS:

Terrell Martin - No rec.

Clyff Davidson - No rec.

[Signature]
Chairman's signature

Original sponsors: Donley, Barnes,
Brown, et al.

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 297 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the notification to community
7 councils and nonprofit community councils of certain
8 state actions."

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

10 * Section 1. AS 04.06.050 is amended to read:

11 Sec. 04.06.050. MEETINGS. The board shall meet at the call of
12 the chairman. The board shall also meet at least once each year in
13 each judicial district of the state to study this title and to modify
14 existing board regulations in light of statewide and local problems.
15 The board shall send a copy of the agenda of each board meeting not
16 less than 10 days before the meeting of the board to each community
17 council. The board shall also send a copy of the agenda of each board
18 meeting to each nonprofit community organization that requests a copy.

19 * Sec. 2. AS 04.11.310(b) is amended to read:

20 (b) Upon receipt of an application for the issuance, renewal,
21 relocation, or transfer of ownership of a license for premises or
22 proposed premises that are located within one-half mile of the boun-
23 dary [WITHIN AN AREA OF A MUNICIPALITY UNDER THE JURISDICTION] of a
24 community council established by municipal charter or ordinance [TO
25 ADVISE THE MUNICIPAL GOVERNING BODY, OR WITHIN AN AREA ADJACENT TO
26 SUCH AN AREA], the board shall

27 (1) immediately provide to the community council written
28 notice of the application; and

29 (2) at least 10 days before the date set for board action

1 on the application provide to the community council written notice of
2 the proposed action and the time and place for a hearing.

3 * Sec. 3. AS 04.11.510(b) is amended to read:

4 (b) The board may review an application for the issuance, renew-
5 al, transfer of location, or transfer to another person of a license
6 without affording the applicant notice or hearing, except

7 (1) if an application is denied, the notice of denial shall
8 be furnished the applicant immediately in writing stating the reason
9 for the denial in clear and concise language; the notice of denial
10 shall inform the applicant that the applicant is entitled to an in-
11 formal conference with either the director or the board, and that,
12 if not satisfied by the informal conference, the applicant is then
13 entitled to a formal hearing before the board; if the applicant re-
14 quests a formal hearing, the board shall adhere to AS 44.62.330 -
15 44.62.630 (Administrative Procedure Act); all interested persons may
16 be heard at the hearing and unless waived by the applicant and the
17 board, the formal hearing shall be held in the area for which the
18 application is requested;

19 (2) the board may, on its own initiative or in response to
20 an objection or protest, hold a hearing to ascertain the reaction of
21 the public or a local governing body to an application if a hearing is
22 not required under [(1), (3), OR (4) OR] this subsection and the board
23 shall send notice of a hearing conducted under this paragraph 20 days
24 in advance of the hearing to each community council established within
25 the municipality and to each nonprofit community organization that
26 requests notice;

27 (3) if a petition containing the signatures of 35 percent
28 of the adult residents having a permanent place of abode outside of
29 but within two miles of an incorporated city or an established village

1 is filed with the board, the board shall hold a public hearing on the
2 question of whether the issuance, renewal, or transfer of the license
3 in the city or village would be in the public interest;

4 (4) if a protest to the issuance, renewal, transfer of
5 location or transfer to another person of a license made by a local
6 governing body is based on a question of law, the board shall hold a
7 public hearing.

8 * Sec. 4. AS 04.11 is amended by adding a new section to read:

9 Sec. 04.11.525. NOTICE TO COMMUNITY COUNCIL. On receipt of an
10 application for the issuance, renewal, relocation, or transfer of the
11 ownership of a license, the board shall provide written notice of the
12 proposed action and the time and place of the meeting to each communi-
13 ty council entitled to notice under AS 04.11.310(b). The notice shall
14 be provided to each community council not less than 10 days before the
15 date of the meeting.

16 * Sec. 5. AS 33.30 is amended by adding a new section to read:

17 Sec. 33.30.025. SITING OF PRISON FACILITIES. The commissioner
18 shall notify each community council established by municipal charter
19 or ordinance of the department's plans to locate a prison facility or
20 to contract for the operation of a prison facility, community residen-
21 tial facility, or other rehabilitation program if the facility or
22 proposed facility will be within one-half mile of the boundary of the
23 area represented by a community council.

24 * Sec. 6. AS 35.30.010(a) is amended to read:

25 (a) Except as provided in (b) of this section, before commencing
26 construction of a public project,

27 (1) if the project is located in a municipality, the de-
28 partment shall submit the plans for the project to the planning com-
29 mission of the municipality for review and approval;

1 (2) if the project is located within two miles of a vil-
2 lage, the department shall submit the plans to the village council for
3 review and comment;

4 (3) if the project is located within one-half mile of the
5 boundary of an area represented by a community council established by
6 municipal charter or ordinance, the department shall submit the plans
7 to the community council for review and comment.

8 * Sec. 7. AS 38.05.945(c) is amended to read:

9 (c) Notice at least 30 days before action under (a) of this
10 section shall also be given to the following:

11 (1) to a municipality if the land is within the boundaries
12 of the municipality, to a coordinating body established by community
13 councils in a municipality that requests notice in writing, and to
14 each community council established by municipal charter or ordinance
15 that requests notice in writing;

16 (2) to a regional corporation if the boundaries of the
17 corporation as established by sec. 7(a) of the Alaska Native Claims
18 Settlement Act encompass the land and the land is outside a municipal-
19 ity;

20 (3) to a village corporation organized under sec. 8(a) of
21 the Alaska Native Claims Settlement Act if the land is within six
22 miles of the village for which the corporation was established and the
23 land is located outside a municipality;

24 (4) to the postmaster of a permanent settlement of more
25 than 25 persons located within six miles of the land if the land is
26 located outside a municipality, with a request that the notice be
27 posted in a conspicuous location.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

(14) HB 297
POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

May 15, 1987

SUBJECT: Certain notifications
[CSHB 297(C&RA)]

TO: Representative Dave Donley

FROM: Richard A. Bradley
Legislative Counsel

Katie McHugh has requested a committee substitute for HB 297.

In addition to certain substantive changes within the bill, she has requested that the term "municipal" in two instances on pages 1 and 2 of the bill be changed to "city and borough". I note that her initial request to us was that the phrase read "municipal and borough" and I suggested that that was inappropriate.

There was an attempt when AS 29 was reenacted several years ago to come to terms with the various usages in this area. The solution was that whenever both cities and boroughs were being described, the term that was to be used was, as appropriate, "municipal" or "municipality". Thus AS 01.10.060(4) provides that

Sec. 01.10.060. DEFINITIONS. In the laws of the state, unless the context otherwise requires,

* * *

(4) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

* * *

Representative Dave Donley
Page 2
May 15, 1987

Thus it seems clear that the term "municipal charter or ordinance" includes every possible "charter or ordinance" that can be enacted in the state.

And while I do not mean to overstate my concerns, there is a potential question latent in the "city and borough" usage: Does it include the "unified municipality" such as, for example, Anchorage? You will note that that question is answered if the term "municipal" is used.

And, as I suggested to Katie McHugh, this usage, if consistently followed, will enable those who search the statutes by computer not to miss the particular section.

If I may be of further assistance, please advise.

RAB:lmb
M12/024

Enclosure



COMMUNITY COUNCIL NOTIFICATION BILL

*Sectional
ANALYSIS FROM REVENUE*

ABC BOARD

Amends Sec. 04.06.050.

At least 10 days prior to the meeting of the board, the board is required to send to all community councils within a municipality a copy of the board's agenda.

Requires the board to send a copy of the agenda to each nonprofit community organization which has requested a copy of the agenda.

Amends Sec. 04.11.310(b)

Upon receipt of an application for issuance, renewal, relocation or transfer of ownership of a liquor license, the board is required to notify all community councils whose boundaries are within one-half mile of the premises or proposed premises.

Amends Sec. 04.11.510(b)(2)

At least 20 days prior to a hearing held within the jurisdiction of a municipality, the board is required to send to all community councils located within that municipality notification of the hearing.

Requires the board to send a notification of the hearing to each nonprofit community organization which has requested to be notified.

Adds new Sec. 04.11.525 NOTIFICATION OF COMMUNITY COUNCIL

Requires the board to provide notification of the proposed action and the time and the place of the hearing to community councils entitled to receive notification under AS 04.11.310(b) at least 10 days prior to the board's action.

CORRECTIONS

Adds new Sec. 33.30.025 SITING OF PRISON FACILITIES

Requires the commissioner of the department of corrections to provide notification to each community council of plans to locate or operate a correctional or residential facility or a rehabilitation program if the facility is located within one-half mile of a community council boundary.

Establishes notification procedures for communities located outside a municipality.

DOT/PF

Amends Sec. 35.30.010

Requires the Department of Transportation and Public Facilities to provide notification to each community council whose boundary is within one-half mile of a proposed project.

Establishes notification procedures for communities located outside a municipality.

DNR

Amends Sec. 38.05.945(c)

Requires the Department of Natural Resources to provide notification to each community council whose boundary is within one-half mile of a proposed action to classify, reclassify, zone, sale, lease or dispose of state land.

Establishes notification procedures for communities located outside a municipality.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

(9) 115 297
STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE
JUNEAU, ALASKA 99801-1796
PHONE (907) 465-2400

May 8, 1987

The Honorable Heinrich Springer
Chair, House Community and
Regional Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Springer:

Subject: House Bill 297, which would require that official notice be provided to community councils of certain state actions.

Position: The Department of Natural Resources cannot support this bill because of the potential liability it would create for failure to give notice, and the difficulties the department will face in determining the names, locations and boundaries of the various community councils.

Background: The department undertakes hundreds of actions each year that require public notice. Municipalities are currently provided notice of activities that will occur within municipal boundaries. This bill would place an additional burden on the department that could more appropriately be borne by local governments.

Community councils are created under municipal charter or ordinance. There is no statewide federation of councils that can supply information about council locations. To date, the only councils we have identified are the 36 within the Municipality of Anchorage and the 13 within the Matanuska-Susitna Borough. We do not know whether other community councils exist. Obtaining reliable data concerning the boundaries of identified councils will take additional time and the opportunities for error will be great.

Recommendations: We suggest this bill be amended to require local governments that receive notice under 38.05.945(c) to notify their respective community councils about the proposed

Representative Springer

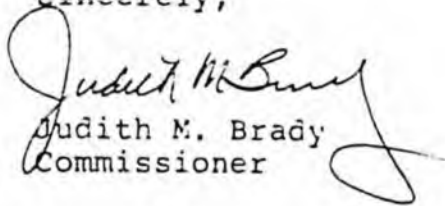
-2-

May 8, 1987

action. We also suggest that a provision be added which states that a failure to provide notice does not invalidate the proposed action (see AS 44.62.190(c)).

Please let me know if you have questions about our current public notice procedures or our suggested amendments to this bill.

Sincerely,


Judith M. Brady
Commissioner

cc: Sponsors
Committee Members
George Sullivan
Rod Swope

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

CRAFTS (6) HB 297
STEVE COWPER, GOVERNOR

550 W. 7TH AVE
ANCHORAGE, ALASKA 99501

May 8, 1987

MAY 9 1987

The Honorable Henrich Springer, Chairman
Community & Regional Affairs Committee
Alaska State House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Springer:

Terry Hoefflerle from your office called me yesterday for some comments concerning HB 297 regarding notice of liquor license applications to "community councils." He suggested that my remarks be in writing for your committee's review.

Generally, those sections of the bill which address liquor laws appear to initiate a significant intent to change policy under current law. Present policy under AS 04.11.480 and a supreme court opinion (enclosed) provides that a "local governing body" defined at AS 04.21.080 has prominent standing in review and comment about applications for issuance, renewal, transfer, and relocation of liquor licenses. Under AS 04.11.520, specific notice of all applications must be provided to a local governing body and under AS 04.11.510 the board cannot act on an application until the time for local government consideration has passed. Additionally, under AS 04.11.310 and AS 04.21.010, community councils are given three notices (two by the board and one by local government). A copy of our notice form is also enclosed. Additionally, public notice is given by an applicant (except for renewal) prior to filing an application (a copy of the notice format is enclosed).

With the above notices required under present law, I believe additional notice proposed in HB 297 is unnecessary and redundant.

On several occasions in an attempt to assess objections from community councils under AS 04.11.470 the board has held public hearings in municipalities. These hearings have been called at the board's initiative even tho a local governing body may have approved an application or made no comment. Questions that have been asked by the board since notice to community councils became law in June 1985 under CS HB 34 (Fin) am S are:

1. Is another level of "local governing body" intended?
2. To what degree do community councils represent a community area before their city councils and/or assemblies and the state?

Representative Springer

May 8, 1987

Page 2

In summary, the board has and does give every consideration to public comment about license applications no matter how minor or insignificant concerns might appear. Most public objections received by the board are a result of persons having seen or heard the required public notice or seen the required posting of an application.

Section 1 of the bill will require the staff to provide a copy of each of the board's agendas to all community councils. According to my information there are 36 councils in the Municipality of Anchorage and 14 within the Matanuska-Susitna Borough. Board member agendas with attachments are usually in the neighborhood of 100 pages. There are usually 15-18 pages of agenda items without attachments and these are available for public review at all board meetings. A copy of the board's last agenda is also enclosed.

One person, the licensing supervisor, spends almost full time with preparation of the agenda. Her primary duties are to assure accuracy of information and that an application is not prematurely taken to the board prior to proper notice to local governments and community councils unless those bodies waive the notice requirements in writing.

Preparation of the agenda is time-consuming and costly. Copying, mailing, filing, and documenting additional notice requirements imposes an additional burden on an already overburdened licensing staff. Three licensing positions have processed applications which have grown from 1,300 to over 2,000 during the last ten years. Therefore, the fiscal note for this bill proposes an additional licensing document processor position.

The section also proposes that agendas be provided to councils no later than 10 days prior to a board meeting. This strongly suggests that an item could not be added to the agenda 10 days before a board meeting. This restriction could produce severe hardship on new license, relocation, and transfer applicants whose applications might become ready for board consideration during the ten-day period. This occurs at almost every board meeting. Additionally, this becomes important, because time between board meetings is anywhere from five to seven weeks and board meetings are not always held in the same city where an applicant resides.

Section 2 of the bill requires notice to a council when an application is for a premises within one-half mile from the boundary of the council area. This requirement could predictably require notice to three councils (two notices would probably be frequent). I suspect that applicants would have to provide maps of council boundaries to show locations of their premises within an adjacent council area. Board staff would be responsible to confirm the accuracy of a premises location. This responsibility could be placed on the licensing or investigator staff.

Representative Springer
May 8, 1987
Page 3

Section 3 of the bill requires notice to a council of any public hearing held by the board concerning an application for premises in a council area. This has always been the practice of the board and all public hearings have been held in community council meeting rooms.

Section 4 establishes a new section which is unclear to me.

Finally, an addition should be inserted which requires local governing bodies to annually provide the board with names and addresses of community councils, names and addresses of current council officers, and detailed maps which clearly show community council boundaries.

This letter has become more lengthy than I had expected. However, the issue at hand is quite significant and of great concern to the board. Alternatively, the board had proposed in legislation last year that applicants provide all required notices prior to filing their applications with the board. Until there are clarifications of the matters noted, the board respectfully opposes the legislation.

If I can provide you any additional information, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock
Director
(907) 277-8638

PLS:cr
Enclosures

cc w/encl: Representative Dave Donley

87-97

HOUSE COMMITTEE REPORT

(16) HB 297

(5)

Date referred: 4/29/87

FURTHER REFERRALS: State Affairs
Finance

DATE: 05/15/87

The Community and Regional Affairs Committee has considered HB 297

"An Act relating to the notification to community councils and postmasters of certain state actions."

RECOMMENDS:

- replace with CSHB 297(C&RA) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- (2) fiscal impact same as previous fiscal note published _____
- (1) zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

By the Vote Cohn

Heinich Springer Springer

SIGNING OTHER RECOMMENDATIONS:

Levinthal NO REC
Collins

Springer *Heinich Springer*
 Chairman's signature

HB 297

9

Rep Menard

Introduced by: Commissioner Campbell
Prepared by: John Duffy

MATANUSKA-SUSITNA BOROUGH

Resolution Serial No. 88-02

"A RESOLUTION OF THE PLANNING COMMISSION OF THE MATANUSKA-SUSITNA BOROUGH ENCOURAGING THE STATE OF ALASKA AND ITS ADMINISTRATIVE UNITS TO SUPPLY WRITTEN NOTICE TO LOCAL COMMUNITY COUNCILS OF ACTIONS THAT AFFECT THE LOCAL COMMUNITY."

WHEREAS, administrative units of the State of Alaska take actions that directly affect local communities, and

WHEREAS, the community councils within the Matanuska-Susitna Borough and other municipalities within the State of Alaska provide local community input into governmental actions, and

WHEREAS, the State of Alaska and its administrative units can better serve its citizens by informing the community councils of actions proposed within their community and obtaining their comments.

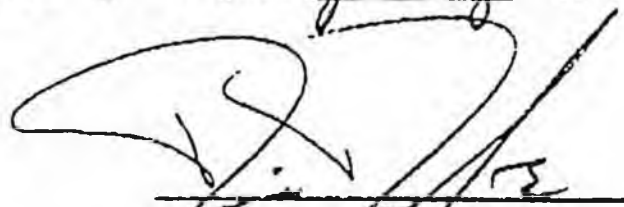
NOW, THEREFORE, BE IT RESOLVED:

1) that the Planning Commission of the Matanuska-Susitna Borough hereby encourages the State of Alaska and its administrative units to formally contact community councils and obtain their comments about actions affecting the community.

88-12159 LEG. AFFAIRS WADJILLH

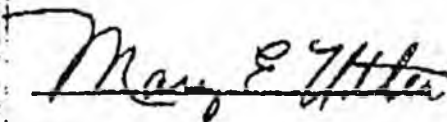
2) that copies of this Resolution be sent to Governor Steve Cowper, Senator Jalmar Kerttula, Senator Michael Szymanski, Representative Ron-Larson, and Representative Curt Menard.

ACCEPTED AND APPROVED by the Planning Commission of the Matanuska-Susitna Borough this 4th day of January 1988.



Ric Davidge, Director
Development Services

ATTEST:



Mary Utter

Planning Clerk



Dept. of Transportation & Public Facilities

POSITION PAPER

10

W.K. Galan

BILL NO: CSHB 297

APPROVED: Mark S. Hickey
Commissioner

TITLE: An Act relating to the notification to community councils and postmasters of certain state actions

DATE: January 25, 1988

The department has no objection to the language within Section 6 which would amend AS 35.30.010(a). The department takes this position on the following assumptions.

With respect to the language of subparagraph (3), lines 9-12 page 4, the department must assume that the community councils are established by municipal charter or ordinance and that the charter or ordinance provides for resolving differences of opinion on a local level. Furthermore it is assumed that a single local entity will be empowered to represent the community as a whole and that DOT&PF would look solely to this entity for approval. Based on the validity of these assumptions the department perceives no significant fiscal impact.

The department has no objection to the inclusion of subparagraph (4), lines 13-18 as such notification would not create any undo procedural or fiscal hardship.

It is suggested that the term "community council" as noted in subparagraph (3) be defined in a manner commensurate with the language provided within Section 7, lines 23 and 24 page 4, to read, "...community council established by municipal charter or ordinance..."

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1
PHONE: (907) 465-2400

January 27, 1988

The Honorable Heinrich Springer
Chair, House Community and
Regional Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

*FROM ULMER
House committee office*

Dear Representative Springer:

Subject: CSHB 297 - An Act relating to the notification to community and nonprofit community councils of certain state actions.

Position: The Department of Natural Resources (DNR) supports the concept and intent of CSHB 297 but recommends that the committee consider technical modification to Sec. 7(c) of the CS, as described below.

Background: The department takes hundreds of actions each year that require public notice and sends out thousands of notices. Anyone who requests notice of an action is provided with it, and municipalities are provided with notices of activities which will occur within municipal boundaries.

As previously stated in the department's May 8, 1987, position paper on HB 297, community councils are created under municipal charter or ordinance. There is no statewide federation of councils that can supply information about council locations, contacts or geographic boundaries. Neither community councils nor coordinating bodies are subject to statewide statutory requirements to identify their existence, geographic boundaries, or a contact person. Although, at least in Anchorage there appears to be a Federation of Community Councils, there is no state statute requiring a federation of community councils.

Therefore, the department is concerned that this bill will impose a statutory requirement of notification to bodies whose existence, contacts, and location may be difficult or impossible to verify. This bill, in its present form, would seem to require department personnel to ferret out the existence of community councils or coordinating bodies

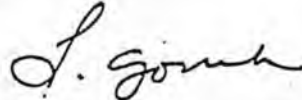
January 27, 1988

before taking any action in an area. While this may be relatively easy in the Anchorage area, which has a well established system of community councils, it may prove to be much more difficult in other areas of the state.

Recommendation: Therefore, the Department of Natural Resources would suggest that, in addition to the above bill, the committee consider language requiring community councils and coordinating bodies which wish to be noticed under AS 38.05.945(c) to register a map and current address and contact on an annual or biannual basis with the appropriate state agency. We also suggest that a provision be added which states that a failure to provide notice does not invalidate the proposed action (see AS 44.62.190(c)).

We look forward to working with the committee and staff on this legislation.

Sincerely,



Judith M. Brady
for Commissioner

cc: Sponsors
Committee Members
Rod Swope
Bob Evans

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS HB 297 (C&RA)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notification to Community Councils

Agency Affected: Department of Revenue
BRU: Alcoholic Beverage Control Board

Sponsor: Representative Donley, et al
Requestor: House State Affairs Committee

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		26.6				
TRAVEL						
CONTRACTUAL		.6				
SUPPLIES		.4				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	27.2	27.2	27.2	27.2	27.2

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	27.2	27.2	27.2	27.2	27.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Personal Services - Document Processor II -	26,616
Contractual - Postage -	601
Supplies - Envelopes/Paper	400
	<u>27,217</u>

Prepared by: Patrick L. Sharrock, Director *P.L.S. for* Phone: 277-8638
Division: Alcoholic Beverage Control Board Date: 1/26/88

Approved by Commissioner: Hugh Malone Date: _____
Agency: Department of Revenue

Distribution (by preparer):

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 297
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 1/26/88
Title: Notice to Community Councils & Postmasters of Certain State Actions
Sponsor: Donlev, Barnes, Brown, et.al.
Requestor: House Community & Regional Affairs

Agency Affected: Natural Resources
BRU: Land & Water Management/ and Mining Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		2.8	2.8	2.8	2.8	2.8
TRAVEL						
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		5.8	5.8	5.8	5.8	5.8

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		5.8	5.8	5.8	5.8	5.8
FEDERAL FUNDS						
OTHER						
TOTAL		5.8	5.8	5.8	5.8	5.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Janet Burleson
Division: Land and Water Management

Phone: 465-3400
Date: 1/26/88

Approved by Commissioner: *L. G. ...*
Agency: Natural Resources

Date: _____

Distribution (by preparer):

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

ANALYSIS: 1988 Legislative Session
Fiscal Note - HB 297
Page 2 of 2

	<u>FY 89</u>	<u>FY 90-93</u>
<u>100 Personal Services</u>		
Natural Resource Officer I / 1 Month	2.8	2.8
<u>300 Contractual</u>		
Certified Mailing/Duplication, postage	2.0	2.0
<u>400 Supplies</u>		
Paper/Envelopes	1.0	1.0
TOTAL	5.8	5.8

Each year would require the equivalent of one month of a Natural Resource Officer I to meet the notice requirement. These are estimated Department wide costs. Clerical staff would also be impacted, but we do not know the extent.

No information is available concerning costs to the State for failing to notify a council of a proposed action.

These estimates are made with the following assumptions:

- 1) That maps, current mailing addresses, and contacts for community councils established by municipal charter or ordinance are provided to DNR. This can be implemented by amending AS 29.20.640 to add:
 - (6) maps, current addresses, and contacts for community councils established by municipal charter or ordinance to advise the municipal governing body
- 2) That the Department of Community and Regional Affairs provides the above information [pursuant to AS 29.20.640(6)] to DNR on a regular basis (annually) for DNR's AS 38.05.945 notice. This can be accomplished by amending AS 44.47 to include the notice to DNR.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Corrections
 Title: "An Act relating to the notification BRU: _____
to community councils and postmasters..."
 Sponsor: Rep Donley, Barnes, et al Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 1-15-88
 Approved by Commissioner: Susan Humphrey-Barnett Date: 1/26/88
 Agency: Department of Corrections

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

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE



Bill Version: CSHB 297
Publish Date: _____

REQUEST

Revision Date: _____
Title: Relating to the notification to
community councils...
Sponsor: Donley
Requestor: Rules

Agency Affected: DOT&PF
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: See attached position paper

Prepared by: Ron Lind Phone: 465-4070
Division: Plans, Programs & Budget Date: 1/21/88
Approved by Commissioner Mark S. Hickey Date: 1/26/88
Agency: DOT&PF

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

H B

3 0 8