

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5571 SSTA HB 264 - HB 346

1143

H B

2 6 4

SENATE COMMITTEE REPORT

FURTHER: FINANCE

5/6/87

DATE TURNED INTO OFFICE 12 May 1987

Mr. President:

STATE AFFAIRS Committee considered HB 264

reenlistment bonus for members of the Alaska National Guard and Alaska Naval Militia; efd.

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rep. [Signature]
Rep. [Signature] (DO PASS)
Rep. [Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 9, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the reenlistment bonus for members of the Alaska National Guard and Alaska Naval Militia. The bill reduces the pool of members eligible to receive a reenlistment bonus, most significantly by eliminating from eligibility full-time employees of the National Guard and full-time employees of the Department of Military and Veterans' Affairs.

AS 26.05.265, as amended in 1983, provides for payment of a \$500 bonus annually for each year of reenlistment, up to \$3,000 for a member's entire service. AS 26.05.265(b). Certain members who were receiving the pre-1983 type of bonus, which was equal to 10 days' pay, were "grandfathered" into that bonus until they retired, resigned, or were otherwise discharged. Sec. 2, ch. 62, SLA 1983.

Section 1 of this bill makes federal employees who are full-time technicians or active guard reserve employees, and full-time employees of the Department of Military and Veterans' Affairs, ineligible to receive a reenlistment bonus. AS 26.05.265(c). Additionally, the bill amends AS 26.05.-265(b) to provide for pro rata payment of an annual bonus when a member becomes ineligible due to other amendments made by this bill, or when a member dies, is disabled, or is discharged from enlisted status to accept a warrant or commission as an officer.

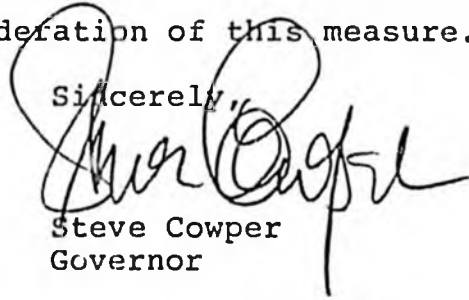
Section 2 of the bill repeals the "grandfather" language of sec. 2, ch. 62, SLA 1983, finally discontinuing payment of the 10-days'-pay bonus.

Hon. Ben Grussendorf

Page 2

I urge your favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper". The signature is written in a cursive style with a large, looping initial "S".

Steve Cowper
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 264
Publish Date: HOUSE 4/10/87

Revision Date: _____
Title: Reenlistment Bonus for Members of
the AKNG and AK Naval Militia

Agency Affected: Military & Veterans Affairs
BRU: Alaska National Guard Benefits

Sponsor: _____
Requestor: Governor

Components: Retention Benefits

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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Richard L. Rountree, Director
Division: Administrative & Support Services

Phone: 465-4600
Date: 4/6/87

Approved by Commissioner MG John W. Schaeffer
Agency: Department of Military & Veterans Affairs

Date: 4/6/87

Distribution (by preparer):

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

This program was funded at \$484,400 during fiscal year 1987. A budget decrement for \$304,000 has been submitted in the FY88 budget bringing the revised funding level to \$180,400. This decrement has been submitted based on the elimination of the reenlistment bonus program for the National Guardsmen with over twelve years of service. The program will be maintained for those members in the seven to twelve year group where the program has proven most effective in retaining members.

H B

2 6 9

SENATE COMMITTEE REPORT

FURTHER FINANCE

3/7/88

DATE TURNED INTO OFFICE 3/18/88

Mr. President:

State Affairs

Committee considered HB 269

eligibility for veterans' interest rates for housing mortgage loans

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

William L. Hendry
Rep. Joseph Row

OTHER RECOMMENDATIONS

L. Fleming (No Rec)

Tom McArthur
Chairman signature and recommendation

Committee Backup attached



Official Business

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7904
BOX V
JUNEAU, ALASKA 99811
(907) 465-3438

M E M O R A N D U M

TO: Senate State Affairs Committee
Senator Mitch Abood
Senator Rick Uehling
Senator Ken Fanning
Senator Willie Hensley
Senator Joe Josephson

FROM: Representative Ramona L. Barnes

DATE: March 15, 1988

SUBJ: HB 269 - Relating to eligibility for veterans' interest rates for housing mortgage loans.

The intent of HB 269 is to allow Public Health Service Officers to become eligible as veterans for the purpose of the Alaska Housing Finance Corp. State Veterans Interest Rate Preference program.

Public Health Service Officers are eligible for federal VA housing loans, and Alaska's Veteran Mortgage Program (VMP). They are eligible for most VA benefits under federal law, therefore, to exclude these "Veterans" from this interest preference program offered by the state is inconsistent with other aspects of veterans benefits.

The AHFC/Fed VA program can be combined with the State Veterans Interest Rate Preference program to produce an extremely attractive interest rate for those purchasing or refinancing a home. Under the current statute (AS.56.101), Public Health Service Officers are not eligible for this combination. It is the intent of this bill to add these "Veterans" to this statute.

The foreclosure rate of AHFC has increased significantly over the past year. It is the intent of this legislation that this group of veterans should be eligible for the benefit this preference provides. In Alaska's current poor economy, anything that will help people keep their homes or buy a home helps our state.

Public Health Service Officers currently number 250 in the Anchorage area. The number living outside of this area is not available at this time. It is difficult to say how many people will make use of this program, therefore, the cost is not known. (See fiscal note and letter).

Favorable consideration of this bill would be appreciated by its sponsors. The bill has been passed by the House without any amendments.

Thank you for your time.

TABLE OF CONTENTS

- I. Copy of Bill
- II. Summary
- III. Changes to existing law
- IV. Statutes
- V. Fiscal Note
- VI. Support Document

January 1, 1964, increased by the amount set forth in 38 U.S.C. 411(b) for each child.

(4) If the surviving spouse is determined to be in need of regular aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(c). If the surviving spouse does not qualify for the regular aid and attendance allowance but is housebound under the criteria in § 3.351(f), the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(d).

129 FR 10396, July 25, 1964, as amended at 35 FR 18651, Dec. 9, 1970, 37 FR 6076, Apr. 1, 1972, 39 FR 34529, Sept. 26, 1974, 44 FR 22717, Apr. 17, 1979]

§ 3.6 Duty periods.

(a) "Active military, naval, and air service". This includes active duty, and period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.

(b) "Active duty". This means:

(1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service:

(i) On or after July 29, 1945, or

(ii) Before that date under circumstances affording entitlement to "full military benefits," or

(iii) At any time, for the purposes of dependency and indemnity compensation.

(3) Full-time duty as a commissioned officer of the Coast and Geodetic Survey or of its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration:

(i) On or after July 29, 1945, or

(ii) Before that date;

(a) While on transfer to one of the Armed Forces, or

(b) While, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or

(c) In the Philippine Islands on December 7, 1941, and continuously in such Islands thereafter, or

(iii) At any time, for the purposes of dependency and indemnity compensation.

(4) Service at any time as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy;

(5) Authorized travel to or from such duty or service; and

(6) A person discharged or released from a period of active duty, shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him or her to proceed to his or her home by the most direct route, and, in all instances, until midnight of the date of such discharge or release. (38 U.S.C. 106(e))

(i) January 1, 1957, for service-connected death benefits where the discharge or release occurred on or after that date.

(ii) January 1, 1959, for service-connected disability compensation where the discharge or release occurred on or after January 1, 1957.

(iii) July 21, 1961, for compensation or pension, where the discharge or release occurred prior to January 1, 1957.

(c) Active duty for training. (1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service:

(i) On or after July 29, 1945, or

(ii) Before that date under circumstances affording entitlement to "full military benefits," or

(iii) At any time, for the purposes of dependency and indemnity compensation.

(3) Full-time duty performed by members of the National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law or full-time duty by such members while participating in the reenactment of the Battle of First Manassas in July 1961;

(4) Duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of field training or a practice cruise under chapter 103 of title 10, United States Code (this subparagraph is effective October 1, 1982, with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, and it is effective October 1, 1983, with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982) (Pub. L. 97-506, as amended by sec. 210, Pub. L. 98-223); and

(5) Authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(d) Inactive duty training. This means: (1) Duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under 37 U.S.C. 206 or any other provision of law;

(2) Special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned; and

(3) Duty (other than full-time duty) performed by a member of the National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law. The term "inactive duty training" does not include:

(i) Work or study performed in connection with correspondence courses.

the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(17) The term "non-service-connected" means, with respect to disability or death, that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(18) The term "discharge or release" includes (A) retirement from the active military, naval, or air service, and (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.

(19) The term "State home" means a home established by a State (other than a possession) for veterans disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. Such term also includes such a home which furnishes nursing home care for veterans.

(20) The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. For the purpose of section 903 and chapters 34 and 35 of this title, such term also includes the Canal Zone.

(21) The term "active duty" means—

(A) full-time duty in the Armed Forces, other than active duty for training;

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits" or (iii) at any time, for the purposes of chapter 13 of this title;

(C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (a) while on transfer to one of the Armed Forces, or (b) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (c) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or (iii) at any time, for the purposes of chapter 13 of this title;

(D) service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy; and

(E) authorized travel to or from such duty or service.

(22) The term "active duty for training" means—

(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits", or (iii) at any time, for the purposes of chapter 13 of this title;

(C) in the case of members of the National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law; and

(D) authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(23) The term "inactive duty training" means—

(A) duty (other than full-time duty) prescribed for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206 of title 37 or any other provision of law; and

(B) special additional duties authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

In the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) under sections 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law. Such term does not include (i) work or study performed in connection with correspondence courses, (ii) attendance at an educational institution in an inactive status, or (iii) duty performed as a temporary member of the Coast Guard Reserve.

(24) The term "active military, naval, or air service" includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.



Official Business

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7904
BOX V
JUNEAU, ALASKA 99811
(907) 465-3438

MEMORANDUM

1-15-88

TO: HESS COMMITTEE
FROM: REPRESENTATIVE RAMONA BARNES
RE. PUBLIC HEALTH SERVICE OFFICERS

Your attention is directed to 42 # 213 (d) which clarifies the status of commissioned officers of the Public Health Service with regard to veteran's status as covered under the Veteran's Administration.

Your attention is further drawn to page 160, the purpose paragraph wherein the intent of Congress is expressly stated. Please note that the rights herein granted are in no way diminished or impaired, thereby including but not limited to home loans, etc.,.

Active service deemed active military service with respect
to Soldiers' and Sailors' Civil Relief Act of 1940

(e) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided under the Soldiers' and Sailors' Civil Relief Act of 1940.

(July 1, 1944, c. 373, Title II, § 212, 58 Stat. 689; July 15, 1954, c. 507, § 14(a), 68 Stat. 481; Aug. 1, 1956, c. 837, Title V, § 501(b)(1), 70 Stat. 881; Apr. 22, 1976, Pub.L. 94-278, Title XI, § 1101, 90 Stat. 415.)

Historical Note

References in Text. The Servicemen's Indemnity Act of 1951, referred to in subsec. (d), is Act Apr. 25, 1951, c. 39, Pt. I, 65 Stat. 33, which was classified generally to subchapter II (section 851 et seq. of chapter 13 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and was repealed by Act Aug. 1, 1956, c. 873, Title V, § 502(9), 70 Stat. 886.

The Soldiers' and Sailors' Civil Relief Act of 1940, referred to in subsec. (e), is Act Oct. 17, 1940, c. 885, 54 Stat. 1178, which is classified to section 501 et seq. of the Appendix to Title 50, War and National Defense. For complete classification of this Act to the Code, see section 501 of the Appendix to Title 50 and Tables volume.

1976 Amendment. Subsec. (e). Pub.L. 94-278 added subsec. (e).

1956 Amendment. Act Aug. 1, 1956 amended section generally to extend all rights, privileges, immunities, and benefits provided for commissioned officers of the Army or their surviving beneficiaries to commissioned officers of the Service, with the exception of retired pay and uniform allowances, when performing duty under certain circumstances, and to provide that active service of commissioned officers shall be deemed to be active military service in the Armed Forces for the purposes of all laws administered by the Veterans' Administration (except the Servicemen's Indemnity Act of 1951) and section 417 of this title.

1954 Amendment. Subsec. (a)(1). Act July 15, 1954 struck out "burial payments in the event of death," following "limited to,".

Change of Name. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by Act July 26, 1947, c. 343, Title II, § 205(a), 61 Stat. 501. Section 205(a) of Act July 26, 1947 was repealed by Act Aug. 10, 1956, c.

1041, § 53, 70A Stat. 641. Section 1 of Act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

Effective Date of 1956 Amendment; Applicability. Section 501(b)(2) of Act Aug. 1, 1956, provided that: "The amendment made by this subsection [to this section] (A) shall apply only with respect to service performed on or after July 4, 1952, (B) shall not be construed to affect the entitlement of any person to benefits under the Veterans' Readjustment Assistance Act of 1952 [Act July 16, 1952, c. 875, 66 Stat. 663], (C) shall not be construed to authorize any payment under section 202 (i) of the Social Security Act [section 402(i) of this title], or under Veterans Regulation Numbered 9(a), for any death occurring prior to January 1, 1957, and (D) shall not be construed to authorize payment of any benefits for any period prior to January 1, 1957."

Transfer of Functions. All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare [now Secretary of Health and Human Services] by 1966 Reorg. Plan No. 3, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out under section 202 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Treasury, with certain exceptions, to the Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of the Coast Guard, and the Commandant of the Coast Guard, were excepted from transfer when the Coast Guard is oper-

ating as part of the Navy under and J of Title 14, Coast Guard.

Computation of Social Security for Officers Entitled to Old-age Benefits Prior to January 1, 1957. **Survivors of Officers who Died Prior to 1956.** Section 501(b)(3) of Act Aug. 1, 1956, as amended Oct. 17, 1956, 96-88, Title V, § 509(b), 93 Stat. 886, provided that:

"In the case of any individual—
“(A) who performed active service as a commissioned officer of the Public Health Service at any time during the period beginning July 4, 1952, and ending December 31, 1956, or (ii) as a commissioned officer of the Coast and Geodetic Survey at any time during the period beginning July 29, 1945, and ending December 31, 1956, and

“(B)(i) who became entitled to insurance benefits under section 202 of the Social Security Act [section 402 of this title] prior to January 1, 1957, and

“(ii) who died prior to January 1, 1957, and whose widow, child, or dependent was entitled for the month of January 1957 on the basis of his wages and self-employment income to a monthly survivor's benefit under section 202 of such Act [section 402 of this title]; and

“(C) any part of whose service in subparagraph (A) was not included in the computation of his primary insurance amount under section 215 of such Act [section 415 of this title] but would have been included in such computation if the amendment made by paragraph (1) of section 501(b)(3) of such Act had been effective prior to the date of his death, the Secretary of Health and Human Services shall, notwithstanding the provisions of section 215(f)(1) of such Act [section 415(f)(1) of this title], recompute the primary insurance amount of such individual upon the filing of such individual's application, after December 31, 1956, for such Act [section 402 of this title] on the basis of his wages and self-employment income.

Armed Services — 7.

service with respect
rel Act of 1940

of the Service shall be deemed
forces of the United States for
s. and benefits now or hereaf-
Civil Relief Act of 1940.

July 15, 1954, c. 507, § 14(a), 68
1), 70 Stat. 881; Apr. 22, 1976,

53, 70A Stat. 641. Section 1 of Act
1956 enacted "Title 10, Armed
which in sections 3011 to 3013 con-
e military Department of the Army
administrative supervision of a Sec-
the Army.

ve Date of 1956 Amendment; Appli-
Section 501(b)(2) of Act Aug. 1,
vided that: "The amendment made
ubsection [to this section] (A) shall
y with respect to service performed
r July 4, 1952, (B) shall not be con-
the entitlement of any person
s under the Veterans' Readjustment
Act of 1952 [Act July 16, 1952, c.
at. 663], (C) shall not be construed
ize any payment under section 202
social Security Act [section 402(i) of
r under Veterans Regulation
19(a), for any death occurring prior
1, 1957, and (D) shall not be con-
authorize payment of any benefits
mod prior to January 1, 1957."

r of Functions. All functions of
lth Service, of the Surgeon General
lic Health Service, and of all other
d employees of the Public Health
d all functions of all agencies of or
lic Health Service transferred to
f Health, Education, and Welfare
r of Health and Human Ser-
1966 Reorg. Plan No. 3, 31 F.R.
tat. 1610, effective June 25, 1966,
ter section 202 of this title.

er of functions of other officers,
and agencies of the Department of
ry, with certain exceptions, to the
f the Treasury with power to dele-
org Plan No. 26 of 1950, §§ 1, 2,
1, 1950, 15 F.R. 4935, 64 Stat.
set out in the Appendix to Title
rent Organization and Employees.
f the Coast Guard, and the Com-
the Coast Guard, were excepted
er when the Coast Guard is oper-

ating as part of the Navy under sections 1
and 3 of Title 14, Coast Guard.

Recomputation of Social Security Benefits
for Officers Entitled to Old-age Insurance
Benefits Prior to January 1, 1957 or for Sur-
vivors of Officers who Died Prior to January
1, 1957. Section 501(b)(3) of Act Aug. 1,
1956, as amended Oct. 17, 1979, Pub.L.
96-88, Title V, § 509(b), 93 Stat. 695, provid-
ed that:

"In the case of any individual—

"(A) who performed active service (i) as
a commissioned officer of the Public
Health Service at any time during the peri-
od beginning July 4, 1952, and ending De-
cember 31, 1956, or (ii) as a commissioned
officer of the Coast and Geodetic Survey at
any time during the period beginning July
29, 1945, and ending December 31, 1956;
and

"(B)(i) who became entitled to old-age
insurance benefits under section 202(a) of
the Social Security Act (section 402(a) of
this title) prior to January 1, 1957, or

"(ii) who died prior to January 1, 1957,
and whose widow, child, or parent is enti-
tled for the month of January 1957, on the
basis of his wages and self-employment in-
come, to a monthly survivor's benefit under
section 202 of such Act (section 402 of this
title); and

"(C) any part of whose service described
in subparagraph (A) was not included in
the computation of his primary insurance
amount under section 215 of such Act (sec-
tion 415 of this title) but would have been
included in such computation if the amend-
ment made by paragraph (1) of this subsec-
tion or paragraph (1) of subsection (d) had
been effective prior to the date of such
computation, the Secretary of Health and
Human Services shall, notwithstanding the
provisions of section 215(f)(1) of the Social
Security Act (section 415(f)(1) of this title),
recompute the primary insurance amount
of such individual upon the filing of an ap-
plication, after December 1956, by him or
(if he dies without filing such an applica-
tion) by any person entitled to monthly
survivor's benefits under section 202 of
such Act (section 402 of this title) on the
basis of his wages and self-employment in-

come. Such recomputation shall be made
only in the manner provided in title II of
the Social Security Act (sections 401 to 425
of this title) as in effect at the time of the
last previous computation or recomputa-
tion of such individual's primary insurance
amount, and as though application therefor
was filed in the month in which application
for such last previous computation or
recomputation was filed. No recomputa-
tion made under this paragraph shall be re-
garded as a recomputation under section
215(f) of the Social Security Act (section
415(f) of this title). Any such recomputa-
tion shall be effective for and after the
twelfth month before the month in which
the application was filed, but in no case for
any month before January 1957."

Disposition of Remains of Deceased Per-
sonnel. Recovery, care, and disposition of
the remains of deceased members of the uni-
formed services and other deceased personnel,
see section 1481 et seq. of Title 10, Armed
Forces.

Burial of Certain Commissioned Officers.
Act Apr. 30, 1956, c. 227, 70 Stat. 124, pro-
vided: "That burial in national cemeteries of
the remains of commissioned officers of the
United States Public Health Service who were
detailed for duty with the Army or Navy dur-
ing World War I pursuant to the Act of July
1, 1902 (32 Stat. 712, 713), as amended, and
Executive Order Numbered 2571 dated April
3, 1917, and of the wife, widow, minor child
and, in the discretion of the Secretary of the
Army, unmarried adult child of these officers
is authorized: Provided, That the remains of
the wife, widow, and children may, in the dis-
cretion of the Secretary of the Army, be re-
moved from a national cemetery proper and
interred in the post section of a national cem-
etery if, upon death, the related officer is not
buried in the same or an adjoining gravesite."

Legislative History. For legislative history
and purpose of Act July 1, 1944, see 1944 U.
S. Code Cong. Service, p. 1211. See, also, Act
July 15, 1954, 1954 U.S. Code Cong. and
Adm. News, p. 2546; Act Aug. 1, 1956, 1956
U.S. Code Cong. and Adm. News, p. 3976;
Pub.L. 94-278, 1976 U.S. Code Cong. and
Adm. News, p. 709.

Library References

C.J.S. Armed Services § 27.

Armed Services 7.

Notes of Decisions

Personal injury claims 2
Purpose 1

2. Personal Injury claims

This section which grants Public Health Service officers on detail with the armed forces the identical federal rights available to commissioned army officers had no application to claim for loss of husband's services and consortium and medical expenses asserted by wife of lieutenant commander in the United States Public Health Service who was injured in skiing accident. *Wanner v. Glen Ellen Corp.*, D.C.Vt. 1974, 373 F.Supp. 983.

1. Purpose

Intent of Congress in amending this section was to grant Public Health Service officers on detail with armed forces the identical federal rights available to commissioned army officers. *Wanner v. Glen Ellen Corp.*, D.C.Vt. 1974, 373 F.Supp. 983.

§ 213a. Rights, benefits, privileges, and immunities for commissioned officers or beneficiaries; exercise of authority by Secretary or designee

(a) Commissioned officers of the Service or their surviving beneficiaries are entitled to all the rights, benefits, privileges, and immunities now or hereafter provided for commissioned officers of the Army or their surviving beneficiaries under the following provisions of Title 10:

(1) Section 1036, Escorts for dependents of members: transportation and travel allowances.

(2) Chapter 61, Retirement or Separation for Physical Disability, except that sections 1201, 1202, and 1203 do not apply to commissioned officers of the Public Health Service who have been ordered to active duty for training for a period of more than 30 days.

(3) Chapter 69, Retired Grade, except sections 1370, 1374, 1375 and 1376(a).

(4) Chapter 71, Computation of Retired Pay, except formula No. 3 of section 1401.

(5) Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan.

(6) Chapter 75, Death Benefits.

(7) Section 2771, Final settlement of accounts: deceased members.

(8) Chapter 163, Military Claims, but only when commissioned officers of the Service are entitled to military benefits under section 213 of this title.

(9) Section 2603, Acceptance of fellowships, scholarships, or grants.

(10) Section 2634, Motor vehicles: for members on permanent change of station.

(11) Section 1035, Deposits of Savings.

(12) Section 1552, Correction of military records: claims incident thereto.

(13) Section 1553, Review of discharge or dismissal.

de Cong. Service, p. 1711. See, also, Act 28, 1948, 1948 U.S. Code Cong. Service, 103; Act Oct. 12, 1949, 1949 U.S. Code Cong. Service, p. 2089; Act Apr. 27, 1956, 1956 U.S. Code Cong. and Adm. News, p. 4613; Pub. L. 84-15, 1960 U.S. Code Cong. and Adm. News, p. 1834; Pub. L. 91-253, 1970 U.S. Code Cong. and Adm. News, p. 3041; Pub. L. 96-16, 1979 U.S. Code Cong. and Adm. News, 254; Pub. L. 96-342, 1980 U.S. Code Cong. and Adm. News, p. 2612; Pub. L. 97-25, 1981 U.S. Code Cong. and Adm. News, p. 396.

Nov. 16, 1973, 87 Stat. 604, provided for the retirement of certain officers of the Reserve Corps of the Public Health Service for disability.

§ 212b. Repealed. Apr. 27, 1956, c. 211, § 5(d), 70 Stat. 117

Historical Note

Section, Act July 31, 1953, c. 296, Title II, § 201, 67 Stat. 254, authorized the recall of retired officers of the Service, and is now covered by section 212(c) of this title.

§ 213. Military benefits

Rights, privileges, immunities, and benefits accorded to commissioned officers or their survivors

(a) Except as provided in subsection (b) of this section, commissioned officers of the Service and their surviving beneficiaries shall, with respect to active service performed by such officers—

- (1) in time of war;
- (2) on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or
- (3) while the Service is part of the military forces of the United States pursuant to Executive order of the President;

and shall be entitled to all rights, privileges, immunities, and benefits now or hereafter provided under any law of the United States in the case of commissioned officers of the Army or their surviving beneficiaries on account of active military service, except retired pay and uniform allowances.

Award of decorations

(b) The President may prescribe the conditions under which commissioned officers of the Service may be awarded military ribbons, medals, and decorations.

Authority of Surgeon General

(c) The authority vested by law in the Department of the Army, the Secretary of the Army, or other officers of the Department of the Army with respect to rights, privileges, immunities, and benefits referred to in subsection (a) of this section shall be exercised, with respect to commissioned officers of the Service, by the Surgeon General.

Active service deemed active military service with respect to laws administered by Veterans' Administration

(d) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all laws administered by the Veterans' Administration (except the Servicemen's Indemnity Act of 1951) and section 417 of this title.

es
o government agencies, see section 801
ted Services.

to are retired under subsec. (a) of this
rees.

es
United States § 44.

ns
mp... periods

tiff was entitled to include the period
by him as Assistant to the Surgeon
l as well as the three years and two
served as Deputy Surgeon General in
ing the four years required by former
(b)(2) of this section. Draper v. U.
121 Ct.Cl. 625.

just of recovery allowed
e plaintiff sued for the difference be-
te retirement pay he received for the
rom Sept. 1, 1947, to Oct. 1, 1949,
the rank of brigadier general and the
at pay he should have received (or
od based on the rank of major gener-
plaintiff was entitled to recover.
U. S., 1952, 121 Ct.Cl. 525.

§ 7(b), Dec. 29, 1973, 87

e X, § 1012, by Pub.L. 89-239, § 3
6, 1965, 79 Stat. 931, renumbered
§ 1112 by Pub.L. 91-572, § 6(b),
970, 84 Stat. 1506, renumbered Ti-
1212, by Pub.L. 92-294, § 3(b),
772, 86 Stat. 137, renumbered Title
112, by Pub.L. 93-154, § 2(b)(2).

FISCAL NOTE

REQUEST:

Revisior Date: 02/25/88
 Title: An Act relating to eligibility
for veterans' interest rates for
housing mortgage loans.
 Sponsor: Reps. Barnes and Furnace
 Requestor: house Finance

Agency Affect:
 BRU: Alaska H
 Comments: _____

HB 469
7/1/88
3/2/88

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The cost of this legislation cannot be determined at this time.
 (Please see attached)

Prepared By: Margaret Nelson Phone: 276-5599
 Division: Alaska Housing Finance Corporation Date: 02/25/88
 Approved by Commissioner: Hugh Malone Date: 02/25/88
 Agency: Department of Revenue

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

What's Available To The Veteran



There are three basic options available to the veteran through AHFC:

- 1. An AHFC Loan combined with a Federal Veterans Administration Loan;*
- 2. The Veterans Mortgage Program; and*
- 3. The State Veterans Interest Rate Preference.*

1. AHFC/Federal VA

Benefit:

The major benefit of combining an AHFC loan with a Federal VA guaranteed loan is the lower down payment.

Maximum Loan Amount: \$135,000

Minimum Down Payment:

Up to \$110,000	Zero down.
\$110,000-\$135,000	25% on the amount over \$110,000

*Qualification:

Eligibility for the Veteran benefit is determined by the Federal Veterans Administration. This program may be combined with AHFC's Regular Program, the Veterans Mortgage Program, Tax-Exempt Program, HOF Program and Mobile Home Program.

2. Veteran's Mortgage Program (VMP)

Benefit:

A lower interest rate than under AHFC's other programs, on the entire loan amount.

Maximum Loan Amount:

Single Family Residence	\$199,850
Duplex	\$255,850
Triplex	\$308,900
Four-plex	\$394,000

If the residence is a multi-family dwelling (duplex - four-plex) then all units must have been occupied as such for at least 5 years.

Minimum Down:

Single-Family and Duplex
Triplex and Four-plex

*Qualification:

Federal restrictions require that in-



dividuals applying under this program be "qualified veterans" as defined under Title 38, United States Code 101(2) and have been on active duty prior to January 1, 1977, and cannot have been out of the service for more than 30 years.

Documentation that is accepted by AHFC as evidence of meeting the code is the Veterans Certificate of Eligibility, or a letter from the Federal Veterans Administration and a DD-214, or, for Commissioned Officers, a letter from Personnel stating the entry date of service. Basically, an individual must have served in the Armed Forces and have been discharged other than dishonorably. In addition, active military who have completed their initial period of duty may qualify. The code also includes certain individuals in the Public Health Service but severely limits National Guard and Reservist. You may combine this program with Number 1 to receive the benefit of both the lower interest rate and the down payment.

3. State Veterans Interest Rate Preference

Benefit:

The State Veteran receives a 1 percent lower interest rate on the first \$90,000 of the loan. The important thing to remember is that this is not a program but an interest rate differential that must be applied to a program. It may be applied to all of the programs offered by AHFC but it may not be combined with Number 2, the Veterans Mortgage Program.

*Qualification:

Determination for the State Veterans Interest Rate preference is made by AHFC. To qualify for the lower rate, the borrower may not currently be on active duty. An individual must have served in the Armed Forces for 90 days or more (unless discharged due to a service connected injury) and have been discharged other than dishonorably. Active duty for the purpose of training will not be counted toward the 90 day requirement. Members of

CORRECTION

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

FISCAL NOTE

REQUEST:

Revision Date: 02/25/88
Title: An Act relating to eligibility for veterans' interest rates for housing mortgage loans.
Sponsor: Reps. Barnes and Furnace
Requestor: House Finance

Agency Affect: _____
BRU: Alaska H
Components: _____

HB = 609
NO F
3/2/88

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The cost of this legislation cannot be determined at this time.
(Please see attached)

Prepared By: Margaret Nelson Phone: 276-5559
Division: Alaska Housing Finance Corporation Date: 02/25/88
Approved by Commissioner: Hugh Malone Date: 02/25/88
Agency: Department of Revenue

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

ALASKA HOUSING FINANCE CORPORATION
Fiscal Note HB 269
02/25/88

It is difficult to determine how much this measure would cost AHFC since it is difficult to estimate how many former and current Public Health Service (PHS) employees will take advantage of this program. Currently there are 250 PHS commissioned officers working in Anchorage. (Statewide figures were not immediately available.) If all took advantage of the program and qualified, at an average loan amount of \$110,000 a 1 percent subsidy would cost AHFC \$1.5 million.

If the bill was amended to extend the 1 percent preference interest rate to all active military with at least five years of service, again AHFC finds it difficult to determine just how much it would cost. However, the following is an estimate.

As of September 1986, there were 25,906 active military personnel - including Navy, Army, Air Force, Marines and Coast Guard - serving in Alaska. If one-third of those personnel, applied for, were qualified and received the subsidy, based on an average loan of \$116,000, the 1 percent subsidy would cost AHFC \$64 million.

It should be noted that the Fiscal Note columns all show zeros. The impact of this proposal would be on AHFC's Revolving Loan Fund.

Additional background and historical information is contained in the attached letter to the bill's sponsor, Representative Barnes.

What's Available To The Veteran



There are three basic options available to the veteran through AHFC:

- 1. An AHFC Loan combined with a Federal Veterans Administration Loan;*
- 2. The Veterans Mortgage Program; and*
- 3. The State Veterans Interest Rate Preference.*

1. AHFC/Federal VA

Benefit:

The major benefit of combining an AHFC loan with a Federal VA guaranteed loan is the lower down payment.

Maximum Loan Amount: \$135,000

Minimum Down Payment:

Up to \$110,000	Zero down
\$110,000-\$135,000	25% on the amount over \$110,000

***Qualification:**

Eligibility for the Veteran benefit is determined by the Federal Veterans Administration. This program may be combined with AHFC's Regular Program, the Veterans Mortgage Program, Tax-Exempt Program, HCF Program and Mobile Home Program.

2. Veteran's Mortgage Program (VMP)

Benefit:

A lower interest rate than under AHFC's other programs, on the entire loan amount.

Maximum Loan Amount:

Single Family Residence	\$199,850
Duplex	\$255,650
Triplex	\$308,900
Four-plex	\$384,000

If the residence is a multi-family dwelling (duplex - four-plex) then all units must have been occupied as such for at least 5 years.

Minimum Down:

Single-Family and Duplex
Triplex and Four-plex

***Qualification:**

Federal restrictions require that in-



dividuals applying under this program be "qualified veterans" as defined under Title 38, United States Code 101(2) and have been on active duty prior to January 1, 1977, and cannot have been out of the service for more than 30 years.

Documentation that is accepted by AHFC as evidence of meeting the code is the Veterans Certificate of Eligibility, or a letter from the Federal Veterans Administration and a DD-214, or, for Commissioned Officers, a letter from Personnel stating the entry date of service. Basically, an individual must have served in the Armed Forces and have been discharged other than dishonorably. In addition, active military who have completed their initial period of duty may qualify. The code also includes certain individuals in the Public Health Service but severely limits National Guard and Reservist. You may combine this program with Number 1 to receive the benefit of both the lower interest rate and the down payment.

3. State Veterans Interest Rate Preference

Benefit:

The State Veteran receives a 1 percent lower interest rate on the first \$90,000 of the loan. The important thing to remember is that this is not a program but an interest rate differential that must be applied to a program. It may be applied to all of the programs offered by AHFC but it may not be combined with Number 2, the Veterans Mortgage Program.

***Qualification:**

Determination for the State Veterans Interest Rate preference is made by AHFC. To qualify for the lower rate, the borrower may not currently be on active duty. An individual must have served in the Armed Forces for 90 days or more (unless discharged due to a service connected injury) and have been discharged other than dishonorably. Active duty for the purpose of training will not be counted toward the 90 day requirement. Members of

the Reserve (if the unit is a troop program unit) and Alaska National Guard with a minimum of 5 years service may also qualify. In addition, a widow or widower may qualify if the Veteran was inducted from Alaska.

Type of Loan

AHFC utilizes an Alaska Building Equity (ABE) mortgage which is assumable by a qualified buyer. Under this type of mortgage, the interest rate is fixed, however, there are moderate in-

creases to the monthly payments in years four through nine. These increases are applied directly to the outstanding principal balance on the loan. Therefore, the loan is repaid in approximately 18 years. A detailed description of the ABE mortgages is available in AHFC's pamphlet "Buying a Home In the Future."

Interest Rates

Mortgage interest rates are based on the interest rate for AHFC bonds plus

the Corporation's operating costs and will vary from time to time. INTEREST RATES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE. Consult your lender for the current AHFC rate.

**The qualifications given for the three options are not intended to be inclusive but to provide only the basic guidelines.*

H B

2 9 3

SENATE COMMITTEE REPORT

FURTHER

JUDICIARY
FINANCE

DATE TURNED INTO OFFICE 4-28-88

3/15/88

Mr. President:

STATE AFFAIRS

Committee considered CSHB 293 (RULES) am

conduct and administration of elections by the director of elections; efd

and recommended

replace with 5 CS CSHB 293 (SA)) same title
 or adopt CS) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Richard [unclear] / DO PASS

Gen. [unclear] / DO PASS

[Signature]
Chairman signature and recommendation

Committee Backup attached

Sen. Ahoad

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE




House of Representatives

ANCHORAGE
P O BOX 104836
ANCHORAGE AK 99510
(WI) (907) 561-7623
(HI) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

MEMORANDUM

DATE: April 26, 1988
TO: Senator Rick Uehling
FROM: Representative Pat Pourchot 
SUBJECT: HB 293 - Relating to Elections

Following is some additional information on HB 293, Section 5 which relates to the application deadline for absentee ballots.

State statute originally required that an application for an absentee ballot be postmarked 7 days prior to an election but was amended in 1986 to require that the application be postmarked 10 days prior to an election.

The Division of Elections was faced with the problem of what to do with applications that were properly postmarked but not received until one or two days before the election, thus leaving insufficient time to mail a ballot to the applicant. Another problem was the lack of equity in the treatment of voters whose application was received, for example, on the 8th day before the election. In this case applications having the proper postmark would be honored but applications either lacking or with an unreadable postmark would not be honored - even though they were received on the same day. To address these problems, the Division adopted regulations specifying the fourth day before the election as the last day for receipt of applications.

Because the postmark no longer serves a useful purpose and as a "housekeeping" measure, the House Judiciary Committee deleted the requirement that an application be postmarked 10 days prior to an election and adopted into statute the Division's regulation requiring the application to be received 4 days prior to an election.

SUMMARY

CS HB 293 (Rules) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

Section 1. Current statute states that a voter who has changed one's name but wishes to vote under the new name must reregister 30 days prior to the election.

Questions concerning this section of the statute were raised in the 1986 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, the proposed amendment allows a voter to vote under one's previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Section 2. This new subsection directs the director of elections, whenever possible, to send written notice of any change in a precinct boundary or polling place to each affected registered voter.

This amendment attempts to mitigate any inconvenience caused a voter because of a change in polling place.

Sections 3, and 13 through 16. These sections remove the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

In territorial days when elections involved closed partisan races, it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards. Because we now include candidates of all parties on the same card - the card is essentially nonpartisan. The Court System has no problem with the proposed amendment.

Based on a review of 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 4. Current statute requires that an election official record the date and time an absentee ballot is provided and received. This amendment eliminates the requirement to record the time - which serves no useful purpose.

Section 5. Current statute requires that an application for an absentee ballot must be postmarked ten days prior to the election. Because mail often lacks a postmark or the postmark is unreadable, the amendment would delete the reference to a postmark and would require that the application be received four days

prior to the election. This would still allow a minimum time for a ballot to be sent to and received by an applicant on or prior to election day.

Section 6. Amends language relating to state review board's review and counting of absentee ballots to conform to language in Section 7 relating to procedure for recount.

Section 7. This amendment would eliminate the provision in current statute which allows ballots that are received after statutory deadlines to be opened and counted in recounts.

Alaska currently has the longest time periods of any state in which to receive and count absentee ballots after election day. This amendment would make the existing deadlines consistent for both regular counts and recounts.

Domestically mailed ballots would be counted when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be counted.

Current statutes provide the opportunity for an individual to "work" the absentee voter list to solicit voters (who did not return their ballots) to cast them after election day because postmarks are missing in about 1/3 of the returns. This amendment eliminates a very real potential for fraud.

Section 8. This amendment is "housekeeping" in nature. The section proposes the deletion of references to 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 contain any reference to this "plus sign."

This amendment will eliminate the necessity for printing two versions of the same ballot where there is both punch card voting and handmark voting in the same district and will result in a savings of \$2,000 in ballot printing costs.

Section 9 and 10. Current statutes set the deadline for withdrawal of a candidate's name from the ballot or the replacement of a name on the ballot 40 days prior to the election.

This severely constricts to three weeks the time in which to prepare, print and distribute ballots across the state. In cases where a lawsuit is filed contesting a candidate's eligibility (the 1986 gubernatorial race, for example) the time frame can be further reduced.

A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet their statutory deadlines which are dependent on completion of ballot printing.

Section 11. This technical amendment would change the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.

Section 12. Amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.

Alaska State Legislature



ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 561-7623
(H) (907) 738-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE

House of Representatives

MEMORANDUM

DATE: April 25, 1988

TO: Senate State Affairs Committee
Senator Mitch Abood, Chairman
Senator Rick Uehling, Vice Chair
Senator Willie Hensley
Senator Joe Josephson
Senator Ken Fanning

FROM: Representative Pat Pourchot

SUBJECT: CS HB 293 (Rules am) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

CS HB 293 (Rules am) makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. The Division of Elections supports CS HB 293 (Rules am) and has stated that passage will aid the Division in effectively and efficiently performing its mandated responsibilities.

- 1) Section 1 amends existing statutes to allow a person who has changed his/her name but has not reregistered under the new name to vote a questioned ballot.
- 2) Section 2 adds a new subsection which directs the Division of Elections, whenever possible, to provide written notice of a change in a precinct boundary or polling place to each affected registered voter.
- 3) Section 3 deletes a requirement that judicial retention candidates be printed on a separate judicial ballot. The Alaska Court System has indicated that the Judicial branch has no problem with the elimination of this statutory reference. Sections 13 through 16 are conforming amendments.
- 4) Section 4 would retain the requirement that an election official record the date an absentee ballot is provided

and returned to the election official but would delete the requirement to record the time.

- 5) Section 5 would require that an application for an absentee ballot by mail must be received by the Division four days prior to the election rather than postmarked ten days before the election. Mail often lacks a postmark and when there is a postmark it is often unreadable.
- 6) Section 6 amends the statutes relating to the state review board's review and counting of absentee ballots to conform to language in Section 7.
- 7) Section 7 would disallow the counting of absentee ballots not received by the end of the 10th day after the election when mailed within the U.S. and those not received by the end of the 15th day after the election when mailed from outside the U.S. or from a military APO or FPO address.
- 8) Section 8 clarifies existing statutes by removing existing reference to a "plus sign" which has necessitated the printing of two versions of the same ballot where there is both punch card voting and handmark voting in the same district.
- 9) Section 9 changes the deadline for removal of a name from the primary ballot from 40 to 54 days prior to the primary election. The earlier notice is for the better management of the primary election and the preparation of the ballots.
- 10) Section 10 amends the statutes relating to filling vacancies by party petition to conform to the requirements in Section 9.
- 11) Section 11 changes the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.
- 12) Section 12 amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.
- 13) Section 17 establishes an immediate effective date.

SUMMARY

CS HB 293 (Rules am) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

Section 1. Current statute states that a voter who has changed one's name but wishes to vote under the new name must reregister 30 days prior to the election.

Questions concerning this section of the statute were raised in the 1986 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, the proposed amendment allows a voter to vote under one's previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Section 2. This new subsection directs the director of elections, whenever possible, to send written notice of any change in a precinct boundary or polling place to each affected registered voter.

This amendment attempts to mitigate any inconvenience caused a voter because of a change in polling place.

Sections 3, and 13 through 16. These sections remove the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

In territorial days when elections involved closed partisan races, it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards. Because we now include candidates of all parties on the same card - the card is essentially nonpartisan. The Court System has no problem with the proposed amendment.

Based on a review of 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 4. Current statute requires that an election official record the date and time an absentee ballot is provided and received. This amendment eliminates the requirement to record the time - which serves no useful purpose.

Section 5. Current statute requires that an application for an absentee ballot must be postmarked ten days prior to the election. Because mail often lacks a postmark or the postmark is

unreadable, the amendment would delete the reference to a postmark and would require that the application be received four days prior to the election. This would still allow a minimum time for a ballot to be sent to and received by an applicant on or prior to election day.

Section 6. Amend language relating to state review board's review and counting of absentee ballots to conform to language in Section 7 relating to procedure for recount.

Section 7. This amendment would eliminate the provision in current statute which allows ballots that are received after statutory deadlines to be opened and counted in recounts.

Alaska currently has the longest time periods of any state in which to receive and count absentee ballots after election day. This amendment would make the existing deadlines consistent for both regular counts and recounts.

Domestically mailed ballots would be counted when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be counted.

Current statutes provide the opportunity for an individual to "work" the absentee voter list to solicit voters (who did not return their ballots) to cast them after election day because postmarks are missing in about 1/3 of the returns. This amendment eliminates a very real potential for fraud.

Section 8. This amendment is "housekeeping" in nature. The section proposes the deletion of references to 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 contain any reference to this "plus sign."

This amendment will eliminate the necessity for printing two versions of the same ballot where there is both punch card voting and handmark voting in the same district and will result in a savings of \$2,000 in ballot printing costs.

Section 9 and 10. Current statutes set the deadline for withdrawal of a candidate's name from the ballot or the replacement of a name on the ballot 40 days prior to the election.

This severely constricts to three weeks the time in which to prepare, print and distribute ballots across the state. In cases where a lawsuit is filed contesting a candidate's eligibility (the 1986 gubernatorial race, for example) the time frame can be further reduced.

A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet their statutory deadlines which are dependent on completion of ballot printing.

Section 11. This technical amendment would change the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.

Section 12. Amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.

Section 17. Establishes an immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 23, 1988

SUBJECT: Conduct and administration of elections by the
director of elections [CSHB 293 (Rules) am]

TO: Representative Pat Pourchot

FROM: Tamara Brandt Cook ^{TBC}
Director
Legal Services Division ^{K TBC}

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill amends AS 15.07.090(a) to alter the procedure under which a voter whose name is changed (by court order or by marriage) may vote. Existing law requires that the voter notify the division of election 30 days before the election or vote under the old name. Under the amendment, the voter may vote a questioned ballot.

Section 2 of the bill amends AS 15.10.020 by adding a new subsection (b). The section provides that "whenever possible," the director shall send written notice of a change in a precinct boundary or polling place to affected voters.

Section 3 of the bill amends AS 15.15.030(10). The goal of the amendment was to eliminate the requirement that judicial retention election ballots be printed on a separate ballot. In that connection note that Art. IV, sec. 6 requires that the retention ballot be "nonpartisan"; presumably this means that judges may not appear on the ballot used for the election of the political officers of the state.

Note in this connection the conforming amendments later in the bill at secs. 13 - 17 of the bill.

Section 4 of the bill amends AS 15.20.071(d). The law relates to absentee voting by personal representative. It amends out the existing requirement that the election official record the "time" that the absentee ballot is provided and returned; it continues the requirement that the date be recorded when the ballot is provided and adds the requirement that the date when the ballot is returned be recorded.

Section 5 of the bill amends AS 15.20.081(b). It substitutes a requirement that an absentee ballot application be "received by the division not less than four days before the election" in place of the former "postmarked not less than ten days before the election".

Section 6 of the bill amends AS 15.20.220(b). The amendment conforms the section to changes made to AS 15.20.081(e) and (h) several years ago regarding the times within which absentee ballots must be received after an election.

Section 7 of the bill amends AS 15.20.480. The section is, I believe, a section that was omitted from an earlier revision of the election recount procedure dates. With the amendment of this section, the general law on the counting of absentee ballots received after an election is now controlled by AS 15.20.081(e) and (h).

Section 8 of the bill amends AS 15.20.730(b). The elimination of the references to "plus signs" is designed to remedy a confusion: The existing law talks about "punches" and "plus signs" and the question has been which controlled.

Section 9 of the bill amends AS 15.25.055. It requires a candidate in the primary election to give notice of a withdrawal from the primary election earlier. The earlier notice is for the better management of the primary election and the preparation of the ballots.

Section 10 of the bill amends AS 15.25.110. It permits a party to name a candidate to fill a vacancy caused by a withdrawal, disqualification, etc., of a candidate nominated at a primary election.

Section 11 amends AS 15.25.150. A petition must be filed at the close of business rather than at 5:00 p.m.

Section 12 amends AS 15.25.200. If a candidate nominated by petition dies or withdraws at least 54 days before the date of the general election, the candidate's name shall not be placed on the ballot. Under existing law this is the case if the candidate dies or withdraws before September 1 of the election year.

Section 13 of the bill amends AS 15.35.050. It eliminates the requirement that the retention election for supreme court justices be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 14 of the bill amends AS 15.35.059. It eliminates the requirement that the retention election for court of appeals judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 15 of the bill amends AS 15.35.090. It eliminates the requirement that the retention election for superior court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 16 of the bill amends AS 15.35.130. It eliminates the requirement that the retention election for district court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 17 of the bill establishes an immediate effective date.

If I may be of further assistance, please advise.

TBC:mkr
b5/035

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to elections

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Pourchot & Ulmer
Requestor: House Judiciary Committee

Components: II - Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: _____
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

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

Maw
1/26/88

CONTINUATION FISCAL NOTE
HB 293

Division of Elections

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)

The Division of Elections anticipates that the amendment requiring the mailing of official notice of precinct boundary or polling place change to each impacted voter would add to the overall costs of elections. However, in view of the fact that the existing bill generates an overall savings in the costs of ballot printing, it is not expected that the costs related to the amendment will cause the fiscal note to require an increase in funding. However, the savings in ballot printing would be generally offset by the increased costs relative to implementation to the amendment. It should be remembered that the actual savings/costs ratio would fluctuate from year to year.

Based on the prior bid awards the printing of similar forms, printing would come to \$0.069 per unit. Postage is figured at \$0.22.

In 1986, 65 polling places were changed, impacting 44,070 voters.

At 28.9 cents per item, the cost of mailing these notices would have been \$12,736.

COMMENTS IN SUPPORT OF
CS FOR HOUSE BILL 293 (Rules)

Prepared by
Division of Elections
March 10, 1988

The Division of Elections has reviewed CSHB 293 and supports its provisions in their entirety. Much of this bill is "housekeeping" in nature. The thrust of the bill is to accomplish the following major objectives:

1. Reduce the complexity and expense of ballot printing. Under the current statutes, judicial retention candidates must appear on a "separate" ballot. Often there is adequate space on other ballot cards to include the judicial candidates for specific districts. A review of the 1984 and 1986 general election ballots, illustrated that in 1/3 to 1/2 of the districts in the state, all candidates and issues could have been accommodated on 2 ballot cards instead of 3. Reductions in the number of cards which must be printed could result in a savings in paper and printing costs.

Additionally, the bill deletes reference to a "+" sign which appears in the punch boxes in computer type ballots. The "+" sign serves no real purpose but does require us to print two versions of the same ballot in districts where some precincts vote punch cards and some precincts vote hand marked ballots.

2. Remedy the deficiency in the current statutes which tends to disenfranchise voters who change their names just prior to an election. Existing laws require that a voters who change their names must update their registration record 30 days prior to the election in which they seek to vote.

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 registrations as required by law. The amendment proposed in this bill is consistent with the findings of the court.

3. Elimination of late ballots from inclusion in recounts. The bill eliminates the provision which allows ballots received after the statutory deadline from being counted in recounts. Concern has been expressed that accepting these very late ballots opens a window for fraudulent use of the absentee program because 1/3 of all mailed ballots have no readable postmark. With more and more voters using the by mail voting program, and greater access to absentee voter lists that indicate whether or not the voter has returned a voted ballot, there is concern a greater opportunity exists to "work" the absentee lists to solicit voters who did not return their ballots, to cast them after election day, where races are very close, potentially impacting the outcome of the recount.
4. Ease the impact of late candidacy withdrawals by changing the deadline from 40 to 54 days prior to an election. The Division of Elections strongly supports these amendments. The current 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. In addition, the existing deadlines allow only 10 days for preparing camera ready sample ballots for inclusion in the Official Election Pamphlet which by law must be printed and in the mail to voters 30 days prior to the election.
5. Expanded services to voters. The bill provides that voters impacted by polling place or precinct boundary changes will be sent notification of the changes before the election. This notification should be beneficial in assuring that voters know where to vote on election day.

The bill also removes the requirement that applications for absentee ballots be postmarked 10 days prior to the election. Rather, it extends the application period by requiring, simply, that applications be received not later than 4 days prior to the election.

HB

297

SENATE COMMITTEE REPORT

FURTHER C&RA
FINANCE

DATE TURNED INTO OFFICE 4-28-88

3/10/88
Mr. President:

State Affairs Committee considered CSHB 297 (FIN) am

notification to community councils and nonprofit community organizations of certain state actions

and recommended

[] replace with _____ § CS CSHB 297 (SA)) same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee attached or [] adopted fiscal note(s)
 new [] updated or [] previous
[] zero fiscal impact

MEMBERS SIGNING TO PASS

OTHER RECOMMENDATIONS

Rich Kelly (DO PASS)
Joe [Signature]

[Signature]
Chairman signature and recommendation

[] Committee Backup attached

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1988

SUBJECT: Notification to community councils and non-profit community councils of certain state actions [SCS CSHB 297(State Affairs)]

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Richard A. Bradley 
Legislative Counsel

Carol Horos has requested a State Affairs committee substitute for material requested by Commissioner Brady.

I note that the material that I have added as subsections (h) and (i) to AS 38.05.945 in Sec. 7 of the bill duplicates existing bill material.

For subsec. (h), see the amendment to AS 38.05.945(c)(1) at Sec. 6 of CSHB 297(Fin) am.

For subsec. (i), see the amendment to AS 38.05.945(g) at Sec. 7 of CSHB 297(Fin) am.

RAB:gc
WKG3:041

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE

DISTRICT ELEVEN • SPENARD

NORTHWOOD • SPENARD • THOMPSON • TURNAGAIN • UPPER MIDTOWN • WINDEMERE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



CHAIRMAN
LABOR AND COMMERCE
COMMITTEE

MEMBER
STATE AFFAIRS COMMITTEE
HEALTH, EDUCATIONAL
AND SOCIAL SERVICES COMMITTEE

DATE: April 22, 1988
TO: Senator Mitch Abood, Chair
Senate State Affairs Committee
FROM: Representative Dave Donley
SUBJECT: HB 297, Notification of Community Council

In response to the desires of Community Councils and other public groups who felt they were not being adequately informed of pending state actions I introduced HB 297 last year.

Local ordinances and charters within municipalities setup the ability for parts of the community to set up Community Councils. The purpose of the councils are to help local governments make informed decision. At this time only the Municipality of Anchorage and the Mat-Su Borough have set-up community councils. The public has expressed strong support for this legislation.

Under HB 297, the Alcohol Beverage Control Board will be required to send to Community Councils and non-profits a copy of their board meetings, as well as notify them of receipt of application of issuance, renewal or transfer of liquor licenses for premises or proposed premises within their areas of concern.

The Department of Corrections will be required to notify community councils of plans for correctional or residential prison facilities or a rehabilitation program within their council area.

The Department of Transportation and Public Facilities will be required to notify community councils of proposed projects in their council area.

The Department of Natural Resources will be required to notify community councils of proposed action to classify, reclassify, zone, sale, lease or dispose of state land, if the proposed action is within their council.

Under this proposed legislation community councils will receive the information they need to become viable partners in the decision-making process which involve their neighborhoods.

If you have any further questions please feel free to call me or my legislative aide, Mark Begich at 465-3892.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Notification to Community Councils
Sponsor: Representative Donlev et.al.
Requestor: Senate State Affairs

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		0	0	0	0	0
TRAVEL		.8	.8	.8	.8	.8
CONTRACTUAL		2.2	2.2	2.2	2.2	2.2
SUPPLIES		1.2	1.2	1.2	1.2	1.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		4.2	4.2	4.2	4.2	4.2

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		4.2	4.2	4.2	4.2	4.2
FEDERAL FUNDS						
OTHER						
TOTAL		4.2	4.2	4.2	4.2	4.2

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This amended version of the bill removes DNR's liability for not notifying an organization. The fiscal note can therefore be reduced because the notices can be sent regular mail instead of by certified green card. Less personnel time will be involved.

Prepared by: Janet Burleson Phone: 465-3400
Division: Land and Water Management Date: 3/22/88

Approved by Commissioner: Tom Hawkins Date: _____
Agency: Natural Resources

Distribution (by preparer):

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

SOUTH LAKES COMMUNITY COUNCIL
SUPPORTING NOTIFYING COMMUNITY COUNCILS
OF STATE PROJECTS AND ACTIONS
AFFECTING LOCAL COMMUNITIES

AB 2

Donley

WHEREAS, certain projects and actions of the State of Alaska have a substantial impact on the citizens of particular communities, including public facilities and transportation construction projects, liquor license actions and land decisions by the Department of Natural Resources; and

WHEREAS, community councils in the Matanuska-Susitna Borough and in other municipalities in the State have been formed to provide local community input to government actions; and

WHEREAS, the State can better serve its citizens by informing them of its intended actions so that the citizens may be heard through the representative democratic process;

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH LAKES COMMUNITY COUNCIL OF THE MATANUSKA-SUSITNA BOROUGH:

1. We support written notice to community councils of organized local governments of actions of the State of Alaska affecting the local community, including state public facilities and transportation projects, liquor license actions of the Alcohol Beverage Control Board, and actions of the Department of Natural Resources.
2. We support the opportunity for community councils, their members and the general public to be able to comment on the local projects and actions of the State of Alaska in a reasonable manner prior to the final state decision being made.
3. We support in concept HB 297, which would provide for notification to community councils of certain state actions affecting local communities.

This Resolution was unanimously passed and adopted at the regular meeting of the SOUTH LAKES COMMUNITY COUNCIL on the 15th day of October, 1987, at Wasilla, Matanuska-Susitna Borough, Alaska.

Steven H. Morrisett
Steven H. Morrisett
President

Marcia Wharam
Marcia Wharam, Secretary/Treas.

HIS 297

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.

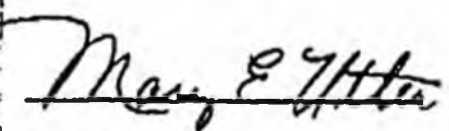
2) that copies of this Resolution be sent to Governor Steve Cowper, Senator Jalmar Kerttula, Senator Michael Szymanski, Representative Ron-Larson, and Representative Curt Menard.

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

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: JAY DULANY
TITLE:
ADDRESS: 3240 WEST 71ST
CITY: ANCHORAGE, ALASKA
PHONE: 269-5551
LL NO: HB 297

ZIP: 99502

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I REQUEST YOUR SUPPORT FOR THE INTENT OF CSHB 297 (C&RA). NOTICE TO COMMUNITY COUNCILS OF PROPOSAL PUBLIC WORKS AND LIQUOR LICENSES ACTION ALLOWS AFFECTED RESIDENTS THE OPPORTUNITY FOR WELL INFORMED INPUT.

POMID: 03143409
DATE: 01/25/88
TIME: 14:34:09
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

*M
Thanks
I know
Jay*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: MARTHA ALLEN
TITLE: SAND LAKE COMMUNITY COUNCIL
ADDRESS: 3140 WEST 71ST
CITY: ANCHORAGE
PHONE: 248-5466

ZIP: 99502

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I AM IN SUPPORT OF HB 297, THE NOTIFICATION TO COMMUNITY COUNCILS OF SCHEDULED PROJECTS BEFORE ANY ACTION OCCURS. THIS ALLOWS RESIDENTS TO GIVE WELL INFORMED INPUT ON STATE PROJECTS. THE MORE COMMUNICATION BETWEEN THE STATE AND COMMUNITIES IS ALWAYS BENEFICIAL.

POMID: 03141803
DATE: 01/26/88
TIME: 14:18:03
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

PUBLIC OPINION MESSAGE

*M
Hanks*

DEAR: REPRESENTATIVE DONLEY

ZIP: 99501

NAME: NEIL FRIED
TITLE:
ADDRESS: 1327 G. ST.
CITY: ANCHORAGE
PHONE: 276-8848
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I HOPE THAT YOU WILL ALL SUPPORT HB 297 REGARDING THE COMMUNITY COUNCIL LEGISLATION. THANK YOU FOR YOUR CONSIDERATION.

POMID: 03120549
DATE: 01/26/88
TIME: 12:05:49
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

PUBLIC OPINION MESSAGE

*M
Hanks*

DEAR: REPRESENTATIVE DONLEY

ZIP: 99502

NAME: JAMES CRUM
TITLE:
ADDRESS: 2841 CONCORD LANE
CITY: ANCHORAGE
PHONE: 248-1631
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I SUPPORT THIS PROPOSED LEGISLATION SINCE IT WILL ALLOW NOTICE OF PROPOSED PUBLIC WORKS PROJECTS TO BE COMMUNICATED TO THE LOCAL COMMUNITY COUNCILS.

POMID: 03104601
DATE: 01/26/88
TIME: 10:46:01
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: ROY EHRHART

TITLE:

ADDRESS: 3220 WEST 71ST

CITY: ANCHORAGE

PHONE: 243-5966

ZIP: 99502

BILL NO: HB 297

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS

MESSAGE: AS A LONGTIME SUPPORTER OF THE COMMUNITY COUNCIL CONCEPT AND ACTIVE MEMBER OF THE SANDLAKE COMMUNITY COUNCIL I STRONGLY URGE YOUR SUPPORT IN THE PASSING OF THIS BILL.

POHID: 03094037

DATE: 01/27/88

TIME: 09:40:37

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULNER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: CHARLOTTE THOMAS

TITLE: CO-CHAIR, SOUTH ADDITION COMM. COUNCIL

ADDRESS: PO BOX 10-3739

CITY: ANCHORAGE

ZIP: 99510

PHONE: 564-0309

BILL NO: HB 297

SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS

MESSAGE: ENCOURAGE YOUR SUPPORT FOR HB 297 GIVING APPROPRIATE AND TIMELY NOTIFICATION OF STATE ACTIONS TO IDENTIFIED COMMUNITY COUNCILS. I SUPPORT THIS MEASURE WHICH ENCOURAGES CITIZEN PARTICIPATION.

POHID: 03105642

DATE: 01/26/88

TIME: 10:56:42

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATOR

ELLIS
BROWN
BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULNER
JOSEPHSON

*M
Hanks*

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: BARBARA KARL
TITLE:
ADDRESS: 2400 EAST 16TH
CITY: ANCHORAGE
PHONE: 279-5229
ZIP: 99508

DILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I URGE YOUR SUPPORT OF HB 297. EFFORTS TO INCREASE PUBLIC AWARENESS OF ACTIONS WHICH AFFECT THEM SHOULD BE ENCOURAGED. COMMUNITY COUNCILS ARE AN EXCELLENT MEDIUM TO ACHIEVE THIS. I AM A MEMBER OF AIRPORT HEIGHTS COMMUNITY COUNCIL AND CHAIRMAN OF THE FEDERATION OF COMMUNITY COUNCILS. THANK YOU FOR YOUR INTEREST.

POMID: 03142641
DATE: 01/22/88
TIME: 14:26:41
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BROWN	JOSEPHSON
ELLIS	UENLING
POURCHOT	ABOOD
BOUCHER	HENSLEY
DAVIDSON	FANNING
HOFFMAN	
MARTIN	
MENARD	
ULMER	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: DEANNA ESSERT
TITLE:
ADDRESS: 6262 WEST OIMOND
CITY: ANCHORAGE
PHONE: 243-1894
ZIP: 99502

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: AS A MEMBER OF THE SAND LAKE COMMUNITY COUNCIL I'D LIKE YO TO CONSIDER PASSAGE OF HB 297.

POMID: 03124722
DATE: 01/27/88
TIME: 12:47:22
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MENARD
ULMER

*M
Hensley*

PUBLIC OPINION MESSAGE

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

DEAR: REPRESENTATIVE DONLEY

NAME: CLERISS SYREN
TITLE:
ADDRESS: 1302 KARLUK
CITY: ANCHORAGE, ALASKA
PHONE: 272-3379
BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: I AM IN FAVOR OF HB 297 AND HOPE YOU'LL SUPPORT THIS BILL.

NAME: BILL BENJEY
TITLE: PRES., AIRPORT HEIGHTS CC
ADDRESS: 1829 PARKSIDE DRIVE
CITY: ANCHORAGE
PHONE: 277-4440
ZIP: 99501

BILL NO: HB 297
SUBJECT: NOTICE OF ACTIONS TO COMMUNITY COUNCILS
MESSAGE: AIRPORT HEIGHTS COMMUNITY COUNCIL ENDORSED HB 297 AND REQUESTED ITS SPEEDY PASSAGE BY THE HOUSE AND SENATE IN A RESOLUTION PASSED UNANIMOUSLY AT ITS REGULAR MEETING ON JANUARY 21. COUNCIL IS SUPPORTIVE OF MEASURES WHICH REQUIRE STATE AGENCIES TO NOTIFY COMMUNITY COUNCILS OF PROPOSED ACTIONS WHICH MIGHT AFFECT THE COUNCIL AREA.

POHID: 03123211
DATE: 01/22/88
TIME: 12:32:11
LOCATION: ANCHORAGE LIO

COPIES: REPRESENTATIVES SENATORS

BROWN	JOSEPHSON
ELLIS	UEHLING
LAPSON	ABOOD
POURCHOT	HENSLEY
RIEGER	FANNING
ZAWACKI	
BOUCHER	
DAVIDSON	
HOFFMAN	
MARTIN	
MEHARD	
ULMER	

POHID: 03111309
DATE: 01/22/88
TIME: 11:13:09
NAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BOUCHER
DAVIDSON
HOFFMAN
MARTIN
MEHARD
ULMER

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

April 7, 1988

APR 11 1988

The Honorable Mitchell Abood
Chair, Senate State Affairs
Committee
P.O. Box V
Juneau, Alaska 99811

RE: CSHB 297, An Act Relating to the
Notification to Community Councils

Dear Senator Abood:

CSHB 297 has been recently passed out of the House of Representatives and referred to the Senate. This bill relates to the notification of community councils and nonprofit community organizations of certain state actions. Section 6 of this act proposes amending Title 38 to require the department to give notice to community councils, coordinating bodies established by community councils, and nonprofit community organizations or governing bodies, upon the request of such groups for such notice.

As the bill is currently written, it presents a problem in that the requirement for notifying the targeted groups is under AS 38.05.945(c). This section requires that the notice be issued no later than 30 days prior to the action. Should a community council request notification within a period of time less than 30 days prior to the action the result would be a delay of the action to meet the statutory requirement. This is of particular concern in the case of oil and gas lease sales which are uniquely threatened by delays due to scheduling provisions of AS 38.05.180(a)(2).

The Department of Natural Resources supports the concept and intent of CSHB 297 but is concerned about invalidation of actions, particularly oil and gas lease sales, if notification is requested less than 30 days prior to an action. Therefore, the department recommends the substitution of the following:

April 7, 1988

Sec. 7. Sec. 38.05.945 is amended by adding a new subsection to read:

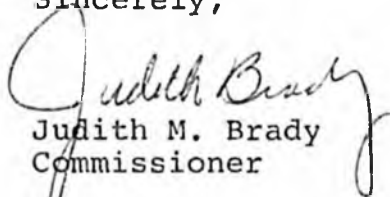
(g) Notice of an action under (a) of this section shall also be given, upon the receipt of a request in writing, to the following:

(1) to a community council established by the charter or ordinance of the municipality if the land is located within the boundaries of the municipality, or a coordinating body established by community councils in a municipality in which the land is located;

(2) to a nonprofit community organization or a governing body, if the land is within the boundaries.

(h) Failure to give notice under this section to a community council, coordinating body established by community council, or organization listed in (g)(2) of this section shall not constitute a legal basis for invalidation of the action.

Sincerely,


Judith M. Brady
Commissioner

cc: Senator Sturgulewski
Senator Halford
Senator Binkley
Representative Donley

H B

3 0 8

SENATE COMMITTEE REPORT

FURTHER FINANCE

1/14/88

DATE TURNED INTO OFFICE 3/19/88

Mr. President:

State Affairs Committee considered CSHB 308 (SA) am

voter registration

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached a. dment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rich Kelly (Do Pass)

Tommy Do Not Pass

Sen. Mitchell Hood Do Pass
Chairman signature and recommendation

Committee Backup attached

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4931

DISTRICT 10
BOX 111038
ANCHORAGE, ALASKA 99511
(907) 349-2192



CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

TO: STATE AFFAIRS COMMITTEE
FROM: H.A. "RED" BOUCHER
DATE: MAY 13, 1987
RE: HB 308 AN ACT RELATING TO VOTER REGISTRATION

The major feature of the "motor voter" bill is to provide additional means for people to register to vote, update their existing registration, or cancel a registration in another state -- while they are applying for a driver's license. Motor Voter legislation has been adopted in Arizona (1983), Colorado (1985) and Michigan (1975) with an increase of 16% to the registered rolls.

The procedure for registering would not consume much time (less than 2% in Arizona) or place an excessive burden on Department of Motor Vehicle (DMV) personnel. Both Division of Elections and DMV require the same information. DMV personnel would post signs, help with the forms, and forward the forms to the Division of Elections for verification.

Currently in Alaska, voter registration forms are available in some DMV offices, but not in Anchorage or Fairbanks. Where the forms are available, DMV does not assist in filling out the forms nor does it forward the forms to Division of Elections. Approximately 60% of Alaskans are registered to vote, although Division of Elections has no firm numbers on this.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 308
PUBLISH DATE: 5/14/87

FISCAL NOTE

REQUEST:

Revision Date: 1/29/88
Title: An Act relating to voter registration.
Sponsor: BOUCHER
Requestor: Senate State Affairs

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____
Approved by Commissioner: [Signature] Date: 2-1-88
Agency: Office of the Governor

Distribution (by preparer): 2/1/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

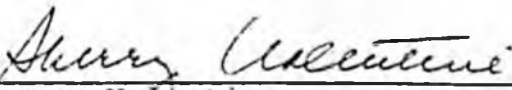
CSHB 308 (SA) am

COMMENTS IN SUPPORT OF ~~SB~~ 308
Prepared by
Division of Elections
March 3, 1988

The Division of Elections has reviewed Senate Bill 308 and supports its provisions. It should be pointed out that for many years, the Division has enjoyed a cooperative association with the Department of Public Safety through which, most motor vehicle registration outlets already provide voter registration services.

Among the most active outlets are Juneau, Haines, Sitka, Ketchikan, Kodiak, Nome, Fairbanks, Tok and Anchorage. The Nome Election Supervisor has also contacted Barrow, Bethel and Kotzebue to encourage their participation, and the Anchorage motor vehicle office has requested a re-training session which is expected to take place in the near future.

In general, the Division has received positive support from the motor vehicle offices currently providing voter registration services.



Sherry Valentine
Deputy Director

3/4/88
Late

BILL NO: CSHB 308 (SA) am

DATE: 3/2/88

TITLE: "An Act relating to voter registration."

CONTACT: Jay N. Dulany
269-5551

DEPARTMENT OF PUBLIC SAFETY
PERIPHERAL

This bill requires the Division of Motor Vehicles (DMV) to offer voter registration to persons applying for a driver's license, identification card issued under AS 18.65.310, or vehicle registration under AS 28.10.

The Division currently registers voters in all field offices but Anchorage without regard to the person's intent to utilize other DMV services. The only possible drawback to the imposition of voter registration in the Anchorage field office may be longer waiting periods for the public, due to the large volume of regular motor vehicle transactions handled daily by that office.

The Department supports this bill.



Arthur English
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to voter registration.
Sponsor: Boucher
Requestor: Senate State Affairs

Agency Affected: Public Safety
BRU: Motor Vehicles

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-

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)

No fiscal impact.

Prepared by: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 1-13-88

Approved by Commissioner: Joseph A. H. ... Date: 1-22-88
Agency: Public Safety

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

H B

3 1 7

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____ N/A
 Title: _____ AN ACT RELATING TO THE NAMING OF _____ BRU: _____
 CERTAIN FACILITIES AFTER PUBLIC OFFICIALS _____
 Sponsor: _____ STATE AFFAIRS _____ 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-
---------	-----	-----	-----	-----	-----	-----

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

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)

[Empty box for analysis]

Prepared by: FRAN ULMER, CHAIR *FU* Phone: 465-4947
 Division: HOUSE STATE AFFAIRS COMMITTEE Date: 1/15/88

Approved by Commissioner: _____ Date: _____
 Agency: _____

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

H B

3 4 6

SENATE COMMITTEE REPORT

FURTHER

RESOURCES
FINANCE

4/8/88

DATE TURNED INTO OFFICE 4-11-88

Mr. President:

STATE AFFAIRS Committee considered CSSSHB 346 (Res)

authorizing the Board of Fisheries to establish noncommercial fishing seasons and areas for elderly persons; efd

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING/DO PASS

P. Kelly (DO PASS)

OTHER RECOMMENDATIONS

Lee Ferry Robee
Lee Ferry - No Rec

Sen. Bill Wood
Chairman signature and recommendation

Committee Backup attached

Alaska State Legislature

House of Representatives

Al Adams
Chairman
Committee on Finance

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

Official Business

DATE: April 8, 1988

TO: Senator Mitch Abood, Chair
Senate State Affairs

FROM: Representative Al Adams, Chair *ADA*
House Finance Committee

RE: House Resources Committee Substitute for House Bill 346, "An Act authorizing the Board of Fisheries to establish noncommercial fishing seasons and areas for elderly persons; and providing for an effective date."

MR 8 1988

Herein is a history, analysis and supporting documents on the aforementioned legislation that I would like scheduled in the Senate State Affairs Committee at your earliest convenience.

This bill would allow the Board of Fisheries to open fishing areas otherwise closed to those age 60 or over if this act was consistent with resource conservation goals. Currently the Board lacks the statutory authority to allow for these exceptions.

This issue was brought to my attention because of an incident on the Unalakleet River where fishing was suspended yet the community and local Fish and Game Department staff realized that continued fishing by the elderly would cause no harm to the resource. The Southern Norton Sound Fish and Game Advisory Committee endorsed passage of legislation that would permit the board to make these exceptions, according to Chairman Weaver Ivanoff. Upon further investigation, it appears the problem has not been limited to this particular area of the state but on occasion has presented problems in Homer and Anchorage.

This knowledge led to my sponsorship of the bill that has taken a change somewhat in form but not in intent since its introduction. The first change involved a sponsor substitute to change the age cut-off for the elderly from age 65 to age 60. This was an important alteration in that it created consistency with other statutory exceptions for the elderly such as the provisions that allow this age group to cease purchase of hunting, fishing or trapping licenses. According to the Attorney General's office, if there were a constitutional challenge to special treatment of this age group, the consistency of this age cut-off throughout statutes would provide knowledge that this was not an arbitrary choice of age and legal security from an individual section of statute being challenged successfully.

When the bill was in the House Resources Committee in its original form, it provided exceptions for those age 12 or under in addition to the elderly age group. When the issue of a need for legislative findings to support reasons for special treatment of the

age 12 and under group emerged, it was found to be difficult to arrive at these justifications. As a result, and with my support, the Resources Committee removed the younger group leaving the provisions for the elderly intact.

Another question that arose during Finance Committee hearing involved whether in the instance of subsistence activities in a boat, whether all of the people participating in the activity would need to be age 60 or over. Norm Cohen of the Office of the Commissioner of Fish and Game has replied that most probably the Board of Fisheries would adopt regulations that limited direct involvement in the subsistence activity to those over age 60. For example, younger people could ride in the boat but not operate it or become involved in setting or pulling the net.

For its length, the bill is relatively simple as shown in the following sectional analysis:

- Sect 1: Findings section that cites the difficulty the elderly may have in access to fishing areas.
- Sect 2: Cites the criteria for the Board of Fisheries to use when establishing regulations that now includes the elderly provision.
- Sect 3: Immediate effective date.

The bill has no fiscal impact.

Please feel free to contact Martha Stewart of my staff if you have further questions. She will also be available to testify at committee hearings in the Senate. I would appreciate any assistance you can offer to expedite this bill's passage.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An act authorizing the Board of Fisheries to establish noncommercial fishing seasons... BRU: Fish & Wildlife Protection
 Sponsor: Adams, Goll Components: Enforcement
 Requestor: House Resources

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
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
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)

No fiscal impact is anticipated.

JNR
2/10/88

Prepared by: Captain Conrad G. Seibel C. Seibel Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 2/2/88
 Approved by Commissioner: [Signature] Date: 2-10-88
 Agency: Department of Public Safety

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: Authorizing Bd. of Fish to BRU: Boards
establish fishing areas for children & elderly
 Sponsor: Wams and Goll Components: _____
 Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Beth Stewart Phone: 465-4100
 Division: Boards Date: 2/11/88

Approved by Commissioner: [Signature] Date: 2/11/88
 Agency: Fish and Game

Distribution (by preparer):

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Boards	BILL NUMBER HB 346	SPONSOR Adams & Goll
SHORT TITLE OF BILL An act authorizing the Board of Fisheries to establish noncommercial fishing seasons and areas for children and elderly persons; and providing and providing for an effective date.			
DEPARTMENT POSITION Neutral			
PREPARED BY Beth Stewart	DATE 2/11/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 2/11/88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Board of Fisheries	CONSTITUENT GROUP(S) AFFECTED BY BILL Fishermen
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Introduced by Adams & Goll

ANALYSIS OF BILL/PROGRAM EFFECTS

In the past, the board has received proposals to establish restricted areas and seasons for people in certain age groups, or for those with physical handicaps. The Attorney General's Office advised the board that those proposals were beyond the scope of their authority. This bill would clarify that authority. In addition, there have been questions about the constitutionality of such arrangements under the exclusive fisheries or equal protection clauses of the Alaska Constitution. To address these concerns, the Attorney General's Office has suggested that the legislation include a set of findings in the bill sufficient to justify the special treatment of these groups.

AMENDMENTS PROPOSED

RECEIVED

FEB 12 1988

LEGISLATIVE FINANCE