

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7571 SENATE LABOR & COMMERCE

S B

390

1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act requiring certain disclosures in real property transfers; and providing for an effective date. BRU: Occupational Licensing
 Sponsor: Senate Labor & Commerce Component: Administration
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 03/12/92
 Approved by Commissioner: Glenn A. Olds
 Agency: Commerce & Economic Development Date: 3.13.92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR PEARCE

TO: SB 390

Page 1, line 1, following "in":

Insert "residential"

Page 1, line 6:

Following "of":

Insert "residential"

Following "property":

Insert ", as more specifically set out in AS 30.70.020,"

Page 1, line 13:

Delete "real property transfers"

Insert "transfers of one to four residential dwelling units"

Page 1, line 14:

Delete "(1)"

Page 2, lines 1 through 3:

Delete "; or

(2) of units in common interest communities or cooperatives; if the community
or cooperative consists of four or fewer units"

Page 7, line 29, following "of":

Insert "residential"

Amendment

Page 3, line 2:

Delete "not" before the word "required".

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
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Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 18, 1992

SUBJECT: Sectional summary of SB 390 (Work Order No. 17-LS1853\A)

TO: Senator Drue Pearce
Attn: Ken

FROM: Theresa L. Bannister ^{tb}
Legislative Counsel

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

As a preliminary matter, note that a sectional 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.

Section 1 contains the new chapter created by the bill.

Sec. 34.70.010 requires the transferor of real property to give the transferee a disclosure statement. Provides directions for delivering the statement.

Sec. 34.70.020 describes the real property transfers that are covered by the chapter.

Sec. 34.70.030 authorizes a transferee to terminate an offer within a certain time if a disclosure statement or amendment of the statement is delivered to the transferee after the transferee makes a written offer.

Sec. 34.70.040 establishes that the transferor or the transferor's agent is not liable for an error, inaccuracy, or omission in the disclosure statement under certain conditions.

Sec. 34.70.050 states that if events occurring after the disclosure statement is delivered make a disclosure statement inaccurate, the inaccuracy does not violate the chapter and the transferor is not required to deliver an amended statement. Allows the transferor to use approximations in the disclosure statement under certain conditions.

Sec. 34.70.060 lays out the form for the disclosure statement.

Senator Drue Pearce
February 18, 1992
Page 2

Sec. 34.70.070 requires that disclosures and acts under the chapter be done in good faith.

Sec. 34.70.080 states that the chapter doesn't affect other disclosure obligations required by statute or required in order to prevent fraud, intentional misrepresentation, or deceit.

Sec. 34.70.090 requires an amendment to a disclosure statement to be in writing.

Sec. 34.70.100 provides that persons, other than real estate brokers, who act as escrow agents for transfers under the chapter are not the agents of the transferor or transferee under the chapter unless provided by an express written agreement.

Sec. 34.70.110 states that transfers are not invalidated solely because of noncompliance with the chapter. Makes a person who wilfully, or negligently violates the chapter liable to the transferee for actual damages suffered.

Sec. 34.70.200 provides a definition for the chapter.

Section 2 makes the bill applicable to transfers of real property that occur on or after July 1, 1992.

Section 3 gives the bill an effective date of July 1, 1992.

If I may be of further assistance, please advise.

TLB:gc
92-136.glc



FEB 14 1992

ALASKA ASSOCIATION OF REALTORS®, INC.

DEA TURNER

Executive Vice President

741 Sesame Street, Suite 100, Anchorage, Alaska 99503
Telephone 907-563-7133

ANALYSIS OF PROPOSED LEGISLATION TO PROVIDE FOR
WRITTEN DISCLOSURE STATEMENT WITH RESPECT TO
THE CONDITION OF REAL PROPERTY IN ALASKA

Caveat emptor, "let the buyer beware," was the legal doctrine that applied in real property transactions in the early 1900s. Under this theory, the seller was not obligated to reveal all that he knew about property, but rather the buyer was under a duty to inquire and investigate. That legal doctrine has been eroded by case law in most jurisdictions. Today sellers are obligated to disclose existing defects relating to the value or desirability of a property.

Since a home is the largest single investment that most people make in a lifetime, it is important that all relevant information regarding its condition be provided to prospective purchasers. The seller, who is frequently also the occupant, is in a superior position to provide information relating to the condition of the property.

Disclosure forms are used to convey information of which the seller is aware to prospective purchasers regarding the property. By doing so, there should be no surprises to the buyer after the closing. The purpose of disclosure is to inform prospective purchasers of the condition of the property. Effective use of these forms results in individuals who are more knowledgeable about relevant items in a real estate transaction.

Experience in the States

Mandatory property condition disclosure by the seller is currently required in California and Maine, and several states are currently looking at the possibility of legislating or regulating similar requirements.

Property Condition Disclosure Forms

Why are property condition disclosure forms significant? Does the use of these forms really benefit all parties to a transaction? These questions have surfaced in various real estate and consumer forums over the past few years. The use of property condition disclosure forms results in the written documentation of information conveyed regarding the condition of property. Since statistics show that approximately sixty-seven percent of lawsuits involving real estate transactions are based on misrepresentation, a paper trail evidencing disclosures to a prospective buyer would assist in a timely and efficient resolution of these lawsuits. Property condition disclosure forms create such a paper trail.

Effect on Buyer

Use of these forms benefits the buyer. Purchasers who have been surveyed regarding the use of disclosure forms have consistently indicated that they find the forms to be useful and closely review the information contained therein. The buyer who is provided with a disclosure form prior to making an offer on property is able to make a more informed purchasing decision. For instance, buyers who are unfamiliar with the part of the country in which they are purchasing property may find information in a disclosure form useful in making them aware of and helping them understand various idiosyncracies which may affect property in that geographical area, such as landslides in California.

Purchasers who have been provided with a property condition disclosure form generally are more satisfied with their purchases because there are fewer surprises about the property. This ultimately decreases the likelihood of litigation over the transaction. Additionally, since forms state that the information provided does not negate the benefit of an independent home inspection, this reference can be useful in encouraging purchasers to obtain a home inspection.

Effect on Seller

There are also numerous benefits to the seller if property condition disclosure forms are utilized. The disclosure of material conditions is documented which can limit potential future liability.

Surveys indicate that it is neither costly nor time consuming for sellers to meet the disclosure requirement. In fact, completing the form may result in identification of some last minute home improvements which can be made in order to make the property sell more quickly and generate the highest price possible for the property. Disclosure should also result in sales prices properly reflecting the market value of the property.

The forms usually include a statement recommending that the purchaser obtain an independent home inspection, which shifts the burden on items of a specialized nature to an individual with the requisite experience.

Ultimately, since most sellers are buyers, they are beneficiaries of such property condition disclosure when they purchase their next home.

Those who oppose the use of property condition disclosure forms suggest that they are of little benefit to the seller and, in fact, can result in a lower sales price for property if the seller is honest and divulges specific deficiencies to the property. If not a lower price, repairs may be requested by the buyer during contract negotiations.

They also contend that use of the form places a greater responsibility upon the seller. If the seller negligently errs in disclosing information, a paper trail then exists to suggest that the seller should be liable for misrepresentation. Such a conclusion is usually drawn because some buyers may perceive representations in a property condition disclosure form to be warranties as to the condition of property. This concern, which is most frequently expressed by attorneys who

represent sellers, has resulted in the recommendation that forms include a statement that the information is not to be interpreted as a warranty. Further, under the legal doctrine of merger in many states, the information in the form would not constitute a warranty unless specific disclosures were listed and warranted in the sales contract.

Finally, some sellers have expressed dissatisfaction with these forms because of difficulty in completing certain items dealing with landfills, encroachments, easements, zoning violations, non-conforming uses and modifications not in compliance with building codes and permits. This dissatisfaction is tempered by use of an "unknown" check-off with an explanation on the form itself.

Effect on Real Estate Agent

The use of disclosure forms is gaining favor with real estate agents. This is because the responsibility for full disclosure is placed on the seller. The buyer also better understands that representations regarding the condition of property are within the knowledge of the seller rather than the real estate agent. Since disclosure is made by the seller, it should result in decreased liability to agents and a decrease in the number of lawsuits being filed in which real estate agents are named as defendants under the "deep pocket" theory. Fewer suits ultimately means lower errors and omissions insurance costs.

Use of disclosure forms should also result in uniform procedures and better documentation regarding the property transaction.

SUMMARY OF STATE PROPERTY CONDITION DISCLOSURE LEGISLATION

- o Mandatory property condition disclosure forms currently are used in only two states-- California and Maine. However, there are 19 states considering legislation/regulation that would mandate written property condition disclosure. Mississippi, Missouri, Oregon, Tennessee, Texas and Wisconsin introduced legislation during the 1991 session; however no laws were enacted. The remaining 13 states are considering introducing legislation/regulation in 1992 or 1993. They include Alaska, Arkansas (1993), Colorado, Delaware, Illinois, Louisiana, Maryland, Nevada (1993), Ohio, Oklahoma, Rhode Island, South Dakota and West Virginia.
- o There are seven states with environmentally related property condition disclosure requirements. They include Connecticut, Florida, Indiana, Massachusetts, Montana, New Hampshire and New Jersey.
- o Some state associations, such as the Minnesota Association of Realtors, have written their own property disclosure forms for their members to use on a voluntary basis. Ninety-six percent of Minnesota's members use its form.
- o There are 24 states with voluntary property condition disclosure forms, including Colorado, Connecticut, Hawaii, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming.
- o There are six states that currently are developing voluntary property condition disclosure forms. They include, Georgia, Idaho, Illinois, Iowa, Vermont and Virginia.

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Alaska State Legislature



Sen. Jay Kerttula, Co-Chairman
Sen. At Pourchot, Co-Chairman

Sen. Al Adams
Sen. Jim Duncan
Sen. Lyman F. Hoffman
Sen. Dick Shultz
Sen. Rick Uehling

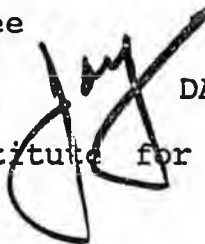
Senate Finance Committee

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M E M O R A N D U M

TO: Senator Pearce, Chair and Members of the Senate Labor and Commerce Committee

FROM: Senator Jay Kerttula  DATE: April 14, 1992

SUBJ: Proposed Draft Substitute for Senate Bill 404 Dated 4/23/92

Significant changes suggested by the Division of Insurance have been made to the proposed draft substitute for SB 404. These changes were made in response to concerns expressed by members of the committee, the division of insurance, and the insurance industry.

First, in response to concerns expressed by Senator Halford, an insurer is now only required to offer hearing, dental and vision insurance to those who are already customers, that is, on page 1 line 9, those who are policy holders or have a subscriber contract. The words "each policy holder or subscriber" has replaced "individuals of all ages or groups".

This language change, as well as language added to Section 21.42.385 page 2 line 12 in a new section (e), clarifies a concern expressed by Aetna and HIAA that those writing only for groups should be required to offer the hearing, dental and vision insurance to the group purchaser and not to individuals.

The concern of the HIAA and the Division of Insurance that this bill could conflict with Federal limits on Medicare Supplement policies is clarified by the language on page 2 line 10. This states that this bill applies to insurers offering Medicare supplement policies to the extent not prohibited by 1990 OBRA the Federal law in 42 U.S.C. 1395. A legal opinion by the lead attorney providing counsel on medicare supplement insurance for the National Association of Insurance Commissioners, as well as by Legislative

Legal Counsel Mike Ford was that the requirements of SB 404 to provide a limited benefit policy is not prohibited by the Omnibus Reconciliation Act of 1990. There is no conflict. Should there be a challenge, this would be resolved by the courts or HICFA, the Federal regulatory agency with jurisdiction over this matter.

Other technical concerns of the Division of Insurance were also incorporated. The changes are detailed in the attached technical amendments offered by the Division of Insurance.

The concerns that insurers offering individual policies will experience adverse selection, are already dealt with in the bill because the insurer is free to price the coverage to take this into account. Also, the increase in administrative overhead for insurers to contract with another insurer should they not want to design and offer their own package could be incorporated into the price of the policy.

I believe we have addressed the main concerns of those who testified at the last hearing. Thank you for your consideration of this proposed committee substitute. I urge that it be passed out of committee quickly.

Alaska State Legislature



Sen. Jay Kerttula, Co-Chairman
Sen. Pat Pourchot, Co-Chairman

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Sponsor Statement

Senate Bill 404

The Offering of Hearing, Dental and Vision Insurance

There is a new proposed Committee Substitute for Senate Bill 404 before you for your consideration. It addresses the issues brought up at the last hearing. The purpose of this bill is to make insurance for hearing, dental and vision more widely available. Currently those who are self employed, retired, and those whose employer does not offer health insurance can not obtain hearing, dental and vision insurance. Only those on medicaid, or covered by a group policy can get such coverage.

This proposed Committee Substitute for Senate Bill 404 will allow Alaskans to better ensure their own health. Dental health affects one's ability to get proper nourishment. This bill will also help those who may need glasses or a hearing aid in the future, to ensure that they will be able to communicate and be productive. Children as well as the elderly are likely to benefit most from the prevention of more serious problems. Children do not develop

normally unless they can see, hear, and eat properly. The elderly lose their ability to interact with the world when they do not have glasses or hearing aids which are properly adapted to their current limitations. This results in mental deterioration and loss of the ability to live independently.

As before, the purchaser is free to accept or reject the policy. This is not a mandated benefit.

The insurer is free to design the benefits of the policy as long as the benefits are as good as those offered to retired State employees. The language specifies that the minimum benefits were those provided on January 1, 1992. These minimum benefits are a minimal standard package. Most insurers will probably want to offer better benefits.

Dental coverage is limited to \$1,500 per year and requires a \$50 deductible for everything but prevention. There is also a 50% copayment for dentures and prosthetics, and a 20% copayment for all other services except prevention.

Vision coverage covers one pair of lenses and an eye exam per year. One set of frames would be purchased every two years.

Auditory coverage pays a maximum of \$800 every three years. There is a 20% copayment.

I would have liked to set higher minimum benefit levels, but I wanted to use a benefit structure already available in the state.

Should there be inflation or a need to offer better benefits the insurer is free to offer higher maximums because the minimum benefits are low, there is room for variation in the package.

Currently the package available to State retirees costs less than \$25 per month and is paid for by employees should they opt for this coverage. I believe that others in the State should have access to this coverage even if the product must be priced higher for those who are not members of groups.

I urge your favorable consideration of this bill.

CS FOR SENATE BILL NO. 404 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR KERTTULA

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring an offer of certain dental, vision, and hearing insurance coverage; and
2 providing for an effective date."

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

4 * Section 1. AS 21.42 is amended by adding a new section to read:

5 Sec. 21.42.385. DENTAL, VISION, AND HEARING COVERAGE. (a) An insurer
6 authorized under AS 21.09 to offer, issue for delivery, deliver, or renew an individual or group
7 disability insurance policy for medical coverage on an expense incurred basis in the state or a
8 hospital or medical service corporation authorized under AS 21.87 to offer or renew a
9 subscriber's contract, shall offer to each policyholder or subscriber for acceptance or rejection
10 minimum dental, vision, and hearing coverage described in (b) of this section. Coverage required
11 under this subsection may be offered as a rider or in the form of a limited benefit policy.

12 (b) The minimum coverage required under (a) of this section may
13 (1) be provided under contract with another insurer or another hospital or medical
14 service corporation; and

1 (2) not be less than the dental, vision, and hearing coverage provided on
2 January 1, 1992, to a person entitled to medical benefits under AS 39.35.535 (public employees'
3 retirement system of Alaska).

4 (c) This section does not apply to an insurer or a hospital or medical service corporation
5 that has written less than \$300,000 in premiums in the previous calendar year. An insurer or a
6 hospital or medical service corporation exempt under this subsection shall disclose the exemption
7 when issuing or renewing a disability insurance policy or subscriber's contract, and shall advise
8 the policyholder or subscriber that insurers that have written more than \$300,000 in premiums
9 in the previous calendar year are required to offer coverage under (a) and (b) of this section.

10 (d) This section applies to an insurer or a hospital or medical service corporation writing
11 a Medicare supplement policy to the extent not prohibited under 42 U.S.C. 1395.

12 (e) This section does not require an insurer who offers only group coverage to offer
13 dental, vision, and hearing coverage to an individual.

14 * Sec. 2. AS 21.87.340 is amended to read:

15 Sec. 21.87.340. OTHER PROVISIONS APPLICABLE. In addition to the provisions
16 contained or referred to previously in this chapter, the following chapters and provisions of this
17 title also apply with respect to service corporations to the extent applicable and not in conflict
18 with the express provisions of this chapter and the reasonable implications of the express
19 provisions, and for the purposes of the application the corporations shall be considered to be
20 mutual "insurers":

21 (1) AS 21.03

22 (2) AS 21.06

23 (3) AS 21.09, except AS 21.09.090

24 (4) AS 21.18.010

25 (5) AS 21.18.030

26 (6) AS 21.18.040

27 (7) AS 21.18.120

28 (8) AS 21.21.321

29 (9) AS 21.36

30 (10) AS 21.42.345 - 21.42.365, [AND] 21.42.375, and 21.42.385

31 (11) AS 21.51.120

- 1 (12) AS 21.53
- 2 (13) AS 21.54.020
- 3 (14) AS 21.69.400
- 4 (15) AS 21.69.520
- 5 (16) AS 21.69.600, 21.69.620, and 21.69.630
- 6 (17) AS 21.78
- 7 (18) AS 21.89.040
- 8 (19) AS 21.89.060
- 9 (20) AS 21.90.
- 10 * Sec. 3. This Act takes effect July 1, 1993.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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Juneau, Alaska 99801-2101

MEMORANDUM

April 23, 1992

SUBJECT: Required dental, vision and hearing insurance - (CSSB 404())

TO: Senator Jay Kerttula

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked if the provisions of 42 U.S.C. 1395ss, relating to medicare supplement insurance, would conflict with the required insurance provisions of CSSB 404(), dated 4/23/92. I have reviewed 42 U.S.C. 1395ss and can find no provisions that appear to conflict with CSSB 404().

Please contact me if you have further questions.

MFF:pl
92-286.plm

ALASKA

**DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE**

Division of Insurance
P.O. Box 110805 (9th Floor State Office Bldg.)
Juneau, AK 99811-0805

Fax No. (907) 465-3422

TELECOPIER TRANSMITTAL SHEET

DELIVER TO: DR THORN FROM: DON KOCH
463-3130

Number of pages INCLUDING transmittal sheet: 4

DATE: 4/11/92 TIME: _____

OPERATOR: _____

IF TELECOPY DOES NOT TRANSMIT PROPERLY,
PLEASE CALL (907) 465-2515 IMMEDIATELY.



STATE OF ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

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CHIEF OF MARKET SURVEILLANCE

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Suggested changes to CSSB 404 (Work Draft 7-LS2009\D Ford 2/26/92)

Amendment #1

CSSB 404 Work Draft 7-LS2009\D Ford 2/26/92 Page 1, Lines 5-11.	CSSB 404 Suggested Revision DOI 4/8/92
<p>Sec. 21.42.385. DENTAL, VISION, AND HEARING COVERAGE. (a) An insurer authorized under AS 21.09 to offer, issue for delivery, deliver, or renew an individual or group disability insurance policy for medical coverage on an expense incurred basis in the state or a hospital or medical service corporation authorized under AS 21.87 to offer or renew a subscriber's contract, shall offer to individuals of all ages or groups for acceptance or rejection minimum dental, vision, and hearing coverage described in (b) of this section. Coverage required under this subsection may be offered as a rider or in a the form of a limited benefit policy.</p>	<p>Sec. 21.42.385. DENTAL, VISION, AND HEARING COVERAGE. (a) An insurer authorized under AS 21.09 to offer, issue for delivery, deliver, or renew an individual or group disability insurance policy for medical coverage on an expense incurred basis in the state or a hospital or medical service corporation authorized under AS 21.87 to offer or renew a subscriber's contract, shall offer to <u>each policyholder or subscriber</u> individuals of all ages or groups for acceptance or rejection minimum dental, vision, and hearing coverage described in (b) of this section. Coverage required under this subsection may be offered as a rider or in a the form of a limited benefit policy.</p>

This change would shift the mandatory offer from all comers to only the policyholders of the insurer or subscribers of a hospital or medical service corporation.

Amendment #2

CSSB 404 Work Draft 7-LS2009\D Ford 2/26/92 Page 1, Lines 12-14 and Page 2, Lines 1-2.	CSSB 404 Suggested Revision DOI 4/8/92
<p>(b) The minimum coverage required under (a) of this section may</p> <p>(1) be provided under contract with another insurer; and</p> <p>(2) not be less than the dental, vision, and hearing coverage provided on January 1, 1992, to a person entitled to medical benefits under AS 39.35.535 (public employees' retirement system of Alaska).</p>	<p>(b) The minimum coverage required under (a) of this section may</p> <p>(1) be provided under contract with another insurer <u>or another hospital or medical service corporation;</u> and</p> <p>(2) not be less than the dental, vision, and hearing coverage provided on January 1, 1992, to a person entitled to medical benefits under AS 39.35.535 (public employees' retirement system of Alaska).</p>

This suggested change would maintain consistency with subsection (a) by naming the kinds of insuring entities affected by the section.

Amendment #3

<p>CSSB 404 Work Draft 7-LS2009\ D Ford 2/26/92 Page 2, Lines 3-7</p>	<p>CSSB 404 Suggested Revision DOI 4/8/92</p>
<p>(c) This section does not apply to an insurer who has written less than \$300,000 in premiums in the previous calendar year. An insurer exempt under this subsection shall disclose the exemption when issuing or renewing a disability insurance policy or subscriber's contract and shall provide the policyholder or subscriber with a list of insurers who are required to offer coverage described under (a) of this section.</p>	<p>(c) This section does not apply to an insurer or a hospital or medical service corporation who has written less than \$300,000 in premiums in the previous calendar year. An insurer or a hospital or medical service corporation exempt under this subsection shall disclose the exemption when issuing or renewing a disability insurance policy or subscriber's contract and shall advise provide the policyholder or subscriber with a list of insurers who are required to that insurers with premium writings in excess of \$300,000 for the previous calendar year must offer coverage described under (a) in (b) of this section.</p>

This suggested change would maintain consistency with subsection (a) by naming the kinds of insuring entities affected by the section. It would also remove the requirement that an exempt carrier must provide the policyholder or subscriber with a list of insurers who are required to offer coverage. This is unworkable and has been replaced with a requirement to advise that other carriers are required to offer the coverage.

Amendment #4

<p>CSSB 404 Work Draft 7-LS2009\ D Ford 2/26/92 Page 2, After Line 7</p>	<p>CSSB 404 Suggested Revision DOI 4/8/92</p>
<p></p>	<p>(d) <u>To the extent not in conflict with other state or federal law, this section applies to an insurer or a hospital or medical service corporation writing a Medicare supplement policy.</u></p>

This suggested change would maintain consistency with subsection (a) by naming the kinds of insuring entities affected by the subsection. It avoids potential conflict with Federal law concerning Medicare supplements by applying the required offer if it is not in conflict with other state or federal law.

Amendment #5

<p>CSSB 404 Work Draft 7-LS2009\D Ford 2/26/92 Page 2, After Line 7</p>	<p>CSSB 404 Suggested Revision DOI 4/8/92</p>
	<p>*Sec.2. AS 21.87.340(10) is amended to read: (10) AS 21.42.345 - 21.42.365, [AND] 21.42.375, and <u>21.42.385.</u>"</p>

This suggested change is necessary if hospital or medical service corporations are to be included in this bill. AS 21.87 is an exclusive chapter and can only have other statutes in AS 21 apply if an internal reference is provided in AS 21.87.340. This is the internal reference.

Amendment #6

<p>CSSB 404 Work Draft 7-LS2009\D Ford 2/26/92 Page 2, Line 8</p>	<p>CSSB 404 Suggested Revision DOI 4/8/92</p>
<p>*Sec.2. This Act takes effect July 1, 1993</p>	<p>*Sec.3-3 This Act takes effect July 1, 1993</p>

This suggested change merely renumbers Section 2 of the bill.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 404

Revision Date: 2/14/92

Department Affected: Commerce & Econ. Dev.

Title: An Act relating to dental, vision,
and hearing insurance coverage

BRU: Insurance

Component: Operations

Sponsor: Sen. Kerttula

Requestor: _____

COMPONENT SERIAL NO.

0	3	5	4
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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 FUND RESOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS (Attach a separate page if necessary.)

No fiscal impact.

Prepared By: Joan Brown, Administrative Officer *JB*

Phone: 465-2597

Division: Insurance

Date: 2/20/92

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development

Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legls. Ofc., and Impacted Agency(ies).

Page 1 of 1

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSSB404 () WORK DRAFT
7-LS20091D
Ford
2/28/92

Revised: 2/28/92
Title: Dental, vision and hearing insurance coverage
Sponsor: Sen Kerttula
Requestor: Sen Kerttula

Department Affected: UNIVERSITY OF ALASKA
BRU: SW Programs and Services
Component: Statewide Services

Component Serial No: 730

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FD SOURCE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year Impact: -0-

ANALYSIS (Attach additional pages as necessary)

This Fiscal Note supercedes the one issued on April 3, 1992 for SB404 and is based upon the revised text contained in CSSB404 Work Draft.

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7593
Date: April 6, 1992

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska

Date: April 6, 1992

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)



Alaska Dental Society

6400 Stearns Road, Suite 10
Anchorage, Alaska 99503
907/277-4675

April 1, 1992


Senator Drue Pearce
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK 99811

Dear Senator Pearce:

The Alaska Dental Society supports CS for SB 404. Please schedule SB 404 for hearing.

If you have any questions please feel free to contact me at 907 376-3884, FAX 907 273-7300. Thank you.

Sincerely,


Robert Wade Robinson II, D.M.D.
President
Alaska Dental Society

MINIMUM BENEFITS

DENTAL PLAN HIGHLIGHTS

- Pays 80 percent of the usual, customary and reasonable charges for most preventive (X-rays, exams, etc.) services with no deductible.
- Pays 80 percent of the usual, customary and reasonable charges for most restorative (fillings, extractions, etc.) services after the annual deductible is met.
- Pays 50 percent of the usual, customary and reasonable charges for most prosthetic (crowns, dentures, etc.) services after the annual deductible is met.
- Pays up to \$1,500 of covered expenses per person per year.

VISION PLAN HIGHLIGHTS

- Requires no deductible.
- Covers one complete eye examination, including a required refraction, during any calendar year.
- Pays 80 percent for two lenses during each calendar year.
- Pays 80 percent for one set of frames every two years.

AUDIO PLAN HIGHLIGHTS

- Pays 80 percent of the usual, customary and reasonable charges.
- Requires no deductibles.
- Allows a maximum benefit of \$800 in a three-year period.

Section 3. Applicability and Scope

- A. Except as otherwise specifically provided in Sections 7, 12, 13 and 21, this regulation shall apply to:
- (1) All Medicare supplement policies delivered or issued for delivery in this State on or after the effective date hereof, and
 - (2) All certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this State.
- B. This regulation shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustee of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

Section 4. Definitions

For purposes of this regulation:

- A. "Applicant" means:
- (1) In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and
 - (2) In the case of a group Medicare supplement policy, the proposed certificateholder.
- B. "Certificate" means any certificate delivered or issued for delivery in this State under a group Medicare supplement policy.
- C. "Certificate Form" means the form on which the certificate is delivered or issued for delivery by the issuer.
- D. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates.
- E. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.
- F. "Medicare Supplement Policy" means a group or individual policy of (accident and sickness) insurance or a subscriber contract (of hospital and medical service associations or health maintenance organizations), other than a policy issued pursuant to a contract under Section 1876 or Section 1833 of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project authorized pursuant to amendments to the federal Social Security Act, which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.
- G. "Policy Form" means the form on which the policy is delivered or issued for delivery by the issuer.

Section 5. Policy Definitions and Terms

No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this section.

the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1992. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(D) In promulgating standards under this paragraph, the Association or Secretary shall consult with a working group composed of representatives of issuers of medicare supplemental policies, consumer groups, medicare beneficiaries, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(E) If benefits (including deductibles and coinsurance) under this title are changed and the Secretary determines, in consultation with the Association, that changes in the NAIC or Federal standards are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

"(2) The benefits under the NAIC or Federal standards shall provide—

"(A) for such groups or packages of benefits as may be appropriate taking into account the considerations specified in paragraph (3) and the requirements of the succeeding subparagraphs;

"(B) for identification of a core group of basic benefits common to all policies, and

"(C) that, subject to paragraph (5)(B), the total number of different benefit packages (counting the core group of basic benefits described in subparagraph (B) and each other combination of benefits that may be offered as a separate benefit package) that may be established in all the States and by all issuers shall not exceed 10.

"(3) The benefits under paragraph (2) shall, to the extent possible—

"(A) provide for benefits that offer consumers the ability to purchase the benefits that are available in the market as of the date of the enactment of this subsection; and

"(B) balance the objectives of (i) simplifying the market to facilitate comparisons among policies, (ii) avoiding adverse selection, (iii) providing consumer choice, (iv) providing market stability, and (v) promoting competition.

"(4)(A)(i) Except as provided in subparagraph (B), no State with a regulatory program approved under subsection (b)(1) may provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy unless such grouping meets the applicable standards.

"(ii) Except as provided in subparagraph (B), the Secretary may not provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy seeking approval by the Secretary unless such grouping meets the applicable standards.

"(B) With the approval of the State (in the case of a policy issued in a State with an approved regulatory program) or the Secretary (in the case of any other policy), the issuer of a medicare supplemental policy may offer new or innovative benefits in addition to the benefits provided in a policy that otherwise complies with the

applicable standards. Any such new or innovative benefits may include benefits that are not otherwise available and are cost-effective and shall be offered in a manner which is consistent with the goal of simplification of medicare supplemental policies.

"(5XA) Except as provided in subparagraph (B), this subsection shall not be construed as preventing a State from restricting the groups of benefits that may be offered in medicare supplemental policies in the State.

"(B) A State with a regulatory program approved under subsection (b)(1) may not restrict under subparagraph (A) the offering of a medicare supplemental policy consisting only of the core group of benefits described in paragraph (2)(B).

"(6) The Secretary may waive the application of standards in regard to the limitation of benefits described in paragraph (4) in those States that on the date of enactment of this subsection had in place an alternative simplification program.

"(7) This subsection shall not be construed as preventing an issuer of a medicare supplemental policy who otherwise meets the requirements of this section from providing, through an arrangement with a vendor, for discounts from that vendor to policyholders or certificateholders for the purchase of items or services not covered under its medicare supplemental policies.

"(8) Any person who sells or issues a medicare supplemental policy, after the effective date of the NAIC or Federal standards with respect to the policy, in violation of the previous requirements of this subsection is subject to a civil money penalty of not to exceed \$25,000 (or \$15,000 in the case of a seller who is not an issuer of a policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(9)(A) Anyone who sells a medicare supplemental policy to an individual shall make available for sale to the individual a medicare supplemental policy with only the core group of basic benefits (described in paragraph (2)(B)).

"(B) Anyone who sells a medicare supplemental policy to an individual shall provide the individual, before the sale of the policy, an outline of coverage which describes the benefits under the policy. Such outline shall be on a standard form approved by the State regulatory program or the Secretary (as the case may be) consistent with the NAIC or Federal standards under this subsection.

"(C) Whoever sells a medicare supplemental policy in violation of this paragraph is subject to a civil money penalty of not to exceed \$25,000 (or \$15,000 in the case of a seller who is not the issuer of the policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(10) No penalty may be imposed under paragraph (8) or (9) in the case of a seller who is not the issuer of a policy until the Secretary has published a list of the groups of benefit packages that may be sold or issued consistent with this subsection."

COMMENTS BY GORDON E. EVANS
ON BEHALF OF HEALTH INSURANCE ASSOCIATION OF AMERICA
at
Senate Labor and Commerce Committee
Hearing on Senate Bill 404
April 8, 1992

My name is Gordon Evans and I represent the Health Insurance Association of America ("HIAA"), which is a national, voluntary trade association of 300 private health insurance companies which provide health insurance for over 95 million Americans. Blue Cross and Blue Shield are not HIAA members.

HIAA is opposed to Senate Bill 404 and the proposed committee substitute as currently drafted. The requirement that an insurer authorized under AS 21.09 is required to offer, issue for delivery, deliver or renew an individual or group disability insurance policy on an expense-incurred basis to individuals of all ages or groups for acceptance or rejection, minimum dental, vision and hearing coverage is not only a problem of adverse selection and high administrative costs, but may also be in violation of federal law.

First, the requirement that regardless of age every individual must be offered this coverage is very troublesome. To my knowledge, and that of HIAA's member company who is the largest individual writer in Alaska, no carrier in any state writes such stand alone individual business for vision care or hearing. Yet the bill proposes that it should be offered either as a limited benefit policy or as a rider to other policies.

Our concern with the requirement to offer the coverage to individuals involves the problem of "adverse selection" -- only those persons wanting dentures, hearing aids, or new glasses or contacts will take the coverage, while the requirement to offer in a group setting allows the policyholder, who is looking at the needs of more than one person, to determine whether or not to purchase the product. In a group offering the risk is spread across those who need and those who don't need the service, so adverse selection is greatly minimized.

In insurance there must be some who don't need the service or product to help defray the costs of those who do need it. As you know, insurance is based on the law of large numbers, which prevents the adverse selection which results when it is required to offer to an individual this type of coverage.

Secondly, if the author is attempting to provide coverage for senior citizens, the recent congressional enactment of Omnibus Budget Reconciliation Act of 1990 (better known as "OBRA") explicitly prohibits any insurer to sell or issue a health policy to an individual entitled to benefits under Medicare that are not included in one of ten authorized Medicare Supplemental policies. Any state that does not comply with the OBRA requirements is in jeopardy of losing the state jurisdiction over Medicare supplemental policies, and HCFA would take over that jurisdiction.

The Division of Insurance has just held hearings on proposed regulations governing the practices and Medicare supplemental policies permitted to be sold in Alaska.

We believe there would be extremely high administrative costs involved with this proposal. What if a carrier does not normally offer or sell dental, vision, or hearing benefits? Not all carriers write all lines of business. If these carriers are then going to be required to subcontract with other carriers for a provision that is a "rider" to another product, i.e., major medical, this type of arrangement will increase the administration of the policy which in turn will be reflected in higher premiums to the insured. Are the carriers going to be required to prove that they offered the product each time and keep a file of the number of rejections and acceptances? This, too, is an administrative cost.

Finally, the requirement that the minimum benefits are to be not less than those included in a large group policy -- the state employees retirement program -- is also very objectionable. Those benefits are determined by negotiations on behalf of the state employees and the state. A carrier must be allowed to design the products they are marketing, rather than have one product dictated based on a group whose benefits are negotiated for that specific group.

HIAA would not oppose the bill if it is amended in two ways:

First, by requiring that the offer must be made only to groups, and deleting the requirement to offer to individuals regardless of age; and

Second, if the minimum benefits coverage were not tied to the state employees retirement program.

Thank you for the opportunity to present HIAA's views.

1. Amend subsection on page 2, lines 3-7 to read:

“(c) This section does not apply to an insurer or a hospital or medical service corporation who has written less than \$300,000 in premiums in the previous calendar year. An insurer or a hospital or medical service corporation exempt under this subsection shall disclose the exemption when issuing or renewing a disability insurance policy or subscriber’s contract and shall advise the policyholder or subscriber that insurers with premium writings in excess of \$300,000 for the previous calendar year must offer coverage described in (b) of this section.”

This language clarifies that the exemption applies to insurers and hospital or medical service corporations. It also strikes the requirement on lines 6 and 7 as this is unworkable.

2. Following Line 7 on page 2, add a new subsection to read:

“(d) This section does not apply to
(1) an insurer writing only medicare supplement policies, or
(2) a medicare supplement policy.

3. Following Line 7 on page 2, add a new section to read

“Sec.2. AS 21.87.340(10) is amended to read:

(10) AS 21.42.345 - 21.42.365, [AND] 21.42.375, and
21.42.385.”

4. On Page 2, line 8, renumber Sec.2 to read Sec.3.

Alaska State Legislature



Sen. Jay Kerttula, Co-Chairman
Sen. Pat Pourchot, Co-Chairman

Sen. Al Adams
Sen. Jim Duncan
Sen. Lyman F. Hoffman
Sen. Dick Shultz
Sen. Rick Uehling

Senate Finance Committee

State Capitol
Juneau, AK 99801-1182
(907) 465-1200
(907) 463-3066 Fax

Box 1009
Palmer, AK 99645
(907) 376-2675
(907) 376-0315 Fax

M E M O R A N D U M

TO: Senator Pearce, Chair
Senate Labor and
Commerce Committee

SUBJ: Senate Bill 404
Hearing, Dental
and Vision
Insurance

FROM: Senator  Kerttula

DATE: March 17, 1992

I would appreciate your scheduling Senate Bill 404, relating to the offering of a limited benefit health insurance policy for dental, vision, and hearing to individuals of all ages.

This bill will have no fiscal impact on the State. Senate Bill 404 requires only that dental, hearing, and vision insurance be offered for acceptance or rejection as a rider or a separate limited benefit policy. It is not a mandated benefit, so it will not contribute to rising premium costs for health insurance. The health insurance industry will be free to set the price of the policies as they see fit.

I appreciate your consideration of this request.



Alaska Dental Society

3400 Spenard Road, Suite 10

Anchorage, Alaska 99503

(907) 277-4675

April 1, 1992

Senator Drue Pearce
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, AK 99811

Dear Senator Pearce:

The Alaska Dental Society supports CS for SB 404. Please schedule SB 404 for hearing.

If you have any questions please feel free to contact me at 907 376-3884, FAX 907 373-7500. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Wade Robinson II".

Robert Wade Robinson II, D.M.D.
President
Alaska Dental Society

S B

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SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/92

FURTHER: None

Date of 5-Day Notice: Waived 2/28/92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/4/92

L&C Committee considered SB 408

"An Act relating to telephone service for the deaf and hard of hearing."

and recommends:

replace with CS SB 408 (LTC)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes DCEN/3-2-92

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes: zero fiscal notes _____

fiscal notes _____

DO PASS:

Shirley Craft
Rick Halford

OTHER RECOMMENDATIONS:

Paula Bruce - 10/23/92
Chair: Signature and Recommendation

BILL NO. CC SB 408

1992 LEGISLATIVE SESSION

Revision Date: 3/02/92

Department Affected: Commerce & Economic Dev

Title: An act relating to the surcharge for telephone services for the deaf, (and) hearing, and speech impaired.

BRU: Alaska Public Utilities Commission

Component: _____

Sponsor: _____

Requestor: Senator Roday

COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						
FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Commission strongly endorses CC SB 408

Prepared By: Don Schroer *DS* Phone: 276-6222
 Division: Alaska Public Utilities Commission Date: 3/2/92
 Approved by Commissioner: *[Signature]*
 Agency: Commerce & Economic Development Date: 3.8.92

POSITION PAPER

Alaska Public
Utilities Commission

CC SB 408

The proposed amendment will greatly simplify the collection of the surcharge. The prior language required the surcharge to be collected from both the bills of local phone companies and Alascom, GCI, and any other interexchange carriers in the state. This amendment should reduce the administrative complexity of surcharge collections and reduce customer confusion by simply having one surcharge appear on a phone customer's local bill.

The Committee substitute has added the recommended language "speech-impaired" to AS 42.05.296 so that all references to deaf and hard of hearing would be expanded to include speech-impaired (see enclosed). The addition of this language brings us in line with the Americans with Disabilities Act of 1991

bill file
MAR 4 1992

Alaska Telephone Association

3305 Arctic Blvd./Suite 102

Anchorage, Alaska 99503

(907)563-4000/FAX (907)562-3776

Jack H Rhyner
President

Gordon Parker
Executive Director

February 28, 1992

Hon. Drue Pearce
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Pearce:

Thanks so much for your prompt response to the request for expedited treatment of SB 408.

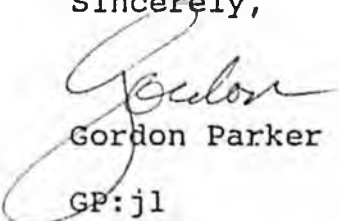
As you know, this bill is a non controversial, technical amendment to resolve difficulties in administering the hearing and speech impaired surcharge and in avoiding customer confusion. As the statute now stands, two surcharges must be applied: one to the local bill and one to the toll bill. SB 408 will simply provide for one surcharge. Passage of SB 408 will not affect either the level of service provided to the hearing and speech impaired nor will it alter the total to be collected in the surcharge.

As you know, the Alaska Public Utilities Commission requested and endorsed SB 408. I want to assure you that industry supports it as well. I can speak on behalf of the local telephone companies. I have also been assured by Alascom and GCI that they, too, believe it will relieve what is otherwise a very complex and expensive administrative problem. Additionally, Commissioner Mark Foster has informed me that the Alaska Association for the Deaf has endorsed the bill.

We did ask for expedited treatment of this legislation. We appreciate your response to that request. It was necessary to make the request since we must start billing the surcharge in April.

If you need any additional information, please call. Meanwhile, thanks again, Drue, for your help.

Sincerely,


Gordon Parker

GP:jl

S B

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SB 416
WALTER J. HICKEL, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

April 2, 1992

The Honorable Drue Pearce
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

F A X T R A N S M I T T A L M E M O *****

TO: Roy Gillespie

DEPT: _____ FAX #: _____

FROM: Johnny Holland PHONE: _____

CO: _____ FAX #: _____

Post-it brand fax transmittal memo 7671

NO. OF PAGES
5

Finally!

Dear Senator Pearce:

During the March 18 Senate Subcommittee on Commerce and Labor hearing, Dr. J. S. Holland, Assistant Director of the department's Fisheries Rehabilitation, Enhancement and Development (FRED) Division, responded to questions posed by committee members. The committee requested clarification of the funding status of the state's hatcheries. Also, at one point, Dr. Holland mentioned the FRED Division's public hatchery strategic plan, three copies of which are enclosed.

Of the 20 state-owned hatcheries, nine are currently operated and/or funded by the private sector. Of those contracted hatcheries, Beaver Falls has no long-term contract commitment by the private sector and faces closure in FY 93. Negotiations are ongoing for the Southern Southeast Regional Aquaculture Association (SSRAA) to operate Beaver Falls. A long-term contractual commitment by SSRAA to operate Beaver Falls is dependent on both a hatchery upgrade CIP request (currently on the Governor's CIP list) and on deferment of fishery enhancement loans.

Three of the remaining 11 hatcheries (Clear, Elmendorf, and Ft. Richardson) are sport fish production facilities and, as such, are primarily funded by Sport Fish Restoration Act federal aid funds with matching funds provided from the fish and game fund or general fund. Following development of the enclosed public hatchery strategic plan, the FRED Division learned that Anadromous Fish Conservation Act federal aid funds will no longer be available. This leaves the Deer Mountain Hatchery with only half of the necessary funds needed to operate it in FY 93. The division is seeking additional funding sources for Deer Mountain, but if this funding does not come through, the facility will face closure in FY 93.

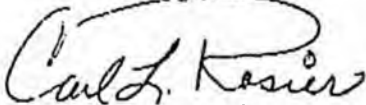
Of the remaining seven state hatcheries, three (Big Lake, Klawock, and Russell Creek) have been slated for closure in FY 93 given the magnitude of the department's proposed FY 93 budget reduction. At

April 2, 1992

this time, there are no private sector salmon producers that have expressed an interest in contracting the operations of any of these facilities, as cost-recovery options are severely limited. The four remaining hatcheries (Crystal Lake, Snettisham, Crooked Creek, and Sikusuilaq Springs) each have unique properties; i.e., major impact on international fisheries treaties, research status, major impact on sport fish production, etc., that require they remain open.

I hope this information is useful when considering Senate Bill 416.

Sincerely,



Carl L. Rosier
Commissioner

Enclosures

cc: Geron Bruce
J. S. Holland
Jeff Koenings

Alaska Department of Fish and Game—FRED Division
Public Hatchery Strategic Plan

Hatchery	Location	Species	Program * Intent	Comments	FY92		Oper. Plan FY	Plan Agenc	Percent ** Subsistence	Percent Sport	Percent Commercial			
					Operating Costs	Funding Source								
Beaver Falls	Ketchikan	Sockeye	CF	Contracted to SSRAA with GF for FY92 operation.	\$294.8		92	SSRAA	***	0%	100%			
Big Lake	Big Lake	Sockeye Coho	CF, PU SF, CF, PU	Major production of enhancement fi for Anchorage area. Sockeye shortfunded in FY93.	\$60.0	CIP	92	FRED	14%	1%	85%			
					\$312.4	GF						5%	65%	30%
Cannery Creek	Whittier	Pink	CF	Operated by PWSAC			89	PWSAC			100%			
Clear	Clear	Arctic char	SF	Major sport fish production facility Vital to US/Can chum and chinook programs	\$22.9	GF	92	FRED			100%			
		Arctic grayling	SF		\$313.6	DJ/WB					100%			
		Lake trout	SF		\$92.5	F&G					100%			
Crooked Creek	Soldotna	Sockeye	CF, PU	Sockeye contracted to CIAA. Contributes substantially to sport fish program through eggtrak for other facilities.	\$46.0	CIAA	92	FRED	3%	2%	95%			
		Coho	SF, PU		\$340.3	GF						CIAA	5%	95%
		Steelhead	SF		\$3.8	PGR						100%		
		Chinook	SF									100%		
Crystal Lake	Petersburg	Chinook CL rel.	US/C, SF, CF	Large US/Can capital investment including Harding River, Deep Cove, and Farragut River. Provides 5-7 million chinook eggs in addition to its own needs primary stream rehab work from unique isolation modules.	\$602.6	GF	92	FRED	***		44%	56%		
		Chinook remote	US/C, CF		\$15.0	PgR					1%	99%		
		Coho	SF, PU, CF		\$12.8	DJ/WB					17%	83%		
		Steelhead	SF								100%			
Deer Mountain	Ketchikan	Chinook	RES, SF, CF	Fisheries technology development results supplied to other state and private programs. Prim tourist facility, over 250,000 annually. Major role in public education. Urban (SF) fisheries program being developed with Rainbow trout.	\$149.7	GF	92	FRED	***	40%	60%			
		Coho	SF, PU, CF		\$141.5	ANAD						17%	83%	
		Steelhead	SF		\$13.0	DJ/WB						100%		
		Rainbow	SF									100%		

Facility	Location	Species	Program * Intent	Comments	Operating Costs	Funding Source	Operational Pla FY	Agen	Percent ** Subsistence	Percent Sport	Percent Commercial
Elmendorf	Anchorage	Chinook	SF	Major sport fish production facility	\$112.8	F&G	92	FRED	1%	90%	9%
		Coho	SF	High visibility tourist attraction	\$385.2	DJ/WB			3%	87%	10%
Ft Richardson	Anchorage	Chinook	SF	Major sport fish production facility	\$143.9	GF	92	FRED		88%	13%
		Coho	SF		\$596.0	DJ/WB			90%	10%	
		Rainbow	SF, RES		\$181.6	F&G			100%		
Gulkana	Glennallen	Sockeye Chinook	CF, SUB CF, SF, SUB	The most cost effective sockeye facility in the world. 35 million sockeye salmon egg take annually. FY92 contract for one year, potential long term contract.	\$41.2	GF	92	FRED/ PWSAC	8% 20%	2% 30%	90% 50%
Hidden Falls	Sitka	Chinook	CF	\$2.5 million chinook expansion with US/Can funds. Operated by NSRAA.			89	NSRAA			100%
		Chum	CF		100%						
2 Kitai Bay	Kodiak	Pink	CF	Operated by state with funds provided by KRAA.			92	FRED/KRAA			100%
		Chum	CF		100%						
		Coho	SF, CF		50%	50%					
		Sockeye	GF		100%						
3 Klawock	Klawock	Sockeye	SUB	BIA funds to address local projects. GF used in projects to rehabilitate POW in post-logging years.	\$424.3	GF	92	FRED	100%		
		Coho	CF, SUB		\$10.0	PgR(non-existent)			7%	93%	
		Steelhead	SF		\$18.0	DJ/WB			100%		
4 Main Bay	Whittier	Sockeye	CF	Operated by PWSAC			92	PWSAC		1%	99%
15 Pillar Creek	Kodiak	Sockeye	CF	Primarily operated with funds provided by KRAA. Some GF involved.	\$37.9	GF	92	FRED/KRAA	***		100%
16 Russell Creek	Cold Bay	Chum	CF	FY92 PgR from Aleutian's East Borough. Fisheries developmental facility to be contracted in FY99	\$420.0	GF	99	Reg. Assoc.			100%
		Pink	CF		\$52.8	PgR			1%	99%	
		Coho	SF, CF						50%	50%	

Hatchery	Location	Species	Program * Intent	Comments	Operating Costs	Funding Source	Operational FY	Operational Pln Agen	Percent ** Subsistence	Percent Sport	Percent Commercial
Sikusuilag	Kotzebue	Chum	CF, SUB	Developmental facility for fisheries technology. Potential for subsistence harvest. To be contracted in 1999.	\$390.8	GF	99	Reg. Asso	20%		80%
Sneltisham	Juneau	Sockeye CIF	US/C, CF, RE	Tremendous involvement in US/Can projects, transboundary river sock enhancement plus SE Baranof chum Applied technology development for sockeye smolt. Major sport fish production in Juneau recreation project.	\$612.8	GF	92	FRED	***		100%
		Sockeye (smolt)	US/C, CF		\$108.0	US/CAN			***		100%
		Chinook (Deep)	US/C, CF		\$94.1	W/B				6%	94%
		Chinook (juvenile SF)								34%	66%
Trail Lakes	Moose Pass	Coho	SF, CF	Operated by CIAA			89	CIAA		75%	25%
		Sockeye	CF						***		100%
Tulka	Homer	Pink	CF	Contracted to CIAA		CIP	92	CIAA		2%	98%
		Chum	CF						***		100%
		Sockeye	CF						***		100%

* - Legend- subsistence (SUB), sport fish(SF), commercial fish(CF), research (RES), US/Canada (US/C)

** - Includes personal use

*** - Thought to contribute to subsistence but as yet unquantified

**** - SSRAA -Southern Southeast Regional Aquaculture Association

PWSAC- Prince William Sound Aquaculture Corporation

CIAA - Cook Inlet Aquaculture Association

NSRAA - Northern Southeast Regional Aquaculture Association

REG. ASSOC.- as yet unknown aquaculture association.

Pg.R. - program receipts

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 416

Revision Date: 3/12/92

Department Affected: Fish and Game

Title: Defer Fishery Enhancement Loan

BRU: FRED

Payments

Component: FRED

Sponsor: Senator Zharoff

Requestor: Senate Labor and Commerce
Expenditures/Revenues: (Thousands of Dollars)

COMPONENT SERIAL NO.

4	6	7
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OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars) *

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Geron Bruce

Phone: 465-4100

Division: Commissioner's Office

Date: 3/12/92

Approved by Commissioner: *Geron Bruce*

Agency: Department of Fish and Game

Date: 3/19/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

BILL NO. SB 416

Revision Date: _____

Department Affected: Commerce & Econ. Dev.

Title: Defer Fisheries Enhancement Loan
Repayments

BRU: Alaska Industrial Dev. & Export Auth.

Component: _____

Sponsor: Zharoff, Jones

Requestor: Senate Labor and Commerce

COMPONENT SERIAL NO.

1	2	3	4
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	146.9	0	0	0	0	0
TOTAL OPERATING	146.9	0	0	0	0	0
CAPITAL						
REVENUE FUND RESOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	146.9	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS (Attach a separate page if necessary.)

See Division of Investments, Department of Commerce and Economic Development fiscal note for analysis. AIDEA fisheries enhancement loans and receipts therefrom are pledged to the repayment of the DeLong Mountain Transportation Project Revenue Bonds

Prepared By: Bill Scott, Executive Director Phone: 561-8050

Division: Alaska Industrial Dev. & Export Auth. Date: 3/17/92

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: 3.17.92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., and Impacted Agency(ies).

Page 1 of 1



ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY

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Part of AIDEA Fiscal Note, SB 416:

AIDEA fisheries enhancement loans and receipts therefrom are pledged to the repayment of the DeLong Mountain Transportation Project Revenue Bonds.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 416

Revision Date: _____

Department Affected: Commerce & Econ. Dev.

Title: Defer Fisheries Enhancement Loan

BRU: Investments

Repayments

Component: _____

Sponsor: Zharoff, Jones

Requestor: Senate Labor and Commerce

COMPONENT SERIAL NO.

0	3	8	4
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	2,486.1	1,523.0	1,523.0	1,272.2	38.0	0
TOTAL OPERATING	2,486.1	1,523.0	1,523.0	1,272.2	38.0	0

CAPITAL						
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REVENUE FUND RESOURCE: 1070	[2,486.1]	[1,523.0]	[1,523.0]	[1,272.2]	[38.0]	[0]
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FERLF

FUNDING: (Thousands of Dollars)

GENERAL FUND	2,486.1	1,523.0	1,523.0	1,272.2	38.0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	2,486.1	1,523.0	1,523.0	1,272.2	38.0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Martin J. Richard, Director Phone: 465-2510

Division: Investments Date: 2/27/92

Approved by Commissioner: Glenn A. Olds Date: 5-17-92

Agency: Department of Commerce & Economic Development

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., and Impacted Agency(ies).

FISCAL NOTE - SB 416

ANALYSIS:

To adequately reflect the fiscal impact of SB 416, it was necessary to develop the attached spreadsheets for each fiscal year affected. Below is an explanation of these spreadsheets:

Column 1 lists the state-owned hatcheries that are currently being operated by qualified regional aquaculture associations or ones that are projected to be transferred in the near future. The date of transfer or projected date of transfer is also noted and is important because section 2 of the bill says that repayment may be deferred for a period of time that is sufficient to defray costs of operation not to exceed five years from the date that the association assumes operating responsibility for the hatchery.

Columns 2 and 3 indicate the payments that are scheduled to be made by the affected associations, and column 4 displays payments that are projected not to be made in FY 93. These estimates in column 4 have been used in determining the cash flow projections of the Fisheries Enhancement Revolving Loan Fund and the resulting General Fund request to fund loan demand for FY 93.

Column 5 shows the total projected operating costs of the transferred facilities and must be compared to columns 1, 2 and 3 to arrive at the fiscal impact. In FY's 93-97, the payments that are scheduled to be made (columns 2 and 3) minus the anticipated deferments (column 4) is less than the projected operational costs of the transferred facilities.

Columns 7 and 8 break down the fiscal impact according to the investor that is affected. While most of the loans are owned by the Fisheries Enhancement Loan Fund, some are owned by Alaska Industrial Development and Export Authority (AIDEA). A separate fiscal note reflecting the impact on AIDEA's loans as shown in Column 7 has been prepared by AIDEA. The impact borne by the loan fund is shown in column 8 and on the attached fiscal note.

**DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

FISCAL NOTE ANALYSIS OF SB 416 FOR FY'93

(Figures are shown in thousands of dollars)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRANSFERRED HATCHERIES	AIDEA PAYMENTS DUE IN FY'93	FE FUND PAYMENTS DUE IN FY'93	DEFERRED PAYMENTS IN FY'93	OPERATIONAL COSTS DURING FY'93	TOTAL OF FY'93 FISCAL NOTES	AIDEA FISCAL NOTE	FE FUND FISCAL NOTE
COOK INLET AQUACULTURE ASSN.	0.0	0.0	0.0	1,237.0	0.0	0.0	0.0
TRAIL LAKES (7/1/88)				683.0			
TUTKA (7/1/92)				554.0			
KODIAK REGIONAL AQUA. ASSN.	0.0	0.0	0.0	901.0	0.0	0.0	0.0
KITOI (7/1/88)				703.0			
PILLAR CREEK (7/1/92)				198.0			
NORTHERN S. E. REGIONAL AQUA. ASSN.	0.0	351.5	0.0	997.0	351.5	0.0	351.5
HIDDEN FALLS (6/23/86)				997.0			
PRINCE WILLIAM SOUND AQUA. ASSN.	277.9	1,822.1	0.0	1,969.0	1969.0	146.9	1822.1
CANNERY CREEK (7/1/88)				926.0			
GULKANA (7/1/90)				338.0			
MAIN BAY (7/1/91)				705.0			
SOUTHERN S. E. REGIONAL AQUA. ASSN.	312.5	1,064.2	1,064.2	400.0	312.5	0.0	312.5
BEAVER FALLS (7/1/91)				400.0			
TOTALS	590.4	3,237.8	1,064.2	5,504.0	2,633.0	146.9	2,486.1

DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

FISCAL NOTE ANALYSIS OF SB 416 FOR FY'95

(Figures are shown in thousands of dollars)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRANSFERRED HATCHERIES	AIDEA PAYMENTS DUE IN FY'93	FE FUND PAYMENTS DUE IN FY'93	DEFERRED PAYMENTS IN FY'93	OPERATIONAL COSTS DURING FY'93	TOTAL OF FY'93 FISCAL NOTES	AIDEA FISCAL NOTE	FE FUND FISCAL NOTE
COOK INLET AQUACULTURE ASSN.	0.0	0.0	0.0	554.0	0.0	0.0	0.0
TRAIL LAKES (7/1/88)				*			
TUTKA (7/1/92)				554.0			
KODIAK REGIONAL AQUA. ASSN.	0.0	0.0	0.0	198.0	0.0	0.0	0.0
KITOI (7/1/88)				*			
PILLAR CREEK (7/1/92)				198.0			
NORTHERN S. E. REGIONAL AQUA. ASSN.	0.0	386.1	0.0	0.0	0.0	0.0	0.0
HIDDEN FALLS (6/23/88)				*			
PRINCE WILLIAM SOUND AQUA. ASSN.	277.9	1,858.8	0.0	1,043.0	1043.0	0.0	1043.0
CANNERY CREEK (7/1/88)				*			
GUI KANA (7/1/90)				338.0			
MAIN BAY (7/1/91)				705.0			
SOUTHERN S. E. REGIONAL AQUA. ASSN.	312.5	1,064.2	0.0	480.0	480.0	0.0	480.0
BEAVER FALLS (7/1/91)				480.0			
TOTALS	590.4	3,309.1	0.0	2,275.0	1,523.0	0.0	1,523.0

DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

FISCAL NOTE ANALYSIS OF SB 416 FOR FY'96

(Figures are shown in thousands of dollars)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRANSFERRED HATCHERIES	AIDEA PAYMENTS DUE IN FY'93	FE FUND PAYMENTS DUE IN FY'93	DEFERRED PAYMENTS IN FY'93	OPERATIONAL COSTS DURING FY'93	TOTAL OF FY'93 FISCAL NOTES	AIDEA FISCAL NOTE	FE FUND FISCAL NOTE
COOK INLET AQUACULTURE ASSN.	0.0	38.0	0.0	554.0	38.0	0.0	38.0
TRAIL LAKES (7/1/88)				*			
TUTKA (7/1/92)				554.0			
KODIAK REGIONAL AQUA. ASSN.	0.0	0.0	0.0	198.0	0.0	0.0	0.0
KITOI (7/1/88)				*			
PILLAR CREEK (7/1/92)				198.0			
NORTHERN S. E. REGIONAL AQUA. ASSN.	0.0	386.1	0.0	0.0	0.0	0.0	0.0
HIDDEN FALLS (6/23/88)				*			
PRINCE WILLIAM SOUND AQUA. ASSN.	277.9	2,070.3	0.0	705.0	705.0	0.0	705.0
CANNERY CREEK (7/1/88)				*			
GULKANA (7/1/90)				*			
MAIN BAY (7/1/91)				705.0			
SOUTHERN S. E. REGIONAL AQUA. ASSN.	312.5	1,064.2	0.0	529.2	529.2	0.0	529.2
BEAVER FALLS (7/1/91)				529.2			
TOTALS	590.4	3,558.6	0.0	1,986.2	1,272.2	0.0	1,272.2

DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

FISCAL NOTE ANALYSIS OF SB 416 FOR FY'97

(Figures are shown in thousands of dollars)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRANSFERRED HATCHERIES	AIDEA PAYMENTS DUE IN FY'93	FE FUND PAYMENTS DUE IN FY'93	DEFERRED PAYMENTS IN FY'93	OPERATIONAL COSTS DURING FY'93	TOTAL OF FY'93 FISCAL NOTES	AIDEA FISCAL NOTE	FE FUND FISCAL NOTE
COOK INLET AQUACULTURE ASSN.	0.0	38.0	0.0	554.0	38.0	0.0	38.0
TRAIL LAKES (7/1/88)				*			
TUTKA (7/1/92)				554.0			
KODIAK REGIONAL AQUA. ASSN.	0.0	0.0	0.0	198.0	0.0	0.0	0.0
KITOI (7/1/88)				*			
PILLAR CREEK (7/1/92)				198.0			
NORTHERN S. E. REGIONAL AQUA. ASSN.	0.0	386.1	0.0	0.0	0.0	0.0	0.0
HIDDEN FALLS (6/23/88)				*			
PRINCE WILLIAM SOUND AQUA. ASSN.	277.9	2,070.3	0.0	0.0	0.0	0.0	0.0
CANNERY CREEK (7/1/88)				*			
GULKANA (7/1/90)				*			
MAIN BAY (7/1/91)				*			
SOUTHERN S. E. REGIONAL AQUA. ASSN.	312.5	1,064.2	0.0	0.0	0.0	0.0	0.0
BEAVER FALLS (7/1/91)				*			
TOTALS	590.4	3,558.6	0.0	752.0	38.0	0.0	38.0

**DIVISION OF INVESTMENTS
ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT**

FISCAL NOTE ANALYSIS OF SB 416 FOR FY'98

(Figures are shown in thousands of dollars)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRANSFERRED HATCHERIES	AIDEA PAYMENTS DUE IN FY'93	FE FUND PAYMENTS DUE IN FY'93	DEFERRED PAYMENTS IN FY'93	OPERATIONAL COSTS DURING FY'93	TOTAL OF FY'93 FISCAL NOTES	AIDEA FISCAL NOTE	FE FUND FISCAL NOTE
COOK INLET AQUACULTURE ASSN.	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TRAIL LAKES (7/1/88)				*			
TUTKA (7/1/92)				*			
KODIAK REGIONAL AQUA. ASSN.	0.0	0.0	0.0	0.0	0.0	0.0	0.0
KITOI (7/1/88)				*			
PILLAR CREEK (7/1/92)				*			
NORTHERN S. E. REGIONAL AQUA. ASSN.	0.0	386.1	0.0	0.0	0.0	0.0	0.0
HIDDEN FALLS (6/23/88)				*			
PRINCE WILLIAM SOUND AQUA. ASSN.	277.9	1,858.8	0.0	*	0.0	0.0	0.0
CANNERY CREEK (7/1/88)				*			
GULKANA (7/1/90)				*			
MAIN BAY (7/1/91)				*			
SOUTHERN S. E. REGIONAL AQUA. ASSN.	312.5	1,064.2	0.0	0.0	0.0	0.0	0.0
BEAVER FALLS (7/1/91)				*			
TOTALS	590.4	3,309.1	0.0	0.0	0.0	0.0	0.0

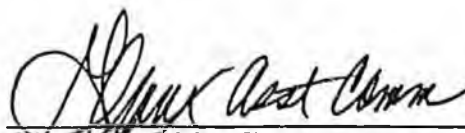
SB 416: "Defer Fisheries Enhancement Loan Repayments"

SB 416 makes changes to the fisheries enhancement loan program to provide financial assistance to regional aquaculture associations and their nonprofit corporations that are taking over hatcheries previously operated by the state. This financial assistance will be accomplished without direct appropriations to the Department of Fish and Game or the regional aquaculture associations by reducing the amount of interest charged to these associations on loans received under the fisheries enhancement loan program. SB 416 allows the department to approve a noninterest accrual and nonpayment period to defray the costs of operation of a state-owned hatchery that has been transferred to a qualified regional aquaculture association. This time period which would be determined by the commissioner could not exceed five years from the date that the association assumes operating responsibility for the hatchery and can only be approved if certain conditions are met.

Those conditions are:

1. the association or corporation holding the loan has entered into or is prepared to enter into an agreement with the state to take over the operation of a state-owned facility; and
2. deferral of repayment of the loan would materially assist the association or corporation to pay the operational costs of the hatchery.

The department is neutral on this legislation. While the passage of SB 416 will result in fewer dollars returning to the loan fund over the next few years and may increase the department's general fund request for this program, there will be savings over the long term due to a reduction in the amount of general fund monies spent by the Department of Fish and Game to operate the facilities being transferred.



Glenn A. Olds, Commissioner

Date: 3.17.92

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FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : SB 422

Revision Date: _____
Title: *An Act exempting certain community health aides from overtime wage requirements.*
Sponsor: Senator Hoffman
Requestor: Senate Labor & Commerce

Department Affected: Labor
BRU: Labor Standards & Safety
Component: Wage & Hour
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Randy Carr
Prepared by: Randy Carr, Acting Director Phone: 269-4900
Division: Labor Standards & Safety Date: 3/3/92
C.W. Mahlen
Approved by Commissioner: C.W. Mahlen
Agency: Department of Labor Date: 3/3/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Senator Lyman F. Hoffman

Alaska State Senate
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4453

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MEMORANDUM

To; Senator Drue Pearce, Chairm
Labor and Commerce Committee

From; Senator Lyman F. Hoffman *LH*

Date; March 2, 1992

Re, Scheduling of Senate Bill ~~44~~ *44-422?*

Please receive this memo as a formal request for the scheduling of the above mentioned bill.

As you are aware, this bill would exempt community health aides employed by regional or local health organizations, from the provisions of the states overtime laws. These health organizations prefer a more desirable type of policy which allows the Health Aides to recieve one week off for every three weeks worked.

The bill has the support of regional health corporations and C.H.A.s from across the State as well as the administration.

I have taken this opportunity to include with this memo copies of corospondence in support of the bill.

The committee's scheduling of the bill would be greatly appreciated.

Thank you.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

98757-4486

M. 82

714.0

CHA

1-23-72

Dear Governor Hickel

My name is Kias Clark

and I am a health aide in Aniak. I am writing to ask you to keep the health aides exempt from the overtime laws.

We health aides really need and deserve our week off. Ours is a very stress-full job and without our week off there would be a lot less health aides than there are now. Less health aides in the villages means poor health care

in the villages, and a greater expense for the people. I am sure you are aware of the financial situation in the bush and realize how expensive it would be for a person to have to go to Bethel because of a minor problem, when a health aide could treat it at home. In closing

I urge you to consider that health aides need a break, to prevent burn out and the people need health aides to maintain high quality health care for the villages.

I thank you

Kias Clark - CHA
Aniak

Jennie .D. Tunguing
P.O. Box 5004
Koliganek, Ak 99576
January 23,1992

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	Maria Munder	From	(Marie) Tunguing
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Dept.		Phone #	
Fax #		Fax #	

Walter Hickel-Governor
Governors Office
State Legislator Building
Juneau Ak, 99811-0800

Dear Governor,

My name is Jennie Tunguing ,a Health Aide from the village of Koliganek and I work for Bristol Bay Area Health Corporation. I get calls after hours from the people in my village and also have to take care of emergencies that happen after I close the clinic. I feel that it is better for me to have extra time off like every 3rd week then to get paid for the extra time that I work. I use that time to get away from the village to relax or for subsistence purposes. Having extra time off is better for me then having overtime, because it gives me time away from a very stressful job. I do not agree with the idea off working full time without having a week off.
Thanking you for your consideration.

Cordially,

Jennie .D. Tunguing

Jennie .D. Tunguing
CHA
Koliganek

Suzanne Evanoff, CHP
Box 474
Pilot Point, AK. 99649

Ms. Myra Munson
Governors Office
Juneau, Ak. 99801

January 23, 1992

Dear Ms. Munson,

My name is Suzanne Evanoff of Pilot Point, Alaska where I work as a Community Health Practitioner for the Bristol Bay Area Health Corporation. In my position, when I am "on call" I receive many calls after hours from people with health problems. Also, as primary caregiver I must respond to any and all emergency calls, after hours and weekends.

I would prefer to keep the scheduled week off as is instead of being paid for the extra time. With time off I can relax and relieve the stress built up from this demanding job. I also use my time off for subsistence, travel, and for medical appointments for my family and myself.

Thank-you for letting me express my feelings on this issue, as having extra time off is better for me than getting paid overtime.

Sincerely,

Suzanne Evanoff, CHP
Suzanne Evanoff, CHP

cc: Paul Fuhs
Laurie Naughtenham

P. O. Box 192
Naknek, Alaska 99633

465-3147

January 22, 1992

Mr. Paul Fuhs
Lori Naughtenhaus

To Whom It May Concern:

My name is Sandra Pitts, I am a Community Health Aide from Naknek, Alaska. I am an employee of Bristol Bay Area Health Corporation since 1987.

I am concerned about the "comp time" that I receive from my employers. I wholeheartly support the 2 week on with every 3rd week off as comp time. I prefer this schedule, as it gives me the extra time to unwind after being on call 24 hours a day as a Community Health Aide. I get calls from the residents of Naknek after my regular clinic hours for emergencies and other health needs that have to be met. Naknek is a busy community in the summer months as we get an increase in population for the busy fishing season. This schedule of 2 weeks on with 1 week off is a big help in a situation that otherwise would create burnout.

I prefer the comp time instead of the overtime pay, as it gives me time to do other activities, such as subsistence fishing, hunting, and not having to worry about the medical needs, which is done by the other CHA, who also has this opportunity during her time off.

If this schedule were not available, I would probably not be a CHA, as the wages do not even come close to what other medical personnel doing this same kind of work gets.

I hope this helps you to understand and support our "comp time" status. This system has worked for the last 2-3 years that I have been a CHA, and I want it to continue.

Thank-you.

Sincerely,



Sandra Pitts
Naknek - Community Health Aide

246-4214

cc: Myra Munsen 586-5883
Diane Juneau - CHAP Director -BBAHC

TOGIAC HEALTH CLINIC

P.O. Box 128

TOGIAC, AK 99678-0128

(907) 493-5511

January 23, 1992

From: Sirena Alakayak, CHA
Togiak Health Clinic
P.O. Box 128
Togiak, Alaska 99678

ATT: *Myra Manson*

Re: Health Aide Schedules

Hi! My name is Sirena Alakayak and I am a Health Aide from Togiak Clinic. I work for Bristol Bay Area Health Corporation. I get calls from people in the village when the clinic is closed when they are sick, I also have to take care of emergencies 24 hours a day.

It's better for me to have extra time off like every 3rd week, then to get paid for the extra time I work. I can use the extra time for subsistence use, be with my family because I have an infant son at home or to get away from the village for a while because when I'm working I have to sit by the phone constantly without doing anything else. Having extra time off is better for me then getting paid overtime.

Thank-you.

Sincerely,

Sirena Alakayak

Sirena, Alakayak, CHA

SA/cac

cc: file
Sirena Alakayak

710 02
CHA

BRISTOL BAY AREA HEALTH CORPORATION

P.O. BOX 130 • DILLINGHAM, ALASKA 99576
(907) 842-5201 or (907) 842-5202

January 23, 1992

Paul Fuhs
Office of the Governor
P.O. Box A
Juneau, Alaska 99811-0101

Dear Mr. Fuhs:

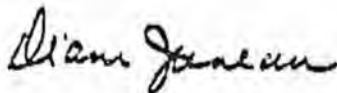
As the Director of the Bristol Bay Area Health Corporation's, Community Health Aide Program, I am stating my support for designating Community Health Aides as Exempt employees.

The Community Health Aide must take call for sickness and emergencies 24 hours a day, seven days a week.

In general, the Health Aides in Bristol Bay prefer to get scheduled time off rather than being paid overtime, for the extra hours that they work. At present they get every third week off to compensate for the extra hours of call and work time. The Health Aides enjoy this week off since they can do whatever they want during this time without worrying about caring for their village people. They often use this time for home and family activities, substance, or just to get away from the village.

Please feel free to call me at 907-842-9344 for any further comments on this very important issue.

Sincerely:



Diane Juneau, R.N.
Community Health Aide Program Director
Bristol Bay Area Health Corporation

cc: Myra Munson



Bristol Bay Area Health Corporation

P.O. Box 130
DUNLAP, ALASKA 99576
PHONE: (907) 842-5201
FAX: (907) 842-9354

TO: Myra Munson	FROM: NAME: Diane Juneau CHAP Director, BBAHC DEPARTMENT:
TELEPHONE: FAX: 586-3883	TELEPHONE: FAX: 842-9354

COMMENTS: _____

DATE: January 23, 1992

SENT BY: Diane Juneau

NUMBER OF PAGES (INCLUDING COVER): 2

Tuntutuliak Health Aides
General Delivery
Tuntutuliak, AK 99680
January 23, 1992

Dear Governor Hickel and The State Legislature,

We, Helen, Lucy, and Annie; Health Aides here in the village of Tuntutuliak are concerned about our week off being suspended. As the village Health Aides its hard for us to deal with all the problems that our community, especially the teenagers, have. Not being fully experienced with the mental problems such as depression, suicidal attempts, and so on gives us enough stress thinking about what will happen next.

Helen, one of the Health Aides, who had an experience being on call 24 hours a day 7 days a week said, "A lot of Health Aides had quit their jobs due to being burned out or to reduce stress." She also mentioned that having to have a week off has given her a chance to forget about the problems by being with the family and doing home chores.

Thank - you,
Health Aides
Helen A. Pavila
Annie S. Frank
and Lucy Genimie

From: SCAMMON Health aides
SCAMMON Bay, Alaska
1/23/92 99662

To: Governors office
ATTN: Lori Nottingham

Dear Governor,

I am writting in support of Health aides week off. I am writting to request for continue over time work and week off with pay for Health Aides.

Our week off is very important for all the health aides, because it gives us time to rest before we go back to our 24 hr. on call the following week, so that we can be rested and be readdy to work with the sick people and emergencies without being over tired.

We use our week off after three weeks of seeing 20 or more patients a day.

It is very IMPORTANT for BUSH COMMUNITY to have HEALTH AIDE efficient and effective health aide. WE HOPE FOR YOUR SUPPORT.

Sincerely
 CHA

Akiachak Native Community
Akiachak IRA Council

AKIACHAK, ALASKA 99551

(907) 825-4220

1/23/91

1) Why I want to be exempt.

The reason why I want to be exempt- is because we get burned out from work. Also, lots of health aides have stop working from being burned out.

2) How important your week off is to you.

it helps us to be more refreshed after our week off, from being stress. Helps us to support our family by hunting or doing chores at home.

3) How to use your week off.

We use our week off to rest from seeing patient and also from being stress out. Also, to be with our family. Mainly to hunt for food.

Thank-you.

Ickley J. Charles
Ickley J. Charles- CIA.

Akiachak Native Community
Akiachak IRA Council

AKIACHAK, ALASKA 99801

(907) 825-4320

1/23/91

To be fresh to go to work after week off. During our week off it helps us to do what needs to be done at home and stay with family members. Also, going out to tundra having fresh air, and to villages to see some friends.

So we can go to work with a fresh mind.

Thank-you.


Filma Peter - CHA

Akiachak Native Community
Akiachak IRA Council

AKIACHAK, ALASKA 99501

(907) 825-4320

1) Why I want to be exempt-

1/23/91

Because if I don't get exempt from work I will be burned out from work, and before the week-off policy, There was alot of health aides quitting work. If we continue to have our week-off, we will be refreshed to come back for 3 more weeks.

2) How important my week-off is.

It is important because it helps me to think right- rest my mind a little from worrying about the patients I see. Resets my tired and burned out mind for a whole week, and not worrying about quitting.

3) How I use my week-off.

I spent my time away from Clinic and instead of patients I get to spent some time with my family and rest at home. Also, to do my home chores and what needs to be done, which I was unable to do when I was worrying 24 hrs a day to see if there was going to be emergency patient or not.

Thanks,

Anna Mac Moses

Anna Mac Moses

CHP-

Akiachak Clinic

Grayling CLINIC
01-23-92

CHA, Time Off

1 We CHAS need our time off once a month. After going through treating our patients for you name it illnesses not to mention your own families. you feel like you've been through the wringer.

2 We as CHAS need the time off to relax in order to be able to give adūcate care to your or our patients. Being on call 24 hours takes a tole on you. we are individuals we get burnt out as well as any one.

3 we use our time off to relax and to go and be able to work to ^{our} ~~your~~ best for our people in keeping them well, and to teach them how to keep well.

Now give me one good reason why you are declining the CHAS one mangie week off. PLEASE WE BURN OUT, we are not robots I wish we are.

Mary A. Deacon CHA M.A.D.

Grayling.
PS some of us don't get a wk off, because you're the only one as a CHA in the village.

To: The Governor's office
ATTN: HORI NOTTINGHAM
From: Marshall Health Aides.

Why we want to be exempt from overtime laws.
We work 3 wks straight and were on-call 2 wks out of 3 wks. When were on-call it means being on-call for 24 hours a day for 7 days. And by the end of 3 wks were really stressed out. We need that 1 wk off to get ourselves ready mentally and physically for the next 3 wks, and whatever emergencies we might encounter for the next 3 wks.

How important is the week-off to us.
A lot of people think working as a health aide is easy. But to us it isn't, because it's a very stressful job. We take a lot of crap from people that like to complain and most of the time we ignore the complaints. But still it gets to much sometimes. When we have emergencies and that patient dies, that's when it really hits us mental and that's the time we really need the wk-off.

How do we use the week-off.
We use our week off to be with our family, do house work, get caught up on laundry etc. And if our week-off falls on the holidays that's even better, because when were working during holidays we only get 1 day off for that particular holiday. We the health aides value our week-off, because it gives us a break from being stressed out.

From: Elizabeth L. Fittka-CHA
Ruth A. Fittka-CHA

AS A CBP AND A CURRENT SUPERVISOR OF CHA'S I FEEL THAT THE CHA'S SHOULD BE EXEMPT FROM OVERTIME LAWS.

THE CHA'S SCHEDULE IS VERY STRESSFUL. THE WEEK OFF THEY CURRENTLY RECIEVE ALLOWS FOR MUCH NEEDED REST AND INCREASES CHA EFFECTIVENESS.

THE CHA'S NEED A WEEK OFF TO FULLY RECOVER FROM THE CONSTANT JOB RELATED STRESS IMPOSED BY THE CHA POSITION.

PLEASE PASS LEGISLATION ALLOWING US TO CONTINUE OUR PRESENT WORKING SCHEDULE.

I think it's very important for healthaides to have their week off, because it gives them time to be with their families full time. This is especially important for small children. They can also do some other things they do during the day, like washing clothes (some pile up in large families), making their family full cooked meals, house cleaning and a lot of other things housewives do. These week offs can also be used ~~to~~ to go berry picking in summer, fish cleaning & drying or just go to another place if they want to have complete free time. This is because they're still on call for emergencies if they are in their village even if the other healthaide is officially on call.

Sincerely,
Martha Albert