

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7750 HOUSE • COMMUNITY & REGIONAL AFFAIRS •

HB

211

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 10, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4-1-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 211

HOUSE BILL NO. 211

MUNICIPAL INVENTORY TAX EXEMPTION

"An Act relating to the municipal tax exemption for inventories intended for export."

RECOMMENDATIONS:

be replaced with _____ [] the same title
 [] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

zero fiscal note C + RA

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jerry Sander</i>	✓	<i>Carl Bende</i>		✓	
<i>Joe Rain</i>	✓	<i>Ed Willis</i>		✓	
<i>John Doe</i>	✓				
<i>Harley Olberg</i>	✓				
<i>W.K. Williams</i>	✓				

Harley Olberg
 CHAIRMAN'S SIGNATURE



Anchorage
International
Airport

State of Alaska DOT & PF
P.O. Box 190649
Anchorage, Alaska
USA 99519-0649
(907) 266-2525
FAX (907) 243-0663

March 31, 1993

The Honorable Cynthia Toohey
House of Representatives
Alaska State Legislature
State Capitol, Room 104
Juneau, Alaska 99801-1182

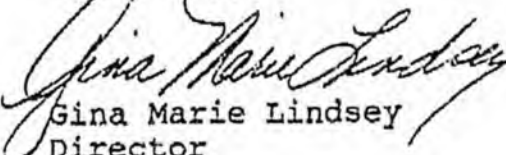
Dear Representative Toohey:

I have reviewed House Bill 211 which, if enacted, will amend AS 29.45.050. I have also discussed the draft legislation with Fairbanks Airport Manager, Bob Bullock.

Mr. Bullock and I agree with the concept of the proposed amendment. If Fairbanks and Anchorage have flexibility regarding taxation of goods for transshipment, it might enhance the ability of the communities to market themselves as international distribution centers.

Thank you for the opportunity to review this draft legislation.

Sincerely,


Gina Marie Lindsey
Director

cc: Bob Bullock, FAI Manager
Katy McHugh, DOT&PF Legislative Liaison
D. Randy Simmons, DOT&PF Deputy Commissioner



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA D. TOOHEY

DISTRICT 13

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT HOUSE BILL 211

To be a viable international distribution center, it is crucial that high value products that are being held for out-of-state shipment not be subject to local property taxes on inventory. Attempting to tax such inventory is virtually certain to prevent municipalities in the state that are (or have the potential to become) transportation hubs from competing for international distribution business. Yet, state statute now requires municipalities to levy some taxes on goods being held for out-of-state shipment.

The existence of foreign trade zones in certain parts of the state provide some partial protection from local inventory taxes. However, there are significant limitations. First, the goods have to be inside an FTZ and must be involved in FTZ activity. This is sometimes costly and unnecessary for simple distribution operations.

Secondly, the goods exempted from taxes within an FTZ are generally those that are being held for shipment outside the U.S. In some cases, goods being stored for distribution may have originated inside the U.S. and be destined for markets inside the U.S. Indeed, the U.S. is the largest single market in the world, and Alaska's proximity to it and the large amount of airlift we have to serve it are important elements of our marketing programs that seek to attract international distribution business.

House Bill 211 would remove the glitch in the state statute governing local business inventory taxes which could prevent a transportation hub from becoming an international warehousing and distribution center. It amends statute to allow municipalities, at their option, the ability to exempt goods being held for shipment out-of-state from inventory property taxes. Once state government allows municipalities this taxation flexibility, it will be the responsibility of each local government to adopt its own ordinance to activate and govern the exemption.

STATE OF ALASKA
DEPARTMENT OF COMMUNITY
& REGIONAL AFFAIRS

POSITION PAPER

Bill no.: HB 211
Sponsor: Rep. Toohey

DCRA FN: Zero (attached)
Position: Support

Title: An Act relating to the municipal tax exemption for inventories intended for export

This legislation amends AS 29.45.050(n) by deleting a specific limitation to the inventory tax exemption provided for in this subsection. The language that would be deleted limits the value of the exempted inventory property taxes based on the level of other property taxes which provide for school funding. Only those inventory property taxes which exceed the level of other property taxes for schools may be exempted. In other words, property taxes raised for school funding must not be effected by implementation of an inventory property tax exemption.

The department supports the principle of maximizing the flexibility of local governments to generate local revenues in the manner which local residents determine to be most appropriate. The department also supports measures which provide local governments flexibility in providing incentives for local economic development. Deleting the exception language from AS 29.45.050(n) as proposed in this bill is consistent with these principles. Therefore, the department supports this bill. The department does recommend, however, that consideration be given to amending the bill to also delete similar exception language under AS 29.45.050(m) for purposes of consistency in municipal taxation practices.

Edg. Blatchford

Edgar Blatchford
Commissioner

MARCH 30 - 93 /

Date

File No: HB 211

3/25/93

2:00 pm

STATE OF ALASKA
1993 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO: HB 211

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to the Municipal BRU: _____
tax exemption for inventories intended for exp Component: _____
 Sponsor: Representative Toohey
 Requestor: Representative Toohey COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 3/25/93
 Approved by Commissioner: Eg. Aylward Date: 3/25/93
 Agency: Community & Regional Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further dis: _____ e Office

**Municipality
of
Anchorage**



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
TELEPHONE: (907) 343-4431
FAX: (907) 272-1991

Tom Fink, Mayor

OFFICE OF THE MAYOR

March 16, 1993

Representative Cynthia Toohey
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

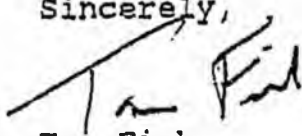
Re: HB 211, An Act Relating to the Municipal Tax Exemption for Inventories Intended for Export

Dear Representative Toohey:

As I indicated during my appearance before the Anchorage Caucus, the Administration of the Municipality of Anchorage supports HB 211, an Act relating to the municipal tax exemption for inventories intended for export.

I would like to see the legislation remain as a local option, with an ordinance providing for different levels of exemption for different classifications of inventories. This option would allow our community to decide for itself what form of taxation or non-taxation best meets our needs.

Sincerely,


Tom Fink
Mayor



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325, Fax (907) 463-5480

DATE: March 24, 1993
TO: Representative Cynthia Toohy
FROM: Kent E. Swisher, Executive Director
SUBJ: HB 211, Municipal Tax Exemption for Inventories

This measure would expand local governments' ability to structure local taxes so as to encourage the development of warehousing and international distribution facilities. The municipalities may exercise this power at their option.

The League's Policy Statement provides, in part, that "The League supports state policies and legislation to provide maximum local authority for economic development activities and methods to accomplish those activities."

HB 211 seems to be within the scope of that position and AML would support the bill on the basis of it being an additional element of flexibility for local governments in this important area.

from receiving those payments or any payments in lieu of taxes authorized under federal law.

(m) A municipality may by ordinance partially or totally exempt all or some types of economic development property from taxation for up to five years. The municipality may provide for renewal of the exemption under conditions established in the ordinance. However, under a renewal, a municipality that is a school district may only exempt all or a portion of the amount of taxes that exceeds the amount levied on other property for the school district. A municipality may by ordinance permit deferral of payment of taxes on all or some types of economic development property for up to five years. The municipality may provide for renewal of the deferral under conditions established in the ordinance. A municipality may adopt an ordinance under this subsection only if, before it is adopted, copies of the proposed ordinance made available at a public hearing on it contain written notice that the ordinance, if adopted, may be repealed by the voters through referendum. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application for each exemption or deferral. In this subsection "economic development property" means real or personal property, including developed property conveyed under 43 U.S.C. 1601 — 1629e (Alaska Native Claims Settlement Act), that

(1) has not previously been taxed as real or personal property by the municipality;

(2) is used in a trade or business in a way that

(A) creates employment in the municipality;

(B) generates sales outside of the municipality of goods or services produced in the municipality; or

(C) materially reduces the importation of goods or services from outside the municipality; and

(3) has not been used in the same trade or business in another municipality for at least six months before the application for deferral or exemption is filed; this paragraph does not apply if the property was used in the same trade or business in an area that has been annexed to the municipality within six months before the application for deferral or exemption is filed; this paragraph does not apply to inventories.

(n) A municipality may by ordinance classify as to type inventories intended for export outside the state and partially or totally exempt all or some types of those inventories from taxation. A municipality that is a school district may, under this subsection only exempt all or a portion of the amount of taxes that exceeds the amount levied on other property for the school district. A municipality may adopt an ordinance under this subsection only if, before it is adopted, copies of the proposed ordinance made available at a public hearing on it contain written notice that the ordinance, if adopted, may be repealed by

the voters through referendum. The ordinance may provide for different levels of exemption for different classifications of inventories. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application for each exemption. (§ 12 ch 74 SLA 1985; am § 1 ch 103 SLA 1985; am § 5 ch 70 SLA 1986; am § 1 ch 151 SLA 1988; am § 2 ch 73 SLA 1989; am § 1 ch 98 SLA 1989; am § 15 ch 93 SLA 1991; am § 107 ch 4 FSSLA 1992)

Revisor's notes. -- Subsection (h) of this section was enacted as AS 29.53.025(h). Renumbered in 1985. Chapter 103, SLA 1985 also enacted, in § 2, AS 29.63.066, which provides an exemption identical to that set out in (h) of this section from taxes levied under former AS 29.63, repealed by § 88, ch. 74, SLA 1985. The provisions of former AS 29.63 were substantially incorporated in AS 29.45, and the addition of subsection (h) to AS 29.45.050 makes it unnecessary to codify § 2, ch. 103, SLA 1985 to achieve the legislature's purpose.

Effect of amendments. — The 1988 amendment, effective January 1, 1989, added subsection (l).

The first 1989 amendment, effective May 31, 1989, in subsection (e), deleted

"However" from the beginning of the third sentence and added the present last sentence.

The second 1989 amendment, effective September 10, 1989, added subsections (m) and (n).

The 1991 amendment, effective September 30, 1991, inserted "including a person who was disabled in the line of duty while serving in the Alaska Territorial Guard" in paragraph (i)(2).

The 1992 amendment, effective July 1, 1992, rewrote subsection (l).

Legislative history reports. — For legislative letter of intent in connection with the enactment of (m) and (n) in this section by ch. 98, SLA 1989 (SL 1989 HB 272(Fin) am S), see 1989 Senate Journal 1866.

NOTES TO DECISIONS

City may not exempt property without express authority. — The authority of a municipal corporation to allow exemptions of particular property from taxation, unless expressly conferred by law, has very generally been denied. *Valentine*

v. City of Juneau, 36 F.2d 904 (9th Cir. 1929), decided under former, similar law.

Cited in *City of Valdez v. State*, Dep't of Community & Regional Affairs, 793 P.2d 532 (Alaska 1990).

Sec. 29.45.060. Farm or agricultural land. (a) Farm use land included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use and may not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the land for both full and true value and farm use value. If the land is sold, leased, or otherwise disposed of for uses incompatible with farm use or converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight percent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (d) of this section for the preceding seven years. The balance of the payment shall be made to the municipality.

CHAIRMAN OLBERG, MEMBERS OF THE COMMITTEE,
THANK YOU FOR THIS OPPORTUNITY TO SPEAK ABOUT
HOUSE BILL 211.

HB211 WOULD REMOVE A GLITCH IN STATE STATUTE
REGARDING LOCAL BUSINESS INVENTORY TAXES WHICH
COULD PREVENT A TRANSPORTATION HUB FROM
BECOMING AN INTERNATIONAL WAREHOUSING AND
DISTRIBUTION CENTER. IT AMENDS STATUTE TO ALLOW
MUNICIPALITIES, AT THEIR OPTION, THE ABILITY TO
EXEMPT GOODS BEING HELD FOR SHIPMENT OUT-OF-
STATE FROM INVENTORY PROPERTY TAXES.

ALASKA'S PROXIMITY TO ASIA AND THE POTENTIAL OF
OPENING A NORTHERN SEA ROUTE TO EUROPE, WHICH IS
ANTICIPATED TO TAKE 20 DAYS LESS THAN THE PANAMA CANAL
ROUTE, ARE TREMENDOUS INCENTIVES TO BRING
WAREHOUSING BUSINESS TO ALASKA FROM ALL OVER
THE WORLD, BUT COMPETITION IS GREAT ACROSS THE
U.S. AND OTHER PARTS OF THE WORLD.

HOUSE BILL 211 WOULD ALLOW A LOCAL GOVERNMENT
TO EXPLORE OPPORTUNITIES FOR ATTRACTING
WAREHOUSING AND DISTRIBUTION OF GOODS. THAT
LOCAL GOVERNMENT WOULD DECIDE WHAT
EXEMPTIONS TO ALLOW AND THEN CREATE ITS OWN
ORDINANCE TO ACTIVATE AND GOVERN THE EXEMPTION.

IN OTHER WORDS, SHOULD A LOCAL GOVERNMENT WANT TO LIMIT EXEMPTIONS PARTIALLY OR FULLY, THAT WOULD BE ITS LOCAL OPTION TO DO SO. REMOVAL OF THE LANGUAGE IN HB211 WOULD JUST ALLOW GREATER FLEXIBILITY.

HOUSE BILL 211 HAS A ZERO FISCAL NOTE FROM THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. THE DEPARTMENT AS WELL AS THE ALASKA MUNICIPAL LEAGUE, THE MUNICIPALITY OF ANCHORAGE, AND THE ANCHORAGE AND FAIRBANKS AIRPORTS SUPPORT THIS BILL.

I WOULD APPRECIATE YOUR SUPPORT OF THIS LEGISLATION. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM OR HAVE SCOTT HAWKINS FROM THE ANCHORAGE ECONOMIC DEVELOPMENT CORPORATION RESPOND. THANK YOU.

H B

2 2 0

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 12, 1993

FURTHER REFERRALS:

Labor & Commerce
Finance

Date of Committee Action: 3-25-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 220

HOUSE BILL NO. 220

ECONOMIC DEVELOPMENT GRANT FUND

"An Act relating to the economic development grant program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS for HB220 (CRA) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Commerce + Economic Dev zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Tom Sanders</i>	<input checked="" type="checkbox"/>	<i>John N. Dan</i>		<input checked="" type="checkbox"/>	
<i>Clay B. Beard</i>	<input checked="" type="checkbox"/>				
<i>Ed Wiggins</i>	<input checked="" type="checkbox"/>				
<i>W.K. Williams</i>	<input checked="" type="checkbox"/>				
<i>Scott Ford</i>	<input checked="" type="checkbox"/>				
<i>Harley Olberg</i>	<input checked="" type="checkbox"/>				

Harley Olberg
CHAIRMAN'S SIGNATURE

Sponsor Statement Economic Development Grant Fund

If enacted, CSHB220(CRA) would establish an economic development grant fund within the Department of Administration.

Municipalities and regional development organizations could apply for such loans which must be used for construction of capital projects that will be owned by that municipality or organization.

All grant applications will be evaluated by a committee composed of representatives of the OMB, DCED and DCRA and other agencies. Committee members shall be selected by the director of OMB and shall be chaired by the director or the director's designee.

Applications will be prioritized and a list given to the finance committees of each house. The priority list will be based on the degree to which each project has the potential to improve the economy of the state. DOA, after consulting with DCED and DCRA will establish requirements for the grants and will administer them.

The motivation behind this bill is to create an avenue for funding projects which will stimulate economic development within Alaska and create jobs for Alaskans.

The work draft in front of you is a reintroduction of SB154 that was amended in Senate Labor & Commerce. It is a non-controversial grant program designed to benefit Alaska.



City

of

MAR 24 1993

Pelican

BOX 737

PELICAN, ALASKA 99832

PHONE 735-2202

FAX 735-2258

March 24, 1993

Representative Carl Moses
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Moses:

I would like to take this opportunity to enter my support for your bill, EB 220, establishing an "Economic Development Grant Fund" within the Alaska Department of Commerce. I understand the bill goes before the House Regional Affairs tomorrow, March 25, 1993. I would urge committee approval.

With respect to matching requirements, those should permit the use of "in-kind" contributions such as labor, services, and property values. Otherwise it would be difficult or impossible for small towns to avail themselves of the fund.

Most small communities are so strapped for cash (revenues) that matches requiring them are usually unattainable.

Thank you for considering this opinion and thank you for working towards rural development.

Cordially,

Tom Armour
City Administrator

8-LS0828J
Cook
3/25/93

CS FOR HOUSE BILL NO. 220()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MOSES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the economic development grant program; and providing for
2 an effective date."

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

4 * Section 1. AS 29.60 is amended by adding new sections to read:

5 ARTICLE 9. ECONOMIC DEVELOPMENT GRANT PROGRAM.

6 Sec. 29.60.670. ECONOMIC DEVELOPMENT GRANT FUND. The
7 economic development grant fund consisting of appropriations to the fund is
8 established in the Department of Administration. Except as otherwise provided in an
9 appropriation act, money appropriated to the fund does not lapse but is retained in the
10 fund.

11 Sec. 29.60.675. ECONOMIC DEVELOPMENT GRANTS. (a) A municipality
12 or a regional development organization may apply for an economic development grant
13 for a fiscal year by submitting an application to the Office of the Governor before
14 October 1 of the preceding fiscal year. The application shall be on a form prescribed

1 by the office of management and budget after consulting with the Department of
2 Commerce and Economic Development and the Department of Community and
3 Regional Affairs. The grant money may only be used for construction of a capital
4 project that will increase economic opportunity within the municipality or region that
5 the organization represents. The grant application must include the following
6 information:

7 (1) the amount of money available to the municipality or the
8 organization from nonstate sources that the municipality or the organization proposes
9 to use to match grant funds for the project;

10 (2) the amount of money available from private, nongovernmental
11 sources that has been committed to or as a result of investment in the project;

12 (3) an estimate of the number and duration of construction jobs within
13 the municipality or region that will result from the project;

14 (4) an estimate of the number of new permanent jobs within the
15 municipality or region that will result directly or indirectly from the project;

16 (5) an estimate of the amount of state taxes, municipal taxes, and other
17 fees or payments to the state or applicant that will be generated as a result of the
18 project during the 10 years following its completion; and

19 (6) a description of the ownership of the completed project and how
20 the project will be operated and maintained after it is constructed.

21 (b) All grant applications received for a fiscal year shall be evaluated by a
22 committee composed of representatives of the office of management and budget, the
23 Department of Commerce and Economic Development, the Department of Community
24 and Regional Affairs, and other agencies. Committee members shall be selected by
25 the director of the office of management and budget and shall be chaired by the
26 director or the director's designee. The committee may request from a municipality
27 or organization additional information needed to evaluate a proposed capital project.
28 As part of the annual capital improvements program presented to the legislature under
29 AS 37.07.060, the governor shall submit to the finance committees of each house of
30 the legislature a prioritized list of projects for which the evaluation committee
31 recommends funding based on the degree to which each project has the potential to

1 improve the economy of the state and of the municipality that has applied for the grant
2 or the region represented by the organization that has applied for the grant.

3 (c) The legislature may appropriate or allocate from the economic development
4 fund or allocate in an appropriation to the fund all or a portion of the money requested
5 by a municipality or organization for a project identified in the prioritized list.

6 Sec. 29.60.680. GRANTS. The Department of Administration, after consulting
7 with the Department of Commerce and Economic Development and the Department
8 of Community and Regional Affairs, shall by regulation establish requirements for
9 economic development grants under AS 29.60.670 - 29.60.685 and shall administer the
10 grants. The regulations are subject to approval by the office of management and
11 budget. A grant may not be awarded by the department unless money for the project
12 is appropriated or allocated under AS 29.60.675(c) and the municipality or organization
13 meets or exceeds the amount of matching money identified in its grant application.

14 Sec. 29.60.685. DEFINITIONS. In AS 29.60.670 - 29.60.680, "regional
15 development organization" and "organization" have the meanings given in
16 AS 44.33.026(e).

17 * Sec. 2. This Act takes effect July 1, 1993.

SPONSOR STATEMENT
Representative Carl E. Moses

House Bill 220, establishes an economic development grant fund within the Department of Commerce & Economic Development.

Municipalities and regional development organizations may apply for such loans and must be used for construction of capital projects that will be owned by that municipality or region that the organization represents.

DCED will evaluate the grant applications and submit a prioritized list to the finance committees of each house. The priority list will be based on the degree to which each project has the potential to improve the economy of the state.

The motivation behind this bill is to create an avenue for funding projects which will stimulate economic development within Alaska and create jobs for Alaskans.

Senate Bill 154, the companion bill, was heard on March 22nd before the Senate Finance Committee and due to a lack of time, was not passed out.

**FISCAL NOTE
STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. HB 220

Revision Date: _____
 Title: An Act relating to the economic development grant program;
and providing for an effective date
 Sponsor: Representative Moses
 Requestor: _____

Department Affected: Commerce and Economic Development
 BRU: Economic Development
 Component: _____
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	76.4	76.4	76.4	76.4	76.4	76.4
TRAVEL	12.0	12.0	12.0	12.0	12.0	12.0
CONTRACTUAL	15.0	15.0	15.0	15.0	15.0	15.0
SUPPLIES	2.5	2.5	2.5	2.5	2.5	2.5
EQUIPMENT	4.1	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	110.0	105.9	105.9	105.9	105.9	105.9

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	110.0	110.0	110.0	110.0	110.0	110.0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This will necessitate hiring a Grants Administrator I (P:13B) and a Clerk III (P:8B) positions to assist existing staff with the administration of the expected 55 annual grant requests this program will generate. The other expenses are all expenses related to this function. There will be an application fee of \$2,000 for each applicant which will generate program receipts of at least \$110,00 annually.

Prepared by: Bonnie Jo Borchick-Savland
 Division: Economic Development

Phone: 465-2017
 Date: 3/20/93

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

E. Reed for
 Date: 3-22-93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For _____

HB 220: "An Act relating to the economic development grant program."

The department supports passage of this bill. After introduction of HB 220 and the companion Senate Bill, SB 154, the department began working with both the administration and the sponsors to craft language that would enable an effective evaluation process to be established for economic development grant requests.

The Department of Commerce and Economic Development supports establishing the fund within the Office of Management and Budget. The department would sit on a review team along with OMB and the Department of Community and Regional Affairs to help evaluate projects for funding.

The Legislature can appropriate money from the fund for economic development grants. Municipalities and Alaska Regional Development Organizations (ARDORs) are the eligible applicants. The legislation establishes criteria to evaluate the economic viability and nonstate funding available for each project. The projects are prioritized and a list is submitted annually to the Legislature for funding based on the degree to which each project has the potential to improve the economy of the state. The Legislature then can appropriate all or a portion of the money requested for a project identified on the list.

Currently, there is no mechanism for capital projects which have significant economic development components to be evaluated on their merits and considered for funding as investments in Alaska's economic future. This bill fills this void.


Paul Fuhs, Commissioner

3-22-93
Date

dgl/155pp.ed

HB 220 Support List

Merideth J. Sandler, Executive Director
Southwest Alaska Municipal Conference
3300 Arctic Blvd Suite 203
Anchorage, AK 99503
WP: 562-7380
FAX: 562-0438

Karen Leonard, Acting City Manager
City of Dillingham
P.O. Box 889
Dillingham, AK 99576
WP: 842-5211
FAX: 842-5691

Richard Wilson, City Administrator
City of St. George
4000 Old Seward Hwy, Suite 301
Anchorage, AK 99503
WP: 561-2124
FAX: 561-4674

Chris Gates,
Division of Economic Development
Dept. of Commerce & Economic Development
WP: 465-2017

Bruce Geraghty, Deputy Commissioner
Dept. of Community & Regional Affairs
Community Building, Room 217
WP: 465-4700

Jack Fernoley
OMB, Division of Budget Review
WP: 465-3568

Commissioner Paul Fuhs
DCED
WP: 465-2500

St. George Office:



Anchorage Office:

P.O. Box 929
St. George, Alaska 99581-0929
Tel: (907) 859-2212
Fax: (907) 859-2212

4000 Old Seward Hwy., Suite 301
Anchorage, Alaska 99503
Tel: 561-2124
Fax: (907) 561-4674

Hon. Carl E. Moses
Chairman, Rules
Alaska House of Representatives
State Capital, Rm 204
Juneau, AK 99801

RE: HB 220

Dear Rep. Moses:

In support of House Bill 220 the City of St. George would like to offer the following comments:

1. The concept of providing substantial matching funds for worthy projects which meet objective statewide economic development criteria is sound and is in fact long overdue.
2. The concern we have is how best can the State maximize short and long term benefits in a timely manner.

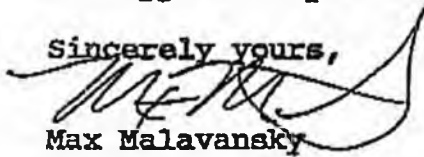
For example, St. George is ready to go and can achieve the desired results quickly. That is, two private processing concerns have indicated readiness to initiate \$5 to \$10 million investments each on shore. This represents converting 150 of the 350 seasonal jobs in crab season to year round jobs. Dredging is the only obstacle they face. Engineering is ready, permitting is done.

Neither processors can afford to wait until late 1993 to begin a six month construction project prior to the next January crab season--construction must begin by July 15. Normally new grant programs take several months to get started. St. George therefore requests the Legislature and Administration to consider ways in which those projects that are truly ready for a "jump start" can proceed in July. Some mechanisms that have worked well are:

- a. Department of Administration Municipal Grant program and
- b. DOT/PF Transfer of Responsibilities Agreement (TORA)

We have utilized both and recommend them in the case of ready-to-begin projects. Our main concern is timely processing of funding so that the mixture of private and public funds can be achieved in time for the benefits to be realized in early 1994. Thank you for the opportunity to offer comment.

Sincerely yours,


Max Malavansky
Mayor



Southwest Alaska Municipal Conference

Putting Resources to Work For People

3300 Arctic Blvd., Suite 203 • Anchorage, Alaska 99503 • (907) 562-7380 • FAX (907) 562-0438

March 22, 1993

Representative Carl Moses, Chairman
House Rules Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Representative Moses:

At its March 15 meeting, the Executive Committee of the Board of Directors of the Southwest Alaska Municipal Conference (SWAMC) voted to give its unanimous support to HB 220, establishing a fund for municipal economic development projects.

This program is badly needed in Southwest Alaska. Many communities will benefit from this proposed approach, and we applaud your inclusion of ARDORs as eligible to receive funding for economic development endeavors.

We urge you to consider making funds available in FY 94, as there are projects now ready to begin construction and could mobilize immediately at the start of the new fiscal year. These projects include dredging in St. George, utility extensions to the new dock in False Pass, water line and storage upgrades to serve dock facilities in St. Paul, construction of the only public dock in Egegik, water lines in Unalaska, expansion of the boat harbor in Kodiak, a boat harbor in Chignik, and the hydroelectric project in King Cove.

Thank you again for introducing HB 220 and we look forward to working with you toward its passage.

Sincerely,

Marideth Sandler AICP
Executive Director

Representing the Bristol Bay, Fribilof, Kodiak Island and Aleutian Island areas.



March 22, 1993

Mail Original
Copy via FAX

Representative Carl Moses
Capitol Building, Room 125
Juneau, AK 99801-1182

Dear Representative Moses:

At their meeting on March 18, 1993, the Dillingham City Council passed a recommendation in support of Senate Bill 154, which concerned the enactment of a bill for an economic development grant program. Inasmuch as House Bill 220 is the companion bill of SB154 and the City Council supported the measure without qualification, please consider this letter as notification of support by the City of Dillingham of HB220.

There are many projects with great economic potential that need to be accomplished and could be undertaken if funds were available through a grant program. On behalf of the City Council, I want to express our appreciation for your efforts to establish a program that will help communities acquire funds to get such projects under way. Please let me know if there is any additional support we can give your efforts.

Sincerely Yours,

Karen Leonard
Acting City Manager
City of Dillingham

cym/Moses.158

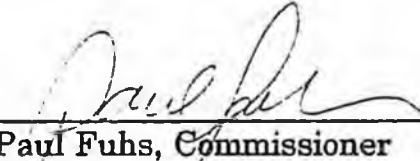
HB 220: "An Act relating to the economic development grant program."

The department supports passage of this bill. After introduction of HB 220 and the companion Senate Bill, SB 154, the department began working with both the administration and the sponsors to craft language that would enable an effective evaluation process to be established for economic development grant requests.

The Department of Commerce and Economic Development supports establishing the fund within the Department of Administration. The department would sit on a review team along with OMB and the Department of Community and Regional Affairs and any other designated agencies to help evaluate projects for funding.

The Legislature can appropriate money from the fund for economic development grants. Municipalities and Alaska Regional Development Organizations (ARDORs) are the eligible applicants. The legislation establishes criteria to evaluate the economic viability and nonstate funding available for each project. The projects are prioritized and a list is submitted annually to the Legislature for funding based on the degree to which each project has the potential to improve the economy of the state. The Legislature then can appropriate all or a portion of the money requested for a project identified on the list.

Currently, there is no mechanism for capital projects which have significant economic development components to be evaluated on their merits and considered for funding as investments in Alaska's economic future. This bill fills this void.



Paul Fuhs, Commissioner

Date 3/24/93

DIVISION OF LEGAL SERVICES

MAR 24 1993

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450

FAX (907) 465-2029

Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 24, 1993

SUBJECT: Economic Development Grants (HB 220)

TO: Representative Carl Moses, Chair
House Rules Committee

FROM: Tamara Brandt Cook
Director *TBC*

Here is the sectional summary you requested.

Sec. 1. The economic development grant fund is established in the Department of Commerce and Economic Development consisting of appropriations to the fund. A municipality or a regional development organization may apply for an economic development grant to be used for construction of a capital project. The department is charged with evaluating all grant applications based on the degree to which each project has the potential to improve the local and state economy. It must submit to the finance committees a prioritized list of projects for which funding is recommended. The legislature may appropriate from the fund money for a project. The department must by regulation establish grant requirements and administer the grants. A definition of "regional development organization" is included.

Sec. 2. The bill takes effect at the beginning of the next fiscal year.

TBC:gc
93-266.glc



HOUSE COMMUNITY AND REGIONAL AFFAIRS

SUBJECT OF MEETING:

DATE: 3/25/93

PLACE: Rm. 124

HB 220
HB 71
HB 93

HB 198

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Larry LaBella	Rep Foster	State Capitol Juneau, AK	99801		465-3789	(Y) N	HB 71 - HB 93 - HB 198
Jay Frank	State Farm Allstate	431 N. Franklin St			6-5777	(Y) N	HB 34
John						Y N	
CHRIS GATES, DIR.	DEPT OF COMMERCE	DIV OF ECONOMIC DEVELOPMENT PO Box 110804			5 5467	(Y) N	HB 198
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

H B

2 2 1

In Re: CBJ Self-Insurance Certificate

ORDER

The proposed order is denied.

Dated at Juneau, Alaska this 17th day of FEBRUARY, 1993

ALASKA WORKERS' COMPENSATION BOARD

/s/ LAWSON N. LAIR
Lawson N. Lair, Designated Chairman

/s/ DON KOENIGS
Don Koenigs, Member

UNAVAILABLE FOR SIGNATURE
Nancy J. Ridgley, Member

APPEAL PROCEDURES

A compensation order may be appealed through proceedings in Superior Court brought by a party in interest against the Board and all other parties to the proceedings before the Board, as provided in the Rules of Appellate Procedure of the State of Alaska.

A compensation order becomes effective when filed in the office of the Board, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the Decision and Order in the matter of The Self-Insurance Certificate of THE CITY AND BOROUGH OF JUNEAU, ALASKA; dated and filed in the office of the Alaska Workers' Compensation Board in Juneau, Alaska, on this 17th day of February, 1993.



Bruce Dalrymple
Bruce Dalrymple

ALASKA STATE FIREFIGHTERS ASSOCIATION

P.O. Box 2092, Cordova, Alaska 99574



POSITION PAPER

THE ALASKA STATE FIREFIGHTERS ASSOCIATION HAS DETERMINED THAT THE ISSUE OF WORKERS COMPENSATION INSURANCE FOR VOLUNTEER FIREFIGHTERS IS OF THE HIGHEST PRIORITY TO THE MEMBERS OF THE ASSOCIATION. WE FULLY SUPPORT HOUSE BILL 221 AND THE NEED FOR CLARIFICATION OF CURRENT LAW.

THE ASFA BELIEVES THAT THE METHOD OF DETERMINING WAGES FOR BENEFIT CALCULATIONS PRESENTED IN HB 221 IS FAIR AND EQUITABLE TO ALL PARTIES. IT PUTS VOLUNTEER FIREFIGHTERS ON THE SAME BENEFIT DETERMINATION BASIS AS ANY OTHER EMPLOYEE AND TRULY REFLECTS THE INTENT OF THE WORKERS COMPENSATION ACT. TO REPLACE LOST WAGES.

HB 221 ALSO CLARIFIES THAT VOLUNTEERS WHO ARE LEGITIMATE MEMBERS OF FIRE DEPARTMENTS, REGISTERED WITH THE STATE FIRE MARSHALL, ARE TO BE TREATED AS ANY OTHER EMPLOYEE FOR DETERMINATION OF ELIGIBILITY FOR WORKERS COMPENSATION BENEFITS. ALTHOUGH WE BELIEVE THIS HAS ALWAYS BEEN THE CASE, RECENT DEVELOPMENTS HAVE DEMONSTRATED THAT SEVERAL DIFFERENT INTERPRETATIONS OF THE LAW ARE CURRENTLY BEING PUT FOURTH. HB 221 CLARIFIES THE LAW AND RESTATES THE ORIGINAL LEGISLATIVE INTENT.

VOLUNTEER FIREFIGHTERS RISK THEIR LIVES AND EXPEND NUMEROUS HOURS OF THEIR OWN TIME TO PROVIDE A VALUABLE PUBLIC SAFETY SERVICE. WE BELIEVE THAT THE RISK OF INJURY AND DEATH SHOULD NOT BE COMPOUNDED BY THE RISK OF FINANCIAL UNCERTAINTY IN THE EVENT OF AN ACCIDENT DURING PARTICIPATION IN FIRE DEPARTMENT ACTIVITIES.

THE MEMBERS OF THE ALASKA STATE FIREFIGHTERS ASSOCIATION URGE YOUR FULL SUPPORT FOR HB 221.

ALASKA STATE FIREFIGHTERS ASSOCIATION



THREE SISTERS CHAPTER
209 Lake St
Sitka AK 99835

3/15/93

Lynda Giguere, Legislative Aide
House Labor and Commerce Committee
Representative Bill Hudson Chair
Room 108
State Capital
Juneau AK 99801-1182

Dear Lynda Giguere,

Thank you very much for the work you have done on HB221. In light of the confusion the existing workers compensation statutes have caused, the clarifications this bill provides are of extreme importance.

Those of us in emergency services like myself believe very strongly in this bill. We want to see it pass.

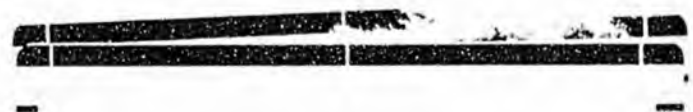
Please let me know what I can do to help you pass this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Barbalace".

Ken "YOGI" Barbalace
Chapter President

P.S. I have asked members of my department to send you copies of this letter to show their support. We really do appreciate what you have done for us.



ALASKA STATE FIREFIGHTERS ASSOCIATION



THREE SISTERS CHAPTER
209 Lake St
Sitka AK 99835

Lynda Giguere, Legislative Aide
House Labor and Commerce Committee
Representative Bill Hudson Chair
Room 108
State Capital
Juneau AK 99801-1182

Dear Lynda Giguere,

Thank you very much for the work you have done on HB221. In light of the confusion the existing workers compensation statutes have caused, the clarifications this bill provides are of extreme importance.

Those of us in emergency services like myself believe very strongly in this bill. We want to see it pass.

Please let me know what I can do to help you pass this bill.

Sincerely,

Eric Augustin
Volunteer Firefighter / EMT

ALASKA STATE FIREFIGHTERS ASSOCIATION



THREE SISTERS CHAPTER
209 Lake St
Sitka AK 99835

Lynda Giguere, Legislative Aide
House Labor and Commerce Committee
Representative Bill Hudson Chair
Room 108
State Capital
Juneau AK 99801-1182

Dear Lynda Giguere,

Thank you very much for the work you have done on HB221. In light of the confusion the existing workers compensation statutes have caused, the clarifications this bill provides are of extreme importance.

Those of us in emergency services like myself believe very strongly in this bill. We want to see it pass.

Please let me know what I can do to help you pass this bill.

Sincerely,

Susan Coffland
EMS Captain
Sitka Fire Dept.

satisfactory proof that an employer is no longer entitled to it. After revocation the board may grant a new certificate to an employer, upon the employer's petition and satisfactory proof of the employer's financial ability as provided in this chapter. An employer authorized as a self-insurer shall provide claims facilities through its own staffed adjusting facilities located within the state, or independent, licensed, resident adjusters with power to effect settlement within the state. (§ 39 ch 193 SLA 1959; am § 1 ch 1 SLA 1962)

Collateral references. — 82 Am. Jur. Homeowners' or personal liability insurance as providing coverage for liability under workmen's compensation laws. 41 ALR3d 1306.
 2d, Workers' Compensation, § 663.
 100 C.J.S., Workmen's Compensation, §§ 354-356.

Sec. 23.30.092. Volunteer ambulance attendants', police officers', and fire fighters' insurance. A political subdivision may elect to provide benefits and compensation to its volunteer ambulance attendants, police officers, or fire fighters by obtaining insurance that would provide its volunteer ambulance attendants, police officers, or fire fighters with benefits and compensation at least equivalent to those conferred upon volunteer ambulance attendants, police officers, or fire fighters by this chapter, and the election shall be considered compliance with the coverage and insurance provisions of this chapter. The election shall be made by filing copies of the insurance policy or policies with the commissioner. (§ 3 ch 41 SLA 1968; am § 1 ch 77 SLA 1979)

Revisor's notes. — In 1989, the terms "police officers" and "fire fighters" were substituted for "policemen," and "firemen" in this section under §§ 59 and 60, ch. 50, SLA 1989.

Sec. 23.30.095. Medical treatments, services, and examinations. (a) The employer shall furnish medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for the period which the nature of the injury or the process of recovery requires, not exceeding two years from and after the date of injury to the employee. However, if the condition requiring the treatment, apparatus, or medicine is a latent one, the two-year period runs from the time the employee has knowledge of the nature of the employee's disability and its relationship to the employment and after disablement. It shall be additionally provided that, if continued treatment or care or both beyond the two-year period is indicated, the injured employee has the right of review by the board. The board may authorize continued treatment or care or both as the process of recovery may require. When medical care is required, the injured employee may designate a licensed physician to provide all medical and related benefits. The employee may not make more than one change in the employee's choice of attending physician without



ALASKA FIRE CHIEF'S ASSOCIATION

680 N. SEWARD MERIDIAN PARKWAY • WASILLA, ALASKA 99654 • (907) 373-8830 FAX 376-0799

ANDREW POSTISHEK
PRESIDENT

March 25, 1993

Mark R. Barker
1st Vice President
(907) 543-2131
Bethel

Timothy J. Biggane
2nd Vice President
(907) 488-3400
North Pole

Nancy Canaday
Secretary
(907) 373-8830
Wasilla

Jodie M. Hettrick
Secretary/Treasurer
(907) 835-4560
Valdez

Larry B. Fanning
Director
(907) 586-5322
Juneau

Billy W. Harris
Director
(907) 283-4202
Nikiski

Michael G. McGowan
Director
(907) 474-7916
Fairbanks

Robert Purcell
Director
(907) 283-3155
Homer

Dewey Whetsel
Director
(907) 424-6100
Cordova

Charles E. Lundfelt
Past President
(907) 835-4560
Valdez

The Honorable Harley Olberg, Chairman
House Community and Regional Affairs Committee
Juneau, Alaska

Dear Representative Olberg:

The purpose of this letter is to urge your support for H.B. 221 which clarifies the protection provided to volunteer firefighters through Workers Compensation. As president of the Alaska Fire Chief's Association, I am requesting your support on behalf of the state's fire chiefs.

As a career fire officer, I have spent years working with volunteers whose selfless dedication and hard work have provided protection for the citizens of Alaska. Much of what is required of them is unseen by the public. The hundreds of hours of training each volunteer must participate in, is as much a public service as responding to emergencies. It is absolutely essential that these men and women are protected during these activities as well.

The passage of this bill is extremely important to all of us.

Thank you very much.

Sincerely,

Andrew W. Postishek
Andrew W. Postishek
president, A.F.C.A.

ALASKA WORKERS' COMPENSATION BOARD

P.O. Box 25512



Juneau, Alaska 99802-5512

In the Matter of the Self-
Insurance Certificate of

THE CITY AND BOROUGH OF JUNEAU,
ALASKA.

FILED with
ALASKA WORKERS'

FEB 17 1993

COMPENSATION BOARD
JUNEAU, ALASKA

We met in Juneau, Alaska on 4 February 1993 to consider a petition of the City and Borough of Juneau (CBJ) for an order extending coverage under the CBJ's Certificate of Self-Insurance to volunteer firemen. The CBJ is represented by attorney T.G. Batchelor. Ker Kareen, the CBJ Personnel Director testified at hearing. The Alaska Department of Labor, Workers' Compensation Division was represented by Self-Insurance Administrator Richard Austerman. We closed the record and concluded our deliberations on 4 February 1993.

The CBJ is a self-insured employer under the Alaska Workers' Compensation Act (AWCA)¹ and regulations promulgated

¹ AS 23.30.075(a) provides in pertinent part: "An employer under this chapter, unless exempted, shall either insure and keep insured for the employer's liability under this chapter in an insurance company . . . or shall furnish the board satisfactory proof of the employer's financial ability to pay directly the compensation provided for."

AS 23.30.090 provides in pertinent part: "If an employer has complied with the provisions of this chapter relating to self-insurance, the board shall issue the employer a certificate which shall remain in force for a period fixed by the

thereunder at Chapter 46 of Title 8 of the Alaska Administrative Code (8 AAC 46).

The CBJ asserts that volunteer firemen² have workers' compensation coverage under AS 23.30.243(a) under certain circumstances, i.e., proceeding to or engaging in a fire suppression or rescue operation or the protection of life or property.³ The CBJ asserts it is not clear what other types of activities are covered under the AWCA for the volunteer firemen.

By its petition, the CBJ seeks an order which would extend AWCA coverage to volunteer firemen under the CBJ self-insurance certificate, while engaged in "approved" training and community service activities. At hearing, the CBJ informed us it wishes us to determine if we have any objection to their voluntarily providing coverage under its certificate of self-insurance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

AS 23.30.092 provides:

A political subdivision may elect to provide benefits and compensation to its volunteer . . . firemen by obtaining insurance which would provide its volunteer . . . firemen with benefits and compensation at least equivalent to those conferred upon volunteer . . . firemen by this chapter, and the election shall be considered compliance with the coverage and insurance provisions of this chapter. The election shall be made by filing copies of the

board."

² AS 23.30.265(30) provides: "'volunteer fireman' means an individual whose name is registered with the state fire marshal as a member of a regularly organized volunteer fire department or who serves with a full-time fire department on a temporary, voluntary basis."

³ AS 23.30.243 is quoted and discussed below.

In Re: CBJ Self-Insurance Certificate

insurance policy or policies with the commissioner.

AS 23.30.243(a) provides:

For the purpose of workers' compensation, any injury, disability or death incurred by a fireman by reason of the fireman's proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, anywhere in the state is considered to have arisen out of and been sustained in the course of employment, and the fire department or regularly organized volunteer fire department of the fireman's primary employment or registration is considered to be the employer, except when the injured, at the time of injury or death, is acting for compensation from another.

AS 23.30.092 provides a procedure for the resolution of the CBJ's problem, i.e., purchasing workers' compensation insurance coverage for the volunteer firemen, and filing a copy of the insurance policy with the Commissioner of Labor. We assume the CBJ is aware of this option, and has declined to purchase such insurance due to the cost.

The question remains, can the CBJ cover its volunteer firemen under its self-insurance certificate? This issue has never been addressed by the AWCB. We have reviewed the AWCA and 8 AAC 46, the Self-Insurance regulations. We find nothing which prohibits the CBJ from electing to cover its volunteer firemen under its self-insurance certificate. We find nothing which leads us to believe that AS 23.30.092 was intended to require a municipality to purchase insurance as the exclusive method of insuring its volunteers for workers' compensation liability. Absent any specific language precluding it, we find it is permissible for the CBJ to self-insure workers' compensation liability for its volunteer firemen.

Concerning the specific terms of the coverage which the CBJ wishes to provide, and which we are asked to authorize, we find

In Re: CBJ Self-Insurance Certificate

nothing which prohibits the CBJ and volunteer firemen from entering into an agreement under which the CBJ agrees to provide workers' compensation coverage in accord 8 AAC 46 and the guidelines set out in the petition.⁴ After doing so, the CBJ should notify the Self-Insurance Administrator. 8 AAC 46.100. It must, of course, also notify its excess insurance carrier as the change will effect the CBJ's exposure to liability for workers' compensation benefits. We find that the parameters of coverage the CBJ wishes to provide its volunteer fireman, including coverage during training, is a matter within it's discretion, subject only to its ability to meet its obligation to injured employees and volunteers under the AWCA. The CBJ's ability to pay is an issue which is reviewed annually, and more often if necessary, by the Self-Insurance Administrator and the AWCB.

Finally we turn to the issue of our authority to enter an order binding the CBJ to provide workers' compensation coverage to volunteers during training. The CBJ argues that signing the proposed order will bind the AWCB and the CBJ to providing coverage to volunteer firemen during training. We do not agree. The discussion above is based on the assumption that the CBJ elects to provide the coverage under consideration, and elects to remain bound by that election. We must now consider how the AWCB can resolve a case where a volunteer fireman is injured during training, but due to a change in personnel or policy, or for whatever reason, the CBJ declines to voluntarily provide coverage to the injured volunteer.

Assuming such a "volunteer" is truly a volunteer, and not an employee⁵, we presume we would apply AS 23.30.243. Notably, that

⁴ We note that 8 AAC 46.120 requires that all records necessary to complete and verify the accuracy of all reports and documents submitted to the AWCB must be retained for three years.

⁵ AS 23.30.265(12) provides: "'employee' means an employee employed by an employer as defined in (13) of this section."

In Re: CBJ Self-Insurance Certificate

statute does not mention firemen who are injured during training. Based on the plain language of the statute, it appears likely coverage under the AWCA would be denied. We do not issue advisory opinions. Furthermore, we find it would be improper to enter an order which appears to be contrary to the express language of AS 23.30.243. For those reasons we decline to execute the order proposed. We believe the most effective method of assuring volunteer firemen coverage under the Alaska Workers' Compensation Act is by means of an amendment of the AWCA, presumably AS 23.30.243.

At hearing, the CBJ informed us that legislation had been introduced in 1992 which would have amended AS 23.30.243 by adding "training" to the scope of its coverage. We recognize that volunteer firemen are an important and valuable community asset. It is obvious that in order to become and remain qualified to engage in fire fighting and related emergency activities, volunteers must engage in training, and that they should have insurance in the event they are injured while engaging in such authorized activities. This panel favors amending AS 23.30.243 in order to provide coverage under the AWCA to volunteer firemen while they engage in authorized training activities. A copy of this Decision and Order shall be forwarded to the Commissioner of Labor, who is also the Chairman of the AWCB, with the request that he consider an appropriate amendment to the AWCA.

AS 23.30.265(13) provides: "'employer' means the state or political subdivision or a person employing one or more persons in connection with a business or industry coming within the scope of this chapter and carried on in this state."

We determine if a person is an employee by applying the "relative-nature-of-the-work test." This multi-part test is set out in 8 AAC 45.890. Obviously we have insufficient information to determine if a hypothetical "volunteer" may qualify as an "employee" for the purposes of this decision.

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 12, 1993

FURTHER REFERRALS:

Labor & Commerce
Finance

Date of Committee Action: 3-30-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 221

HOUSE BILL NO. 221

WORKERS COMP: VOLUNTEER FIRE FIGHTERS, ETC

"An Act relating to workers' compensation for volunteer ambulance attendants, police officers, and fire fighters; and providing for an effective date."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

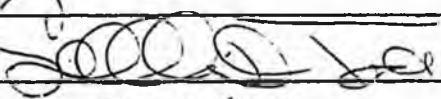
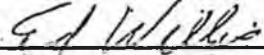
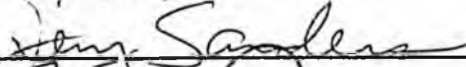
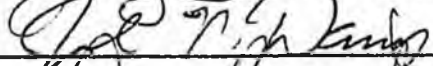

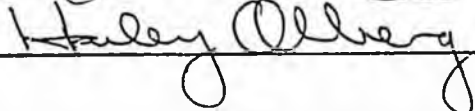
APPROVES PREVIOUS: _____ (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

zero fiscal note ADM, Labor

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	✓				
	✓				
	✓				
	✓				
	✓				
	✓				


 CHAIRMAN'S SIGNATURE



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182
(907) 465-3744

COMMITTEES
CHAIR
Labor & Commerce
VICE CHAIR
Resources
MEMBER
Transportation
Regulation Review
Economic Development
Task Force

SPONSOR STATEMENT

HOUSE BILL 221

House Bill 221 was introduced to clarify Workers' Compensation statutes that have been the cause of much confusion or misinterpretation, particularly with regard to benefits for volunteers.

Workers compensation benefits are intended, subject to minimum and maximum limits, to replace the lost wages of injured workers. Section 1 of HB 221 recognizes that volunteers should receive wage replacement based on the actual wages lost or the comparable wage they would receive were they paid employees rather than volunteers. Current law limits wage loss benefits for volunteer fire fighters, for example, who may have high earning capacity in their regular employment, to the benefits based on the wage paid a carrier fire fighter. House Bill 221 corrects the inequities in benefit calculations for volunteer ambulance attendants, police officers and fire fighters by calculating compensation based on the higher wage earned.

Section 2 of HB 221 is to clarify the original intent of AS 23.30.243, which is to extend coverage for volunteer fire fighters. In the past year, compensation benefits for volunteer fire fighters, while engaged in fire department activities other than responding to emergencies, has been questioned. Since "employees" are covered for injuries arising out of and in the course of employment, volunteer fire fighters are similarly covered. Unfortunately, AS 23.30.243 has been misinterpreted to limit coverage only to those instances where the volunteer was responding to an emergency. This section was originally intended to extend coverage, not limit it.

Therefore, in order to restore the original intent of AS 23.30.243, and to clarify once and for all that volunteers are employees and are covered as any other employee for the purposes of workers' compensation, Section 2 of HB 221 amends AS 23.30 by adding a new section that defines volunteer ambulance attendants, police officers and fire fighters as "employees."

Section 3 repeals AS 23.30.092. This statute has been interpreted to mean that a municipality "may" provide workers compensation coverage for volunteers. Conversely, it may be incorrectly interpreted to mean that a municipality may elect not to provide coverage. In reality, this section provides that an alternative policy may substitute for a workers' compensation policy so long as the benefits are equal or better than a statutory workers' compensation policy. However, this section has done nothing but cause confusion and I believe repealing it will clarify that all volunteers who meet the definition in AS 23.30 must be covered by workers' compensation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : HB 221

Revision Date: _____
 Title: Workers' Compensation :
Volunteer Fire Fighters, Etc
 Sponsor: Representatives Hudson, Grussendorf
 Requestor: House Community & Regional Affairs

Department Affected: Labor
 BRU: Workers' Compensation
 Component: _____
Workers' Compensation
COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Paul B. Arnoldt, Director *Paul B. Arnoldt* Phone: 465-2790
 Division: Workers' Compensation Date: 3/16/93

Approved by Commissioner: Charles W. Mahler *Charles W. Mahler*
 Agency: Department of Labor Date: 3/16/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 221

Revision Date: _____
Title: 'An Act relating to workers' compensation for volunteer ambulance attendants, police officers and fire fighters.'
Sponsor: Hudson
Requestor: _____

Department Affected: Administration
BRU: Risk Management
Component: _____
COMPONENT SERIAL NO. 0071

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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 (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)
This bill would not affect Risk Management budget requirements.

Prepared by: Don Hitchcock, Director
Division: Risk Management

Phone: (907) 465-2180
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 3/18/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 22, 1993

SUBJECT: Sectional Summary (101 / 1
TO: Representative Bill Hudson
FROM: Michael F. Ford (101 / -
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. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that for purposes of calculating the compensation paid to a volunteer ambulance attendant, police officer, or fire fighter, the person would receive workers' compensation benefits equal to that paid a full-time employee where the injury occurred or equal to the amount that the person would receive based on earnings in their regular employment, whichever is higher.

Section 2. Provides that a person who is injured while performing service as a volunteer ambulance attendant, police officer, or fire fighter, is for purposes of workers' compensation benefits considered an employee of the municipality in which the person performs the volunteer service, if the person is not already covered by insurance.

Section 3. Repeals a provision of law allowing a municipality to elect to extend coverage to volunteer ambulance attendants, police officers, or fire fighters.

Section 4. Effective date.

MFF:gc
93-251.glc



HOUSE COMMUNITY AND REGIONAL AFFAIRS

DATE: 4/1/93

PLACE: Rm. 124

SUBJECT OF MEETING:
 HB 209
 HB 211
 HB 242

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
S. Hawkins	AEDC	550 W. 7th #1130	01	258-3700		<input checked="" type="checkbox"/> Y	N Emergency Top
JIM KOHLER	SECONFERENCE	124 W 5TH ST.	99801		463-3445	<input checked="" type="checkbox"/> Y	N HB 211
Jon Buster	South Central Veterinary Medical Ass.	3211 Shuttle Creek	99517	243-4070	274-5623	<input checked="" type="checkbox"/> Y	N HB 242 ✓
Susan Kohl Petersen	AK DOG Coalition	2716 E 46th Ave Anch.	99507	5626399	same	<input checked="" type="checkbox"/> Y	N HB 242 ✓
GAIL HAYNES	CAPITAL KENNEL CLUB	3041 Glacierwood Dr. Juneau	99801	789 2694	465 5950	<input checked="" type="checkbox"/> Y	N HB 242
MYRA MUNSON	Alaska Native Health Bd.	229 4th St Juneau	99801	586- 5880	→	<input checked="" type="checkbox"/> Y	N HB 209
						<input type="checkbox"/> Y	N
						<input type="checkbox"/> Y	N
						<input type="checkbox"/> Y	N
						<input type="checkbox"/> Y	N
						<input type="checkbox"/> Y	N

HB

242

HOUSE COMMITTEE REPORT

(7)
 Date Referred: March 19, 1993 FURTHER REFERRALS: Judiciary

Date of Committee Action: 4-1-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: HB 242

HOUSE BILL NO. 242 VICIOUS DOGS: NO CLASSIFICATIONS BY BREED

"An Act relating to dangerous dogs and to municipal classifications and limitations based on the breed of a dog."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note C+RA, Pub Safety zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Con Biondi</i>	<input checked="" type="checkbox"/>	<i>Jerry Soder</i>	<input checked="" type="checkbox"/>		
		<i>John & David</i>		<input checked="" type="checkbox"/>	
		<i>Bob Willis</i>		<input checked="" type="checkbox"/>	
		<i>Bill Williams</i>	<input checked="" type="checkbox"/>		
		<i>Bill Taylor</i>		<input checked="" type="checkbox"/>	
		<i>Audrey Olberg</i>	<input checked="" type="checkbox"/>		

Audrey Olberg
 CHAIRMAN'S SIGNATURE

House of Representatives

Sponsor Statement

HB 242

"An Act Relating to Dangerous Dogs and to Municipal
Classifications and Limitations Based on the Breed of a Dog"

The primary objective is establish statewide non-breed specific legislation which would encourage municipalities to judge all dogs for their actions and not single out particular dogs for their breed. Nine states have adopted non-breed specific legislation as have many municipalities.

The secondary objective is to allow municipalities to require that certain precautions be taken by the owner of a dangerous dog in order to ensure the welfare of the community. This bill allows municipalities to require dogs deemed dangerous to wear identifiable collars and to require owners to post signs citing that a dangerous dog lives on the property.

FISCAL NOTE

BILL NO: HB 242

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act relating to dangerous dogs..... BRU: _____
 Component: _____
 Sponsor: Bunde
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson Phone: 465-4708
 Division: Administrative Services Date: 3/31/93
 Approved by Commissioner: [Signature] Deputy Commissioner Date: 3/31/93
 Agency: Community & Regional Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Department of Community & Regional Affairs
Fiscal Note Analysis

Bill No. HB 242

Title: Vicious Dogs:

No Classification by Breed

Per AS 24.08.035, (e), If a bill or resolution, except an appropriation bill, significantly increases costs to a municipality, there shall be attached to the measure a municipal fiscal note containing an estimate for the current fiscal year and five succeeding fiscal years of the cost to municipalities that would result from enactment of the measure. The last committee to which the bill is referred on the day it is introduced in the house of origin shall request the municipal fiscal note. It shall be prepared by the Department of Community and Regional Affairs.

The above referenced bill appears to have a significant cost increase to a municipality. A fiscal note is attached.

The above referenced bill does not appear to have a significant cost increase to a municipality. No fiscal note is attached.

Prepared by: Remond Henderson Phone: 465-4708
Division: Administrative Services Date: 3/31/93
Approved by Deputy Commissioner: Em R. Light Date 3/31/93
Agency: Community & Regional Affairs

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 242

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to dangerous dogs
and limitations based on the breed of a dog." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Bunde
 Requestor: Representative Bunde COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

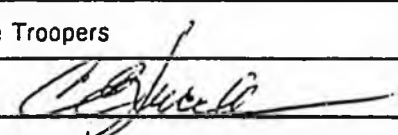
POSITIONS:

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 (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/25/93
 Approved by Commissioner:  Date: 3/25/93
 Agency: Richard I. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

MUNICIPALITY OF ANCHORAGE

ANIMAL CONTROL ADVISORY BOARD
P.O. Box 196650
Anchorage, Alaska 99519-6650

March 26, 1993

Representative Con Bundy
Attention Jenny Murray
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801

Dear Representative Bundy:

The Municipality of Anchorage's Animal Control Advisory Board held its regularly scheduled meeting on March 25, 1993. At this meeting the Board reviewed House Bill 242, "An Act relating to vicious dogs and to municipal classifications and limitations based on the breed of a dog". After discussion, the Board voted unanimously to support the passage of House Bill 242 on the premise that a wolf hybrid is not a breed of dog but rather a different species.

Sincerely,



Marshal Johnson, Chair
Municipality of Anchorage
Animal Control Advisory Board

CANINES UNLIMITED[®] *Positive, Caring Dog Grooming, Training and Supplies*

P.O. Box 34496, Juneau, Alaska, 99803

(907) 364-2675

Martha Fischbach-Groomer/Instructor/Owner

March 29, 1993

The Honorable Con Bunde
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Re: HB 242 - support

Dear Representative Bunde:

I support HB 242, as introduced. It is needed in this state to prevent the inaccurate and/or unfair treatment of canines which can happen simply by virtue of "the color of their skin" if based solely on the breed of dog. It is also a good idea for it to be possible to identify individual dogs properly determined to be a danger to the public.

In my experience with dogs, over the past 17 years, as an owner, dog obedience instructor and now groomer, it has been clear to me that canine behavior is not determined only by the breed of animal. Environment, training and handling, to name a few, play significant parts in the overall picture of how an animal acts.

Thank you for recognizing the need for this legislation and introducing it.

Sincerely,



Martha Fischbach

P.O. Box 222462
Anchorage, AK 99522-2462
March 27, 1993

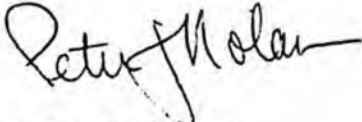
The Honorable Con Bunde
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Dear Representative Bunde:

As a retired Anchorage Police Department patrol officer, I know from my experience on the job that vicious dogs come in all breeds, sizes, shapes and colors. Our laws must address the underlying problem, not discriminate against one segment.

Thank you for supporting State Bill 242. This statute will be a safe and equitable solution to the problem.

Yours truly,

A handwritten signature in cursive script that reads "Peter J. Nolan". The signature is written in dark ink and is positioned above the printed name.

Peter J. Nolan

Jane Cochran Spalding
6445 Imlach Way
Anchorage, Alaska 99502
March 26, 1992

Rep. Con Bunde
Alaska State House of Representatives
State Capitol
Juneau, Ak 99801

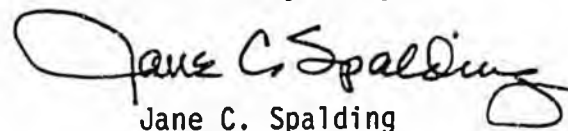
Dear Rep. Bunde:

My husband, John, and I would like to add our support toward the passage of House Bill 242. As long-time Alaska residents and responsible dog owners, we resent having to defend our dogs from those who hysterically promote banning certain breeds. We object to restrictive dog ordinances passed in the heat of passion generated by an incident involving a so-called "dangerous breed."

As instructors of all-breed dog obedience classes, we find it impossible to identify a "dangerous breed." We know that only a toothless dog can be completely guaranteed not to bite, and we firmly believe that ignorant and irresponsible dog owners are the cause of canine problems. Omitting the option of banning certain breeds should help local governments concentrate on ordinances that will help solve the human part of animal control problems.

Our thanks to you and your committee members for considering this legislation. We would like to see it passed.

Yours very truly,


Jane C. Spalding



Sommerfeld & Associates

P.O. BOX 104033
ANCHORAGE, ALASKA 99510

March 27, 1993

Representative Con Bunde
Alaska House of Representatives
State Capital
Juneau, Alaska 99801

Dear Representative Bunde:

Re: HB242

I am writing to ask for your support for HB242. I am active in the dog community and am very concerned with what may happen if this bill isn't passed. I have trained dogs for obedience competition and have taught others basic obedience training for their dogs. Through this kind of exposure to a variety of breeds and their owners, it is very clear that breed specific legislation is not the answer to our problems. Any breed has the potential to be vicious and HB242 does the best job of addressing the problem regarding vicious dogs.

Thank you very much for your consideration. Again, I urge you to support HB242.

Sincerely,

A handwritten signature in cursive script that reads "Steven R. Sommerfeld".

Steven R. Sommerfeld



CAPITAL KENNEL CLUB



P.O. Box 32513, Juneau, Alaska, 99803

The Community Dog Club

A Non-profit Organization

Representative Con Bunde
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801

March 25, 1993

To whom it may concern:

The problem with any breed specific legislation is that it usually comes as a result of some violent and tragic occurrence by an uncontrolled dog. In the passion of the moment this incident is magnified to include all dogs of that particular breed without regard to the responsibility of owners or the temperament of individual dogs.

To prevent ill-considered legislation resulting from emotional responses to individual happenings the Board of Directors and members of Capital Kennel Club declare our unanimous support for HB 242.

Sincerely,

Pat Kalbaugh, Treasurer



4711 South Bragaw
Anchorage, Alaska 99507
(907) 561-3677

March 26, 1993

Honorable Con Bunde
Alaska House of Representatives
Alaska State Capitol
Juneau, Alaska 99801

Re: House Bill 242

Dear Representative Bunde:

Friends of Pets is a non-profit organization established in 1989 to advocate for the animals passing through the Anchorage Animal Control Center.

We are writing to you to express support for House Bill Number No. 242 that addresses the issue of discrimination, which is just. It also addresses a major safety issue for the public, with respect to identification of dangerous animals. Our organization supported non-specific breed legislation when it was at the Municipal level and certainly supports the concept now that it is at the State level.

Sincerely,

A handwritten signature in cursive script that reads "D Richmond".

Deborah Richmond
Executive Committee
Board of Directors

MARCH 26, 1993

REPRESENTATIVE CON BUNDE
ALASKA HOUSE OF REPRESENTATIVES
STATE CAPITAL
JUNEAU, ALASKA 99801

RE: HB-242

DEAR MR. BUNDE:

AS PRESIDENT OF THE ALASKA KENNEL CLUB, AN ACTIVE MEMBER OF THE DOG COMMUNITY FOR OVER TWENTY-TWO YEARS, AND INVOLVED IN VARIOUS ASPECTS OF BREEDING, EXHIBITING, TRAINING OF DOGS, AS WELL AS A PARTICIPANT IN THE FORMATION OF THE MAYORS ADVISORY BOARD ON ANIMAL CONTROL IN THE MUNICIPALITY OF ANCHORAGE & VARIOUS OTHER DOG LAWS THROUGHOUT THIS COMMUNITY, BUT MOST IMPORTANTLY AS A RESPONSIBLE DOG OWNER. I APPLAUD AND WHOLEHEARTLY SUPPORT HB-242, RE: THE PROPOSED NON-BREED SPECIFIC STATE DOG LAW. THE PROBLEM IS IN THE HANDS OF THE IRRESPONSIBLE OWNER NOT A BREED OF DOG. THEREFORE I SUPPORT & ENCOURAGE THIS ASSEMBLY OF REPRESENTATIVES TO PASS & SUPPORT HB-242.

SINCERELY

A handwritten signature in cursive script that reads "Barbara Brandt". The signature is written in dark ink and is positioned above the typed name.

BARBARA BRANDT

03/25/93

Representative Con Bunde

Alaska State House of Representatives
State Capitol
Juneau, AK 99801

Dear Rep. Bunde:

I have been a dog fancier and trainer for over 20 years and have owned many breeds of dogs. I am totally in support of non-specific breed house bill HB242. ANY dog can bite. Many dogs may LOOK like a specific breed or may LOOK like they are mixed with a specific breed and may not be that breed of dog at all. Please do not single out specific breeds. Only those people who are familiar with a variety of dogs and breeds of dogs know that there are good dogs and bad dogs in every breed and backyard.

However I am in favor for severe punishment for OWNERS of dogs that do ACTUALLY BITE. Bite means to cut, wound, or tear with teeth (according to The Random House College Dictionary). Again punish the owners, not the animals, and preferably punish them severely in the pocketbook. If the punishment is not severe AND ENFORCED then it doesn't do anybody any good.

Sincerely,



Elaine Brock
P.O.Box 111661
Anchorage, AK 99511

3-25-93

Rep. Con Bunde
AK House of Representatives
State Capital
Juneau, Alaska 99801

Dear Mr Bunde,

I have been in the Anchorage dog community for many years. For the past 5 years I have actively competed with my dog in AKC dog shows and obedience trials. I have also instructed the general public to teach their dogs to be good citizens.

I support HB 242 to prohibit breed specific legislation. The state needs to realize all dogs, in the hands of a ignorant owner, are capable of being vicious. However, no one breed is more vicious than another.

Thank you for your time.

Anita Sommerfeld
333-8764

Dear

March 26, 1991

My name is Ginger Wall and I live in Anchorage. I was recently informed of the House bill #242. Being that I am an owner of a Sharpei/Pitbull mix I felt it my responsibility to make my say in the matter.

Over a year ago I adopted my dog from the Municipality of Anchorage Animal Control Center and she has been nothing but a joy in my life. I do not think that it is fair for a dog to be judged by the breed. If that was the case I would not have found the joy I have with my dog.

I also agree that a dog should pay the penalty if given probable cause. Marking the dog with a collar, if dangerous, is a wonderful idea. Any breed of dog could be dangerous if placed in the wrong hands. It's the people who charge the dogs not the fault of the breed.

Dogs should be enjoyed for the pleasure they bring to people's lives and not be judged by what breed they are.

Sincerely,
Ginger M. Wall

Dear Representative Bunde,

My name is Cindy Bail. I have been involved in dog obedience training for over five years and an instructor of obedience classes for four years. For the last 3 1/2 years I have also worked in a boarding kennel here in Anchorage.

It has come to my attention that there is a non-breed specific dog law being brought before the House. Let me state that I am wholeheartedly in favor of non-breed specific dog legislation.

In the course of teaching dog obedience classes, I have been growled at by a variety of breeds, cockers, huskys, rotties, and golden retrievers to name just a few. I have been snapped at and threatened by many others.

While working at the kennel I have received much the same threats from german shepherds, schnauzers,

poodles, and the very popular lab. I bear the scars from an encounter with a thasa appo. In all these cases, I have never associated with the breed, merely the individual dog. You will note I hope, that I have not mentioned ever being threatened by a pit bull.

I believe there can be aggressive dogs in any breed but that these are individual animals and not truly representative of the breed as a whole. A non-breed specific dog law protects everyone from any aggressive dog, regardless of whether it is a pit bull or a great dane, a cocker spaniel or a sheltie.

Thank you,
Cindy Baird
5350 A Windflower St
Anchorage Ak
99507

3-2-93

~~Address to State~~

AK House of Representatives
State Capitol

Juneau, AK 99801

I support State Bill 272
calling for a ban on breed
specific legislation.

I am an Animal Control Officer
in Anchorage and see a multitude
of people/animal related problems,
and the vast majority of them
created by irresponsible pet
owners (dogs and cats)!

I have worked with animals all my life (I am 77 now) in professional settings as well as on a personal level.

I strongly urge the House to pursue prosecutions of irresponsible pet owners. The judicial system must take animal control work seriously by making owners of animals liable for their dogs actions and not persecuting specific dog breeds.

There are well-behaved dogs
& cats out there including
Pitbulls; that is because
the animal owners are well-
behaved.

I strongly urge the House to
pursue legislation that makes
owners of bad animals be
held criminally responsible and
prosecuted accordingly!

Make the people liable not
the specific breeds.

Once again -
I strongly support State Bill
242.

Perhaps interviews should be
done with people who work
with aggressive animals (and
people) on a daily basis
first before passing bad
legislation.

After all, don't unruly children
generally come from unruly
parents?

I can be reached for further
comment if necessary at
562-5672.

Thank you for your time.
Remember, "criminals" exist
that use animals as weapons
and who fail to control any
animal that they own.

Sincerely, Mary Muehl



DONALD R. DANIELS JR
4630 E 101ST AV
ANCHORAGE, AK 99576

March 26, 1993

Honorable Con Bundy,

At the present time I own 15 dogs, German Shepherds and Pomeranians. I am also a retired Police Officer.

I first became involved with dogs in the 50's by training and working with hunting dogs. In the 60's I started working Search and Rescue dogs and Police dogs. From June 1976 to February 1982 I was the trainer for the Anchorage Police Department K-9 Unit. Since early 1984 I have run my own dog training business working with different breeds of dogs in everything from conformation showing, basic obedience and problem dogs to police dogs and drug work.

I fully support Bill #242 in that I feel it addresses the vicious dog problem without discriminating against any specific breeds and it addresses the need for public safety.

Donald R. Daniels Jr

10942 Iditarod Circle
Eagle River, AK 99577
March 26, 1993

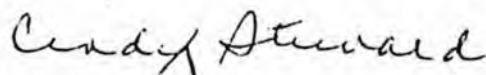
Rep. Con Bunde
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Dear Rep. Bunde:

This is in reference to House Bill 242 which you recently introduced regarding non-breed specific dog state law.

I want to lend you my strongest support for this legislation. As a dog trainer, co-instructor of obedience classes, and participant in other dog training classes I have a very keen interest in fair treatment of all dogs REGARDLESS of breed. Again, I support House Bill 242 regarding the proposed non-breed specific dog state law.

Sincerely,



Cindy Steward

Representative Con Bunde,

My name is Susan Williams. I have 6 years experience in working with dogs; both in obedience and in the breed ring.

I am very much in favor of House Bill 242. A non breed specific law will guarantee that dogs will be liable for their deed and not their breed. Any dog is capable of biting no matter what the size or breed?

Thank you for your concern and support of HB 242.

Susan D. Williams
8140 Pinbrook Circle
Anchorage, Ak. 99507

March 25, 1993

Representative Con Bunde
Ak State House of Representatives
Juneau, AK 99801

Reference: Legislation Bill #242

Dear Mr. Bunde,

This letter is written on behalf of Camai Dog Fanciers, a branch of the States Kennel Club. We want you to know that you have our complete support. We do not believe in breed specific legislation. Camai Dog Fanciers puts on annual dog shows, training classes, and we believe in responsible dog ownership. Education is a great tool, even when we talk about dog ownership. Camai also supports and recognizes the rare dog breeds. We believe many of these, along with German Shepherd dogs, and many more breeds, could be in danger if we have breed specific legislation. England is an excellent example of breed specific legislation getting out of hand. Camai Dog Fanciers thanks you for your hard work, and will be glad to support you in any way we can !

Camai Dog Fanciers, Inc.
Elisabeth F Walker
Elisabeth F Walker, Secretary
CO:
6421 Imlach Wy
Anch., AK 99502

efw
copy on file

Susan M. Kohli Petersen
2716 E. 46th Ave
Anchorage, Alaska 99507

27 March 1993

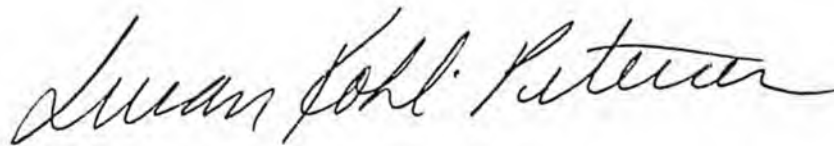
Representative Con Bunde
Alaska House of Representatives
State Capital
Juneau, Alaska 99801


Dear Representative Bunde:

My name is Susan Petersen. I have been very active in the animal world for over 20 years. I have served 6 years on the Mayors Animal Control Advisory Board - one and a half years as the chairman. My husband and I have owned a Dog Obedience Training Center in Anchorage. We have actively worked within our community to promote responsible pet ownership. I have served on the Board of Directors in many of the dog organizations functioning throughout the state.

I am absolutely in favor of HB242. It is an excellent bill that deals in fairness by putting responsibility for a dogs actions on the owner of that dog. It also takes into consideration the public and their safety by potentially identifying problem dogs and taking actions to restrict them from the public.

Thank you for sponsoring this bill.

A handwritten signature in cursive script that reads "Susan Kohli Petersen". The signature is written in dark ink and is positioned below the typed text of the letter.



ROTTWEILER CLUB OF ALASKA, INC
P.O. Box 140242
Anchorage, Alaska 99514

The Honorable Con Bunde
Alaska House Of Representatives
State Capitol
Juneau, Alaska 99801

24 Mar 93

Dear Mr. Bunde;

As President of the Rottweiler Club of Alaska, Inc. I wanted to contact you to voice our support for State Bill 242. This is an outstanding piece of legislation that is non-breed specific. This bill is important to every responsible dog owner. This will allow dog owners to own the dog of their choice without the threat of the breed being banned. It is a safe and fair bill for all involved. The Rottweiler Club of Alaska will continue to educate the public in responsible pet care and ownership.

Kimberly A. Pommier

Kimberly A. Pommier
President, Rottweiler Club of Alaska, Inc.

March 25, 1993

Honorable Con Bunde
AK House of Representatives

Dear Sir:

Regarding HB 242, legislation on breed-specific ordinances should not be allowed to pass. Dog breeds as a whole are not vicious, more times than not it is the owners who create a bad dog. I urge you to support any legislation that will not be directed toward any specific breed, rather that any legislation on vicious dogs be based on each individual case of each individual dog charged "with aggression".

I have been actively involved in the dog world for almost 20 years, showing my dogs in conformation, obedience and am currently training dogs for tracking and hunting field work. I have owned Alaskan Malamutes, Rottweilers, Golden Retrievers and English Springer Spaniels. Very very different breeds and I have seen nasty dogs in all of those breeds at different times. ~~Some~~ Some times it was due to either poor breeding stock creating an unstable dog but most times it was because of owners that wanted a "Macho" dog or thought nothing of tying the dog in the yard, giving it food and water and that's all!. No breed should be penalized for irresponsible owners or breeders.

Again, I urge you to support only NON BREED SPECIFIC LEGISLATION!
Thank you for your time.

Sincerely,

Kristine Waggoner

Kristine Waggoner
PO Box 55896
North Pole, AK 99705