

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8100

HOUSE RULES

365

HB

236

8-LS08520
Bannister
4/12/93

CS FOR HOUSE BILL NO. 236(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to notices for the sale of certain real property."

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

3 * Section 1. AS 09.35.140 is amended to read:

4 Sec. 09.35.140. NOTICE OF SALE ON EXECUTION. Before the sale of
5 property on execution, notice of the sale shall be given as follows:

6 (1) notice [NOTICE] of the sale of personal property is given by
7 posting a written or printed notice of the time and place of sale in three public places
8 within five miles of the place where the sale is to be held, not less than 10 days
9 before [PRIOR TO] the day of sale; one [. ONE] of the notices shall be posted at the
10 post office nearest to the place where the sale is to take place; [.]

11 (2) notice [NOTICE] of the sale of real property is given by posting
12 a similar notice particularly describing the property not less than 30 days before the
13 day of sale in three public places, as provided in (1) of this section, and publishing a
14 copy of the notice four times, once a week for four successive weeks in a newspaper

1 of general circulation published nearest to the place of sale; in this paragraph,
2 "newspaper of general circulation" means a publication that

3 (A) is published in newspaper format;

4 (B) contains, in at least 25 percent of each issue, editorial
5 comments and news content that is of general interest in the judicial
6 district, not just to a particular part of the judicial district; has more than
7 an insignificant circulation throughout the judicial district; is distributed
8 at least once a week each year within the judicial district, excluding a
9 period when publication is interrupted by a labor dispute or by a natural
10 disaster or other casualty that the publisher cannot control; and has a total
11 paid circulation or distribution of at least 500 copies, or 10 percent of the
12 total population of the judicial district, whichever is less; in this
13 subparagraph, "judicial district" means the judicial district where the
14 place of sale is located;

15 (C) holds a second class mailing permit from the United
16 States Postal Service;

17 (D) is not published primarily to distribute advertising; and

18 (E) is not intended primarily for a particular professional
19 or occupational group.

20 * Sec. 2. AS 09.65 is amended by adding a new section to read:

21 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person
22 who owns a publication may bring an action under AS 22.10.020(g) to establish that
23 the publication is a newspaper of general circulation under AS 09.35.140(2).

NOTES

April 13, 1993

Carl:

For your Rules meeting:

Call To Order - April 13, 1993 at 4:06 pm in the Spkr's Chamber

Roll Call - Moses...Barnes...Carney...Hanley...Phillips...Sanders...Ulmer

First Item: HB 79 relating to recovery from damage by minors.

RULES CS increases the limit on recovery to \$10,000
pg.1, line 7.

Rep. Bunde or his aide will be present if questions.

Any other testimony?

Motion to adopt RULES CS with individual rec's.

2nd Item: HB 236 relating to newspaper notices.

RULES CS amends Title 9 instead of Title 1.
Sponsor, interested parties, and AG's office
are satisfied with CS.

Rep. Hudson or an aide will be present if questions.

Any other testimony?

Motion to adopt RULES CS with individual rec's.

Adjourn at 4:19 pm

BOB GOULD
WES COYNER

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
PUBLIC SAFETY

SESSION:
CAPITOL BUILDING, ROOM 204
JUNEAU, ALASKA 99801-1182
PHONE: (907) 405-4451
FAX: (907) 465-3445

INTERIM:
P.O. BOX 109
UNALASKA, ALASKA 99685
PHONE: (907) 581-1234
FAX: (907) 581-2875

MEMORANDUM

DATE: April 13, 1993

TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Today's Rules Committee Meeting Agenda

Two items are on the agenda for today:

HB 79 relating to recovery from malicious destruction
of property by minors.

HB 236 relating to legal notices in newspapers.

HB 79 will have a proposed Rules Committee CS to raise the amount recoverable from parents, guardians, and/or legal custodians of minors for malicious property damage they cause. The original bill provided for a limit of \$2,000; the Finance Committee CS provided for a limit of \$5,000, and the sponsor is now seeking a limit of \$10,000.

HB 236 will have a proposed Rules CS which will amend Title 9 instead of Title 1 in the original and L&C versions of the bill. This will more accurately focus on the issue of advertising certain legal notices, and describes the type of publications which qualify.

Concerns expressed by the AG's office (Virginia Ragle) with the original and L&C versions of the bill have been satisfied in this CS. The sponsor of HB 236 supports this, and the expressed concerns of interested parties have been satisfied.

If there are questions, please contact Tim Benintendi of my staff at 3764.

CEM/tb/m12

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

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M E M O R A N D U M

DATE: April 7, 1993

TO: Representatives Barnes, Carney, Hanley,
Phillips, Sanders, Ulmer

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Rules Committee Meeting

I have scheduled a Rules Committee meeting to discuss proposed Committee Substitutes for HB 79, the bill relating to damage to property by minors, and HB 236, relating to newspapers of general circulation.

We will meet in the Speaker's Chambers on Tuesday, April 13th, at 4:00pm.

If there are questions, please contact Tim Benintendi of my staff at 3764.

cc: *Chief Clerk*
Rep. Bunde
Rep. Hudson

CEM/tb/m12

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



MEMORANDUM

APRIL 13, 1993

TO: Representative Carl Moses, Chair
House Rules Committee

FROM: Representative Bill Hudson, Chair
House Labor and Commerce Committee

SUBJECT: House Bill 236

In the event that I will be unable to attend your committee meeting today due to chairing the House Labor and Commerce Committee, I wanted to relay my support for your proposed amendments to House Bill 236, newspaper circulation.

Additionally, I am receptive to further amendments that will assure this bill does not exclude or prevent smaller, rural papers from competing. I understand that your amendment to limit this bill's provisions to Title 9 will satisfy concerns that have been expressed in this regard.

Thank you for the work you have done to improve this legislation.

APR 13 1993

ALASKA NEWSPAPERS, INC.
P.O. BOX 100319 ANCHORAGE, ALASKA 99510
Phone: (907) 279-5516 Fax: (907) 272-5080

April 9, 1993

Hon. Carl G. Moses
House of Representatives
P. O. Box V
Juneau, AK 99811

RE: CS for House Bill 236

Dear Representative Moses:

The purpose of writing this letter pertains to House Bill 236. To help encourage newspapers in Alaska, we support CS HB 236 amendment for circulation of 1000 bona fide subscribers.

We want to see the requirement for second class mailing permits remain in the language. Legal notices should have the speediest and widest possible dissemination to the public. Third class permits mailed from outside and within urban Alaska takes too long to be delivered into rural Alaska.

We do not support any further amendments to this bill. We are content with the present language of CS HB 236 as written.

We are an Alaska Native-owned and Alaska based newspaper company with circulation of 20,000 mailed to rural Alaska.

Enclosed is a list of the names of the newspapers within Alaska Newspapers, Inc.

If you have any questions please contact Dave Hunter, General Manager at 272-9830, or myself at 279-5516.

Sincerely,

ALASKA NEWSPAPERS, INC.



Matthew Nicolai
Director

Enclosure

ALASKA NEWSPAPERS INC.

COMMITMENT

■ Alaska Newspapers is committed to providing rural Alaskans with the highest quality **local** newspapers available in their hometowns.

READERSHIP

■ Our loyal and faithful readership ensures that your message is not only well read but also well received.

RESULTS

■ Our network of **paid-circulation** newspapers delivers more readers to our advertisers than any other rural newspapers.

■ *Readership means results.*

ALASKA NEWSPAPERS, INC.

503 E. 6th Ave.
Anchorage, Alaska 99501

(907) 272-9830 • FAX: (907) 272-9512

ALASKA NEWSPAPERS, INC.
503 E. 6th Ave.
Anchorage, Alaska 99501

ALASKA NEWSPAPERS INC.

1993 RATE CARD

The collage features the following newspaper front pages from top to bottom:

- CHANNEL MARKERS**: A TV Supplement. Slogan: "In 'Outgoing' Area, All the days is a world."
- the Bristol Bay Times**: Slogan: "The Best of the Bristol Bay Area."
- THE VALDEZ VANGUARD**: Slogan: "Water well!"
- The Arctic Sounder**: Slogan: "The Arctic Sounder is the voice of the Arctic region."
- THE DUTCH HARBOR FISHERMAN**: Slogan: "The Dutch Harbor Fisherman is the voice of the Dutch Harbor area."
- The Cordoba Times**: Slogan: "The Cordoba Times is the voice of the Cordova area."
- THE SEWARD PHOENIX LOG**: Slogan: "The Seward Phoenix Log is the voice of the Seward area."
- The Drums**: Slogan: "The Drums is the voice of the Bethel area." Includes a photo of a person in a hat and a headline: "Report for \$1 million needed for excavation of lagoon".

Our
Story
is
Local
Commitment

ALASKA NEWSPAPERS INC.

The most cost-effective way to reach rural Alaska. Each ANI newspaper is paid circulation — locally reported and written. We are the newspapers of choice in each of the communities we serve. From Cordova to Kotzebue, Alaska Newspapers delivers the results you need for your advertising dollar.

THE ARCTIC SOUNDER

- Serving residents of Kotzebue and the Northwest Arctic Borough since 1986.
- Paid circulation: 1,900

THE BRISTOL BAYTIMES

- Serving the residents of Dillingham, Dutch Harbor, Naknek, King Salmon and the Bristol Bay area since 1980.
- Paid circulation: 3,150

THE CORDOVA TIMES

- Serving Cordova residents since 1914. The Times is a Prince William Sound Institution.
- Paid circulation: 1,650

THE DUTCH HARBOR FISHERMAN

- Serving the Aleutians from Nelson Lagoon to Adak, and the Pribilof Islands.
- Circulation: 2,500

THE SEWARD PHOENIX LOG

- Serving eastern Kenai Peninsula residents in the communities of Seward, Moose Pass, Cooper Landing and Hope since 1966.
- Paid circulation: 2,200

THE TUNDRA DRUMS

- Serving residents of Bethel and the entire Yukon-Kuskokwim Delta area since 1974.
- Paid circulation: 6,700

THE VALDEZ VANGUARD

- Serving the residents of Valdez and the entire Copper River Basin, since 1975.
- Paid circulation: 1,600

CHANNEL MARKERS

- A weekly television guide providing complete coverage of cable and RATNET programming.

RATES & MECHANICALS

OPEN RATES per column inch

THE ARCTIC SOUNDER	\$7.25
THE BRISTOL BAYTIMES	\$7.25
THE CORDOVA TIMES.....	\$7.25
THE DUTCH HARBOR FISHERMAN.....	\$8.75
THE SEWARD PHOENIX LOG	\$7.25
THE TUNDRA DRUMS.....	\$8.75
THE VALDEZ VANGUARD	\$6.75

CHANNEL MARKERS • \$25.00

CHANNEL MARKERS CONTRACT RATES
13 weeks • 3% discount
26 weeks • 5% discount
52 weeks • 10% discount
(3 column inch minimum)

COMBINATION RATES

per column inch

4 OR 5 PAPERS \$30.00
6 OR 7 PAPERS \$35.00

ANNUAL

BULK CONTRACT RATES

150 column inches • 3% discount
300 column inches • 5% discount
500 column inches • 10% discount
750 plus column inches • 15% discount

ANNUAL WEEKLY

FREQUENCY CONTRACT RATES

6 column inches • 15% discount
18 column inches • 20% discount
35 column inches • 30% discount
75 plus column inches • 40% discount
26 weeks • add 50¢ per column inch
13 weeks • add \$1.00 per column inch
Plus applicable local sales tax, if any.

SIZES

Five column by 15 inch format containing 75 column inches per page.

1 column 1-13/16" 3 column 5-3/4"
2 column 3-13/16" 4 column 7-3/4"
5 column 9-3/4"

COLOR

Black and 1 color • \$150
Black and 2 colors • \$300
Black and 3 colors • \$400
Full color reproduction • \$425
(does not include color separation)

PREPRINTED INSERTS

1 to 8 pages (up to 1 ounce) • \$85 per 1,000
9 to 16 pages (up to 2 ounces) • \$115 per 1,000
over 16 pages (over 2 ounces) • call for quote
(maximum non-folded size, 11-inches by 17-inches)

CLASSIFIED ADS

20¢ per word or \$1 per line
(\$3.00 minimum, per week)
Legal Notices • \$1 per line

MULTIPLE PAPER DISCOUNTS
3 papers • 40¢ or \$2 per line
4 to 6 papers • 80¢ or \$4 per line
7 papers • \$1.00 or \$5 per line

PROMPT PAYMENT DISCOUNTS

10 days • 3% Prepaid • 5%

15% AGENCY COMMISSION

Standard agency commission is honored for recognized agencies providing camera-ready materials and payment within 30 days from date of invoice. Reserve space by 5 p.m. Friday — deliver camera ready ads by 5 p.m. Tuesday (Channel Markers — 5 p.m. Monday).

DEADLINES

5 p.m. Friday before publication
Channel Markers • 5 p.m. Wednesday

POSITION PLACEMENT POLICY

Back Page • 1 color minimum

All other position placements will be on a space available basis only. We strive to accommodate position requests but cannot guarantee position.

ALASKA NEWSPAPERS INC.

Eric Hancock • Advertising Director
Karen Huston • Advertising Manager

503 E. 6th Ave., Anchorage, AK 99501
(907) 272-9830 • FAX: (907) 272-9512



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

APR 13 1993

Representative Brian Porter

State Capitol
Juneau, AK 99801-1182

April 13, 1993

Sanna Green
1301 Bannister Rd.
Anchorage, AK 99508

COPY

Dear Sanna,

Thanks for taking time from your busy schedule to write and express your support for the passage of HB 236, the newspaper of general circulation bill.

Presently, this bill is in the House Rules Committee, the last committee of referral and by copy hereof, I'll tell the Rules Chairman of this request.

If I may be of any further assistance, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Brian".

Brian Porter

BP:elm

cc Representative Carl Moses
Chairman, House Rules Committee

Virginia Raegal - AG's

- 80 different stat refs to newsp.
of gen. circ.

.. don't need gen. definition of
newsp.; have had no litigation
on this.

~~bill~~
- bill should be more narrowly
focused to address specific
problems.

S. JUD adopted the Sen. CS (JUD);
will hold for further work with
bill drafter.

HB 236

CARL -

I HAD A CONFERENCE CALL FROM MATTHEW NICHOLAI, JOHNNY HAWK, AND MIKE NEIMEYER OF CHULISTA CORP. THEY HAVE A CONCERN WITH THE DELETION OF THE 2ND CLASS POSTAGE PROVISION (ONE OF LINDAUR'S REQUESTS).

RETAIN
2ND CLASS
REQ.

CHULISTA CORP. OWNS ALASKA NEWSPAPERS, INC., WHICH INCLUDE BRISTOL BAY TIMES AND DUTCH HARBOR FISHERMAN. THEY ARE CONCERNED THAT LINDAUR WILL USE THE POSTAL REQUIREMENT TO PRODUCE NEWSPAPERS FROM SEATTLE, WHICH WOULD, BY VIRTUE OF THE 3RD CLASS PERMIT, GET LEGAL NOTICES OUT TOO LATE TO BE EFFECTIVE, AND WOULD PULL AD REVENUE FROM ALASKA.

I ADVISED THEM OF THE ACTIVITIES SURROUNDING SB 168, THE COMPANION BILL, AND AN UPCOMING SENATE JUDICIARY HEARINGS. ALSO OUR UPCOMING RULES MEETING ON HB 236.

Tim

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
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MEMORANDUM

DATE: April 13, 1993

TO: Representatives Barnes, Carney, Hanley,
Phillips, Sanders, Ulmer

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Rules Committee Meeting - Draft CS for HB 236

Based upon discussion with the bill sponsor, other interested parties, and a review by my staff, I have prepared a new draft CS for HB 236, which we are reviewing today at our Rules Committee meeting. A copy is attached. The new workdraft more clearly focuses on the problem the bill was originally trying to address; that of advertising foreclosure and other real estate-related notices.

Instead of amending Title 1, changing the provisions for qualifying newspapers, this draft amends Title 9, regarding notice requirements, and sets out the type of newspaper in which ads can be placed.

This draft also restores the provision for a qualifying newspaper to hold a second-class mailing permit. Third class mailings move too slowly to reliably facilitate notices.

We will meet in the Speaker's Chambers today, April 13th, at 4:00pm.

If there are questions, please contact Tim Benintendi of my staff at 3764.

cc: Rep. Hulson

CEM/tb/m12

8-LS08520
Bannister
4/12/93

CS FOR HOUSE BILL NO. 236(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
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8 within five miles of the place where the sale is to be held, not less than 10 days
9 before [PRIOR TO] the day of sale; one [. ONE] of the notices shall be posted at the
10 post office nearest to the place where the sale is to take place; [.]

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12 a similar notice particularly describing the property not less than 30 days before the
13 day of sale in three public places, as provided in (1) of this section, and publishing a
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2 "newspaper of general circulation" means a publication that

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7 an insignificant circulation throughout the judicial district; is distributed
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9 period when publication is interrupted by a labor dispute or by a natural
10 disaster or other casualty that the publisher cannot control; and has a total
11 paid circulation or distribution of at least 500 copies, or 10 percent of the
12 total population of the judicial district, whichever is less; in this
13 subparagraph, "judicial district" means the judicial district where the
14 place of sale is located;

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16 States Postal Service;

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19 or occupational group.

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21 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person
22 who owns a publication may bring an action under AS 22.10.020(g) to establish that
23 the publication is a newspaper of general circulation under AS 09.35.140(2).

Collateral references. — Injunction against waste to protect judgment lien, 103 ALR 387.

Sec. 09.35.110. Execution procedure. All property shall be levied upon or released from levy in the manner that similar property is attached or released from attachment, and the proceedings against the garnishee and the liability of the garnishee are the same. Until a levy, property is not affected by the execution. Any excess in proceeds over the judgment and costs shall be returned to the judgment debtor. (§ 15.11 ch 101 SLA 1962)

NOTES TO DECISIONS

Levy unnecessary to preserve judgment lien. — A levy after judgment is not necessary or contemplated for the preservation of the judgment lien. *Meredith v. Thompson*, 4 Alaska 360 (1911).

Sec. 09.35.120. Retention of personal property by judgment debtor. [Repealed, § 14 ch 62 SLA 1982.]

Sec. 09.35.130. Third party claims. If property levied upon is claimed by a third person as the person's property by an affidavit of title to the property, or right to the possession of the property and the ground of the title or right, stating the value of the property, and delivered to the person making the levy, that person shall release the property. However, the plaintiff, on demand of the person, may give the person an undertaking executed by two sufficient sureties in a sum equal to double the value of the property levied upon. The undertaking shall be in favor of and shall indemnify the third person against loss, liability, damages, and costs, by reason of the taking or sale of the property by the person. (§ 15.13 ch 101 SLA 1962)

Sec. 09.35.140. Notice of sale on execution. Before the sale of property on execution, notice of the sale shall be given as follows:

(1) Notice of the sale of personal property is given by posting a written or printed notice of the time and place of sale in three public places within five miles of the place where the sale is to be held, not less than 10 days prior to the day of sale. One of the notices shall be posted at the post office nearest to the place where the sale is to take place.

(2) Notice of the sale of real property is given by posting a similar notice particularly describing the property not less than 30 days before the day of sale in three public places, as provided in (1) of this section, and publishing a copy of the notice four times, once a week for four successive weeks in a newspaper of general circulation published nearest to the place of sale. (§ 15.14 ch 101 SLA 1962; am § 1 ch 44 SLA 1977)

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 15, 1993

SUBJECT: Considerations in draft relating to newspapers of general circulation (Work Order No. 8-LS0852\A)

TO: Representative Bill Hudson,
Chair, House Labor and Commerce Committee
Attn: Lynda

FROM: Theresa L. Bannister ^B
Legislative Counsel

This memo accompanies the draft of the bill that you requested relating to newspapers of general circulation.

The two-year publication requirement makes your bill vulnerable to an equal protection challenge. The outcome of a challenge is unclear. To reduce the chances of a challenge succeeding, the legislative record on the bill should indicate that the two-year period, as opposed to, for example, a one-year period, is needed to ensure that the newspaper is sufficiently established. The record should also indicate the reasons for this conclusion.

With regard to the declaration that a publication qualifies as a newspaper of general circulation for a particular area, you may wish to consider having an executive branch agency provide this service. However, please keep in mind that, whether the executive or judicial branch provides this service, the determination will have to be made for each specific statute due to the "relevant area" factor. In other words, the publication cannot make one request for a determination and thereafter be considered a "newspaper of general circulation" for all the statutes. Since the definition of "newspaper of general circulation" is tied to a "relevant area," each determination will have to be made based on the relevant area that the governing statute or regulation is addressing.

Regulations are covered by the definition in this bill because AS 01.10.060 applies to the "laws of the state," and "laws" includes regulations.

If I may be of further assistance, please advise.

TLB:pl
93-195.plm

Collateral references. — Injunction against waste to protect judgment lien, 103 ALR 387.

Sec. 09.35.110. Execution procedure. All property shall be levied upon or released from levy in the manner that similar property is attached or released from attachment, and the proceedings against the garnishee and the liability of the garnishee are the same. Until a levy, property is not affected by the execution. Any excess in proceeds over the judgment and costs shall be returned to the judgment debtor. (§ 15.11 ch 101 SLA 1962)

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Sec. 09.35.120. Retention of personal property by judgment debtor. [Repealed, § 14 ch 62 SLA 1982.]

Sec. 09.35.130. Third party claims. If property levied upon is claimed by a third person as the person's property by an affidavit of title to the property, or right to the possession of the property and the ground of the title or right, stating the value of the property, and delivered to the person making the levy, that person shall release the property. However, the plaintiff, on demand of the person, may give the person an undertaking executed by two sufficient sureties in a sum equal to double the value of the property levied upon. The undertaking shall be in favor of and shall indemnify the third person against loss, liability, damages, and costs, by reason of the taking or sale of the property by the person. (§ 15.13 ch 101 SLA 1962)

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LINDAUGA
REQUEST

8-LS0852K
Bannister
4/6/93

CS FOR HOUSE BILL NO. 236(RLS)
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A BILL

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4 (15) "newspaper of general circulation" means a publication that

5 (A) is published in newspaper format;

6 (B) contains, in at least 25 percent of each issue, editorial

7 comments and news content that is of general interest in the relevant area, not

8 just to a particular part of the relevant area; has more than an insignificant

9 circulation throughout the relevant area; and is distributed at least once a week

10 and for at least 50 weeks a year within the relevant area, excluding a period

11 when publication is interrupted by a labor dispute or by a natural disaster, or

12 other casualty that the publisher cannot control; in this subparagraph, "relevant

13 area" means the judicial district, municipality, or other geographical area

14 specified in or otherwise used in the governing statute or regulation to

1 determine where the publication, advertising, or other activity is to be
2 accomplished by using a newspaper of general circulation;

3 (C) is not published primarily to distribute advertising;

4 (D) is not intended primarily for a particular professional or
5 occupational group; and

6 (E) has an average paid circulation or distribution of at least
7 1,000 copies of each issue.

8 * Sec. 2. AS 09.65 is amended by adding a new section to read:

9 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person
10 who owns a publication may bring an action under AS 22.10.020(g) to establish that
11 the publication is a newspaper of general circulation under AS 01.10.060.

12 * Sec. 3. AS 36.30.130(a) is amended to read:

13 (a) The procurement officer shall give adequate public notice of the invitation
14 to bid at least 21 days before the date for the opening of bids. If a determination is
15 made in writing that a shorter notice period is necessary for a particular bid, the
16 21-day period may be shortened. The determination shall be made by the chief
17 procurement officer for bids for supplies, services, or professional services. The
18 determination shall be made by the commissioner of transportation and public facilities
19 for bids for construction or acquisition of property for the state equipment fleet. Notice
20 shall be published in the Alaska Administrative Journal. The time and manner of
21 notice must be in accordance with regulations adopted by the commissioner of
22 administration. When practicable, notice may include

23 (1) publication in a newspaper calculated to reach prospective bidders;
24 if the notice is published under this paragraph and if the community where the
25 notice is to be published has two or more daily newspapers, the notice shall be
26 published in the daily newspaper that has the lowest advertising rate for a column
27 inch;

28 (2) notices posted in public places within the area where the work is
29 to be performed or the material furnished; and

30 (3) notices mailed to all active prospective contractors on the
31 appropriate list maintained under AS 36.30.050.

1 * Sec. 4. AS 44.62.190(a) is amended to read:

2 (a) At least 30 days before the adoption, amendment, or repeal of a regulation,
3 notice of the proposed action shall be

4 (1) published in the newspaper of general circulation or trade or
5 industry publication that the state agency prescribes and in the Alaska Administrative
6 Journal; in the discretion of the state agency giving the notice, the requirement of
7 publication in a newspaper or trade or industry publication may be satisfied by using
8 a combination of publication and broadcasting; when broadcasting the notice, an
9 agency may use an abbreviated form of the notice if the broadcast provides the name
10 and date of the newspaper or trade or industry journal where the full text of the notice
11 can be found; if the notice is published in a newspaper of general circulation and
12 if the community where the notice is to be published has two or more daily
13 newspapers of general circulation, the notice shall be published in the daily
14 newspaper that has the lowest advertising rate for a column inch;

15 (2) mailed to every person who has filed a request for notice of
16 proposed action with the state agency;

17 (3) if the agency is within a department, mailed or delivered to the
18 commissioner of the department;

19 (4) when appropriate in the judgment of the agency,

20 (A) mailed to a person or group of persons whom the agency
21 believes is interested in the proposed action; and

22 (B) published in the additional form and manner the state
23 agency prescribes;

24 (5) furnished the Department of Law together with a copy of the
25 proposed regulation, amendment, or order of repeal for the department's use in
26 preparing the opinion required after adoption and before filing by AS 44.62.060;

27 (6) furnished to all incumbent State of Alaska legislators and the
28 Legislative Affairs Agency;

29 (7) furnished to the standing committee of each house of the legislature
30 having legislative jurisdiction over the subject matter treated by the regulation under
31 the Uniform Rules of the Alaska State Legislature, together with a copy of the

1 proposed regulation, amendment, or order of repeal for the committee's use in
2 conducting the review authorized by AS 24.05.182;

3 (8) furnished to the staff of the Administrative Regulation Review
4 Committee.

5 * Sec. 5. AS 44.62.310(e) is amended to read:

6 (e) Reasonable public notice shall be given for all meetings required to be
7 open under this section. The notice must include the date, time, and place of the
8 meeting and, if the meeting is by teleconference, the location of any teleconferencing
9 facilities that will be used. In addition to the publication required by AS 44.62.175(a)
10 in the Alaska Administrative Journal, the notice may be given by using a combination
11 of print and broadcast media. If print media is used to give the notice and if the
12 community where the notice is to be published has two or more daily newspapers,
13 the notice shall be published in the daily newspaper that has the lowest
14 advertising rate for a column inch.

To: Carl Moses

From: John Lindauer

563-0208

Re: CS HB 236 (in rules)

Your help in amending this bill
to help encourage (instead of
discourage) a new newspaper in
Anchorage would be greatly
appreciated and a real public
service

Delete: Line 9 At least two years

Delete: Entire requirement for a
2nd class mailing permit (takes
at least a year. New paper will
initially be forced to use a 3rd
class permit.

Add: see attached. (page 2)

Additions

* Sec 3. AS44.62.310 (e) is amended by adding a new sentence to read:

The notice may be given by using a combination of print and broadcasting media. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

* Sec 4. AS36.30.130 (1) is amended by adding a new sentence to read: (1) publication in a newspaper calculated to reach prospective bidders. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

* Sec 5. AS44.62.190(1) is amended by adding a new sentence to read: ..journal where the full text of the notice can be found (;) In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates.

Re: Additions For SB 168, HB 236

Please share with Robin AND
Ramona.

CS FOR HOUSE BILL NO. 236(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/31/93

Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to newspapers of general circulation."

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

3 * Section 1. AS 01.10.060 is amended by adding a new paragraph to read:

4 (15) "newspaper of general circulation" means a publication that

5 (A) is published in newspaper format;

6 (B) contains, in at least 25 percent of each issue, editorial

7 comments and news content that is of general interest in the relevant area, not

8 just to a particular part of the relevant area; has more than an insignificant

9 delete circulation throughout the relevant area; and for at least two years, has been

10 distributed at least once a week and for at least 50 weeks a year within the

11 relevant area, excluding a period when publication is interrupted by a labor

12 dispute or by a natural disaster, or other casualty that the publisher cannot

13 control; in this subparagraph, "relevant area" means the judicial district,

14 municipality, or other geographical area specified in or otherwise used in the

Additions

* Sec 3. AS44.62.310 (e) is amended by adding a new sentence to read:

The notice may be given by using a combination of print and broadcasting media. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
COLUMN INCH.

* Sec 4. AS36.30.130 (1) is amended by adding a new sentence to read: (1) publication in a newspaper calculated to reach prospective bidders; In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
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* Sec 5. AS44.62.190(1) is amended by adding a new sentence to read: ..journal where the full text of the notice can be found (;) In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
COLUMN INCH.

CORRECTION

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

CS FOR HOUSE BILL NO. 236(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/31/93
Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to newspapers of general circulation."

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5 (A) is published in newspaper format;

6 (B) contains, in at least 25 percent of each issue, editorial

7 comments and news content that is of general interest in the relevant area, not

8 just to a particular part of the relevant area; has more than an insignificant

9 *delete* circulation throughout the relevant area; and for at least two years, has been

10 distributed at least once a week and for at least 50 weeks a year within the

11 relevant area, excluding a period when publication is interrupted by a labor

12 dispute or by a natural disaster, or other casualty that the publisher cannot

13 control; in this subparagraph, "relevant area" means the judicial district,

14 municipality, or other geographical area specified in or otherwise used in the

1 governing statute or regulation to determine where the publication, advertising,
2 or other activity is to be accomplished by using a newspaper of general
3 circulation;

4 ~~(C) holds a second class mailing permit from the United States~~
5 ~~Postal Service;~~

6 (D) is not published primarily to distribute advertising;

7 (E) is not intended primarily for a particular professional or
8 occupational group; and

9 (F) has an average paid circulation or distribution of at least
10 1,000 copies of each issue.

11 * Sec. 2. AS 09.65 is amended by adding a new section to read:

12 Sec. 09.65.160. ACTION TO ESTABLISH NEWSPAPER STATUS. A person
13 who owns a publication may bring an action under AS 22.10.020(g) to establish that
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The notice may be given by using a combination of print and broadcasting media. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
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* Sec 4. AS36.30.130 (1) is amended by adding a new sentence to read: (1) publication in a newspaper calculated to reach prospective bidders. In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
COLUMN INCH.

* Sec 5. AS44.62.190(1) is amended by adding a new sentence to read: ..journal where the full text of the notice can be found (:) In communities with two or more daily newspapers the notice shall be published in the daily newspaper with the lowest advertising rates, PER
COLUMN INCH.

HB

283

HOUSE COMMITTEE REPORT

To Calendar

4/23

(7)

Date Referred: April 20, 1993

FURTHER REFERRALS:

Date of Committee Action: 4-22-93

The RULES Committee considered:

HB 283

HOUSE BILL NO. 283

BOARD OF ARCH/ENGINEERS/SURVEYORS EXT.

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; 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 H Rules Comm ^{for all} Agencies zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i> CARNEY	<input checked="" type="checkbox"/>				
<i>[Signature]</i> WLMER	<input checked="" type="checkbox"/>				
<i>[Signature]</i> HANLEY	<input checked="" type="checkbox"/>				
<i>[Signature]</i> BARNES	<input checked="" type="checkbox"/>				
<i>[Signature]</i> PHILLIPS	<input checked="" type="checkbox"/>				
<i>[Signature]</i> SANDGAS	<input checked="" type="checkbox"/>				
<i>[Signature]</i> MOSES	<input checked="" type="checkbox"/>				
	(7)				

[Signature]
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 283

Revision Date: _____ Dept. Affected: All Agencies
 Title: Board of Arch/Engineers & Land Surveyors BRU: _____
 Sponsor: House Labor & Commerce Committee Component: _____
 Requestor: Rep. Bill Hudson COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Tim Benintendi Phone: 3764
 Division: House Rules Committee Assistant Date: 4-22-93
 Approved by Commissioner: _____ Date: 4-22-93
 Agency: Carl E. Moses, Chairman, House Rules Committee

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HB

284

HOUSE COMMITTEE REPORT

TO Calendar
4/23

(7)

Date Referred: April 21, 1993

FURTHER REFERRALS:

Date of Committee Action: 4.22.93

The RULES Committee considered:

HB 284

HOUSE BILL NO. 284

PHYSICAL/OCCUPATIONAL THERAPY BOARDS EXT.

"An Act extending the termination date of the State Physical Therapy and Occupational Therapy Board; 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 Rules Comm for All Agencies

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Pat Carney</i> CARNEY	←				
<i>Bill Ulmer</i> ULMER	X				
<i>Mark Hanley</i> HANLEY	X				
<i>Tammy Barnes</i> BARNES	X				
<i>Yair Phillips</i> PHILLIPS	✓				
<i>Jerry Sanders</i> SANDERS	✓				
<i>Carl E. Moses</i> MOSES	✓				
	(7)				

Carl E. Moses
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 284

Revision Date: Extend Board of Dept. Affected: All Agencies
 Title: Physical/Occupational Therapy BRU: _____
 Component: _____
 Sponsor: House Labor & Commerce Committee
 Requestor: Rep. Bill Hudson COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

FUNDING SOURCE	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

POSITION TYPE	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Tim Benintendi
 Division: House Rules Committee
 Approved by Commissioner: _____
 Agency: Rep. Carl E. Moses, Chairman, House Rules Committee

Phone: 3764
 Date: 4-22-93
 Date: 4-22-93

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HB

293

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
PUBLIC SAFETY

SESSION:
CAPITOL BUILDING, ROOM 204
JUNEAU, ALASKA 99801-1182
PHONE: (907) 485-4451
FAX: (907) 485-3445

INTERIM:
P.O. BOX 109
UNALASKA, ALASKA 99685
PHONE: (907) 581-1234
FAX: (907) 581-2875

MEMORANDUM

DATE: April ²⁶~~13~~ 1993

TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members

FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee

RE: Today's Rules Committee Meeting Agenda

Three items are on the agenda for today:

HB 293 Extending the Council on Domestic Violence
HB 294 Extending the Board of Pharmacy
SJR 31 Extending deadline for compliance with Fed
landfill criteria

If there are questions, please contact Tim Benintendi of my staff
at 3764.

CEM/tb/m12

Bill No: House Bill 293 Date: April 23, 1993
Title: "An Act extending the termination date of the Council on Domestic Violence & Sexual Assault" Contact: Joanne F. Lopez Executive Director Council on Domestic Violence & Sexual Assault

House Bill 293 provides for continuation of the Council on Domestic Violence & Sexual Assault (CDVSA) until June 30, 1997.

Statutory duties include planning and coordination of services to victims of domestic violence and sexual assault (DVSA) and to provide crisis intervention/prevention programs statewide that are necessary to protect the public's health, safety, and welfare. The CDVSA provides this service by development, implementation, funding, maintenance and monitoring of DVSA programs; by developing, implementing and maintaining a standardized data collection system; and providing fiscal and technical assistance to these programs.

The Council has been very successful in accomplishing its coordinating functions. Council members representing the Departments of Law, Health & Social Services, Public Safety and Education, as well as three public members, work together effectively. An upcoming conference on effective investigation techniques in sexual assault cases is in the planning stages and the inter-disciplinary coordination including law enforcement, prosecutors, medical personnel, and victim advocates is an example of the kind of coordinating efforts the Council sponsors.

The Council on Domestic Violence & Sexual Assault supports House Bill 293.

Willie Kinnebrew by [signature]

Willie Kinnebrew, Acting Chair
Council on Domestic Violence & Sexual Assault

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 293

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act extending the termination date of the BRU: Domestic Violence & Sexual Assault
Council on Domestic Violence and Sexual Assault" Component: Domestic Violence & Sexual Assault
 Sponsor: Representative Parnell
 Requestor: Representative Parnell COMPONENT SERIAL NO. 521

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

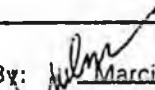
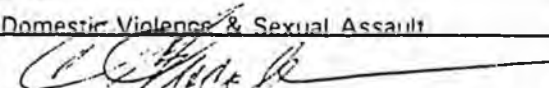
POSITIONS:

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:  Marcia McKenzie Phone: 465-4356
 Division: Council on Domestic Violence & Sexual Assault Date: 4/23/93
 Approved by Commissioner:  Date: 4/23/93
 Agency: Richard L. Burton, Dent. of Public Safety

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HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

HOUSE BILL 293

Extending the Termination Date of the "Council on Domestic Violence and Sexual Assault"

This bill would extend the termination date of the Council on Domestic Violence and Sexual Assault to June 30, 1997, the maximum extension allowable under the current law.

The Council on Domestic Violence and Sexual Assault is a very important and integral service for the State of Alaska. The Council plans and coordinates services to victims, their families and perpetrators of domestic violence and sexual assault; provides crises care intervention and prevention programs for Alaskans; coordinates domestic violence and sexual assault services of State agencies and community groups; develops and implements a standardized data collection system; and provides fiscal and technical assistance to domestic violence and sexual assault programs.

The Council's service to Alaska citizens in crises is invaluable and without the Council the states domestic violence and sexual assault problems would be compounded.

Passage of House Bill 293 would maintain this valuable service for Alaskans.

ALASKA NETWORK
ON
DOMESTIC VIOLENCE
AND
SEXUAL ASSAULT

419 6th Street, No. 118 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Enimonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Manilaq Regional Women's Crisis Program; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sitkans Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaskans Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WCCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

April 24, 1993

Honorable Sean Parnell
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

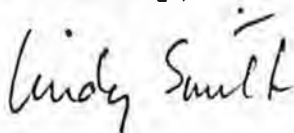
Dear Representative Parnell:

On behalf of the Alaska Network on Domestic Violence and Sexual Assault, I'd like to thank you for introducing House Bill 293 to extend the sunset date for the Council on Domestic Violence and Sexual Assault.

The Network is a statewide nonprofit organization whose 22 member programs serve victims of domestic violence and sexual assault in communities throughout Alaska. The Network believes that the Council promotes essential public interests in its work through coordination of State policy, public education and training, and monitoring and evaluation of programs which serve victims of these crimes. The Council continues to provide high-quality and cost-effective services on behalf of the State, and works well with local community providers to ensure that every victim has access to immediate safety, counseling and assistance in the aftermath of a rape or beating.

The Network endorses the extension of the Council and urges the legislature's support of this effective and worthwhile agency.

Sincerely,



Cindy Smith
Executive Director

c.c. Network programs

HB

294

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
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INTERIM:
P.O. BOX 109
UNALASKA, ALASKA 95685
PHONE: (907) 581-1234
FAX: (907) 581-2875

MEMORANDUM

²⁶
DATE: April ~~13~~ 1993
TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members
FROM: Rep. Carl E. Moses, Chairman *CEM*
House Rules Committee
RE: Today's Rules Committee Meeting Agenda

Three items are on the agenda for today:

- HB 293** Extending the Council on Domestic Violence
- HB 294** Extending the Board of Pharmacy
- SJR 31** Extending deadline for compliance with Fed
landfill criteria

If there are questions, please contact Tim Benintendi of my staff
at 3764.

CEM/tb/m12

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. **HB 294**

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act extending the termination date BRU: Occupational Licensing
of the Board of Pharmacy. Component: Operations
 Sponsor: Rep. Pamell
 Requestor: House Rules COMPONENT SERIAL NO. 1844

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

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

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

FUNDING: (Thousands of Dollars)

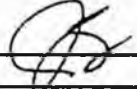
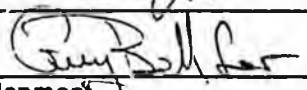
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	.0	.0	.0	.0	.0	.0

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: \$ None

ANALYSIS: (Attach a separate page if necessary)
 The bill extends the termination date of the Board of Pharmacy to June 30, 1997. Funding for the board is included in the FY 94 operating budget; therefore, new funds are not required. Regulations adjusting fees to cover full program costs are under review in the Department of Law.
 Average Annual Costs: \$61.2
 Average Annual Revenue: 49.6

Prepared by: Jennifer Strickler, Administrative Officer  Phone: 465-2144
 Division: Occupational Licensing Date: 4/23/93
 Approved by Commissioner: Paul Fuhs  Date: 4/23/93
 Agency: Commerce & Economic Development

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Alaska State Legislature

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HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

HOUSE BILL 294

Extending the Termination Date of the "Board of Pharmacy"

This bill would extend the termination date of the Board of Pharmacy to June 30, 1997, the maximum extension allowable under the current law.

The Board of Pharmacy provides greatly needed oversight of State and Federal laws pertaining to the pharmaceutical industry and Alaskan's health and safety. The Board provides a very important service for the State of Alaska and is an integral part of Alaska's pharmacy licensing process.

During the Board of Pharmacy's review, the reviewing committee acknowledged the Pharmacy Board's self sufficiency and recommended its renewal.

Passage of House Bill 294 would maintain this valuable service for Alaskans.

Dear Legislators,

The Board of Pharmacy has a termination date of June 30, 1993. Legislation (HB110) was introduced earlier in this session to prevent our sunseting, however the omnibus approach has been slow. The committee which reviewed the regulatory boards acknowledged the Board of Pharmacy's self-sufficiency and recommended its renewal. HB 294 is now before you to ensure that the Board of Pharmacy continues its charge of protecting the public.

A recent example that illustrates the importance of Boards of Pharmacy occurred in the state of Washington in 1991. Tylenol capsules were adulterated with cyanide which killed several people. The Board of Pharmacy quickly embargoed all Tylenol products. This swift action was nationally recognized as a life-saving maneuver.

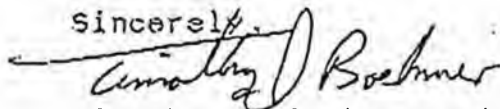
Fortunately, emergencies rarely occur. The use of medication, on the other hand, frequently occurs. The Board of Pharmacy protects the public by examining license applicants to ensure that they are qualified to practice pharmacy. We inspect pharmacies to ensure compliance with state and federal law. Current statutes and regulations that govern pharmacy in Alaska are woefully out-of-date and are being rewritten. This revision will address specific deficiencies in the law as well as enable the Board to regulate the rapidly changing role that pharmacy will play in solving the health care crisis.

Termination of the Board of Pharmacy would essentially prevent Alaska from licensing pharmacists. A pharmacist is licensed by credentials or by taking the National Association of Boards of Pharmacy (NABP) exam. Forty-nine states rely on NABP to test all pharmacy candidates and forty-eight states rely on NABP to serve as the national clearinghouse of all pharmacy licenses (exceptions are California and Florida). NABP requires each state to have a Board of Pharmacy in order to participate in the national testing process and to utilize its services as a clearinghouse.

The Board of Pharmacy promotes, preserves and protects the public by regulating the practice of pharmacy.

I urge you to support HB 294.

Sincerely,



Timothy J. Boehmer RPh.
Acting President
Board of Pharmacy

SB

362

MEETING NOTES

- I. CALL TO ORDER this meeting of the House Rules Committee on Monday, May 9, 1994 in Room 102 of the Capitol Building at 9:45pm.
- II. ROLL CALL: Reps. ^{PRES.} Moses...~~Barnes~~...~~Carney~~...^{PRES.} Hanley...^{PRES.} Phillips...
^{PRES.} Sanders...~~Ulmer~~...
- III. AGENDA ITEMS:
1) Proposed Rules CS for House CS for SB 362 (L&C) - Omnibus Insurance Reforms
- IV. OTHER MATTERS:
- V. REMINDERS:

VOTE:

MOSES - YES

HANLEY - NO

PHILLIPS - YES

SANDERS - YES

CARL

Adopt

motion to adopt the work
draft of House CS for CS for
Senate Bill 362 -

dated 5-7-94, numbered
in the top corner as
8-LS1757/J.

PASS

move to pass the work-draft
dated 5-7-94, numbered
8-LS1757/J as a Rules
Committee C.S., from
Committee with individual
Recommendations



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMORANDUM

DATE: March 17, 1994

TO: Representatives Barnes, Carney, Hanley,
Phillips, Sanders, Ulmer

FROM: Rep. Carl E. Moses, Chairman
House Rules Committee

SUBJ: Proposed Rules CS to CSSB 362 (L&C)

The proposed CS provides the bill with added sections as follows (version 8-LS1757/J):

Page 57, line 27 through page 58, line 2: ADDS "ANY WILLING PROVIDER" clause.

Page 59, line 12 through page 60, line 27: PROVIDES FOR APPOINTMENT OF INDEPENDENT COUNSEL.

The bill includes all of the Governor's desired provisions.

It is identical to the House CS for HB 534 (FIN), with the two above-referenced provisions added.

CEM/tb/m12

(7)
Date Referred: May 9, 1994

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

5/9/94
[Handwritten signature]

Date of Committee Action: 5/09/94

The RULES Committee considered: CSSB 362(L&C)

CS FOR SENATE BILL NO. 362(L&C) OMNIBUS INSURANCE REFORM
"An Act relating to insurance, to the licensing, accreditation, examination, regulation, and solvency of persons engaged in the insurance business, including insurers, nonadmitted insurers, purchasing groups, risk retention groups, and United States branches of alien insurers; relating to the management of and the filing of reports by persons licensed or otherwise doing business under the insurance code; amending Alaska Rule of Civil Procedure 45; and providing for an effective date."

RECOMMENDATIONS:
be replaced with HCS CS SB 362 (RLS) 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 _____ SENATE zero fiscal note(s) COMMERCE 4-5-94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Paul E. Moses</i> Moses	<input checked="" type="checkbox"/>	<i>Jerry Sanders</i> SANDERS		<input checked="" type="checkbox"/>	
		<i>Mark Hanley</i> HANLEY		<input checked="" type="checkbox"/>	
		<i>Gail Phillips</i> PHILLIPS		<input checked="" type="checkbox"/>	
	(1)			(3)	

Paul E. Moses MOSES
CHAIRMAN'S SIGNATURE

Alaska State Legislature
Representative Carl E. Moses

TIM

CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL COMMITTEE FISHERIES

MEMBER FINANCE SUBCOMMITTEES ON:
DEPT. OF FISH AND GAME
DEPT. OF PUBLIC SAFETY


SESSION:
CAPITAL BUILDING, ROOM 204
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-4451
FAX: (907) 455-3445

INTERIM
715 W. 4TH AVE. #630
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8167
FAX: (907) 258-8468

MEMORANDUM

DATE: May 9, 1994

TO: Representatives Barnes, Carney, Hanley, Phillips,
Sanders and Ulmer
House Rules Committee Members

FROM: Rep. Carl E. Moses, Chairman 
House Rules Committee

RE: Rules Committee Meeting Agenda

The following item will be taken up at a RULES COMMITTEE meeting at 9:00am on Tuesday, May 10, 1994, in the Speaker's Chambers.

SB 362-Omnibus Insurance Reform

If there are questions, please contact Tim Benintendi of my office at 3764.

CEM/tb/m12

(7)

Date Referred: May 8, 1994

Date of Committee Action: 5/09/94

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

The LABOR AND COMMERCE Committee considered:

CSSB 362(L&C)

CS FOR SENATE BILL NO. 362(L&C)

OMNIBUS INSURANCE REFORM

"An Act relating to insurance, to the licensing, accreditation, examination, regulation, and solvency of persons engaged in the insurance business, including insurers, nonadmitted insurers, purchasing groups, risk retention groups, and United States branches of alien insurers; relating to the management of and the filing of reports by persons licensed or otherwise doing business under the insurance code; amending Alaska Rule of Civil Procedure 45; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS CS SB 362(L+C)

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 _____

zero fiscal note(s) Commerce

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AA
Brian J. Porter	<input checked="" type="checkbox"/>	[Signature]		<input checked="" type="checkbox"/>	
Bill Hudson	<input checked="" type="checkbox"/>	[Signature]		<input checked="" type="checkbox"/>	
		[Signature]			<input checked="" type="checkbox"/>

Bill Hudson
CHAIRMAN'S SIGNATURE

Bill/Resolution Floor Action

Current Status: (H) L&C

	Jrn-Date	Jrn-Page		Action
1	03/18/94	3268	(S)	READ THE FIRST TIME - REFERRAL(S)
2	03/18/94	3269	(S)	L&C, JUD
3	04/05/94	3447	(S)	L&C RPT CS 2DP 1NR SAME TITLE
4	04/05/94	3447	(S)	ZERO FN TO SB & CS PUBLISHED (DCED)
5	05/02/94	4211	(S)	JUD RPT 1DP 2NR (L&C)CS
6	05/02/94	4211	(S)	PREVIOUS ZERO FN (CORR)
7	05/05/94	4355	(S)	RULES RPT 3CAL 2NR 5/5/94
8	05/05/94	4372	(S)	READ THE SECOND TIME
9	05/05/94	4372	(S)	L&C CS ADOPTED UNAN CONSENT
10	05/05/94	4372	(S)	MOTION TO ADVANCE WITHDRAWN
11	05/05/94	4372	(S)	THIRD READING 5/6 CALENDAR
12	05/06/94	4426	(S)	READ THE THIRD TIME CSSB 362(L&C)
13	05/06/94	4427	(S)	PASSED Y20 N-
14	05/06/94	4427	(S)	COURT RULE CHANGE VOTE SAME AS PASSAGE
15	05/06/94	4427	(S)	EFFECTIVE DATE SAME AS PASSAGE
16	05/06/94	4450	(S)	TRANSMITTED TO (H)
17	05/08/94	4169	(H)	READ THE FIRST TIME - REFERRAL(S)
18	05/08/94	4170	(H)	LABOR & COMMERCE
19	05/08/94	4209	(H)	L&C WAIVED PUBLIC HEARING NOTICE, RULE 23

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

P O. BOX 110805
JUNEAU, ALASKA 99811-0805
PHONE (907) 465-2515

March 14, 1994

The Honorable Tim Kelly
Alaska State Senate
House Labor and Commerce Committee
State Capitol
Juneau, AK 99801-1182

Dear Senator Kelly:

The Alaska Independent Insurance Agents and Brokers Association has for several years requested that the division implement continuing education requirements to assure that licensees remain qualified and to improve the professionalism of Alaska's insurance producers. The proposed addition of AS 21.27.020(f) is intended to accomplish that purpose.

I believe that both the substantive and procedural limitations already in statute provide appropriate legislative guidance to the director. In particular, the educational requirements under AS 21.27.020 are to effectuate the legislatively established public policy to prevent incompetent persons from being licensed and the affirmative requirement that applicants and licensees are and remain knowledgeable about a licensee's duties and responsibilities as a licensee and remains up-to-date on the laws and regulations in this state. The Legislature, having established this public policy for the protection of the people of this state, allows the director the authority through the regulatory promulgation process to secure public input to assure that the educational requirements conform to the qualifications as established by the Legislature.

As the insurance industry has increasingly sought to upgrade its professional image, and as new and innovative educational programs have become available, many states have adopted continuing education programs. A major complaint of insurance producers nationally has been the lack of consistency among such requirements, and in the administration of such requirements. The National Association of Insurance Commissioners is in the process of coordinating activities by various states to assure the quality of such educational programs and the efficient administration of the programs.

For these reasons, the dynamics of continuing education will continue to reflect evolution, especially as technology radically revises the way regulatory activities in licensure are conducted. Adoption of regulations, and revisions to regulations, provide both due process and a more flexible means of meeting the needs of the insurance industry--all to provide for the protection of the people of this state.

Believing that the Legislature has given clear guidance and established appropriate limits on the authority of the director, I would be concerned that any attempt to be more specific would require the industry and the division to repeatedly return to the Legislature for statutory changes in order to keep up with industry needs.

In regard to discretionary testing for persons with limited licenses (issued under AS 21.27.150; or persons licensed by the division within the prior two years or a person moving to Alaska who was previously licensed in another state), I do not believe there has been a delegation of legislative authority. Insurance statutes, regulatory oversight, and licensing requirements vary from state to state. To the extent possible, not all persons should be required to test or retest to secure a license in this state. Since the quality of regulation in a particular state may improve or decline, some of the enumerated applicants should be tested in order to affirm that they are competent as to their duties and responsibilities and in regard to the insurance laws and regulations of this state. The Legislature has established the clear policy for the protection of the people of this state, and are giving flexibility to the director as administrator of that policy.

In addition, some limited licensees under AS 21.27.150 such as a retired insurance producers clearly do not need to be tested. Other professionals with limited licenses were previously subject to examination and members of the industry have advised the division that they feel that testing is important for the professionalism of their limited speciality (title and bail bonds). Other limited licensees may in the future need examinations in order to sustain the professionalism that industry desires.

The division and industry did not intend to request overly-broad grants of administrative discretion to implement the clear public policies already expressed in statute by the Legislature. These two provisions were contained in our 1992 legislation and passed through many committees with wide spread support until, for reasons never made clear, they were removed at the last minute, at a time when neither the division nor the many legislators who had worked so closely with us knew of or had an opportunity to address the change.

If you have any questions, please contact me.

Sincerely,



David J. Walsh
Director

DW/lvs664t
031094b

SB 362: "Omnibus Insurance Reform"

This legislation includes language to address new areas of insurance regulation, adopt new accreditation standards added by the National Association of Insurance Commissioners (NAIC), and make corrections to the Alaska insurance statutes for errors found during the last two years. These changes will bring the Division of Insurance's statutes up-to-date with the insurance market and allow the division to maintain its national accreditation which was granted by the NAIC in December, 1992.

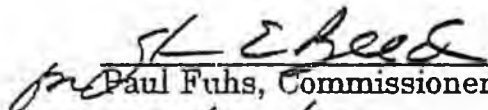
The bill includes the following:

- regulation of risk retention groups and purchasing groups as allowed by federal law;
- authority to respond to catastrophic situations;
- authority to suspend the certificate of authority of an insurance company that is not renewed;
- provide for voluntary surrender of an Alaska certificate of authority by an insurer domiciled in another state;
- authority to refund or grant credits for overpayment of premium tax by an insurer due to error or misinterpretation;
- require disclosure by an insurer of material transactions of purchase or disposal of assets or reinsurance (NAIC model law and accreditation standard);
- provide requirements for licensing of U.S. branches of alien (non-U.S.) insurers to allow these insurers to use Alaska as a base of operations for business written throughout the United States (NAIC model law);
- provide authority to require continuing education for licensed insurance producers (agents/brokers);
- require that fiduciary accounts holding insurance premiums received by resident insurance producers (agents/brokers) be located in Alaska;
- provide that a single fiduciary bond can cover multiple producer office locations;
- allow the director to file civil actions for damages caused by violations of statute by Managing General Agents, Reinsurance Intermediary Brokers, and Reinsurance Intermediary Managers (amendment to NAIC model law);
- add incorporated insurers to the definition of a group of unincorporated insurers to reflect recent changes at Lloyd's of London;

POSITION PAPER
SB 362
Page 2

- clarify when rate changes may be made to outstanding policies;
- provide that false statements made in regards to a claim may result in prosecution under Alaska law;
- allow the director to specify the format and content of rate and policy form filings to the division;
- clarify health insurance coverage of newborn and adoptive children;
- provide for updated regulation of consumer credit insurance (NAIC model law);
- provide for redomestication of insurers domiciled in Alaska and moving to another state or requesting to move their domicile from another state to Alaska;
- provide for voluntary surrender of an Alaska certificate of authority by a domestic insurer;
- provide the authority to request quarterly financial statements from all entities regulated by the Division of Insurance;
- allow insurers to pay claims by electronic funds transfer;
- provide authority to the director to specify requirements for electronic data transfer; and
- otherwise make corrections and clarify statute provisions.

The department supports this legislation.



Paul Fuhs, Commissioner
3/25/94

Date

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 28, 1994

SUBJECT: Sectional Summary of SB 362.

TO: Senator Tim Kelly

FROM: Michael F. Ford *M.F.*
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. Replaces the term credit "life" insurance with "consumer credit" insurance and adds a definition of the term.

Section 2. Replaces the term "credit life and credit disability" insurance with the term "consumer" credit and property insurance.

Section 3. Provides that AS 21 applies to a person transacting insurance as a risk retention group.

Section 4. Allows the director to take necessary action to protect the stability of the insurance market in the event of a catastrophe, without a hearing. Limits the effect of the action to six months, unless after a hearing, the director determines a longer period is necessary.

Section 5. Allows the director to close an examination hearing to the public when necessary to protect a person against injury or when it is in the public interest.

Section 6. Deletes a requirement that certain documents be filed by an insurer with an application for a certificate of authority.

Section 7. Requires that policy forms or rates that require approval be filed under AS 21.39 or AS 21.42 and not with the application for a certificate of authority.

Section 8. Provides that a certificate of authority not continued is suspended as of the following June 30, and expires one year after suspension. Requires the director to provide notice of a failure that may result in a possible suspension.

Section 9. Provides a procedure for voluntary surrender of a certificate of authority issued to a foreign admitted insurer.

Section 10. Allows an annual statement to be filed by electronic media.

Section 11. Requires an insurer to file a quarterly statement with the National Association of Insurance Commissioners on electronic media.

Section 12. Allows for refund or future credit of a premium tax paid by mistake. Limits the refund to a mistake within three years of the date the tax was due.

Section 13.

Sec. 21.09.290. Imposes requirements on risk retention groups formed in the state, including filing information regarding the formation of the group, capitalization, and their plan of operation.

Sec. 21.09.300. Requires that a domestic insurer disclose certain material acquisition or disposition of assets. Requires the report be made 15 days after the end of the month in which the reportable event occurs. Provides that a report is confidential, with certain exceptions. Imposes certain restrictions on a report of an acquisition or disposition and on a ceded reinsurance agreement.

Sec. 21.09.310. Imposes certain requirements on United States branches of alien insurers using this state as a state of entry to transact insurance in the United States. Imposes limitations on receiving or renewing a certificate of authority. Requires assets be maintained in a trust account and imposes requirements on the trust agreement. Requires a statement of trusteed surplus be filed with annual and quarterly statements.

Section 14. Imposes additional minimum surplus requirements on alien insurers. This section only takes effect after the legislature establishes risk based capital requirements for insurers.

Section 15. Imposes additional surplus requirements on a United States branch of an insurer. This section only takes effect after the legislature establishes risk based capital requirements for insurers.

Section 16. Amends requirements applicable to reinsurance ceded to an assuming insurer.

Section 17. Repeals minimum gross premium reserves required to be held by insurers.

Section 18. Requires that insurers compute reserves on at least a monthly basis.

Section 19. Amends requirements for computation of the reserve for losses under insurance for an employee or a person for which the insured is liable and for workers' compensation insurance.

Section 20. Specifies that limits on loans or investments apply to the insurer's assets.

Section 21. Amends requirements for investments by a domestic insurer in certain securities.

Section 22. Amends requirements applicable to insurance holding companies.

Section 23. Adds an additional reason for which the director may disapprove a merger or other acquisition.

Section 24. Allows the director to retain additional expert help and pass the cost on to the person under examination.

Section 25. Amends registration requirements applicable to insurance holding companies.

Section 26. Repeals a requirement that the director may impose against insurance holding companies.

Section 27. Amends a provision that allows nonmaterial information to be excluded from an insurance holding company registration statement.

Section 28. Amends requirements applicable to a holding company subject to registration in another state with substantially similar registration requirements.

Section 29. Provides for exceptions to licensing requirements under AS 21.27.

Section 30. Allows the director to impose additional educational or experience requirement for persons licensed under AS 21.27 and to contract for additional administrative services.

Section 31. Adds several additional items that must be reported to the director by a person licensed under AS 21.27.

Section 32. Amends an exclusion to certain licensing requirements under AS 21.27.

Section 33. Provides that an individual in a firm that is appointed as an agent on behalf of an admitted insurer, may not be required to also have an appointment if the individual is licensed with that firm.

Section 34. Amends content requirements for a license.

Section 35. Requires that money held in a fiduciary account must be located in the state, unless the licensee is licensed as a nonresident.

Section 36. Amends requirements applicable to renewal of a license.

Section 37. Allows the director to issue or renew a license with restrictions.

Section 38. Amends bond requirements for issuance or renewal of an insurance producer license.

Section 39. Specifies that information required from a controlling insurance producer includes certain information in the accounts that support compensation or fees.

Section 40. Expands the director's authority to recover compensatory damages from a managing general agent on behalf of an insurer, policyholder, or creditor. Adds authority for a receiver to bring a civil action for recovery of damages.

Section 41. Allows any insurer to use a nonresident reinsurance intermediary broker who is validly licensed.

Section 42. Expands the director's authority to recover compensatory damages from a reinsurance intermediary broker on behalf of an insurer, policyholder, or creditor. Adds authority for a receiver to bring a civil action for recovery of damages.

Section 43. Expands the director's authority to recover compensatory damages from a reinsurance intermediary manager on behalf of an insurer, policyholder, or creditor. Adds authority for a receiver to bring a civil action for recovery of damages.

Section 44. Amends requirements under which a nonadmitted insurer may be eligible to provide insurance coverage in this state.

Section 45. Amends the affidavit requirements applicable to a surplus lines broker.

Section 46. Amends duties of a surplus lines broker before a contract of insurance is binding on the insured.

Section 47. Amends the calculation of the surplus lines tax filing fee.

Section 48. Amends an unfair discrimination exception for payment of compensation to a person licensed under AS 21.27.

Section 49. Requires insurance producers to comply with the provisions of AS 21.34.

Section 50. Technical amendment.

Section 51. Technical amendment.

Section 52. Allows a personal automobile insurance policy with a term of less than six months to be considered as if written for a term of six months for purposes of determining the appropriate premium rate.

Section 53. Adds new provisions applicable to premium increases on personal automobile policies.

Section 54. Amends provisions applicable to determining when a person has committed a criminal insurance act.

Section 55. Amends provisions applicable to determining when certain persons licensed under AS 21.27 or licensed as a risk retention group, have committed a criminal insurance act.

Section 56. Amends provisions applicable to determining when certain persons licensed under AS 21.27 or licensed to act on behalf of a risk retention group, have committed a criminal insurance act.

Section 57. Adds certain persons licensed under AS 21.27, to a category that will have committed a criminal insurance act, by failing to report consideration charged as a premium.

Section 58. Amends certain claim form notice requirements.

Section 59. Provides that an insurer who has submitted an application for a certificate of authority and a filing for policy forms, may submit a proposed rating system.

Section 60. Provides that voluntary surrender of a certificate of authority or failure of the surrendering admitted foreign insurer to continue a certificate of authority has

the effect of canceling a rate approval, unless the approval is affirmed by the director.

Section 61. Excludes consumer credit insurance from the provisions of AS 21.12.120. Allows certain insurers to file proposed policy forms and allows the director to adopt regulations regarding form filings.

Section 62. Requires certain insurers to provide coverage for family members including newly born children, adopted children, or children placed for adoption regardless of the marital status of the covered person.

Section 63. Repeals a reference to credit life insurance and credit disability insurance and substitutes the term consumer credit insurance.

Section 64. Repeals and reenacts a provision concerning the applicability of AS 21.57 to certain insurance known as consumer credit insurance.

Section 65. Allows consumer credit insurance to be written separately or in combination with other insurance.

Section 66. Imposes limits on the amount of coverage for credit life insurance payable at the time of loss. Allows the director to provide for other pattern of insurance consistent with this section. Imposes additional requirements on periodic indemnity payments and open-end consumer credit agreements.

Section 67. Imposes limits on the duration of coverage for certain types of consumer credit insurance.

Section 68. Requires that certain information be disclosed to the debtor before the purchase of consumer credit insurance in connection with a credit transaction.

Section 69. Imposes specific form requirements on policies and certificates of consumer credit insurance.

Section 70. Requires the insurer to provide certain written evidence of the consumer credit insurance to the debtor. Provides a 30 day period within which the debtor can cancel the coverage and receive a full refund.

Section 71. Requires that consumer credit policies and rates be filed with the director before being used. Imposes a 30 day waiting period after a form is filed, before it can be used, unless otherwise allowed by the director.

Section 72. Amends provisions regarding consumer credit insurance premiums and refunds.

Section 73. Provides that AS 21.57 does not authorize payment for insurance when the payment is prohibited under other provisions of law governing credit transactions.

Section 74. Allows an insured to provide security for a debt with existing insurance.

Section 75. Allows certain persons licensed under AS 21.27 to act on behalf of an insurer.

Section 76. Imposes additional penalties for a violation of AS 21.57, on insurers, on noninsurers, and on persons licensed under AS 21.27.

Section 77. Definitions for AS 21.57.

Section 78. Allows an insurer organized in another state to become a domestic insurer. Allows a domestic insurer to transfer its domicile to another state. Imposes requirements for transfer of domestic status to or from this state. Provides for voluntary surrender of a certificate of authority of a domestic insurer.

Section 79. Allows the director to require quarterly statements from a benevolent association.

Section 80. Allows the director to require quarterly statements from a reciprocal insurer's attorney-in-fact.

Section 81. Amends provisions relating to special meetings of a subscriber's advisory committee.

Section 82. Allows certain domestic reciprocal insurers to have a subscriber's advisory committee that consists of not less than five individuals, elected by subscribers, who are otherwise qualified under AS 21.75.170.

Section 83. Amends the definition of "member insurer" for purposes of AS 21.79.

Section 84. Provides that AS 21.80 does not apply to certain risk retention groups.

Section 85. Allows the director to require quarterly statements from a fraternal benefit society.

Section 86. Allows the director to require quarterly statements from a health maintenance organization.

Section 87. Allows an insurer to pay a judgment or claim by electronic funds transfer.

Section 88. Allows the director to provide for electronic data transfer. Imposes certain registration, form requirements, and penalty provisions upon risk retention groups and purchasing groups.

Section 89. Amends the definition of "managing general agent".

Section 90. Repealers.

Section 91. Repealers.

Section 92. Court rule change section.

Section 93. Transition section.

Section 94. Effective date for sections 14 and 15.

Section 95. Effective date for sections 14 and 15.

Section 96. Effective date for sections 63 - 75 and 91.

Section 97. Effective date.

MFF:gc:pl
94-221.glc

The logo for Alaska Regional Hospital, featuring the text "Alaska Regional Hospital" in a serif font, with "Alaska" on the top line, "Regional" on the second line, and "Hospital" on the third line, all enclosed in a dark rectangular box.

May 13, 1994

Members of the House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Legislators:

I understand that you each received a letter from Anchorage Mayor Tom Fink regarding HB 534. There are several inaccuracies and misstatements in the letter. Your support to retain the provision in this bill is essential.

Inaccuracies in the letter include:

- 1) "It is not good public policy to impose artificial barriers which impair the ability of employers to obtain cost reductions for health care services."

FACT: The current Alaska health care market doesn't have delivery systems in which physicians, hospitals and insurers share risk. Basically, we have an open market now and it's being artificially closed in some cases.

The Municipality of Anchorage health care plan had NEVER been put out to bid. With the provisions in HB 534, the MOA could put the contract out to bid and obtain even further cost reductions.

When there have been open bids, Alaska Regional Hospital has been the lowest cost provider.

- 2) "It could severely limit the Municipality's ability to contract for PPO arrangements directly with providers."

FACT: This is NOT TRUE. The provision would allow direct contracting. There have never been any negotiations.

- 3) "Limits our ability to control the costs of our health plan"

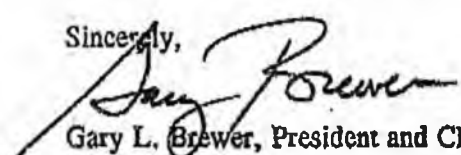
FACT: Aetna insurance is currently under this provision, and Aetna does reimburse Alaska Regional Hospital at the negotiated per diem rates.

- 4) The impact on current contracts and programs is uncertain"

FACT: There is no impact on current contracts.

Alaska Regional Hospital paid \$1.2 million in property taxes to the Municipality of Anchorage. We are the 5th largest tax payer in the Municipality. The provision in HB534 will help insure the continued success of the largest tax-paying private hospital in the state. The economic base of the state with our state income tax contribution is also important for economic development.

Sincerely,

A handwritten signature in cursive script that reads "Gary Brewer".

Gary L. Brewer, President and CEO

SB 362

INSURANCE LEGISLATION OF 1994

AN ACT RELATING TO THE LICENSING, ACCREDITATION, EXAMINATION, REGULATION, AND SOLVENCY OF PERSONS ENGAGED IN THE INSURANCE BUSINESS, INCLUDING INSURERS, NONADMITTED INSURERS, PURCHASING GROUPS, RISK RETENTION GROUPS, AND UNITED STATES BRANCHES OF NON-U.S. INSURERS; RELATING TO THE MANAGEMENT OF AND FILING OF REPORTS BY PERSONS LICENSED OR OTHERWISE DOING BUSINESS UNDER THE INSURANCE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sectional Analysis by the
Department of Commerce and Economic Development,
Division of Insurance

SMALL LOANS ACT, CONSUMER CREDIT INSURANCE

Sections 1 and 2 are amendments to coincide with the changes in consumer credit insurance in Sections 63 through 77.

Section 1. AS 06.20.260(a). Small Loans Act, Charges Prohibited, page 1.

Amends this section to use the term "consumer credit insurance" as defined in AS 21.57.160 (Sec. 77 of this bill).

Section 2. AS 06.20.287(a). Small Loans Act, Charges Prohibited, page 1.

Amends this section to use the term "consumer credit insurance". The term is defined in AS 21.57.160 (Sec. 77 of this bill).

DIRECTOR OF INSURANCE

Sections 3 through 12 include regulation of risk retention groups, authority to respond to a catastrophe, procedure on examination reports, procedures on applying for and not continuing a certificate of authority of an insurer, financial statements, and procedures on premium tax refunds and credit. Many of these changes are suggestions from the NAIC Accreditation Team visit in October 1992. Others are to provide authority and procedures in areas where none existed before.

Section 3. AS 21.03.010. Scope of Code, page 2.

Amends this section to explicitly extend the Scope of Code to include risk retention groups and purchasing groups as requested by the NAIC accreditation team.

Section 4. AS 21.06.080(e). General Powers, Duties, page 2.

This new subsection adds to the director's general powers and duties the ability to respond to a catastrophe.

Section 5. AS 21.06.150(q). Examination Reports, page 3.

The amendment to this subsection allows the director to close a hearing on an examination if the director finds that the closure is necessary to protect someone from unwarranted injury or is in the public interest.

Section 6. AS 21.09.110. Application for Certificate of Authority, page 3.

The amendment to this section removes the requirement that insurers applying for their Certificate of Authority (COA) submit specimen copies of their policy forms and rates with their COA application, and instead specifies that these policy forms and rates should be submitted under new sections AS 21.39.040(j) or 21.42.120(g).

Section 7. AS 21.09.110(b). Application for Certificate of Authority, page 4

The addition of a new subsection requires that policy form and rate filings be submitted for approval under the appropriate statutes in Chapter 39 and 42 and that the filings may not be submitted with the application for certificate of authority.

Section 8. AS 21.09.130(b). Continuance, Termination, Reinstatement, and Amendment of Certificate, page 5.

The amendment to this subsection provides for a suspension of the certificate of authority instead of cancellation if the insurer fails to file the forms or pay the fee to continue the certificate of authority. This change is to prevent insurers from ending regulation by Alaska Division of Insurance when issues regarding insurance operations may still be outstanding. It provides a one year suspension period.

Section 9. AS 21.09.135. Voluntary Surrender of Certificate of Authority, page 5.

This is a new section which provides a process for an insurer to voluntarily surrender their certificate of authority from Alaska. To surrender the insurer must be in compliance with Alaska

Section 10. AS 21.09.200(f). Annual Statement, page 6.

The amendment to this subsection requires the filing of

annual financial statements with the National Association of Insurance Commissioners (NAIC) by all licensed insurers instead of just domestic insurers. Also provides that the filings must be on electronic media acceptable to the NAIC.

Section 11. AS 21.09.205(d). Quarterly Financial Statements, page 6.

This is a new subsection which requires that a licensed insurer file quarterly financial statements with the National Association of Insurance Commissioners (NAIC), on acceptable electronic media, and pay the applicable filing fee. Failure to comply will result in penalties.

Section 12. AS 21.09.210. Premium Tax, page 6.

The following new subsections discuss the procedures for obtaining a refund or credit for overpayment of premium taxes by an insurer.

Subsection (j) allows for the payment of a premium tax refund when an insurer discovers that it has made an overpayment due to an error in calculation, mistake of fact, or misinterpretation of law. It (1) limits the time in which the refund must be discovered to three years; (2) sets the minimum amount of a refund which can be requested at \$250; and (3) gives the director discretion in payment of a monetary refund or a premium tax credit.

Subsection (k) was written to avoid trafficking of the premium tax credit. It prohibits the transfer or carryover of the credit in reinsurance transactions or receiverships.

Subsection (l) defines a premium tax credit.

RISK RETENTION GROUPS, MATERIAL TRANSACTIONS, AND U.S. BRANCHES OF ALIEN INSURERS

Sections 13 through 15 add regulatory authority for three different areas of insurance regulation.

(1) AS 21.09.290 allows a risk retention group to be formed as a domestic insurer in Alaska consistent with the NAIC Model Risk Retention Act.

(2) AS 21.09.300 is being added to statute to require the filing of information on material asset transactions and material changes in ceded reinsurance transactions. Ceded reinsurance is the transfer of risk from an insurer to another insurer by contract, usually resulting in the sharing of claim liability, marketing expenses, etc. Ceded reinsurance contracts are negotiated and can take many forms depending on the need for the

reinsurance. A material change in a ceded reinsurance agreement may have significant financial effects for an insurance company. The basis for this section is the NAIC Disclosure of Material Transactions Model Act which must be adopted to maintain accreditation.

(3) AS 21.09.310 provides authority and procedures for an insurer organized in a country outside of the United States to establish a U.S. branch in Alaska for operating throughout the United States. This new section establishes Alaska as a state of entry for alien insurers who seek to transact insurance in the United States through a U.S. branch by adopting the NAIC State of Entry Model Law.

Section 13. AS 21.09.290. Risk Retention Groups, page 7.

Subsection (a) sets out the requirements for being licensed as a risk retention group in this state.

Subsection (b) lists the items that must be submitted with an application for certificate of authority.

Subsection (c) requires the risk retention group to notify 30 days in advance any material change to its plan of operation and must receive the director's written approval of the change.

Subsection (d) provides definitions of terms used in this section.

AS 21.09.300. Disclosure of Material Transactions, page 8.

Subsection (a) requires disclosure of material acquisition or disposition of assets or material nonrenewal, cancellation, or revision of ceded reinsurance agreements unless the transactions have been submitted pursuant to other provisions of the statute.

Subsection (b) requires the report be filed 15 days after the end of the calendar month in which the transaction occurs.

Subsection (c) requires that a copy of the report also be filed with the National Association of Insurance Commissioners (NAIC). The subsection requires that the report be given confidential treatment by the division, the NAIC, or any other person, except sharing with insurance departments of other states, unless the insurer gives prior written consent or unless the director determines it is in the interest of policyholders, shareholders, or the public to publish the report and gives the insurer notice and an opportunity to be heard.

Subsection (d) gives the requirements for reporting transactions of material acquisition or disposition of assets.

Paragraph (d)(1) requires that only material transactions be reported and defines material.

Paragraph (d)(2) requires that asset acquisition and dispositions be reported other than the development of real property for the insurer or acquisition of material for such development.

Paragraph (d)(3) lists the information required in the disclosure notice to the division: date, manner of acquisition or disposition, description of asset, consideration given or received, purpose, manner of determining amount of consideration, gain or loss recognized or realized, names of persons involved.

Subsection (e) gives the requirements for reporting transactions of material nonrenewal, cancellation or revision of a ceded reinsurance agreement.

Paragraph (e)(1) requires that only material transactions be reported and defines material.

Paragraph (e)(2) requires that the filing must be made regardless of who initiates the transaction in certain circumstances.

Paragraph (e)(3) lists the information required in the disclosure notice to the division: effective date, description of the transaction, initiator of the transaction, purpose or reason, if applicable, the identity of the replacement reinsurer.

Subsection (f) requires that the report be made on a non-consolidated basis unless the insurer is part of a consolidated group which pools substantially all of its insurance losses. The subsection defines "substantially all".

AS 21.09.310. Authorization of United States Branches of Alien Insurers, page 11.

Subsection (a) states what companies to which this section applies and requires that the U.S. branch will be subject to all laws applicable to an Alaska domiciled insurance company.

Subsection (b) sets out the requirements for applying to use this state as a state of entry .

Subsection (d) allows the director to require evidence from the board of directors that the insurer will not violate Alaska law or its charter.

Subsection (e) allows the director to renew a certificate of authority for a U.S. branch if the U.S. branch meets the requirements for renewal.

Subsection (f) lists the conditions of the U.S. branch which if they existed would prohibit the director from issuing or renewing a certificate of authority.

Subsection (g) prohibits the U.S. branch insurer from transacting business outside of Alaska that is not permitted in Alaska unless such restriction would be prejudicial to the best interest of the Alaska public.

Subsection (h) requires the U.S. branch to maintain assets in a trust account in an amount no less than the U.S. branches reserves and other liabilities and minimum basic capital and surplus.

Subsection (i) lists the requirements for the written trust agreement which must exist for the U.S. branch to conduct business in the United States.

Subsection (j) states that the trust agreement shall be in the form required by the director and not be effective until approved by the director.

Subsection (k) states that the director may approve written modifications of the written trust agreement.

Subsection (l) allows the director to conduct examinations of trust assets and may require the trustee to file statements as to the trust fund.

Subsection (m) allows the director to withdraw approval of the trust agreement, effective in 10 days, if the requirements for the agreement do not now exist.

Subsection (n) allows that refusal or neglect of the statute requirements is cause for suspension or revocation of the certificate of authority.

Subsection (o) requires that annual and quarterly financial statements relate only to transactions within the United States and states who must sign the statement.

Subsection (p) requires that a statement of trusted surplus be filed with the annual and quarterly financial statement and gives the requirements for that statement.

Subsection (q) allows the director to require additional information on the business of the alien insurer or its U.S. branch.

Subsection (r) requires that a report of examination of the U.S. branch include a trusted surplus statement.

Subsection (s) adds definitions of the terms "trusted assets" and "United States branch".

Section 14. AS 21.09.310(c). Alien insurer, page 17.

The repeal and reenactment of this subsection included in Section 13 is to add that a trust account must be in an amount not less than minimum capital and surplus nor less than the risk based capital number. This section would become effective when risk based capital legislation is adopted.

Section 15. AS 21.09.310(h). Alien insurer, page 18.

The repeal and reenactment of this subsection included in Section 13 is to add that the trusted assets maintained may not be less than minimum capital and surplus or less than the risk based capital number. This section would become effective when risk based capital legislation is adopted.

FINANCIAL REQUIREMENTS AND FILINGS OF INSURERS

Sections 16 through 28 include corrections to requirements for recognizing reinsurance credits in financial statements, updating of sections on unearned premium and loss reserves, clarification of investment limitations, correction of language regarding tender offers and authority to hire experts, and clarification of information required in the holding company registration statement.

Section 16. AS 21.12.020(a). Reinsurance Credits, page 18.

The amendments to this subsection are to make corrections for errors made when this section was most recently adopted in 1992. The amendments require that for a US branch of a non-US reinsurer to become accredited they must be licensed in at least one state that is accredited by the National Association of Insurance Commissioners (NAIC). Accreditation is a program of the NAIC which reviews state insurance divisions to determine if they meet a set of standards considered to be the minimum necessary for effective regulation. Other amendments recognize the addition of incorporated members to group insurers (such as