

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8151 HOUSE STATE AFFAIRS

HB

378

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 14, 1994

FURTHER REFERRALS:

HESS
Finance

Date of Committee Action: 3-3-94
The STATE AFFAIRS Committee considered:

HB 378

HOUSE BILL NO. 378

REVISE OLDER ALASKANS COMMISSION

"An Act relating to the Older Alaskans Commission and staff of the commission; changing the name of the Older Alaskans Commission to the Alaska Commission on Aging and extending the termination date of the commission; relating to the Alaska Pioneers' Homes Advisory Board; relating to services and programs for older Alaskans; and providing for an effective date."

RECOMMENDATIONS:

the same title

be replaced with CS NB 378 (STA)

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)

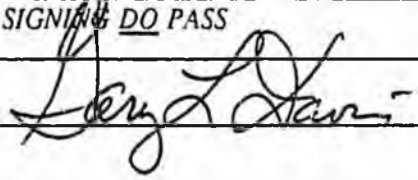
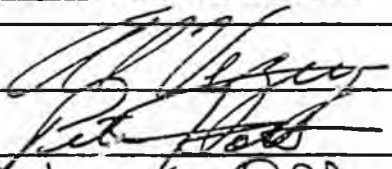
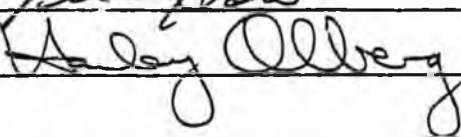
APPROVES PREVIOUS: _____ (Dept/Date)

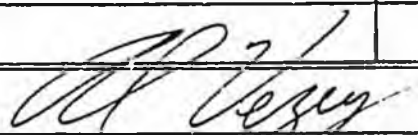
fiscal impact _____

fiscal note(s) _____

zero fiscal note Administration

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
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CHAIRMAN'S SIGNATURE

8-GH2003NE
Lauterbach
2/24/94

CS FOR HOUSE BILL NO. 378(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Older Alaskans Commission and staff of the commission;
2 changing the name of the Older Alaskans Commission to the Alaska Commission
3 on Aging and extending the termination date of the commission; relating to the
4 Alaska Pioneers' Homes Advisory Board; relating to services and programs for
5 older Alaskans; and providing for an effective date."

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

7 * Section 1. AS 18.56.700(b) is amended to read:

8 (b) In order to avoid duplication of efforts and to benefit from the
9 commission's expertise, the office shall consult with the Alaska [OLDER
10 ALASKANS] Commission on Aging in the performance of the office's duties under
11 AS 18.56.700 - 18.56.799 so that the housing needs of senior citizens can be met most
12 efficiently and effectively.

13 * Sec. 2. AS 44.21.110 is amended to read:

1 Sec. 44.21.110. PURPOSE OF THE BOARD. The board shall conduct annual
2 inspections of the property and procedures of the Alaska Pioneers' Homes and
3 recommend to the governor changes and improvements. The board shall meet on an
4 annual [A SEMI-ANNUAL] basis to review admissions [,] procedures and to consider
5 complaints.

6 * Sec. 3. AS 44.21.120 is repealed and reenacted to read:

7 Sec. 44.21.120. COMPOSITION OF THE BOARD. (a) The Alaska Pioneers'
8 Homes Advisory Board consists of

9 (1) seven members appointed by the governor from among citizens of
10 the state; and

11 (2) one member who is the chair of the Alaska Commission on Aging
12 established under AS 44.21.200.

13 (b) The term of office of a member of the board appointed under (a)(1) of this
14 section is four years. A member of the board may not serve more than eight
15 consecutive years. The members of the board appointed under (a)(1) of this section
16 serve at the pleasure of the governor.

17 * Sec. 4. AS 44.21.200(a) is amended to read:

18 (a) The Alaska [OLDER ALASKANS] Commission on Aging is established
19 in the Department of Administration. The members of the commission include

20 (1) the commissioner of administration or the commissioner's designee;

21 (2) the commissioner of community and regional affairs or the
22 commissioner's designee;

23 (3) the commissioner of health and social services or the
24 commissioner's designee;

25 (4) the chair [CHAIRMAN] of the Pioneers' Homes Advisory Board
26 designated [APPOINTED] under AS 44.21.120; and

27 (5) seven persons selected on the basis of their knowledge and
28 demonstrated interest in the concerns of older Alaskans, appointed by the governor in
29 accordance with (b) of this section.

30 * Sec. 5. AS 44.21.210(a) is amended to read:

31 (a) The commission shall meet at the call of the chair [CHAIRPERSON], at

1 the request of a majority of the members, or at a regularly scheduled time as
2 determined by a majority of the members. The commission shall meet at least four
3 [SIX] times each year.

4 * Sec. 6. AS 44.21.210(b) is amended to read:

5 (b) [THE MEMBERS OF THE COMMISSION LISTED IN
6 AS 44.21.200(a)(1) - (4) MAY NOT VOTE ON MATTERS BEFORE THE
7 COMMISSION.] A majority of the members of the commission [LISTED IN
8 AS 44.21.200(a)(5)] constitutes a quorum for conducting business and exercising the
9 powers of the commission.

10 * Sec. 7. AS 44.21 is amended by adding a new section to read:

11 Sec. 44.21.225. EXECUTIVE DIRECTOR. The executive director of the
12 commission shall

13 (1) formulate a comprehensive statewide plan that identifies the
14 concerns and needs of older Alaskans and present that plan to the commission;

15 (2) administer, with the approval of the commissioner of administration,
16 federal programs as provided under 42 U.S.C. 3001 - 3045i (Older Americans Act),
17 as amended; and

18 (3) administer, with the approval of the commissioner of administration,
19 state programs as provided under AS 47.65.

20 * Sec. 8. AS 44.21.230(a) is amended to read:

21 (a) The commission shall

22 (1) approve [FORMULATE] a comprehensive statewide plan that
23 identifies the concerns and needs of older Alaskans and, with reference to the
24 approved plan [ADOPTED], prepare and submit to the governor and legislature an
25 annual analysis and evaluation of the services that are provided to older Alaskans;

26 (2) make recommendations directly to the governor and the legislature
27 with respect to legislation, regulations, and appropriations for programs or services that
28 benefit older Alaskans;

29 (3) encourage [AND AID] the development of municipal commissions
30 serving older Alaskans and community-oriented programs and services for the benefit
31 of older Alaskans;

1 (4) employ an executive director who serves at the pleasure of the
2 commission;

3 (5) help older Alaskans lead dignified, independent, and useful lives;

4 (6) request and receive reports and audits from state agencies and local
5 institutions concerned with the conditions and needs of older Alaskans;

6 (7) [ADMINISTER,] with the approval of the commissioner of
7 administration, set policy for the administration of federal programs as provided
8 under 42 U.S.C. 3001 - 3045i (Older Americans Act), as amended and evaluate grant
9 applicants and make grant awards under those programs;

10 (8) [ADMINISTER,] with the approval of the commissioner of
11 administration, set policy for the administration of state programs as provided under
12 AS 47.65 and evaluate grant applicants and award grants under those programs;
13 and

14 (9) give assistance, on request, to the senior housing office in the
15 Alaska Housing Finance Corporation in administration of the senior housing loan
16 program under AS 18.56.710 - 18.56.799 and in the performance of the office's other
17 duties under AS 18.56.700.

18 * Sec. 9. AS 44.21.240(1) is amended to read:

19 (1) "commission" means the Alaska [OLDER ALASKANS]
20 Commission on Aging;

21 * Sec. 10. AS 44.66.010(a)(10) is amended to read:

22 (10) Alaska [OLDER ALASKANS] Commission on Aging
23 (AS 44.21.200) - June 30, 1996 [1993];

24 * Sec. 11. AS 47.24.010(a) is amended to read:

25 (a) The following persons who, in the performance of their professional duties,
26 have reasonable cause to believe that an elderly person has suffered harm shall, not
27 later than 24 hours after first having cause for the belief, report th ~~have~~ to the
28 Department of Health and Social Services:

29 (1) a physician or other licensed health care provider;

30 (2) a mental health professional as defined in AS 47.30.915(11) and
31 including a marital and family therapist licensed under AS 08.63;

- 1 (3) a pharmacist;
- 2 (4) an administrator of a nursing home, residential care or health care
- 3 facility;
- 4 (5) a guardian or conservator;
- 5 (6) a police officer;
- 6 (7) a village public safety officer;
- 7 (8) a village health aide;
- 8 (9) a social worker;
- 9 (10) a member of the clergy;
- 10 (11) a staff employee of a project funded by the Alaska [OLDER
- 11 ALASKANS] Commission on Aging;
- 12 (12) an employee of a homemaker program or home health aide
- 13 program;
- 14 (13) an emergency medical technician or a mobile intensive care
- 15 paramedic.

16 * Sec. 12. AS 47.24.070 is amended to read:

17 Sec. 47.24.070. REGULATIONS. Regulations to implement AS 47.24.010 -

18 47.24.100 shall be approved by the Alaska [OLDER ALASKANS] Commission on

19 Aging established under [() AS 44.21.200 ()] before adoption by the department.

20 * Sec. 13. AS 47.24.075 is amended to read:

21 Sec. 47.24.075. QUARTERLY REPORT. The department shall submit to the

22 Alaska [OLDER ALASKANS] Commission on Aging each quarter a statistical report

23 of the department's activities related to the protection of elderly persons in the state.

24 The report may not disclose the identity of victims or perpetrators of the harm.

25 * Sec. 14. AS 47.30.016(b) is amended to read:

26 (b) The board consists of seven members appointed by the governor. The

27 members appointed under this subsection shall be appointed

28 (1) based upon their ability in financial management and investment,

29 in land management, or in services for the beneficiaries of the trust;

30 (2) after the governor has considered a list of persons prepared by a

31 panel of six persons who are beneficiaries, or who are the guardians, family members,

1 or representatives of beneficiaries; the panel shall consist of

2 (A) one person selected by the Alaska Mental Health Board
3 (AS 47.30.661);

4 (B) one person selected by the Governor's Council on
5 Disabilities and Special Education (AS 47.80.030);

6 (C) one person selected by the Advisory Board on Alcoholism
7 and Drug Abuse (AS 44.29.110);

8 (D) one person selected by the Alaska [OLDER ALASKANS]
9 Commission on Aging (AS 44.21.200);

10 (E) one person selected by the Alaska Native Health Board; and

11 (F) one person selected by the authority.

12 * Sec. 15. AS 47.65.010 is amended to read:

13 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT.

14 The older Alaskans service programs account is established in the Department of
15 Administration. An amount to carry out the provisions of AS 47.65.010 - 47.65.050
16 may be appropriated annually by the legislature to the account. The amount
17 appropriated to the account shall be fully distributed by the Alaska [OLDER
18 ALASKANS] Commission on Aging to sponsors of older Alaskans service programs
19 in accordance with the provisions of AS 47.65.010 - 47.65.050.

20 * Sec. 16. AS 47.65.040(a) is amended to read:

21 (a) Except as provided in (f) of this section, a [A] sponsor receiving a grant
22 under AS 47.65.010 - 47.65.050 shall contribute to the total cost of the program or
23 project. The contribution may be in cash or in-kind services. The amount of the
24 sponsor's required contribution is determined by the application of the following
25 formula: average per capita full and true value of all property in the municipality or
26 community in which the project or program takes place divided by the average per
27 capita full and true value of all property in the state, and then multiplied by the
28 contribution percentage to the estimated total program or project cost as determined
29 by the commission at the time of approval of a grant application. However, the amount
30 of the sponsor's contribution may not amount to more than 10 percent of the total
31 program or project cost.

1 * Sec. 17. AS 47.65.040 is amended by adding a new subsection to read:

2 (f) When awarding a grant to support a program or project under
3 AS 47.65.010 - 47.65.050, the commission may waive all or part of the sponsor
4 contribution required under this section if waiver is in the public interest. The
5 commission shall adopt regulations establishing standards for granting waivers under
6 this subsection.

7 * Sec. 18. AS 47.65.290(3) is amended to read:

8 (3) "commission" means the Alaska [OLDER ALASKANS]
9 Commission on Aging established in AS 44.21.200;

10 * Sec. 19. TRANSITION FOR PIONEERS' HOMES ADVISORY BOARD. The terms
11 of those who are members of the Alaska Pioneers' Homes Advisory Board (AS 44.21.120)
12 on June 30, 1994, terminate July 1, 1994. Notwithstanding the limitations set by
13 AS 44.21.120(b), enacted by sec. 3 of this Act, the governor may appoint to the Alaska
14 Pioneers' Homes Advisory Board a person who served on that board before July 1, 1994; that
15 person's service on the board after July 1, 1994, may not exceed the limitations of
16 AS 44.21.120(b), as enacted by sec. 3 of this Act. The terms of persons initially appointed
17 to the board on or after July 1, 1994, must be set as provided in AS 39.05.055 so as to
18 establish the staggering of terms of members.

19 * Sec. 20. (a) Section 14 of this Act takes effect only if ch. 66, SLA 1991 takes effect.

20 (b) If the condition in (a) of this section is met, sec. 14 of this Act takes effect July 1,
21 1994, or on the effective date of ch. 66, SLA 1991, whichever is later.

22 * Sec. 21. Sections 1 - 13 and 15 - 19 of this Act take effect July 1, 1994.

FISCAL NOTE

No. 1
 Bill Version: HB 378
 (H) Publish Date: 1/14/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: Relating to OAC, Alaska BRU: Commission on Aging
Pioneer Home Advisory Brd and services for Component: Commission on Aging
 Sponsor: Governor older Alaskans
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY94) cost: \$ -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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Roberley Waldron
 Division: Commissioner's Office
 Approved by Commissioner: Nancy Bear Usra
 Agency: Administration

Phone: 258-6117
 Date: _____
 Date: 1/14/94

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WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

*The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Older Alaskans Commission, the Alaska Pioneers' Homes Advisory Board, and certain programs and services for older Alaskans.

The bill changes the name of the Older Alaskans Commission to the Alaska Commission on Aging, decreases the number of required yearly commission meetings, and extends the termination date of the commission. The bill also makes changes in the allocation of functions of the commission, the commission's executive director, and the commissioner of administration. For example, the commission, with the approval of the commissioner of administration, will set policy for the administration of federal programs under the federal Older Americans Act. The executive director, with the commissioner of administration's approval, will administer those programs. The executive director for the commission also will be responsible for the formulation and presentation to the commission of the comprehensive statewide plan that identifies the concerns and needs of older Alaskans. The commission will be responsible for approving a final plan.

The bill also makes certain changes in the composition and duties of the Alaska Pioneers' Homes Advisory Board. The board will be increased from seven to eight members; the new member will be the chairperson of the Alaska Commission on Aging. (Under existing law, the chair of the Alaska Pioneers' Homes Advisory Board is a member of the Older Alaskans Commission.) The bill also decreases the number of board meetings that must be held during a year.

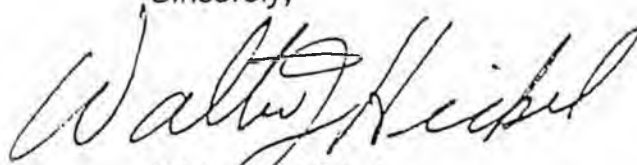
Additionally, the Department of Administration plans to administratively establish a division of senior services to better coordinate services to older Alaskans. The Alaska Commission on Aging and the Alaska Pioneers' Homes Advisory Board would be located administratively in that new division. The new division would replace the

*The Honorable Ramona Barnes
January 14, 1994
Page 2*

existing division of pioneers' benefits and would assume responsibility for activities currently assigned to that division, which include administration of the pioneers' homes and the longevity bonus program.

The enactment of this bill into law, along with the administrative creation of the new division, will assure improved, coordinated efforts to address the varied problems confronting older Alaskans.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

*Walter J. Hickel
Governor*

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Older Alaskans Commission

Position Paper on House Bill 378

RELATING TO THE OLDER ALASKANS COMMISSION AND THE PIONEERS' HOMES ADVISORY BOARD

The Older Alaskans Commission strongly urges passage of House Bill 378 introduced by Governor Hickel. This bill is part of the Governor's plan to improve and reorganize state services to Alaska's seniors and is vital to the smooth operation of the Division of Senior Services.

House Bill 378 changes the name of the Older Alaskans Commission to the Alaska Commission on Aging, identifying the purpose of the commission clearly in its name.

The commission strongly endorses the increased linkage between the Alaskan Commission on Aging and the Pioneers' Homes Advisory Board by designation of a voting seat on each board for the chairman of the other board. The commission supports the new voting power given to the three departmental commission members from the administration.

The commission strongly feels that because commissioners are either selected by or retained at the pleasure of the current governor, the members of the commission should elect their own chairman. The citizen-led impetus to create a commission in 1980 appears to still reflect the general senior sentiment in our state that the wisdom and experience of seniors should be recognized by allowing them a strong role in managing senior affairs in our state government.

If the final version of the bill retains the provision for the governor to select a chairman, then the commission urges addition of language stating that the chairman of the Alaska Commission on Aging must be selected from among the seven layperson citizen members appointed by the Governor.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

Date: _____

2/18/94

DEPARTMENT OF ADMINISTRATION

HOUSE BILL 378 RELATING TO THE OLDER ALASKANS COMMISSION AND THE PIONEERS' HOMES ADVISORY BOARD

This bill is one of three introduced by Governor Hickel as part of his plan to improve and reorganize state services to Alaska's seniors. A detailed analysis of the bill follows this page. First, let us highlight the improvements which would be effected by House Bill 378. When enacted, House Bill will:

- Re-name the Older Alaskans Commission as the Alaska Commission on Aging
- Reduce the number of mandatory annual meetings for both the Commission and the Board to reflect current practice and fiscal resources
- Add the chairperson of the Commission on Aging to the Pioneers' Homes Board
- Establish 8 year maximum terms for Pioneers' Homes Board members, allow current members to serve up to 8 more years, and transition the board to staggered terms
- Add the chairperson of the Pioneers' Homes Boards and the Commissioners of Health & Social Services, Community & Regional Affairs, and Administration to the list of voting members on the Commission on Aging (now non-voting members)
- Empower the Governor to choose the chairpersons of the Commission and the Board
- Clarify that the Commission on Aging administers programs through its executive director
- Clarify that the Commission sets policy for administration of its programs and selects recipients of grant awards
- Allow the Commission flexibility to reduce or waive local "match" requirements for grantees when waiver is in public interest

DETAILED ANALYSIS OF HOUSE BILL 378

Section 1, AS 18.56.700(b), changes the name of the commission in the Alaska Housing Finance statutes relating to coordination of senior housing efforts.

Section 2 amends AS 44.21.110 to reduce the mandated number of meetings for the Pioneers' Homes Advisory Board from twice to once a year.

Section 3 rewrites AS 44.21.120 to add the chairperson of the Commission on Aging to the Pioneers' Homes Advisory Board; to set the Board members' terms at a maximum of eight consecutive years; and to clarify that the governor designates the chairperson of the Board.

Section 4 amends AS 44.21.200(a) to re-name the Older Alaskans Commission as the Alaska Commission on Aging, and to add to the seven laypersons who currently serve as voting members another four voting members: the citizen Chairperson of the Pioneers' Homes Board and the Commissioners of the Departments of Administration, Community and Regional Affairs, and Health and Social Services; bringing the total of voting members on the commission to eleven.

Section 5 amends AS 44.21.210(a) to reduce the mandatory annual number of meetings of the commission from six to four.

Section 6 amends the quorum for voting by the commission and deletes references to non-voting members.

Section 7 rewrites AS 44.21.210(c) to state that the governor shall designate the chairperson of the commission from among the seven citizen members selected under AS 44.21.20(a)(5).

Section 8 adds a new section on the duties of the Executive Director of the Commission: to formulate the state plan for older Alaskans for the commission and to administer federal and state grants for senior services.

Section 9 amends AS 44.21.230(a) to clarify that the Commission approves the state plan formulated by its staff; makes recommendations directly to both the governor and the legislature; sets policy for the administration of federal and state grants for senior services; and evaluates and awards the grants.

Sections 10 and 11 merely amend the Commission's name in other references in existing laws.

Sections 12 through 14 amend the existing elder abuse reporting law to use the new name for the Commission.

Section 15 amends the Mental Health Trust Lands Settlement Act to use the new name for the Commission.

Sections 16 through 18 amend the existing law authorizing state-funded service grants by the Commission, to amend the Commission's name, and, in sec. 18, to allow the Commission to establish by regulations standards for granting waivers of the required sponsor contribution ("match") when such a waiver is in the public interest.

Section 19 amends the name of the Commission in another citation in existing law.

Section 20 provides for a transition period for members of the Pioneers' Homes Advisory Board, so that current members may be reappointed after July 1, 1994 to serve up to eight consecutive years, but also specifying that any other persons appointed after that date will have their terms of office set so as to establish the staggering of terms of members.

Section 21 states that the changes in the Mental Health Settlement Act relative to the Commission will occur only when and if both this bill and chapter 66, SLA 1991 are effective.

Section 22 provides for an effective date of July 1, 1994 for the bill.

FEB 11 1994

Hazel J. Edmands, Elder Care

Foster Care Facility P. O. Box 55 Kasilof, Alaska 99610

Ph. (907) 262-0496 Larry Edmands, Mgr.

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To H STA	From J.L. MC	
Co.	Co.	
Dept. Written testimony	Phone # 907-931-4	
Fax # HB 378	Fax # 907-1881	

services

Reference Senate Bills 248, 249 and 250
House Bills 376, 377 and 378

Senate Bill # 249

AS 47 Ch. 33 Sec 47.33.005 (2) "promote the establishment of homes that help (A). the elderly to age in place;" (3) establish standards that will protect residents of assisted living homes, while at the same time promoting an environment that will encourage resident growth and independence, without discouraging the establishment and continued operation of those homes:

It is apparent , by the underlined statement above, that some thought was given to the caregiver, however, specific instances of harassment require that the referenced bills should include some method of reducing the work load on the caregiver. ie. require the licensing agency to investigate alleged misconduct reporting to determine the validity of the reporter

Hazel J. Edmands, Elder Care

Senate bill #248

It is apparent that the Legislative body as a whole is concerned about the treatment of our Older Alaskans, however, as a caregiver to my aged mother afflicted with Alzheimers Disease and related dementia it is also apparent that in Sect 47:24:120 that there are no provisions for curtailment of harassment by third parties who have devious desires in reporting " abandonment, exploitation, abuse, neglect, or self-neglect".

I would like to suggest to the legislative body that the above quoted section be amended to include the following statement (at least in content if not verbatim)

"INVESTIGATION OF SAID REPORTING INDIVIDUAL SHALL BE CONDUCTED BY THE AGENCY TO INSURE THAT THE REPORTING IS IN GOOD FAITH AND NOT RETALIATORY OR VINDICTIVE IN NATURE" INVESTIGATION SHALL BE DOCUMENTED AND EVIDENCE SHALL BE PRESENTED TO THE ACCUSED SO THAT REBUTTAL AND/OR REFUTING EVIDENCE MAY BE PRESENTED.

Hazel J. Edmands, Elder Care

Sec 47.33.430 COMPLAINT

(b) "The licensing agency shall investigate a complaint filed under this section unless the agency reasonably concludes that the complaint is without merit."

This subsection should be amended to include:

The licensing agency shall investigate the complainant to determine if reporting is in good faith and not retaliatory or malicious vindictiveness.

Sec 47.33.520 INVESTIGATION

A subsection under investigation should read:

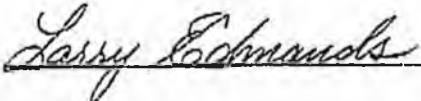
" The agency shall investigate all complainants to determine the validity of the complaint, if it is malicious in nature, or vindictive prior to subjecting the caregiver facility to rebuttal."

(e) Except as otherwise provided in AS 47.33.500(c), completed investigation reports and responses from homes are public records and should include complainant's name. (This is for the purpose of Investigation into Chronic complainants and those persons acting in bad faith or with malicious purpose)

Hazel J. Edmands, Elder Care

IT APPEARS THAT THE LAWMAKERS HAVE FORGOTTEN THAT THE RIGHTS OF THE ACCUSED, TO FACE THE ACCUSER, HAVE BEEN ABUSED.

I have been caring for my mother since 1986 but only since I requested licensing for a Foster Care Facility have I been subjected to harassment through anonymous accusations to the licensing facility. I have thus far answered all allegations to the satisfaction of the Agency.



Larry Edmands, Director



Alaska State Legislature

Please enter into the record my testimony to the State Affairs
committee name

committee on HB 378, dated 2-24-94
bill/subject

I was ready to testify on this before conditions
shut off testimony. Thanks to Commissioner
Uasa for her explanation; it was most concise
& informative. Didn't hear anything after her
report.

Appreciated Rep Gary Venia, bringing
out the main point I was prepared to comment
on.

The bill is really a good bill and most of
us seniors appreciate all the efforts to join
these two groups, which makes it easier for the
Commission on Aging to carry out their duties.

I serve on the Commission of Aging and
am glad to have the changes, with one exception.

I respectfully ask for the provision of the
Governor choosing the chairman of both groups.

Signed: _____
Testifier

Representing (Optional)

Address

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____
committee name

committee on _____, dated _____
bill/subject

be left as it was. The, on the commission
would like to have that privilege and
Choose our own, since we're all appointed by
the Governor anyway -

Thank you for ~~providing~~ providing the
tele-conference (even though we didn't get
it all)

I appreciate the hard work you
legislators do and feel it will be a good
bill. The seniors of the state will get
more assistance

Signed: Dorothy M. Kestphal
Testifier

self - (but am a member of Commission on Aging
Representing (Optional)

POBx 288 Sterling 99672
Address

262-6061
Phone No.

HB

389

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 389

Revision Date: March 2, 1994
Title: "An Act relating to criminal mischief."
Sponsor: Representative Nordlund
Requestor: House State Affairs Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division A Date: March 2, 1994
Richard I. Peques / FOR
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: March 2, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 389

ANALYSIS CONTINUATION:

This bill amends the state criminal mischief statutes to raise the penalty for joyriding from a class A misdemeanor to a class C felony. The penalty for a second joyriding conviction would be raised from a class C felony to a class B felony.

During the past year the Department of Law handled 99 joyriding cases. The vast majority were misdemeanors. Only two of the cases went to trial on a contested basis where the defendant pled not guilty. In most of the cases the defendants either pled guilty or the charges were dropped in exchange for a plea of guilty to a more serious charge, normally driving while intoxicated or theft.

Making all of these cases felonies will greatly increase the workload of prosecutors, because they will all require grand jury proceedings that are not required now. It can also be anticipated that many more cases will go to trial, because defendants will not want to plead guilty to a felony offense, which makes them eligible for presumptive sentencing if they get another felony conviction. Plea bargaining these cases will not often be a viable option, because there is no other criminal mischief offense which applies, short of criminal mischief in the fourth degree (tampering with the property of another), which is a class B misdemeanor and thus a lower level crime than the current offense.

The number of new felonies that will occur as a result of adoption of this bill, when spread throughout the Prosecution BRU, does not warrant fiscal note costs at any particular location, and none have been shown. However, the Department of Law cautions that adding new crimes, or in this case increasing the penalty for certain existing crimes, usually has the cumulative effect of adding new burdens to an already overburdened prosecution staff. Serious felonies being referred to the department have increased by ten percent during the past year, while misdemeanors have risen by nearly fourteen percent. In the face of declining revenues and in the face of the increase in violent crimes, the most likely result of this change is that joyriding offenses will not be charged as often as they are now, as prosecutors struggle to handle as much as they can with limited resources.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 389

Revision Date: _____ Dept. Affected: Corrections
 Title: Increased Penalties for Joyriding BRU: All
 Component: All
 Sponsor: Rep. Nordlund
 Requestor: House STA COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	1,408.2	1,450.4	1,494.0	1,538.8	1,584.9	1,632.5
TOTAL OPERATING	1,408.2	1,450.4	1,494.0	1,538.8	1,584.9	1,632.5

CAPITAL EXPENDITURES	800.0	0	0	0	0	0
----------------------	-------	---	---	---	---	---

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	2,208.2	1,450.4	1,494.0	1,538.8	1,584.9	1,632.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	2,208.2	1,450.4	1,494.0	1,538.8	1,584.9	1,632.5

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant *D. Schenker* Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 3/1/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *J. Prewitt* Date: 3/1/94
 Agency: Department of Corrections

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Fiscal Note/DOC

HB 389

March 1, 1994

Page 2 of 4

Issues Impacting DOC

The bill amends criminal mischief statutes to raise the penalty for "joyriding" from Criminal Mischief III (a class A misdemeanor) to Criminal Mischief II (a class C felony.) The penalty for a second "joyriding" conviction within seven years would be raised from Criminal Mischief II (a class C felony) to Criminal Mischief I (a class B felony.)

Assumptions

1. Statewide, there have been about 500 reported "joyriding" incidents per year over the past four years, about 100 of which result in prosecution. Out of the 100 cases prosecuted, about 46 have resulted in convictions for Criminal Mischief III, about 4 for Criminal Mischief II (due to prior similar convictions), and about 50 have resulted in convictions for Driving While Intoxicated and/or Theft. Those not charged with misdemeanor Criminal Mischief under current law, because of convictions for DWI involving mandatory incarceration, will probably be charged with Criminal Mischief as well as DWI under this bill, since the charge will be more serious than misdemeanor DWI/Theft charges, but the DWI carries mandatory incarceration while a C felony does not.
2. The Municipality of Anchorage, which has its own "joyriding" law now, prosecutes an additional 35 such cases per year and turns about 3% over to the State for felony prosecution because the offender has a prior Criminal Mischief conviction. It is assumed that the bill would have the effect of converting all the Municipality misdemeanor cases into State felony cases.
3. Assumptions 1 and 2 suggest that about 130 Criminal Mischief II cases and about 5 Criminal Mischief I cases would be prosecuted each year.
4. According to a survey of the department's Presentence Investigation report writers, first-time C felons usually are not sentenced to periods of incarceration. Also, it is anticipated that offenders in this category will be youthful and therefore less likely than average to have prior felony records. However, based on OBSCIS records, it is assumed that at least 10% of the 130 Criminal Mischief II cases will have prior records, thus falling under presumptive sentence requirements requiring a period of incarceration (13 offenders per year).
5. A 1983 study by the Alaska Judicial Council suggests that the mean sentence length for Criminal Mischief II is 17 months (11 months of incarceration considering statutory good time) and Criminal Mischief I, 48 months (32 months of incarceration considering statutory good time).

6. Raising the crime from a misdemeanor to a felony will require preparation of a Presentence Investigation Report for each case, involving approximately \$750 per report in personnel costs. It will also require supervised, rather than unsupervised probation, which is assumed to be about 2 years per C felony case. The average cost per day for probation supervision is about \$6.
7. Individuals sentenced to incarceration for this non-violent offense would be likely to spend at least a portion of their sentence in a contract community residential center (CRC) bed. The average cost per day for incarceration including weighted averages of prison and CRC beds is approximately \$98 per day.
8. The average cost of constructing a minimum custody state correctional bed is at \$50,000. Since this is a non-violent offense, it is assumed that most offenders could be incarcerated in minimum custody settings. The correctional system has been operating over emergency capacity for more than a year and cannot absorb any additional prisoners without additional beds and resources.
9. Costs include 3% inflation factor per year.

Operating Expenses

1. 130 new felony-level cases X \$750 per Presentence Report = \$ 97,500 per year
 2. 5 Criminal Mischief I cases per year:
 "B" felons (32 months) instead of "C" felons (11 months) = 21 month
 increase/sentence
 5 cases X 21 months X 30.5 days per month X \$98 per day = \$313,345 per year
 3. 117 Criminal Mischief II cases per year resulting in supervised probation:
 130 cases X 2 years X 365 days per year X \$6 per day = \$569,400 per year
 4. 13 Criminal Mischief II cases w/ prior felonies, sentenced presumptively for "C" felonies:
 13 cases X 11 months X 30.5 days per month X \$98 per day = \$427,427 per year
- Total operating expenses = \$1,408,172 per year**

Fiscal Note/DOC

HB 389

March 1, 1994

Page 4 of 4

Capital Expenses

The prisoner-days estimated in #2 and #4 under Operating Expenses total 7,664 days per year, or 20 beds per year, with bed demand peaking within a two year period due to the length of average sentence, thus requiring 40 additional beds. It is expected that these types of offenders would spend about 60% of their sentences in contract Community Residential Center beds. Thus, only 40% of the 40 beds would need to be state correctional beds, or 16 beds:

16 beds X \$50,000 per minimum custody bed = \$800,000

716 W. FOURTH AVE
ANCHORAGE, ALASKA 99501-2133
258-3191

WHILE IN SESSION:
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
465-4968

Alaska State Legislature
House of Representatives



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

SPONSOR STATEMENT

House Bill 389 amends the criminal statutes to raise the penalty for "joyriding" from Criminal Mischief III (a class A misdemeanor) to Criminal Mischief II (a class C felony). The penalty for a second "joyriding" conviction within seven years would be raised from Criminal Mischief II (a class C felony) to Criminal Mischief I (a class B felony).

This bill was introduced because of the recent increase in auto thefts and the lack of convictions. Under current law the crime of theft is a class C felony and joyriding is a class A misdemeanor. The difference in these two penalties allows many offenders to plea down to the misdemeanor charge of joyriding.

Statewide, there have been about 500 reported "joyriding" incidents per year for the past 4 years, about 100 of which result in prosecution. Of the 100 cases prosecuted yearly, only about half of these result in convictions for Criminal Mischief.

Also, the charges for theft and joyriding are inequitable. If someone steals a stereo or hubcaps worth more than \$500, it is a crime of theft that carries a felony. If someone steals a car, but abandons it and it is recovered, it is a crime of joyriding punishable with a misdemeanor. This bill would make both crimes a felony.

An analysis of stolen vehicles from the Anchorage area for the last five years shows over 51 million dollars in vehicles taken, while nearly six million dollars worth have not been recovered.

By increasing the penalty for joyriding, this bill will help decrease the rising number of vehicles stolen, and the tremendous dollar losses suffered by insurance companies and the victims of the thefts.

SPONSOR STATEMENT

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

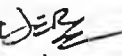
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1994

SUBJECT: Sectional Summary of HB 389 (Work Order No. 8-LS1382\E)

TO: Representative Jim Nordlund
Attn: Dennis

FROM: Jerry Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.46.482(a) to provide that a person commits crime of criminal mischief in the second degree^{1/} if the drives, tows away, or takes the propelled vehicle of another without having any right to do so (joyriding). Joyriding is currently proscribed as a class C felony under this section for certain aggravated types of joyriding, including second offenses, and as a class A misdemeanor for the normal case of joyriding.

Section 2 of the bill amends AS 11.46.482 by adding a new subsection (c) to provide that a person that violates AS 11.46.482(a)(4), amended by sec. 1 of the bill, and has a previous conviction under that section or former laws relating to this same conduct (joyriding), is guilty of a class B felony instead of a class C felony.^{2/}

Sections 3 - 6 of the bill amend various provisions to make various conforming changes necessary to accommodate the changes made in secs. 1 - 2 of the bill.

Section 7 of the bill provides repealers.

GPL:gc
94-191.glc

^{1/} Criminal mischief in the second degree is a class C felony punishable as provided in AS 12.55.125(c)(imprisonment) and AS 12.55.035(fine).

^{2/} Class B felonies are punishable as provided in AS 12.55.125(d)(imprisonment) and AS 12.55.035(fine).

SECT. SUMMARY



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-3500



Service since 1921

2/15/94

Representative Jim Nordlund
716 W. 4th Avenue, Suite 240-B
Anchorage, Alaska 99501-2133

Dear Representative Nordlund:

There are currently two bills before the legislature which address increased penalties for the crime of Joyriding, one of which is yours, House Bill 389. Each also calls for upgrading the status of the crime from an A-misdemeanor to a felony.

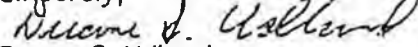
Current law provides that joyriding becomes a felony only if damage in the amount of \$500 or more occurs after the theft. The person may then be charged with Criminal Mischief, not theft. Although a vehicle may be worth thousands of dollars, as most are that are stolen, generally the few thieves who are caught are charged with a misdemeanor crime, even if their intent was to permanently deprive the owner of the vehicle.

In 1993, the Anchorage Police Department received reports of nearly 1,400 stolen vehicles valued at over \$1.3 million. Most of these vehicles were eventually recovered, but some had incurred thousands of dollars in damage. An analysis of stolen vehicles from the Anchorage area for the last five years shows over 51 million dollars in vehicles taken, while nearly six million dollars worth have not been recovered.

Most vehicles, even if considered "junk", have a value of over \$500 if in running condition. The statutes should therefore be amended to coincide with those addressing thefts, so that any vehicle stolen with a value of over \$500 is a felony theft and not a misdemeanor crime of joyriding. These changes could help decrease the rising number of vehicles stolen, and the tremendous dollar losses suffered by insurance companies and the victims of the thefts.

There is no "joy" in the unauthorized taking of an automobile. It is time to make the punishment fit the crime. We support House Bill 389.

Sincerely,


Duane S. Udland
Deputy Chief of Police

BACK UP

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 389

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to criminal mischief... BRU: Motor Vehicles
 Component: Driver Services
 Sponsor: Rep. Nordlund
 Requestor: H. STA COMPONENT SERIAL NO. 500

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES () <small>Revenue Code</small>						

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

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) AS 28.15.181 requires the court to revoke the driver's license of a person convicted of a felony offense involving the commission of a motor vehicle. At this time, Department is unable to quantify how many convictions will occur. The department will seek an incremental budget increase if after the first year, an increase of criminal mischief (joyriding) convictions are received.

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 03/09/94
 Approved by Commissioner: *Richard L. Burton* Date: 03/09/94
 Agency: Richard L. Burton, Dept. of Public Safety

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HB

392

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1994

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-3-94

The STATE AFFAIRS Committee considered:

HB 392

HOUSE BILL NO. 392

PERMANENT FUND DIVIDEND PROGRAM

"An Act relating to the confidentiality of permanent fund dividend application information; relating to the permanent fund dividend program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 392 (STA) 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)

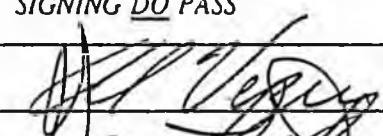
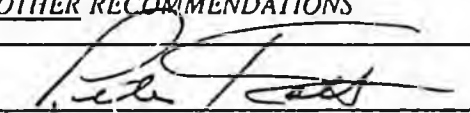
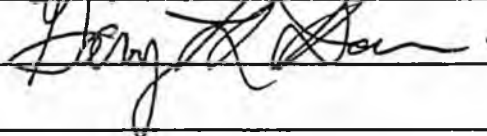
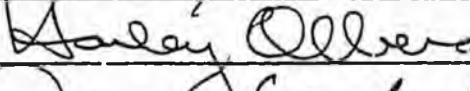
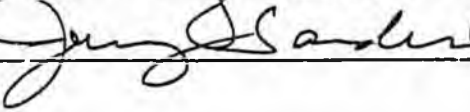
APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Revenue

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	X			<input checked="" type="checkbox"/>	
	X			<input checked="" type="checkbox"/>	
				<input checked="" type="checkbox"/>	


CHAIRMAN'S SIGNATURE

8-LS07350 ✓
Cook
3/3/94

CS FOR HOUSE BILL NO. 392(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PARNELL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the confidentiality of permanent fund dividend application
2 information; relating to the permanent fund dividend program; and providing for
3 an effective date."

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

5 * Section 1. AS 14.43.120(i) is amended to read:

6 (i) If a loan is in default, the commission shall notify the borrower that
7 repayment of the remaining balance is accelerated and due by sending the borrower
8 a notice by registered or certified mail. The permanent fund dividend of a borrower
9 may be taken under AS 43.23.065(b)(4) [AS 43.23.065(b)(3)] to satisfy the balance
10 due on the defaulted loan.

11 * Sec. 2. AS 43.23.005(a) is amended to read:

12 (a) An individual is eligible to receive one permanent fund dividend each year
13 in an amount to be determined under AS 43.23.025 if the individual

14 (1) [THE INDIVIDUAL] applies to the department;

1 (2) [ON THE DATE OF APPLICATION THE INDIVIDUAL] is a
2 state resident on the date of application;

3 (3) [THE INDIVIDUAL] was a state resident for at least the calendar
4 year immediately preceding January 1 of the current dividend year;

5 (4) [THE INDIVIDUAL] has been physically present in the state at
6 some time during the prior two calendar years before the current dividend year; [AND]

7 (5) [THE INDIVIDUAL] is

8 (A) a citizen of the United States;

9 (B) an alien lawfully admitted for permanent residence in the
10 United States;

11 (C) an alien with refugee status under federal law; or

12 (D) an alien that has been granted asylum under federal law;

13 and

14 (6) was, during the entire period described in (3) of this subsection,
15 present in the state or, if absent, was absent only as allowed in AS 43.23.008.

16 * Sec. 3. AS 43.23.005(c) is amended to read:

17 (c) A parent, guardian, or other authorized representative who meets the
18 requirements of (a)(2) - (6) of this section may claim a permanent fund dividend on
19 behalf of an unemancipated minor or on behalf of a disabled or an incompetent
20 individual who is eligible to receive a payment under this section. Notwithstanding
21 (a)(2) - (4) of this section and AS 43.23.008(b), a minor who is otherwise eligible is
22 eligible for a dividend if, during the two calendar years immediately preceding the
23 current dividend year, the minor was born to or adopted by an individual who is
24 eligible for a dividend for the current dividend year.

25 * Sec. 4. AS 43.23.005(d) is amended to read:

26 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual
27 who has been convicted of a felony is not eligible for a permanent fund dividend for
28 a year when, during all or part of the previous calendar year, as a result of the
29 conviction, the individual is incarcerated. This subsection does not apply if the
30 felony conviction is reversed. An action taken under AS 12.55.085 - 12.55.110
31 does not constitute reversal of a conviction for purposes of this subsection.

1 * Sec. 5. AS 43.23 is amended by adding a new section to read:

2 Sec. 43.23.008. ALLOWABLE ABSENCES. (a) Subject to (b) and (c) of this
3 section, an otherwise eligible individual who is absent from the state during the
4 calendar year immediately preceding the current dividend year remains eligible for the
5 dividend if the individual was absent

6 (1) receiving full-time technical training as part of a career education
7 program recognized by the Alaska Commission on Postsecondary Education if the
8 commission informs the department that there is no comparable technical training
9 reasonably available in the state;

10 (2) attending full-time an academic institution, seminar, or other
11 program for continuing professional educational development, including a sabbatical,
12 legal, or accounting program, recognized by the Alaska Commission on Postsecondary
13 Education if the commission informs the department that there is no comparable
14 program reasonably available in the state;

15 (3) attending a special education program to assist in the treatment of
16 learning or physical disabilities or the treatment of mental disorders if attendance is
17 recommended by a licensed physician, psychologist, physical therapist, or the
18 commissioner of education, and if the commissioner of education informs the
19 department that there is no comparable special education program reasonably available
20 in the state;

21 (4) attending full-time at an educational institution in grades 7 through
22 12;

23 (5) attending full-time at an accredited college, university, or junior or
24 community college in a program leading to an associate, baccalaureate, or graduate
25 degree;

26 (6) serving on active duty as a member of the armed forces of the
27 United States;

28 (7) receiving continuous medical treatment recommended by a licensed
29 physician or convalescing as recommended by the physician that treated the illness if
30 the treatment or convalescence is not based on a need for climatic change;

31 (8) accompanying a minor who is absent under (7) of this subsection;

- 1 (9) serving as a member of the United States Congress;
- 2 (10) serving on the staff of a member of the United States Congress
- 3 from the state;
- 4 (11) serving as a full-time volunteer in the Peace Corps;
- 5 (12) serving as an employee of the state, including employment in a
- 6 field office;
- 7 (13) in the custody of the state;
- 8 (14) actively participating on a United States national athletic team as
- 9 an eligible athlete as defined by the International Federation and National Governing
- 10 Body for each nonprofessional sport;
- 11 (15) accompanying an eligible individual as the spouse, minor
- 12 dependent, or disabled dependent of the eligible individual;
- 13 (16) for a reason consistent with the individual's intent to remain a
- 14 resident, provided the absence or cumulative absences do not exceed
- 15 (A) 180 days if the individual is not claiming an absence under
- 16 (1) - (15) of this subsection and provided that the individual
- 17 (i) established the individual's principal home in this
- 18 state before leaving this state;
- 19 (ii) has not taken an action inconsistent with an intent
- 20 to maintain the individual's principal home in this state;
- 21 (iii) has not taken an action to establish or maintain a
- 22 principal home outside of this state;
- 23 (iv) returned to the individual's principal home in this
- 24 state at the conclusion of the absence;
- 25 (B) the greater of 90 days, one school semester during which
- 26 the individual was enrolled, or one school quarter during which the individual
- 27 was enrolled, in addition to any absence or cumulative absences claimed under
- 28 (1) or (5) of this subsection if the individual is not claiming any absence under
- 29 (2) - (4) or (6) - (15) of this subsection; or
- 30 (C) 45 days in addition to any absence or cumulative absences
- 31 claimed under (1) - (15) of this subsection.

1 (b) An individual who is otherwise eligible and who is absent for more than
2 180 days during the calendar year immediately preceding January 1 of the current
3 dividend year remains eligible for the dividend only if the individual was a resident
4 of the state for at least six consecutive months immediately before leaving the state.

5 (c) An individual is not eligible for a dividend if the individual was absent for
6 more than 180 days during the qualifying period

7 (1) under AS 43.23.005(a)(3) for that dividend; and

8 (2) for each of the five dividends immediately preceding that dividend,
9 excluding absences allowed under (a)(7) - (9) of this section and absences while
10 accompanying, as the spouse, minor dependent, or disabled dependent, an eligible
11 individual who is absent for a reason allowed under (a)(7) - (9) of this section.

12 * Sec. 6. AS 43.23.015(b) is amended to read:

13 (b) The department shall prescribe and furnish an application form for claiming
14 a permanent fund dividend. The application must include

15 (1) notice of the penalties provided for under AS 43.23.035; [AND
16 CONTAIN]

17 (2) a statement of eligibility and a certification of residency to be
18 signed by the applicant or appropriate representative if the application is filed
19 under AS 43.23.005(c) or 43.23.015(e); and

20 (3) a statement to be signed by

21 (A) two other people who can attest to the eligibility of the
22 applicant; or

23 (B) one other person who can attest to the eligibility of the
24 applicant if the application is filed under AS 43.23.005(c) or 43.23.015(e).

25 * Sec. 7. AS 43.23.035(a) is amended to read:

26 (a) In addition to any criminal penalties imposed by state law, if an individual
27 is convicted of a crime in connection with a false statement made in a certification
28 required under AS 43.23.015, and the conviction is not reversed, that individual forfeits
29 all permanent fund dividends paid and is not eligible for a future permanent fund
30 dividend. An action taken under AS 12.55.085 - 12.55.110 does not constitute
31 reversal of a conviction for purposes of this subsection.

1 * Sec. 8. AS 43.23.035(d) is amended to read:

2 (d) If notice is not sent within the time required under (b) of this section,
3 administrative or judicial proceedings may not be commenced for recovery of an
4 improperly paid dividend. The time limitations of (b) of this section do not apply

5 (1) to a duplicate payment of a dividend;

6 (2) if a dividend is forfeited under (a) of this section; or

7 (3) if it is more probable than not that an individual has committed a
8 crime in connection with a false statement made in an application.

9 * Sec. 9. AS 43.23.035 is amended by adding new subsections to read:

10 (e) Except as provided in (f) of this section, the department may not, during
11 the time in which an appeal may be filed or while an appeal is pending, pay a
12 dividend to an individual who, as a result of a proceeding under this section, owes
13 money to the state.

14 (f) The department shall pay to an individual who is not the subject of a
15 criminal investigation under this section any prior year dividend for which the
16 individual is eligible if, by September 30 of the year following the year for which the
17 dividend is declared, the

18 (1) individual has not exhausted the individual's appeal rights related
19 to the money owed to the state as a result of a proceeding under this section; and

20 (2) department has not issued a formal hearing decision affirming that
21 the individual owes money to the state as a result of a proceeding under this section.

22 * Sec. 10. AS 43.23.055 is amended to read:

23 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

24 (1) annually pay permanent fund dividends from the dividend fund;

25 (2) subject to AS 43.23.011 and paragraph (8) of this section, adopt
26 regulations under AS 44.62 (Administrative Procedure Act) that establish procedures
27 and time limits for claiming a permanent fund dividend and for providing missing
28 or additional information; the department shall determine the number of eligible
29 applicants by October 1 of the year for which the dividend is declared and pay the
30 dividends by December 31 of that year;

31 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)

1 that establish procedures and time limits for an individual upon emancipation or upon
2 reaching majority to apply for permanent fund dividends not received during minority
3 because the parent, guardian, or other authorized representative did not apply on behalf
4 of the individual;

5 (4) assist residents of the state, particularly in rural areas, who because
6 of language, disability, or inaccessibility to public transportation need assistance to
7 establish eligibility and to apply for permanent fund dividends;

8 (5) annually determine, in cooperation with the Department of
9 Corrections, the number and identity of individuals ineligible for a permanent fund
10 dividend under AS 43.23.005(d);

11 (6) adopt regulations that are necessary to implement AS 43.23.005(d);

12 (7) adopt regulations that establish procedures for the parent, guardian,
13 or other authorized representative of a disabled individual to apply for prior year
14 permanent fund dividends not received by the disabled individual because no
15 application was submitted on behalf of the individual;

16 (8) adopt regulations that establish procedures for an individual to apply
17 to have a dividend warrant reissued if it is returned to the department as undeliverable
18 or it is not paid within two years of the date of its issuance; however, the department
19 may not establish a time limit within which an application to have a warrant reissued
20 must be filed;

21 (9) adopt regulations establishing an optional longevity bonus program
22 to provide for the direct payment by the department of an individual's permanent fund
23 dividend to an annuity program selected by the individual.

24 * Sec. 11. AS 43.23.065(a) is amended to read:

25 (a) Except as provided in (b) of this section, 45 percent of an individual's
26 [THE ANNUAL] permanent fund dividend [PAYABLE TO AN INDIVIDUAL] is
27 exempt from levy, execution, garnishment, attachment, or any other remedy for the
28 collection of debt. This exemption applies to an eligible individual's permanent fund
29 dividend both before and after payment is made to the individual. No other exemption
30 applies to a dividend. Notwithstanding other laws, a writ of execution upon a dividend
31 that has not been delivered to the debtor may be served on the commissioner by

1 certified mail, return receipt requested. Upon receipt of a writ by certified mail, return
2 receipt requested, the commissioner shall deliver that portion of the dividend executed
3 upon to the court along with the case name and number.

4 * Sec. 12. AS 43.23.065(b) is amended to read:

5 (b) An exemption is not available under this section for permanent fund
6 dividends taken to satisfy

7 (1) amounts owed to the state under AS 43.23.035(a) or (b);

8 (2) child support obligations required by court order or decision of the
9 child support enforcement agency under AS 25.27.140 - 25.27.220;

10 (3) [(2)] court ordered restitution under AS 12.55.045 - 12.55.051 or
11 12.55.100;

12 (4) [(3)] claims on defaulted scholarship loans under AS 43.23.067;

13 (5) [(4)] court ordered fines; or

14 (6) [(5)] a debt, other than a debt under (1) - (5) of this subsection,

15 owed by an eligible individual to an agency of the state, unless the debt is contested
16 and an appeal is pending, or the time limit for filing an appeal has not expired.

17 * Sec. 13. AS 43.23.065(d) is amended to read:

18 (d) The department may not accept an [AN] assignment of a current year
19 dividend or a levy, execution, garnishment, attachment, or other remedy for the
20 collection of debt applied to a current year dividend [FOR A YEAR MAY NOT BE
21 ACCEPTED BY THE DEPARTMENT] before April 1 of the current dividend
22 [THAT SAME] year. AS 09.38.080(c) and 09.38.085 do not apply to a levy on a
23 permanent fund dividend. The department shall include the case number with a
24 dividend or portion of a dividend transmitted to the court in response to a writ of
25 execution or other court order. At the time payment is made to the court, the
26 department shall send to the individual at the address provided in the individual's
27 dividend application and to the court that issued the writ or order a notice that contains

28 (1) notification that all or part of the individual's dividend has been
29 seized under a writ of execution or court order;

30 (2) the name and address of the court that issued the writ or order;

31 (3) the case number for which the writ or order was issued;

- 1 (4) the amount seized under the writ or order; and
2 (5) notification that the individual has 30 days from the date the notice
3 is mailed in which to file with the court an objection to the seizure if a mistake has
4 been made.

5 * Sec. 14. AS 43.23.069(b) is amended to read:

- 6 (b) A person may assign the right to receive a permanent fund dividend to a
7 federal, state, or municipal government agency for a debt owed to or administered
8 by the agency or to a court for a debt owed to the court.

9 * Sec. 15. AS 43.23 is amended by adding a new section to read:

10 Sec. 43.23.089. RELEASE OF INFORMATION. (a) Except to the extent
11 required under AS 24.20.271 and AS 24.55.160 - 24.55.170 and as provided in this
12 section, information related to an individual's application or dividend, including a
13 dividend eligibility determination made by the department, is confidential. Except as
14 provided in (e) of this section, the department shall provide information related to an
15 individual's application or dividend to that individual upon the request of that
16 individual.

17 (b) The following information is subject to release by the department under the
18 following conditions:

19 (1) to any person who makes a written request and pays a fee set by
20 the department that does not exceed the actual cost of preparing and copying the
21 information, the names and mailing addresses of applicants;

22 (2) to the court system for use in developing a jury list under
23 AS 09.20.050, the names, mailing addresses, and birth dates of applicants who are 18
24 years old or older;

25 (3) to the division of elections at the discretion of the department for
26 use in voter registration drives, the names, mailing addresses, and birth dates of
27 applicants who are 18 years old or older;

28 (4) to a municipality, the state, or the federal government at the
29 discretion of the department, information for use in the collection of money owed to
30 the requesting government or for use in an investigation by the requesting government;

31 (5) to a process server at the discretion of the department, information

1 related to payments made by the department to the process server;

2 (6) to a person who has filed an application on behalf of another
3 individual, information regarding the eligibility status of that individual;

4 (7) to the office of a legislator or the governor, information regarding
5 an application filed by an individual if the individual has requested assistance from the
6 legislator or the governor in a matter concerning the application.

7 (c) Notwithstanding (b) of this section, the department may release information
8 regarding a bank, credit union, savings and loan, or other financial account of an
9 individual only if the department

10 (1) receives authorization from the individual to release the information;

11 (2) receives a court order directing that the information be released;

12 (3) receives a request from a municipality, the state, or the federal
13 government and the information is sought in connection with a criminal investigation
14 by the requesting government; or

15 (4) makes use of the information to recover an improperly paid
16 dividend or a penalty under AS 43.23.035.

17 (d) The department shall release on request of an adult or emancipated minor
18 information pertaining to all applications filed with the application of the requestor.

19 (e) Notwithstanding other provisions of law and except as required by court
20 order, if an individual who provides the department with information that might
21 disqualify another individual from receiving a dividend requests nondisclosure, the
22 department may not disclose the identity of the individual who provides the
23 information.

24 * Sec. 16. AS 43.23.095 is amended to read:

25 Sec. 43.23.095. DEFINITIONS. In this chapter,

26 (1) "Alaska permanent fund" means the fund established by art. IX,
27 sec. 15 of the state constitution;

28 (2) [REPEALED

29 (3) REPEALED

30 (4)] "disabled" means physically or mentally unable to complete and
31 sign an application due to a serious emotional disturbance, visual, orthopedic, or other

1 health impairment, or developmental disability that is attributable to mental retardation,
2 cerebral palsy, epilepsy, autism or other cause; "disabled" does not mean
3 "incompetent";

4 (3) [(5)] "dividend fund" means the fund established by AS 43.23.045;

5 (4) [(6)] "individual" means a natural person;

6 (5) [(7)] "permanent fund dividend" means a right to receive a payment
7 from the dividend fund;

8 (6) [(8)] "state resident" means an individual who is physically present
9 in the state with the intent to remain permanently in the state under the requirements
10 of AS 01.10.055 or, if the individual is not physically present in the state, maintains
11 and demonstrates at all times an intent [INTENDS] to return to the state to [AND]
12 remain permanently in the state under the requirements of AS 01.10.055 [, AND IS
13 ABSENT ONLY FOR ANY OF THE FOLLOWING REASONS:

14 (A) VOCATIONAL, PROFESSIONAL, OR OTHER SPECIFIC
15 EDUCATION FOR WHICH A COMPARABLE PROGRAM WAS NOT
16 REASONABLY AVAILABLE IN THE STATE;

17 (B) SECONDARY OR POSTSECONDARY EDUCATION;

18 (C) MILITARY SERVICE;

19 (D) MEDICAL TREATMENT;

20 (E) SERVICE IN CONGRESS;

21 (F) OTHER REASONS WHICH THE COMMISSIONER MAY
22 ESTABLISH BY REGULATION; OR

23 (G) SERVICE IN THE PEACE CORPS;

24 (9) "YEAR" MEANS A CALENDAR YEAR].

25 * Sec. 17. PERMANENT FUND DIVIDENDS FOR CERTAIN SPOUSES AND
26 DEPENDENTS. Notwithstanding the provision in AS 43.23.015(a) that the residency of an
27 individual's spouse may not be the principal factor relied upon in determining the residency
28 of the individual, an otherwise eligible individual who applied for a 1992 or 1993 permanent
29 fund dividend within the time prescribed by law is eligible for the dividend even if the
30 individual was absent from the state while accompanying as the spouse, minor dependent, or
31 disabled dependent another person who was absent for a reason permitted under former

1 AS 43.23.095(8) and was eligible for that dividend.

2 * Sec. 18. Sections 1 - 3, 5, 6, 10 - 14, and 16 of this Act are retroactive to January 1,
3 1994.

4 * Sec. 19. Sections 1 - 3, 5, 6, and 8 - 18 of this Act take effect immediately under
5 AS 01.10.070(c).

6 * Sec. 20. Sections 4 and 7 of this Act take effect January 1, 1995.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 392

Revision Date:	Dept. Affected: Revenue
Title: <u>Permanent Fund Dividend Program</u>	BRU: <u>Permanent Fund Dividend</u>
Sponsor: <u>PARNELL</u>	Component: <u>Permanent Fund Dividend</u>
Requestor: <u>House State Affairs</u>	COMPONENT SERIAL NO. <u>981</u>

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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 (FY94) impact: \$ -0-

ANALYSIS:

The Department has worked closely with the sponsor and *strongly supports* this legislation.

Prepared by:	Thomas C. Williams	Phone: 465-2323
Division:	Permanent Fund Dividend	Date: 01-31-94
Approved by Commissioner:		Date: 1/31/94
Agency:	Department of Revenue	

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ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
1993 DIVIDEND PAYMENTS TO ELIGIBLE APPLICANTS WITH ABSENCES

As of December 20, 1993

93 Abs Code	Absence Reasons	Applicants			Amount Paid		
		Total	Days Absent		Total	Days Absent	
			91 - 180	>180		91 - 180	>180
<i>Adult</i>							
B	Full Time Student	5,892	2,185	3,707	\$5,594,218.32	\$2,074,570.10	\$3,519,648.22
C	Active Duty Armed Forces	3,417	756	2,661	3,744,304.82	717,791.76	2,526,513.06
J	Vacation	2,819	2,540	279	2,676,527.74	2,411,628.40	264,899.34
A	Accompany Eligible Alaskan	2,374	743	1,631	2,254,018.04	705,448.78	1,548,569.26
L	Other Including Business	1,307	1,156	151	1,240,944.22	1,097,575.76	143,368.46
D	Continuous Medical Treatment	397	312	85	376,935.62	296,231.52	80,704.10
K	Seek Employment or Employed	254	217	37	241,162.84	206,032.82	35,130.02
G	Full Time Charitable Service	83	75	8	78,805.18	71,209.50	7,595.68
H	Employed by the State of AK	64	42	22	60,765.44	39,877.32	20,888.12
E	AK Cong Delegation or Staff	51	17	34	48,422.46	16,140.82	32,281.64
F	Full Time Peace Corp Service	25	4	21	23,736.50	3,797.84	19,938.66
I	Custody of the State of AK	1	1	0	949.46	949.46	0.00
Total	<u>Eligible Adults with Absences</u>	<u>14,709</u>	<u>6,598</u>	<u>8,111</u>	<u>13,965,607.14</u>	<u>6,264,537.08</u>	<u>7,701,070.06</u>
<i>Child</i>							
A	Accompany Eligible Sponsor	5,552	1,649	3,903	5,271,401.92	1,565,659.54	3,705,742.38
B4	Other Reasons	542	346	196	514,607.32	328,513.16	186,094.16
B1	Full Time Student	373	223	150	354,148.58	211,729.58	142,419.00
B3	Vacation	348	317	37	330,412.08	295,282.06	35,130.02
B2	Continuous Medical Treatment	50	35	15	47,473.00	33,231.10	14,241.90
Total	<u>Eligible Children with Absences</u>	<u>6,421</u>	<u>2,255</u>	<u>4,166</u>	<u>6,096,482.66</u>	<u>2,141,032.30</u>	<u>3,955,450.36</u>
Total	<u>Eligible Applicants with Absences</u>	<u>21,130</u>	<u>8,853</u>	<u>12,277</u>	<u>\$20,062,089.80</u>	<u>\$8,405,569.38</u>	<u>\$11,656,520.42</u>

Notes: Each row with an absence reason represents the number of applicants who listed that particular absence on their application.

The number of applications for individuals absent 91-180 days during 1992 plus the number of applications for individuals absent 181 or more days during 1992 equals the total number of applications with each listed absence.

The total number of adults with absences will always be less than or equal to the sum of column of the individual adult absences because some adults have more than one absence reason. Similarly, the total number of children with absences will always be less than or equal to the sum of column of the individual child absences because some children have more than one absence reason.

The total number of adults with absences plus the total number of children with absences equals the total number of applicants with absences.

Alaska State Legislature

REPRESENTATIVE
SEAN R. PARNELL



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HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

HOUSE BILL 392

"An Act relating to the confidentiality of permanent fund dividend application information; relating to the permanent fund dividend; and providing for an effective date"

This bill has been developed in coordination with the Permanent Fund Dividend Division to improve, update and place into law some of the current regulations of the program. I encourage passage of this bill quickly because of its PFD eligibility restoration clause affecting two years of PFD's (1992 & 1993) for 1600 Alaskans and the accompanying correction for future eligibility. This clause is necessary because of a recent court decision which interpreted a 1992 legislative action differently than the legislature intended. This eligibility problem stems from the legislature's inadvertent removal of the "piggy back" rule which allows spouses to be absent with their resident spouse, if their resident spouse is absent for an allowable reason. The "piggy back" will be reestablished by redefining allowable absences as eligibility criteria instead of elements of residency.

Additionally, the bill would place many regulations into statute as a means of protecting PFD recipients from the often changing winds of regulations. The most noteworthy of these is the provision protecting a PFD applicants' financial privacy. The bill also places into statute regulations on: allowable absences and six month pre-departure residency requirement; exemption for children from the six month pre-departure residency requirement; requirements for application signatures; and a reaffirmation of the department's authority to establish deadlines.

SECTIONAL ANALYSIS OF HB 392

As of January 21, 1994

- Section 1.* Updates a reference to correspond to the amendments made in *Section 12*.
- Section 2.* a. Redefines allowable absences as eligibility criteria instead of elements of residency; and
b. eliminates redundant language.
- Section 3.* a. Closes a loophole for children born out of state to nonresidents; and
b. exempts children from 6 month pre-departure residency requirement enacted in *Section 5*.
- Section 4.* a. Places into statute what common law currently requires; and
b. ensures that an individual who was granted a suspended imposition of sentence would still be ineligible if incarcerated for a felony conviction.
- Section 5.* a. Places into statute all absences currently allowable by regulation;
b. eliminates the department's discretion to add allowable absences; and
c. moves into statute the 6 month pre-departure regulatory requirement for absences exceeding 180 days during the qualifying year.
- Section 6.* a. Ensures an applicant must sign their application; and
b. adds requirement for verifier(s).
- Section 7.* Ensures that an individual who was granted a suspended imposition of sentence would still be banned from future program participation and subject to a penalties in AS 43.23.035 if convicted of a crime in connection with making application.
- Section 8.* Allows duplicate payments of dividends to be assessed without a time limit.
- Section 9.* Allows the department to withhold payments if an applicant has an unpaid assessment pending.
- Section 10.* Makes the department's current authority to establish deadlines explicit.
- Section 11.* Clarifies language to correspond to the original intent as administered from the beginning of the program.
- Section 12.* Gives the PFD program priority in recovering erroneous payments before all other levies, executions, garnishments and attachments.
- Section 13.* Clarifies language and corrects a grammatical error.

SECTIONAL ANALYSIS OF HB 392

As of January 21, 1994

- Section 14.* Adds language to make it clear that the intent of the statute cannot be circumvented by having a judgement assigned to the court only to be distributed to a private party by the court on the assignor's behalf.
- Section 15.* Places into statute most of the current confidentiality regulations.
- Section 16.*
- a. Deletes the reference to absences in the definition of "state resident" since absences are redefined as eligibility criteria in *Section 2*;
 - b. makes it clear that while absent an individual must maintain at all times an intent to return to remain permanently in order to retain residency; and
 - c. renumbers the section as appropriate.
- Section 17.* Reaffirms the 1992 and 1993 eligibility of individuals accompanying their eligible resident spouse [*Superior Court Dana Fabe's December 16, 1993 decision invalidated the "piggyback" provision of 15 AAC 23.163(c)(15) effective January 1, 1992*].
- Section 18.* January 1, 1994 effective date for sections 1 - 3, 5, 6, 10 - 14, and 16.
- Section 19.* Immediate effective date for sections 1 - 3, 5, 6, and 8 - 18.
- Section 20.* January 1, 1995 effective date for sections 4 and 7.

The bill would update statutes to comply with current law by closing some minor loopholes and clarifying original intent. Specifically, this would be accomplished by:

- (1) closing a loophole so convicted felons cannot receive a PFD;
- (2) closing a loophole related to children born out of state to nonresidents;
- (3) adding a requirement for a verifier on the application;
- (4) allowing collection of duplicate payments without expiration;
- (5) allowing the department limited power to withhold payments if an applicant has an unpaid assessment pending;
- (6) clarifying how much of an individual's dividend is exempt from attachment;
- (7) giving the PFD program priority to recover erroneous payments;
- (8) clarifying that the statutory intent cannot be circumvented by having a judgment assigned to the court only to be distributed to a private party by the court on the assignor's behalf; and
- (9) clarifying other general language and correcting grammatical errors.

This bill will address a pressing need for 1600 Alaskans as well as assist the PFD Division in administering the program more efficiently and effectively. For these reasons I respectfully urge your support of HB 392.

HB

393

FISCAL NOTE

Revision Date: January 21, 1994 Dept. Affected: Community & Regional Affairs
Title: An Act relating to unincorporated community BRU: Administration & Support
capital project matching grant program Component: Administrative Services
Sponsor: Rep. Moses
Requestor: _____ COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)
Based on the definition of communities that would be made eligible for program participation under this legislation, the Department has determined an additional 24 unincorporated communities could participate. The program provides for a \$25,000 match for each unincorporated participant. Therefore, an additional \$600,000 would be needed to fully fund the unincorporated element of the amended capital match program administered by the Department. However, it is our understanding these funds would be re-allocated to the Department from the municipal element of the program administered by the Department of Administration. That being the case, there would be zero net fiscal impact to the state under the proposed amendment. (Continued on separate page.)

Prepared by: Remond Handerson, Director *Remond Handerson* Phone: 465-4708
Division: Administrative Services Date: 1/27/94
Approved by Commissioner: *B. R. Knight* DEPUTY COMMISSIONER Date: 1/28/94
Agency: Community & Regional Affairs

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Fiscal Note CRA

Fiscal Note Analysis Continued

The addition of 24 new participants to the unincorporated community Capital Match Program administered by the Department will translate into increased burdens of grant tracking and community assistance for departmental staff. Nevertheless, the Department feels these additional duties can be absorbed by existing staffing levels. One new grant administration position was created in the Department in conjunction with the passage of the original Capital Match Program legislation in 1993. This position should be able to accommodate the additional work load that would result from passage of HB393.

ARG 1-28-94

FISCAL NOTE

No. 2
 Bill Version: CSHB 393(CRA)
 (H) Publish Date: 2/28/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Allocated: Administration
 Title: "An Act relating to the unincorporated community BRU: Administrative Services
capital project matching grant program; and providing..." Component: Administrative Services
 Sponsor: Representative Moses
 Requestor: (H) CRA COMPONENT SERIAL NO. 46

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of current year (FY94) cost: \$ None

POSITIONS:

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

ANALYSIS: (Attach a separate page in necessary)

Prepared by: Sharon Barton, Director Phone: 465-2277
 Division: Administrative Services Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 1/27/94
 Agency: Administration

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FISCAL NOTE

No. 3
 Bill Version CSHB 393(CRA)
 (H) Publish Date: 2/28/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 24, 1994
 Title: "An Act relating to the unincorporated community capital project matching grant program..."
 Sponsor: Representative Moses
 Requestor: Representative Moses

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 24, 1994
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law Date: January 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 393

ANALYSIS CONTINUATION:

This bill amends AS 37.06 to provide that unincorporated communities located within boroughs that are not connected by road to a city, unified municipality, or another unincorporated community, are eligible to participate in the unincorporated community capital project matching grant program. This program has no direct relationship with the Department of Law, and there will not be a fiscal impact for the department.

FISCAL NOTE

Revision Date: _____ Department Affected: **DOT&PF**
 Title: **Unincorporated Comm. Cap Project Gran** BRU: _____
 Sponsor: **Moses** Component: _____
 Requestor: _____ Component Serial Number: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

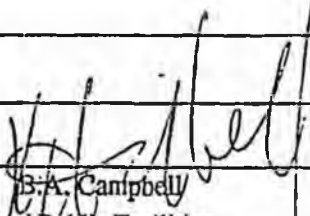
POSITIONS

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 (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Based on discussions with the program administrator and DOT&PF capital budget staff, passage of HB 393 amending the unincorporated community capital project matching grant program will have no impact on DOT&PF.

Prepared by: Marti Dilley Phone: 465-4070
 Division: Statewide Planning Date: February 2, 1994
 Approved by Commissioner:  Phone: 465-3901
 Agency: Department of Transportation and Public Facilities Date: February 4, 1994

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FEB 23 1994

Alaska State Legislature
Representative Carl E. Moses

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HOUSE RULES COMMITTEE

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HOUSE SPECIAL COMMITTEE FISHERIES

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CAPITAL BUILDING, ROOM 204
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FAX: (907) 455-3445

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

Memorandum

Date: February 23, 1994

To: Representative Al Vezey
Chairman, House State Affairs Committee

From: Representative Carl E Moses *CEM*
Chairman, House Rules Committee

Re: Request for Hearing

I would like to request a committee hearing for CSHB 393(CRA), relating to the unincorporated community capital matching grant program, at your earliest convenience.

CSHB 393(CRA) amends AS 37.06.020, the eligibility requirements to participate in the **Unincorporated** community capital matching grants program. Currently, only unincorporated communities outside of organized boroughs can participate directly in the program. Unincorporated communities within boroughs do not participate directly, and only receive a portion of the borough's allocation of the **Municipal Capital Matching Grants Program**, if the borough sees fit.

CSHB 393(CRA) will level the playing field for unincorporated communities by allowing those outside of boroughs, and those inside of boroughs, where 25 or more residents permanently reside, to participate in the program currently administered from the Department of Community and Regional Affairs. The bill will take effect July 1, 1994.

When the language to develop the Capital Matching Grants Programs was drafted, there was an oversight in recognizing that some boroughs have many unincorporated communities within them that must share the boroughs entitlement. The Mat-Su, Kenai Peninsula, and the Lake and Peninsula Boroughs, for instance, have 3, 5, and 13 unincorporated communities, respectively. Therefore, I would appreciate prompt scheduling in the House State Affairs Committee.

The Community and Regional Affairs Committee adopted two amendments; the first allows borough oversight of projects, and the second eliminated a qualifier that I'd attached, so the program now allows unincorporated communities with 25 permanent residents to become eligible to participate directly in the program. If you have questions, please contact Karen Brand of my staff at 3765.

ADAK • AKUTAN • AMCHITKA • ATKA • ATTU • BELKOFSKI • CHERNOFSKI • CHIGNIK • CHIGNIK LAGOON • CHIGNIK LAKE
COLD BAY • DUTCH HARBOR • EGEKIK • EKWOK • FALSE PASS • IVANOF BAY • KING COVE • KING SALMON • KOLIGANEK • LEVELOCK • NAKNEK
NELSON LAGOON • NEW STUYAHOK • NIKOLSKI • PEDRO BAY • PERRYVILLE • PILOT POINT • PORT HEIDEN • PORT MOLLER • SAND POINT
SHEMYA • SOUAW HARBOR • SOUTH NAKNEK • ST. GEORGE ISLAND • ST. PAUL ISLAND • UGASHIK • UNALASKA • UNGA

REQUEST

Sponsor Statement
HB 393
Representative Carl E. Moses

HB 393 relates to the unincorporated community capital matching grant program.

HB 393 amends AS 37.06.020, the eligibility requirements to participate in the **Unincorporated** community capital matching grants program. Currently, only unincorporated communities outside of organized boroughs can participate directly in the program. Unincorporated communities within boroughs do not participate directly, and only receive a portion of the borough's allocation of the **Municipal Capital Matching Grants Program**, if the borough sees fit.

HB 393 will level the playing field for all unincorporated communities by allowing those outside of boroughs, and those inside of boroughs where 25 or more residents permanently reside, and where there is no roadway connection to other communities, to participate in the program currently administered from the Department of Community and Regional Affairs. The bill will take effect July 1, 1994.

When the language to develop the Capital Matching Grants Programs was drafted, there was an oversight in recognizing that the Lake and Peninsula Borough, for instance, has 13 unincorporated communities that must share the pool of Municipal grant monies that the borough receives. I would appreciate prompt consideration for HB 393, so that the 24 unincorporated communities that will be made eligible to participate in the program can do so in FY'05



Alaska State Legislature

House of Representatives
Community & Regional Affairs

LETTER OF INTENT

FOR CSHB 393(CRA)

Relating to
Unincorporated Community Capital Matching Grant Program

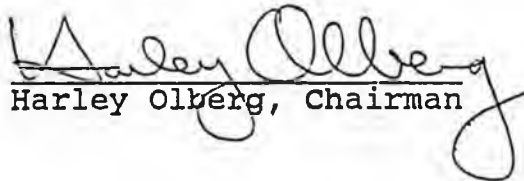
February 22, 1994

In passage of CSHB 393 from the Community and Regional Affairs Committee, it is our intent that the following be considered in the Finance Committee:

That changes in eligibility caused by this legislation not adversely impact current recipients. As a consequence, we request that the funding for the new eligible communities not dilute the unincorporated community capital matching grant fund but, to some extent, these funds be derived from the municipal account.

That some manipulation of the unincorporated and municipal accounts should be addressed to accommodate the changes brought forth with CSHB 393 to proportionately benefit all recipients.

That in the interest of fairness, you may consider lowering the minimum distribution, currently \$25,000, in the unincorporated community capital project matching grant program.


Harley Olberg, Chairman

Room 110, State Capitol, Juneau, Alaska 99801-1182 (907) 465-6832 or 465-3882

Letter OF INTENT

FISCAL NOTE

Revision Date: March 1, 1994 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to unincorporated community capital project matching grant program BRU: Administration & Support
 Sponsor: Rep. Moses Component: Administrative Services
 Requestor: _____ COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING						
PERSONAL SERVICES	42.7	43.9	45.3	46.6	48.1	49.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	42.7	43.9	45.3	46.6	48.1	49.6
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	42.7	43.9	45.3	46.6	48.1	49.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	42.7	43.9	45.3	46.6	48.1	49.6

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)
 Based on the definition of communities eligible for program participation under this legislation, the Department has determined an additional 60 unincorporated communities could participate. The program provides for a \$25,000 match for each unincorporated participant. Therefore, an additional \$1,500,000 would be needed to fully fund the unincorporated element of the amended Capital Match Program administered by the Department. However, it is our understanding that either the additional required funds would be re-allocated to the Department from the municipal element of the program administered by the Department of Administration, or
 (Continued on separate page.)

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 3/1/94
 Approved by Commissioner: *[Signature]* Date: 3/1/94
 Agency: Community & Regional Affairs

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Fiscal Note Analysis Continued

the unincorporated program funding level would be held at the level required before the addition of the 60 new communities (\$1.7 million). The later case would result in a pro-rating of each unincorporated community's share from \$25,000 down to \$13, 281. In either case, there would be zero net fiscal impact to the general fund with regard to funding the Capital Match Program under the proposed amendment.

The addition of 60 new participants to the unincorporated community Capital Match Program administered by the Department will translate into increased burdens of grant tracking and community assistance for departmental staff. The Department feels these additional duties could be absorbed by a new grant administration position that was created in the Department in conjunction with the passage of the original Capital Match Program legislation in 1993. However, there has been significant discussion in House and Senate Finance Committee hearings regarding the potential reduction of a grants administration position within this component. Should this occur, the remaining staff would not be able to absorb the increased work load. Therefore, a Grants Administrator I (range 13) is attached to this fiscal note.

95mosesALLOCATION FORMULA(P)

MUNICIPALITY	GRANT #	POP.	MATCH	GRANT
Akhiok	4501	78	1,316	25,000
Akiak	4502	303	1,316	25,000
Akutan (AEB)	4503	537	1,316	25,000
Alakanuk	4504	623	1,316	25,000
Aleknagik	4505	194	1,316	25,000
Aleutians East Borough (AEB)	4506	1	2,174	25,000
Allakaket	4507	189	1,316	25,000
Ambler (NAB)	4508	313	1,316	25,000
Anaktuvuk Pass (NSB)	4509	251	1,316	25,000
Anchorage, Municipality of	4510	242,638	2,452,069	5,721,493
Anderson (DB)	4511	650	1,316	25,000
Angoon	4512	725	1,404	26,670
Aniak	4513	551	1,316	25,000
Anvik	4514	104	1,316	25,000
Atka	4515	83	1,316	25,000
Atmautluak	4516	244	1,316	25,000
Atkasuk (NAB)	4517	219	1,316	25,000
	4518	0	0	0
	4519	0	0	0
Barrow (NSB)	4520	3,962	23,873	135,282
Bethel	4521	5,023	26,188	144,977
Bettles	4522	43	1,316	25,000
Brevig Mission	4523	234	1,316	25,000
Bristol Bay Borough	4524	3	1,316	25,000
Buckland (NAB)	4525	342	1,316	25,000
	4526	0	0	0
	4527	0	0	0
Chefornak	4528	346	1,316	25,000
Chevak	4529	606	1,316	25,000
Chignik (LPB)	4530	170	1,316	25,000
Chuathbaluk	4531	100	1,316	25,000
Clark's Point	4532	73	1,316	25,000
Coffman Cove	4533	240	1,316	25,000
Cold Bay (AEB)	4534	137	1,316	25,000
Cordova	4535	2,928	17,643	99,976
Craig	4536	1,455	8,767	49,681
	4537	0	0	0
	4538	0	0	0
Deering (NAB)	4539	161	1,316	25,000
Delta Junction	4540	757	1,466	27,847
Denali Borough (DB)	4541	582	1,316	25,000
Dillingham	4542	2,095	12,624	71,534

95mosesALLOCATION FORMULA(P)

Diomedea	4543	180	1,316	25,000
	4544	0	0	0
	4545	0	0	0
Eagle	4546	166	1,316	25,000
Eek	4547	273	1,316	25,000
Ekwok	4548	113	1,316	25,000
Elim	4549	290	1,316	25,000
Emmonak	4550	724	1,402	26,633
	4551	0	0	0
	4552	0	0	0
Fairbanks (FNSB)	4553	32,168	325,086	758,533
Fairbanks North Star Borough (FNSB)	4554	45,236	457,149	1,066,682
False Pass (AEB)	4555	84	1,316	25,000
Fort Yukon	4556	729	1,411	26,817
	4557	0	0	0
	4558	0	0	0
Galena	4559	821	1,592	30,201
Gambell	4560	566	1,316	25,000
Golovin	4561	146	1,316	25,000
Goodnews Bay	4562	250	1,316	25,000
Grayling	4563	208	1,316	25,000
	4564	0	0	0
	4565	0	0	0
Haines (HB)	4566	1,377	8,308	47,018
Haines Borough (HB)	4567	752	3,388	27,663
Holy Cross	4568	277	1,316	25,000
Homer (KPB)	4569	4,349	33,977	148,496
Hoonah	4570	968	1,876	35,609
Hooper Bay	4571	904	1,752	33,255
Houston (MSB)	4572	878	1,702	32,298
Hughes	4573	63	1,316	25,000
Huslia	4574	242	1,316	25,000
Hydaburg	4575	424	1,316	25,000
	4576	0	0	0
	4577	0	0	0
Juneau, City and Borough (CBJ)	4578	29,251	296,179	689,749
	4579	0	0	0
	4580	0	0	0
Kachemak (KPB)	4581	371	1,316	25,000
Kake	4582	712	1,380	26,192
Kaktovik	4583	217	1,316	25,000
Kaltag	4584	257	1,316	25,000
Kasaan	4585	47	1,316	25,000
Kasigluk	4586	464	1,316	25,000

95mosesALLOCATION FORMULA(P)

Kenai (KPB)	4587	6,613	81,930	190,869
Kenai Peninsula Borough (KPB)	4588	20,046	202,974	472,692
Ketchikan (KGB)	4589	8,692	107,688	250,874
Ketchikan Gateway Borough (KGB)	4590	5,584	69,182	161,169
Kiana (NAB)	4591	408	1,316	25,000
King Cove (AEB)	4592	871	1,688	32,041
Kivalina (NAB)	4593	365	1,316	25,000
Klawock	4594	774	1,500	28,472
Kobuk (NAB)	4595	97	1,316	25,000
Kodiak (KIB)	4596	7,581	93,923	218,808
Kodiak Island Borough (KIB)	4597	26,563	268,962	626,365
Kotlik	4598	514	1,316	25,000
Kotzebue (NAB)	4599	2,952	17,811	100,796
Koyuk	4600	281	1,316	25,000
Koyukuk	4601	129	1,316	25,000
Kupreanof	4602	24	1,316	25,000
Kwethluk	4603	641	1,316	25,000
	4604	0	0	0
	4605	0	0	0
Lake and Peninsula Borough (LPB)	4606	10	1,709	25,000
Larsen Bay (KIB)	4607	144	1,316	25,000
Lower Kalskag	4608	299	1,316	25,000
	4609	0	0	0
	4610	0	0	0
Manokotak	4611	408	1,316	25,000
Marshall (Fortuna Ledge)	4612	318	1,316	25,000
Matanuska-Susitna Borough (MSB)	4613	36,675	371,350	864,810
McGrath	4614	533	1,316	25,000
Mekoryuk	4615	206	1,316	25,000
Metlakatla	4616	1,560	9,412	53,266
Mountain Village	4617	802	1,555	29,502
	4618	0	0	0
	4619	0	0	0
Napakiak	4620	322	1,316	25,000
Napaskiak	4621	382	1,316	25,000
Nenana	4622	508	1,316	25,000
New Stuyahok	4623	408	1,316	25,000
Newhalen (LPB)	4624	185	1,316	25,000
Newtok	4625	259	1,316	25,000
Nightmute	4626	178	1,316	25,000
Nikolai	4627	108	1,316	25,000
Nome	4628	4,184	25,245	142,863
Nondalton (LPB)	4629	217	1,316	25,000
Noorvik (NAB)	4630	542	1,316	25,000

95mosesALLOCATION FORMULA(P)

North Pole (FNSB)	4631	1,671	10,082	57,056
North Slope Borough (NSB)	4632	2,145	31,431	73,241
Northwest Arctic Borough (NAB)	4633	144	8,156	25,000
Nuiqsut (NSB)	4634	393	1,316	25,000
Nulato	4635	378	1,316	25,000
Nunaptichuk (Akolmiut)	4636	475	1,316	25,000
	4637	0	0	0
	4638	0	0	0
Old Harbor (KIB)	4639	307	1,316	25,000
Ouzinkie (KIB)	4640	210	1,316	25,000
	4641	0	0	0
	4642	0	0	0
Palmer	4643	3,205	19,338	109,435
Pelican	4644	228	1,316	25,000
Petersburg	4645	3,528	22,465	120,463
Pilot Point (LPB)	4646	97	1,316	25,000
Pilot Station	4647	509	1,316	25,000
Platinum	4648	63	1,316	25,000
Point Hope (NSB)	4649	685	1,328	25,198
Port Alexander	4650	108	1,316	25,000
Port Heiden (LPB)	4651	133	1,316	25,000
Port Lions (KIB)	4652	259	1,316	25,000
	4653	0	0	0
	4654	0	0	0
Quinhagak	4655	523	1,316	25,000
	4656	0	0	0
	4657	0	0	0
Ruby	4658	207	1,316	25,000
Russian Mission	4659	287	1,316	25,000
	4660	0	0	0
	4661	0	0	0
Sand Point (AEB)	4662	1,095	6,607	37,389
Savoonga	4663	541	1,316	25,000
Saxman (KBG)	4664	388	1,316	25,000
Scammon Bay	4665	378	1,316	25,000
Selawik (NAB)	4666	637	1,316	25,000
Seldovia (KPB)	4667	292	1,316	25,000
Seward (KPB)	4668	2,704	16,959	92,328
Shageluk	4669	152	1,316	25,000
Shaktoolik	4670	212	1,316	25,000
Sheldon Point	4671	128	1,316	25,000
Shishmaref	4672	533	1,316	25,000
Shungnak (NAB)	4673	232	1,316	25,000
Sitka, City and Borough (CBS)	4674	9,100	112,742	262,650

95mosesALLOCATION FORMULA(P)

Skagway	4675	700	1,970	25,750
Soldotna (KPB)	4676	3,771	28,494	128,761
St. George	4677	287	1,316	25,000
St. Mary's	4678	477	1,316	25,000
St. Michael	4679	332	1,316	25,000
St. Paul	4680	763	1,604	28,068
Stebbins	4681	445	1,316	25,000
	4682	0	0	0
	4683	0	0	0
Tanana	4684	374	1,316	25,000
Teller	4685	235	1,316	25,000
Tenakee Springs	4686	106	1,316	25,000
Thorne Bay	4687	637	1,316	25,000
Togiak	4688	778	1,508	28,620
Toksook Bay	4689	510	1,316	25,000
Tuluksak	4690	353	1,316	25,000
Tununak	4691	330	1,316	25,000
	4692	0	0	0
	4693	0	0	0
Unalakleet	4694	756	1,466	27,810
Unalaska	4695	4,317	48,938	147,404
Upper Kalskag	4696	184	1,316	25,000
	4697	0	0	0
	4698	0	0	0
Valdez	4699	4,301	63,023	146,857
	4700	0	0	0
	4701	0	0	0
Wainwright (NSB)	4702	536	1,316	25,000
Wales	4703	145	1,316	25,000
Wasilla	4704	4,381	37,682	149,589
White Mountain	4705	185	1,316	25,000
Whittier	4706	294	1,316	25,000
Wrangell	4707	2,643	15,947	90,245
	4708	0	0	0
	4709	0	0	0
Yakutat	4710	671	1,316	25,000
TOTAL		0	5,517,666	16,825,000

HB

394

(7)

Date Referred: February 4, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-24-94

The STATE AFFAIRS Committee considered:

HB 394

HOUSE BILL NO. 394

UNIFORM LIMITED PARTNERSHIP ACT UPDATE

"An Act relating to limited partnerships; 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 _____

zero fiscal note(s) Commerce

SIGNING <u>DO PASS</u>	DP	<u>OTHER RECOMMENDATIONS</u>	DNP	NR	AM
<i>[Signature]</i>	X	<i>Hailey Olberg</i>		✓	
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				

[Signature]
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 394

Revision Date: _____
 Title: An Act relating to limited partnership

 Sponsor: Rep. Moses
 Requestor: _____

Department Affected: Commerce and Economic Development
 BRU: Banking, Securities and Corporations
 Component: _____

COMPONENT SERIAL NO. 1233

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

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

Estimate of current year (FY 94) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director *Willis*
 Division: Banking, Securities and Corporations

Phone: 465-2521
 Date: _____

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

Date: _____

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 394

Revision Date: January 24, 1994
Title: "An Act relating to limited partnerships;
and providing for an effective date."
Sponsor: Representative Moses
Requestor: House Rules Committee

Department Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division Date: January 24, 1994
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law Date: January 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 394

ANALYSIS CONTINUATION:

This bill repeals, reenacts, and amends a good part of the state's Limited Partnership Act, AS 32.10. The bill deals with transactions between private parties, and it will not have a fiscal impact for the Department of Law.

Alaska State Legislature

Representative Carl E. Moses

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
716 W. 4TH AVE #630
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-3167
FAX: (907) 258-2468

SPONSOR STATEMENT

HB 394 completes the upgrade of Alaska's Uniform Limited Partnership Act. With the adoption of this bill, Alaska limited partnership law will be brought into full conformance with recommended language of the National Conference of Commissioners on Uniform State Law (NCCUSL). Thirty-three other states have already adopted this uniform language.

The remaining component of the upgrade which HB 394 satisfies is the form of certification. Under the old language, the LONG form is prescribed when registering or amending a certificate of limited partnership. This form, vintage 1916, requires the submission of a substantial amount of material and information, most of which is today cumbersome and unrealistic, given that modern partnerships may include hundreds of investing partners.

Section 1 of this bill provides for the NOTICE, or short form of certification. This simply requires less information be submitted when registering or amending a certificate, and fewer situations in which reporting is required. Currently, the bulk of reports involve change in partner status, ownership share, and other general information. ALL INFORMATION pertinent to a limited partnership will still be required to be retained by the partnership.

The 1992 rewrite of Alaska's ULPA failed to address this certification question, only because the sponsor's conversion to the notice format came too late in the session to amend the bill in time for passage. Letters supporting last year's HB 112 attest to the overwhelming response to the NOTICE form over the LONG form.

The remaining sections of HB 394 provide for compatibility amendments which complete the transition to the NOTICE format. There are two zero fiscal notes (LAW & CED).

ADAK • AKUTAN • AMCHITKA • ATKA • ATTU • BELKOFSKI • CHERNOFSKI • CHIGNIK • CHIGNIK LAGOON • CHIGNIK LAKE
COLD BAY • DUTCH HARBOR • EGEKIK • EKWOK • FALSE PASS • IVANOF BAY • KING COVE • KING SALMON • KCLIGANEK • LEVELCCK • NAKNEK
NELSON LAGOON • NEW STUYAHOK • NIKOLSKI • PEDRO BAY • PERRYVILLE • PILOT POINT • PORT HEIDEN • PORT MOLLER • SAND POINT
SHEMYA • SQUAW HARBOR • SOUTH NAKNEK • ST. GEORGE ISLAND • ST. PAUL ISLAND • UGASHIK • UNALASKA • UNGA

Sponsor Statement

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

February 18, 1994

SUBJECT: Sectional summary of HB 394

TO: Representative Carl Moses
Attn: Tim

FROM: *TLB*
Theresa L. Bannister
Legislative Counsel

You have requested a sectional summary of HB 394. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 of the bill removes the requirement that two or more persons have to execute the certificate of limited partnership. Reduces the amount of information that must be provided in the certificate of limited partnership. This is the major change in the bill. The majority of the other changes in the bill reflect this change. The bill takes the approach of relying on a written partnership agreement or on the partnership records as the sources for the information deleted from the certificate.

Section 2 of the bill amends the section relating to the amendment of the certificate of limited partnership. Deletes partnership contribution changes from the list of events that require an amendment to the certificate of limited partnership. This reflects the deletion of contribution information from the information required to be in the certificate.

Section 3 amends the section on the execution of partnership certificates. Simplifies the execution requirements of certain partnership certificates by only requiring execution by the general partners. Deletes the reference to contributions. These changes are necessary because the certificate of limited partnership is no longer required to include information on limited partners and the contributions of the partners.

Representative Carl Moses

February 18, 1994

Page 2

Section 4 of the bill allows a person to use an attorney-in-fact to sign original certificates of limited partnership, certificates of amendment, and certificates of cancellation. Since the certificates are no longer required to contain information on limited partners or partnership contributions, the reference in this subsection to partners is limited to general partners, and the reference to contributions is deleted.

Section 5 of the bill changes the scope of the notice provided by a filed certificate of limited partnership. The certificate provides notice of who is a general partner, not who is a limited partner.

Section 6 of the bill changes the section on the admission of limited partners. The section is amended (1) to add subsection (a), and (2) to delete a subsection that provided that new limited partners are added by amending the certificate of limited partnership. These changes result from the changes made to the certificate of limited partnership. Under those changes, limited partners are no longer required to be identified in the certificate.

Section 7 of the bill indicates that a person who makes certain contributions to a limited partnership is liable as a general partner to certain third parties until either of two listed events occurs. Rewrites the second event to refer to general partners and not to limited partners, since the chapter no longer requires limited partners to be identified in the partnership certificates.

Section 8 of the bill addresses the enforceability and compromise of a partner's promise to contribute to the limited partnership. Adds a new subsection (a), and makes other changes to implement the fact that contribution information is no longer required to be included in the certificate of limited partnership.

Section 9 of the bill directs how profits and losses of a limited partnership are to be allocated among the partners. Substitutes a reference to the partnership records for the reference to the certificate of limited partnership, since information on the value of partnership contributions is no longer required to be contained in the certificate.

Section 10 of the bill directs how distributions are to be allocated among the partners. Substitutes a reference to the partnership records for the reference to the certificate of limited partnership, since information on the value of partnership contributions is no longer required to be contained in the certificate.

Section 11 of the bill states the extent and time when a partner is entitled to receive distributions from a limited partnership. The deletion of paragraph (2) reflects the changes made in sec. 1 of the bill to the information required to be in the certificate of limited partnership.

Section 12 of the bill establishes when a limited partner can withdraw from a limited partnership. Since under sec. 1 of the bill the certificate of limited partnership will contain less information, the section substitutes references to the partnership agreement for the references to the certificate. Requires the time or events of withdrawal to be specified in written form in the agreement or the section takes over.

Section 13 of the bill makes changes to reflect the bill's general approach to require less information in the certificate of limited partnership and refers instead to a written partnership agreement.

Section 14 of the bill makes changes to reflect the bill's general approach to require less information in the certificate of limited partnership and refers instead to the records required under AS 32.11.840 as the source of the information.

Section 15 of the bill makes changes to reflect the bill's general approach to require less information in the certificate of limited partnership. Refers instead to the partnership agreement as the source of the authority for giving an assignee of a partnership interest the right to become a limited partner.

Section 16 deletes the reference to the certificate of limited partnership since, under sec. 1 of the bill, the certificate is no longer required to contain information from which liabilities of the limited partnership could be ascertained.

Section 17 of the bill makes changes to reflect the bill's general approach to require less information in the certificate of limited partnership. The section substitutes a written partnership agreement as a source for determining what events trigger the dissolution of the partnership.

Section 18 of the bill deletes paragraph (3) from the registration application for a foreign limited partnership. The same deletion was made for domestic limited partnerships. Requires the foreign limited partnership to include in its registration application the name and address of each general partner, the address where information on the limited partners is kept, and an undertaking by the partnership to maintain the records.

Section 19. The deletion of AS 32.11.810(3) reflects that information on the character of the limited partnership's business is no longer required to be included in the certificate of limited partnership.

Section 20 of the bill requires a limited partnership to maintain records containing some of the information that is no longer required to be included in the certificate of limited partnership.

Representative Carl Moses

February 18, 1994

Page 4

Section 21 of the bill makes a deletion to reflect that the identity of the limited partners is no longer required to be included in the certificate of limited partnership.

Section 22 of the bill provides transition provisions for the bill.

Section 23 of the bill makes its provisions retroactive to July 1, 1993, to the extent constitutionally permissible.

Section 24 of the bill gives the bill an immediate effective date.

If I may be of further assistance, please advise.

TLB:pl

94-139.plm

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 485-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

June 25, 1993

*The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

Under the authority of Article II, Section 15, of the Alaska Constitution, I have vetoed:

HOUSE BILL NO. 112 am S

*"An Act relating to limited partnerships;
and providing for an effective date."*

I am vetoing the bill, not because I do not approve of the majority of the changes it would have made, but because it contains a minor but potentially harmful deviation (in Section 18) from the model uniform act upon which the bill is substantially based.

The language of Section 18 was included in the bill because of a concern that current law might be too restrictive of the circumstances under which a court might order dissolution of a limited partnership. I have been advised by the Department of Law that this new provision is somewhat vague, and presents the potential for unnecessary litigation and possibly other undesired results. Under current law, a court may dissolve a limited partnership only if "it is not reasonably practicable to carry on the business" of the partnership. AS 32.11.380. Section 18 of the bill gives the court potentially broader authority to dissolve a limited partnership, in "an equitable way," upon application by any partner.

Gov. Hickel