

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

9065 SENATE STATE AFFAIRS

HB

74

FISCAL NOTE

No. 3

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: HB 74

(H) Publish Date: 2/10/95

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the assault of children by BRU: Prosecution
adults." Component: All
 Sponsor: Representative Bunde
 Requester: Representative Bunde COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.41.220(a) to provide that a person commits the crime of assault in the third degree if the person, while being 18 years of age or older, causes physical injury to a child under 16 years of age but at least 10 years of age and the injury reasonably requires medical treatment. Assault in the third degree is a class C felony. It would be an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be 16 years of age or older, unless the victim was under 13 years of age at the time of the alleged offense. Currently, such behavior would be chargeable as assault in the fourth degree, a class A misdemeanor. Although there will be some impact, it should not be significant because prosecutors would use their discretion sparingly by bringing felony charges in those egregious cases that warrant tougher punishment.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho Attorney General Date: 1/23/95
 Agency: Department of Law

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COMMITTEE COPY

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the assault
of children by adults." Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Bunde
 Requestor: (H) State Affairs COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ -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.)
 No significant impact on the Alaska State Troopers is anticipated

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01-25-95
 Approved by Commissioner: *Ronald J. Otto* Date: 1/26/95
 Agency: Ronald J. Otto, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the assault of children by adults BRU: jil
 Component: jil
 Sponsor: Rep. Bunde
 Requester: Rep. Bunde COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE (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

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.41.220 (a) by extending it's application to the assault of someone 10 through 15 years old by another, 18 years of age or older. { sub section (3) added } It further provides for an affirmative defense in AS 11.41.220 (d)

The number of individuals sentenced to prison under the changes that would result from this bill is expected to be extremely small.

Prepared by: Jerry Shner
 Division: Comm. Office
 Approved by Commissioner: Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-5582
 Date: 1/20/95
 Date: 1-21-95

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

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SENATE COMMITTEE REPORT

DATE: 3/7/95

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered CSHB 74(FIN)

"An Act relating to the assault of children by adults."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

same title
new title

House Bill:

same title
technical change
new: SCR# _____

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Handwritten]</i>			
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓				

NEW FISCAL NOTE(S)

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
LAW	1/23	✓	
PUBLIC SAFETY	1/30	✓	
CORRECTIONS	1/21	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

REPRESENTATIVE CON BUNDE
CO CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE CHAIR RULES

Alaska State Legislature
House of Representatives

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 485-4843

DURING INTERIM
718 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

MEMORANDUM

DATE: March 9, 1995
TO: Senator Bert Sharp
Chair, Senate State Affairs
FROM: Rep. Con Bunde
Co-Chair House HESS
RE: HB 74

This memo is a request to calendar HB 58 for a Senate State Affairs Committee hearing at your earliest possible convenience.

The attached packet contains the necessary information for the packet. If you need further information, please contact Patti Swenson, ext 6825.

Thank you for your cooperation and help with this legislation.



SPONSOR STATEMENT HB 74

November of 1994 was a turning point for one 14 year old Anchorage boy. While delivering newspapers, via his snow machine, early one morning Sean Jensen was viciously attacked by 3 adults over the age of twenty. These "adults" held Sean while they punched out his two front teeth and ran over him with his own snow machine before they chased him home.

Sean's three attackers are charged with a misdemeanor. The public is outraged. If Sean was 10 years old or less his attackers would be charged with a felony for this vicious attack.

HB 74 will give prosecutors the ability to charge people over the age of 18 with a felony if they cause a physical injury that reasonably requires medical treatment to a child between the ages of 10 and 16.

In order to avoid unnecessary felony charges, HB 74 provides the prosecutor with the flexibility to charge a defendant with a misdemeanor (as they are charged under current statute) if the defendant reasonably believes the victim was 16 years of age or older. This provision protects those who should not have a felony charge as well as, minimizing the fiscal impact to the state.

Thank you for your positive consideration of HB 74.

DIVISION OF LEGAL SERVICE
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

January 20, 1995

SUBJECT: Sectional Summary of HB 74. (Work Order No. 9-LS0368A)

TO: Representative Con Bunde
Attn: Pattie Swenson

FROM: Gerald P. 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 41 220(a) by providing that a person commits assault in the third degree if the person is 18 years of age or older and causes physical injury that reasonably requires medical treatment to a child between the ages of 10 and 16.

Section 2 of the bill amends AS 11 41 220 by providing a new subsection that provides an affirmative defense to a prosecution under section 1 of the bill to a defendant that reasonably believes the victim was 16 years of age or older unless the victim was under 13 years of age at the time of the offense.

GPL glc
95-077 glc

¹ Assault in the third degree is a class "C" felony punishable as provided in AS 12 55 125.

² Recklessly causing physical injury reasonably requiring medical treatment to a child under 10 years of age is punishable as assault in the third degree under AS 11 41 220(a)(1)(C)(i).

³ AS 11 81 900(b)(1) provides "affirmative defense" means that
(A) some evidence must be admitted which places in issue the defense, and
(B) the defendant has the burden of establishing the defense by a preponderance of the evidence.



*Kok Mistrout
Mayor*

ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500



Established 1924

January 24, 1995

Representative Con Bunde
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representative Bunde:

The Anchorage Police Department strongly supports House Bill 74, which relates to the assault of children by adults. This law, if passed, will provide penalties more appropriate to the crime when adults, who must be completely responsible for their acts, injure children who cannot, in most cases, defend themselves.

Sincerely,

Kevin M. O'Leary
Chief of Police

Municipality
of
Anchorage



P.O. Box 190659
Anchorage, Alaska 99519-0650
Telephone: (907) 343-4433

Rick Mystrom, Mayor

OFFICE OF THE MUNICIPAL MANAGER

January 20, 1995

Representative Con Bunde
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Bunde:

There has been an outpouring of indignation over the fact that the three adults who viciously beat up a young paperboy leaving him with permanent physical damage can only be charged with misdemeanor assault.

Correction of this inequity is one of the top priorities in the Mayor's 1995 legislative program. House Bill 74 represents an important step toward making similar crimes subject to felony prosecution. We support your efforts in this area and may offer comments and suggestions as the bill moves through the various committees.

Thank you for taking the initiative on this issue of utmost importance to the citizens of Anchorage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry D. Crawford".

Larry D. Crawford
Municipal Manager



Anchorage School District

January 27, 1995

4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
Phone: (907) 333-9561

Representative Con Bunde
Alaska State Legislature
Juneau, Alaska 99801-1182

SCHOOL BOARD

- Debbie Osslander
President
- Peggy Robinson-Wilson
Vice President
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- Lorraine M. Ferrell
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- Harriet A. Drummond
- Joe A. Marks
- Sharon Richards
Past President

SUPERINTENDENT

B.S. Christal

Dear Representative Bunde:

The Administration of the Anchorage School District supports House Bill 74, an Act relating to the assault of children by adults.

Sincerely,

Larry Wiget, Director
Government Relations



Anchorage Pioneer Schoolhouse, built 1915

11-30-94

To Whom it May Concern,

On November 11, 1994 at 5:45 a.m. Shaun Jensen a 14-yr. old paperboy was assaulted in South Anchorage by three men, have any arrests been made, or follow up done to assure us that these men have been punished?!!!! NO, and we are outraged!!! The undersigned want to express their unhappiness, outrage and confusion over the inaction concerning this assault !!! How dare the authorities ignore this case and let these men roam free after committing this brutal attack !! What will it take the loss of a life?

Let's change the way we handle and prosecute the crimes against our children!!

V. Jensen
12301 Tracy Rd.

ANCHORAGE, AK 99518

BRENDAN C. McKEE
737 W. 22nd AVE.
ANCHORAGE, AK 99563

Bill Cohen
6423 Lone Tree Circle
Anchorage, Ak 99516

NICK CLINE
24145 Park Dr
LUDGIAK AK 99567

Paul J. France
2733 W. 10th
ANCH, AK, 99502

SHAWN P. SNISARENKO
644 LUTTY SARK ST.
ANCHORAGE, AK 99501

DAVID COOLIDGE
70 BOX 101033
ANCHORAGE, AK 99510

DAVID COOLIDGE
70 BOX 101033
ANCHORAGE, AK 99510

VIRGIL L. MCCRAW
3306 E. 19th. Ct.
ANCHORAGE, AK 99508

Jim Driffith
528 Arundel #2
Anch. AK 99508

JOHN CHAPMAN
PO BOX 165
EADLE RIVER AK
99577

11-30-94

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Let's change the way we handle and prccecute the crimes against our children!!!

Greene Airway Employees

Diane Henderson
Alexis Huff
Tom. Vorse Jr
Patricia
Don Woods
Robert Peterson
Bob Thust
Mike Zarr
Stephen A. Howell
[Signature]
Dwight Johnson
Lue G
Don [Signature]
Mark [Signature]
Lippings [Signature]
Doris [Signature]

Craig Wilber
Paul [Signature]
Sean [Signature]
Maed [Signature]
Bill [Signature]
Allyn [Signature]
Step [Signature]
Douglas [Signature]

11-30-94

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Let's change the way we handle and procecute the crimes against cur children!!!

Cristen T. Harrison
Sue Lawrence
The Jensen Team
Michael J. Tuttle

Billie J. Brooks
Crescent Jensen
Yvonne J. Willsie
Elizabeth Smith
Mary E. Murphy
Ann Jensen
Barbara Brody
Michael J. Hill
Sue Waller
Bonnie Finner
Teri A. Larsen
Cary Stewart Kashowitz


John [unclear]

TO WHOM IT DOES CONCERN

The undersigned want to express to you their unhappiness, outrage and confusion over the recent brutal attack and inaction concerning an assault on a paper boy in south Anchorage on November 9, 1994 at 5:45am.

We are concerned that there is a lack of action in this matter and can not understand how these three men are allowed to roam free after committing this obvious crime.

How dare the authorities ignore this matter! What will it take? A lost life?

What has happened to justice for all?

upside corner
Karen Stary
Michael Fay
Annex Hall
Devin Perry
Michelle W. Sunberg
B. Leigh Beckman

K. H. [unclear]
J. Annell Vaughn
Edie Vaughn
J. [unclear]
Michelle Kover
J. H. [unclear]

11-30-94

To Whom it May Concern,

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Let's change the way we handle and prccecute the crimes against cur children!!!

Bonnie J. Hamilton	4019 Brentwood Dr	Area 4
Jim Campbell	4019 Brentwood Dr	99502
Aliza D. Jones	10520 Springst St	99515
Judy K. Kausa	1013 Fort Patch Cir	99503
John A. Jensen	1105 Tuttleck Cir	99503
Beverly A. Miller	7001 Elmhurst Ave	99504
Melba J. Murdoch	1849 Bellevue Ln Anch AK	99515
Wanda B. Sutz	2109 Cornell Ct	99508
Robert L. Miller	3005 Cornell Ln Anch AK	99517
Jane Miller	5100 S. 1st St Anch	99504
Rosemary E. Sledge	3905 Hampton Dr	99502
Another Rosemary	2417 Zuzina Dr.	99517
Jo Ann Jensen	12301 Stacy Rd.	99511

METRO

THURSDAY, December 15, 1994

ANCHORAGE DAILY NEWS

SECTION

No felony charges in carrier assault

By B.J. KOMARNITSKY
Daily News reporter

Three men accused of beating up a 14-year-old newspaper delivery boy in November have been charged with criminal mischief and fourth-degree assault — both misdemeanors.

Jason Harding, 20, Matthew Rios, 21, and Billy Mazoch Jr., 20, are accused of running over Shaun Jensen with a snow-machine and punching him twice in the face before chasing him away from Har-

ding's South Anchorage home.

Harding and Mazoch also were charged with underage drinking.

Jensen, an eighth-grader at Polar Alternative School, suffered a bruised neck and lost his two front teeth in the attack.

According to court documents, the three men had been drinking and playing pool at Mazoch's house the morning of the attack.

About 5:30 a.m., they decided to drive to a cabin in Hope owned by Rios' father.

They split up and planned to regroup at Harding's house on Norak Place just off Huttman Road.

Jensen delivers papers in the area on his snowmachine, and when he saw a car pull up to Harding's house he figured he would give the person his paper.

Instead, Harding accused Jensen of driving his snowmachine in the yard and then jumped on the boy, knocking him to the ground, according to court documents. Mazoch and Harding then held Jensen

down while Rios ran over his leg and fouled with the snowmachine.

Jensen said in an interview after the attack that he could smell alcohol on their breath as they jerked his head back and forth trying to rip off his helmet.

One of them finally undid the helmet and Harding punched the boy twice in the face, knocking one tooth out completely.

Please see Page C-2, ATTACK

RELATED ARTICLES

ATTACK: Men face charges in assault on carrier

Continued from Page C-1

and leaving the other dangling by a thread, according to court documents.

Assistant District Attorney Kevin Fitzgerald said Wednesday that he wanted to charge the men with a more serious crime of felony assault.

Criminal mischief and fourth degree-assault are both misdemeanors, punishable by up to a year in jail and a \$5,000 fine.

Charging the three men with a felony would have required that a deadly weapon be involved or that Jensen be hurt more seriously.

"If he'd had his two front teeth knocked out with a bat, then we could have done it," Fitzgerald said.

As it was, the two teeth aren't on the same scale as a police officer being slashed in the cheek with a knife — another recent case where the person was charged with second-degree assault, he said.

He added that while the snowmachine could be considered a deadly weapon, Jensen wasn't hurt when they ran him over with it.

"This was a cowardly act: Three men ganging up on a young boy to beat him

the level of a felony," he said.

Jeff Jensen, Shaun's father, said he's angry the men won't face more serious charges and wants the law changed so those who attack juveniles are automatically charged with a felony.

"I'm absolutely upset," he said. "I don't see the punishment or the charge

fits the crime at all."

Jensen said his son is suffering psychological damage from the attack and will need surgery to replace the two front teeth he lost.

"I think these guys are going to get off with a hand slap, and if these kids are allowed to get off easily, it will happen again," he said.

Police question 3 men in attack on paperboy

By S.J. KOMARNITSKY
Daily News reporter

A 14-year-old boy delivering newspapers in a South Anchorage neighborhood was attacked Friday by three men who pushed him to the ground, ran over him with a snowmachine and punched out his two front teeth before fleeing the area.

Shaun Jensen, an eighth-grader at Polar Alternative School, suffered a bruised neck and permanently lost two teeth. The attackers were identified as Jason I. Harding, 20; Billy Mazoch Jr., 21; and Matthew R. Rios, 21.

State troopers said Harding apparently was the one who punched Jensen. All three were being questioned late Friday and could face assault charges. Sgt. Greg Tanner said. The three live near one another with their parents, and Harding lives at the home where the attack occurred.

Resting at his home Friday afternoon, Jensen said he was driving his snowmachine down Norak Place just off Huffman Road when he saw a car pull up to a home he delivers to and a man get out. "I

Please see Back Page. **TEETH**

TEETH: Paperboy loses pair in early morning attack

Continued from Page A-1

right. "Oh, maybe some-
s home. I'll give them
paper."

Instead as he strode up
the man, he was attack-

Jensen said the man
se him down and
s screaming at him
t driving through the
s — something he said
didn't do. The man then
ver him with the
achine, he said.

Two other men then
ged from the car and
ed trying to pull his
t off, he said. The
s said he could
cohol on their
s as they jerked his
back and forth trying
move the helmet.

Finally, one of them un-
the strap, and another
punched him twice,
aking one of his front
and leaving another
by a thread.

Jensen said he took off
running with one of his
teeth in his hand.

Shaun's dad, Jeff Jen-
sen, said that when his son
showed up at the door,
screaming and missing two
teeth, he was so enraged he
picked up his gun and
drove over to the Har-
dings' house.

He said he parked in
front of the driveway,
blocking the two vehicles
in it. While he was there, a
woman he identified as
Harding's mother walked
out with one of her sons.

He said he tried to talk
to the woman, but she
started yelling at him that
she was going to be late for
work, and that he would
have to pay her salary if
she was. The two got in
separate cars and drove
through snowbanks around
his truck, Jensen said.

"It happened right in
her driveway," he said.
"But it seemed more im-

portant to her to get to
work than see if someone
needed help."

He said he later spoke
with Harding's dad, who
seemed more concerned
about the attack. And he
also spoke briefly with Ri-
os' mother, who seemed
shocked her son could be
involved.

Neither man's parents
would talk to a reporter
Friday.

But Billy Mazoch's fa-
ther, also named Billy,
said he had been told his
son was involved.

"At this point, I know
is Mr. Harding and a
trooper came over and
woke me up this morning,"
he said. "Supposedly there
was a fight and a boy got
his teeth knocked out. I
was also told my son didn't
do the knocking out, and
all three pushed a little
bit."

He said he hadn't been
able to talk to his son, and

wasn't sure if what was
said was true.

Jeff Jensen said he
hoped the men would be
brought to justice. As he
spoke, a constant stream of
relatives, including grand-
parents and younger cous-
ins, filtered into the home
to visit Shaun, who was
sitting on a couch.

Many hugged him, while
others ventured to a near-
by table to look at a plastic
bag containing his missing
teeth. Doctors told the
boy's parents the teeth
were broken at the bone
and can't be reattached.
His father joked about him
not losing the teeth to
hockey, his favorite sport.

"If it was a puck, we
could understand that," his
father said. "But this."

Shaun said he hoped his
attackers would have to
spend a long time in jail.
But first, he said: "I'd like
to ask them why they did
it."

Carrier assault

The search for justice continues

The paperboy lost his two front teeth and took bruising in the November early-morning encounter. While 14-year-old Shaun Jensen's alleged assailants were rapidly apprehended, justice in the case remains elusive.

The three young men arrested and accused of pounding Shaun and running over him with snowmachine face only misdemeanors. Prosecutors say that if the perpetrators had used a deadly weapon or the boy had been hurt more seriously, a tougher charge would have followed.

"This was a cowardly act: Three men ganging up on a boy to beat him up," said Assistant District Attorney Kevin Fitzgerald. "But it doesn't rise to the level of a felony."

Public outrage has not subsided since the prosecutors' decision. Alaskans rightly feel that men who make unprovoked war on a boy — and leave the boy facing reconstructive dental work during his teen-age years — deserve the lash of the law.

What can prosecutors do if they're unable to bring felony charges? They can vigorously argue their case and ask for the maximum misdemeanor sentence if the defendants are convicted. That's a year in jail and a \$5,000 fine for each of the two Class A misdemeanors two of the defendants face, a penalty sure to jerk them to attention.

What can Alaskans do? Those familiar with the defendants can appear at sentencing to tell the judge what they know about the men. If the men have endangered others before, the judge should know about it. He's empowered to take such testimony into consideration while weighing sentencing possibilities.

Meanwhile, the Alaska Legislature should take a look at this case and related cases in which it seems impossible to impose felony charges on those who have committed brutal acts.

Perhaps lawmakers will find a new way to address some but not all of the cases that fall through the cracks. Perhaps lawmakers will find they cannot tailor the law to fit every outrageous case. But in the process of exploration, these lawmakers definitely will experience firsthand the pain the justice system delivers to victims when it can't deliver justice to criminals.

Friday Dec 2, 1994 ADN

Put end to abuse, violence

This is the first time I have ever sent you an opinion.

I have just read the article that appeared on the front page of the Metro section entitled "No felony charges in carrier assault." The incident described in this article angers me very much.

I found the article interesting because of the age of the criminals. I am a

22-year-old male and a member of their generation. I did not attend college, I am a musician and play in several local bands. I also vote, pay taxes, and hold a full-time job (which I have had for four consecutive years) Maybe I'm an exception, my generation has been stereotyped as slacker, lazy, and "grunge." Well, I want that stereotype to change.

These males are a disgrace and have

shamed my generation. (I refrain from using the word men, because men do not gang up three to one on 14-year-old boys.) I hope their actions are not ignored, condoned, or coddled. For those who have the authority and the obligation to do so, it is time to establish a moral boundary and say, "This is not acceptable, you are not allowed to behave this way, this kind of behavior will not be tolerated."

Attack on carrier shameful

I was disturbed after I read the Daily News' article "Police question 3 men in attack on paperboy (Nov. 12)." I was a papergirl for four years when I was young and learned valuable lessons, including money management, responsibility and self-discipline (getting out of bed in the mornings). My earnings financed the boarding of my horse and I always had my own spending money.

I can't even imagine the effect it would have had on me to be physically beat up while out on my route. My heart goes out to Shaun Jensen. How many kids will now miss out on the benefits of having a paper route because of parents afraid for their safety (and rightly so). Look at our society. Who is gaining and who is losing here? Who in the end will be punished more? Shaun Jensen or his attackers? I believe the three attackers should be punished severely! Their parents also should be punished. What shame they should feel for raising children that behave like this! They have failed in their most important task in life.

— Catherine Bursch
Homer

What if these bullies do not receive the justice due them? It will send a negative message to the innocent victim, as well as to his family, friends, classmates, and the sane of our generation. It will prove that safety, justice, and freedom no longer exist in America.

These males were also charged with underage drinking. The article says their intention was to travel to Hope. Who knows what disaster or death awaited them on the Seward Highway? I am disgusted, saddened, and tired of seeing friends and peers crushed by alcohol abuse and violence, whether by death, injury, or trashed lives. My plea to those in authority is this. Please do all that is in your power to put an end to this senselessness.

I believe that Jason Harding, Billy Mazoch Jr., and Matthew Rios deserve the maximum allowable sentence. I am overly willing to do anything I can to help change the way people look at my generation and its future.

— Kristian Rosentrater

11/22/94

Nation as strong as the fa. lies

Why does it take numbers to assault a defenseless person? In regard to the three-man attack on young Shaun Jensen, anymore, one can look upon society as anarchistic. There are gangs which besiege one person, while there is the gun-toter who shoots an individual who has no weapon. Or there's the knife-wielder who stabs an innocent victim.

Savage is what the natives called the murderous foreigners. As history was written, it erred when it said the wild indians were called savages. The descendants of the true savages have decided to prove history was recorded in error. Those descendants of foreign lands are jumping out of vehicles to attack the loner, the homeless drunk, the elderly poor on the streets, and the innocent pedestrian. The helpless are beaten up, shot at, robbed and sometimes murdered by several hands.

In villages and on other Native American homelands, the headlines cry the same violations: assault, murder, rape, robbery, bootlegging, and overwhelming chemical addictions.

My husband and I reared our children, the sons as men; the girls as ladies, their ages range from 37 to 21 years old. We will take the credit for the good they do; and we will take the blame for their failures. A nation is only as strong as its families, and as it was quoted, "As the twig is bent, so shall the tree grow." All children have leaders, they are called parents or guardians. We agree with those who say parents are to blame when children become criminals.

Shaun Jensen, you are a far better man than the three savages. May you walk without fear, and walk always in peace.

— Elizabeth A. Wells, director
Oree Drumrite Walking Heritage

11/17/94

Carrier attack an outrage

Talk about overgrown bullies that are more than 20 years old and still don't know the proper way to settle problems. The 14-year-old is just that: 14 years old! Only now he has no teeth and has been beaten up. The assailants should do jail time. A parent of one assailant claims, "Supposedly there was a fight..." Three adults against a 14-year-old kid. Wrong! These grown-ups viciously attacked a youngster. It is an outrage! These kind of creeps need to be taken off the streets for the safety of our children.

— Teresa Werner
Kenai

Punish assault of paperboy

The three punks that attacked Shaun Jensen, the 14-year-old paperboy, must be held accountable for their actions. They must be punished. They should be made an example of. They should be required to work his paper route for one year in addition to paying all his medical bills and something for his pain and suffering. I hope young Jensen gets a good attorney.

This violent, unmitigated behavior must not and will not be tolerated in our community. We must stop this kind of action now before it gets totally out of hand.

Please do your part in the media and follow up on this. Pay more attention to the things going on here in Alaska. I find it hard to believe there have been but a few letters published in regard to this assault.

— Robert Bowling

Attackers deserve worse

I'm confused and outraged about our criminal justice system and how unjust it truly is. I'm referring to the 14-year-old Shaun Jensen case. The quote in the paper states that it wasn't a felony because a deadly weapon wasn't used.

Shaun's neck was badly bruised by one

of these animals tearing at his head while another man held him so yet another man could run over his legs with a snowmachine. Let me ask you Mr. District Attorney, if this isn't assault with deadly force, what the hell is?

These adult men could have broken his neck or severed his spine. If that would have happened, would we be adding a charge about equal to, let's say, jaywalking, to the list of ruthless crimes these felons committed and maybe add another day of community service to what these guys will probably get?

By knocking out his teeth, it's evident they meant business. By tearing at his head, it's evident these men need a hell of a lot more than they will get with these petty charges. What's the deal here?

Is it that the criminal lawyers are tougher and better and you're afraid to charge these guys with a crime with some teeth in it? I'd say no guts... no glory. Take a chance on shoving the rights of the innocent down their throats. If we don't start punishing our society's criminals like they punished Shaun, the day will come when we fear going to our newspaper box.

— Tim Stuart

QUOTABLE

"There are bullets raining all over D.C."

— White House spokesman Carl Meyer, saying that shots fired at the White House may have been "just a stray couple of rounds."

"We are living at a time when these incidents of violence take place not just in cities and communities around this country, they take place here in Washington in front of the White House."

— Leon Panetta, White House chief of staff.

"I think these guys are going to get off with a hand slap, and if these kids are allowed to get off easily, it will happen again."

— Jeff Jensen, father of 14-year-old Shaun, who was assaulted by three men in their 20s who have been charged with misdemeanors in the attack.

where is the justice?

Where is the justice in the justice system? The paper this week is full of fraud charges against a president of a bank and three women in the Valley — arrests made and suspects in custody. An Anchorage Daily News carrier was beaten by three men who have been identified, yet are they in custody?

The scales of justice need work.

Are people that run that money scam more of a danger to society than cowards that prey on children? The adults who participated in the pyramid did so of their own volition, forgetting the golden rule, nothing in life is free.

Their egos are hurting and their wallets are a bit lighter, but they have lost nothing that cannot be replaced. The paperboy and his family have lost far greater things: His teeth and their sense of safety in the neighborhood.

The laws say to defraud people of money is a felony. The same legal system says physical assault on a child by three adult men is a misdemeanor. Where is the justice in our legal system for our children?

— Mike Zarr

■ MORE LETTERS: Readers write. B-8

11-30-94

To Editor-Daily News.

SHAME ON THE ANCHORAGE DAILY NEWS! The lack of coverage by your paper on the story of the assault on your own carrier and the inaction on the authorities to arrest or even charge these men is outrageous!!

How dare they not take this case seriously and you not keeping the story active until action is taken is an insult to this young boy. This 14 yr. old is walking around without front teeth, a lack of trust in the people sworn to protect him and the knowledge that these men are running free.

In the original story on November 12 it stated these 3 men "could" face assault charges!! We must question why after 3 weeks there are no arrests. These men have been identified yet they are free, does this sound right to you? What is this inaction saying to our young people, where is the justice for Shaun.

The story also quoted Mr Mazock as saying that his son Billy did not knock the boy's teeth out but "that all 3 had pushed the boy around"! Get real Mr. Mazock ASSAULT is ASSAULT!! Would he be so quick to think that the case had it been his child, I think not. As a parent he should be outraged that his child could commit this act instead of looking for a justification, SHAME ON YOU SIR!

As citizens of Anchorage lets make our outrage known.

HB

90

FISCAL NOT

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HB 90 am
PUBLISH DATE: _____

Revision Date: _____ Department Affected: Legislative Affairs Agency
Title: "An Act changing the date that the BRU: All
legislature convenes in the years following a gubernatorial...
Sponsor: Representatives B. Davis Component: All
Requestor: Senate State Affairs

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3952
Division: Administrative Services Date: 1/17/96

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 1/17/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 90

Revision Date: 1/23/96 Dept. Affected: Executive Branch Agencies
 Title: "An Act changing the date that the legislature convenes in the years following a gubernatorial election." BRU: Various
 Sponsor: Rep. B. Davis Component: Various
 Requester: Rep. B. Davis COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	(5.8)	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	(5.8)	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	(5.1)	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1081 Info Svcs Fund	0.0	0.0	(0.7)	0.0	0.0	0.0
TOTAL	0.0	0.0	(5.8)	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ _____

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)

Executive Branch Overtime Cost Savings
 (Based on 1/16/95 overtime costs plus 1.5% increase to reflect increases due to Labor Contracts.)

Commissioner's Executive Secretaries	3,567
Governor's Executive Office over-time eligible staff	1,551
Department of Administration, Information Services over-time eligible staff	715
Total	5,833

Prepared by: Laura Baker, Budget Analyst
 Division: Budget Review
 Approved by Commissioner: AnnaLee McConnell, Director
 Agency: Office of Management and Budget

Phone: 465-4884
 Date: 1/23/96
 Date: 1/24/96

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SENATE COMMITTEE REPORT

DATE: 4/12/95

FURTHER: Judiciary

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered HOUSE BILL NO. 90 am

Changing the date that the legislature convenes in the years following a gubernatorial election; changing the date that the term of a member of the legislature begins in the years following a gubernatorial election.

and recommends:

- | be replaced with _____ CS _____ (_____)
- | adopt previous _____ CS _____ (_____)
- | attached amendment(s)
- | adopt Letter of Intent by _____ Committee
- | further referral to the _____ Committee

Senate Bill:
 same title
 new title
 House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Deborah Donley</i>	✓	<i>From Human</i>	✓		
		<i>Karl E. Pyle</i>	✓		

CHAIR:		<i>Bob King</i>	✓		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>LAA</i>	<i>1/17/96</i>	<i>0</i>	
<i>omb</i>	<i>1/29/96</i>	<i>0</i>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

| APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

ALASKA STATE LEGISLATURE

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CO-CHAIR
ANCHORAGE CALCULUS
JUDICIARY
OIL & GAS
LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

HB 90: An Act changing the date that the legislature convenes in the years following a gubernatorial election.

It is now ten years since the President and Congress declared the birthday of Dr. Martin Luther King a national holiday. In Alaska, this holiday ironically falls on the opening day of the legislative session in the year following a gubernatorial election. This not only means that Alaska legislators are unable to pay proper homage to this great leader, but that hundreds of legislative staff are also impacted.

I propose that this particular legislative session day be changed to the following Tuesday. This action would bring Alaska in line with the other 48 states that observe this holiday.

I would like to quote the executive proclamation issued by Governor Walter Hickel:

Dr. King is remembered for his tireless dedication to achieving, through peaceful means, freedom and equal rights for all people, and for making the promise of democracy truly an inalienable right for all members of society.

It is our responsibility, as legislators, to set an example for the millions of people who have benefited from the dreams and promises of Dr. Martin Luther King, Jr.

Position Statement

HB 90

The Knowles Administration supports HB 90. This bill would shift the beginning date of legislative sessions following gubernatorial elections by one day, in order to avoid having the opening day of the session on Martin Luther King, Jr. Day.

Although the legislature often meets on other national holidays in the midst of the legislative session, in this instance all that is required to accommodate the Martin Luther King, Jr. holiday is to move the start of the session by one day every four years. The Administration believes that this change would minimally impact legislative business, and would allow legislators, legislative staff and other state employees to appropriately honor and celebrate the birth of this great civil rights leader. In addition, this bill would result in some cost savings from a reduction in holiday overtime required to be paid to some employees who now must work on the holiday.

Alaska is geographically far removed from the heart of the civil rights movement in which Martin Luther King, Jr. played such an important leadership role. But the rights of equality and freedom for all, which he advocated, are as central to the spirit of Alaska as to any state in the Union.

Legislator wants delay for holiday

By IAN MADER
The Associated Press

JUNEAU — Alaska's sole black state legislator said Monday the state constitution should be changed so the legislature is not required to convene on Martin Luther King Day every four years.



Opening day usually falls on the second Monday in January, which does not conflict with the national and state holiday on the third Monday.

But a conflict arises during a new

Please see Page B-3, HOLIDAY

HOLIDAY: Constitutional change needed

Continued from Page B-1

governor's first year, when the Alaska Constitution requires the body to convene the third Monday to give the governor extra time to put together an administration.

The federal government also chose that date in 1986 for a holiday to honor the slain civil rights leader who sought equal rights for blacks. All but one state, New Hampshire, have followed suit with a state holiday.

While most Alaskans had the day off Monday, lawmakers were sworn in by Lt. Gov. Fran Ulmer during a full day of ceremony and meetings.

Rep. Bettye Davis, D-Anchorage, said she will introduce a measure this week to change the opening day to Tuesday during years of a new governor. It must be passed by two-thirds majorities of both chambers and approved by voters in a general election.

"We have to change with the times," Davis said.

Blacks make up about 4 percent of

Alaska's population, and most reside in Anchorage, where several events Monday commemorated King.

"There's all kinds of activities," Davis said. "I'm missing every one of them."

Davis said she would have made an issue of the holiday in 1990, but that she was a freshman lawmaker then and felt she didn't have the necessary clout.

Rep. Gail Phillips, R-Homer and the new House speaker, said Davis' proposal would be an easy way to solve the problem, but would not predict its chances for passing. "I certainly think people would look favorably on that," Phillips said.

After her expected election as speaker, Phillips referred to King in a speech to her colleagues calling for bipartisan efforts in the 19th legislature.

"His message most of all was a message of peace. And I hope that our legislative body — when we adjourn two years from now — that people will remember us that way."

1939

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9 Op.

Collateral references. — 72
Am.Jur.2d, States, Territories and Depen-
dencies, § 55.
81A C.J.S., States, § 45.
Defamation: nature and extent of privi-

lege accorded public statements, relating
subject of legislative business or con-
cern, made by member of state or local
legislature or council outside of formal
proceedings. 41 ALR4th 1116.

Section 7. Salary and Expenses. Legislators shall receive an-
nual salaries. They may receive a per diem allowance for expenses
while in session and are entitled to travel expenses going to and from
sessions. Presiding officers may receive additional compensation.

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Collateral references. — 72
Am.Jur.2d, States, Territories and Depen-
dencies, § 56.

81A C.J.S., States, §§ 46, 47.

Section 8. Regular Sessions. The legislature shall convene in
regular session each year on the fourth Monday in January, but the
month and day may be changed by law. The legislature shall adjourn
from regular session no later than one hundred twenty consecutive
calendar days from the date it convenes except that a regular session
may be extended once for up to ten consecutive calendar days. An
extension of the regular session requires the affirmative vote of at
least two-thirds of the membership of each house of the legislature.
The legislature shall adopt as part of the uniform rules of procedure
deadlines for scheduling session work not inconsistent with provisions
controlling the length of the session.

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Cross references. — For statutory pro-
visions changing the date the legislature
convenes, see AS 24.05.090.
Effects of amendments. — The amend-

ment effective December 30, 1984 (13th
Legislature's SCS CSHJR 2 (1983)) added
the second, third, and fourth sentences.

NOTES TO DECISIONS

**121-day legislative session autho-
rized.** — This section authorizes a legisla-
tive session totaling 121 days. Alaska
Christian Bible Inst. v. State, 772 P.2d
1079 (Alaska 1989).

The 120-day requirement in this section
results in a 121-day durational limit on
regular sessions of the legislature. The
day the legislature convenes is not

counted. The next day, day two of the ses-
sion, is one day from the convening date.
It is day one for purposes of the constitu-
tional limitation. By arithmetic exten-
sion, 120 days from the date the legisla-
ture convenes is the 121st day of the ses-
sion. Alaska Christian Bible Inst. v. State,
772 P.2d 1079 (Alaska 1989).

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Collateral references. — 72
Am.Jur.2d, States, Territories and Depen-
dencies, §§ 41, 57, 59.

81A C.J.S., States, §§ 48, 49.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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Mail Stop 3101

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

MEMORANDUM

February 23, 1996

SUBJECT: Martin Luther King, Jr. Day (HB 90 am)

TO: Senator Bert Sharp
Attn: Ann Ringstad

FROM: Terri Lauterbach 
Legislative Counsel

You have asked for verification that the third Monday in January is the holiday relating to Martin Luther King, Jr., and for changes in HB 90 am that would ensure that the legislators would "always have that day off."

AS 44.12.010 lists Martin Luther King, Jr.'s Birthday as being the third Monday in January.

As for the second part of your request, it is true that, in some gubernatorial election years, the third Monday in January may fall after the legislature convenes even if it convenes on the third Tuesday. This would happen if January starts on a Tuesday, so that the third Tuesday occurs before the third Monday. I could change the new language to read "the Tuesday that follows the third Monday," but that would not ensure that legislators would always have MLK day "off".

If you want to ensure that the legislators always have MLK Day "off," then you would also have to amend the part of AS 24.05.090 that relates to the three years that do not follow gubernatorial election years. In those years, the legislature convenes on the second Monday in January, which is obviously always before MLK day. This would necessitate a change in the bill's title and the passage of an accompanying resolution authorizing the title change in the second house.

I think the purpose of HB 90 was to ensure that the opening day of the session, when legislators are sworn into office, would never fall on MLK Day. HB 90 does accomplish this purpose. In those rare instances when the third Monday in January falls after the third Tuesday, MLK Day will be about a week after the legislature convenes, just as it falls a week after the legislature convenes in the other three years that don't follow a gubernatorial election. The legislature could simply choose not to meet on that day, thereby having it "off."

Senator Bert Sharp
February 23, 1996
Page 2

Please confirm whether I should really rewrite the bill to ensure that the legislature doesn't ever convene before MLK Day (necessitating a title change and a resolution) or whether the bill as written is determined to be sufficient.

TML:glc
96-113.glc

HOUSE BILL NO. 90 am
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES B.DAVIS, Foster, MacLean, Mackie, Nicholia, Elton, Finkelstein, Robinson, Davies, Kubina, James, Toohey, Navarre

Amended: 4/12/95
 Introduced: 1/17/95

A BILL
 FOR AN ACT ENTITLED

1 "An Act changing the date that the legislature convenes in the years following
 2 a gubernatorial election; changing the date that the term of a member of the
 3 legislature begins in the years following a gubernatorial election."

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

5 * Section 1. AS 24.05.080 is amended to read:

6 Sec. 24.05.080. TERMS. The term of each member of the legislature begins
 7 on the second Monday in January following a presidential election year; however,
 8 following a gubernatorial election year, the term of each member begins on the third
 9 Tuesday [MONDAY] in January. The term of representatives is two years, and the
 10 term of senators is four years. One-half of the senators shall be elected every two
 11 years.

12 * Sec. 2. AS 24.05.090 is amended to read:

13 Sec. 24.05.090. REGULAR SESSIONS. The legislature shall convene at the
 14 capital each year on the second Monday in January at 10:00 a.m.; however, following

*Monday following
3rd Monday*

1 a gubernatorial election year, the legislature shall convene on the third Tuesday
2 [MONDAY] in January at 10:00 a.m. Except as provided in this section, each
3 legislature shall have a duration of two years and shall consist of a "First Regular
4 Session," which shall meet in the odd-numbered years, and a "Second Regular
5 Session," which shall meet in the even-numbered years, and any special session or
6 sessions that [WHICH] the governor or legislature may find necessary to call.

HB

164

FISCAL NOTE

No. 3
 Bill Version: HB 164
 (H) Publish Date: 3/10/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: DOT&PF
 Title: An Act establishing Pearl Harbor Remembrance Day BRU: Office of the Commissioner
 Component: _____
 Sponsor: House Spec. Comte. on Military & Veteran's Affairs
 Requester: George Doser COMPONENT SERIAL NO. 530

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

Any impact to Department of Transportation and Public Facilities would be negligible.

Prepared by: Sam Kito III Phone: 485-3904
 Division: Office of the Commissioner Date: 02/17/95
 Approved by Commissioner: *Joseph A. Valinski* Date: 02/17/95
 Agency: Department of Transportation and Public Facilities

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(Rev. 10/94) 9503ano 115/EDH

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: HB 164
(H) Publish Date: 3/10/95

Revision Date: _____
Title: An Act establishing Pearl Harbor Remembrance Day
Sponsor: House Committee on Military and Veterans Affairs
Requestor: _____

Department Affected: Office of the Governor
BRU: Executive Operations
Component: Executive Office
COMPONENT SERIAL NO. 0006

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES

CHANGE IN

FUND SOURCE

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 any current year (FY95) cost: _____
ANALYSIS: (Attach a separate page if necessary)
No fiscal impact

Prepared by: Michael A. Nizich, Director Phone: 365 3875
Division: Division of Administrative Services Date: 2/16/95

Approved by: Commissioner Jim Myers, Chief of Staff
Agency: Office of the Governor Date: 2/21/95

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FISCAL NOTE

J. 1

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: HB 164
(H) Publish Date: 3/10/95

Revision Date: _____	Dept. Affected: <u>Military and Veterans Affairs</u>
Title: <u>Establishing Pearl Harbor Remembrance Day</u>	BRU: <u>Alaska National Guard</u>
Sponsor: <u>House S&C Committee on Military and Veterans Affairs</u>	Component: <u>Commissioner's Office</u>
Requestor: <u>Rep. Kott</u>	COMPONENT SERIAL NO. <u>414</u>

Expenditures, Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	00	00	00	00	00	00
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00

CAPITAL EXPENDITURES	
CHANGE IN REVENUES	

FUND SOURCE	(Thousands of Dollars)					
1000 Federal Receipts						
1000 GF Match						
1004 GF	00	00	00	00	00	00
1005 GF Program Receipts						
1008 GF MHFA						
Other						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME	
PART-TIME	
TEMPORARY	

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: <u>Jeff Morrison, Director</u>	Phone: <u>365-4720</u>
Division: <u>Administrative Support Services Division</u>	Date: <u>3/17/95</u>
Approved by Commissioner: <u>[Signature]</u> MG, and Lieutenant	Date: _____
Agency: <u>Military and Veterans Affairs</u>	

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COMMITTEE COPY

SENATE COMMITTEE REPORT

DATE: 4/11/95

FURTHER: _____

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered HOUSE BILL NO. 164

"An Act establishing Pearl Harbor Remembrance Day."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DOT - PF	2/17	✓	
GOV	2/18	✓	
DMVA	2/17	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

HB

173

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 173

Revision Date: _____ Dept. Affected: All Departments
 Title: An Act relating to reports by state agencies. BRU: _____
 federal statutes. _____ Component: _____
 Sponsor: G. Davis
 Requester: House State Affairs Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would change the requirements for many state agency reports, so that agencies would notify the legislature that a report is available, rather than submitting the report to the legislature. The bill would not change the requirements to prepare the reports.

Because the bill does not change requirements for agencies to prepare reports, the fiscal impact of the bill is expected to be zero for all state departments.

Prepared by: Annalee McConnell, Director *Annalee McConnell* Phone: 465-4650
 Division: Office of Management and Budget Date: 2/22/95
 Approved by Commissioner: Jim Ayers, Chief of Staff *JA* Date: 2/22/95
 Agency: Office of the Governor

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SENATE COMMITTEE REPORT

DATE: 3/23/95

FURTHER:

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered HOUSE BILL NO. 173

"An Act relating to reports by state agencies."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical change
- new: SCR# _____

<u>IGNING DO PASS</u>	<u>DP</u>	<u>OTHER RECOMMENDATIONS</u>	<u>NR</u>	<u>DNP</u>	<u>AM</u>
<i>Foran A. Fenner</i>	✓				
<i>Ben M...</i>	✓				
<i>...</i>	✓				

HAIR:

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

ALL	2/22	✓	

Alaska State Legislature

Interim
P.O. Box 1287
Soldotna, AK 99669
(907) 262-8111


Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

MEMORANDUM

March 27, 1995

TO: Senator Bert Sharp, Chair
Senate State Affairs Committee

FROM: Representative Gary Davis 

RE: House Bill 173, "An Act relating to reports by state agencies."

I would like to request that House Bill 173 be scheduled for a hearing in in the Senate State Affairs at your earliest convenience. Attached are a copy of the bill, sponsor statement, fiscal note, memo from legal services, and a letter of intent adopted by the House.

attachment



Official Business

Alaska State Legislature


HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

April 12, 1995

TO: Senate State Affairs Committee

FROM: Representative Gary Davis 

RE: House Bill 173

Attached are three pages of a report from February 1991 by the Office of Management and Budget. The report lists all of the publications that state law requires the state to publish.

The three pages attached are from a total of twenty-six pages. They will help indicate the number of reports in circulation, as well as cost and distribution information.

More information can be provided if needed.

- LIST OF REQ. PUBLICATIONS -

No.	Statute Reference	Department	Division	Summary	To Whom	By	Produced/Received	Cost	Department Recommendation
120	03.20.040	DNR	Agriculture	The Commissioner may collect and ship outside exhibits of Alaska products, mining and manufacturing. The commissioner may not spend more than \$2,000 per year and shall account for and report the funds disbursed.	Not Stated	Not stated	No exhibits have been shipped. No reports have been completed.	N/A	Department feels annual report is necessary
121	03.22.060	DNR	Agriculture	Plant Material Section. The department must make a detailed report of the operations of the center. Report must include statement of receipts and disbursements.	Legislature	Not stated	Yes, every year in Jan.	Approx. \$2,000 per year	Department feels annual report is necessary
122	27.05.060	DNR	Division of Mining	DNR shall make an annual report on all essential matters with regard to mining in the state.	Governor/ Legislature	Not stated	Yes, about Mid year	Contained in 41.08.30 report	Note: This report is in the Geological & Geophysical Surveys annual report See AS 41.08.30 below
123	38.04.020	DNR	Land & Water	The commissioner shall establish a land disposal bank containing state land classified for disposal into private ownership. The commissioner shall report on the status of land in the land disposal bank.	Legislature	On January 15	Yes	Printing \$500, Staff cost for 2 staff @ 2 months each or approx. \$10-13,000/yr.	Necessary, biennial acceptable
124	38.04.022	DNR	Land & Water	The revenue from the sale of state land shall be deposited in a Special State Land Disposal Income Account. DNR report reflecting all money deposited in the fund.	Legislature	Within 30 days of session	Yes	Existing staff time	Department feels annual report is necessary
125	38.05.180	DNR	Oil & Gas	DNR prepare and submit 5 year leasing program. Unless provided elsewhere, no lease may be offered unless it is in the proposed program submitted to the legislature during the past two calendar years.	Legislature	Between 1st & 15th day	Yes, changed to biennial in 1990	Approx. \$7,000 per year for printing, Staff cost for 7 wks \$4,576	Department feels biennial report is necessary
127	38.05.300	DNR	Land & Water	Written report which describes and shows the location of all classifications of state land made under this section during the preceding year.	Legislature	Not later than February 1	Yes, duplicates info in land bank report, 38.04.20	Included with land bank report under 38.04.20	Report not necessary
128	38.05.800	DNR		Mental Health Land Trust. Commissioner will report annually to the Alaska Mental Health Board (47.30.661) any actions taken to remove land from the corpus of the trust.	Alaska Mental Health Board	Not stated	New 1990 requirement, first report has not been done.	Unknown, expect xerox of 2 pages	Department feels annual report is necessary
129	41.08.030	DNR	Geological & Geophysical	State Geologist shall print and publish an annual report and other special and topical reports and maps as benefits the state. Reports and maps may be sold and money received paid to the general fund.	Public	Not stated	Yes, by mid-year per 27.05.060	Approx. \$26,000 included in the DGGS budget each year for this report	Department feels annual report is necessary
130	41.15.240	DNR	Forestry	Fire Suppression Fund. DNR shall keep records showing income and expenditures of the fund and report to the governor and the legislature on the operation of the fund.	Governor/ Legislature	No later than 10th day	No, appropriate no longer to fund, in Forestry's operation	N/A	Report not necessary
131	41.17.047	DNR	Forestry	Board of Forestry. Report to the legislature recommendations for changes in statutes, comments on regulations adopted by the commissioner. It may also review and advise the legislature on the activities of the division.	Legislature	Not stated	New requirement, likely to be included in annual report for 41.19.047(d)	Not yet known	Department feels annual report is necessary

No.	Statute Reference	Department	Division	Summary	To Whom	By	Produced/Received	Cost	Department Recommendation
95	07 AAC 007 0105	DHSS	Administrative Services	Relates to Certificate of Need. Any person who submits a letter of intent regarding activity or who is granted a certificate of need shall file a written report every six months. The department will prepare and publish an annual report on the status of applications and review.	Public	Not stated	Yes	Existing staff time	Department feels annual report is necessary
96	07 AAC 027 0570	DHSS	Public Health	DHSS will appoint a committee to annually review the results of the newborn infant metabolic disorder screening program and report to health care providers and public on these matters.	Health Care Providers	Not stated	Yes	Existing staff time	Department feels annual report is necessary
97	18.05.020	DHSS	Commissioner	The department will prepare an annual report to the legislature.	Legislature	Not later 10 days of session	Not reported	Not reported	Not reported
98	18.20.040	DHSS	Medical Assistance	Hospitals may renew their license without charge upon filing and approval by DHSS of an annual report containing the information prescribed by DHSS by regulation.	DHSS	Not stated	Yes	Existing staff time	Department feels annual report is necessary
99	18.20.100	DHSS	Medical Assistance	Regulation of Hospitals. DHSS shall prepare and publish an annual report of its activities and operations under 18.20.020 - 130.	Public	Not stated	No	N/A	Not reported
100	18.20.150	DHSS		DHSS shall make a statewide inventory of hospitals and medical facilities, community mental health centers, and facilities for the mentally retarded. Based on inventory develop a plan for construction. Annually review plan and submit changes to the Surgeon General.	Public/Federal Government	Not stated	No, was a requirement of defunct federal Hill-Burton hospital inventory	N/A	Report not necessary (department does not recommend statute change as it serves as a placeholder for a future, similar federal program)
101	18.25.110	DHSS	Public Health	DHSS shall submit a report of grants made under ss 18.25.070-110. These grants are assistance for community health facilities.	Legislature	Within 10 days of session	No	N/A	Department feels annual report is necessary
102	18.28.030	DHSS	Public Health	Community Health Aide Program, Community Health Aide Grant Account. DHSS shall determine the amount of money needed to fully fund grants (18.28.010) and contracts (18.28.020(3)) for the next year and report that to the legislature.	Legislature	Not stated	Yes	Existing staff time	Department feels annual report is necessary
103	18.50.040	DHSS	Vital Statistics	The Bureau of Vital Statistics shall prepare and publish reports. There is no mention of time frames or subjects.	Public	Not stated	Yes	Not reported	Not reported
104	47.07.040	DHSS	Medical Assistance	DHSS prepare a state plan accordance with 452 U.S.C. 1936-1989p and submit it to the federal government for approval. In addition the DHSS shall submit a report concerning the status of this program and recommendation as to changes in coverage of eligible persons.	Legislature	No later than March 15	No	N/A	Department feels annual report is necessary
105	47.07.071	DHSS	Medical Assistance	Each health facility receiving payments under this chapter shall submit to the commission a report of the facilities financial performance during the fiscal year. This report is due not later than 120 days from the end of the health facilities fiscal year.	DHSS	120 days end FY	Yes	Existing staff time	Department feels annual report is necessary
106	47.07.072	DHSS	Medical Assistance	The Commission shall submit to the Governor a report on the prospective payments made under this chapter during the current FY and an estimate of the payments that will be made during the remainder of the current FY and the next FY	Governor	Not later than September 30	No, currently reported in DHSS budget	N/A	Report not necessary
107	47.10.300	DHSS	DFYS	DHSS report each year on programs for runaway minors in the state	Governor/Legislature	Each January	No	N/A	Not reported

No.	statute Reference	Department	Division	Summary	To Whom	By	Produced/ Received	Cost	Department Recommendation
82	44.88.140	DCED	AIDEA	The Authority shall submit a report describing the nature and extent of the tax exemption of the primary assets, income, receipts, project, development project and leasehold interests of the authority.	Legislature	By January 10	Yes, by January each year.	\$10,000, estimated hrs 157.5 Estimated cost \$3,728.00	Necessary, biennial acceptable
83	44.88.210	DCED	AIDEA	Alaska Industrial Development and Export Authority. Annual report including financial statement audited by an independent outside auditor.	Governor/ Legislature/ Public	By January 10	Yes, by January each year.	\$10,000 Six staff at various grades levels Est hrs. 157.5 Est Cost \$3,728.00	Necessary, biennial acceptable
85	18 AAC 062 0220	DEC		A person or firm that is a generator of hazardous waste who also ships such waste off-site shall prepare and submit an annual report for preceding calendar year.	DEC	By March 1	Yes, produced 1/1/91 according to 46.03.305	37.5 hrs, \$800 biennially	Department feels annual report is necessary. In odd numbered years EPA produce the report
86	18 AAC 062 0320	DEC		A transporter of hazardous waste shall prepare and submit an annual report for the preceding calendar year.	DEC	By March 1	No, 12/90	150 copies, \$300 for printing, \$800 for 37.5 hrs staff time.	Department feels annual report is necessary.
87	18 AAC 062 0420	DEC		The owner or operator of a hazardous waste treatment, storage or disposal facility shall prepare and submit an annual report for the preceding calendar year.	DEC	By March 1	Yes, produced 1/1/91 according to 46.03.305	Printing \$1,200, 37.5hrs /\$800 biennially	Department feels annual report is necessary State and federal govt share every other year publication responsibility
88	18 AAC 075 0590	DEC		DEC will report to the legislature on all actions brought during the preceding calendar year under 46.03.768. That statute relates to the Civil Penalties for Discharge of Oil.	Legislature	Within 10 days of session	Report is currently under development.	\$15,100 printing \$100 + staff time \$15,000	Department feels annual report is necessary
89	46.03.020	DEC	Commissioner	Report annually to the legislature permits that have been included or deleted under 46.35 (Environmental Procedures Coordination).	Legislature	Not stated	No permits are being issued under 46.35; hence, nothing to report	N/A	Not reported
90	46.03.032	DEC		Alaska Clean Water Fund. Provide to the legislature an annual report on the clean water fund.	Legislature	On/before 1st day of session	Yes, produced 1/1/91	\$900, printing < \$500, staff time 20hrs, \$400	Necessary, biennial acceptable
91	46.08.060	DEC		Oil and Hazardous Substance Release Response Fund. Commissioner report annually on the amount of money expended under 44.08.040, the amount and source of funds received under 44.08.020, & detailed summary of DEC activities.	Legislature	Within 1st 10 days of session	Yes, 1/30/90	Existing staff time	Necessary, biennial acceptable
92	46.03.363	DEC		The Board of Storage Tank Assistance and DEC are each to submit a report regarding storage tank damages, recommendations on regulations, and other information on availability of insurance and loans for tank assistance.	Legislature	by 10th day of each regular Legislative session	First due in Jan. 1991.	Cost \$3,000, printing \$200, 75 hours staff time	Department feels annual report is necessary
93	46.03.410	DEC		Commissioner is to report on Storage Tank Assistance Fund balance, income and expenses, projections of cleanup costs, and priority list of sites needing financial assistance.	Legislature	by 10th day of each regular Legislative session	First due in Jan. 1991.	Cost \$2,000, printing \$200, 50hrs staff time	Department feels annual report is necessary
94	46.04.200	DEC		DEC to prepare and annually review state master oil & hazardous substance discharge & prevention contingency plan.	Legislature	10th day of each regular session	Yes	\$3,000 printing	Department feels annual report is necessary

Alaska State Legislature

Interim
P.O. Box 1287
Soldotna, AK 99669
(907) 262-8411



Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

SPONSOR STATEMENT

HOUSE BILL 173

"An Act relating to reports by state agencies."

House Bill 173 will provide a reduction in the material that flows through a legislators' office. Currently, the various state agencies are required by statute, to prepare over one-hundred annual, biannual, and other reports for automatic submission to every legislator -- whether or not they will be of concern to every legislator.

HB 173 will require state agencies to notify the legislature when reports are available. Legislators can then request copies of the reports most beneficial to them.

The intent of this legislation is to promote efficiency. This may result in a second benefit of HB 173 -- minor cost savings to the State resulting from the decreased circulation of hundreds of reports.

LETTER OF INTENT

OFFERED IN THE HOUSE

BY: Reps. Brown, G. Davis, Davies

TO: HB 173

It is the intent of the Legislature that state agencies, when notifying the Legislature that a report is available, should also provide a brief synopsis or executive summary of the report. It is further the intent of the Legislature that, if feasible, agencies provide this notification to all members via the legislative electronic network in addition to providing notice to the House Chief Clerk and Senate Secretary, and further, that agencies make the contents of the report available in electronic format and accessible through electronic networks.

- LETTER OF INTENT -

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 99801-2103

MEMORANDUM

February 6, 1995

SUBJECT: Agency Reports (Work Order No. 9-LS0607A)

TO: Representative Gary Davis
Attn: Darin

FROM: Terri Lauterbach
Legislative Counsel *TML*

Enclosed is a bill draft that relates to agency reports. You requested that, instead of having the agencies present various annual reports to the legislature, the agencies should just notify the legislature that the reports are available. For the most part, this is what the enclosed draft does. However, in a few cases, I have also included the same sort of change with respect to biennial or other reports. Also, in a number of sections it was not clear to me whether the agency or the governor should be notifying the legislature that the reports are available. The uncertainty arises in those situations where the agency, in current law, presents the report to the legislature "through the governor." In most cases, the draft provides for the agency to give the proper notice to the legislature, but in a couple of cases, the draft provides that the governor, upon receiving the agency report, will notify the legislature that the report is available. Neither way is right or wrong, it's just a question of what you want to see happen.

Please be sure to check each section of the work draft to ensure that the policy you want is being implemented by the draft. Let me know if I can be of further assistance.

TML lmb kib
95-110 lmb

Enclosure

MEMO FROM LEG LEGAL

HB

179

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 179 (FSH)

Title: relating to the commissioner of education
and the commissioner of fish and game; and
Sponsor: providing for an effective date
Requestor: House Special Committee on Fisheries

Dept. Affected _____
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

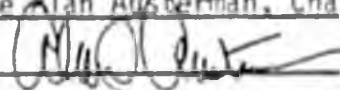
POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

See attached analysis

Prepared by: House Special Committee on Fisheries
Representative Alan Austerman, Chair



Date: 2/14/96

Phone: 465-2487

Phone:

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB179/FSH

Revision Date: 02/26/96

Department Affected: Education

Title: Limit Terms of Commissioners of Ed & Fish/Game

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Therriault

Requester: House HESS

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.) CSHB179 (FSH) establishes the length of time the Commissioner of Department of Education may serve. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's office

Date: February 26, 1996

Approved by Commissioner: 

Richard S. Cross, Deputy Commissioner

Agency: Education

Date: February 26, 1996

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SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/12/96

FURTHER:

DATE TURNED INTO OFFICE: 3/19/96

The State Affairs Committee considered CS FOR HOUSE BILL NO. 179(FSH)

Relating to the commissioner of education and the commissioner of fish and game.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Education	2/26	✓	
Use Int - FSH	2/14	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT
Mailing Address:
11211 Cushman, Suite 101
Fairbanks, Alaska 99701
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FAX (907) 488-4771

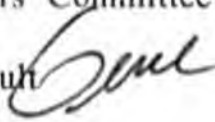
While in Session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884

House Of Representatives

House District 33

MEMORANDUM

TO: Senator Bert Sharp
Chairman, Senate State Affairs Committee

FROM: Representative Gene Therriault 

DATE: March 12, 1996

SUBJECT: Scheduling of CSHB 179(FSH).

I respectfully request that CSHB 179(FSH), "An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date," be scheduled for a hearing before the Senate State Affairs Committee.

Committee Substitute House Bill 179(FSH) changes the term of office for the commissioners of Education and Fish and Game so their terms do not exceed the term of the governor who appointed them. This prevents a situation in which a new administration may have a legal obligation to retain a commissioner appointed by a previous administration or incur the expense of buying out the existing commissioner's contract.

Under current statute, these commissioners serve a term of 5 years. This bill does not set a particular length of term. However, CSHB 179(FSH) clarifies that the commissioner of education sits at the pleasure of the board, who in turn sits at the pleasure of the governor, and the commissioner of fish and game sits at the pleasure of the governor.

CSHB 179(FSH) was adopted on February 14 and referred to the House Health, Education and Social Services committee. The bill passed out of the HESS committee on February 27 and was referred to the House Finance committee. On February 29 the bill was waived out of the Finance committee because there is no fiscal impact. The House of Representatives passed CSHB 179(FSH) on March 11 by a vote of 37 "yeas" to 0 "nays".

The following items are attached:

1. CSHB 179(FSH)
2. Fiscal notes (2)
3. Sponsor Statement
4. Sectional Analysis
5. Letter of Support from the Department of Law

I appreciate your consideration of my request.

attachments (6)

Alaska State Legislature

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GENE THERRIAULT

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Winter Session
State Capitol
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99801-1182
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Fax: (907) 465-3884

House District 33

House Of Representatives

SPONSOR STATEMENT

HB 179

HB 179 An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date.

SPONSOR: Representative Therriault

SPONSOR STATEMENT:

HB 179 is intended to change the term of office for the commissioners of Education and Fish and Game so their terms do not exceed the term of the governor who appointed them. HB 179 is needed to avoid a situation in which an outgoing commissioner's contract must be honored by an incoming administration.

The Alaska State Constitution provides the power for the governor to appoint each principal department head. The Department of Education and the Department of Fish and Game are unique due to the involvement of their respective boards.

The principal head of the Department of Education is the Board of Education. The Board of Education appoints its principal executive officer. The board has the right to dismiss the commissioner, if a dismissal is deemed necessary. HB 179 would eliminate the present term as specified in current statute, which is up to 5 years.

The Commissioner of Fish and Game is appointed by the governor from a list compiled by the Board of Fisheries and the Board of Game. HB 179 clarifies that the commissioner does serve at the pleasure of the governor and eliminates the reference to the commissioner of Fish and Game being approved to a 5 year term.

The Alaska State Constitution grants the governor the power to appoint department heads. HB 179 reaffirms this constitutional right.

Alaska State Legislature

REPRESENTATIVE
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House District 33

House Of Representatives

CSHB 179(FSH) "An Act relating to the commissioner of education and the commissioner of fish and game; and providing for an effective date."

SPONSOR: Representative Gene Therriault

Sectional Analysis:

- Section 1:** Amends AS 14.07.145(c). The commissioner of education serves at the pleasure of the board and may not have a fixed term. It also eliminates the removal for cause reference.
- Section 2:** Amends AS 16.05.010. Removes the requirement that the commissioner of fish and game serves a five year term.
- Section 3:** Amends AS 44.39.030. Reaffirms the commissioner of fish and game serves at the pleasure of the governor and removes the five year term.
- Section 4:** Amends AS 44.39.050. Clarifies that the governor may remove the commissioner of fish and game without a request from the Board of Fisheries and the Board of Game.
- Section 5:** Repeals AS 14.07.145(f) which lists the causes by which a commissioner of education may be removed. (f) is not needed due to changes made in section 1.
- Section 6:** Changes apply to appointments made after the effective date.
- Section 7:** Provides an immediate effective date.

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 8, 1996

1031 WEST 4TH AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE (907) 269-5100
FAX (907) 276-3697

KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
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JUNEAU, ALASKA 99811-0300
PHONE (907) 465-3600
FAX (907) 465-6735

(FAX) 465-2539

Honorable Gene Therriault
Alaska State Legislature
State Capitol-Room 421
Juneau, AK 99801-1182

Re: CSHB 179 -- An Act relating to
the commissioner of education
and the commissioner of fish
and game; and providing for an
effective date

Dear Representative Therriault:

At your request, we have reviewed the working draft
given to us today. We believe the proposed language solves the
problems you have identified in the present law. The changes are
consistent with the discussion we had with your staff on Tuesday,
February 6, and we support the bill.

Thank you for allowing us to assist you in this way.

Sincerely yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 

Thomas H. Dahl
Assistant Attorney General

JAR:pao

cc: Pat Pourchot, Legislative Director
Office of the Governor

Chrystal Smith, Legal Administrator
Department of Law

Deborah Behr, Assistant Attorney General
Department of Law

Steve White, Assistant Attorney General
Department of Law

DEPARTMENT OF LAW

CS HB 179 (FISH) - Relating to Commissioner of Education and Commissioner of Fish and Game

- ▶ **CS HB 179 (FISH)** achieves Governor Knowles's goal of assuring that appointments of the Commissioners of Fish and Game and Education are on the same grounds as those of the other commissioners -- i.e., that these commissioners serve at the pleasure of the appointing entity, with no fixed terms that could potentially overlap governors' terms.
- ▶ Passage of the legislation will end the potential of
 - Buyouts of fixed-term contracts and costly settlements, which can be detrimental to the state
 - Drawn-out litigation over dismissal and definitions of cause; etc., which would also be expensive

These are not only costly, but disruptive to productivity of departments and the operation of government.

- ▶ The provisions of **CS HB 179 (FISH)** also help avoid the potential of contracts that cross terms of governors and affirm the governor's role in the appointment of executive branch managers to promote public accountability

Commissioner of Education

- ▶ For the Department of Education the power of appointment lies with the Board of Education, which is, constitutionally, the head of the department. The board, in turn, is appointed by the governor and serves at the pleasure of the governor.* The board's appointment of a Commissioner of Education must be approved by the governor. Authority to dismiss also lies with the board.
- ▶ Under the provisions of **CS HB 179 (FISH)**, the Commissioner would serve "at the pleasure of the Board" and could not be appointed for a fixed term.
- ▶ Existing statutory language allows for appointment for a term of up to 5 years and allows for dismissal for cause. Section 5 of **CS HB 179 (FISH)** repeals the definition of cause.

Commissioner of Fish and Game

- ▶ The governor appoints the Commissioner of Fish and Game, based on the recommendation of the Boards of Fish and Game.** The commissioner is the principal executive officer of the department. The current statutorily defined term of office for the Commissioner of Fish and Game is 5 years, which cuts across the terms of governors. New language will make it clear that the commissioner serves at the pleasure of the governor and prohibit fixed terms.
- ▶ Currently and under the terms of CS HB 179 (FISH), the Commissioner of Fish and Game can be dismissed by the governor. The boards have the right to petition for the removal (sec 4). However, the existing statutory provision for a 5-year fixed term poses potential problems. CS HB 179 deletes reference to a 5-year fixed term.

In Sum, passage of CS HB 179 (FISH) will help

- ▶ Avoid fixed-term contracts and appointments that cross terms of governors
- ▶ Avoid buyouts of commissioner contracts and costly settlements
- ▶ Minimize the uncertainty and disruption of the transition period.
- ▶ Maximize the accountability of elected officials
- ▶ Avoid potential court challenges of the dismissal of commissioners and expensive lawsuits

*The Board of Education has 7 members. No more than 4 may be from the same party as the governor. The board members have overlapping 5-year terms and are confirmed by the legislature. 4 board members represent the 4 judicial districts (1 each); the other 3 are appointed from the state at large, with at least one from an REAA

**The Board of Fisheries has 7 members, who are appointed by the governor and confirmed by the legislature. The Board of Game also has 7 members, who are appointed by the governor and confirmed by the legislature. Members of each board serve staggered 3-year terms.

HB

192

FISCAL NOTE

Revision Date: _____ Dept. Affected: Revenue
 Title: AHFC Housing Loans BRU: AHFC
 Component: AHFC Operations, AHFC Rural Housing
 Sponsor: Rep. Foster
 Requestor: (H) FIN COMPONENT SERIAL NO. 110, 1937

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1022 State Corporation Receipts	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 any current year (FY96) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

AHFC Operations: No effect on operating costs - language change only.

Prepared by: John Bittney Phone: 561-1900
 Division: Alaska Housing Finance Corporation Date: March 15, 1996
 Approved by Commissioner: Wilson L. Condon *[Signature]* Date: March 15, 1996
 Agency: Department of Revenue

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COMMITTEE COPY

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/22/96

FURTHER: C&RA
Finance

DATE TURNED INTO OFFICE: 7/15/96

The State Affairs Committee considered CS FOR HOUSE BILL NO. 192(FIN) am
Relating to Alaska Housing Finance Corporation loans.

and recommends:

- be replaced with SCS HB 192 (STA)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR _____

SIGNING DP PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kenn D. Lewis</i>	✓	<i>A. Stanley Stanley</i>	✓		
		<i>10.00 & CRO</i>	✓		
CHAIR: <i>Bob [Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Revenue - Affc</i>	<i>3/15/96</i>	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE CS FOR CS FOR HOUSE BILL NO. 192(STA)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES FOSTER, Ivan, MacLean, Long, Mackie, Kubina

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to housing assistance provided by the Alaska Housing Finance
 2 Corporation and to its rural housing programs, to the corporation's supplemental
 3 housing development grants to regional housing authorities, and to housing
 4 programs of regional housing authorities; permitting regional housing authorities
 5 to make, originate, and service loans for the purchase and development of
 6 residential housing; and amending the definitions of 'rural' and 'small
 7 community' as applied in various housing programs."

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

9 * Section 1, AS 18.55 is amended by adding a new section to read:

10 ARTICLE 3A. GENERAL PROVISIONS.

11 Sec. 18.55.965. LIMITATION ON EXERCISE OF POWER. The Alaska
 12 Housing Finance Corporation may not make, participate in the making of, purchase,
 13 or participate in the purchase of a grant, loan, or investment, or exercise any other

1 power with respect to housing under AS 18.55.010 - 18.55.960, in violation of
2 AS 18.56.096(a)(5) or AS 18.80.240, or if the effect or result of the exercise of the
3 power would constitute a violation of AS 18.56.096(a)(5) or AS 18.80.240.

4 * Sec. 2. AS 18.55.997 is amended to read:

5 Sec. 18.55.997. RESIDENTIAL LOANS. (a) Δ [IN ADDITION TO THE
6 POWERS AUTHORIZED TO A REGIONAL HOUSING AUTHORITY UNDER
7 AS 18.55.996, A] regional housing authority, in addition to the powers authorized
8 to it under AS 18.55.996.

9 (1) may, in accordance with procedures and policies adopted and
10 approved by the Alaska Housing Finance Corporation.

11 (A) in a small community, make, originate, and service loans
12 for the purchase or development of residential housing; and

13 (B) in an area of the state not in a small community, make,
14 originate, and service loans for the purchase or development of residential
15 housing; however, a loan made or originated and serviced under this
16 subparagraph may be made only from the proceeds of a loan made by the
17 Alaska Housing Finance Corporation to the regional housing authority
18 under regulations adopted by the corporation to meet the housing needs
19 of borrowers who cannot obtain financing through the corporation's
20 programs that are available to address the housing needs of borrowers;

21 (2) shall secure loans made under (1) of this subsection [IN RURAL
22 AREAS OF THE STATE, OTHER THAN IN AN AREA WHERE THE
23 CORPORATION HAS A LOAN OFFICE. A LOAN SHALL BE SECURED] by
24 collateral in an amount acceptable to the corporation; the [. THE] rate of interest on
25 a loan authorized by this subsection [SECTION] may not exceed the interest rate
26 established by the Alaska Housing Finance Corporation for the corporation's
27 corresponding loan program [ON A LOAN ORIGINATED OR PURCHASED
28 UNDER AS 18.56.400 - 18.56.600].

29 (b) In this section,

30 (1) "development" means the construction of a new residence or the
31 repair, remodeling, rehabilitation, or expansion of an existing home;

1 (2) ["RURAL" HAS THE MEANING GIVEN THE TERM] "small
2 community" has the meaning given in AS 18.56.600.

3 * Sec. 3. AS 18.55.998(a) is amended to read:

4 (a) There is created in the Alaska Housing Finance Corporation a supplemental
5 housing development grant fund. Using corporate earnings or other available funds, the
6 corporation shall make grants to regional housing authorities established under
7 AS 18.55.996 for

8 (1) the cost of [ON-SITE] sewer and water facilities, whether on-site
9 or off-site;

10 (2) road construction to project sites;

11 (3) [,] energy efficient design features in homes; [] and

12 (4) extension of electrical distribution facilities to individual residences.

13 * Sec. 4. AS 18.55.998(c) is amended to read:

14 (c) A grant made by the corporation to a regional housing authority under,
15 this section

16 (1) [GRANT MONEY] may be used by the regional housing
17 authority only for the purpose and the permissible use for which the grant was
18 made;

19 (2) may not [PURPOSES SPECIFIED IN (a) OF THIS SECTION,
20 NO PART OF THE GRANT MONEY MAY] be used for administrative or other costs
21 of a regional housing authority, whether the costs are directly associated with the
22 construction or general costs of the authority.

23 * Sec. 5. AS 18.55.998(d) is amended to read:

24 (d) The Alaska Housing Finance Corporation shall

25 (1) adopt regulations to carry out the purposes of this section; the [.
26 THE] provisions of AS 18.56.088(a) and (b) apply to regulations adopted under this
27 section; and

28 (2) establish a priority system for the allocation of money for grants
29 to pay for off-site sewer and water facility improvements authorized by
30 AS 18.55.998(a)(1).

1 * Sec. 6. AS 18.55.998 is amended by adding a new subsection to read:

2 (f) The Alaska Housing Finance Corporation may not make a grant or
3 participate in the making of a grant for residential housing from the supplemental
4 housing development grant fund if the grant money would support residential housing
5 used or occupied, or offered for use or occupancy, in violation of AS 18.56.096(a)(5)
6 or AS 18.80.240.

7 * Sec. 7. AS 18.56.096 is amended by adding a new subsection to read:

8 (d) The prohibitions of (c) of this section do not apply to a loan made under
9 AS 18.56.420(a)(2)(C) to renovate or improve small community housing if the amount
10 of the loan does not exceed \$20,000.

11 * Sec. 8. AS 18.56.300(d) is amended to read:

12 (d) This section does not apply

13 (1) to a nonconforming housing loan made or purchased by the
14 corporation; or

15 (2) to a loan made under AS 18.56.420(a)(2)(B) or (C) to renovate
16 or improve small community housing if the amount of the loan does not exceed
17 \$20,000.

18 * Sec. 9. AS 18.56.420(a) is amended to read:

19 (a) There is created in the corporation, as a revolving loan fund, the housing
20 assistance loan fund consisting of money appropriated to it by the legislature and
21 deposited in it by the corporation, and repayments of principal and interest on loans
22 made or purchased from the assets of the fund. The corporation shall

23 (1) adopt regulations to administer the housing assistance loan fund
24 under AS 18.56.400 - 18.56.600; and

25 (2) subject to appropriation, provide money for a rural assistance loan
26 program to originate, purchase, [OR] participate in the purchase of, or refinance

27 (A) small community housing mortgage loans;

28 (B) loans made

29 (i) for building materials for small community housing;

30 or

31 (ii) to pay for the labor of third-party contractors for

1 the installation of building materials in small community housing
2 units;

3 (C) loans made for renovations or improvements to small
4 community housing;

5 (D) loans made for the construction of owner-occupied small
6 community housing other than loans to builders or contractors or loans that
7 compensate an owner for the owner's labor or services in constructing the
8 owner's own housing.

9 * Sec. 10. AS 18.56.440 is amended to read:

10 Sec. 18.56.440. LIMITATIONS ON USE OF HOUSING ASSISTANCE
11 LOAN FUND. The corporation may not use the money in the housing assistance loan
12 fund to

13 (1) originate a direct loan or purchase or participate in the purchase of
14 a small community housing mortgage loan that exceeds the limitations on mortgage
15 loans purchased by the Federal National Mortgage Association as to principal amount
16 or loan-to-value ratio;

17 (2) originate a direct loan or purchase or participate in the purchase of
18 a loan made for building materials for small community housing

19 (A) that exceeds \$45,000 or exceeds

20 (i) 80 percent of the appraised value of the work
21 completed on the small community housing for which the loan is made
22 if the small community housing is pledged as collateral for the loan; or

23 (ii) 90 percent of the value of other property that is
24 pledged as security for the loan and that is satisfactory to the
25 corporation as collateral;

26 (B) unless the terms of the loan agreement require inspections
27 and certifications, as required by regulations of the corporation, at the expense
28 of the borrower; and

29 (C) unless the period of time allowed for repayment of the loan
30 is equal to or less than 15 years;

31 (3) originate direct loans or purchase or participate in the purchase of

1 a small community housing mortgage loan that is secured by real property the
2 marketable title to which is shown under AS 18.56.480(b)(2) if the total amount of
3 outstanding small community housing mortgage loans held by the corporation exceeds
4 10 times the amount of money in the restricted title loss reserve account established
5 by AS 18.56.490;

6 (4) originate a direct loan for small community housing or purchase or
7 participate in the purchase of a small community housing mortgage loan, other than
8 a loan for the repair, remodeling, rehabilitation, or expansion of an existing
9 owner-occupied residence, if the borrower has an outstanding housing loan made under
10 a state loan program, other than a loan for [NONOWNER-OCCUPIED] housing under
11 AS 18.56.580 or for nonowner occupied housing under former AS 44.47.520, that
12 bears interest at a rate that was less than the prevailing market interest rate for similar
13 housing loans at the time the loan was made;

14 (5) originate a direct mortgage loan or purchase or participate in the
15 purchase of a mortgage loan for rental housing unless the borrower agrees not to
16 discriminate against tenants or prospective tenants because of sex, marital status,
17 changes in marital status, pregnancy, parenthood, race, religion, color, national origin,
18 or status as a student;

19 (6) originate, purchase, or participate in a loan to a person who has a
20 past due child support obligation established by court order or by the child support
21 enforcement division under AS 25.27.160 - 25.27.220 at the time of application.

22 * Sec. 11. AS 18.56.460 is amended by adding a new subsection to read:

23 (c) For a loan originated or purchased in whole or in part from the housing
24 assistance loan fund under AS 18.56.420, the corporation may make an unsecured loan.
25 The authority of the corporation to make an unsecured loan under this subsection is
26 limited to a loan made

27 (1) under AS 18.56.420(a)(2)(B) or (C) to renovate or improve small
28 community housing that does not exceed \$20,000; and

29 (2) for real property if the housing unit for which the unsecured loan
30 is sought

31 (A) is occupied by the borrower under an occupancy certificate

1 or similar instrument granting the borrower an exclusive right of possession of
2 a specific dwelling unit in a cooperative housing development, mutual aid
3 housing program, or similar program; or

4 (B) is located on land the title to which is held by the borrower
5 under a restricted deed issued by the Secretary of the Interior or the secretary's
6 designee, either as a Native restricted deed or as a restricted deed for property
7 in a trustee townsite.

8 * Sec. 12. AS 18.56.580(a) is amended to read:

9 (a) In addition to the powers authorized by AS 18.56.400, the corporation may
10 adopt regulations under AS 18.56.088 allowing the use of money in the housing
11 assistance loan fund to make loans for the purchase or development of rental
12 [NONOWNER OCCUPIED] housing in small communities.

13 * Sec. 13. AS 18.56.580(c) is amended to read:

14 (c) The principal amount of loans made for rental [NONOWNER
15 OCCUPIED] housing under this section may not exceed 20 percent of the total
16 principal amount of loans made for small community housing under AS 18.56.400 -
17 18.56.600.

18 * Sec. 14. AS 18.56.580(d) is amended to read:

19 (d) In this section,

20 (1) "development" means the construction of a new residence or the
21 repair, remodeling, rehabilitation, or expansion of an existing residence;

22 (2) "rental [NONOWNER OCCUPIED] housing" means a
23 single-family residence that is not occupied by the owner or a multi-family residence
24 having up to 16 [EIGHT] dwelling units, one of which may be [AND THAT IS NOT]
25 occupied by the owner; the corporation may modify this definition if it determines that
26 there is a special need for rental [NONOWNER OCCUPIED] housing in small
27 communities and that a change in the definition is necessary to enable the corporation
28 to meet that need.

29 * Sec. 15. AS 18.56.600 is amended to read:

30 Sec. 18.56.600. DEFINITIONS. In AS 18.56.400 - 18.56.600,

31 (1) "housing"

1 (A) means owner-occupied housing having four or fewer
2 dwelling units [, SINGLE-FAMILY HOUSING AND OWNER-OCCUPIED
3 DUPLEXES] in which not more than 25 percent of the gross floor area is or
4 will be devoted to commercial use;

5 (B) does not include a multi-family residence that constitutes
6 housing for which a loan is made under the rental housing loan program
7 of AS 18.56.580 when one of the dwelling units in the multi-family
8 residence is occupied by the residence owner;

9 (2) "small community" means a community with a population of 6,500
10 [5,500] or less that is not connected by road or rail to Anchorage or Fairbanks, or with
11 a population of 1,600 [1,400] or less that is connected by road or rail to Anchorage or
12 Fairbanks; in this paragraph, "connected by road" does not include a connection by the
13 Alaska marine highway system.

14 * Sec. 16. AS 18.56.799(2) is amended to read:

15 (2) "senior housing"

16 (A) means construction or improvement undertaken primarily
17 to provide dwelling accommodations for persons 55 [60] years of age or older,
18 including conventional housing, housing for frail elderly, group homes,
19 congregate housing, residential horizontal property regimes organized under
20 AS 34.07, residential cooperatives organized under AS 10.15 or AS 34.08,
21 residential condominiums organized under AS 34.08, and other housing that
22 meets special needs of the elderly;

23 (B) includes acquisition, construction, or rehabilitation of land,
24 buildings, improvements, and other nonhousing facilities that are incidental or
25 appurtenant to the housing described in (A) of this paragraph.

26 * Sec. 17. AS 18.56.800 is amended to read:

27 Sec. 18.56.800. DECLARATION OF PURPOSE. There exists in the state a
28 serious shortage of decent, safe, and sanitary residential housing available at low or
29 moderate prices or rentals to persons 55 [60] years of age or older. There also exists
30 in the state organizations whose purposes are to provide the kinds of housing needed
31 to alleviate this shortage. Development work to provide such housing involves

1

substantial expense that is often beyond the resources of the organizations.

Suggested Amendment to HB192

#1

In addition to the powers authorized to a regional housing authority under AS 18.56.996, a regional housing authority may, in accordance with procedures and policies adopted and approved by the Alaska Housing Finance Corporation (the corporation) a) make, originate and service loans for the purchase or development of residential housing in small communities as defined in AS 18.56.660; and b) in areas not meeting the definition of small community, make, originate, and service loans only from proceeds of a corporation loan made to the housing authorities in accordance with regulations adopted by the Corporation to meet the housing needs of underserved borrowers.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 192(FIN) am

1 Page 7, following line 13:

2 Insert new bill sections to read:

3 "* Sec. 14. AS 18.56.799(2) is amended to read:

4 (2) "senior housing"

5 (A) means construction or improvement undertaken primarily
6 to provide dwelling accommodations for persons 55 [60] years of age or older,
7 including conventional housing, housing for frail elderly, group homes,
8 congregate housing, residential horizontal property regimes organized under
9 AS 34.07, residential cooperatives organized under AS 34.15 or AS 34.08,
10 residential condominiums organized under AS 34.08, and other housing that
11 meets special needs of the elderly;

12 (B) includes acquisition, construction, or rehabilitation of land,
13 buildings, improvements, and other nonhousing facilities that are incidental or
14 appurtenant to the housing described in (A) of this paragraph.

15 * Sec. 15. AS 18.56.800 is amended to read:

16 Sec. 18.56.800. DECLARATION OF PURPOSE. There exists in the state a
17 serious shortage of decent, safe, and sanitary residential housing available at low or
18 moderate prices or rentals to persons 55 [60] years of age or older. There also exists
19 in the state organizations whose purposes are to provide the kinds of housing needed
20 to alleviate this shortage. Development work to provide such housing involves
21 substantial expense that is often beyond the resources of the organizations."

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 192(FIN) am

1 Page 1, following line 8:

2 Insert a new bill section to read:

3 **** Section 1.** AS 18.55 is amended by adding a new section to read:

4 **ARTICLE 3A. GENERAL PROVISIONS.**

5 **Sec. 18.55.965. LIMITATION ON EXERCISE OF POWER.** The Alaska
6 Housing Finance Corporation may not make, participate in the making of, purchase,
7 or participate in the purchase of a grant, loan, or investment, or exercise any other
8 power with respect to housing under AS 18.55.010 - 18.55.960, in violation of
9 AS 18.56.096(a)(5) or AS 18.80.240, or if the effect or result of the exercise of the
10 power would constitute a violation of AS 18.56.096(a)(5) or AS 18.80.240."

11 Page 1, line 9:

12 Delete **** Section 1.**"

13 Insert **** Sec. 2.**"

14 Renumber the following bill sections accordingly.

15 Page 3, following line 6:

16 Insert a new bill section to read:

17 **** Sec. 6.** AS 18.55.998 is amended by adding a new subsection to read:

18 (f) The Alaska Housing Finance Corporation may not make a grant or
19 participate in the making of a grant for residential housing from the supplemental
20 housing development grant fund if the grant money would support residential housing
21 used or occupied, or offered for use or occupancy, in violation of AS 18.56.096(a)(5)
22 or AS 18.80.240."

1. Renumber the following bill sections accordingly.




ALASKA STATE LEGISLATURE
REPRESENTATIVE RICHARD FOSTER

SESSION STATE CAPITOL ROOM 410 JUNEAU ALASKA 99801 • 907 465 1789 • FAX 907 465 3242
INTERIM PO BOX 1030 NOME ALASKA 99762 • 907 441 5616 • FAX 907 443 2162

MEMORANDUM

March 25, 1996

TO: Senator Bert Sharp
Chair, State Affairs Committee

FROM: Representative Richard Foster 

RE: Scheduling request for CS for HB 192 (Fin) am

I would like to request the scheduling of House Bill 192 (FIN) am in the Senate State Affairs Committee at your earliest convenience.

CS for HB 192, among other things, brings loan standards for rural Alaska borrowers into compliance with standards being used in urban areas. A primary change is to allow regional housing authorities to process loan and refinance applications within their jurisdictions. This will enable local knowledge to be incorporated into a loan package with the borrower present instead of having to through loan examiners in Anchorage.

The bill also allows AHFC to refinance rural home mortgages and could result in \$1.2 million in annual savings by refinancing an estimated 532 loans. Other changes include amending the definition of "smaller community" from 5,500 to 6,500 residents for non-road connected communities like Bethel and Kotzebue and for road connected communities from 1,400 to 1,600.

HB 192 does not change AHFC's status as a loan underwriter and is fully supported by the Association of Housing Authorities and AHFC. It passed the House 37-1 with a zero fiscal note from the Department of Revenue.

For further information contact Bryce Edgmon at 465-3800.

March 12, 1996

The Honorable Richard Foster
Alaska House of Representatives
State Capitol Building, Rm. 410
Juneau, Alaska 99801

Dear Representative Foster:

The following is a sectional analysis and discussion for CS for House Bill No. 192 (Work Draft 9-LS04631U, Chenoweth, 3/8/96), an Act relating to housing assistance provided by the Alaska Housing Finance Corporation and to its rural housing programs, et. al.

Section 1

This section would allow regional housing authorities to originate and service mortgage loans. Current statute allows the housing authorities to only make loans. The change in section 1 would also allow them to be a servicing agent in communities for Alaska Housing Finance Corporation mortgage programs.

Additionally, section 1 allows a housing authority to provide these services in areas outside of rural communities (page 2, lines 7 - 9). However, the rate of interest on the loans would remain the same for communities based upon their population size. For example, the housing authority for the community of Valdez recently was turned down for originating a loan for a housing project simply because the community fell outside the statutory limitation of rural community.

Section 2

Under the allowable uses of the supplemental housing development grant fund, infrastructure development for water and sewer could include both on-site and off-site facilities. For example, if a regional housing authority is constructing a water or sewer line to the site of a project, the cost of providing hook-ups for other homes located along the line could be included as part of the project cost paid by these grant funds.

Section 3

This language simply attempts to clarify the existing statute. It does not make any substantive change.

"Housing For All Alaskans"

CS for HB192() Sectional

March 12, 1996

page 2

Section 4

The Alaska Housing Finance Corporation is required to establish a priority system for the allocation of supplemental housing development grant funds used to pay for off-site water and sewer facilities established by section 2.

Section 5

This section exempts projects constructed under the Building Material Loan Program from energy standards provided under AS 18.56.096(c).

While the Alaska Housing Finance Corporation will support and encourage all projects to adhere to energy standards, the costs of the inspections for these standards can represent an extraordinary percentage of the small loans envisioned for this program. These small loans are intended and designed to help people in rural Alaska finish or improve their homes, use local logs to build a home, or install wells or septic systems.

Section 6

This section exempts projects constructed under the Building Material Loan Program from construction standards provided under AS 18.56.300.

Again, AHFC will support and encourage all projects to adhere to solid building standards. However, the inspections that would be required to insure these standards are met would represent an extraordinary percentage of the small loans envisioned for this program.

Section 7

Section 7 amends the statute regarding the rural assistance loan program to allow for the refinancing (page 3, line 24) of rural mortgages in the same manner as AHFC's mortgage programs allow for refinancing of urban loans. Current statute simply does not provide for refinancing as an option under rural loans. Rural residents of Alaska have not had the opportunity to benefit from the lower interest rates by refinancing their loans, as have most other individuals in Alaska and elsewhere in the United States. Under the Housing Assistance Loan Fund a borrower would be required to do substantial improvements to their home to receive a new loan at a lower interest rate. This provision would allow for a refinance in which the borrower would not have to increase his loan amount to benefit from current low interest rates provided the borrower's refinance loan meets established eligibility criteria.

Additionally, section 7 allows a rural assistance loan to be used to pay for the cost of third-party labor for a building materials loan (page 3, lines 29 - 31). In other words, the loan could be taken out to not only cover the cost of the material for the improvements, but could also be used to cover the labor costs for the improvements. To restrict loan proceeds to materials only may serve to promote unqualified borrower's installation of materials, equipment, utilities, or appliances rather than installation by qualified professionals.