

ALBANY LEGISLATIVE COMMITTEE 1967-1968

9707 SENATE RULES

8672

SB

1977

SIDE BY SIDE COMPARISON
SB 197 and Work Draft CSSB 197 () Version H
 By Senator Donley

<p>SB 197 Section #1</p> <p>Requires HMOs provide guidelines explaining when treatment may be denied. This prevents the HMO from denying coverage to a patient after treatment has been performed but cost is not covered.</p>	<p>Work Draft CSSB 197() Section #1</p> <p>Section 1, SB 197</p>
<p>SB 197 Section #2</p> <p>Allows patients direct access to chiropractic care with a licensed chiropractor of their choice and does not require prior consent of a gatekeeper. If the patient's condition persists beyond 30 days, the HMO is advised of the condition and recommended treatment. The HMO can then request the patient be examined by a second chiropractor of the HMO's choice. If the treatment recommended by the two chiropractors differs, a third can be selected to recommend treatment. The opinion of the third chiropractor is binding on patient and HMO.</p> <p>N/A</p>	<p>Work Draft CSSB 197() Section #2</p> <p>Same as in SB 197</p> <p>Requires a HMO offer a 'point of service plan' to enrollees that allows access to any health care provider of their choice without prior consent of the HMO. The plan may cost an enrollee a higher deductible or premium.</p>
<p>SB 197 Section #3</p> <p>Bans HMOs from having gag orders which prohibit physicians from discussing alternative treatment options, financial incentives or second opinions with patients. By March, 1997 all but 12 states had enacted legislation or passed rules banning gag clauses.</p>	<p>Work Draft CSSB 197() Section #3</p> <p>Same as section 3, SB 197</p>

Alaska Nurse Practitioner Association

Alaska Nurse Practitioner Association
237 East Third Avenue
Anchorage, AK 99501

Lynn Hartz, Legislative Representative
lhartz@micronet.net
(wk) 907-562-2865 (hm) 907-248-4877
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February 17, 1998

Testimony to the Senate Rules Committee

RE: Draft Amendment to SB 197

Thank-you for the opportunity to address this committee on Senate Bill 197. We were happy to see this legislation as it has some important consumer protection aspects relating to disclosure to the enrollee of what is covered and what will not be covered and protecting the lines of communication between clinician and patient.

The nurse practitioner association I represent had requested that as recognized health care providers we be included in SB 197 in addition to the chiropractors. Last week Senator Donley's staff forwarded a draft amendment (ref. 0-LSO905B7) to us for review and we did respond with a letter of support of that amendment last Friday. Senator Donley's amendment allows HMO enrollees a choice of health care providers who may be outside the HMO network. Over the weekend we found additional language in the HMO statutes that would need to be changed to allow enrollees continued choice in their health care providers inside the HMO network. Since the changes are just to one sentence in the statutes we have included the relevant sections and changes along with the relevant definition of terms.

Sec. 21.86.060. Provision of services.

Current language in brackets. Proposed language bolded.

(a) A health maintenance organization may provide health care [physician] services directly, through [physician] health care provider employees, or may provide the services under arrangements with individual providers [physicians] or one or more groups of providers [physicians].

Sec. 21.86.900. Definitions.

In this chapter,

(9) "health care services" means services for medical or dental care, or hospitalization, or services incident to the furnishing of that care or hospitalization, and includes services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;

(10) "health maintenance organization" means a person that undertakes to provide or arrange for basic health care services to enrollees on a prepaid basis;

(15) "provider" means a physician, hospital or other person licensed or otherwise authorized in this state to furnish health care services;

Note that the change in Sec. 21.86.060 (a) does not mandate that the HMO must employ or contract with health care providers who are not physicians, just that they may. It is the view of the ANPA that this change would allow health care consumers choice in their preferred health care provider inside the HMO network as Senator Donley's amendment provides for choice in providers outside the HMO network.

We hope you will consider our proposed amendment before moving this legislation onward.

Thank-you, Lynn Hartz MSN, ANP

~~NOT
CONSIDERED
BY S. RULES~~

operation through the establishment of advisory panels, by the use of advisory referenda on major policy decisions, or through the use of other mechanisms. (§ 1 ch 95 SLA 1990)

Sec. 21.86.050. Fiduciary responsibility. (a) A director, officer, employee, or partner of a health maintenance organization who receives, collects, disburses, or invests money in connection with the activities of that organization is responsible for that money in a fiduciary relationship to the organization.

(b) A health maintenance organization shall maintain in force a fidelity bond on employees and officers in an amount not less than \$100,000, or another amount prescribed by the director. The bond must be written with at least a one-year discovery period and, if written with less than a three-year discovery period, must contain a provision that cancellation or termination of the bond, whether by or at the request of the insured or by the underwriter, does not take effect sooner than 90 days after written notice of cancellation or termination has been filed with the director, unless an earlier cancellation or termination date is approved by the director. (§ 1 ch 95 SLA 1990)

Sec. 21.86.060. Provision of services. (a) A health maintenance organization may provide physician services directly, through physician employees, or may provide the services under arrangements with individual physicians or one or more groups of physicians.

(b) In addition to basic health care services, a health maintenance organization may provide, or arrange for, other health care services on a prepayment or other financial basis.

(c) Health care services may be provided only by appropriately licensed health care providers. (§ 1 ch 95 SLA 1990)

Sec. 21.86.070. Evidence of coverage; charges for health care services. (a) An enrollee residing in this state is entitled to evidence of coverage. If an enrollee obtains coverage from an insurance policy or from a subscriber contract issued by a hospital or medical service corporation, whether by option or otherwise, the insurer or hospital or medical service corporation shall issue the evidence of coverage; otherwise, the health maintenance organization shall issue the evidence of coverage. Each subsequent change in coverage must be evidenced in a separate document issued to the enrollee.

(b) Except as provided in (d) of this section, evidence of coverage, or an amendment or endorsement to coverage, may not be issued or delivered to a person in this state until a copy of the form of the evidence of coverage, amendment, or endorsement has been filed with and approved by the director. A filing shall be made not less than 30 days before the intended date of delivery or issuance. The form of evidence of coverage, amendment, or endorsement is considered approved 30 days after it was filed, unless it is affirmatively approved or disapproved by an order of the director before the expiration of the 30-day period. If the form of evidence of coverage, amendment, or endorsement is disapproved, the director's order must specify the reasons for disapproval. A hearing shall be granted to a person aggrieved by either an approval or disapproval under this subsection if a written request is made by that person to the director. The hearing shall be granted within 30 days after the receipt of the written request.

(c) An evidence of coverage

(1) may not contain a provision or statement that is unjust, unfair, inequitable, misleading, deceptive, or encourages misrepresentation, or that is untrue, misleading, or prohibited under AS 21.86.150; and

(2) must contain a clear and concise statement, if a contract, or a reasonably complete summary, if a certificate, of

(A) the health care services and the insurance or other benefits, if any, to which the enrollee is entitled;

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR LEMAN

TO: CSSB 197(), Draft Version "H"

1 Page 1, following line 7:

2 Insert a new bill section to read:

3 **"* Section 1.** AS 21.36.090(d) is amended to read:

4 (d) Except to the extent necessary to comply with AS 21.42.365 and
5 AS 21.56, a person may not practice or permit unfair discrimination against a person
6 who provides a service covered under a group health insurance policy that extends
7 coverage on an expense incurred basis, or under a group service or indemnity type
8 contract issued by a health maintenance organization or a nonprofit corporation, if
9 the service is within the scope of the provider's occupational license. In this
10 subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist,
11 chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical
12 therapist, occupational therapist, psychologist, psychological associate, or licensed
13 clinical social worker, or certified direct-entry midwife."

14 Page 1, line 8:

15 Delete "Section 1."

16 Insert "Sec. 2."

17 Renumber the following bill sections accordingly.

Sec. 21.36.080. Boycott, coercion, and intimidation. A person may not enter into an agreement to commit, or by any concerted action commit, an act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance. (§ 1 ch 120 SLA 1966)

Sec. 21.36.090. Unfair discrimination. (a) A person may not make or permit unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for a contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract.

(b) A person may not make or permit unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for a policy or contract of disability insurance or in the benefits payable, or in any of the terms or conditions of the contract, or in any other manner whatever.

(c) A person may not make or permit arbitrary or unfair discrimination between insureds or property having like insuring or risk characteristics, in the premium or rates charged for a policy or contract of property, casualty, surety, marine, wet marine or transportation insurance, or in the dividends or other benefits payable on the insurance, or in the selection of it, or in any other of the terms and conditions of the insurance.

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group disability policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, dentist, osteopath, optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, psychologist, psychological associate, or licensed clinical social worker, or certified direct-entry midwife. (§ 1 ch 120 SLA 1966; am § 5 ch 163 SLA 1976; am § 1 ch 80 SLA 1983; am § 28 ch 2 FSSLA 1987; am § 1 ch 56 SLA 1988; am § 1 ch 150 SLA 1988; am § 139 ch 67 SLA 1992; am § 3 ch 39 SLA 1993; am § 1 ch 51 SLA 1993)

Delayed amendment. — Section 4, ch. 39, SLA 1993, effective July 1, 1998 under § 13, ch. 39, SLA 1993, amends (d) of this section by deleting the reference to AS 21.56.

Effect of amendments. — The 1992 amendment, effective July 1, 1992, added

"psychologist, psychological associate, or licensed clinical social worker" to the end of the section and made related changes.

The first 1993 amendment, effective July 1, 1993, inserted an internal reference in the first sentence in subsection (d).

The second 1993 amendment, effective

0-LS0905H
Ford
2/12/98

CS FOR SENATE BILL NO. 197()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS DONLEY, Taylor, Ellis, Duncan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to health care services provided by, and practices of, a health
 2 maintenance organization; providing that an enrollee in a health maintenance
 3 organization has the right to select a treating chiropractor; specifying certain
 4 chiropractic health care reports, examinations, and limits on treatment; and
 5 prohibiting health maintenance organizations from limiting free speech of health
 6 care providers."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * Section 1. AS 21.86.070(c) is amended to read:

9 (c) An evidence of coverage

10 (1) may not contain a provision or statement that is unjust, unfair,
 11 inequitable, misleading, deceptive, or encourages misrepresentation, or that is untrue,
 12 misleading, or prohibited under AS 21.86.150; and

13 (2) must contain a clear and concise statement [,] if a contract, or a

1 reasonably complete summary [,] if a certificate, of

2 (A) the health care services and the insurance or other benefits,
3 if any, to which the enrollee is entitled;

4 (B) limitations on the services, kind of services, benefits, or
5 kind of benefits, to be provided, including a deductible or copayment feature;

6 (C) where, and in what manner, information is available as to
7 how services may be obtained;

8 (D) the total amount of payment for health care services and the
9 indemnity or service benefits, if any, that the enrollee is obligated to pay with
10 respect to individual contracts; [AND]

11 (E) the health maintenance organization's method for resolving
12 enrollee complaints; and

13 (F) guidelines explaining when treatment may be denied.

14 * Sec. 2. AS 21.86 is amended by adding new sections to read:

15 **Sec. 21.86.075. Chiropractic health care services.** (a) An enrollee may use
16 the services of a licensed chiropractor of the enrollee's choosing and may not be
17 required to obtain the prior approval of the enrollee's health maintenance organization,
18 a gatekeeper, or primary care physician. Within 10 days after an enrollee's first visit,
19 a chiropractor shall transmit a report containing the enrollee's primary complaint,
20 related history, examination findings, initial diagnosis, and treatment plan to the
21 enrollee's health maintenance organization. If the enrollee and the enrollee's
22 chiropractor determine that the condition of the enrollee has not improved within 30
23 days after the initial treatment, the chiropractor shall refer the enrollee back to the
24 enrollee's health maintenance organization for examination and possible concurrent
25 care.

26 (b) If the enrollee's chiropractor recommends chiropractic treatment beyond
27 30 days, the chiropractor shall conduct a second examination and transmit the findings
28 to the enrollee's health maintenance organization. The transmitted information must
29 include the enrollee's current status regarding the primary complaint, the progress of
30 a revised treatment plan, and the objectives for continued care.

31 (c) After receiving a 30-day treatment report from a chiropractor under (b) of

1 this section, the enrollee's health maintenance organization may request a review by
2 another chiropractor. The reviewing chiropractor shall conduct a physical examination
3 of the enrollee. The findings of the reviewing chiropractor must be disclosed to the
4 enrollee and the enrollee's chiropractor. Charges for additional chiropractic care
5 recommended by the reviewing chiropractor must be included as covered health care
6 services provided by the health maintenance organization.

7 (d) If the enrollee's treating chiropractor and the reviewing chiropractor
8 determine that the enrollee's condition has stabilized, ongoing preventative or
9 maintenance care is limited to two chiropractic visits a month. If the treating
10 chiropractor and the reviewing chiropractor disagree on the enrollee's continued
11 treatment, the enrollee and the health maintenance organization shall jointly select a
12 third chiropractor to review the enrollee's chiropractic treatment. Selection of a third
13 chiropractor must occur not more than 60 days after the date of the enrollee's initial
14 treatment by the enrollee's treating chiropractor. Until the third chiropractor's opinion
15 is received in writing by the enrollee and the health maintenance organization, the
16 enrollee may receive chiropractic treatment recommended by the treating chiropractor.
17 The opinion of the third chiropractor as to continued chiropractic treatment is binding
18 on the enrollee and the health maintenance organization. This subsection does not
19 apply if a new documented injury or a substantial exacerbation of the enrollee's
20 previous primary complaint occurs.

21 **Sec. 21.86.078. Choice of health care provider.** (a) A health maintenance
22 organization shall offer to every enrollee a point-of-service plan option that would
23 allow a covered person to receive covered services from an out-of-network health care
24 provider without obtaining a referral or prior authorization from the health maintenance
25 organization. The point-of-service plan option may require that an enrollee pay a
26 higher deductible or copayment and higher premium for the plan.

27 (b) A health maintenance organization shall provide each enrollee with an
28 opportunity at the time of enrollment and during the annual open enrollment period to
29 enroll in the point-of-service plan option. The health maintenance organization shall
30 provide written notice of the point-of-service plan option to each enrollee and shall
31 include in that notice a detailed explanation of the financial costs to be incurred by an

1 enrollee who selects that option.

2 * Sec. 3. AS 21.86.150 is amended by adding a new subsection to read:

3 (i) A health maintenance organization, including a health maintenance
4 organization operating a managed care plan, or a representative of a health
5 maintenance organization may not cause, request, or knowingly permit

6 (1) the imposition of limits regarding

7 (A) criticism by a health care provider of health care services
8 provided by the health maintenance organization; or

9 (B) written or oral communications between a health care
10 provider and an enrollee regarding health care services;

11 (2) the employment of a health care provider to be terminated unless
12 the provider receives written notice of the cause for the termination before being
13 terminated;

14 (3) denial of health care coverage for an enrollee unless the enrollee
15 has been examined by at least two physicians; or

16 (4) financial incentives to be given or offered to a provider for denying
17 or delaying health care services.

**Alaska Nurse
Practitioner Association**

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February 12, 1998

The Honorable Dave Donley
State Capitol, Room 508
Juneau, AK 99801-1182
Fax 907-465-6595

Dear Senator Donley,

Thank-you for your timely response to our letter re: including Advanced Nurse Practitioners in section 2 of Senate Bill 197. We have reviewed your amendment (ref O-LS0905\B7) to SB197 and feel that it addresses our concerns.

Your bill has important consumer protections in sections 1 and 3 such as banning HMO gag orders and requiring HMOs to identify treatments that may be denied. Based on what we are hearing from around the country, these protections are needed. Hopefully those sections can be added to the House version (HB 219) in the future.

We appreciate your efforts on behalf of the health care consumers of Alaska, both in the consumer protection aspects of SB 197 and assuring consumers continued access to their health care provider of choice.

Sincerely,
Lynn Hartz, MSN, ANP
ANPA Legislative Representative

SB

208

Alaska State Legislature

SENATE DISTRICT 1

Bayshore	Abbott Loop
Campbell	Bear Valley
Dimond	Bird Creek/Indian
Independence Park	Girdwood
Klatt	Glen Alps
Old Seward	Hillside
Southport	Huffman/O'Malley
Taku	Portage
	Rabbit Creek



SENATOR SEAN PARNELL

716 WEST 4TH AVENUE, SUITE 530
ANCHORAGE, ALASKA 99501
(907) 258-8194

While in Session:
STATE CAPITOL
JUNEAU, ALASKA 99801-1152
(907) 465-2995 1-800-365-2995

SPONSOR STATEMENT

Senate Bill 208

"An act providing for voter approval of the alteration or abolishment of certain municipal service areas"

This legislation was introduced as a means of strengthening local control of service areas. These areas have enabled residents to assess themselves to the particular degree and scope of service they seek without the overhead that typically exists if service were provided by a larger governmental entity.

Essentially, SB 208 would prohibit a borough or municipality from absorbing or abolishing a service area without first requiring a vote of the people covered by the service area.

SB

2009



Alaska State Legislature

Senate

Sponsor Statement Senate Bill 209

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"An Act relating to the Task Force on Privatization;
and providing for an effective date"

Privatization is the fundamental political and economic reassessment of the role of government and the private sector in the modern state. It is a variety of management techniques and activities encouraging more involvement of the private sector in providing government services. Markets are efficient only when they are competitive, however, efficiency should not be government's only goal. Government must balance the pursuit of efficiency with effectiveness, while maintaining the confidence of the people it represents.

SB 209 was introduced to establish a task force that will review functions of state government that could easily be transferred to the private sector. The task force will have members from the public, legislative and executive branches of government.

In this time of decreased revenue the State of Alaska needs an all encompassing evaluation of governmental services and their delivery. Forty-eight other states, including Alaska, have streamlined some governmental services through a number of methods including outsourcing and privatization. When enacted, this bill will evaluate which services could be provided more efficiently by the private sector as well as highlight those services that are better provided by the government. The report will provide a road map for reducing the size and cost of state government, without reducing service, while providing options for the future.

SB 209 will also look into the State's contracting procedures to make sure Alaskans are getting the most out of every contracting dollar spent.

SB

214

MEETING AGENDA

I. CALL TO ORDER: Senate Rules Committee
on Wednesday, January 21st, 1998, at 11:30 AM
in the Fahrenkamp Room.

II. ROLL CALL:

Kelly.....Leman.....Taylor.....

Torgerson.....Duncan.....

III. AGENDA ITEMS TO CALENDAR:

1) SB 159 - New Business Incentive Program
by Senator Pearce

2) SB 110 -Licensure of Landscape Archi-
tects by Senator Mackie

3) SB 214 - CONCEALED CARRY CHANGES

AIDED AT
11:00 AM

IV. MOTIONS:

Move bills from committee with individual recommendations , and to be calendared at the discretion of the chair.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 214

Revision Date: (Note if correction)
 Title: "An Act relating to the possession of a concealed deadly weapon by peace officers...."
 Sponsor: Sen. Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy

Phone: 269-3500
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 1/20/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 214 (STA)

Revision Date: 1/22/98
 Title: "An Act relating to the possession of a concealed deadly weapon by peace officers...."
 Sponsor: Sen. Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy

Phone: 269-3500
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/22/98

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: CSSB 214 (STA)

Revision Date: 1/21/98 Dept. Affected: Public Safety
 Title: Possession of concealed weapons by peace officers and chief administrative officers BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senators Miller & Green
 Requestor: Senate Rules COMPONENT SERIAL NO. 0799

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 99) 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.)

Prepared By: Sandy Perry-Provost, Spec. Asst. to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 01/21/98
 Approved by Commissioner: Ronald L. Otte Date: 01/21/98
 Agency: Department of Public Safety

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

216



Official Business

Alaska State Legislature

Senate

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Sponsor Statement

Senate Bill 216

"An Act Providing for the Civil Commitment of Sexual Predators"

In the past we have been powerless to prevent the release from custody of dangerous sexual predators who have not been rehabilitated and are almost assured to re-offend. Now, thanks to a recent United States Supreme Court ruling (*Kansas v. Hendricks*), we have the ability to employ another tool to help protect our citizens from society's most heinous sexual predators. SB 216 would provide the tool -- which meets constitutional requirements -- to keep some of the worst sexual predators off the streets. This will help us prevent future sexual assaults, and the destroyed lives which often result.

Arizona, Kansas, Minnesota, New Jersey, Washington, Wisconsin and Illinois are among the states that have already enacted civil commitment laws. SB 216 is modeled after Kansas' statute, which has been upheld by the highest court of the land. The experience in the other states is that this provision has been used sparingly, and only in the case of some of the very worst repeat sexual offenders who are determined likely to re-offend.

SB 216 will allow the state to confine the most serious sexual predators, such as pedophiles who, as statistics show, have a recidivism rate of over 85%. Civil commitment could only be accomplished following a civil trial, in which the court or jury finds that a person is a sexually violent predator using the "beyond a reasonable doubt" standard.

This small group of dangerous sexual offenders pose a real threat, particularly to the women and children of our state. SB 216 would provide a tool to prevent our most vulnerable citizens from being further terrorized by these known sexual predators.

SB

218



Official Business

Alaska State Legislature

Senate

RICK
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Fax (907) 694-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Sponsor Statement CS SB 218 (FIN)

"An Act relating to the crimes of murder, manslaughter, and criminally negligent homicide and to homicides of children"

All too often, when a child is killed, even when the killer is convicted, they do not receive punishment commensurate with the severity of their actions. Tragically, this has especially been the case when very young children are killed. I believe these children, who are the most vulnerable members of our society, are owed far more than our criminal justice system has afforded them. CS SB 218 (JUD) makes the following changes to our criminal statutes:

- *amends current law by adding a new form of first degree murder when the death of a child results from the commission or attempted commission of kidnapping, or of a sexual offense,*
- *expands the list of offenses constituting felony murder to include sexual abuse of a minor in the first and second degrees,*
- *elevates criminally negligent homicide from a class C to a class B felony,*
- *establishes a twenty year mandatory minimum sentence for a person convicted of a murder of a child under the age of sixteen,*
- *increases the mandatory minimum sentence (from five to seven years) for manslaughter, when the victim is a child under the age of sixteen,*
- *establishes a new sentencing provision, which allows for a term of unsuspended imprisonment that exceeds the presumptive term, for certain felony offenses if the victim is a child under the age of 16.*

Children deserve a responsible level of care when they are entrusted to an adult. CS SB 218 (JUD) will help accomplish both the goals of deterrence and establishing a punishment more fitting the crime. Passage of this bill will correct serious deficiencies in our legal system. I urge your support.

SB

219



Official Business

Alaska State Legislature

Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958

600 E. Railroad Avenue
Wasilla, Alaska 99654
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Sponsor Statement

Senate Bill 219

"The Crime Victims' Rights and Advocacy Act of 1998"

On November 8, 1994, the voters of Alaska ratified an amendment to the Constitution of the State of Alaska which provides specific rights to victims of crime. The overwhelming approval rate -- 86.6% in favor -- was clear testament of Alaskans' belief that:

"Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal or juvenile justice process, the right to timely disposition of the case following the arrest of the accused, the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication."

— ARTICLE I, SECTION 24, ALASKA CONSTITUTION

Passage of this legislation will put in place a mechanism to guarantee the practical application of this very important Constitutional Amendment. It is time for victims to have advocacy when dealing with a judicial system so heavily weighted to the benefit of criminals, and based on a process replete with technicalities and legal jargon, rendering it virtually indecipherable to anyone other than the attorneys.

SB

221

INTERNET ADDRESS:
acoa@admin.state.ak.us



P.O. BOX 110209
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(907) 465-3250
FAX: 465-4716

Alaska Commission on Aging

RESOLUTION 98-1

In support of negative amortization of owner-occupied secured loans

WHEREAS, senior citizens desire to remain in homes they own as long as they are able; and

WHEREAS, SB 221 would amend A.S. 45.45.010(f) to enable lending institutions throughout Alaska to offer certain types of annuity mortgages to senior citizens;

THEREFORE, BE IT RESOLVED that the Alaska Commission on Aging supports SB 221.

Adopted this 30 th day of January, 1998.

Donald M. Hoover

Donald Hoover, Chair



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS

SENATE DISTRICT L

SESSION
State Capitol
Juneau, AK 99801
(907) 465-4949
800-478-4950
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INTERIM
P.O. Box 142
Eagle River AK 99577
(907) 694-4949
Fax: 694-4948

Memorandum

TO: SENATE RULES COMMITTEE

FROM: Senator Randy Phillips ~~REP~~

DATE: January 23, 1997

RE: Senate Bill 221,
"An Act relating to negatively amortizing loans under a program approved or sponsored by the state or federal government"

Many of Alaska's seniors are faced with the prospect of reduced income and the inability to keep their homes. One option for seniors is a "reverse annuity mortgage," a mortgage wherein the financial institution provides a stream of payments to the borrower in return for an equity position in the borrower's home. The senior is able to stay in the home while receiving the financial benefits of home ownership.

One of these programs, the 'Homekeeper' loan program, was developed by Fannie Mae. This national program allows seniors to extract equity without a payment plan or to purchase a home without high payments. This program has several options, one of which is an equity share agreement that allows for a higher income allowance for the senior. This option cannot be utilized in Alaska because of a prohibition in current law. Senate Bill 221 changes state law, A. S. 45.45.010(f), to enable certain shared equity loans that are sponsored by the state of Alaska or the federal government.

Passage of SB 221 will benefit many Alaska seniors by allowing them an additional tool to help them retain their homes.

S B

2 2 3

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee February 5, 1998 11:25 am



Official Business

Alaska State Legislature

Senate

State Capitol
Juneau, AK. 99801-1182

Rules Committee

SENATE BILL 223 SPONSOR STATEMENT

Senate Bill 223 is a legislative remedy for two specific problems in Alaska's senior housing laws. The first problem is the age of eligibility for senior housing programs, which is currently set in statute at 60 years or older for projects financed under the Senior Housing Revolving Fund (SHRF). This age of eligibility restricts many older Alaskans from accessing senior housing that would otherwise be available. This in turn has resulted in some senior housing projects failing to achieve full occupancy.

Only one current senior housing project in Alaska was financed through the SHRF. All other senior housing projects have been financed under the Special Needs Multi-family Loan Program, the age limit for which has been lowered by regulation. Age limits for loans under the latter program can be lowered to 55 under the regulatory authority of the AHFC Board. This contrasts with the age limit for projects financed under the SHRF, set in statute at 60. SB 223 will lower the statutory age limit for the SHRF to 55.

A second problem with senior housing laws is a mandated surcharge of two interest points for construction loans, and half a point for permanent loans. This is provided for in section 720 of chapter 56 of Title 18. These surcharges date from the time when senior housing programs were administered by the Office of Senior Housing in the Department of Community & Regional Affairs (DC&RA). The revenues generated by these surcharges served to defray the costs of administrative oversight at DC&RA. Now that senior housing programs have been brought under the ægis of AHFC, the surcharges are no longer necessary, and are detrimental to the effective provision of housing opportunities to older Alaskans. SB 223 repeals AS 18.56.720, eliminating unnecessary interest rate surcharges.



Official Business

Alaska State Legislature

Senate

State Capitol
Juneau, AK. 99801-1182

Rules Committee

MEMORANDVM.

TO: Senator Green, Chairman
Senate State Affairs Committee

FROM: Benjamin Brown, ⁶⁶⁶Legislative Aide
to Senator Kelly

DATE: 21 January 1998

IN RE: sectional analysis of SB 223

A summary by section of SB 223 follows. Please note that a sectional analysis is not generally considered to be the most authoritative interpretation of a bill; the bill itself is the best statement of its purposes and effects.

Section 1 contains findings and purposes relating generally to the need for housing for older Alaskans. It also specifically notes that federal law considers seniors to be persons aged 55 and older for the purposes of senior housing programs. Section 1 further calls for the standardization of state age limits with existing federal requirements.

Section 2 amends the age of eligibility for senior housing under the Senior Housing Revolving Fund, lowering it from 60 to 55 years.

Section 3 makes a conforming amendment to the age limit for eligibility for senior housing in the declaration of purpose for the Senior Housing Revolving Fund.

Section 4 repeals a provision of current law mandating an interest rate surcharge on Senior Housing Revolving Fund loans, over and above the cost of the bonds issued to fund the loan. This surcharge generated revenues which are no longer needed to cover administrative costs.



Official Business

Alaska State Legislature

Senate

Rules Committee

State Capitol
Juneau, AK. 99801-1182

COMMITTEE SUBSTITUTE for SENATE BILL 223 (Rules) SPONSOR STATEMENT

AHFC supports this bill.

Committee Substitute for Senate Bill 223 (Rules) remedies several problems in Alaska's senior housing laws. First is the eligibility age for senior housing, set in statute at 60 years or older for projects financed under the Senior Housing Revolving Fund (SHRF). This age of eligibility restricts many older Alaskans from accessing senior housing that would otherwise be available to them.

Only one current senior housing project in Alaska was financed through the SHRF. All other senior housing projects have been financed under the Special Needs Multi-family Loan Program, the age limit for which can be lowered by regulation to 55. This contrasts with the age limit for projects financed under the SHRF, set in statute at 60. CSSB 223 (Rules) will lower the statutory age limit for the SHRF to 55.

A second problem with the Senior Housing Revolving Fund is a mandatory surcharge of two interest points for construction loans, and half a point for permanent loans. When senior housing programs were administered by the Office of Senior Housing in the Department of Community & Regional Affairs (DC&RA), the revenues generated by these surcharges defrayed administrative costs at DC&RA. Now that senior housing programs have been brought under AHFC, surcharges are no longer necessary, and are detrimental to the effective provision of housing opportunities to older Alaskans.

CSSB 223 (Rules) also eliminates unnecessary provisions in the senior housing laws, including the senior housing bond account, whose current assets are transferred to the SHRF. The bill makes repayment of SHRF loans a source of revenue, and clarifies that deposits to the SHRF are to be used for senior housing loans. It deletes a requirement that a list of approved senior housing projects be made before bonds are sold, an outdated component of the original statute.

0-LS1081\F
Cook
2/5/98

CS FOR SENATE BILL NO. 223(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act lowering the age requirement from 60 years to 55 years for purposes
2 of senior housing programs; relating to the senior housing revolving fund; relating
3 to bonds to fund senior housing loans; repealing provisions establishing the senior
4 housing bond account of the Alaska Housing Finance Corporation; and repealing
5 a provision relating to the interest rate on senior housing loans made by the
6 Alaska Housing Finance Corporation."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1. FINDINGS AND PURPOSE.** (a) The legislature finds that

9 (1) it is necessary to ensure that decent, safe, sanitary, and affordable housing
10 is available in the state for seniors;

11 (2) senior housing should be made available to as many people as possible; and

12 (3) federal law accommodates certain types of senior housing for people 55
13 years of age or older under 42 U.S.C. 3607(b) (Fair Housing Act).

1 (b) It is the purpose of this Act to make senior housing development programs more
2 available to older Alaskans.

3 * Sec. 2. AS 18.56.710(a) is amended to read:

4 (a) The senior housing revolving fund is established. The revolving fund
5 consists of appropriations made to it by the legislature, the proceeds of bonds sold
6 under AS 18.56.790, repayments of principal and interest on loans made or
7 purchased from assets of the fund [AS THEY ARE DEPOSITED INTO IT BY THE
8 CORPORATION FOR SPECIFIC PROJECTS], and money or other assets transferred
9 to the revolving fund by the corporation. The corporation may

10 (1) pledge amounts deposited in the revolving fund for bonds issued
11 under AS 18.56.790;

12 (2) use amounts deposited in the fund [AND USED BY THE
13 CORPORATION] for making, purchasing, or participating in

14 (A) [(1)] senior housing mortgage loans;

15 (B) [(2)] loans made for building materials for senior housing;

16 (C) [(3)] loans made for renovation or improvement of or for
17 senior housing, including loans for renovation or improvement of congregate
18 or individual residences; and

19 (D) [(4)] loans made for the construction of senior housing.

20 * Sec. 3. AS 18.56.790(a) is amended to read:

21 (a) Under the procedures of this chapter, the corporation may issue bonds in
22 a total amount not exceeding \$30,000,000 to fund senior housing loans made under
23 AS 18.56.700 - 18.56.799 [THAT ARE APPROVED BY THE CORPORATION
24 UNDER (b) OF THIS SECTION].

25 * Sec. 4. AS 18.56.799(2) is amended to read:

26 (2) "senior housing"

27 (A) means construction or improvement undertaken primarily
28 to provide dwelling accommodations for persons 55 [60] years of age or older,
29 including conventional housing, housing for frail elderly, group homes,
30 congregate housing, residential horizontal property regimes organized under
31 AS 34.07, residential cooperatives organized under AS 10.15 or AS 34.08,

1 residential condominiums organized under AS 34.08, and other housing that
2 meets special needs of the elderly;

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

6 * Sec. 5. AS 18.56.800 is amended to read:

7 **Sec. 18.56.800. Declaration of purpose.** There exists in the state a serious
8 shortage of decent, safe, and sanitary residential housing available at low or moderate
9 prices or rentals to persons 55 [60] years of age or older. There also exists in the state
10 organizations whose purposes are to provide the kinds of housing needed to alleviate
11 this shortage. Development work to provide such housing involves substantial expense
12 that is often beyond the resources of the organizations.

13 * Sec. 6. All assets in the senior housing bond account (AS 18.56.790(d)) on the effective
14 date of this Act are transferred to the senior housing revolving fund (AS 18.56.710).

15 * Sec. 7. AS 18.56.720, 18.56.790(b), 18.56.790(c), and 18.56.790(d) are repealed.

CS FOR SENATE BILL NO. 223(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the age requirement for purposes of senior housing programs
2 and requiring the Alaska Housing Finance Corporation to establish the age
3 requirement, which may not be less than 55 years of age, for occupants of
4 certain senior housing; relating to the senior housing revolving fund; providing
5 that the senior housing bond account consists of money appropriated to the
6 account and interest earned on money appropriated to the account; providing that
7 the Alaska Housing Finance Corporation may use money in the senior housing
8 bond account only in accordance with an appropriation of the money; repealing
9 the senior housing bond account on June 30, 1999; relating to bonds to fund
10 senior housing loans; and repealing a provision relating to the interest rate on
11 senior housing loans made by the Alaska Housing Finance Corporation."

12 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 * **Section 1. FINDINGS AND PURPOSE.** (a) The legislature finds that

2 (1) it is necessary to ensure that decent, safe, sanitary, and affordable housing
3 is available in the state for seniors;

4 (2) senior housing should be made available to as many people as possible; and

5 (3) federal law accommodates certain types of senior housing for people 55
6 years of age or older under 42 U.S.C. 3607(b) (Fair Housing Act).

7 (b) It is the purpose of this Act to make senior housing development programs more
8 available to older Alaskans through the senior housing revolving fund.

9 * **Sec. 2.** AS 18.56.710(a) is amended to read:

10 (a) The senior housing revolving fund is established. The revolving fund
11 consists of appropriations made to it by the legislature, the proceeds of bonds sold
12 under AS 18.56.790, repayments of principal and interest on loans made or
13 purchased from assets of the fund [AS THEY ARE DEPOSITED INTO IT BY THE
14 CORPORATION FOR SPECIFIC PROJECTS], and money or other assets transferred
15 to the revolving fund by the corporation. The corporation may

16 (1) pledge amounts deposited in the revolving fund for bonds issued
17 under AS 18.56.790;

18 (2) use amounts deposited in the fund [AND USED BY THE
19 CORPORATION] for making, purchasing, or participating in

20 (A) [(1)] senior housing mortgage loans;

21 (B) [(2)] loans made for building materials for senior housing;

22 (C) [(3)] loans made for renovation or improvement of or for
23 senior housing, including loans for renovation or improvement of congregate
24 or individual residences; and

25 (D) [(4)] loans made for the construction of senior housing.

26 * **Sec. 3.** AS 18.56.790(a) is amended to read:

27 (a) Under the procedures of this chapter, the corporation may issue bonds in
28 a total amount not exceeding \$30,000,000 to fund senior housing loans made under
29 AS 18.56.700 - 18.56.799 [THAT ARE APPROVED BY THE CORPORATION
30 UNDER (b) OF THIS SECTION].

31 * **Sec. 4.** AS 18.56.790(d) is amended to read:

1 (d) There is established in the corporation a senior housing bond account. The
2 account consists of [PROCEEDS OF BONDS ISSUED UNDER THIS SECTION,]
3 money appropriated to the account and interest earned on money appropriated to
4 the account [, REPAYMENTS OF PRINCIPAL THE CORPORATION COLLECTS
5 FOR A LOAN MADE UNDER AS 18.56.700 - 18.56.799 THAT WAS FUNDED BY
6 BONDS ISSUED UNDER THIS SECTION, AND THE CORPORATION'S RIGHT,
7 TITLE, AND INTEREST IN PROPERTY FINANCED THROUGH A LOAN MADE
8 UNDER AS 18.56.700 - 18.56.799 THAT WAS FUNDED BY BONDS ISSUED
9 UNDER THIS SECTION]. The corporation may [PLEDGE ASSETS IN THE
10 ACCOUNT AND IN THE SENIOR HOUSING REVOLVING FUND FOR THE
11 PAYMENT OF BONDS ISSUED UNDER THIS SECTION AND MAY] use money
12 in the account only in accordance with an appropriation of that money [FOR
13 PAYMENT OF THE BONDS].

14 * Sec. 5. AS 18.56 is amended by adding a new section to read:

15 **Sec. 18.56.795. Regulations.** For purposes of implementing AS 18.56.700 -
16 18.56.799, the corporation shall, under AS 18.56.088, establish by regulation the age
17 requirement for occupants of senior housing, which may not be less than 55 years of
18 age.

19 * Sec. 6. AS 18.56.799(2) is amended to read:

20 (2) "senior housing"

21 (A) means construction or improvement undertaken primarily
22 to provide dwelling accommodations for [PERSONS 60 YEARS OF AGE OR]
23 older individuals, including conventional housing, housing for frail elderly,
24 group homes, congregate housing, residential horizontal property regimes
25 organized under AS 34.07, residential cooperatives organized under AS 10.15
26 or AS 34.08, residential condominiums organized under AS 34.08, and other
27 housing that meets special needs of the elderly;

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

31 * Sec. 7. AS 18.56.800 is amended to read:

- 1 **Sec. 18.56.800. Declaration of purpose.** There exists in the state a serious
2 shortage of decent, safe, and sanitary residential housing available at low or moderate
3 prices or rentals to [PERSONS 60 YEARS OF AGE OR] older individuals. There
4 also exists in the state organizations whose purposes are to provide the kinds of
5 housing needed to alleviate this shortage. Development work to provide such housing
6 involves substantial expense that is often beyond the resources of the organizations.
- 7 * **Sec. 8.** AS 18.56.720, 18.56.790(b), and 18.56.790(c) are repealed.
- 8 * **Sec. 9.** AS 18.56.790(d) is repealed on June 30, 1999.

S B

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NOTES ON LEGISLATION

Thursday, April 9th

RULES COMMITTEE MEMBERS:

You have CSSB 233 (FIN) before you. You also have a proposed committee substitute, LS1313/R, to consider. The following notes apply to the proposal:

PROPOSED C. S.

DELETES Sections 1, 4, and 6 OF THE FINANCE VERSION.

CHANGES THE EFFECTIVE DATE TO AN IMMEDIATE IN NEW Section 4.

AMENDS THE TITLE TO FIT THE PROVISIONS OF THE PROPOSED C. S.

DEFINES "GOLF COURSE" AND ADDS IT TO THE DEFINITION OF WHAT A "RECREATIONAL SITE" IS.

ADDITION OF THE WORDS "but is not limited to" WAS NOT NECESSARY BECAUSE THAT PHRASE IS ASSOCIATED WITH THE WORD "included" BY STATUTE, AS 01.10.040 (b), AND THEREFORE DOES NOT NEED REPEATING WITH EVERY USE OF THE WORD "INCLUDED" THROUGHOUT STATUTE.

Sec. 01.10.040. Words and phrases. (a) Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning.

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to." (§ 2 ch 52 SLA 1962; am § 1 ch 21 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 11, 1991, added subsection (b).
Legislative history reports. — For the purpose of

the enactment of (b) of this section by § 1, ch. 21, SLA 1991 (HCS CSSB 86 (Jud)), see 1991 House Journal Supplement No. 10, May 13, 1991.

NOTES TO DECISIONS

Judicial construction. — The court is required to construe words and phrases according to their "common and approved usage" unless such words and phrases have acquired peculiar meaning by virtue of statutory definition or judicial construction. *Lynch v. McCann*, 478 P.2d 835 (Alaska 1970).

Applied in *State, Dep't of Revenue v. Debenham Elec. Supply Co.*, 612 P.2d 1001 (Alaska 1980); *United States Jaycees v. Richardet*, 666 P.2d 1008 (Alaska 1983); *Lambert v. State*, 694 P.2d 791 (Alaska 1985); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *State v. Resek*, 706 P.2d 706 (Alaska Ct. App. 1985); *Julsen v. Julsen*, 741 P.2d 642 (Alaska 1987); *State v. Anderson*, 749 P.2d 1342 (Alaska 1988); *Department of Community & Regional Affairs v. Sisters of Providence*, 752 P.2d 1012 (Alaska 1988); *Alaska Int'l Constructors v. Kinter & Alaska Workers' Comp. Bd.*, 755 P.2d 1103 (Alaska 1988); *Cleland v. State*, 759

P.2d 553 (Alaska Ct. App. 1988); *State v. Strange*, 785 P.2d 563 (Alaska Ct. App. 1990); *Wylie v. State*, 797 P.2d 651 (Alaska Ct. App. 1990); *Hughes v. Harrelson*, 844 P.2d 1106 (Alaska 1993).

Quoted in *Employment Sec. Comm'n v. Wilson*, 461 P.2d 425 (Alaska 1969); *Thorsheim v. State*, 469 P.2d 383 (Alaska 1970); *State v. City of Anchorage*, 513 P.2d 1104 (Alaska 1973); *Gerlach v. State*, 699 P.2d 358 (Alaska Ct. App. 1985); *Walker v. State*, 742 P.2d 790 (Alaska Ct. App. 1987); *Mustafoski v. State*, 867 P.2d 824 (Alaska Ct. App. 1994).

Stated in *Velez v. State*, 762 P.2d 1297 (Alaska Ct. App. 1988).

Cited in *Murphy v. City of Wrangell*, 763 P.2d 229 (Alaska 1988); *Barrett v. State*, 772 P.2d 559 (Alaska Ct. App. 1989); *Fagan v. State*, 779 P.2d 1258 (Alaska Ct. App. 1989).

Sec. 01.10.050. Tense, number, and gender. (a) Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

(b) Words in the singular number include the plural, and words in the plural number include the singular.

0-LS1313R
Ford
4/9/98

CS FOR SENATE BILL NO. 233(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Alcoholic Beverage Control Board;
2 allowing sales of beer and wine by a holder of a recreational site license while
3 recreation is occurring; defining 'recreational site'; defining 'golf course'; and
4 providing for an effective date."

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

6 * Section 1. AS 04.11.210(a) is amended to read:

7 (a) The holder of a recreational site license may sell beer and wine at a
8 recreational site while recreation is occurring or during and one hour before and after
9 a recreational event that is not a school event, for consumption on designated areas at
10 the site.

11 * Sec. 2. AS 04.11.210(c) is amended to read:

12 (c) In this section,
13 (1) "golf course" means a course that has at least nine holes,
14 covers at least 2,950 yards, and is open to the public;

1 (2) "recreational site golf course or [MEANS, BUT IS
2 NOT LIMITED TO,] a location where baseball games, car races, hockey games, dog
3 sled racing events, or curling matches are regularly held during a season.

4 * Sec. 3. AS 44.66.010(a)(1) is amended to read:

5 (1) Alcoholic Beverage Control Board (AS 04.06.010) -- June 30, 2002
6 [1998];

7 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

SB

240



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SPONSOR STATEMENT

SB 240: An Act Repealing Coin Operated Devices Tax Program

As part of a continuing effort to reduce the size and cost of government, Senate Bill 240 will repeal the outdated Coin Operated Devices and Punchboards Tax Program. The program began in 1941 as a tax on amusement machines such as billiard tables, jukebox machines and pinball games, serving the purpose to raise revenues and track the number of amusement games. Repeal of the program would lessen the burden on 250 businesses in the state and free up 500 hours of Department of Revenue (DOR) staff time for higher priority work. The amount of revenue lost from repealing the program will be offset by money collected from increasing compliance of larger tax programs.

Currently 250 businesses must annually file a return and pay the appropriate amount of tax. The current annual tax rate is \$48 per device; the rate has remained virtually unchanged since 1947. The current program collects \$90,000, shares \$32,000 back to local governments and costs \$15,000 to operate. Thus the net general fund revenue is \$43,000. Department of Revenue officials have discussed the program repeal with several local government officials and the Alaska Municipal League. All concurred that they could not afford to administer the program locally for the small amount of revenue received.

Repealing the lowest priority state programs is an important component of the majority's goal to downsize government. In addition to reducing the budget we must reduce the paperwork and regulatory requirements placed on businesses and government. Repealing the Coin Operated Device Tax Program makes both good business sense and public policy.

Alaska Department of Revenue
Income and Excise Audit Division

PROPOSAL

Repeal the Coin-Operated Device Tax Program (AS 43.35).

OVERVIEW

The coin-operated devices tax program began in 1941 as a tax on amusement machines such as billiards, jukeboxes and pinball machines. Technology has changed the type of games in play, and the most common amusement machine in play today is the video game machine.

Repeal of the program would lessen the burden on 250 businesses in the state and free up 500 hours of DOR staff time for higher priority work. The current program collects \$90,000, shares \$32,000 back to local governments and costs \$15,000 to operate. Thus the net general fund revenue is \$43,000. In discussions with several local government officials they concurred with DOR that the program no longer serves a viable purpose.

PROGRAM STATISTICS

Smallest tax program. The coin-operated devices tax program is the smallest revenue program administered by the division. In FY 97 253 businesses filed 315 tax returns. The current annual tax rate is \$48 per machine (the same that was in place in 1947).

Shared Taxes. In FY 97 \$32,000 was shared back between 35 communities. Anchorage received \$12,000, Juneau received \$1,600 and Cordova received \$18. In discussions with several local governments and the Alaska Municipal League they concurred the program has out lived it's usefulness and local governments would spend more than they take in to administer the program in-house.

Program unique to Alaska. No other state in the union has a tax program similar to our coin-operated devices tax program.

CONCLUSION

Repeal of the coin-operated devices tax program will help both businesses and department employees reduce workloads. The paperwork required from businesses and the effort used in processing tax returns is not productive. Repeal of the program would free up time and resources to focus on increasing revenue in other tax programs and address higher priority issues.

Table 3
Program Revenue and Cost Detail

(Sorted by Revenue)	Returns	Revenue	Program		Per FTE ²	
			Cost ¹	FTE ²	Revenue	Cost
Tax Program						
Corporation	14,887	\$317,881,916	\$2,406,035	38.6	\$8,235,283	\$62,333
Motor Fuel	1,910	35,317,981	282,671	4.7	7,514,464	60,143
Fisheries Business	710	30,967,567	182,955	3.2	9,677,365	57,173
Tobacco	567	16,150,312	39,865	0.8	***	***
Alcoholic Beverages	224	11,553,183	66,159	1.0	11,553,183	66,159
Fishery Resource Landing	99	8,278,994	35,803	0.7	***	***
APUC Regulatory Cost Charges	371	4,301,051	20,099	0.4	***	***
Salmon Enhancement	673	4,189,791	43,626	0.8	***	***
Salmon Marketing	800	3,522,739	43,542	0.8	***	***
Seafood Marketing Assessments	315	3,099,230	26,833	0.5	***	***
Estate	73	1,717,986	3,856	0.1	***	***
Electric Cooperative	18	1,436,660	1,834	<.1	***	***
Telephone Cooperative	7	1,302,139	860	<.1	***	***
Mining License	324	387,036	41,686	0.8	***	***
Coin-Operated Device	315	90,165	17,503	0.4	***	***
Total Tax Programs	21,293	440,196,750	3,213,327	52.9		
	(Reports)					
Unclaimed Property Program	1,848	2,352,401	226,515	4.1		
Total All Programs	23,141	\$442,549,151	\$3,439,842	57.0 *		

Tax Programs	
Total Revenue per FTE	\$8,321,300
Total Cost per FTE	\$60,739

Unclaimed Property Program	
Total Revenue per FTE	\$573,756
Total Cost per FTE	\$55,248

¹ Includes total operating costs of the division.

² Full-time equivalent staff position.

* \$6 (full time and 2 seasonal (1 FTE))

*** Combined revenues and costs for these programs are \$44,476,103 and \$275,507, respectively. These programs require 5.4 FTE positions. Combined revenue and cost per FTE are \$8,236,315 and \$51,020.

**Table 5
Coin-Operated Devices Tax**

	<i>FY 96</i>	<i>FY 95</i>	<i>FY 94</i>	<i>FY 93</i>	<i>FY 92</i>	<i>Total All Years</i>
Municipality						
Anchorage	\$12,492	\$22,965	\$23,042	\$23,275	\$25,996	\$107,770
Juneau	1,601	1,840	1,958	2,032	1,896	9,327
Sitka	1,148	1,588	1,136	768	936	5,576
Total Municipalities	15,241	26,393	26,136	26,075	28,828	122,673
Borough						
Bristol Bay	0	0	0	288	0	288
Denali	219	96	0	171	0	486
Fairbanks North Star	1,549	1,206	1,703	2,588	1,214	8,260
Haines	0	0	0	24	27	51
Kenai Peninsula	1,477	1,080	1,680	1,368	1,140	6,745
Ketchikan Gateway	0	0	0	24	24	48
Kodiak Island	128	144	192	240	528	1,232
Matanuska-Susitna	857	692	1,432	1,028	922	4,931
Yakutat	60	24	96	120	80	380
Total Boroughs	4,290	3,242	5,103	5,851	3,935	22,420
City						
Anderson	97	72	48	144	144	505
Cold Bay	109	0	0	192	192	493
Cordova	18	24	72	144	144	402
Craig	0	24	48	196	308	576
Delta Junction	18	40	24	90	0	172
Dillingham	0	120	96	120	184	520
Fairbanks	3,939	4,502	4,650	4,474	5,578	23,143
Gambell	0	0	70	0	0	70

Table 5
Coin-Operated Devices Tax

City	FY 96	FY 95	FY 94	FY 93	FY 92	Total All Years
Haines	36	48	72	0	0	156
Homer	1,158	1,684	1,120	624	720	5,306
Hoonah	73	72	144	100	120	509
Huslia	0	0	0	24	48	72
Kachemak	36	0	0	0	0	36
Kallag	0	0	0	0	76	76
Kenai	1,057	1,953	1,661	1,642	1,800	8,113
Ketchikan	1,546	2,390	889	1,720	1,432	7,977
Kobuk	0	0	0	0	72	72
Kodiak	620	1,344	1,368	1,368	2,784	7,484
Lower Kalskag	0	0	0	0	24	24
Mekoryuk	73	0	120	168	0	361
Nenana	118	120	72	170	192	672
Nome	456	336	374	240	288	1,694
Noorvik	0	0	0	0	384	384
North Pole	346	240	468	312	0	1,366
Palmer	201	356	288	456	364	1,665
Pelican	55	15	72	72	72	286
Petersburg	346	600	456	552	528	2,482
Quinhagak	0	56	0	0	0	56
Scammon Bay	0	0	0	24	12	36
Seldovia	0	0	54	150	96	300
Seward	401	360	408	504	624	2,297
Shishmaref	0	0	0	120	168	288
Soldotna	966	1,800	1,152	1,176	1,340	6,434

**Table 5
Coin-Operated Devices Tax**

City	FY 96	FY 95	FY 94	FY 93	FY 92	Total All Years
Unalaska	237	168	360	0	216	981
Valdez	345	432	864	544	336	2,521
Wasilla	273	384	684	702	584	2,627
Wrangell	164	240	288	336	288	1,316
Total Cities	12,688	17,380	15,922	16,364	19,118	81,472
GRAND TOTAL ¹	<u>\$32,219</u>	<u>\$47,015</u>	<u>\$47,161</u>	<u>\$48,289</u>	<u>\$51,881</u>	<u>\$226,564</u>
Cost of Collection	\$10,200	N/A	N/A	N/A	N/A	\$10,200
Number of Communities Shared With	34	34	35	40	40	55

¹ *Net of cost of collection.*

N/A - Not Applicable. AS 43.35.050 authorizes that the amount determined to have been spent by the state in collection of taxes shall be excluded from the share payments made to municipalities. The department began deducting collection costs from sharable amounts for FY 96.

SB

259

Municipality of Anchorage



Anchorage Assembly
P.O. Box 201627
Anchorage, Alaska 99520

Mark Begich
Chairman

March 15, 1998

Representative Pete Kott, Chair
House Rules Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801

**SENT VIA FAX
ORIGINAL BY MAIL**

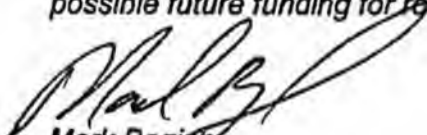
Dear Representative Kott:

The Anchorage Assembly has been informed that Senate Bill # 259, related to AMATS, is currently in your House Rules Committee. I wanted to let you, as Chair of the House Rules Committee, know that the Anchorage Assembly recently approved a resolution that strongly opposed this particular piece of legislation.

You may not be aware that when this bill was in the House Transportation Committee, we attempted to provide public comment through a teleconference from Anchorage. It is my understanding that, at the time, Senator Donley indicated to the Chair of the Transportation Committee there was no need to telephonically hook up with Anchorage. Consequently we were not allowed the opportunity to voice our opposition. It is our understanding that since the bill is currently in the Rules Committee, we will have no further opportunities to testify. It is extremely important that you, and others of the Anchorage Caucus understand that this bill, if approved could jeopardize millions of federal dollars coming into the state.

Our opposition is based on the fact that we believe this law strips local control from decisions on how local road dollars will be allocated. We feel that our involvement and input from constituents related to items such as the Comprehensive Plan, the Official Streets and Highways Plan, the Trails Plan, Parks Plan and many others; makes us, on the local level, the most qualified to determine where our roads will be, which ones will be funded and how dollars are best distributed.

The fact that this bill only affected Anchorage, and the Transportation Committee refused to let the affected local government participate in this proposed legislation concerns many of us who serve on the Anchorage Assembly. I would respectfully urge extreme caution in allowing this bill to move forward because of the potential devastating effect it will have on possible future funding for roads in Anchorage. Thanks in advance for your consideration.


Mark Begich
Assembly Chair

cc: Anchorage Caucus

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee 2/23/98 12:22 p.m



Alaska State Legislature

Senate

JERRY WARD

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SPONSOR STATEMENT

Senate Bill 259

METROPOLITAN PLANNING AUTHORITY

The Anchorage Metropolitan Area Transportation Study (AMATS) was created to comply with federal law requiring communities of over 50,000 in population to have a Metropolitan Planning Organization in order to qualify for federal highway funding.

The AMATS Policy Committee is presently composed of two Anchorage Assembly members, one representative from the State Department of Transportation and Public Facilities, one representative from the State Department of Environment Conservation and the Mayor of Anchorage. The AMATS Policy Committee has representation from all relevant branches of local and state government except the state legislature.

While AMATS policy requires legislative authorization before any federal funds can be expended on AMATS priority projects, no member of the Alaska State Legislature sits on the committee.

Senate Bill 259 would amend the AMATS operating agreement to add two Anchorage legislators; one member of the senate and one from the house. Both legislative members would have districts that are partially or wholly within the metropolitan area and they would be selected by a majority of the members of their respective bodies whose districts also fall partially or wholly within the metropolitan area. One of the state administrative members to the policy committee would be deleted. This change in membership would create an equal balance of state and local members on the AMATS policy committee.

The Federal Highway Administration (FHWA) has stated no objection to changing the composition of the AMATS Policy Committee to include members of the State Legislature. Further, the FHWA has stated that there is no reason that the AMATS program would not remain in compliance with federal regulations once the change in membership has been instituted.

An example of a successful metropolitan planning organization is the Oahu Metropolitan Planning Organization (OMPO) in Honolulu, Hawaii. Under the auspices of the federal government, created by the State Legislature in 1975 and reorganized in 1986, the OMPO is composed of four parts: a Policy Committee, or decision making body, a Technical Advisory Committee, a Citizen Advisory Committee and a staff person. The Policy Committee consists of six state legislators, five Honolulu City Council members, an appointee of the Governor and an appointee of the Mayor of Honolulu.

SB 259 – Sponsor Statement
Page 2

The OMPO does not construct projects or implement programs. Rather, its directive focuses upon development of plans and programs to produce an integrated intermodal transportation system.

It should be noted that passage of SB 259 would have no impact on the operation or functions of the Anchorage Assembly or the Municipality of Anchorage.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Senator Tim Kelly
Chair, Senate Rules Committee

From: Senator Dave Donley ^B
Co-Chair, Anchorage Caucus

Re: Floor Action Request for SB 259 - changing the composition
of the Anchorage Metropolitan Area Transportation Committee.

Date: February 19, 1998

As Co-Chair of the Anchorage Caucus, I request you calendar SB 259, which changes the composition the Anchorage Metropolitan Area Transportation Study (AMATS), for floor action in the Senate.

By a vote of 19-0, the Anchorage Caucus adopted a motion to support adding one Anchorage state senator and one Anchorage state representative to AMATS policy committee and reduce the number of appointees by the Governor. Senate Bill 259 is the legislation that carries out the intent of the caucus.

The current make-up of the AMATS policy committee is established by an operating agreement between the Mayor of Anchorage and the Governor. It is not a regulation or a statute and is not set by federal rules. That agreement created the current composition of the AMATS committee which consists of the Mayor of Anchorage, two Anchorage Assembly members, both of whom are appointed by the Mayor of Anchorage, two representatives from the State of Alaska, one from the State Department of Transportation and Public Facilities and one from the State Department of Environment Conservation.

SB 259 amends the AMATS operating agreement to add two Anchorage legislators; one member of the senate and one from the house. It also deletes one state administrative from the AMATS committee.

I appreciate your consideration of this request. If you have any questions, please contact myself or James Armstrong of my staff at 465-6581.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

SB

261

Alaska State Legislature

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MIKE MILLER
President of the Senate

Senate District Q

SB 261 Sponsor Statement

In the fall of 1997, Anchorage was awarded the bid to host the World Special Olympics Winter games in 2001. The bid award was contingent on the State agreeing to be the financial guarantor of the Games.

Working in conjunction with Senator Stevens, the Governor and private industry, Speaker Phillips and I agreed to jointly introduce legislation (HB357) that would "morally obligate" the State to pay any residual costs of the Games if private industry does not raise the money.

The total budget for the games is eight million dollars, four million dollars cash and four million dollars in-kind. In seven months, the organizing committee has raised over one million cash and two million in-kind. With three years left to generate funds, the organizing committee is committed to raising more than what is required host the Games and the legislature will not be required to appropriate funds to cover costs.

The legislation establishes AIDEA as the controlling agency to oversee the organizing committees fundraising activities and to report to the legislature on January 2 of each year the total funds raised to date. In the event that the money is not raised, the legislature would be 'morally obligated' to cover any costs, up to four million dollars.

Alaska is fortunate to have been awarded the bid. Special Olympics is a unique organization that benefits athletes in all areas of our State. The opportunity for them to participate in a worldwide competition with people of their same abilities is a once in a lifetime experience.

SB

262

Alaska State Legislature

Chairman,
Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



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Senator Robin L. Taylor
Senate Majority Leader

SPONSOR STATEMENT

SENATE BILL 262

Alaska license holders are outraged by the department's adoption of a preservationist philosophy which opposes consumptive uses by restricting access. At the fall 1995 Board of Game meeting, the Department of Fish and Game urged the Board of Game to close 236 square miles to Alaska's hunters. The department's own biologists testified that there was no biological problem, no justification, nor actual conflict among user groups in the area. The department's director admitted that the only issue was one based solely on a misperception resulting from purposeful misinformation and disinformation promulgated by animal rights extremists.

Senate Bill 262 restricts the department from curtailing traditional access for hunting and trapping unless the specific means of access is causing biological harm to a game population in the area where the restriction is to apply; and, the recovery of the wildlife population requires the access restriction.

The Board of Game is now politically compromised and has developed a pattern of establishing "controlled use areas" which deny user group access without any biological justification. To get politics out of wildlife management, the legislature must require that all wildlife regulations be necessary and biologically justified.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Alaska State Legislature

Chairman,
Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



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Ketchikan, Alaska 99901
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Senator Robin L. Taylor
Senate Majority Leader

TO: Senator Tim Kelly, Chair
Senate Rules Committee

FROM: Senator Robin Taylor *RLT*

DATE: March 23, 1998

RE: Senate Bill 262 Relating to management of hunting.

Request you calendar SB 262 for floor vote at your earliest convenience. This bill prohibits the department from restricting access unless the restriction is biologically necessary. Existing controlled use areas are grandfathered under the Resources Committee Substitute.

Thank you in advance for your consideration.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Hunting Areas With Access Restrictions

Controlled Use Area	Eff. Date*	Restriction
Chichagof CUA (4) 5 AAC 92.540(1)	1989	closed to use of any motorized vehicle for brown bear hunting
Delta CUA (13B & 20A) 5 AAC 92.540(2)(A)	1971	closed to use of any motorized vehicle or pack animal for hunting from 8/5-25
Sourdough CUA (13B) 5 AAC 92.540(2)(B)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Clearwater Creek CUA (13B) 5 AAC 92.540(2)(C)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Tonsina CUA (13D) 5 AAC 92.540(2)(D)	1975	closed to use of any motorized vehicle or pack animal for hunting from 7/26-9/30
Glacier Mountain CUA (20B) 5 AAC 92.540(2)(E)	1971	closed to use of any motorized vehicle for hunting from 8/5-9/20 (except designated highways)
Wood River CUA (20A) 5 AAC 92.540(2)(F)	1976	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Macomb Plateau CUA (20D) 5 AAC 92.540(2)(G)	1974	closed to use of any motorized vehicle for hunting or transportation of game from 8/10-9/30 (except some aircraft)
Yancet CUA (20A) 5 AAC 92.540(2)(H)	1973	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Ladue River CUA (20E) 5 AAC 92.540(2)(I)	1994	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game (except designated highways)
Nenana CUA (20A & C) 5 AAC 92.540(2)(J)	1996	closed to use of airboats for hunting moose, transporting moose hunters or their gear
Kenai CUA (15A) 5 AAC 92.540(3)(A)	1982	closed to use of aircraft during moose season until 9/11 (except at airports)
Lower Kenai CUA (15C) 5 AAC 92.540(3)(B)	1985	closed to use of any motorized vehicle except aircraft or boat for hunting 9/11-14 and 9/17-20 (except designated highways)
Kalskag CUA (18) 5 AAC 92.540(4)	1977	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)

*effective date of access restriction, not when the area was established

Controlled Use Area	Eff. Date*	Restriction
Upper Kuskokwim CUA (19D) 5 AAC 92.540(5)(A)	1981	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Hoholtna-Hoholitna CUA (19A & B) 5 AAC 92.540(5)(B)	1992	closed to use of boats equipped with motors over 40hp for big game hunting, transporting hunters and game from 8/1-11/1
Koyukuk CUA (21 & 24) 5 AAC 92.540(6)(A)	1978	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Kanuti CUA (24) 5 AAC 92.540(6)(B)	1979	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Paradise CUA (21) 5 AAC 92.540(6)(C)	1977	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Noatak CUA (23) 5 AAC 92.540(7)	1988	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)
Upper Mulchatna CUA (17B) 5 AAC 92.540(8)	1990	closed to use of any motorized vehicle except aircraft or boat for hunting big game (except vehicle in camp)
GMU 26A CUA 5 AAC 92.540(9)	1990	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts from 8/1-31 and 1/1-3/31 (except from public airport)
Naknek CUA (9C) 5 AAC 92.540(10)(A)	1991	closed to use of any motorized vehicle except aircraft, boat or snowmobile for hunting from 8/1-11/30 (except designated areas)
Izembek CUA (9E) 5 AAC 92.540(10)(B)	1993	closed to use of any motorized vehicle except boats for hunting, transporting hunters or game

*effective date of access restriction, not when the area was established

Management Area	Eff. Date*	Restriction
Dalton Highway Corridor MA 5 AAC 92.530(7)	1987	no motorized vehicles, except aircraft, boats and licensed highway vehicles may be used to transport game or hunters
Minto Flats MA (20B) 5 AAC 92.530(8)	1995	aircraft and airboats may not be used for moose hunting or to transport moose, moose hunters or their equipment
Northwest Alaska Brown Bear MA 5 AAC 92.530(16)	1992	aircraft (except regularly scheduled flights) may not be used in any manner for brown bear <i>registration permit</i> hunts
Lake Louise MA (13A)**	1971 Repealed 1979	closed to use of any motorized vehicle for hunting and transportation of game (except designated roads)
Alaska Peninsula MA (9)**	1973 Repealed 1986	closed to use of any motorized vehicle for big game hunting (except boats and aircraft)
Lime Village MA (19A)	1985 Repealed 1986	closed to use of aircraft during moose season (except at airports)
West Chugach MA (14)**	1968 Repealed 1979	closed to motorized transport (except boats) for hunting (except established roads and public airports) from 8/1-11/30

*effective date of access restriction, not when the area was established

**although designated as "management areas" when they were established, if created now, these areas would be "controlled use areas."

SB

264

Alaska State Legislature

Committee Membership

Senate Finance
Senate Resources
Senate Rules
Legislative Budget & Audit



Senator John Torgerson

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Session Address:
State Capitol; Room 514
Juneau, AK 99801-1182
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SB 264: Aid for Municipal Road Maintenance Sponsor Statement

SB 264 removes the current municipal road maintenance program from the revenue sharing statutes and establishes a stand-alone program for aid to municipalities for road maintenance. The funds appropriated to the existing program will be eliminated, except for funding for ice street maintenance. (This legislation does not affect the current statutes pertaining to maintenance of ice streets.)

The new program establishes the same requirements for eligibility of the roads as the current program. The source of funds for the new program is established as the motor fuel tax, which is expected to generate some \$9.3 million in FY 99. The current program cost is some \$3.2 million. The new program actually increases the funding by about 40 percent to \$1,000 per mile (the current appropriation amounts to some \$700.00 per mile) with an estimated total program cost of \$4.4 million.

Any balance which remains from the motor fuel tax funding source after the \$1,000 per mile allocation will be allocated to the Department of Transportation. Those funds will then be used for road improvements to facilitate road transfers from the State to a municipality for road maintenance.

Because the existing program is part of the Safe Communities Program, the minimum entitlement for municipalities is affected when this new program is enacted. This bill would reduce the minimum entitlement amount by the amount gained through the new road maintenance program.

In addition to the funding for maintenance of municipal roads, this bill provides for annual allocation of federal funds to the municipalities for road improvements. The method of allocation is based on the amount of road miles maintained by each municipality.

It is hoped that, by creating a stable funding source of revenue sharing for municipal road maintenance and a mechanism for upgrades for transfers to local governments, the amount of maintenance and appropriation by the state will be reduced.

SS SB 264(FIN): 3/25/98: mj

Representing the Kenai Peninsula