

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9724 SENATE RULES

HB

256

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Mary Pagenkopf

Senate Rules Committee 5/8/97 1:10 p.m



ALASKA COMMISSION
on
POSTSECONDARY EDUCATION

HB 256 - FEE FOR SERVICE

SERVICE: Consumer Protection - Authorization of postsecondary institutions to operate in the state of Alaska within minimum standards

PROTECT: Students purchasing education at postsecondary schools (academic and vocational)

ISSUE: Current fee charged to institutions does not recoup cost to state for service provision

GOAL: Fee for Service (Authorization) to cover partial cost

REQUEST: *Support legislation promoting responsible fee structure for service*

DIVISION OF INSTITUTIONAL RELATIONS
S T A T E O F A L A S K A

STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

TONY KNOWLES, GOVERNOR

3030 VINTAGE BLVD.
JUNEAU, ALASKA 99801-7109
VOICE (800) 441-2962
In Juneau 465-6740
TDD (907) 465-3143
FAX (907) 465-3293

MEMORANDUM

TO: ALASKA LEGISLATORS
FROM: DEBORAH CRAIG, DIRECTOR OF INSTITUTIONAL RELATIONS
SUBJECT: HB 256 - FEE FOR SERVICE
DATE: 4/23/97

In addition to the management of the Alaska Student Loan Program, the Alaska Commission on Postsecondary Education (ACPE) is responsible for authorizing postsecondary schools to operate in the state of Alaska. The authorization function is primarily one of consumer protection for students. ACPE establishes minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility of schools, to protect students against substandard, transient, unethical, or fraudulent practices of institutions.

Alaska Statute 14.48.090 imposes a set fee structure that the Commission must charge an institution for each application for authorization to operate or renewal of authorization to operate, as listed below:

- | | |
|--|-------|
| 1. Initial Authorization to Operate | \$100 |
| 2. Renewal of Authorization to Operate | \$100 |

These fees do not come close to recouping the actual labor (1.5 positions) and associated costs of authorization activities. Personnel and travel costs for FY97 will reach almost \$100,000. In FY96, ACPE collected less than \$2,000. The remaining costs of this function are borne by corporate receipts. Rather than reinvent the wheel on this issue, staff surveyed 25 state approving agencies to gain perspective on the various ways to tie the fee charged to the cost of doing business. The survey showed that fees varied from a low of \$50 to a high of \$6,000. A number of states utilize a system of scaled fees which are tied to tuition rates or tuition revenues.

ACPE is proposing a change in the fee structure to a percentage of gross tuition revenue/fees, less refunds and a set fee for less labor intensive services (change of program review, site review, etc.). Minimum and maximum fee thresholds would be established. See sample on next page. As the bulk of authorization activity is for renewal of authorization, charging a higher fee for initial authorizations would place an additional burden on new businesses with already significant start up costs. The proposed fees structure is intended to place the primary burden on institutions that derive the greatest benefit from the authorization process: institutions seeking reauthorization and gleaning student loan revenues.

This legislation also clarifies the criteria for exemption from authorization to operate. This would allow postsecondary institutions meeting the prescribed criteria to be exempt from fees associated with authorization and authorization requirements.

Further, this legislation provides a mechanism for the ACPE to recoup a portion of the cost of investigating and adjudicating institutional violations of statute and regulation. Fines would be based on the cost of investigation and adjudication within a maximum fine threshold and only assessed if the commission finds that an actual violation has occurred.

Again, the authorization function is one of consumer (student) protection and guardianship of Alaska student loan funds. Naturally, the proposed fee structure will seem significant to a population who have received our services essentially for free for many years. Nonetheless, as pressure increases for state agencies to become more cost effective, a fee schedule that charges the entity that benefits and covers at least a portion of the cost to the state is appropriate.

Comparison of Licensing Fees for Other States

STATE	CODE	INITIAL	RENEWAL	AMEND	AGENT	SITE CHANGE
Alaska		\$100	\$100	\$0	\$50	\$0
Arizona	*	\$800	600-1400	\$300	\$75	\$300
Arkansas	*	\$300-\$1,300	300-1200	100-250		
Colorado	* +	\$2,000	\$750	\$150	\$150	\$150
Florida	+	\$2,000	\$250		\$100	
Illinois	^	\$500	\$150			
Louisiana	+ ^	\$500	500 plus late fee			
Missouri	*	\$250	250-2500			
Nevada	*	\$1,500		\$500	\$200	
New Mexico	* +	\$500	2%-5000		\$500	
Ohio	* + ^	\$300-\$1,100	200-825	\$200	\$100	\$150
Oklahoma	* + ^	\$750	\$375		\$100	\$250
South Carolina	*	\$100-\$1,000	100-1000	\$50	\$25	\$50
Tennessee	* +	\$2,500	350-8000	Special Fees		
Texas	* + ^	\$1,000-\$2,500	3%+	\$225		\$375
Washington	* + ^	\$250-\$2,500	additional fees charged for special requests			

Code

- * Charges percentage scaled to tuition revenues
- + Charges late fee or annual fee
- ^ Tailors fee to individual requests and has authority to amend fee structure

Sample Fee Structure for Alaska

Initial Authorization and Application Fee - 2 Years	\$1,500
Renewal of Authorization - 3 Years	Min \$500/Max \$2500
	3% of Tuition/Fee Revenue
Change of Ownership	Min \$500/Max \$2500
	3% of Tuition/Fee Revenue
Change of Program or Additional Programs	\$100
Additional Site Inspection	\$100

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX 110017
JUNEAU, ALASKA 99811-0017
PHONE: (907)465-4611

TO: All Senate Members

FROM: Sandra J. Stout 
Director

DATE: May 6, 1998

SUBJECT: House Bill 257

I would like to take this opportunity to discuss with you House Bill 257, an act relating to elections, to voter registration, and to candidates for election. The bill is scheduled on the Senate calendar for Thursday, May 7, 1998.

What follows is a brief analysis of the bill and why it is important to the division of elections.

Voter List Maintenance

- ◆ Since the passage of the National Voter Registration Act (NVRA) in 1993, the division has been unable to purge the voter registration list.
- ◆ This is the state's second attempt to bring state law into compliance with the federal law. In 1996, legislation was passed but the US Department of Justice declared it violated the NVRA and authorized a lawsuit against the state. So far, the Department of Justice has refrained from actually filing the suit while the legislature is considering this corrective legislation.
- ◆ The list maintenance process will work as follows:
 - ◆ Each year a nonforwardable mailing will be sent to voters who, in the two years preceding, have had mail returned to the division; have not contacted the division; and have not voted or appeared to vote.
 - ◆ A second notice will be sent to those voters whose cards are returned by the US Postal Service as undeliverable or with a new forwarding address.
 - ◆ Voters have 45 days to respond to the second mailing. If no response is received, the voter will be placed on an inactive list.
 - ◆ If no there is voter contact during the following four years, the voter will be removed from the registration list.
- ◆ When a voter is placed on the inactive list, their name no longer appears on precinct registers or any list prepared by the division. A voter may become active at any time during that four year period by making contact with the division.

Optical Scanning Ballot Tabulation

- ◆ Explicit statutory authority assures that adoption of the optical scanning method does not create any legal difficulties.
- ◆ The director will have the authority to adopt regulations outlining procedures for the tabulation of optically scanned ballots.

Absentee Voting by Personal Representative

- ◆ Improves the absentee by personal representative process. It provides better accountability by requiring the personal representative to provide identification and sign a register before being issued ballots.
- ◆ This bill streamlines the process by decreasing the number of trips the personal representative is required to make. It would also decrease the number of signatures required. In 1996, there were 513 absentee by personal representative ballots. Of those, 15 percent were rejected for insufficient witnessing and signatures.
- ◆ Although the process has been simplified, additional security measures have been added. This important protection will reduce the possibility of voter fraud.

Absentee Voting by Fax

- ◆ After implementing absentee voting by fax in 1996, the division quickly realized how valuable a tool it was for voters not receiving ballots in time. However, because the application period ended four days before an election, many could not be served by the process.
- ◆ The application deadline for absentee voting by fax to the day before an election. The current deadline is four days prior to an election.

Official Election Pamphlet

- ◆ The bill proposes only technical changes associated with the official election pamphlet.

Federal Unemployment Tax Exemption

- ◆ The state will no longer be required to pay unemployment taxes for approximately 2,500 temporary election workers who make less than \$1,000.
- ◆ Federal legislation was passed – the Balanced Budget Act of 1997 – allowing states to exempt certain election workers from federal unemployment tax. In order to take advantage of this exemption, the state must adopt the federal language into state law.
- ◆ This will save the division of elections \$10,000 in an election year. This savings is reflected in the accompanying fiscal note.

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HB

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Mary Pagenkopf

Senate Rules Committee 1/27/98 11:30 am

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCS CSHB 265(RLS)

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to pamphlets, publications, plans, BRU: Occupational Licensing
 and records of state agencies;.... Component: Operations
 Sponsor: Reps. Martin, et al
 Requestor: Senate Rules COMPONENT SERIAL NO. 1844

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	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 New funds are not required to repeal the annual report requirements from various licensing statutes mentioned in the bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 2/6/98
 Approved by Commissioner: Deborah B. Sedwick Date: 2-9-98
 Agency: Commerce and Economic Development

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FISCAL NOTE

SCSCSHB 265 (RLS)

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB-265

Revision Date (Note if correction) _____ Dept. Affected Commerce & Economic Development
 Title Reports & Records of and to State Agencies BRU Insurance
 Component Insurance
 Sponsor Representative Martin
 Requester (S) RLS SCS Component Serial No. 354

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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill has no fiscal impact on this component.

Prepared by Marianne K. Burke, Director Phone 465-2515
 Division Insurance Date 2/6/98
 Approved by Commissioner Deborah B. Sedwick Date 2/10/98
 Agency Commerce & Economic Development

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. Sen CS for CS
for HB 265(RLS)

Revision Date (Note if correction)	06-Feb-98	Dept. Affected	Environmental Conservation
Title	An Act relating to publications and reports to and from state agencies and the governor.	BRU	Spill Prevention and Response
Sponsor	Representative Martin	Component	Response Fund Administration
Requester	Senate Rules	Component Serial No.	2259

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	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 (FY98) cost: 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

ANALYSIS: (Attach a separate page if necessary)

This bill makes minor modifications to the reporting requirements for the Response Fund.

There are no fiscal impacts.

Prepared by	Janice Adair	Phone	269-7645
Division	Environmental Health	Date	2/6/98
Approved by	Commissioner	Date	2/6/98
Agency	Department of Environmental Conservation		

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Side-by-Side Comparison

CS HB 265 (STA) am	to	SCS HB 265 (RLS)
Sec. 1 Repeals annual report of Barbers and Hairdressers		Same
Sec. 2 Technical change for repealer sec.		Same
Sec. 3 Technical change for repealer sec.		Same
Sec. 4 Changes a UA biennial report to annual; adds information required in sec. 8.		Same
Sec. 5 Eliminates 2 APOC reports		Same
Sec. 6 Eliminates a report of funds in the State Assistance for Community Health Aide Programs		Deleted section due to legislation passed in 1997
Sec. 7 Technical change for repealer sec.		Deleted section due to legislation passed in 1997
Sec. 8 Changes APOC reports to twice a year, instead of quarterly and annually		Now Sec. 6
Sec. 9 Eliminates a DOT&PF reporting requirement on accessibility upgrades		Now Sec. 7

<p>Sec. 10 Provides for required information to be included in another UA report</p>	<p>Now Sec. 8</p>
<p>Sec. 11 Eliminates a personnel division report on nonpermanent and emergency hires</p>	<p>Now Sec. 9</p>
<p>Sec. 12 Technical change for repealer sec.</p>	<p>Now Sec. 10</p>
<p>Sec. 13 Technical change for repealer sec.</p>	<p>Now Sec. 11</p>
<p>Sec. 14 Eliminates a DCRA report on village accounts under the municipal lands trust</p>	<p>Now Sec. 12</p>
<p>Sec. 15 Report on Clean Water Fund</p>	<p>Deleted from bill -- Some in depts. thought it valuable enough to continue.</p>
<p>Sec. 16 Provides information necessary for a report on the use of the Oil and Hazardous Substance Release Prevention and Response Fund (OHSRPRF)</p>	<p>Sec. deleted from bill -- report will continue</p>
<p>Sec. 17 Changes DEC version of OHSRPRF report from annual to biennial</p>	<p>Now Sec. 13</p>
<p>Sec. 18 Changes Gov's OHSRPRF report from annual to biennial</p>	<p>Now Sec. 14</p>

Sec. 19
Changes reporting requirements of
Citizens Review Panel for Permanency
Planning

Sec. Deleted -- statute
extensively revised by
legislation in 1997

Sec. 20
Repealers (see list)

Now Sec. 15
2 deleted because of
legislation passed in
1997. 1 other dropped
because it merely
requires notification to
the legislature and the
report it deals with will
still to be produced for
fishers & processors.

Section 15. Repeals the following statutes:

- AS 08.04.070(g) - Board of Accountancy annual report
- AS 08.24.071 - Collection agencies' annual directory
- AS 08.24.220 - Collection agency employee list
- AS 08.36.070(a)(3) - Board of Dental Examiners report
- AS 08.48.071(c) - AELS Board annual report
- AS 08.48.101(b) - AELS Board report
- AS 08.63.050(8) - Board of Marital/Family Therapy report
- AS 08.64.101(3) - State Medical Board report
- AS 08.65.030(a)(6) - Direct-Entry Midwives report
- AS 08.68.100(a)(7) - Board of Nursing report
- AS 08.84.010(b)(6) - Physical Therapy Board report
- AS 08.86.070(7) - Psychologists Board report
- AS 08.95.030(2) - Clinical Social Workers Board report
- AS 08.98.050(a)(7) - Veterinarian Board report
- AS 14.07.181 - State Board of Education pamphlet on drugs
- AS 14.40.170(a)(9) - University report on lands
- AS 14.40.296(b) - University report on a reserve fund
- AS 14.56.182 - 190 - Alaska Blue Book
- AS 18.20.150(b) - State medical facilities annual plan
- AS 18.85.160(b) - Public Defender Agency report
- AS 21.39.175 - medical malpractice insurers' reports
- AS 36.30.540(2), (3) and (6) - GSS procurement reports
- AS 37.05.030(b) - agency financial reports
- AS 37.05.035 - DOA consolidated report of agency reports
- AS 42.45.020(e)(3) - rural electrification loan report
- AS 43.76.030 - aquaculture association reports
- AS 44.42.055 - DOT/PF facility procurement plan

0-LS0927AH
Lauterbach
1/26/98

SENATE CS FOR CS FOR HOUSE BILL NO. 265(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MARTIN, Dyson, Ryan, Cowdery, Kott, Davies, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to pamphlets, publications, plans, and records of state agencies;
2 and relating to reports to and from state agencies and the governor."

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

4 * Section 1. AS 08.13.050 is amended to read:

5 **Sec. 08.13.050. Records of the board.** The Department of Commerce and
6 Economic Development shall keep a record of the board's proceedings related to the
7 issuance, refusal, suspension, and revocation of each license and permit. The record
8 shall contain the name of the person to whom a license or permit is issued, the
9 person's place of business, the date of issuance for each license and permit, and
10 whether it is currently valid. The record shall be open to inspection by the public at
11 all reasonable times. [THE BOARD SHALL SUBMIT AN ANNUAL REPORT ON
12 ITS OPERATIONS TO THE GOVERNOR.]

13 * Sec. 2. AS 08.24.240 is amended to read:

14 **Sec. 08.24.240. Failure to file statement.** If the annual statement of

1 collection [OR SEMIANNUAL STATEMENT OF EMPLOYEES] is not filed as
2 required under AS 08.24.210 [AND 08.24.220], the failure to file constitutes grounds
3 for the immediate suspension of the collection agency license of the licensee failing
4 to file the statement, and the department shall notify the licensee by registered or
5 certified mail that the license of the licensee will be suspended upon the expiration of
6 15 days after the date on which the notice was mailed unless the licensee complies
7 with the provisions of AS 08.24.210 [OR 08.24.220]. However, for good cause shown
8 and upon satisfactory proof furnished by the licensee that the failure to file the
9 statement was due to a condition not within the control, or was due to excusable
10 neglect, of the licensee, the department may permit the filing of the statement after the
11 time limited and excuse the failure to file the statement within the time limited. If the
12 statement required by AS 08.24.210 [OR 08.24.220] is not filed as required by this
13 section, the department shall revoke the license.

14 * Sec. 3. AS 08.24.250 is amended to read:

15 **Sec. 08.24.250. Information confidential.** Except as otherwise provided in
16 this chapter, information in whatever form required to be filed by the terms of
17 AS 08.24.210 [AND 08.24.220] shall be confidential and may not become a public
18 record, but it may be introduced in evidence in a suit, action, or proceeding in a court
19 or in a proceeding involving the granting or revocation of the license of a licensee.

20 * Sec. 4. AS 14.40.190 is amended to read:

21 **Sec. 14.40.190. Report.** The Board of Regents shall prepare a written report
22 at the beginning of each [FIRST] regular session of the legislature of the condition of
23 the university property, of all receipts and expenditures, including the administration
24 and disposition of appropriated and restricted funds and information required under
25 AS 37.25.010(d), and of the educational and other work performed during the
26 preceding [TWO] fiscal year [YEARS]. The board shall notify the legislature that the
27 report is available.

28 * Sec. 5. AS 15.13.030 is amended to read:

29 **Sec. 15.13.030. Duties of the commission.** The commission shall

30 (1) develop and provide all forms for the reports and statements
31 required to be made under this chapter, AS 24.45, and AS 39.50;

1 (2) prepare and publish a manual setting out uniform methods of
2 bookkeeping and reporting for use by persons required to make reports and statements
3 under this chapter and otherwise assist candidates, groups, and individuals in
4 complying with the requirements of this chapter;

5 (3) receive and hold open for public inspection reports and statements
6 required to be made under this chapter and, upon request, furnish copies at cost to
7 interested persons;

8 (4) compile and maintain a current list of all filed reports and
9 statements;

10 (5) prepare a summary of each report filed under AS 15.13.110 and
11 make copies of this summary available to interested persons at their actual cost;

12 (6) notify, by registered or certified mail, all persons who are
13 delinquent in filing reports and statements required to be made under this chapter;

14 (7) [REPORT WITHIN 60 DAYS AFTER THE ELECTION THE
15 NAMES OF ALL PERSONS AND GROUPS WHO HAVE FAILED TO COMPLY
16 WITH ANY OF THE PROVISIONS OF THIS CHAPTER TO THE OFFICE OF THE
17 ATTORNEY GENERAL;

18 (8) examine, investigate, and compare all reports, statements, and
19 actions required by this chapter, AS 24.45, and AS 39.50 [AND REPORT TO THE
20 ATTORNEY GENERAL THE NAMES OF ALL PERSONS OR GROUPS THAT
21 THE COMMISSION HAS SUBSTANTIAL REASON TO BELIEVE HAVE
22 VIOLATED THIS CHAPTER, AS 24.45 OR AS 39.50];

23 (8) [(9)] prepare and publish a biennial report concerning the activities
24 of the commission, the effectiveness of this chapter, its enforcement by the attorney
25 general's office, and recommendations and proposals for change; the commission shall
26 notify the legislature that the report is available;

27 (9) [(10)] adopt regulations necessary to implement and clarify the
28 provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of
29 AS 44.62 (Administrative Procedure Act).

30 * Sec. 6. AS 24.45.031(b) is amended to read:

31 (b) The commission may

1 (1) hold hearings and conduct investigations into compliance with the
2 provisions of this chapter;

3 (2) in conjunction with (1) of this subsection, issue subpoenas, compel
4 the attendance and testimony of witnesses, administer oaths and affirmations, and
5 require the production of books, papers, records, documents, or other items material
6 to the commission's duties or powers under this chapter;

7 (3) prepare, publish, and make available to the public, periodic, but at
8 least biannually [QUARTERLY AND ANNUALLY], summaries of the statements
9 and reports received; these summaries shall list separately individual lobbyists and
10 employers of lobbyists.

11 * Sec. 7. AS 35.10.015(b) is amended to read:

12 (b) The department shall develop and maintain an inventory of all public
13 buildings and facilities with respect to their compliance with the regulations adopted
14 under (a) of this section. [THE DEPARTMENT SHALL MAKE AN ANNUAL
15 REPORT TO THE GOVERNOR DESCRIBING WORK PERFORMED IN THE
16 PRECEDING CALENDAR YEAR TO UPGRADE PUBLIC BUILDINGS AND
17 FACILITIES TO CONFORM WITH THE REGULATIONS.] In addition, the
18 department shall develop cost estimates and recommended priorities for the upgrading
19 of public buildings and facilities that do not conform with the regulations adopted
20 under (a) of this section [AND SHALL INCLUDE THESE ESTIMATES AND THE
21 RECOMMENDED PRIORITIES IN THE ANNUAL REPORT TO THE GOVERNOR.
22 THE DEPARTMENT SHALL NOTIFY THE LEGISLATURE THAT THE REPORT
23 IS AVAILABLE].

24 * Sec. 8. AS 37.25.010(d) is amended to read:

25 (d) The University of Alaska shall, in the report required under
26 AS 14.40.190, report the amount of university receipts received in one year and
27 expended in the succeeding fiscal year [TO THE DEPARTMENT OF
28 ADMINISTRATION AND THE LEGISLATIVE BUDGET AND AUDIT
29 COMMITTEE BY SEPTEMBER 30 OF THE SUCCEEDING FISCAL YEAR].

30 * Sec. 9. AS 39.25.195(h) is amended to read:

31 (h) [THE DIRECTOR SHALL PREPARE A REPORT ON

1 NONPERMANENT AND EMERGENCY HIRE PRACTICES IN STATE
2 GOVERNMENT AND NOTIFY THE LEGISLATURE WITHIN THE FIRST 10
3 DAYS OF EACH REGULAR LEGISLATIVE SESSION THAT THE REPORT IS
4 AVAILABLE.] A hiring department or agency shall certify to the director within 15
5 working days following the appointment its reasons for appointing an emergency
6 employee. [THE REPORT SHALL INCLUDE INFORMATION ON THE NUMBER
7 OF NONPERMANENT EMPLOYEES AUTHORIZED UNDER THIS SECTION
8 AND THE NUMBER OF EMERGENCY EMPLOYEES HIRED IN EACH
9 DEPARTMENT, A DESCRIPTION OF THE PROCEDURES USED IN
10 AUTHORIZING THE HIRING OF NONPERMANENT EMPLOYEES, AND ANY
11 RECOMMENDATIONS FOR LEGISLATION REQUIRED TO IMPLEMENT THE
12 INTENT OF THIS SECTION.]

13 * Sec. 10. AS 43.76.025(c) is amended to read:

14 (c) The salmon enhancement tax collected under AS 43.76.010 - 43.76.028
15 [AS 43.76.010 - 43.76.030] shall be deposited in the general fund. The legislature may
16 make appropriations based on this revenue to the Department of Commerce and
17 Economic Development for the purpose of providing financing for qualified regional
18 associations. The legislature may base an appropriation for a qualified regional
19 association operating within a region designated under AS 16.10.375 on the value of
20 the fisheries resources caught in that region rather than the value of the fisheries
21 resources sold in that region if those values differ.

22 * Sec. 11. AS 44.47.092 is amended to read:

23 **Sec. 44.47.092. Land use planning and state facility procurement plan.**

24 The department shall make recommendations to the Department of Transportation and
25 Public Facilities and to appropriate program agencies concerning the effect upon the
26 comprehensive plan or other land use plans or proposals of municipalities and
27 unincorporated communities with respect to the facility procurement plan required to
28 be prepared in accordance with AS 35.10.170 [AND AS 44.42.055].

29 * Sec. 12. AS 44.47.150(d) is amended to read:

30 (d) Separate accounts shall be maintained in the name of each village for the
31 land, including the revenues from the land, acquired from each village corporation

1 under this section [, AND EVERY TWO YEARS WITHIN 90 DAYS OF THE
2 CLOSE OF THE SECOND STATE FISCAL YEAR A STATEMENT OF THE
3 ACCOUNT FOR EACH MUNICIPALITY SHALL BE PREPARED BY THE
4 COMMISSIONER AND BE MADE AVAILABLE TO THE VILLAGE AND TO THE
5 PUBLIC UPON REQUEST].

6 * Sec. 13. AS 46.08.060(a) is amended to read:

7 (a) The commissioner shall make available a report to the legislature not later
8 than the 10th day following the convening of each first regular session of the
9 legislature. The commissioner shall notify the legislature that the report is available.
10 The report may include information considered significant by the commissioner but
11 must include [:]

12 (1) the amount of money expended by the department under
13 AS 46.08.040(a) during the preceding two fiscal years [YEAR];

14 (2) the amount and source of money received and money recovered by
15 or on behalf of the department during the preceding two fiscal years [YEAR] under

16 (A) AS 46.08.020; and

17 (B) AS 46.08.025;

18 (3) a summary of municipal participation in the department's responses
19 that were paid for by the fund;

20 (4) a detailed summary of department activities in responses paid for
21 by the fund during the preceding two fiscal years [YEAR], including response
22 descriptions and statements outlining the nature of the threat; in this paragraph,
23 "detailed" includes information describing each personal services position and total
24 compensation for that position, each contract in excess of \$10,000, and each purchase
25 in excess of \$10,000; and

26 (5) the projected cost to the department for the next two fiscal years
27 [YEAR] of monitoring, operating, and maintaining sites where response has been
28 completed or is expected to be continued during the next two fiscal years [YEAR].

29 * Sec. 14. AS 46.08.060(c) is amended to read:

30 (c) In addition to the department's report required under (a) of this section, the
31 governor shall submit a report about use of the fund during the previous two fiscal

1 years [YEAR] to the legislature not later than the 10th day following the convening
2 of each first regular session of the legislature. In the report, the governor shall describe
3 in detail the governor's use of money from the fund, with separate explanations, by
4 agency, of the activities that were paid for under the authority of AS 46.08.045.

5 * **Sec. 15.** AS 08.04.070(g); AS 08.24.071, 08.24.220; AS 08.36.070(a)(3);
6 AS 08.48.071(c), 08.48.101(b); AS 08.63.050(8); AS 08.64.101(3); AS 08.65.030(a)(6);
7 AS 08.68.100(a)(7); AS 08.84.010(b)(6); AS 08.86.070(7); AS 08.95.030(2);
8 AS 08.98.050(a)(7); AS 14.07.181; AS 14.40.170(a)(9), 14.40.296(b); AS 14.56.182,
9 14.56.183, 14.56.184, 14.56.185, 14.56.190; AS 18.20.150(b); AS 18.85.160(b); AS 21.39.175;
10 AS 36.30.540(2), 36.30.540(3), 36.30.540(6); AS 37.05.030; AS 42.45.020(e)(3);
11 AS 43.76.030; and AS 44.42.055 are repealed.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

MEMORANDUM

January 27, 1998

SUBJECT:

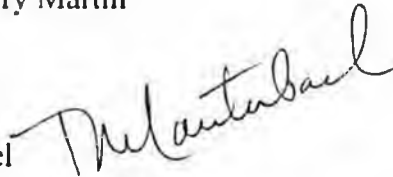
HB 265 (Version "H")

TO:

Representative Terry Martin
Attn: John Manly

FROM:

Terri Lauterbach
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 and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

Section 1. Repeals the Board of Barbers and Hairdressers' annual report on its operations.

Section 2. Technical corrections corresponding to the repeal of AS 08.24.220 in sec. 15.

Section 3. Same as sec. 2.

Section 4. Changes a biennial report by the University into an annual report and adds to the reporting requirement the information currently required under AS 37.25.010(d), which is amended in sec. 8.

Section 5. Eliminates two reports by the Alaska Public Offices Commission.

Section 6. Changes an APOC report requirement to be at least twice each year, rather than at least quarterly and annually.

Section 7. Eliminates a DOT/PF reporting requirement on upgrades already made and still needed to implement accessibility standards.

Section 8. Provides for this information from the University to be included in a different report.

Section 9. Eliminates a personnel division report on nonpermanent and emergency hires.

Section 10. Technical correction corresponding to the repeal of AS 43.76.030 in sec. 15.

Section 11. Technical correction corresponding to the repeal of AS 44.42.055 in sec. 15.

Section 12. Eliminates a C&RA report on the statement of accounts for villages under the municipal lands trust.

Section 13. Changes a DEC annual report on activities of the oil and hazardous substance release prevention and response fund to a biennial report.

Section 14. Changes a governor's annual report on activities of the oil and hazardous substance release prevention and response fund to a biennial report.

Section 15. Repeals the following statutes:

- AS 08.04.070(g) - Board of Accountancy annual report
- AS 08.24.071 - Collection agencies' annual directory
- AS 08.24.220 - Collection agency employee list
- AS 08.36.070(a)(3) - Board of Dental Examiners report
- AS 08.48.071(c) - AELS Board annual report
- AS 08.48.101(b) - AELS Board report
- AS 08.63.050(8) - Board of Marital/Family Therapy report
- AS 08.64.101(3) - State Medical Board report
- AS 08.65.030(a)(6) - Direct-Entry Midwives report
- AS 08.68.100(a)(7) - Board of Nursing report
- AS 08.84.010(b)(6) - Physical Therapy Board report
- AS 08.86.070(7) - Psychologists Board report
- AS 08.95.030(2) - Clinical Social Workers Board report
- AS 08.98.050(a)(7) - Veterinarian Board report
- AS 14.07.181 - State Board of Education pamphlet on drugs
- AS 14.40.170(a)(9) - University report on lands
- AS 14.40.296(b) - University report on a reserve fund
- AS 14.56.182 - 190 - Alaska Blue Book
- AS 18.20.150(b) - State medical facilities annual plan
- AS 18.85.160(b) - Public Defender Agency report
- AS 21.39.175 - medical malpractice insurers' reports
- AS 36.30.540(2), (3) and (6) - GSS procurement reports
- AS 37.05.030(b) - agency financial reports
- AS 37.05.035 - DOA consolidated report of agency reports
- AS 42.45.020(e)(3) - rural electrification loan report
- AS 43.76.030 - aquaculture association reports
- AS 44.42.055 - DOT/PF facility procurement plan

FISCAL NOTE

No. 3

Bill Version: CSHB265(STA)am

(S) Publish Date: 1/26/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to pamphlets, publications, plans, .
 and records of state agencies:....
 Sponsor: Reps. Martin, et al
 Requestor: Senate Finance

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

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 General Fund						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

New funds are not required to repeal the annual report requirements from various licensing statutes mentioned in the bill.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: Deborah B. Sedwick
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 1/12/98
 Date: 1/17/98

#B 265

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FISCAL NOTE

4
 Bill Version: C.S HB265(STA)am
 (S) Publish Date: 1/26/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) 07-Jan-98 Dept. Affected Environmental Conservation
 Title An Act relating to publications and reports to BRU Administration
and from state agencies and the governor. Component Office of the Commissioner
 Sponsor Representative Martin
 Requester Senate Finance Component Serial No 633

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	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 (FY98) cost: 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

ANALYSIS: (Attach a separate page if necessary)

This bill makes minor modifications to the reporting requirements for the Alaska Clean Water Fund and the Response Fund.

There are no fiscal impacts.

Prepared by Janice Adair Phone 269-7645
 Division Environmental Health Date 1/7/98
 Approved by Commissioner [Signature] Date 1/7/98
 Agency Department of Environmental Conservation

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CS HB 265 (S) (1/26/98)

HB

266

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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 5/8/97 1:10 pm

Alaska State Legislature

House of Representatives

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LABOR & COMMERCE
MILITARY & VETERANS AFFAIRS
COMMUNITY & REGIONAL AFFAIRS
OIL & GAS



Representative Joe Ryan

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SESSION:

STATE CAPITOL
ROOM 420
JUNEAU AK 99801-1182
PHONE (907) 465-3875

Sponsor Statement for HB 266

The Limited Partnership and Limited Liability Company Simplification Act. This bill responds to a recent change in federal tax law which affects partnerships and limited liability companies. On January 1, 1997 the "check the box" entity classification regulations issued by the IRS became final. This change in federal law simplifies the formation and operation of partnerships and limited liability companies.

The check-the-box regulations will make it easier for business entities to be taxed as partnerships for federal income tax purposes. Under old law if a business entity had two or fewer of four corporate characteristics, it was taxed as a partnership. If it had more than two corporate characteristics, it was taxed as a corporation. In most instances the profits of a corporation are taxed twice. On the other hand, income is taxed to the partners of a partnership only once. Under the check the box regulations a business entity can have all four corporate characteristics and it will still be taxed as a partnership unless the partners "check-the-box" and elect to be taxed as a corporation.

Alaska's uniform limited liability act and limited partnership act were drafted with this four corporate characteristics test in mind to make sure that by default Alaska limited liability companies and limited partnerships would be taxed as partnerships under federal law. Most of the complexity required by this four corporate characteristic test can be deleted from Alaska law. Alaska has the opportunity to be the first state to amend its limited liability company and limited partnership law to conform to the new check the box regulations. If this bill is enacted it is anticipated that business men and women from outside will choose to form their limited liability companies and limited partnerships in Alaska.

This bill will simplify our law, will reduce the legal fees for those who decide to form limited liability companies and limited partnerships, and should result in increased revenue to the state.

Alaska State Legislature

House of Representatives

COMMITTEE ASSIGNMENTS

LABOR & COMMERCE
MILITARY & VETERANS AFFAIRS
COMMUNITY & REGIONAL AFFAIRS
OIL & GAS



Representative Joe Ryan

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SESSION:

STATE CAPITOL
ROOM 420
JUNEAU, AK 99801-1182
PHONE (907) 465-3875

Memorandum in Support of House Bill NO. 266

This bill was written in response to a recent change in federal tax law. On January 1, 1997 the "check-the-box" entity classification regulations issued by the IRS became final. This change in federal tax law permits more flexibility in the formation and operation of business entities.

The check-the-box regulations will make it easier for business entities to be taxed as partnerships. Most taxpayers who own a small business want to avoid being taxed as a corporation because in most instances the profits of a corporation are taxed twice. First, income is taxed to a corporation when it is earned. Second, when a corporation distributes its profits to its shareholders in the form of a dividend, the shareholders are taxed again. On the other hand, a partnership is taxed only once. Income is taxed to the partners of a partnership when it is earned. However, in most cases partners pay no second tax when the partnership distributes its profits.

Under old law if an entity had more than two of four corporate characteristics, then it was taxed as a corporation. The four corporate characteristics were: (1) limited liability, (2) continuity of life, (3) centralized management, and (4) free transferability of interests.

In the past limited liability companies posed a challenge to attorneys and accountants whose clients wanted to be taxed as partnerships. It was very easy for a limited liability company to have two of the four characteristics. First, the members of a limited liability company have limited liability. Second, if the company was managed by a manager, rather than member managed, the company would have centralized management. In order to avoid any more corporate characteristics most state statutes made sure that the company would not have continuity of life or free transferability of interests. A company would not have continuity of life if it dissolved upon the death or withdrawal of a member.

A company would not have free transferability of interests if its interests could be assigned, but the assignee could not become a member of the company without the consent of all other members. In this way the limited liability statutes in most states were drafted for income tax reasons and not necessarily with the best business goals in mind.

These changes also offer a better framework for those estate plans that use limited liability companies and limited partnerships. Many families will transfer their real estate and other investment assets to limited liability companies and will gift their non-management shares to Alaskan trusts. These families will want their businesses to have the same continuity of life that corporations enjoy. They do not want to face an expensive dissolution and risk losing control of their business if a family member dies.

This bill is intended to encourage Alaskans and residents of other states to form and conduct their businesses in Alaska. Our laws should continue to foster business and economic development. This bill is intended to be another step in that direction.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 266

Revision Date: _____
 Title: Limited Liability Companies and Limited Partnerships
 Sponsor: Rep. Ryan
 Requestor: _____

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

COMPONENT SERIAL NO. _____ 1233

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
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 (FY 97) 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)

The proposed amendments to AS 10.50 and AS 32.11 will have no fiscal impact on the operation of the division. The conversion provision to Alaska domestic organizations may create an increase in funds collected. While work loads through increased filings may be substantial, there would be no change in process procedures and systems. The only impact would be a function of time which would be addressed through electronic efficiencies.

Prepared by: Willis F. Kirkpatrick, Director
 Division: Banking, Securities and Corporations
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2521
 Date: _____
 Date: 4/30/97

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HB

285

Alaska State House of Representatives
House District 39



Session

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Interim

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Phone: (907) 765-7526

Representative Ivan M. Ivan

SPONSOR STATEMENT-SCS for CSHB 285 (RES)

This bill was introduced to address concerns of illegal fishing activities committed by commercial fishers throughout my district and other commercial fishing communities. It has been said that some of these illegal activities become a philosophy among some fishers as the "cost of doing business" should they be convicted for such activities.

The main intent of this legislation is to establish a point system against a commercial fishing permit holder for a conviction of commercial fishing laws found under Title 16. Should 12 or more points be assessed against a permit holder during any consecutive 36-month period as a result of convictions, the Commercial Fisheries Entry Commission is given the authority to suspend the permit for a one-year period. A suspension of two-years occurs when 16 or more points are accumulated during a consecutive 48-month period. A suspension of three-years is invoked when a permit holder accumulates 18 or more points during any consecutive 60 month period.

The bill outlines the assessment of points, the suspension process, the notice and appeal process and the notification to the commission by the Court System.

Another provision of CSHB 285 (RES) am affects emergency transfers of a permit. Should the permit holder decide to transfer the permit, any points accumulated by the person in possession of the permit will also be assessed against the owner of the permit. This provision will discourage permit transfers by a permit holder who has accumulated a large number of points and is trying to avoid suspension by transferring the permit to another fisher.

HB

303

**ALASKA NETWORK ON
DOMESTIC VIOLENCE AND SEXUAL ASSAULT**
130 Seward, Rm 501 Juneau, Alaska 99801 (907) 586-3650 (907) 463-4493fx

Comments on HB303
April 1998

The Alaska Network on Domestic Violence and Sexual Assault (Network) is the statewide coalition of community domestic violence and sexual assault intervention programs for Alaska. Twenty full member and five supporting member programs provide shelter, advocacy, crisis intervention, and, information and referral services to victims seeking assistance in ending the violence being perpetrated against them. The Network works to promote institutional and systemic change necessary to end violence against women.

The Network supports HB303 which extends the sunset date of the Council on Domestic Violence and Sexual Assault (Council) until June 30, 2002. The Council is instrumental in coordinating the governmental response to domestic violence and sexual assault. The Council brings together representatives from the departments of Public Safety, Law, Health and Social Services and Education as well as three members of the public to develop and implement state policy regarding the elimination of these egregious criminal acts.

The Council is also the conduit for both state and federal funds that are distributed to locally based community intervention and prevention programs. Anchorage, Barrow, Bethel, Cordova, Dillingham, Emmonak, Fairbanks, Homer, Juneau, Kenai, Ketchikan, Kodiak, Nome, Palmer, Seward, Sitka, Unalaska, and Valdez each have at least one program that receives funding through the Council.

With the passage of both the 1994 federal Violence Against Women Act and the 1996 state Domestic Violence Prevention and Victim Protection Act, the role of the Council has become more critical as more agencies and individuals have begun to work in a comprehensive fashion to actively address the issues of domestic violence and sexual assault. Please support the work of this necessary public safety council by supporting HB303.

REPRESENTATIVE KIM ELTON

MEMORANDUM

May 7, 1998

TO: Senator Tim Kelly, Chair
Senate Rule Committee

FROM: Rep. Kim Elton

RE: HB 303, extending the termination date for the Council on
Domestic Violence and Sexual Assault

I would like to request that HB 303 be scheduled for a vote on the Senate floor at the earliest opportunity. The bill passed the House unanimously.

HB 303 extends the termination date of the Council on Domestic Violence and Sexual Assault to June 30, 2002. Without this bill, the council will "sunset" on June 30th of this year. While the council is given another year to conclude its affairs if it is sunsetted, it will be unable to qualify for \$1.3 million in federal funds which are distributed to local shelters for victim services.

The legislative audit of the Council on Domestic Violence and Sexual Assault found that the council serves a public need and operates in the public interest. It recommended that the council be reauthorized and its termination date extended to the year 2002.

I have included a sponsor statement for your information. It shows how the council's role and responsibilities have grown significantly since 1996. A substantial increase in federal funding to the council reflects a broadened understanding of the serious financial and social costs of domestic violence in our nation. We must reauthorize the council to continue these efforts.

Thank you for your consideration of this request.

REPRESENTATIVE KIM ELTON

HB 303

Extending the termination date of the Council on Domestic Violence and Sexual Assault

Sponsor Statement

HB 303 extends the termination date of the Council on Domestic Violence and Sexual Assault from June 30, 1998, to June 30, 2002.

The Council on Domestic Violence and Sexual Assault was established in 1981 to provide for the planning and coordination of a full range of services to victims, their families, and perpetrators of violence and sexual assault in Alaska. The council's statutory responsibilities are:

- To develop, implement, maintain and monitor domestic violence, sexual assault and crisis intervention and prevention programs, including educational programs and school curricula;
- To coordinate services provided by the Departments of Law, Education, Public Safety, Health and Social Services, as well as other state agencies and community groups dealing with domestic violence and sexual assault;
- To provide technical assistance to state and local agencies and community groups, as requested;
- To develop and implement a standardized data collection system on domestic violence and sexual assault, and crisis intervention and prevention;
- To receive and dispense state and federal money and award grants and contracts to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;
- To oversee and audit domestic violence and sexual assault programs which receive federal and/or state grant money;

- To consult with the Dept. of Health and Social Services in the formulation of standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners;
- To consult with the Alaska Police Standards Council and other police training programs to develop training programs regarding domestic violence for police officers and for correction, probation, and parole officers;
- To consult with public employers, school districts, the Alaska Supreme Court and prosecuting authorities who are required to provide continuing education courses in domestic violence to employees;
- To make an annual report to the governor on the activities of the council, including recommendations for legislation.

The council's role and responsibilities have grown significantly since 1996. The state has imposed additional responsibilities and federal funding has increased substantially. This expansion of responsibilities is a reflection of a broadened understanding of the financial and social costs of domestic violence and sexual assault in Alaska communities in health care, corrections, police and court costs, as well as the long-term, negative effect on children who witness violence at home.

The 1997 legislative audit of the Council on Domestic Violence and Sexual Assault found that the council serves a public need and operates in the public interest. The audit concluded that the council should be reauthorized and its termination date extended to June 30, 2002.

HB

313

ALASKA STATE LEGISLATURE

Rep. Eldon Mulder, Co-Chair
Rep. Kim Elton
Rep. Richard Foster
Rep. Jeannette James
Rep. Beverly Masek
Rep. Gail Phillips



Sen. Tim Kelly, Co-Chair
Sen. Loren Leman
Sen. Georgianna Lincoln
Sen. Robin Taylor
Sen. Gary Wilken
Sen. Mike Miller

DEFERRED MAINTENANCE TASK FORCE

Capitol Building, Room 501 • Juneau, Alaska 99801 • Phone (907) 465-2647 • FAX (907) 465-3518

Sponsor Statement

House Bill 313 *Finance Committee Substitute*

Required Preventive Maintenance Programs

HB 313 requires that every agency and school district have in place a preventive maintenance program prior to it being able to receive any funding for deferred maintenance, renovation or replacement funds from the state.

The preventive maintenance plan would include:

- a computerized maintenance management program, or other organized preventive maintenance program
- energy management,
- custodial care,
- training of facility managers and employees, and
- renewal and replacement schedules.

The Deferred Maintenance Task Force determined that the best way to prevent a reoccurrence of deferred maintenance was be proactive in maintenance. It recommended that the carrot for accomplishing this goal was withholding funds identified as needed by the Task Force until the preventive maintenance programs are in place and working.

Section 1 requires school districts and regional education attendance areas must have preventive maintenance programs in place prior to receiving maintenance or construction funds. The district is required to provide evidence to the Department of Education that the plan is in place and operating

Section 2 requires that a municipality must have a preventive maintenance program in place before it draws any state funds. The

Sponsor Statement
House Bill 313
Page 2

municipality is required to provide evidence of the preventive maintenance program to the Department of Administration.

Section 3 requires that an unincorporated community must have a preventive maintenance program in place before it can receive capital matching grant programs. The unincorporated community is required to provide evidence of the preventive maintenance program to the Department of Community and regional affairs.

Section 4 provides for an effective date of July 1, 1999.



DEFERRED MAINTENANCE TASK FORCE

Capitol Building, Room 501 • Juneau, Alaska 99801 • Phone (907) 465-2647 • FAX (907) 465-3518

BUILDING ALASKA FOR THE 21ST CENTURY

REPORT TO THE GOVERNOR AND THE LEGISLATURE

HOUSE MEMBERS

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KIM ELTON
RICHARD FOSTER
JEANNETTE JAMES
BEVERLY MASEK
GAIL PHILLIPS

SENATE MEMBERS

TIM KELLY, CO-CHAIR
LOREN LEMAN
GEORGIANNA LINCOLN
ROBIN TAYLOR
GARY WILKEN
MIKE MILLER

LEGISLATIVE STAFF:

DENNIS DEWITT, CHIEF-OF-STAFF
TIM BENINTENDI, MATT GILL, LARRY LABOLLE, AND SHEILA PETERSON

JANUARY 10, 1998

CHAPTER TWO

SUMMARY OF RECOMMENDATIONS

The Deferred Maintenance Task Force adopted the following recommendations.

1. Provide Funding over a Six Year Period for \$1,420,000,000 of Identified Deferred Maintenance Needs
2. Financing Plan
 - a) Create a Public Facilities Financing Corporation with a Build Alaska Fund
 - b) Appropriate \$1.5 billion from the Constitutional Budget Reserve to the Build Alaska Fund
 - c) Make interest on the Build Alaska Fund and the dedicated tobacco tax available to the general fund to increase funds available for annual appropriation to service bonds sold to finance deferred maintenance needs.
3. Authorize a November 1998, Statewide Advisory Vote to Approve the Plan and the New Corporation
4. Require Local School District Financial Participation in School Construction
 - a) 2% to 35% based on AS 14.11.008
5. Require Routine and Preventive Maintenance Programs
 - a) Require Preventive Maintenance Programs be in place prior to receiving funding from this program
 - b) Require Separate operating budget appropriations for routine and preventive maintenance
6. Encourage the Use of Prototypical Designs for Schools
7. Transfer Certain State Owned Harbors to Local Governments

3. Authorize A November 1998, Statewide Advisory Vote To Approve The Plan And The New Corporation

The Task Force feels that the creation of a new corporation and expenditure of \$1.4 billion dollars to repair and renovate public facilities needs to be considered by the voters of Alaska. The Task Force recommends the Legislature authorize an advisory vote asking approval of the plan and movement of funds from the Constitutional Budget Reserve to the Build Alaska Fund in a new Public Facilities Financing Corporation. (The proposed legislation is found in Appendix G)

4. Require Local School District Financial Participation In School Construction

The Task Force found that local sharing in the cost of school construction and renovation is important to the long term maintenance of facilities. The Task Force recommends that the cost sharing formula currently in statute for the school district participation in grant programs (AS 14.11.008) be used for all grants for schools under this funding proposal. The cost share for a school district ranges from 2% to 35%, depending on the district's full value per its average daily membership.

5. Require Routine and Preventive Maintenance Programs

The Task Force determined that many of the assets funded by the state have not been properly maintained. If routine and preventive maintenance were performed on a timely basis most facilities would not be in the level of need they are currently found. The Task Force, understanding that finger pointing will not change current status, determined a need to ensure that state supported assets will be maintained in the future. Maintenance will prolong the useful life of an asset and reduce unnecessary deferred maintenance costs.

To assure routine and preventive maintenance in the future, the Task Force recommends that every agency be required to have a maintenance program in place prior to receiving funds from this program. Those agencies and districts that have programs in place will be allowed to receive funding. Those without maintenance programs will be required to establish programs. This may delay the receipt of funding. The Task Force feels this is an important "carrot" that will save the state over the long term. (The proposed legislation is found in Appendix G)

Every funding request for computerized maintenance programs is recommended to be funded in Fiscal Year 1999. These funds should be released without reference to a maintenance program as they are to establish the program in the state agencies.

The Task Force found that there were many reasons that state agencies were not funding maintenance. A difference between the legislature and administration in understanding the intent of Legislative appropriations seems to drive much of the problem. The Task Force feels that greater specificity in budgeting would resolve the differences in understanding about the level of funding directed to maintenance. Therefore, the Task Force recommends the budget process be changed to provide for separate appropriations for routine and preventive maintenance (The proposed legislation is found in Appendix G)

The Task Force recognizes that the successful maintenance of our state buildings will require a single dedicated unit (Division or Department) to administer the buildings. The unit would focus on facility operation, rather than program operation. The Task Force encourages the Administration to continue its work on creating a single unit with building operations responsibility. The rent concept discussed in item 8 is helpful in achieving this goal.

6. Encourage The Use Of Prototypical Designs For Schools

The Task Force visited prototypical schools in Fairbanks and listened to testimony about prototypical schools in Anchorage. The Department of Education has done some work in designing prototype for various regions in Alaska. Historically, the state has used prototypical plans for housing and found it to be efficient, effective, and easier to maintain. The state's positive experience with prototype housing is similar to that reported by the Fairbanks' School District for its prototype schools.

One of the tasks assigned to the Task Force is to prevent future problems with deferred maintenance. Clearly the use of a prototypical design that includes structural and major systems will reduce the cost of construction, maintenance, and repair. Having all units using the same type of heating and water system allows a reduction in inventory of parts. It allows better training and reduces "trouble shooting" time. (The proposed Resolution is found in Appendix G)

The Task Force understands that Alaska needs to recognize at least three distinct regions and several educational variables in the prototypical designs. Nonetheless, it believes that three basic regional prototypes can be designed with significant long term savings for the state. The Task Force included \$3,900,000 in the Fiscal Year 1999 funding recommendations to begin design work prototypical schools. The Task Force hopes the Department of Education will use these funds, along with assistance from the Fairbanks and Anchorage School Districts, to accomplish the goal.

ALASKA STATE LEGISLATURE

Rep. Eldon Mulder, Co-Chair
Rep. Kim Elton
Rep. Richard Foster
Rep. Jeannette James
Rep. Beverly Masek
Rep. Gail Phillips



Sen. Tim Kelly, Co-Chair
Sen. Loren Leman
Sen. Georgianna Lincoln
Sen. Robin Taylor
Sen. Gary Wilken
Sen. Mike Miller

DEFERRED MAINTENANCE TASK FORCE

Sponsor Statement

House Bill 315 *Finance Committee Substitute*

Separate Appropriation for Maintenance

The Deferred Maintenance Task Force repeatedly heard from facility managers that they felt the legislature had not adequately funded the maintenance component of the budget. It also heard from Finance Committee members and staff that agencies were moving funds intended for maintenance to increase program operations in defiance of legislative intent. As long as both facility maintenance and program operations are funded in the same line item appropriation, this debate will continue. This debate has resulted in poor maintenance of public assets.

This bill requires a separate appropriation for maintenance. That will limit the use of those funds to maintenance. Agencies will need to determine the need for maintenance funding. The budget subcommittees will need to consider and decide the amount of funding that will be allocated to maintenance.

This bill will require debate at the appropriation stage of funding. It will eliminate the current finger pointing exercise when assets are not cared for.

Section 1 amends the executive budget act to require the proposed budget will present, separately, the annual appropriation for maintenance, repair, renewal and replacement for components of public buildings and facilities.

Section 2 adds definitions of "facility operations", "maintenance and repair" and "renewal and replacement".

Section 3 provides an effective date of July 1, 1998.

ALASKA STATE LEGISLATURE



DEFERRED MAINTENANCE TASK FORCE

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HB

321

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

February 9, 1998

SUBJECT: Sectional Summary (HB 321)

TO: Representative Joe Ryan

FROM: Tamara Brandt Cook
Director *TBC*

Here is the sectional summary you requested for a bill dealing with trusts based on the Uniform Prudent Investor Act of the National Conference of Commissions on Uniform State Laws.

Secs. 1 and 2. Correct a cross-reference to a statute repealed in this bill.

Sec. 3. Adds a new article -- the Uniform Prudent Investor Act.

Sec. 13.36.200. Requires a trustee to comply with the prudent investor rule and permits the rule to be expanded, restricted, eliminated, or altered by the provisions of a trust.

Sec. 13.36.205. Requires a trustee to manage assets by considering the purposes, terms, distribution requirements, and other circumstances of the trust. Lists specific circumstances that a trustee must consider. Requires a trustee to make a reasonable effort to verify facts relevant to management of trust assets. A trustee with special skills has a duty to use those skills.

Sec. 13.36.210. Requires diversification of investments, unless the purposes of the trust are better served without diversifying.

Sec. 13.36.215. Requires a trustee to review a trust and make decisions regarding assets within a reasonable time after accepting a trusteeship or receiving the assets.

Sec. 13.36.220. Requires a trustee to manage assets solely in the interest of the beneficiaries.

Sec. 13.36.225. Requires a trustee to act impartially if a trust has two or more beneficiaries.

Sec. 13.36.230. A trustee may only incur costs that are reasonable in managing a trust.

Sec. 13.36.235. Compliance with the prudent investor rule is determined in light of the facts existing at the time of the trustee's decision or action.

Sec. 13.36.240. A trustee may delegate investment and management functions, but the trustee must exercise care, skill and caution in selecting an agent, establishing the terms of the delegation, and reviewing the agent's actions.

Representative Joe Ryan

February 9, 1998

Page 2

Sec. 13.36.260. Certain general phrases that may appear in a trust invoke the standards of this article.

Sec. 13.36.265. The new article applies to trusts existing on and created after the effective date of those sections, but, as applied to existing trusts, the article governs only decisions or actions that occur after the effective date.

Sec. 13.36.270. The new article is to construed to make uniform the law among the states that adopt a Uniform Prudent Investor Act.

Sec. 13.36.275. The short title is the Uniform Prudent Investor Act.

Sec. 4. The existing statute dealing with a trustee's standard of care is repealed.

Sec. 5. Immediate effective date.

TBC:glc

98-070.glc

A Few Facts About
THE UNIFORM PRUDENT INVESTOR ACT

PURPOSE: This act removes much of the common law restriction upon the investment authority of trustees of trusts and like fiduciaries. It allows such fiduciaries to utilize modern portfolio theory to guide investment decisions. A fiduciary's performance is measured on the performance of the whole portfolio, not upon the performance of each investment singly. The act allows the fiduciary to delegate investment decisions to qualified and supervised agents. It requires sophisticated risk-return analysis to guide investment decisions.

ORIGIN: Completed by the Uniform Law Commissioners in 1994.

ENDORSED BY: American Bar Association
American Bankers Association

**STATE
ADOPTIONS:**

Arizona	New Jersey *
Arkansas *	New Mexico
California	North Dakota *
Colorado	Oklahoma
Connecticut *	Oregon
Idaho *	Rhode Island
Maine	Utah
Minnesota	Washington
Missouri	West Virginia
Nebraska	

1997
INTRODUCTIONS:

District of Columbia	Iowa
Hawaii	Massachusetts
Indiana	Mississippi
	Vermont

For any further information regarding the Uniform Prudent Investor Act, please contact John McCabe or Katie Robinson at 312-915-0195.

HB

323



Representative Tom Brice

ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205
Fairbanks, AK 99701
907-456-7423 / Fax: 451-9293
While in Juneau
State Capitol
Juneau, AK 99801-1182
907-460-3466

REPRESENTATIVE TOM BRICE SPONSOR STATEMENT for CSHB 323 (FIN)

Alaska has many noncertificated employees in our schools who work nine, ten or eleven months out of the year along with their certificated counterparts. These noncertificated employees however are not allowed to receive the full year toward retirement as are their counterparts.

This bill addresses the inequity in state law and PERS system by placing noncertificated school employees who work a comparable amount of days in the same category of certificated employees. This bill will allow those noncertificated school employees to receive the same amount of credit toward retirement as those certificated employees who work the same amount of time and receive a full year of credit toward retirement.

The change in the PERS system, under this bill, will be supported by the employees, rather than increasing the burden to school districts. Employees currently active in the system will have 180 days to opt into the new program. New employees will have the option to participate within 90 days of employment.

Thank you for your consideration.



FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB323 (L&C)

Revision Date: 4/28/98
Title: "An Act relating to credited service in the public employees retirement system."
Sponsor: Representative Brice
Requestor: (H) HES

Department Affected: Administration
BRU: Centralized Administrative Services
Component: Retirement and Benefits

COMPONENT SERIAL NO. 2271

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	116.5	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	116.5	0	0	0	0	0

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

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1037 GF/Mental Health	0	0	0	0	0	0
OTHER - # 102.9 PERS	116.5	0	0	0	0	0
TOTAL	116.5	0	0	0	0	0

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

The \$116.5 is needed to hire contractors to update the division's computer systems to accommodate the proposed changes. In addition to contractor time, division staff will dedicate time to make system changes and the impacted school districts may also need to update their systems.

This change would affect approximately 6,660 current PERS members.

Prepared by: Guy Bell
Division: Retirement and Benefits

Phone: 465-4470
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 4/28/98

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HB

324

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STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

May 11, 1998

SUBJECT: Deferral of certain municipal assessment payments (CSHB 324(L&C) am)

TO: Representative Scott Ogan
Attn: Dave Stancliff

FROM: Tamara Brandt Cook
Director

CSHB 324(L&C) am adds a provision authorizing a municipality to provide for deferral of payment of assessments on property that is the primary residence of a resident who is economically disadvantaged. You have asked about which municipal assessments could be affected by CSHB 324(L&C) am and whether the provision could be applied to municipal tax assessments.

The bill amends a chapter of the Municipal Code that deals with special assessment districts, sometimes referred to as local improvement districts. In statutory construction, a provision of law is read in context. (Bouse v. Fireman's Fund Ins. Co., 932 P.2d 222 (Alaska 1997)) The section being amended, AS 29.46.020, applies only to special assessment districts. It has no application to tax assessments, which are dealt with in a different chapter, AS 29.45. Nor does it apply to assessments in services areas, which are dealt with in AS 29.35.450 - 29.35.490.

TBC:glc
98-284.glc

HB

334

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161

Write in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Sponsor Statement HB 334

An Act Waiving State Tuition for Sons or Daughters of a Peace Officer or Firefighter Slain in the Line of Duty.

With this bill we are adding to the fairly short list of youth for which we will waive tuition at our State University. The University plays an important role in all of our lives; it should be available for a youth whose parent made the ultimate sacrifice protecting our lives and freedoms.

Nothing can replace a husband, a wife, a father or a mother, but for those men and women who will stand in harms way for us this bill is a small token of our appreciation.

I am sure the body is aware that, in Fairbanks, we have suffered the loss of one of our police officers. Officer Lamb gave his life, shielding others who were in the line of fire. In a larger way Officer Lamb gave his life shielding all of us. His sacrifice gives all of us a glimpse across the thin line of blue that protects our civilization from the violent among us.

The Alaska Law Enforcement Officers Memorial lists 29 officers killed in the line of duty. The names of Trooper Bruce Heck and Fairbanks Police officer Kevin Lamm bring this total to 31. Only Officer Lamm's wife or 11-year-old son, and Officer Heck's 19-year-old son (now in the military), 17-year-old daughter, or 13-year-old son are in a position to consider using this benefit.

There have been six firefighters killed since before statehood. None are known to have immediate family likely to make use of this benefit.

Alaska Law Enforcement Officers Memorial



Doris Wayne Barber
Sitka Police Department, July 28, 1969

Leroy Garvin Bohuslov
Department of Fish & Game, March 5, 1964

Gary George Wohlfiel
Department of Fish and Game, March 5, 1964

Donald Thomas Dull
Juneau Police Department, October 19, 1964

Kenneth Grant Nauska
Craig Police Department, January 30, 1966

Benjamin Franklin Strong
Anchorage Police Department, January 4, 1968

Thomas Charles Dillon
Bethel Police Department, November 19, 1972

Dennis Finbar Cronin
Alaska State Troopers, February 18, 1974

Earl Ray Hoggard
Ketchikan Police Department, March 30, 1974

Larry Robert Carr
Alaska State Troopers, December 11, 1974

Frank Stuart Rodman
Alaska State Troopers, December 11, 1974

Jonathon Paul Flora
Anchorage Police Department, September 8, 1975

Richard James Adair
Juneau Police Department, April 17, 1979

Jimmy Earl Kennedy
Juneau Police Department, April 17, 1979

Harry Edward Kier
Anchorage Police Department, October 25, 1980

Roland Edgar Chevalier, Jr.
Alaska State Troopers, April 4, 1982

John David Bumeon
Fish & Wildlife Protection, January 14, 1983

Gordon Brewster Bartel
Kodiak Police Department, January 15, 1983

Troy Lynn Duncan
Alaska State Troopers, May 18, 1984

David Cameron Harris
56th MP Co. Ft. Richardson, July 23, 1984

Ignatious John Charlio
Alakanuk Police Department, May 10, 1985

Harry Biddington Hanson, Jr.
Anchorage Police Department, July 17, 1988

Ronald Eugene Zimin
VPSO S. Naknek, October 22, 1986

Louie Gordon Mizeffe
Anchorage Police Department, June 6, 1989

Anthony Crawford Jones
Dillingham Police Department, February 12, 1992

Karl William Reishua
Juneau Police Department, May 4, 1992

C.E. "Swack" Swackhammer
Department of Public Safety, October 11, 1994

Robert Lee Blitick
Alaska State Troopers, October 11, 1994

Dan Richard Seely
Anchorage Police Department, October 26, 1996

The Journal of the Alaska Peace Officers Association is dedicated to all the Peace Officers in Alaska who have been killed in the line of duty since Statehood.

The names of these fallen officers are engraved on bronze plaques on the pedestal of the statue of the Peace Officer, located in front of the Statewide Scientific Crime Detection Laboratory, 5500 Tudor Road, Anchorage. These names, and the statue commemorating their dedication to duty along with flowers, usually sent anonymously, may be viewed at any time.

The memory of their supreme sacrifice lives forever in the tradition of peace officers throughout Alaska.

Trpr. Bruce Heck

FPD John Kevin Lamm

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Angella Long, Member
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Michael Judd, Member
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George Cole, Member
Juneau
Pres. Capitol City Chapter

Helga King, Member
Wrangell
Pres. Wrangell Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr. Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Pete Kelly
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 11, 1998

Dear Representative Kelly,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 334 relating to the waiver of tuition and fees for certain family members of a police officer killed in the line of duty.

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse the spirit of HB 334. We feel that this legislation will assist families of killed police officers as it relates to state-supported educational institutions.

We suggest that some of the language of this bill be expanded to other peace officers as well. In addition, we feel that the language and intent of this bill be restricted to only the current spouse of a peace officer and should also include the unborn child of a peace officer killed in the line of duty. ✓

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515. ✓

Once again, thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

HB 334

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

March 2, 1998

SUBJECT: Tuition waiver (SCSCSHB 334(STA))

TO: Representative Pete Kelly
Attn: Bruce

FROM: Michael F. Ford *M.F.*
Legislative Counsel

We have discovered a technical defect in the title of SCSCSHB 334(STA). The title should contain a reference to "a member of the armed services" and at present does not. This omission was not discovered until after the bill passed the House, but as a technical defect it can be corrected in the Senate under Uniform Rule 41(b). I would suggest that the title be changed to read "An Act relating to waiver of tuition and fees for certain family members of a member of the armed services, a peace officer, or a fire fighter killed in the line of duty; and providing for an effective date."

If you have further questions please contact me.

MFF:jdr
98-126.jdr

HUGH C. "BILL" RUDOLPH



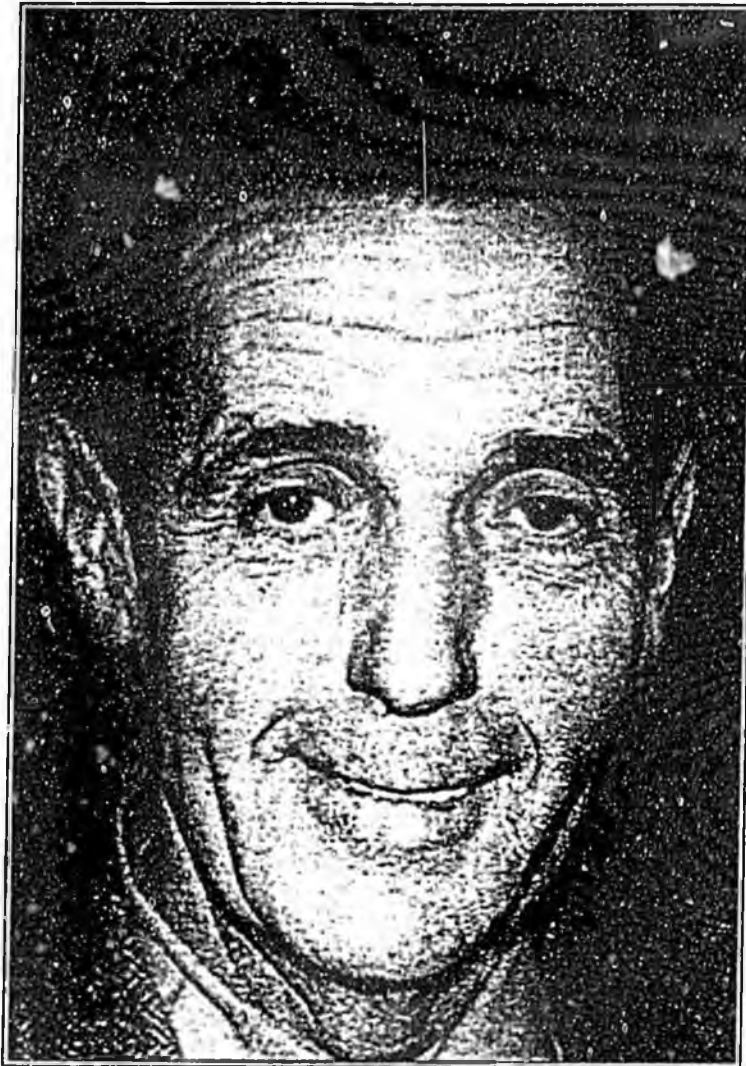
1908 - 1946

Hugh C. "Bill" Rudolph, born in Valdez, Alaska, in 1909, moved to Juneau in 1926. Rudolph was a well known and respected young business man and a member of the Juneau Volunteer Fire Department. Bill Rudolph was also a member of the Moose Lodge of Sitka and the Elks Lodge of Juneau.

On May 28, 1946, The Juneau Volunteer Fire Department responded to a fire at the Perelle Apartments. Volunteer Firefighter Bill Rudolph, while carrying a hose line up a 20-foot ladder, fell and was knocked unconscious. He was later diagnosed with a skull fracture. The twenty foot fall took the life of Firefighter Rudolph on June 4, 1946.

Bill Rudolph's survivors at the time of his death, in addition to his widow, Mungie Larsen Rudolph, were his parents, Mr. & Mrs. C. Rudolph, three sisters and three brothers.

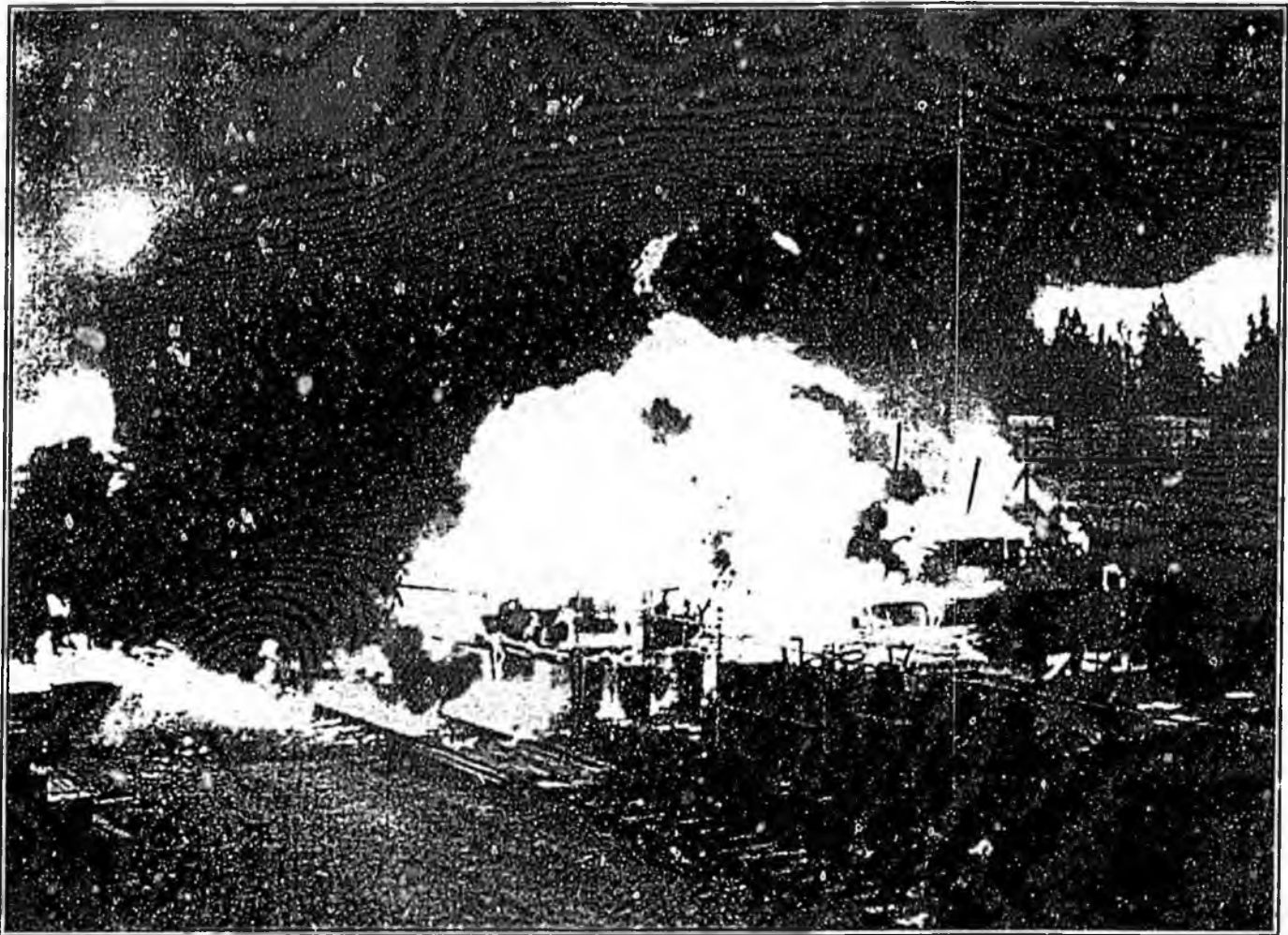
THOMAS A. DUNNIGAN



1908 - 1967

Thomas A. Dunnigan, born in 1908 in Walla Walla, Washington, moved to Anchorage in 1953. He became a volunteer firefighter with Spenard Volunteer Fire Department and was elected as Fire Chief in 1961, a position he held until 1965.

Chief Dunnigan was one of the founders and a Charter member of the Alaska State Firefighter's Association. Chief Dunnigan was also an active member of the Spenard Lions Club.



SPENARD BUILDERS SUPPLY FIRE - 1967

On May 28, 1967, a General Alarm Fire did \$500,000 damage to the Spenard Builders Supply and took the life of Retired Spenard Fire Chief Thomas Dunnigan, who was working as a volunteer firefighter. Dunnigan was killed instantly when he stepped on a downed power line at the scene of the fire. Five engine companies and an aerial unit responded from the City of Anchorage Fire Department when the 2:15 am call came in and arrived to find the structure fully involved. Tom Dunnigan was killed only 45 minutes later, just before 3:00 AM.

At the time of his death, survivors included a son Dennis Dunnigan, who was a City of Anchorage firefighter and was on duty the night his father was killed, a daughter, Mrs. Doreen Donald, three brothers, Archie, Joe and Jerry and a sister, Rose Dunnigan.

HARRY V. NEWELL



1899 - 1955

Harry V. Newell, 56 years old, Captain of the Ketchikan Fire Department, was killed on April 7, 1955 fighting a fire in the basement repair shop of the Smith Electric Company in Ketchikan.

Three other firefighters and police officers were overcome by smoke and gases, but were revived shortly after. Newell who was wearing a Scott Air Pak had been in the fire building for an estimated 20 minutes before he was rescued and brought outside. Records regarding the fire do not indicate the cause nor the damage.

Harry Newell had been a Captain in the Ketchikan Fire Department for a number of years, was a past governor for the Moose Lodge, a past ruler of the Elks Lodge, and a member of the Eagles Lodge. He was survived by a separated wife, Mary, two sons of Ketchikan, Bob and Harry F., and a daughter then of Vancouver, Washington, Mrs. John Connors. Harry had lived in Ketchikan for 32 years.

DONALD P. HYDE



_____ - 1971

Firefighter Specialist Four Donald P. Hyde, distinguished himself by an exceptionally valorous act on April 27, 1971 at Fort Wainwright, Alaska.

Firefighter Specialist Hyde was in an off-duty status in the Post Fire Station at Fort Wainwright, Alaska, when a fire call came in. Firefighter Specialist Hyde voluntarily responded to the emergency along with the on-duty firefighters.

When he arrived at the scene he was confronted by neighbors of the fire victims and the screams of, "Save my baby," by the mother of a child that was trapped inside the burning apartment.

Immediately, Firefighter Specialist Hyde, donned his protective breathing apparatus, without waiting for a hose line, dashed through the back door of the dense, smoke filled and extremely hot apartment to attempt to rescue the child.

Firefighter Specialist Hyde proceeded upstairs and was able to search the two bedrooms before the intense heat and smoke almost overpowered him. Seeking to escape, he returned to the first floor apartment. By this time his breathing apparatus had apparently malfunctioned due to the extreme heat. Firefighter Specialist Hyde was caught in an unexpected backflash and his protective clothing was ignited. He directed firefighters working at a window to his location in the inferno to spray water on him and was able to get through a broken window where he was assisted to safety.

Firefighter Specialist Hyde was taken to Bassett Army Hospital where he succumbed to his injuries a few hours later.

Firefighter Specialist Hyde demonstrated heroism far beyond the call of duty with the utmost courage and bravery in his attempt to save another's life without regard to his own.

CHARLES W. "CHUCK" WHITETHORN



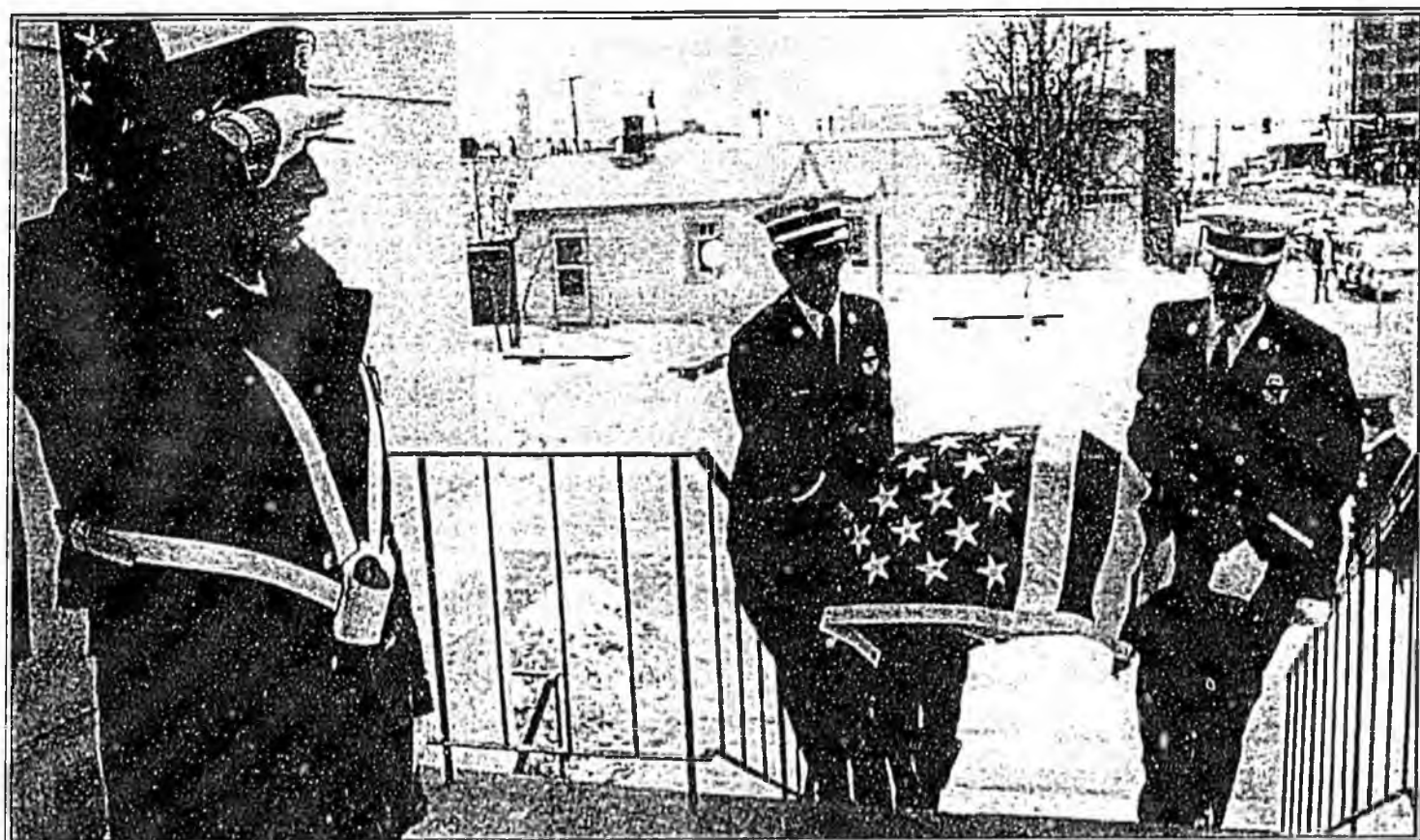
1952 - 1976

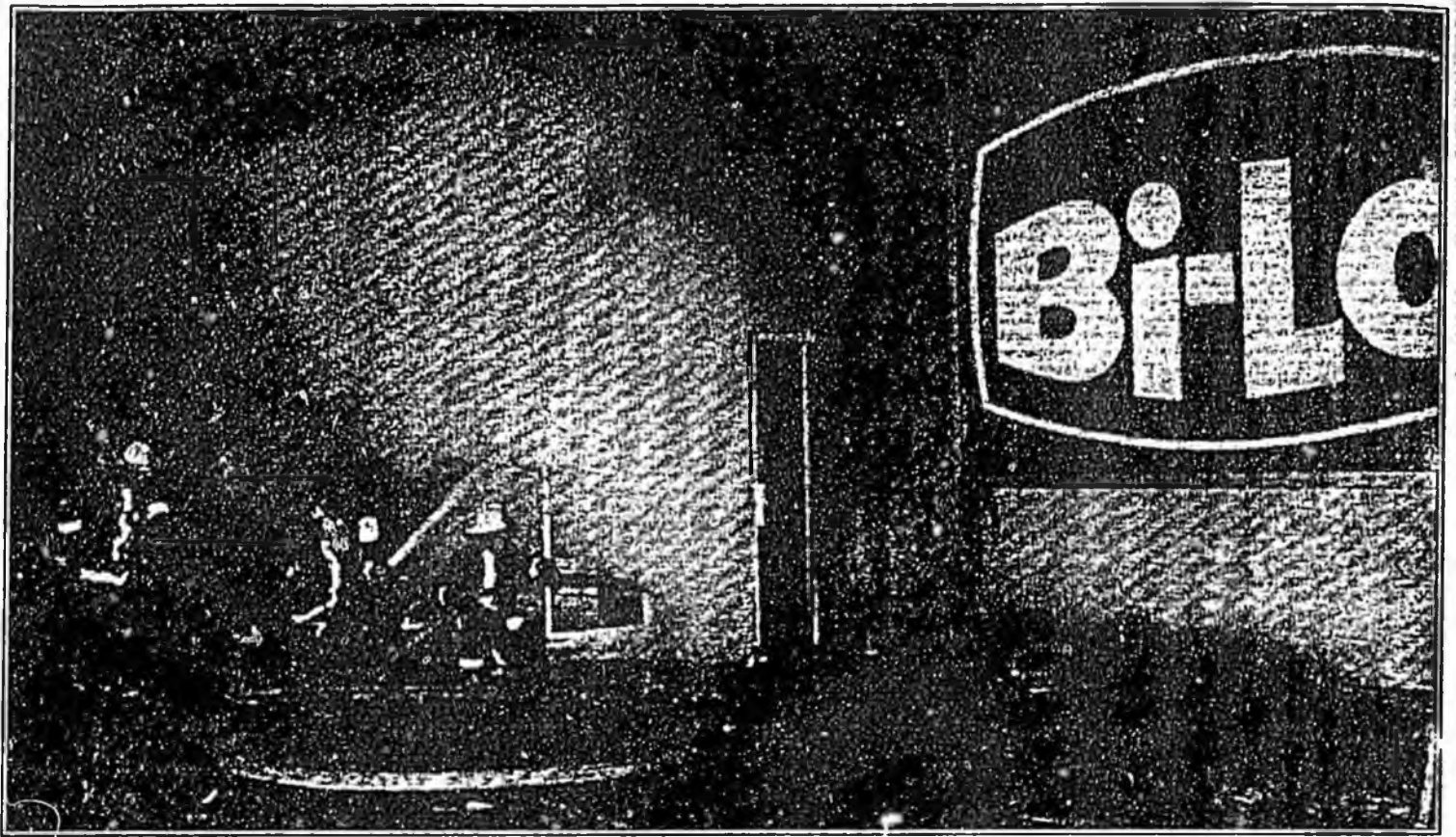
Charles W. "Chuck" Whitethorn was born in South Dakota in 1952, he moved to Anchorage in 1972 and went to work for the Greater Anchorage Area Borough Fire Department after his discharge from his firefighting position with Elmendorf Air Force Base Fire Department.

Firefighter Whitethorn was struck in the chest by an unknown object during the violent flashover and there in the raging fire gave his life while protecting his community.

Charles Whitethorn was only 23 but he died doing what he wanted to do: fighting fires. He is an example of the quiet valor of dedicated men who spend long days waiting for that call which may require them to give their utmost -- even their lives. They are too seldom appreciated.

Among his survivors at the time of his death was his widow, Debbie Whitethorn, his bride of six weeks, his parents, Charles and Lavonne Whitethorn of Madison, South Dakota, a sister, Patricia Andrews and two brothers, John and Hal.





BI-LO SUPERMARKET FIRE - 1976

On February 6, 1976, just past mid-night, a fire was reported at the Bi-Lo Supermarket on Muldoon Road. Anchorage Fire Department, Engine 6 was the first to respond. The fire was immediately declared a Third Alarm Fire and mutual aid units from Ft. Richardson Army Base and Elmendorf Air Force Base assisted. Fire apparatus responding to the Bi-Lo Supermarket fire was six engines, one squad, one aerial ladder truck, one elevating platform truck, one rescue vehicle, one ambulance, 41 firefighters and five chief officers. It took two hours and twenty-two minutes to bring the fire under control.

Firefighter Whitethorn was a member of Engine 6, which was the first due engine on location at the Muldoon Bi-Lo Supermarket.

Firefighter Whitethorn, upon arriving at the scene, was manning an 1 1/2 inch hose line and went through the front door of the supermarket, attempting to bring the fire under control, when a violent flashover occurred.