

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10448 HOUSE STATE AFFAIRS

**HB**

**327**

# STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

TONY KNOWLES, GOVERNOR

GOVERNMENTAL AFFAIRS SECTION  
P.O. BOX 110300  
DIMOND COURT HOUSE, 6<sup>TH</sup> FLOOR  
JUNEAU, ALASKA 99811-0300  
PHONE: (907)465-3600  
FAX: (907)465-2520

May 7, 2002  
Via Hand Delivery

Hon. John Coghill, Chair  
House State Affairs Committee  
Room 102, Capitol  
Juneau, AK 99811

Re: HB 327

Dear Representative Coghill:

Thank you for the opportunity to testify on the above bill last Thursday. We write to provide some additional information with regard to whether there is any constitutional dimension to a broad application of the above bill, which provides for the continuation of pay and other benefits to employees of all state agencies under certain circumstances when they are called to active duty. We address concerns expressed on behalf of the University, and touch briefly on other matters.

Apparently there is some lingering doubt about whether the University of Alaska is subject to state laws setting employment standards. The answer is that they are.

It has been clear at least since the Alaska Supreme Court's decision in *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975) that the University is subject to legislative enactment:

"But the University is also subject to some executive and legislative control. . . . [T]he constitution provides that the regents of the University shall be appointed by the governor, subject to confirmation by the legislature. Furthermore, . . . formulation of University policy as well as the administration and disposition of University property are made subject to legislative enactment. . . .

536 P.2d at 124. The court went on to hold that while it enjoyed some degree of autonomy, the University was in fact a part of state government. 536 P.2d at 128.

To: Rep. Coghill, Chair, House State Affairs  
Re: HB 327

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Subsequent decisions have re-affirmed that the University is subject to state laws. See *Carter v. Alaska Public Employees Association*, 663 P.2d 916, 919 (Alaska 1983)(University not immune from compliance with public records act); *University of Alaska v. Geistauts*, 666 P.2d 424, 427 (Alaska 1983)(open meeting act applies to tenure committee as subordinate unit of the University, a state agency). The University's status as a state agency has been contrasted with the independence of the Alaska Commercial Fishing & Agriculture Bank. *Alaska Commercial Fishing & Agriculture Bank*, 715 P.2d 707, 712 (Alaska 1986)

As discussed at prior hearings, certain other statutes apply to the University's operations. The procurement code requires that the board of regents adopt regulations substantially equivalent to those adopted by the Department of Administration. It must comply with the Public Employee Relations Act. AS 23.40.250(7) It must comply with AS 39.52.960(2) and 39.52.960(12).

Clearly there is no constitutional impediment to the inclusion of the University in the bill, even as originally written, for the regulation which that version calls for has the force of law. However, amendments before the committee permit the University, the Alaska Railroad, and the other branches of government, to employ their own procedures to accomplish the objectives of the legislation.

The Alaska Railroad is not a constitutional body but its federal origins have given it somewhat greater independence than the University. As counsel for the Alaska Railroad pointed out at the committee's last hearing, the railroad has its own collective bargaining statutes, although disputes under those statutes are heard by the Alaska Labor Relations Agency in the Department of Labor. AS 23.05.370. It has its own open meetings provisions. AS 42.40.170. It is governed by the procurement code under AS 36.30.015(e), which likewise requires the adoption of procedures in substantial compliance with those adopted by the Department of Administration. It is also covered by the executive branch ethics act under AS 39.52. 960(2) and 39.52.960(12).

It is clear that the legislature can, and has, set standards in areas of importance which it has required all state agencies to comply. It has even included itself and the court system, co-equal branches of government, in holding certain of their operations to uniform standards, for example in the area of procurement and retirement.

In summary, the legislature is not legally compelled to omit these agencies and the other branches from this proposed statute. The legislation advocates uniform treatment of state agency employees. The legislature can adopt that approach if it wishes, or not. However, the legislature's decision as to which approach to take will be a policy choice - a decision whether employees of state agencies will receive equal treatment for those rare

To: Rep. Coghill, Chair, House State Affairs  
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situations where there is a major activation of our nation's armed forces. There is no doubt that legislature is authorized to adopt the legislation.

Thank you again for the opportunity to comment. Please do not hesitate to contact this office if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Strasbaugh', with a long horizontal flourish extending to the right.

Kathleen Strasbaugh  
Assistant Attorney General

cc: Clients



# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 327  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): Rev 4/22/02 Dept. Affected: All  
 Title "An act relating to state employees BRU All  
called to active duty..." Component All  
 Sponsor Governor  
 Requester House State Affairs Component No. All

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 44.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The estimated FY 2002 cost above is based on expenses that would have been incurred on behalf of eight state employees activated to military service if an Administrative Order under the proposed legislation had been issued and if the Order directed the payment of supplemental wages and health insurance premium contributions for the period September 11, 2001 through June 30, 2002.

FY 2003 and out year funding is indeterminate since there is no way to predict the number of emergencies for which an Administrative Order under the legislation might be considered.

Prepared by: David Stewart  
 Division: Division of Personnel  
 Approved by: Jim Duncan, Commissioner  
 Agency: Department of Administration

Phone 465-4431  
 Date/Time 4/22/02 11:45 AM  
 Date 4/22/2002

## FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. HB 327

### ANALYSIS CONTINUATION

The FY 2002 cost is based on the following assumptions:

- (1) 41 State employees have been called to active duty since September 11, 2001;
- (2) 8 of those State employees called to active duty earned less salary in military service than in service to the State of Alaska;
- (3) These 8 State employees were engaged 100% of the time in military service;
- (4) The average period of active duty for the 8 affected employees, as of June 30, 2002, will be 120 days or 4 months 8 pay periods;
- (5) The composite monthly wage supplement amount for the 8 affected employees is \$6,346;
- (6) For the period of active duty, the total wage supplement would be \$25,384 (4 months @ \$6346);
- (7) The State of Alaska paid 100% of health insurance premium costs for the period 9/11/01 through 6/30/02;
- (8) The combined health insurance premium contribution would be \$18,400 (8 employees x \$575 x 4 months)
- (9) The total expense for 8 active duty employees for 120 days would be \$43,784.

For absences of 120 days or less, the use of a nonpermanent substitute is appropriate. The cost of a nonpermanent substitute for 120 days or less is the cost of wages. Nonpermanent employees employed longer than 120 days are eligible for wages, leave and health insurance costs.

The employer health premium contribution increases from \$575 to \$630 on July 1, 2002.

**STATE OF ALASKA**  
**DEPARTMENT OF ADMINISTRATION**  
*OFFICE OF THE COMMISSIONER*

*TONY KNOWLES, GOVERNOR*

*P.O. BOX 110200  
JUNEAU, ALASKA 99811-0200  
PHONE: (907) 465-2200  
FAX: (907) 465-2135*

April 8, 2002

The Honorable John Coghill  
House State Affairs Committee  
Alaska State House  
State Capitol  
Juneau, Alaska 99801-1182

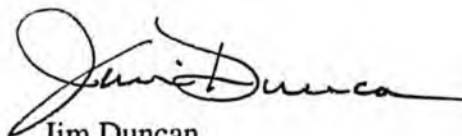
Dear Representative Coghill:

This letter is to request that you schedule HB 327, relating to State Employees who are called to Active Duty as Reserve or Auxiliary Members of the Armed Forces of the United States for a hearing before the House State Affairs Committee as soon as possible.

HB 327 will allow the Governor to ensure that state employees who are members of reserve and auxiliary military units, including the Alaska National Guard and Alaska Naval Militia, will not be financially penalized when called to active military duty in certain circumstances.

Your favorable consideration of this request will be appreciated.

Sincerely,



Jim Duncan  
Commissioner

Attachments

cc: Mike Abbott  
Legislative Office  
Office of the Governor

**STATE OF ALASKA**  
**DEPARTMENT OF ADMINISTRATION**  
*OFFICE OF THE COMMISSIONER*

*TONY KNOWLES, GOVERNOR*

*P.O. BOX 110200  
JUNEAU, ALASKA 99811-0200  
PHONE: (907) 465-2200  
FAX: (907) 465-2135*

**HB 327, relating to State Employees who are called to Active Duty as Reserve or Auxiliary Members of the Armed Forces of the United States**

HB 327 will allow the Governor to ensure that state employees who are members of reserve and auxiliary military units, including the Alaska National Guard and Alaska Naval Militia, will not be financially penalized when called to active military duty in certain circumstances.

The events of September 11, 2001 had many far-reaching impacts. An area of concern to the Governor was that sudden activation of military reservists and National Guard members who are employees of the State of Alaska could create financial and other hardships for the employees and for their families.

The intent of HB 327 is to allow the Governor by Administrative Order to reduce, or eliminate any hardships on the employee and the employee's family created by a drastic reduction in income, health insurance coverage, or any negative effects on future retirement benefits.

The effect of the bill is retroactive to September 11, 2001.

THE  
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COPIES

Effect of amendments. — The 1998 amendment, effective January 1, 1999, rewrote this section.

**Sec. 42.40.720. Collective bargaining rights.** The provisions of AS 23.40.070 — 23.40.260 do not apply to the corporation or to its employees. However, employees who are not executive officers may organize and form, join, or assist an organization to engage in collective bargaining through representatives of their own choosing and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. (§ 2 ch 153 SLA 1984)

**Sec. 42.40.730. Railroad labor relations agency.** (a) The Alaska labor relations agency, established in AS 23.05.360, is the sole railroad labor relations agency.

(b) The Alaska labor relations agency shall carry out the provisions of AS 42.40.730 — 42.40.890. (§ 2 ch 153 SLA 1984; am E.O. No. 77 § 4 (1990))

**Sec. 42.40.740. Collective bargaining unit.** The railroad labor relations agency shall decide in each case, in order to ensure employees the fullest freedom in exercising the rights guaranteed by AS 42.40.710 — 42.40.890 the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours, and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided. (§ 2 ch 153 SLA 1984)

**Sec. 42.40.750. Representatives and elections.** (a) The railroad labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the railroad labor relations agency by

(1) an employee or group of employees or an organization acting in their behalf alleging that 30 percent of the employees of a proposed bargaining unit

(A) want to be represented for collective bargaining by a labor or employee organization as exclusive representative; or

(B) assert that the organization that has been certified or is currently being recognized by the corporation as bargaining representative is no longer the representative of the majority of employees in an appropriate unit; or

(2) the corporation alleging that one or more organizations have presented to it a claim to be recognized as a representative of a majority of employees in an appropriate unit.

(b) If the railroad labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for a hearing upon due notice. If the railroad labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this subsection prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the railroad labor relations agency or an election in a bargaining unit agreed upon by the parties.

(c) The railroad labor relations agency shall determine who is eligible to vote in an election held under this section and shall adopt regulations governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election, it shall be certified by the railroad labor relations agency as exclusive representative of all the employees in the bargaining unit. An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months.

(d) Nothing in this chapter prohibits recognition of an organization as the exclusive representative by the corporation by mutual consent.

27 11 21

Authority granted under this subsection shall be exercised in accordance with this chapter.

(b) Except as otherwise provided, all rights, powers, duties, and authority relating to the procurement of construction and procurements of equipment or services for the state equipment fleet and the control over construction of state facilities and the state equipment fleet vested in or exercised by an agency on January 1, 1988, are transferred to the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Notwithstanding AS 44.68.110, authority relating to disposals from the state equipment fleet is vested in the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Authority granted under this subsection shall be exercised in accordance with this chapter.

(c) Notwithstanding other provisions of law, all rights, powers, duties, and authority relating to the procurement of supplies, services, professional services, and construction and the disposal of supplies for the University of Alaska are transferred to the Board of Regents. To the maximum extent possible, authority granted under this subsection shall be exercised in accordance with this chapter. The Board of Regents shall adopt regulations under this subsection that are substantially equivalent to the regulations adopted by the commissioner of administration to implement this chapter. For the purposes of this subsection, unless the context otherwise requires, in this chapter

- (1) "agency" means a subunit of the University of Alaska;
- (2) "attorney general" means the president of the University of Alaska;
- (3) "chief procurement officer" means a person designated by the president of the University of Alaska whose qualifications are substantially equivalent to those provided in AS 36.30.010(a);
- (4) "commissioner," "commissioner of administration," or "commissioner of transportation and public facilities" means the Board of Regents or the president of the University of Alaska if so designated by the Board of Regents by regulations adopted under this subsection; and
- (5) "department" means the University of Alaska. (§ 2 ch 106 SLA 1986; am §§ 1, 2 ch 65 SLA 1987)

NOTES TO DECISIONS

Cited in *Bowers Office Prods., Inc. v. University of Alaska*, 755 P.2d 1095 (Alaska 1988); *Dick Fischer Dev. No. 2, Inc. v. Department of Admin.*, 778 P.2d 1153 (Alaska 1989); *Gunderson v. University of Alaska*, 922 P.2d 229 (Alaska 1996).

**Sec. 36.30.010. Chief procurement officer.** (a) The commissioner shall appoint to the partially exempt service the chief procurement officer of the state. The chief procurement officer must have at least five years of prior experience in public procurement, including large scale procurement of supplies, services, or professional services, and must be a person with demonstrated executive and organizational ability. The chief procurement officer may be removed by the commissioner only for cause. The term of office of the chief procurement officer is six years.

(b) Except as otherwise specifically provided in this chapter, the chief procurement officer shall

- (1) procure or supervise the procurement of all supplies, services, and professional services needed by an agency;
- (2) exercise general supervision and control over all inventories of supplies belonging to an agency and prescribe the manner in which supplies shall be purchased, delivered, stored, and distributed;
- (3) prescribe the time, manner, authentication, and form of making requisitions for supplies and services;

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**Article 2. Public Employment Relations Act.**

**Section**

- 70. Declaration of policy
- 75. Items not subject to bargaining
- 80. Rights of public employees
- 90. Collective bargaining unit
- 100. Representatives and elections
- 110. Unfair labor practices
- 120. Investigation and conciliation of complaints
- 130. Complaint and accusation
- 140. Orders and decisions
- 150. Enforcement by injunction
- 160. Power to investigate and compel testimony
- 170. Regulations
- 180. Penalty for violation of order or decision
- 190. Mediation
- 200. Classes of public employees; arbitration

**Section**

- 205. Family leave
- 210. Agreement; cost-of-living differential
- 212. Agreement with the Board of Regents
- 215. Monetary terms subject to legislative funding
- 220. Labor or employee organization dues and employee benefits, deduction and authorization
- 225. Exemption based on religious convictions
- 235. Public involvement in school district negotiations
- 240. Effect on certain units, representatives, and agreements
- 245. Postsecondary student involvement in collective bargaining
- 250. Definitions
- 260. Short title

**Cross references.** — For applicability of article to political subdivisions unless rejected by them, see § 4, ch. 113, SLA 1972 in the Temporary and Special Acts. For inability of municipal school districts or re-

gional educational attendance areas to reject application of this article, see § 11, ch. 1, SLA 1992 in the Temporary and Special Acts.

**NOTES TO DECISIONS**

**Right of public employees in Alaska to bargain collectively was created by this article.** Alaska Pub. Employees Ass'n v. Municipality of Anchorage, 555 P.2d 552 (Alaska 1976).

This article confers upon public employees the right to organize and bargain collectively with their employers and requires public employers to recognize collective bargaining units designated pursuant to this article. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Lab. Serv. Employees, Local 71*, 591 P.2d 1292 (Alaska 1979), overruled on other grounds, *Alaska Com. Fishing & Agric. Bank v. O/S Alaska Coast*, 715 P.2d 707 (Alaska 1986).

**This article allows political subdivisions of the state to reject its provisions for conduct of labor relations and to substitute their own provisions.** Alaska Pub. Employees Ass'n v. Municipality of Anchorage, 555 P.2d 552 (Alaska 1976).

**Applicability of article is the rule.** — Under the present statute, applicability of this article is the rule, exemption the exception. *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

**This article is expressly made applicable to home-rule municipalities, and thus municipalities are impliedly prohibited from refusing to negotiate with organizations selected by employees unless the exemption was timely enacted.** *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

**Applying a liberal construction to the powers of local government cannot override the express declaration of policy made a part of this article when coupled with considerations of the impact of the repeal of AS 23.40.010 and the different language used in the 1972 exemption provision, § 4, ch. 113, SLA 1972.** *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

**Article applicable unless state political subdivisions reject it.** — The legislature provided for this article to be applicable to all political subdivisions of the state unless they rejected it rather than making the article inapplicable unless affirmative steps are

taken by these same subdivisions to adopt the act (see § 4, ch. 113, SLA 1972). *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

**Section 4, ch. 113, SLA 1972, not temporary.** — Had the legislature wanted § 4, ch. 113, SLA 1972, to be of temporary duration, it would have so indicated. *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980).

**Privatization permitted.** — Nothing in this article restricts the state from reducing its workforce and laying off personnel for reasons of economy. More specifically, nothing in this article prohibits state agencies from resorting to privatization as a cost-cutting measure. *Moore v. State, DOT & Pub. Facilities*, 875 P.2d 765 (Alaska 1994).

**When article may be rejected.** — This article may be rejected when all evidence indicates that municipal governments exempted themselves solely for the purpose of retaining local control over their labor relations, and with the clear intent of continuing collective bargaining rather than to interfere with established employee rights. *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980); *City of Sitka v. International Bhd. of Elec. Workers, Local 1547*, 653 P.2d 332 (Alaska 1982).

**Rejection of this article in order to gain an undue advantage in a labor dispute or the negotiation of a new collective bargaining agreement constitutes a deliberate interference with the right of employees to organize and bargain collectively in derogation of the act's express declaration of policy.** *Anchorage Mun. Employees Ass'n v. Municipality of Anchorage*, 618 P.2d 575 (Alaska 1980).

**Rejection must be prior to substantial organizational activity by public employees.** — It is evident from the wording of the exemption provision that the legislature intended to limit the freedom of the political subdivision to consider whether it wishes this article to apply to it by adopting the position that the article must be rejected prior to substantial orga-

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AMENDMENT #1

OFFERED IN THE HOUSE

BY

TO:

1 Page 1, line 10:

2 Delete "state"

3

4 Line 1, line 10, after the word "employees"

5 Insert: "of executive branch offices and departments"

6

7 Page 2, line 14:

8 Insert:

9 "(d) in this section, executive branch offices and departments are those listed in AS

10 44.17.005

11

12

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15 The intent of this amendment is to exempt from HB 327 employees of the University of

16 Alaska, The Alaska Railroad Corporation, the Judicial Branch, and the Legislature.

# ALASKA STATE HOUSE OF REPRESENTATIVES

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119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

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### Memorandum

---

Date: April 26, 2002  
To: Roxanne Stewart, Legislative Liason  
Department of Administration  
From: Rynniva Moss, Committee Aide  
House State Affairs Committee  
Re: HB 327

A handwritten signature in cursive script, appearing to read "Rynniva Moss".

---

Attached is an amendment proposed by Ann Ringstad with the University of Alaska. This addresses questions Representative Stevens and Representative Fate have concerning the University of Alaska and goes beyond that. I am sending it to legal and to all members of the committee. I already know that Representative Stevens has a problem and am unsure of the position of the rest of the committee.

I will discuss it with Representative Coghill and we came hopefully readdress it next week.

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
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State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

---

### Memorandum

---

Date: April 26, 2002  
To: Barbara Craver, Legal Counsel  
From: Rynnieva Moss, Committee Aide  
House State Affairs Committee  
Re: HB 327

A handwritten signature in cursive script, appearing to read "Rynnieva Moss".

---

Attached is an amendment proposed by Ann Ringstad with the University of Alaska. It appears to be creating new language in statute that would require definitions less broad than as written. Could you review it and comment.

Thank you for your assistance.

# Bill History/Action Display



BILL: HB 327

SHORT TITLE: STATE EMPLOYEES CALLED TO MILITARY DUTY

BILL VERSION:

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) STA

STATUS DATE: 04/05/02

HEARING: (H) STA Apr 25 8:00 AM CAPITOL 102 TELECONFERENCE

TITLE: "An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."

[Full Text](#)

[Fiscal Notes](#)

## Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/16/02	<a href="#">1977</a>	(H) READ THE FIRST TIME - REFERRALS
01/16/02	<a href="#">1977</a>	(H) MLV, STA
01/16/02	<a href="#">1977</a>	(H) FN1: ZERO(ADM/ALL DEPTS)
01/16/02	<a href="#">1977</a>	(H) GOVERNOR'S TRANSMITTAL LETTER
04/05/02	<a href="#">2814</a>	(H) MLV RPT 4DP 1AM
04/05/02	<a href="#">2814</a>	(H) DP: KOTT, GREEN, HAYES, CHENAULT;
04/05/02	<a href="#">2814</a>	(H) AM: MURKOWSKI
04/05/02	<a href="#">2815</a>	(H) FN1: ZERO(ADM/ALL DEPTS)
04/05/02	<a href="#">2815</a>	(H) REFERRED TO STATE AFFAIRS

Similar Subject Match or Exact Subject Match

LABOR

LABOR RELATIONS

MILITARY

PUBLIC EMPLOYEES

WAGES

WARFARE

Bill Root:

[Display Bill Root](#)



[TO REPORT PROBLEMS WITH BASIS INQUIRY](#)

[LIVE KTOO STREAMS](#)



[Return to Basis Main Menu \(22 Legislature\)](#)

[Return to Legislature Home Page](#)

SECTIONAL ANALYSIS OF SB 239 AND HB 327  
(Re state employees called to active military duty)

Section 1 adds a new section to AS 39.90 (public officers and employees; miscellaneous provisions) to provide that the governor, by administrative order, may authorize state employees in the military reserve or auxiliary component, including the Alaska National Guard and the Alaska Naval Militia, and who are called to active duty, to continue to receive the equivalent of their state compensation and some or all of their state benefits. These benefits may include credited service in the state retirement system, membership in the supplemental employee benefits system, and group life and health insurance. The Department of Administration may adopt emergency regulations to implement the order, including regulations regarding the scope of compensation and benefits and any allocation between the state and the state employee of contributions relating to the benefits.

Section 2 amends the uncodified law provides that this act applies to existing collective bargaining agreements only if they are modified to accept the provisions of this act.

Section 3 makes this act retroactive to September 11, 2001.

Volume 02 Number 16  
Thursday, January 24, 2002  
ISSN 1523-5718

News In Brief

News Briefs  
Employers Revisiting Military Leave, Survey Finds

Roughly three out of 10 employers have made adjustments to policies governing Military service since the Sept. 11 terrorist attacks, according to a BNA Web survey of 146 organizations.

Twenty-nine percent of surveyed employers have instituted more generous or Lenient provisions for military leave and reservists within the past few months, survey Results show. Greater leniency regarding military leave has been far more common among firms with 1,000 or more workers (49 percent) than in smaller establishments (21 percent). By industry, utilities (60 percent), manufacturers (41 percent), and service companies (38 percent) have been the most inclined to offer enhanced military leave benefits.

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- 1 Page 1, line 5:  
2 Delete "Article 3."  
3 Insert "Article 5."  
4  
5 Page 1, line 7:  
6 Delete "Sec. 39.90.200."  
7 Insert "Sec. 39.20.450." .  
8  
9 Following "certain":  
10 Insert "executive branch"  
11  
12 Page 1, line 8, following "forces":  
13 Insert "; adoption of regulations"  
14  
15 Page 1, line 10:  
16 Delete "state employees"  
17 Insert "state officers and employees in the executive branch of state government"  
18  
19 Page 1, line 13, following "receive":  
20 Insert ", for up to <sup>90</sup>~~180~~ days,"  
21  
22 Page 2, line 5:  
23 Delete "state employee"  
24 Insert "state officer or employee"  
25  
26 Page 2, line 7, following "":  
27 Delete "and"  
28  
29 Page 2, line 9, following "date":  
30 Delete "."  
31 Insert "; and"

1 Page 2, following line 9:

2 Insert the following new material:

3 "(3) remain in effect for no more than 180 days.

4 **Sec. 39.20.452. Application to other agencies.** Notwithstanding any other  
5 provision of law, if the Department of Administration adopts regulations under  
6 AS 39.20.450(b), the board of directors of the Alaska Railroad Corporation, the board of  
7 regents of the University of Alaska, the administrator of the Alaska court system, and the  
8 Legislative Council shall adopt procedures substantially similar to those regulations  
9 regarding compensation and benefits for employees of their respective agencies under the  
10 active duty circumstances, and for no more than the time period, described in  
11 AS 39.20.450(a).

12 **Sec. 39.20.454. Definitions.** In AS 39.20.450 - 39.20.454,"

13

14 Page 2, line 10:

15 Delete "(c) In this section,"

16 Insert "(1)"

17

18 Page 2, line 13, following "agreement":

19 Delete "."

20 Insert ","

21

22 Page 2, following line 13:

23 Insert the following new material:

24 "(2) "executive branch" includes a department, an agency, an institution, a  
25 board, a commission, an authority, a public corporation, the Alaska Pioneers' Home, and  
26 any other unit of the executive branch of state government."

*Auth: Barbara Craver*

A M E N D M E N T

OFFERED IN THE HOUSE  
STATE AFFAIRS COMMITTEE  
TO: HB 327

BY \_\_\_\_\_

1 Page 1, following line 3, insert a new bill section to read:

2     **"\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4           INTENT. It is the intent of the legislature that officers and employees of agencies of  
5 state government who are members of reserve and auxiliary military units, including the Alaska  
6 National Guard and Alaska Naval Militia, regardless of whether employed by the executive,  
7 legislative, or judicial branch of state government, are not penalized regarding their salary and  
8 benefits while on certain active duty, such as that during large-scale activations. It is further the  
9 intent of the legislature that the provisions of this Act be applied in a substantially similar  
10 manner across those branches of state government."

11

12 Renumber the following bill sections accordingly.

13

14 Page 1, line 1, following "state":

15           Insert "officers and"

16

17 Page 1, line 4:

18           Delete "AS 39.90"

19           Insert "AS 39.20"

20

21           Delete "a new section"

22           Insert "new sections"

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF PERSONNEL

May 1, 2002

TONY KNOWLES, GOVERNOR

P.O. BOX 110201  
JUNEAU, ALASKA 99811-0201  
PHONE: (907) 465-4430  
FAX: (907) 465-2576

The Honorable Hugh Fate  
Alaska House of Representatives  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

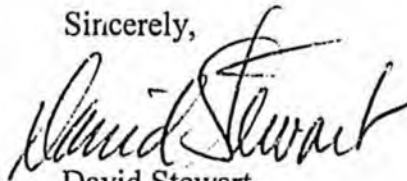
Dear Representative Fate:

I am pleased to provide the information you requested after the House Committee on State Affairs met yesterday April 30, 2002. You asked for a wage comparison listing for state employees who are reservists or who are members of the National Guard or Alaska Naval Militia. I have provided an Excel spreadsheet with that information.

As you can see from the data, there are 185 state employees who are active in the National Guard or Naval Militia. Most of those employees earn more from military pay than from their state wages: 135 earning more from military pay versus 50 earning more from state pay.

If you need additional information, or if I can provide further explanation of the information we have provided, please do not hesitate to contact me at 465-4431.

Sincerely,



David Stewart  
Personnel Manager

	A	B	C	D	E	F	G	H	I
1	Guard/State Employee		Air/Army	Rank	Pay	Estimated Mthly Military Pay	Activated ?	State Pay	
2									
3									
4	OSBORN, DAVID WALTER	761-6200	Army	LTC	O5	\$ 6,852.00		\$ 2,138.00	\$ (4,714.00)
5	JOHNSON, BRIAN S	761-6200	Air	TSG	E6	\$ 4,248.00			\$ (4,248.00)
6	TILEY, THOMAS C	NO MATC	air	TSG	E6	\$ 4,248.00			\$ (4,248.00)
7	BARR, ROBERT C	DNR	Army	CPT	O3	\$ 5,976.00		\$ 2,297.00	\$ (3,679.00)
8	SELFE, STEPHEN CRAIG	761-6200	Army	SFC	E8	\$ 5,044.00	activated	\$ 1,694.00	\$ (3,350.00)
9	PAUL, PETER JAMES	451-2665	Army	SFC	E8	\$ 5,044.00		\$ 1,730.00	\$ (3,314.00)
10	TAYLOR, JESSICA S	NO MATC	air	SRA	E3	\$ 3,209.00			\$ (3,209.00)
11	CLARK, STEPHEN C	DOT	Air	LTC	O5	\$ 6,852.00	12/3/01- 8/30/02	\$ 3,958.00	\$ (2,894.00)
12	Luther, JOLUND BRYAN	224-8200	Army	LTC	O5	\$ 6,852.00		\$ 4,170.00	\$ (2,682.00)
13	JOHNSON, BRIAN L	761-6200	Air	TSG	E6	\$ 4,248.00		\$ 1,597.00	\$ (2,651.00)
14	GREEN, VINCENT	DNR	Army	SSG	E5	\$ 4,039.00	activated	\$ 1,420.00	\$ (2,619.00)
15	DAVIS, THOMAS	DNR	Air	TSG	E6	\$ 4,283.00		\$ 1,690.00	\$ (2,593.00)
16	OWENS, JOHN G	DOT	air	CPT	O3	\$ 5,976.00		\$ 3,436.00	\$ (2,540.00)
17	GORDON, SETH A	DNR	Army	SGT	E5	\$ 4,039.00		\$ 1,581.00	\$ (2,458.00)
18	LYNCH, AVON A	451-5933	Air	MSG	E7	\$ 4,599.00		\$ 2,266.00	\$ (2,333.00)
19	SIPPY, MICHELLE A	HESS	Air	TSG	E6	\$ 4,283.00	10/25/01- 10/24/02	\$ 2,013.00	\$ (2,270.00)
20	CHOLOK, DAVID J	DPS	Army	SSG	E5	\$ 4,039.00	activated	\$ 1,777.00	\$ (2,262.00)
21	SHELDEN, TRACY LYNN	428-6072	Army	SFC	E8	\$ 5,124.00		\$ 2,863.00	\$ (2,261.00)
22	MAHONEY, MATTHEW ALAN	269-8789	Army	SGT	E5	\$ 4,039.00		\$ 1,787.00	\$ (2,252.00)
23	HARVEY, DOUGLAS JOSEPH	CORR	Army	CPT	O3	\$ 5,976.00		\$ 3,755.00	\$ (2,221.00)
24	HARRELL, JAN L	DMVA	Air	TSG	E6	\$ 4,283.00	10/23/01- 10/22/02	\$ 2,072.00	\$ (2,211.00)
25	TALL, EDGAR IKE	761-6200	army	SGT	E5	\$ 4,039.00	activated	\$ 1,865.00	\$ (2,174.00)
26	WILSON, CLARENCE HERBERT	269-8663	army	SGT	E5	\$ 4,039.00	activated	\$ 1,951.00	\$ (2,088.00)
27	BUNYAN, CLIFFORD C	DNR	Army	SGT	E5	\$ 3,936.00		\$ 1,865.00	\$ (2,071.00)
29	LOEWEN, WALTER MATTHEW	465-3955	Army	1LT	O2	\$ 4,950.00	11-Dec	\$ 2,890.00	\$ (2,060.00)
30	CHOLOK, THOMAS J	DNR	Army	SSG	E5	\$ 4,039.00		\$ 2,003.00	\$ (2,036.00)
31	EAGER, DWAYNE R	DNR	Army	SGT	E5	\$ 4,039.00		\$ 2,003.00	\$ (2,036.00)
32	RANDALL, DANIEL LEE	465-3955	Army	SFC	E8	\$ 5,044.00	activated	\$ 3,032.00	\$ (2,012.00)
33	LANDCASTER, JOHN ORVILLE	NO MATC	Army	SFC	E8	\$ 5,044.00		\$ 3,084.00	\$ (1,960.00)

	A	B	C	D	E	F	G	H	I
34	GUMP, DAVID	DNR	Army	SGT	E5	\$ 4,039.00		\$ 2,143.00	\$ (1,896.00)
35	RANDALL, PAUL CLIFFORD	DPS	Army	MAJ	O4	\$ 6,565.00		\$ 4,669.00	\$ (1,896.00)
36	COLLINS, DAN E	COURTS	Army	MAJ	O4	\$ 6,565.00	activated	\$ 4,723.00	\$ (1,842.00)
37	BELL, ALBERT G	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,730.00	\$ (1,827.00)
38	TUNUTMOAK, BELINDA ANAROL	761-6200	army	SPC	E4	\$ 3,557.00	activated	\$ 1,730.00	\$ (1,827.00)
39	TUNUTMOAK, DAVID CHARLIE JI	761-6200	army	SPC	E4	\$ 3,557.00	activated	\$ 1,730.00	\$ (1,827.00)
40	ERICKSON JR, JOHN W	LAW	Air	CPT	O3	\$ 5,976.00	10/24/01- 11/2/01	\$ 4,257.00	\$ (1,719.00)
41	STAVALE, RICHARD L	ADM	air	MAJ	O4	\$ 6,565.00	10/3/01- 10/7/01	\$ 4,870.00	\$ (1,695.00)
42	CHOLOK, XAVIER E	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,865.00	\$ (1,692.00)
43	SAVAGE, JOSEPH SAM	761-6200	Army	SPC	E4	\$ 3,557.00	activated	\$ 1,865.00	\$ (1,692.00)
44	TUNUTMOAK, DANIEL JR.	761-6200	army	SPC	E4	\$ 3,557.00		\$ 1,865.00	\$ (1,692.00)
45	JOHNSON, THERESA A	REVI/ADM	Air	SSG	E5	\$ 3,971.00	10/3/01- 5/31/02	\$ 2,321.00	\$ (1,650.00)
46	CRANE JR, SINKA	DNR	Army	SPC	E4	\$ 3,637.00	activated	\$ 2,003.00	\$ (1,634.00)
47	BACKEN, DEAN E	DOT	Army	SSG	E5	\$ 4,039.00		\$ 2,426.00	\$ (1,613.00)
48	BELL, TIMOTHY	DNR	Army	SPC	E4	\$ 3,557.00		\$ 1,951.00	\$ (1,606.00)
49	BRAUNEIS, MARK D	DMVA	Air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
50	DARNELL, JOHN B	DMVA	Air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
51	KAAIHUE, DOUGLAS E	249-1394	air	MSG	E7	\$ 4,599.00		\$ 3,015.00	\$ (1,584.00)
52	HARRIS, JASON E	F&G	Air	SSG	E5	\$ 3,936.00	11/1/01- 10/31/*02	\$ 2,414.00	\$ (1,522.00)
53	MARTINEZ, NANETTE S	428-6036	Air	SSG	E5	\$ 3,971.00		\$ 2,457.00	\$ (1,514.00)
54	NICOLSON, TROY THOMAS	428-6072	army	MSG	E7	\$ 4,702.00		\$ 3,208.00	\$ (1,494.00)
55	PALEMBAS, JAMES MICHAEL JR	LABOR	Army	CPT	O3	\$ 5,976.00		\$ 4,524.00	\$ (1,452.00)
56	FRUSTER, LINDA D	DMVA	Army	SGT	E5	\$ 4,119.00		\$ 2,699.00	\$ (1,420.00)
57	JOHNSON, DALE W	428-6072	Air	TSG	E6	\$ 4,248.00		\$ 2,863.00	\$ (1,385.00)
58	CARTE, ROBERT	DOT	Air	TSG	E6	\$ 4,248.00	activated	\$ 2,890.00	\$ (1,358.00)
59	GREEN, PETER B	DNR	Army	SPC	E4	\$ 3,557.00		\$ 2,200.00	\$ (1,357.00)
60	FULLER, DAVID K	DMVA	Army	SGT	E5	\$ 4,039.00	13 Nov-Mar 31	\$ 2,699.00	\$ (1,340.00)
61	LOOMIS, FRANKLIN LEE	428-6072	Army	SSG	E5	\$ 4,039.00		\$ 2,699.00	\$ (1,340.00)
62	HILL, SCOTT H	249-1394	Air	TSG	E6	\$ 4,248.00		\$ 2,914.00	\$ (1,334.00)
63	BROWN, SHAWN R	DNR	Army	CPL	E3	\$ 3,277.00		\$ 1,951.00	\$ (1,326.00)
64	MATHEWS, CORRY J	761-6200	Air	SRA	E3	\$ 3,174.00		\$ 1,865.00	\$ (1,309.00)

	A	B	C	D	E	F	G	H	I
65	DUPRAS,DENNIS V	DPS	Army	CPT	O3	\$ 5,976.00		\$ 4,669.00	\$ (1,307.00)
66	ZAMORA, WILLIAM EDWARD	DPS	army	CPT	O3	\$ 5,976.00		\$ 4,669.00	\$ (1,307.00)
67	ROMINSKE, KEITH ALAN	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,738.00	\$ (1,306.00)
68	HOYMAN, MICHAEL W	ADM	Army	sgt	e5	\$ 3,936.00	activated	\$ 2,673.00	\$ (1,263.00)
69	BARTLETT,BRENT	CORR	Army	Sgt	E5	\$ 4,039.00		\$ 2,778.00	\$ (1,261.00)
70	LEONARD, THOMAS R	269-0900	Air	MSG	E7	\$ 4,599.00		\$ 3,365.00	\$ (1,234.00)
71	ATWELL II,JOHN C	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,814.00	\$ (1,230.00)
72	NICHOLS, MIA N	269-8663	Air	SRA	E3	\$ 3,357.00		\$ 2,143.00	\$ (1,214.00)
73	DARNALL,JOHN M	LAW	Air	MAJ	O4	\$ 6,565.00	3/25/2002	\$ 5,368.00	\$ (1,197.00)
74	TRANQUILLA, JOSEPH J	269-8663	air	SRA	E3	\$ 3,174.00	activated	\$ 2,003.00	\$ (1,171.00)
75	MATCHIAN, CHRISTOPHER ROBI	761-6200	Army	PV1	E1	\$ 2,935.00		\$ 1,766.00	\$ (1,169.00)
76	DUDEK,MARK R	CORR	Army	SFC	E8	\$ 5,044.00		\$ 3,879.00	\$ (1,165.00)
77	MARSHALL, KENNETH M	224-8200	Air	SSG	E5	\$ 3,936.00	activated	\$ 2,778.00	\$ (1,158.00)
78	SCHWENKE, WILLIAM KALA	AJCN	Army	SSG	E5	\$ 4,039.00		\$ 2,888.00	\$ (1,151.00)
79	JOSEPH, JAMEY JACOB	269-8663	Army	PFC	E2	\$ 3,061.00	activated	\$ 1,951.00	\$ (1,110.00)
80	DOEHL,ROBERT A K	LAW	Air	LTC	O5	\$ 6,852.00		\$ 5,752.00	\$ (1,100.00)
81	ROACH, JEFFERY ALLEN	DOT	Army	CPT	O3	\$ 5,976.00		\$ 4,962.00	\$ (1,014.00)
82	WILES, JAMES S	249-1394	air	TSG	E6	\$ 4,248.00		\$ 2,236.00	\$ (1,012.00)
83	WILSON, PERRY L	NO MATC	air	SRA	E3	\$ 3,174.00		\$ 2,174.00	\$ (1,000.00)
84	MARTINEZ, MARIO R	428-6072	Air	SRA	E3	\$ 3,174.00		\$ 2,179.00	\$ (995.00)
85	MORGAN, ANDRE L	428-7000	Air	TSG	E6	\$ 4,248.00		\$ 3,270.00	\$ (978.00)
86	SOLOMON, WANDA J	HESS	air	SRA	E3	\$ 3,209.00		\$ 2,246.00	\$ (963.00)
87	PIOL, ANGEL MALANAO	465-3955	Army	SGT	E5	\$ 4,039.00		\$ 3,084.00	\$ (955.00)
88	EVAN JR,JOHN D	DPS	Army	PV2	E2	\$ 3,061.00		\$ 2,112.00	\$ (949.00)
89	MARCUM, JAMES DORWIN	246-3341	Army	SPC	E4	\$ 3,557.00		\$ 2,609.00	\$ (948.00)
90	LUMBA, RONALDO DRAMA	465-3708	Army	PV1	E1	\$ 2,935.00		\$ 1,993.00	\$ (942.00)
91	DENSLOW,DAVID B	DMVA	Air	SSG	E5	\$ 3,936.00		\$ 3,015.00	\$ (921.00)
92	CARVAJAL,ALAN A	DPS	Air	SMS	E8	\$ 4,941.00		\$ 4,029.00	\$ (912.00)
93	BLUME,MICHAEL D	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,695.00	\$ (904.00)
94	SUEL, NATHAN S	822-3309	air	SRA	E3	\$ 3,174.00		\$ 2,280.00	\$ (894.00)
95	HEALY, VICKI L	428-6072	Air	SSG	E5	\$ 3,971.00		\$ 3,097.00	\$ (874.00)
96	CASSITY,WILLIAM B	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,738.00	\$ (861.00)
97	COURTRIGHT,PAUL F	CORR	Air	MSG	E7	\$ 4,599.00		\$ 3,738.00	\$ (861.00)
98	GUTIERREZ, RAMON G	DMVA	Army	SFC	E4	\$ 3,557.00	activated	\$ 2,699.00	\$ (858.00)
99	COOPER,DEBRA A	DMVA	Air	SSG	E5	\$ 3,936.00		\$ 3,097.00	\$ (839.00)

	A	B	C	D	E	F	G	H	I
100	WHITE, TRENTON L	DOT	air	SSG	E5	\$ 3,936.00	10/24/01- 10/23/02	\$ 3,108.00	\$ (828.00)
101	MELANE, GEORGE DARVELT	269-2000	Army	SSG	E5	\$ 4,039.00	activated	\$ 3,255.00	\$ (784.00)
102	FRIESTONE, WESLEY R	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,483.00	\$ (765.00)
103	HENDRIX, GREGORY	DOT	Air	MSG	E7	\$ 4,599.00		\$ 3,883.00	\$ (716.00)
104	HOGLAND, THOMAS EDWARD	DNR	Army	SGT	E5	\$ 4,039.00		\$ 3,328.00	\$ (711.00)
105	HANSON, MARK CHRISTOPHER	DOT	Army	SGT	E5	\$ 4,039.00	activated	\$ 3,336.00	\$ (703.00)
106	ROTKIS, PAUL D	249-1394	Air	SSG	E5	\$ 3,936.00		\$ 3,236.00	\$ (700.00)
107	JOHNSON, DALE LESLIE	428-6072	Army	SPC	E4	\$ 3,557.00		\$ 2,863.00	\$ (694.00)
108	ARTHUR, MICHAEL A	CORR	Air	SSG	E5	\$ 3,936.00		\$ 3,255.00	\$ (681.00)
109	BRONSON, MAGER	CORR	Army	SGT	E5	\$ 4,039.00		\$ 3,365.00	\$ (674.00)
110	HERMAN, ROBERT P	465-3955	Army	SSG	E5	\$ 4,039.00		\$ 3,414.00	\$ (625.00)
111	BAUTISTA, ARTURO P	HESS	Army	SGT	E5	\$ 4,039.00		\$ 3,436.00	\$ (603.00)
112	WOOTEN, MICHAEL G R	DPS	air	SSG	E5	\$ 3,936.00		\$ 3,352.00	\$ (584.00)
113	BOYER, JOHN C	DOT	Air	TSG	E6	\$ 4,248.00	activated	\$ 3,727.00	\$ (521.00)
114	MELLENDEZ, FELIX FERNANDO	263-2119	Army	SFC	E8	\$ 5,044.00		\$ 4,524.00	\$ (520.00)
115	LEMIEUX, ROLAND J	269-0900	Air	SSG	E5	\$ 3,936.00		\$ 3,422.00	\$ (514.00)
116	HUGUELET, CHARLES T	LAW	Air	LTC	O5	\$ 6,852.00		\$ 6,378.00	\$ (474.00)
117	CHAPMAN, JON C	DOT	Army	CW4	W4	\$ 5,487.00		\$ 5,026.00	\$ (461.00)
118	HOOPES, DONNA WADINE	ADM	Army	2LT	O1	\$ 4,165.00		\$ 3,728.00	\$ (437.00)
119	BELL, BETTY A	COURTS	Army	SSG	E5	\$ 4,119.00		\$ 3,723.00	\$ (396.00)
120	AKERLEY, KENNETH G	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,868.00	\$ (380.00)
121	PELOW, TODD A	DMVA	Air	TSG	E6	\$ 4,248.00		\$ 3,869.00	\$ (379.00)
122	BAUTISTA, ORLANDO P	DNR	Army	SPC	E4	\$ 3,557.00		\$ 3,208.00	\$ (349.00)
123	WALDEN, WILLIAM M	DOT	air	SSG	E5	\$ 3,936.00		\$ 3,593.00	\$ (343.00)
124	HERSEY, MICHAEL J	DOT	Air	TSG	E6	\$ 4,248.00	10/29/01- 10/28/02	\$ 3,955.00	\$ (293.00)
125	WANDELL, JARED DRIK	DOT	army	2LT	O1	\$ 4,165.00		\$ 3,883.00	\$ (282.00)
126	RIVERA, TAMMIE N	269-7936	Air	SSG	E5	\$ 3,971.00		\$ 3,695.00	\$ (276.00)
127	FOSTER, RUBEN A	CORR	Army	SPC	E4	\$ 3,557.00		\$ 3,358.00	\$ (199.00)
128	WINTERS, VICTOR M	DOT	air	LTC	O5	\$ 6,852.00		\$ 6,666.00	\$ (186.00)
129	WESTMORELAND, ANTHONY ST	CORR	army	SPC	E4	\$ 3,557.00		\$ 3,385.00	\$ (172.00)
130	HARRIS THEODORE M		Air	SRA	E3	\$ 3,174.00		\$ 3,006.00	\$ (168.00)
131	WITT, DAVID STANLEY	ADM	army	SGT	E5	\$ 4,039.00		\$ 3,882.00	\$ (157.00)
132	FERNANDEZ, SAL	CORR	Air	MSG	E7	\$ 4,599.00		\$ 4,478.00	\$ (121.00)
133	YADAO, MAURICIO TUMBAGA	465-3955	army	SGT	E5	\$ 4,039.00		\$ 3,927.00	\$ (112.00)

	A	B	C	D	E	F	G	H	I
134	BARTHOLOMEW,HAYDEN A	DEC	Air	SSG	E5	\$ 3,936.00	9/31/01- 9/30/02	\$ 3,828.00	\$ (108.00)
135	HOLMES, ROBERT N	F&C	Air	SRA	E3	\$ 3,174.00		\$ 3,097.00	\$ (77.00)
136	KOPECKY, PAUL L	CORR	Air	SRA	E3	\$ 3,174.00		\$ 3,100.00	\$ (74.00)
137	PAWLAK, RICKY A	DPS	Air	MSG	E7	\$ 4,559.00		\$ 4,500.00	\$ (59.00)
138	BERNOWSKI,ROBERT R III	CORR	Air	SRA	E3	\$ 3,174.00		\$ 3,147.00	\$ (27.00)
139	BUNDRIDGE,LEONARD O	DMVA	Air	SRA	E4	\$ 3,454.00		\$ 3,436.00	\$ (18.00)
140	JOHNSON, JAMES A	REV/ADM	air	SRA	E3	\$ 3,174.00	1-Oct	\$ 3,208.00	\$ 34.00
141	SUKHRAM, NOËL B	LABOR	air	SRA	E3	\$ 3,174.00		\$ 3,208.00	\$ 34.00
142	TWITCHELL, DAVID ADAMS	543-5200	army	SPC	E4	\$ 3,557.00		\$ 3,618.00	\$ 61.00
143	HAZELAAR, JOSEPH M	DPS	Air	SSG	E5	\$ 3,936.00	2/24/02- 5/27/02	\$ 4,029.00	\$ 93.00
144	STECZ, ROBERT P	DOT	air	SSG	E5	\$ 3,936.00		\$ 4,029.00	\$ 93.00
145	CARR,ROBERT W	DMVA	Air	SSG	E5	\$ 3,936.00	10/22/01- 10/21/02	\$ 4,064.00	\$ 128.00
146	SANDERSON, WILLIAM H	DOT	Air	SSG	E5	\$ 3,936.00		\$ 4,147.00	\$ 211.00
147	ALLEN,ALPHONZO W	DOT/PF	Air	SSG	E5	\$ 3,936.00		\$ 4,100.00	\$ 244.00
148	BAILEY,MICHAEL R	DOT/PF	Air	SSG	E5	\$ 3,936.00		\$ 4,180.00	\$ 244.00
149	NELSON, BRAD L	262-4453	Air	SSG	E5	\$ 3,936.00		\$ 4,180.00	\$ 244.00
150	SEGLA, ROBERT J	DOT	Air	SMS	E8	\$ 4,941.00	10/23/01- 10/22/02	\$ 5,214.00	\$ 273.00
151	LEE, IRENE M	DMVA	Air	TSG	E6	\$ 4,283.00		\$ 4,602.00	\$ 319.00
152	KECK, STEVEN CRAIG	HESS	Army	SGT	E5	\$ 4,039.00		\$ 4,382.00	\$ 343.00
153	GUZMAN, PAUL L	LABOR	Air	SRA	E3	\$ 3,174.00		\$ 3,564.00	\$ 390.00
154	CYR,JOHN R	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,332.00	\$ 396.00
155	BORDNER,TRAVIS L	DPS	Army	SGT	E5	\$ 4,039.00		\$ 4,500.00	\$ 461.00
156	SKAFLESTAD, ARLEN BOYD	DPS	Army	SGT	E5	\$ 4,039.00		\$ 4,500.00	\$ 461.00
157	CHISHOLM, TYRONNE N	DPS	Air	SRA	E3	\$ 3,174.00		\$ 3,743.00	\$ 569.00
158	GERRISH,JOHN M	DOT	Army	CW2	W2	\$ 4,584.00		\$ 5,169.00	\$ 585.00
159	MURPHY JOSEPH	283-3125	Army	SPC	E4	\$ 3,557.00		\$ 4,145.00	\$ 588.00
160	MAIER, RICHARD A	474-2555	Air	MSG	E7	\$ 4,599.00		\$ 5,214.00	\$ 615.00
161	BERNSTINE,MICHAEL J	CORR	Army	SPC	E4	\$ 3,557.00		\$ 4,181.00	\$ 624.00
162	WARZEWICK, MICHAEL	HESS	army	SPC	E4	\$ 3,557.00	14-18 Dec	\$ 4,288.00	\$ 731.00
163	YOUNG, HARRY N JR	DEC	air	SSG	E5	\$ 3,936.00		\$ 4,780.00	\$ 844.00
164	WEBB, JOHN B	465-4489	air	A1C	E3	\$ 3,174.00		\$ 4,021.00	\$ 847.00
165	HUDSON, DAVID RAY	DPS	Army	CSM	E9	\$ 5,582.00	activated	\$ 6,448.00	\$ 866.00

	A	B	C	D	E	F	G	H	I
166	APRIL, ANTHONY	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,844.00	\$ 908.00
167	FUSSEY, PAUL L	DPS	Air	SSG	E5	\$ 3,936.00		\$ 4,844.00	\$ 908.00
168	IAGULLI, JAMES V	DOT	Air	SRA	E3	\$ 3,174.00	12/6/01- 12/5/02	\$ 4,230.00	\$ 1,056.00
169	STOREY, ALLEN R	DPS	air	CMS	E9	\$ 5,479.00		\$ 6,666.00	\$ 1,187.00
170	DAVIS, PATRICK L	DPS	Air	SSG	E5	\$ 3,936.00		\$ 5,410.00	\$ 1,474.00
171	WILLIAMS, EDWARD L	ADM	air	TSG	E6	\$ 4,248.00		\$ 5,740.00	\$ 1,492.00
172	GIBSON, MICHAEL J	DMVA	Army	SPC	E4	\$ 3,557.00		\$ 5,068.00	\$ 1,511.00
173	GIBBENS, BRETT S	DPS	Army	SGT	E5	\$ 4,039.00		\$ 5,613.00	\$ 1,574.00
174	HOSACK, CHARLES RAY	ADM	Army	CW4	W4	\$ 5,487.00		\$ 7,164.00	\$ 1,677.00
175	THOMPSON, MICHAEL ALAN	?	army	MAJ	O4	\$ 6,565.00		\$ 8,821.00	\$ 2,256.00
176	WILLIAMS, DAVID W	DOT	air	SSG	E5	\$ 3,936.00	activated	\$ 6,412.00	\$ 2,476.00
177	RUSH, MELVIN WAYNE	DMVA	Army	CW3	W3	\$ 5,026.00		\$ 9,100.00	\$ 4,074.00
178	STILWELL, ROBERT EUGENE	NO MATC	army	CW2	W2	\$ 4,584.00		\$ 9,100.00	\$ 4,516.00
179	REPNOW, KELLY LEE	?	Army	SSG	E5	\$ 4,039.00		\$ 9,100.00	\$ 5,061.00
180	WALLACE, JOHN LAWRENCE	465-4734	army	SGT	E5	\$ 4,039.00		\$ 9,100.00	\$ 5,061.00
181	TACKETT, RICKY PATRICK	NO MATC	army	SPC	E4	\$ 3,557.00		\$ 9,100.00	\$ 5,543.00
182	KORENEK, STEPHEN DUANE	DMVA	Army	BG	O7			\$ 7,375.00	\$ 7,375.00
183	CHASE, JAMES H	DMVA	Army	SSG	E5	\$ 4,039.00		\$ 6,378.00	
184	HILL, JOHNNIE W IV	745-2150	Air	SRA	E3	\$ 3,174.00			
185	MCCORMACK, RAMONA	NO MATC	Air	MSG	E7	\$ 4,634.00			
186	MCPECK, SEAN PAUL	NO MATC	Army	SGT	E5	\$ 4,039.00			
187	OATES, PHILLIP EDWIN	428-6003	Army	BG	O7			\$ 7,379.00	
188	WEISS, KENNETH A	CORR	air	1LT	O2	\$ 4,950.00	10/3/01- 10/22/01	12/12/01-2/16/02	

# Alaska State Legislature

## Legislative Affairs Agency

Office of the Executive Director

Terry Miller Legislative Office Building, Room 217

Mailing Address: State Capitol, Rm 3 Juneau, Alaska 99801-2197 Phone (907)465-3800 Fax (907)465-3234



### MEMORANDUM

TO: Rynnieva Moss, Committee Aide  
House State Affairs Committee

FROM: Pamela A. Varni *PJV*  
Executive Director

DATE: April 30, 2002

SUBJECT: HB 327

HB 327 would allow the Governor to issue an administrative order authorizing state employees who are members of a reserve or auxiliary component of the armed forces of the United States, including the Alaska National Guard and the Alaska Naval Militia, and who are called to active duty by the appropriate state or federal authority, to continue to receive the equivalent of their state compensation and some or all of their state benefits.

The Legislative Affairs Agency does not identify employees by their military reserve or auxiliary status. In any given year we may have a small number, estimate up to three, individuals who would qualify for pay and benefits under this proposed legislation.

If the bill passes in its original version, without exempting the Legislature, we would estimate zero fiscal impact on the Legislature because we would continue to issue pay and benefits to the employee from funds appropriated for the position in the budget. Although we would undoubtedly spend other available funds to hire individuals to perform the job functions of the person called to active duty, we would absorb the costs.

# Alaska Railroad Corporation



## MEMORANDUM

September 19, 2001  
Anchorage, Alaska

Post-It® Fax Note	7671	Date	5/1	# of pages	2
To	RUNNIEVA MOSS	From	Wendy Lindstrom		
Co./Dept		Co.	ARRC		
Phone #	<del>265-3258</del>	Phone #	265-2498		
Fax #	465-3258	Fax #			

To: ARRC Managers and Supervisors

From: Pam Barbeau, Benefits and Records Manager

Subject: Employees Called to Active Military Duty

As a result of the current national emergency, some armed forces Reservists and National Guard members around the country and here at the ARRC have already been called to active duty and more are likely to follow. We understand and support the need for those individuals to be absent from their civilian duties at this time.

It's important for managers and supervisors, as well as Employee Services staff, to be aware of and comply with Federal law concerning the protection of civilian job rights and benefits for veterans and Reservists. In addition, to help manage our own resources, we need to follow a few procedures in the event that employees are called to duty.

The law requires employees to provide their employers with advance notice of military service *unless* military necessity prevents giving notice or it is otherwise "impossible or unreasonable". Notice may be written or oral, and provided by the employee or an officer of the service branch. In our current situation it is possible that you may have little if any advance notice from your employee and that you may not see written orders.

When you do learn that an employee has been called to active duty, you should notify Employee Services (Pam Barbeau or Barbara Rogers) immediately. Although the employee may use his or her annual leave account during military leave, most will probably want to be placed in military leave without pay. You will need to initiate a Personnel Action, Form 105, to place the employee on military leave. Employee Services must provide timely notice of the employee's and his/her family's right to purchase continued health insurance coverage (COBRA). We will also use the information to assist managers with staffing needs in the absence of the called-up employees.

If there is time, it would be appropriate to provide the departing employee with a copy of the enclosed Fact Sheet. Additional information on job rights for veterans and Reserve component members is available at the U.S. Department of Labor website, [www.dol.gov/vets](http://www.dol.gov/vets) or by contacting me at 265-2537.

Enclosure

### ARRC Alaska National Guard Participation

# of Employees in the National Guard	17
Average Hourly Rate	19.43
Monthly Wage	3,368
Benefits	1,274
Total per Employee	4,641
Total Monthly Cost for ARRC	78,904

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Potential Impact of HB327

**Retroactive Impact (for 90 day call-up)**

Salary for 7 Employees on Active Duty	74,147
Health Insurance	5,430
Other Benefits @ 15%	11,122
Total	90,699
Estimated Recovery (\$1600 per month per employee)	33,600
ARRC Retroactive Cost	57,099

**Prospective Impact (for 90 day call-up)**

17 employees in Alaska Guard	
171 employees are veterans	
Estimated Number of Employees Called to Active Duty	25
Estimated Salary Cost for those employees	328,120
Health Insurance	45,000
Other Benefits @ 15%	49,218
Total	422,338
Estimated Recovery (\$1600 per month per employee)	120,000
Estimated ARRC Cost	302,338

#s don't include replacement costs

**HB**

**331**

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

Date: February 28, 2002

To: Terri Lauterbach, Leg Legal

From: Rynniva Moss, Legislative Aide

A handwritten signature in cursive script that reads "Rynniva Moss".

Re: Work Order # LS1288\A

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House State Affairs is requesting a CS for HB 331 with the following amendment:

Page 2, line 5 delete:

, simultaneously with making [WITHIN FIVE CALENDAR DAYS AFTER] the appointment [IS MADE],

Insert:

“immediately”

The committee would also like a legal opinion as to what immediately would mean if the appointment was made on a weekend or on a holiday. They want to make sure “immediately” provides a reasonable standard for the governor that would allow him to make an appointment on a weekend or holiday and have the flexibility to present the name at the next business day.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

(c) [Repealed, § 56 ch 21 SLA 1985.]

(d) A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and, except as provided in AS 39.05.080(4), is filled for the balance of the unexpired term. Except as otherwise provided by law, each member holds office at the pleasure of the governor notwithstanding the member's term. (§ 6 ch 64 SLA 1959; am § 2 ch 34 SLA 1960; am § 2 ch 89 SLA 1964; am § 2 ch 90 SLA 1967; am § 10 ch 96 SLA 1967; am § 1 ch 107 SLA 1969; am § 30 ch 46 SLA 1970; am § 2 ch 121 SLA 1971; am § 36 ch 124 SLA 1975; am §§ 34 — 36 ch 206 SLA 1975; am § 72 ch 59 SLA 1982; am §§ 56, 57 ch 21 SLA 1985; am § 67 ch 14 SLA 1987; am § 7 ch 121 SLA 1992; am § 116 ch 4 FSSLA 1992; am § 13 ch 43 SLA 1994; am § 16 ch 61 SLA 1995; am § 13 ch 80 SLA 1996)

Effect of amendments. — The first 1992 amendment, effective September 20, 1992, repealed former paragraphs (a)(5) and (a)(10), relating to the Board of Fisheries and the Board of Game, respectively.

The second 1992 amendment, effective July 1, 1992, deleted former paragraph (a)(4) relating to the Alaska State Housing Authority and renumbered the remaining paragraph.

The 1994 amendment, effective May 16, 1994, repealed paragraph (a)(4), relating to the Governor's Commission on the Involvement of Young People in Government.

The 1995 amendment, effective January 1, 1996, repealed paragraph (a)(3), which read "Employment Security Advisory Council";

The 1996 amendment, effective January 1, 1997, in subsection (d), in the first sentence, inserted ", except as provided in AS 39.05.080(4), is filled" and, in the second sentence, added "Except as otherwise provided by law," at the beginning and made a related stylistic change.

NOTES TO DECISIONS

Applied in Alaska State-Operated Sch. Sys. v. Mueller, 536 P.2d 99 (Alaska 1975). Cited in Walker v. Alaska State Mtg. Ass'n, 416

P.2d 245 (Alaska 1966); Alaska State Hous. Auth. v. Dixon, 496 P.2d 649 (Alaska 1972).

Collateral references. — 63A Am. Jur. 2d, Public Officers and Employees, §§ 36-86. 67 C.J.S., Officers, § 66 et seq.

Legislative power to prescribe qualifications for or conditions of eligibility to constitutional office. 34 ALR2d 155; 90 ALR3d 900.

Sec. 39.05.065. Qualifications of members of the Board of Education and Early Development. (a) Each member of the Board of Education and Early Development shall be a citizen of the United States and have been a resident of Alaska for at least three years.

(b) A member of the Board of Education and Early Development may also be a member of a district school board. (§ 11 ch 96 SLA 1967; am § 19 ch 26 SLA 1980)

Revisor's notes. — In 2000, "Board of Education and Early Development" was substituted for "Board of Education" in accordance with sec. 104, ch. 21, SLA 2000.

Cross references. — For appointment of members of Board of Education, see AS 14.07.085; for a description of districts of the state public school system, see AS 14.12.010.

Sec. 39.05.070. Purpose of AS 39.05.070 — 39.05.200. It is the purpose of AS 39.05.070 — 39.05.200 to provide procedural uniformity in the exercise of appointive powers conferred by the legislature to eliminate, insofar as possible, recess or interim appointments except in the event of death, resignation, inability to act or other removal from office and the exercise, insofar as possible, of appointive powers only when the legislature is in session. (§ 1 ch 64 SLA 1955)

NOTES TO DECISIONS

Section repugnant to tacit confirmation. — The expressed intention of this section is repugnant to

tacit confirmation of appointments. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Sec. 39.05.080. Pro a law relating to the appointment to a posit

(1) Each governor sh by that governor; each previous governor; only in regular session const the first 30 days afte legislature for confirma a position or membersh (B) persons to be appoi March 1 during that se: 30 days of the conveni session, the governor s present to the legislat deadline may be extend

(2) When appointme (A) the presiding offi standing committee of t committees of the two l meet jointly to consider a separate or a joint re (B) the legislature sh presented, in joint sessio to confirm by a majority

(3) When the legislat notify the governor of its the governor shall fill t presented for confirmati the governor of the legi ment. The governor ma refused for the same po which confirmation was the legislature may not during the interim betw confirm or decline to cor ment was presented is ta adjourns.

(4) Pending confirma appointed shall exercise prescribed by law for the an appointment made du by a person who is not st on the date during the confirmation an appointr number of terms or par commission, the part of immediately before the n merged with the part of t so that the two periods o appointment made durin legislature by the govern session. The duration of a



the same manner as the  
 39.05.080(4), is filled for the  
 by law, each member holds  
 member's term. (§ 6 ch 64 SLA  
 ch 90 SLA 1967; am § 10  
 1970; am § 2 ch 121 SLA  
 1975; am § 72 ch 59 SLA  
 am § 7 ch 121 SLA 1992;  
 ch 61 SLA 1995; am § 13

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 (Alaska 1972).

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 3d 900.

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 26 SLA 1980)

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0. It is the purpose of AS  
 the exercise of appointive  
 possible, recess or interim  
 ability to act or other removal  
 tive powers only when the

of appointments. Munson v. Terri-  
 Alaska 580 (1956).

**Sec. 39.05.080. Procedure for all appointments.** Except as otherwise provided in a law relating to the positions or memberships on a specific board or commission, appointment to a position or membership shall be made in the following manner:

(1) Each governor shall present to the legislature the names of the persons appointed by that governor; each governor may present the name of a person appointed by a previous governor; only presentment that occurs during the time that the legislature is in regular session constitutes presentment under this section. The governor shall, within the first 30 days after the legislature convenes in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature, and (B) persons to be appointed to fill a position or membership the term of which will expire March 1 during that session of the legislature. If an appointment is made after the first 30 days of the convening of the regular session but while the legislature is in regular session, the governor shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report, and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the governor of its action and a vacancy in the position or membership exists which the governor shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the governor of the legislature's notification of its refusal to confirm the prior appointment. The governor may not appoint again the same person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the same position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, have the powers, and be charged with the duties prescribed by law for the appointive positions or membership. However, the duration of an appointment made during the time period between regular sessions of the legislature by a person who is not still the governor on the first day of the next regular session ends on the date during the next regular session that the sitting governor presents for confirmation an appointment to the office. For the purpose of applying laws that limit the number of terms or parts of terms that may be served by a member of a board or commission, the part of the term of office that is served under an interim appointment immediately before the member is reappointed under this paragraph is considered to be merged with the part of the term of office that is served immediately after reappointment so that the two periods of service constitute only one part of a term. The duration of an appointment made during a regular session of the legislature and not presented to the legislature by the governor during that session ends no later than the last day of that session. The duration of an appointment made during an interim by a governor who is not

in office at the beginning of the next regular session of the legislature ends no later than the last day of that regular session unless the governor who is in office during that session presents the person's name for confirmation. The same governor may not appoint the same person to the same position or membership if the person's appointment ends because of the governor's failure to present the person's name for confirmation. (§ 4 ch 64 SLA 1955; am §§ 1 — 3 ch 1 SLA 1964; am § 1 ch 2 SLA 1967; am § 1 ch 65 SLA 1974; am § 2 ch 82 SLA 1975; am § 14 ch 80 SLA 1996)

**Cross references.** — For transitional provisions related to the amendment made by § 14, ch. 80, SLA 1996, see § 21, ch. 80, SLA 1996 in the Temporary and Special Acts.

**Effect of amendments.** — The 1996 amendment, effective January 1, 1997, rewrote this section.

NOTES TO DECISIONS

**Legislative history of ch. 82, SLA 1975.** — See Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

**Laws requiring bilateral appointments are mandatory.** Munson v. Territory of Alaska, 16 Alaska 580 (1956).

Paragraph (2) of this section imposes a direct mandate upon the legislature to act upon the nominations of the governor. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**The reason for dual consideration of prospective officeholders** is the benefit of the considered opinion of the legislators, to avoid the possibility of incompetency and injury to the public which may otherwise be perpetrated. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**Affirmative rejection not required.** — Paragraph (2) of this section does not demand affirmative rejection. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**Failure of legislature to act on an appointment is, in effect, rejection.** Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**And not tacit confirmation.** — In acting upon an appointment, the legislature is not exercising a prerogative granted it in its own interest or that of its members; there can be no waiver of that duty so that inaction would be the equivalent of a tacit approval of

an appointment. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**Tacit confirmation negated by paragraph (3).** — The language of paragraph (3) of this section tends to negate any argument of tacit confirmation. Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**The question of confirmation is determined at the first vote under paragraph (2) of this section.** Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**The purpose of paragraph (4) of this section is to vest authority in necessary interim appointees.** Munson v. Territory of Alaska, 16 Alaska 580 (1956).

**An appointment made during a recess of the legislature was complete when the appointee assumed the powers of office; the governor could not remove him without complying with the removal statutes, and the legislature could validly confirm him.** Cook v. Botelho, 921 P.2d 1126 (Alaska 1996) (decided under former law).

**This section does not terminate recess appointments when the legislature convenes.** Cook v. Botelho, 921 P.2d 1126 (Alaska 1996) (decided under former law).

**Recess appointments are of the same duration as all other appointments, and subject to legislative confirmation.** Cook v. Botelho, 921 P.2d 1126 (Alaska 1996) (decided under former law).

**Sec. 39.05.090. Time limits in AS 39.05.080.** The time limitations concerning the submission and resubmission of names as prescribed in AS 39.05.080 do not apply to those appointments that by law require recommendations by professional groups. (§ 3 ch 64 SLA 1955)

**Sec. 39.05.100. Qualifications for appointment.** (a) A person appointed to a board or commission of the state government shall be and have been before the last general election, (1) a registered voter in the state, if the appointment is made at large or (2) a registered voter from the judicial district, if the appointment is made from a specific judicial district. The student member of the Board of Regents of the University of Alaska appointed under AS 14.40.150(b), the student member of the Alaska Commission on Postsecondary Education appointed under AS 14.42.015(e), and a member of the Alaska Human Relations Commission appointed under AS 44.19.600, are exempt from the requirement of this subsection if the member was not old enough to be a registered voter in the last general election.

(b) A member of a board or commission of the state government who ceases to reside in the state during the member's term terminates membership on the board or commission. For the purposes of this section, the acceptance of employment outside the state for a six-month period or longer, or physical absence from the state for one year

longer, or registration as in a voting precinct outside (§ 5 ch 64 SLA 1955; am ch 16 SLA 1990; am E.C.

**Effect of amendments.** — effective March 13, 1993, in titled "The Alaska Human Relations Commission on Civil Rights" made a section reference substitution.

**Sec. 39.05.150. Informal employment.** [Repealed, 1996]

**Sec. 39.05.200. Definitive confirmation.** (1) "confirmation" means submitted for appointment to a board, commission, authority, or office by the governor and confirmed by the legislature. (2) "position or membership" means the position or membership on the board, commission, authority, or office. (AS 39.05.200, 59 SLA 1982)

**Revisor's notes.** — Formerly numbered in 1984.

Ch:

**Sec. 39.10.010.** [Renumbered]

C

- Section 10. Form, amount, and conditions of bond
- 20. Obligation and effect of bond
- 30. Action on bond
- 40. Recovery on defective bond
- 50. Procedure when bond becomes defective

**Sec. 39.15.010. Form of appointment.** An employee of the state requires a form joint and several, and conditions required by law.

**Cross references.** — For authority of the principal executive officer and subordinate officials, see AS 39.05.010.

**Cited in Vest v. Schafer,** 71 Alaska 1 (1988).

**Collateral references.** — 12 Alaska Stat. § 63A Am. Jur. 2d, 117.

**Sec. 39.15.020. Obligation of appointment.** Force and obligatory upon

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
**PETE KOTT**  
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Eagle River, Alaska 99577  
(907) 694-8944  
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99801-1182  
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House of Representatives  
House District 24

## Sponsor Summary HB 331

HB331 eliminates ambiguities in AS 39.05.080 making it clear that presentment of the governor's appointees to boards and commissions may only occur during regular sessions of the legislature. This bill eliminates the potential for confirmation sessions occurring during special sessions and it also reconciles potentially conflicting language regarding the timing of the appointee's presentation.

This issue arose at the end of the 2001 regular session, following the failed confirmation bid of a Game Board appointee. In response to that event, under paragraph (3), the governor made a new appointment and presented the name to the legislature within 20 days following notification of the failed nomination. As to that Game Board vacancy, the governor was correct under paragraph (3) in appointing and presenting the name, but since the regular session of the legislature had adjourned, under paragraph (1), that presentment was ineffective.

Because joint sessions for confirmation purposes are often held near the end of the regular session, this means that the time for a new appointee's presentment would most likely fall during a special session (if one is held in the interim).

The waters become muddy because the 20-day requirement (that the governor has to name a candidate following a failed confirmation) of paragraph (3) is a direct conflict with paragraph (1), which states that only presentment that occurs during a regular session constitutes presentment. To further complicate the issue, AS 39.05.080 is utterly ambiguous as to whether the legislature is even authorized to confirm appointees during the special session.

HB331 reconciles the two problematic paragraphs of AS 39.05.080 by:

- Removing the 20-day requirement in paragraph (3) and keeping the requirement of paragraph (1) stating that only presentment during a regular session is valid;
- Inserting as appropriate throughout the section, "regular;"
- Removing "within five calendar days" from the latter part of paragraph (1) because the five-day presentment requirement in paragraph (1) is just as problematical as the 20-day presentment requirement since the fifth day could be outside the regular session even if the appointment were made during the regular session.

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
PETE KOTT  
10928 Eagle River Rd Ste. 141  
Eagle River, Alaska 99577  
(907) 694-8944  
FAX (907) 694-8945



While in Juneau  
State Capitol  
Juneau, Alaska  
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House of Representatives  
House District 24

HB331

## Sectional Analysis

AS 39.05.080 establishes the procedures on how the positions or memberships on a specific board or commission shall be handled.

Paragraph 1. This paragraph directs the governor to:

- Present names of appointed individuals to the legislature. It stipulates that only presentments that occur while the legislature is in regular session constitute 'presentment.'
- Within the first 30 days after the legislature convenes its regular session, the governor presents the names of the following persons to the legislators:
  - A. appointments who have not been previously confirmed by the legislature; and
  - B. appointments of persons who will fill a position for which the term will expire on or before March 1 during that legislative session. If an appointment is made after the first 30 days of the convening of the legislature but while the legislature is in regular session, the governor shall simultaneously with making the appointment, present it to the legislature for confirmation.

This paragraph of AS 39.05.080 also reflects the elimination of the five-day period of time in which the governor had to present the individual to the legislature following the appointment. The five-day presentment requirement in paragraph (1) was problematic because the fifth day could be outside the regular session even if the appointment was made during the regular session.

This paragraph also reflects the elimination of a mechanism (by concurrent resolution) where the legislature could have extended the five-day deadline. This is, of course an unconstitutional provision. A statute may only be modified by another statute not by a concurrent resolution of agency regulation.

Paragraph 2. When appointments are presented to the legislature for confirmation:

- A. The presiding officers of each house assign the appointee to a committee for a hearing, report, and recommendation. The standing committees may meet jointly; then

- B. Before the end of the regular session in which the appointments are presented, the legislature meets in joint session to act by confirming or declining to confirm by a majority vote.

The word "regular" is added to this paragraph of AS 39.05.080 so that it is clear that confirmation hearings do not occur during special sessions.

Paragraph 3. When the legislature declines to confirm an appointment:

- the governor is notified of its action and a vacancy for the position is created which the governor fills by making a new appointment.
  - The governor cannot re-appoint the rejected candidate during the regular session of the legislature at which the confirmation failed. Likewise, the governor may not appoint the failed candidate during the interim between regular sessions to carry out the duties of that vacant position.
  - Finally, if the legislature fails to act to confirm an appointee during the regular session, the appointee is, in effect, rejected.

The 20-day provision for the governor's presentment following the initial failed confirmation is deleted from Section 3. By eliminating the 20-day provision of section (3) and keeping the requirement of section (1) it is clear that only presentment during a regular session is valid.

Paragraph 4. The appointees with pending confirmations shall exercise the functions, have the powers and be charged with the duties prescribed by law.

There are several specific limitations cited in this paragraph, such as:

- The term of an appointee who is named during the interim by a governor who leaves office prior to the first day of the regular session ends on the first day of the regular session.

This section is completely unchanged from the original statute.

Alaska State Legislature  
House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

# Memorandum

To: Rep. John Coghill  
From: Rep. Pete Kott  
Date: January 22, 2002

Regarding: HB 331  
Governor's Appointments

---

Attached to this memorandum is a copy of HB 331, relating to the timing of the governor's appointments. I am also submitting my sponsor statement and a sectional analysis.

At this time, I would like to request a hearing in State Affairs, at the earliest opportunity.

**Representative Pete Kott**

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5688) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8944 FAX (907) 694-8945 E-MAIL: representative\_pete\_kott@legis.state.ak.us  
<http://www.akrepublicans.org/Kott.htm>



# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 331  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title "An Act relating to appointment of BRU Executive Operations  
positions that require confirmation..." Component Executive Office  
 Sponsor Representative Kott  
 Requester State Affairs Component No. 6

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

No fiscal impact.

Prepared by: Michael A. Nizich, Administrative Director Phone 465-3876  
 Division Administrative Services Date/Time 2/6/02 9:47 AM  
 Approved by: David Ramseur, Chief of Staff Date 02/06/2002  
 Agency Office of the Governor



# LEGAL SERVICES

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

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

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 28, 2002

**SUBJECT:** Governor's appointments (CSHB 331(STA), draft version "C")

**TO:** Representative John Coghill  
Attn: Rynniewa

**FROM:** Terri Lauterbach  
Legislative Counsel *TLauterbach*

Enclosed is the draft CS you requested.

You also requested my opinion as to what "immediately" would mean with regard to when the governor would have the duty to present an appointee's name to the legislature if the appointment were made on a weekend or holiday. Your stated intent is to ensure that "immediately" would provide the governor the flexibility to present the appointee's name to the legislature on the next "business day" and still be found in compliance with the statute amended in this bill.

In my opinion, the meaning of "immediately" is flexible and depends on the context in which it is used and the circumstances existing at the time the duty to act "immediately" arises. In the legislative context, "immediately" could reasonably mean not the next "business day" (as that term is applied to commercial transactions) but the next "business day" of the legislature. In my opinion, the next "business day" in the presentment context could be construed to be the next day on which a body of the legislature holds a floor session, which is when messages from the governor are read. As you know, the next legislative floor session could well be on a weekend or holiday, particularly toward the end of a regular session. But, at other times, the next "business day" of the legislature would normally be a weekday.

If you want to give the governor the flexibility to delay presentment until after a three-day holiday weekend but still ensure that "immediately" has an outside time limit, then you could amend AS 39.05.080(1) to say "immediately, but in no event more than 72 hours later."

## DISCUSSION

"Immediately" appears hundreds of times in the Alaska Statutes and is defined only once. In AS 47.17.290(6), "immediately" means "as soon as is reasonably possible, and no later than 24 hours." The context of this use of "immediately" is the reporting of suspected

Representative John Coghill  
February 28, 2002  
Page 2

child abuse and the notices and investigations that must happen after the initial report. The 24-hour limit is an outside time limit that the legislature put on the term "immediately" in this context. Without that outside time limit, the term would probably be construed according to the first phrase of the definition: "as soon as is reasonably possible."

The legislature has also put outside time limits on the use of "immediately" in another context. Under AS 47.12.250, a statute relating to alleged delinquents, a police officer who detains a minor must "immediately, and in no event more than 12 hours later," notify the court about the detention, and the court must "immediately, and in no event more than 48 hours later," hold a hearing except that, if the minor is being held securely in correctional facilities that house adult prisoners, the court must "immediately, and in no event more than 24 hours after the custody begins," hold a hearing. Again, this is a specific context in which the legislature has chosen to put an outside time limit on the term "immediately." There may be other statutes with outside time limits on "immediately."

However, most of the uses of "immediately" in the statutes carry no outside time limit. These statutes relate predominantly to notice situations, notices that must be given by or to courts, boards, departments, corporations, banks, etc. At least one other relates to the governor's duty to "immediately" appoint a board member (AS 03.09.010(b)). In these contexts, a court would probably use a reasonableness standard for the term "immediately." For instance, when construing insurance policies that require an insured to give "immediate" notice of a claim to the insurer, courts have found that the notice must be given "within a reasonable time under the circumstances." *Black's Law Dictionary, Seventh Edition.*

Therefore, I think "immediately," as used in AS 39.05.080(1) in the enclosed CS, would probably be construed by a court as meaning "within a reasonable time under the circumstances." In the context of AS 39.05.080(1), the circumstances considered by the court would include the fact that the legislature should be given time to consider a name presented to it. A reasonable time for presenting an appointment made on the 60th day of a regular session might be several days. There would still be plenty of time for the legislature to act on the appointment. In contrast, a reasonable time for presenting an appointment made on the 100th day could well be construed to be by the time of the next legislative floor session, which is when messages from the governor could be read across.

There is a possibility that a court would allow "immediately" to be longer than several days. If it is important to you that there be an outside time limit, then you should put that time limit in the statute.

-----

Representative John Coghill  
February 28, 2002  
Page 3

I hope you find this discussion helpful to you as you consider your legislative options. I have attached a printout showing where "immediately" is used in the Alaska Statutes. If I may be of further assistance, please advise.

TML:med  
02-232.med

Enclosure



# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 102

## REPRESENTATIVE JOHN COGHILL

Date: March 14, 2002

To: Terri Lauterbach, Leg Legal

From: Rynnieva Moss, Legislative Aide

A handwritten signature in cursive script that reads "Rynnieva Moss".

Re: Work Order #LS1288 Version C

---

Please prepare a final on CSHB 331(STA), which is version C. It was passed out of State Affairs this morning with no changes.

Thanks.

# LEGAL SERVICES

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STATE OF ALASKA

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## MEMORANDUM

February 28, 2002

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In my opinion, the meaning of "immediately" is flexible and depends on the context in which it is used and the circumstances existing at the time the duty to act "immediately" arises. In the legislative context, "immediately" could reasonably mean not the next "business day" (as that term is applied to commercial transactions) but the next "business day" of the legislature. In my opinion, the next "business day" in the presentment context could be construed to be the next day on which a body of the legislature holds a floor session, which is when messages from the governor are read. As you know, the next legislative floor session could well be on a weekend or holiday, particularly toward the end of a regular session. But, at other times, the next "business day" of the legislature would normally be a weekday.

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# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services  
Department of Education & Early Development  
State of Alaska

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Representative John Coghill

February 28, 2002

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Representative John Coghill  
February 28, 2002  
Page 3

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TML:med  
02-232.med

Enclosure

- 2 + Title 03. AGRICULTURE AND ANIMALS
  - 1 Sec. 03.09.010. Board of Agriculture and Conservation established.  
...the governor shall immediately appoint a member ...
  - 1 Sec. 03.47.030. Duties of the division.  
...pluton) shall be immediately quarantined and treated ...
- 4 + Title 04. ALCOHOLIC BEVERAGES
  - 1 Sec. 04.11.110. Club license.  
...leave the premises immediately upon the departure ...
  - 1 Sec. 04.11.310. Notice of application.  
... (1) immediately provide written notice ...
  - 1 Sec. 04.11.494. Operation of delivery sites.  
... (13) shall immediately report violations of ...
  - 1 Sec. 04.11.510. Procedure for action on license applications, suspensions, and revocations.  
...furnished the applicant immediately in writing stating ...
- 5 + Title 05. AMUSEMENTS AND SPORTS
  - 1 Sec. 05.10.110. Inspectors.  
...chapter and shall immediately transmit the statement ...
  - 1 Sec. 05.15.165. Operators.  
...of the insurance immediately suspends the rights ...
  - 1 Sec. 05.15.610. Order prohibiting action in violation of chapter.  
...The commissioner shall immediately serve the person ...
  - 1 Sec. 05.20.030. Powers and duties of department.  
...public, it shall immediately give notice to ...
  - 1 Sec. 05.20.050. Duties of inspector; condemnation.  
...the equipment dangerous, immediately report this to ...  
...equipment and shall immediately notify the department ...
- 6 + Title 06. BANKS AND FINANCIAL INSTITUTIONS
  - 1 Sec. 06.05.050. Publication of reports.  
...shall be published immediately in condensed form ...
  - 1 Sec. 06.05.175. Depositor and customer records confidential.  
...the bank shall immediately notify the customer ...
  - 1 Sec. 06.15.140. Commencement of operation.  
...this subsection shall immediately stop operation. ...
  - 1 Sec. 06.25.240. Real estate.  
...and the conveyance immediately recorded. ...
  - 1 Sec. 06.25.270. Impairment of capital.  
...trust company shall immediately serve notice of ...
  - 1 Sec. 06.25.300. Oath of directors.  
...administer oaths, and immediately filed with the ...
- 8 + Title 08. BUSINESS AND PROFESSIONS
  - 1 Sec. 08.24.150. Bond.  
...The department shall immediately cancel the bond ...  
...the department shall immediately give notice to ...
  - 1 Sec. 08.24.280. Records and funds.  
...shall be made immediately upon the receipt ...  
...to be made immediately available to the ...  
...to be made immediately available to the ...
  - 1 Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.  
...doing so, shall immediately notify each registrant ...
  - 1 Sec. 08.54.710. Discipline of guides and transporters.  
...been revoked shall immediately surrender the license ...
  - 1 Sec. 08.68.333. Registry of certified nurse aides.  
...the board shall immediately revoke the nurse ...
  - 1 Sec. 08.80.330. Licensed pharmacist appointed as "pharmacist-in-charge".  
...a pharmacy shall immediately advise the board ...
  - 1 Sec. 08.88.071. Duties of the commission.  
...estate broker, fails immediately to turn money ...
  - 1 Sec. 08.88.331. Making of transactions.  
...estate transaction shall immediately be turned over ...
- 19 + Title 09. CODE OF CIVIL PROCEDURE
  - 1 Sec. 09.05.050. Service of process on state prisoners.  
... (1) immediately hand deliver the ...
  - 1 Sec. 09.10.050. Certain property actions to be brought in six years.  
...demand is due immediately, so an action ...  
...demand, becomes due immediately and the statute ...

- 1 ...demand is due immediately may not apply ...
- 1 ...should become due immediately. North Am. Trading ...
- 1 Sec. 09.17.020. Punitive damages.
- 1 ...available for production immediately at the close ...
- 1 Sec. 09.25.010. Statute of frauds.
- 1 ...be charged placed immediately at the end ...
- 1 Sec. 09.30.300. Satisfaction of judgment.
- 1 ...suitable for recordation immediately upon payment in ...
- 1 Sec. 09.35.270. Procedure for redemption.
- 1 ...peace officer shall immediately give notice of ...
- 1 Sec. 09.35.290. Redemption payment or refusal to permit redemption.
- 1 ...peace officer shall immediately pay the money ...
- 1 Sec. 09.40.140. Order for arrest.
- 1 ...shall be made immediately whenever it appears ...
- 1 Sec. 09.40.160. Time for order for arrest.
- 1 ...peace officer to immediately arrest the defendant ...
- 1 Sec. 09.43.020. Proceedings to compel or stay arbitration.
- 1 ...dispute, shall be immediately and summarily tried ...
- 1 Sec. 09.45.230. Action based on private nuisance.
- 1 ...The state shall immediately tender the defense ...
- 1 ...so imperatively demanding immediately relief as to ...
- 1 Sec. 09.50.010. Acts or omissions constituting contempt.
- 1 ...to it without immediately disclosing it to ...
- 1 ...12.30, to report immediately that the person ...
- 1 Sec. 09.50.220. Proceeds of sale.
- 1 ...faith and to immediately abate the nuisance. ...
- 1 Sec. 09.50.270. Payment of judgment against the state.
- 1 ...the court shall immediately transmit a certified ...
- 1 Sec. 09.50.280. Judgment for plaintiff; punitive damages.
- 1 ...as damages is immediately "due" in the ...
- 1 Sec. 09.55.330. Compensation and damages.
- 1 ...to the state immediately upon filing and ...
- 1 Sec. 09.55.420. Declaration of taking by state or municipality.
- 1 ...former, title passes immediately upon filing and ...
- 1 Sec. 09.55.440. Vesting of title and compensation.
- 1 ...it be paid immediately to the person ...
- 1 ...former, title passes immediately upon filing and ...
- 1 ...to the state immediately upon filing and ...
- 1 ...award were paid immediately upon the taking ...
- 1 Sec. 09.65.070. Suits against incorporated units of local government.
- 1 ...threats is to immediately investigate them; there ...
- 19 + Title 10. CORPORATIONS AND ASSOCIATIONS
- 1 Sec. 10.06.170. Change or resignation of registered agent.
- 1 ...The commissioner shall immediately mail a copy ...
- 1 Sec. 10.06.608. Certificate of election: contents, signing, verification and filing.
- 1 ...and dissolve shall immediately file a certificate ...
- 1 Sec. 10.06.960. Corporations organized under Alaska Native Claims Settlement Act.
- 1 ...that is not immediately distributed or required ...
- 1 Sec. 10.13.750. Removal and suspension orders in cases of violation or breach of duty.
- 1 ...The department may immediately issue an order ...
- 1 Sec. 10.13.800. Orders restricting additional financing assistance.
- 1 ...that the department immediately prevent the licensee ...
- 1 Sec. 10.15.150. Election of directors.
- 1 ...director shall enter immediately upon the discharge ...
- 1 Sec. 10.20.041. Registration of registered agent.
- 1 ...The commissioner shall immediately mail a copy ...
- 1 Sec. 10.20.046. Service of process on corporation.
- 1 ...the commissioner shall immediately forward a copy ...
- 1 Sec. 10.20.290. Voluntary dissolution.
- 1 ...them up, shall immediately cause a notice ...
- 1 ...secretary shall be immediately filed with the ...
- 1 Sec. 10.20.300. Plan of distribution.
- 1 ...distribution shall be immediately filed with the ...
- 1 Sec. 10.20.305. Revocation of voluntary dissolution proceedings.
- 1 ...a copy shall immediately be filed with ...

- 1 Sec. 10.20.530. Service on commissioner.  
...The commissioner shall immediately have one copy ...
- 1 Sec. 10.25.340. Notice to creditors.  
...of directors shall immediately have a notice ...
- 1 Sec. 10.25.420. Effect of recordation of mortgages.  
...the lien thereof immediately upon the acquisition ...
- 1 Sec. 10.25.490. Resignation of registered agent.  
...The commissioner shall immediately mail a copy ...
- 1 Sec. 10.25.510. Manner of service on commissioner.  
...The commissioner shall immediately have one copy ...
- 1 Sec. 10.40.120. Succession to property on death, resignation or removal of person not incorporated as corporation s  
...by the predecessor immediately vests in the ...
- 1 Sec. 10.45.200. Legal disqualification of corporate personnel.  
...the professional corporation immediately. The failure of ...
- 1 Sec. 10.50.063. Change or resignation of registered agent.  
... The department shall immediately mail a copy ...

7 + Title 11. CRIMINAL LAW

- 1 Sec. 11.41.100. Murder in the first degree.  
...Liability where death immediately results from treatment ...
- 1 Sec. 11.46.200. Theft of services.  
...is customarily paid immediately upon the receiving ...
- 1 Sec. 11.46.300. Burglary in the first degree.  
...was to begin immediately at defendant's sentencing ...
- 1 Sec. 11.61.195. Misconduct involving weapons in the second degree.  
...a parking lot immediately adjacent to ...
- 1 Sec. 11.61.200. Misconduct involving weapons in the third degree.  
...fully assembled or immediately capable of firing ...
- 1 Sec. 11.61.220. Misconduct involving weapons in the fifth degree.  
...a parking lot immediately adjacent to a ...  
...a parking lot immediately adjacent to a ...
- 1 Sec. 11.81.335. Justification: Use of deadly force in defense of self.  
...and the court immediately thereafter properly charged ...

24 + Title 12. CODE OF CRIMINAL PROCEDURE

- 1 Sec. 12.25.020. Judge or magistrate may order arrest.  
...offender, and may immediately proceed as though ...
- 1 Sec. 12.25.035. Arrest without warrant by state trooper when judicial officer is unavailable.  
...the person is immediately arrested; and ...
- 1 Sec. 12.25.120. Retaking escaped prisoner.  
...was rescued may immediately pursue and retake ...
- 1 Sec. 12.25.140. Property taken from defendant on arrest.  
...taking it shall immediately make duplicate receipts ...
- 1 Sec. 12.30.010. Bail before conviction.  
...should be released immediately. There is no ...
- 1 Sec. 12.30.020. Release before trial.  
...failure to report immediately in accordance with ...  
...will be issued immediately upon a violation ...
- 1 Sec. 12.30.027. Release in domestic violence cases.  
... (3) immediately distribute a copy ...  
...reasonable efforts to immediately notify the alleged ...  
...reasonable efforts to immediately notify the alleged ...
- 1 Sec. 12.35.015. Issuance of search warrant upon testimony communicated by telephone or other means.  
...judicial officer shall immediately sign the original ...
- 1 Sec. 12.35.020. Grounds for issuance.  
...warrant be executed immediately or forthwith. Johnson ...
- 1 Sec. 12.37.070. Records and recordings and custody of them.  
... (b) Immediately upon expiration of ...
- 1 Sec. 12.45.080. Disposition of proceeding upon failure of state to comply with order.  
...hearing be terminated immediately or a mistrial ...
- 1 Sec. 12.47.092. Procedure for conditional release.  
...conditional release shall immediately notify the commissioner ...
- 1 Sec. 12.50.010. Witness subpoenaed in this state to testify in another state.  
...the witness be immediately brought before the ...  
...the witness be immediately taken into custody ...
- 1 Sec. 12.55.085. Suspending imposition of sentence.  
...was to begin immediately at defendant's sentencing ...

- 1 Sec. 12.60.060. Arrest.  
...of arrested and immediately brought before the ...
- 1 Sec. 12.60.190. Arrest on failure to disperse and commanding aid.  
...assembled do not immediately disperse. the district ...
- 1 Sec. 12.63.030. Notification of other jurisdictions.  
...the department shall immediately notify the Federal ...
- 1 Sec. 12.65.005. Duty to notify state medical examiner.  
...peace officer, shall immediately notify the state ...
- 1 Sec. 12.70.110. Confinement in jail when necessary.  
...the purpose of immediately returning that prisoner ...
- 1 Sec. 12.70.240. Written waiver of extradition proceedings.  
...executed, it shall immediately be forwarded to ...  
...custody to deliver immediately that person to ...
- 1 Sec. 12.75.060. Proceedings on disobedience of writ.  
...of service, to immediately issue a warrant ...  
...the officer to immediately apprehend and bring ...
- 1 Sec. 12.75.070. Precept to peace officer.  
...the officer to immediately bring the person ...
- 1 Sec. 12.75.120. Proceedings where commitment irregular.  
...is irregular, shall immediately remand the party ...
- 1 Sec. 12.75.180. Grounds for warrant in lieu of writ.  
...the officer to immediately bring the person ...
- 7 + Title 13. DECEDENTS' ESTATES, GUARDIANSHIPS, TRANSFERS, AND TRUSTS
- 1 Sec. 13.12.101. Intestate estate.  
...His title vests immediately upon the death ...
- 1 Sec. 13.12.404. Family allowance.  
...which she could immediately convert into cash ...
- 1 Sec. 13.16.410. Transactions authorized for personal representatives; exceptions.  
...and are not immediately distributable, deposit or ...
- 1 Sec. 13.16.690. Small estates; summary administrative procedure.  
...to creditors, may immediately disburse and distribute ...
- 1 Sec. 13.16.700. Settlement directed by court.  
...the judge may immediately appoint a person. ...
- 1 Sec. 13.26.140. Temporary guardians; authorization of services.  
...The petitioner shall immediately file the request ...
- 1 Sec. 13.33.201. Definitions.  
...is treated as immediately effective and a ...
- 27 + Title 14. EDUCATION, LIBRARIES, AND MUSEUMS
- 1 Sec. 14.17.610. Distribution of state aid.  
...the district shall immediately remit the amount ...
- 1 Sec. 14.20.015. Recognition of certificates of out-of-state teachers.  
...the department shall immediately revoke the teacher's ...
- 1 Sec. 14.20.017. Grace period for issuance of regular teacher certificates to previously certificated teachers.  
...the department shall immediately revoke the revocable ...
- 1 Sec. 14.20.180. Procedures upon notice of dismissal or nonretention.  
...the employer shall immediately schedule a hearing ...  
...school board shall immediately schedule an informal ...  
...dismissal becomes effective immediately following the expiration ...
- 1 Sec. 14.20.215. Definitions.  
...or school term immediately following the expiration ...
- 1 Sec. 14.25.022. Regulations.  
...or repealed, effective immediately, as an emergency ...
- 1 Sec. 14.25.060. Arrearage indebtedness.  
...armed forces is immediately preceded by membership ...
- 1 Sec. 14.25.100. Credit for service in the armed forces.  
...armed forces is immediately preceded by Alaska ...
- 1 Sec. 14.30.045. Grounds for suspension or denial of admission.  
...grounds or not immediately connected with school ...
- 1 Sec. 14.30.193. Due process hearing.  
...hearing officer shall immediately inform the parent ...
- 1 Sec. 14.30.700. Records of missing children.  
...school district shall immediately report to the ...
- 1 Sec. 14.30.710. Required records upon transfer.  
...school district shall immediately notify the Department ...
- 1 Sec. 14.40.671. Participation.

- ...the university shall immediately pay the amount ...
- 1 Sec. 14.40.871. Regulations.  
...section takes effect immediately upon its adoption ...
- 1 Sec. 14.40.946. Public loans or donations to or cooperation with corporation.  
...ordinance takes effect immediately without publishing or ...
- 1 Sec. 14.42.015. Creation, composition, appointment of members.  
...the commission is immediately forfeited by a ...
- 1 Sec. 14.42.205. Supplemental education loans: financing program. [Effective July 1, 2002].  
...Loan Corporation may immediately implement [this section] ...
- 1 Sec. 14.42.250. Validity of pledge.  
...the corporation shall immediately be subject to ...
- 1 Sec. 14.43.020. Applications for and issuance and report of certificates.  
...shall be reported immediately to the registrar ...
- 1 Sec. 14.43.145. Default.  
...Loan Corporation may immediately implement [the amendments ...
- 1 Sec. 14.43.147. Order to withhold and deliver.  
...the state. shall immediately withhold property due. ...  
...the employer shall immediately reimplement the order ...
- 1 Sec. 14.43.161. Purpose: creation. [Effective July 1, 2002].  
...Loan Corporation may immediately implement [these sections] ...
- 1 Sec. 14.43.170. Creation: purpose. [Effective July 1, 2002].  
...Loan Corporation may immediately implement [these sections] ...
- 1 Sec. 14.43.650. Selection criteria.  
...Loan Corporation may immediately implement [the amendments ...
- 1 Sec. 14.43.740. Loan terms and conditions.  
...of the month immediately following loan disbursement. ...
- 1 Sec. 14.43.920. Repayment by ineligible recipient.  
...money paid is immediately due to the ...
- 1 Sec. 14.44.015. Terms and provisions of Compact.  
...operative and binding immediately as to those ...
- 12 + Title 15. ELECTIONS
- 1 Sec. 15.07.070. Procedure for registration.  
...voter's name shall immediately be placed on ...  
...the voter shall immediately be informed in ...  
...voter's name shall immediately be placed on ...
- 1 Sec. 15.10.300. Preparation for legislative redistricting.  
...the Redistricting Board immediately upon the board's ...
- 1 Sec. 15.13.114. Disposition of prohibited contributions.  
...or 15.13.074 shall immediately, upon discovery that ...  
...AS 15.13.070 shall immediately, upon discovery of ...  
...shall be delivered immediately to the Department ...
- 1 Sec. 15.15.060. Polling places, voting booths, and supplies.  
... (a) Immediately following the appointment ...
- 1 Sec. 15.15.250. Disposition of spoiled ballot.  
...the spoiled ballot immediately without examining it. ...
- 1 Sec. 15.15.330. Commencement of ballot count.  
...election board shall immediately proceed to open ...
- 1 Sec. 15.15.370. Completion of ballot count; certificate.  
...election board shall, immediately upon completion of ...  
...Each board shall, immediately upon completion of ...
- 1 Sec. 15.15.460. Tie votes.  
...The director shall immediately proceed with the ...
- 1 Sec. 15.20.201. Time of district absentee ballot counting review.  
...shall be forwarded immediately to the director ...
- 1 Sec. 15.20.205. Time of district questioned ballot counting review.  
...shall be forwarded immediately to the director ...
- 1 Sec. 15.20.560. Judgment of court.  
...the director shall immediately proceed to determine ...
- 1 Sec. 15.25.040. Manner and date of filing declaration.  
...election supervisor shall immediately forward the declaration ...
- 8 + Title 16. FISH AND GAME
- 1 Sec. 16.05.340. License, permit, and tag fees.  
...to the animal immediately upon ...  
...to the animal immediately upon capture and ...
- 1 Sec. 16.05.520. Number plate.

- ...the vessel shall immediately apply for and ...
- ...the owner shall immediately report the loss, ...
- 1 Sec. 16.05.710. Suspension of commercial license and entry permit.  
...requiring a forfeiture immediately upon conviction and ...
- 1 Sec. 16.10.040. Disposition of money received for fines and penalties.  
...they shall be immediately available for expenditure ...
- 1 Sec. 16.20.034. Mendenhall Wetlands State Game Refuge.  
...thence trend northwesterly immediately adjacent to but ...
- 1 Sec. 16.43.960. Commission revocation or suspension of permits.  
...The commission shall immediately cancel a limited ...
- 1 Sec. 16.43.970. Penalties.  
...the court shall immediately notify the commission ...
- 1 Sec. 16.45.020. The compact.  
...agreement becomes operative immediately as to those ...
- 4 + Title 17. FOOD AND DRUGS
- 1 Sec. 17.20.040. Misbranded foods.  
...word "imitation" and, immediately thereafter, the name ...
- 1 Sec. 17.20.270. Immediate destruction of contaminated food.  
...the commissioner shall immediately condemn or destroy ...
- 1 Sec. 17.30.124. Remittance to claimant.  
...to the claimant immediately; ...
- 1 Sec. 17.37.030. Privileged medical use of marijuana.  
...shall be returned immediately upon the determination ...
- 32 + Title 18. HEALTH, SAFETY, AND HOUSING
- 1 Sec. 18.08.089. Authority to pronounce death.  
...AS 08.64 is immediately available for consultation ...
- 1 Sec. 18.15.120. Tuberculosis control program authorized.  
...to adopt regulations immediately to implement changes ...
- 1 Sec. 18.20.310. Sanctions for noncompliance.  
...section takes effect immediately upon service of ...
- 1 Sec. 18.20.330. Appeal: hearing.  
...that takes effect immediately under AS 18.20.310(b)(1), ...
- 1 Sec. 18.20.360. Temporary management.  
...nursing facility is immediately jeopardized as the ...  
...the department shall immediately petition the superior ...
- 1 Sec. 18.20.370. Receivership.  
...action necessary to immediately correct the conditions ...  
...facility's residents is immediately jeopardized; ...
- 1 Sec. 18.26.140. Pledge of revenue.  
...the authority are immediately subject to the ...
- 1 Sec. 18.50.315. Records of missing children.  
...the bureau shall immediately notify the Department ...
- 1 Sec. 18.55.080. Members or employees prohibited from acquiring interest in projects.  
...or employee shall immediately disclose the interest ...
- 1 Sec. 18.55.120. Operation and management of projects.  
...the six years immediately following issuance of ...
- 1 Sec. 18.55.280. Public loans or donations to or cooperation with corporation.  
...ordinance takes effect immediately without publishing or ...
- 1 Sec. 18.55.500. Interest of members of board of directors or employees of corporation in project prohibited.  
...or employee shall immediately disclose the interest ...  
...or employee shall immediately disclose the interest ...
- 1 Sec. 18.56.030. Corporation governing body.  
...an appointment, effective immediately, for the unexpired ...
- 1 Sec. 18.56.088. Administrative procedure.  
...section becomes effective immediately upon its adoption ...
- 1 Sec. 18.56.120. Validity of any pledge.  
...or revenue are immediately subject to the ...
- 1 Sec. 18.57.060. Validity of pledge.  
...revenue pledged are immediately subject to the ...
- 1 Sec. 18.60.058. Reporting of injuries and illnesses.  
...must be made immediately but in no ...
- 1 Sec. 18.60.091. Citations.  
...citation, shall be immediately and prominently posted, ...
- 1 Sec. 18.60.096. Imminent dangers.  
...be expected to immediately cause death or ...

- 1 Sec. 18.60.180. Regulations.  
...to the code immediately upon their adoption ...
- 1 Sec. 18.60.190. Effect of regulations.  
...regulations are permissive immediately upon adoption and ...
- 1 Sec. 18.60.505. Authority of department in cases of emergency.  
...order is effective immediately. A person to ...  
...comply with it immediately, but on application ...
- 1 Sec. 18.60.680. Placement of barriers for temporary work.  
...the person shall immediately notify the operator ...
- 1 Sec. 18.60.780. Definitions.  
...flat glazed panels immediately adjacent to entrance ...  
...doors and the immediately adjacent flat fixed ...
- 1 Sec. 18.65.640. Reports upon finding a missing person.  
...enforcement agency shall immediately notify the clearinghouse ...
- 1 Sec. 18.65.735. Suspension of permit.  
...The department shall immediately suspend a permit ...  
...this section shall immediately surrender the permit ...  
...this section shall immediately forward the permit ...
- 1 Sec. 18.65.740. Revocation of permit; appeal.  
...handgun shall be immediately revoked by the ...  
...this section shall immediately surrender the permit ...  
...this section shall immediately forward the permit ...
- 1 Sec. 18.65.750. Possession and display of permit.  
...the permittee shall immediately inform the peace ...
- 1 Sec. 18.65.765. Responsibilities of the permittee.  
... (2) shall immediately report a lost, ...  
... (3) shall immediately notify the department ...
- 1 Sec. 18.80.110. Investigation and conciliation.  
...the investigator shall immediately try to eliminate ...
- 1 Sec. 18.85.100. Right to representation, services, and facilities.  
...attorney was not immediately available. Under such ...
- 1 Sec. 18.85.110. Notice and provision for representation.  
...attorney was not immediately available. Under such ...
- 2 + Title 19. HIGHWAYS AND FERRIES
- 1 Sec. 19.10.399. Definitions.  
...drawn upon or immediately over a highway ...
- 1 Sec. 19.20.040. Acquisition of property and property rights.  
...tract is not immediately needed for the ...
- 36 + Title 21. INSURANCE
- 1 Sec. 21.06.200. Notice of hearing.  
...be directly and immediately affected by the ...
- 1 Sec. 21.06.210. Hearing procedure.  
...be directly and immediately affected by the ...
- 1 Sec. 21.09.150. Suspension or revocation for violations and special grounds.  
...or a hearing, immediately suspend the certificate ...
- 1 Sec. 21.09.160. Notice of suspension or revocation and effect upon agent's authority.  
...the director shall immediately give notice to ...
- 1 Sec. 21.09.170. Duration of suspension, insurer's obligations, and reinstatement.  
...The director shall immediately notify both the ...
- 1 Sec. 21.18.080. Reserve standards for health insurance.  
...loss must be immediately recognized and reserves ...
- 1 Sec. 21.21.310. Failure to dispose of real estate, property, or securities. [Repealed, Sec. 84 ch 81 SLA 2001].  
...The insurer shall immediately dispose of an ...
- 1 Sec. 21.24.120. Deficiency of deposit.  
...the director shall immediately revoke the insurer's ...
- 1 Sec. 21.27.030. Controlled business disqualification.  
...the 12-month period immediately following issuance of ...
- 1 Sec. 21.27.100. Appointment of insurance producer, managing general agent, and reinsurance intermediary manage  
... insurance producer shall immediately discontinue acting as ...
- 1 Sec. 21.27.270. Licensing of nonresidents. [See delayed amendment note].  
...the director shall immediately send one of ...  
...the director shall immediately send one of ...
- 1 Sec. 21.27.540. Trainee insurance producers.  
...the license shall immediately surrender the license ...
- 1 Sec. 21.27.600. Trainee managing general agents.

- ...the license shall immediately surrender the license ...
- 1 ...the license shall immediately surrender the license ...
- 1 Sec. 21.27.680. Trainee reinsurance intermediary brokers.
- ...the license shall immediately surrender the license ...
- 1 ...the license shall immediately surrender the license ...
- 1 Sec. 21.27.740. Trainee reinsurance intermediary managers.
- ...the license shall immediately surrender the license ...
- 1 Sec. 21.27.800. Trainee surplus lines broker.
- ...the license shall immediately surrender the license ...
- 1 ...the license shall immediately surrender the license ...
- 1 Sec. 21.33.021. Service of process on director.
- ...The director shall immediately mail one copy ...
- 1 Sec. 21.33.025. Service of process on lieutenant governor.
- ...lieutenant governor shall immediately mail one copy ...
- 1 Sec. 21.36.390. Notice to director.
- ...AS 21.36.360 shall immediately send the director ...
- 1 Sec. 21.39.120. Examinations.
- ...the report shall immediately become and be ...
- 1 Sec. 21.51.110. Time of payment of claims.
- ...will be paid immediately upon receipt of ...
- ...will be paid immediately upon receipt of ...
- 1 Sec. 21.54.030. Required provisions of blanket policies.
- ...will be payable immediately upon receipt of ...
- ...will be paid immediately upon receipt of ...
- 1 Sec. 21.55.330. Effective date of policies.
- ...plan is effective immediately upon receipt of ...
- 1 Sec. 21.57.090. Premiums and refunds.
- ...the creditor shall immediately give written notice ...
- 1 Sec. 21.66.330. Examination of records.
- ...the director shall immediately examine the title ...
- 1 Sec. 21.69.040. Articles of incorporation.
- ...The incorporators shall immediately file one set ...
- 1 Sec. 21.75.230. Nonassessable policies.
- ...the director shall immediately revoke the certificate. ...
- 1 Sec. 21.75.270. Financial impairment; determination of insolvency.
- ...its attorney-in-fact shall immediately make up the ...
- 1 Sec. 21.78.090. Order of rehabilitation.
- ...The receiver shall immediately consider all litigation ...
- 1 Sec. 21.78.130. Conduct of delinquency proceedings against domestic and alien insurers.
- ...order the director immediately to take possession ...
- ...of the court, immediately proceed to conduct ...
- 1 Sec. 21.79.900. Definitions.
- ...will be called immediately or in the ...
- 1 Sec. 21.84.530. Injunction, liquidation, receivership of domestic society.
- ...the court, proceed immediately to close the ...
- 1 Sec. 21.84.535. Suspension, revocation, or refusal of license of foreign or alien society.
- ...The director shall immediately issue a written ...
- 1 Sec. 21.84.625. Service of process.
- ...the director shall immediately forward one of ...
- 1 Sec. 21.86.140. Protection against insolvency.
- ...the organization shall immediately redeposit \$100,000 for ...
- 1 Sec. 21.86.190. Suspension or revocation of certificate of authority.
- ...the organization shall, immediately following the effective ...
- 2 + Title 22. JUDICIARY
- 1 Sec. 22.20.020. Disqualification of judicial officer for cause.
- ...the district shall immediately transfer the action ...
- 1 Sec. 22.25.027. Regulations.
- ...or repealed, effective immediately, as an emergency ...
- 10 + Title 23. LABOR AND WORKERS' COMPENSATION
- 1 Sec. 23.05.140. Pay periods; penalty.
- ...services become due immediately and shall be ...
- ...resignation of employee immediately or within specified ...
- 1 Sec. 23.10.540. Investigation and conciliation of complaints.
- ...the investigator shall immediately try to eliminate ...
- 1 Sec. 23.20.135. Accounts and deposit.

- ...the department, shall immediately deposit, upon receipt, ...
- 1 ...23.20.140, shall be immediately deposited with the ...
- 1 Sec. 23.20.215. Notice and order to withhold and deliver.
- 1 ...to the department immediately upon demand. The ...
- 1 Sec. 23.20.235. Jeopardy assessment.
- 1 ...to enforce collection immediately. However, interest does ...
- 1 Sec. 23.20.276. Financing benefits paid to employees of nonprofit organizations; election.
- 1 ...the 30-day period immediately following January 1, ...
- 1 ...a like period immediately following the date ...
- 1 ...than 30 days immediately following the date ...
- 1 Sec. 23.20.280. Eligible employer.
- 1 ...calendar quarter which immediately precedes the effective ...
- 1 Sec. 23.20.285. Quarterly decline quotients.
- 1 ...payroll, which quarter immediately follows a quarter ...
- 1 Sec. 23.30.095. Medical treatments, services, and examinations.
- 1 ...the proceeding must immediately, or in any ...
- 1 ...by the party immediately on the adverse ...
- 1 Sec. 23.30.105. Time for filing of claims.
- 1 ...which becomes apparent immediately upon the occurrence ...
- 1 ...did not go immediately to a doctor. ...
- 4 + Title 24. LEGISLATURE
- 1 Sec. 24.45.131. Examination of statements, reports.
- 1 ...shall be notified immediately if ...
- 1 Sec. 24.55.020. Appointment of the ombudsman.
- 1 ...legislature shall meet immediately in joint session ...
- 1 Sec. 24.55.270. Letters to or from ombudsman.
- 1 ...shall be forwarded immediately, unopened, to the ...
- 1 ...shall be delivered immediately, unopened, to the ...
- 1 Sec. 24.60.170. Proceedings before the committee; limitations.
- 1 ...The committee shall immediately provide a copy ...
- 1 ...the committee shall immediately notify the subject ...
- 11 + Title 25. MARITAL AND DOMESTIC RELATIONS
- 1 Sec. 25.05.041. Matters insufficient to render marriage voidable.
- 1 ...to it have immediately thereafter assumed the ...
- 1 Sec. 25.23.050. Persons as to whom consent and notice not required.
- 1 ...not have to immediately precede the adoption ...
- 1 Sec. 25.24.155. Reservation of issues.
- 1 ...divide the property immediately, but to delay ...
- 1 Sec. 25.25.502. Employer's compliance with income withholding order of another state.
- 1 ...obligor's employer shall immediately provide a copy ...
- 1 Sec. 25.27.062. Income withholding order for support.
- 1 ...this chapter shall immediately send a copy ...
- 1 ...of the state immediately upon receipt of ...
- 1 ...withholding order shall immediately begin withholding the ...
- 1 ...the employer shall immediately implement the order ...
- 1 ...the agency shall immediately return the overpayment ...
- 1 Sec. 25.27.244. Adverse action against delinquent obligor's occupational license.
- 1 ...licensing entity shall immediately serve notice under ...
- 1 ...The agency shall immediately send a release ...
- 1 ...the agency shall immediately send a release ...
- 1 ...licensing entity shall immediately serve notice under ...
- 1 Sec. 25.27.246. Adverse action against delinquent obligor's driver's license.
- 1 ...The agency shall immediately send a release ...
- 1 ...the agency shall immediately send a release ...
- 1 Sec. 25.27.265. Method of service; notification of change of address.
- 1 ...the party shall immediately notify the tribunal ...
- 1 Sec. 25.27.273. Reporting of payment information concerning delinquent obligors.
- 1 ...the agency shall immediately notify all credit ...
- 1 Sec. 25.30.330. Temporary emergency jurisdiction.
- 1 ...25.30.320 shall immediately communicate with the ...
- 1 ...this section, shall immediately communicate with the ...
- 1 Sec. 25.30.450. Simultaneous proceedings.
- 1 ...enforcing court shall immediately communicate with the ...
- 2 + Title 26. MILITARY AFFAIRS AND VETERANS
- 1 Sec. 26.20.045. Compensation for property seized under AS 26.20.040.

...the governor shall immediately have the owner ...  
...postage prepaid, and immediately have a copy ...  
1 Sec. 26.23.130. Compact terms.  
...compact becomes operative immediately upon its ratification ...

4 + Title 27. MINING

1 Sec. 27.21.100. Public information and inspection.  
...must be made immediately and conveniently available ...  
1 Sec. 27.21.140. Objection to application; informal conference.  
...The commissioner shall immediately provide a copy ...  
1 Sec. 27.21.230. Inspections and monitoring.  
...this chapter, shall immediately report the violation ...  
1 Sec. 27.21.240. Enforcement.  
...the commissioner shall immediately issue a notice ...  
...the permittee shall immediately cease the surface ...

29 + Title 28. MOTOR VEHICLES

1 Sec. 28.05.051. Suspended or revoked documents.  
...the document shall, immediately upon receiving notice ...  
1 Sec. 28.10.041. Grounds for refusing registration.  
...vehicle, it shall immediately notify the applicant ...  
1 Sec. 28.10.061. Registration of vehicles with altered or missing identification number.  
...the owner shall, immediately upon discovery, apply ...  
1 Sec. 28.10.091. Lost or mutilated certificates of registration or registration plates.  
...the department shall, immediately upon discovering the ...  
1 Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.  
...shall be returned immediately to the department ...  
1 Sec. 28.10.221. Refusal, suspension, and revocation of title.  
...shall be returned immediately to the department ...  
1 Sec. 28.10.251. Lost, stolen, or mutilated certificate of title.  
...been issued shall immediately surrender the duplicate ...  
1 Sec. 28.10.301. Transfer of motor vehicle to minor.  
...that person shall immediately deliver the certificate ...  
1 Sec. 28.10.351. Dismantling or wrecking vehicle.  
...registered vehicle shall immediately forward to the ...  
1 Sec. 28.11.030. Removal of abandoned vehicles.  
...shall be sent immediately to the department ...  
1 Sec. 28.15.051. Instruction permit, temporary driver's license and special driver's permit.  
...who accompanies and immediately supervises the driver ...  
1 Sec. 28.15.141. Duplicate driver's license.  
...been issued shall immediately surrender the duplicate ...  
1 Sec. 28.15.191. Court reports to department.  
...license, and shall immediately forward it to ...  
...license, and shall immediately forward to the ...  
1 Sec. 28.17.051. Refusal, suspension, or revocation of license.  
...shall be returned immediately to the department ...  
1 Sec. 28.20.120. Agreements for payment of damages.  
...the department shall immediately return the security ...  
1 Sec. 28.20.140. Termination of security requirement.  
...person, and shall immediately return the deposit ...  
1 Sec. 28.20.170. Authority of department to decrease amount of security.  
...shall be returned immediately to the depositor ...  
1 Sec. 28.20.250. Action in respect to unlicensed person.  
...previously given or immediately gives proof of ...  
1 Sec. 28.20.260. When proof required after accidents.  
...previously furnished' or immediately furnishes security required ...  
1 Sec. 28.20.270. Suspension for nonpayment of judgments.  
...the department shall immediately suspend the license ...  
1 Sec. 28.20.320. Exceptions when insurer liable.  
...by it, shall immediately suspend the license ...  
1 Sec. 28.20.340. Driving while license cancelled, suspended, or revoked.  
...the department shall immediately suspend the registration ...  
1 Sec. 28.20.370. Installment payment of judgments; default.  
...the department shall immediately suspend the license ...  
1 Sec. 28.20.560. Surrender of license and registration, and false affidavits.  
...or terminated, shall immediately return the person's ...  
...public safety, shall immediately direct a peace ...

- 1 Sec. 28.33.130. Out of service orders.  
...this section, shall immediately give the person ...  
...be ready to immediately operate a commercial ...
- 1 Sec. 28.33.140. Court disqualifications from driving a commercial motor vehicle.  
...license, and shall immediately forward the license ...
- 1 Sec. 28.35.070. Examination or impounding before repair.  
...officer, who shall immediately examine the vehicle ...
- 1 Sec. 28.35.080. Immediate notice of accident.  
...or more shall immediately by the quickest ...
- 1 Sec. 28.40.100. Definitions for title.  
...drawn upon or immediately over a highway ...

13 + Title 29. MUNICIPAL GOVERNMENT

- 1 Sec. 29.05.110. Incorporation election.  
...Boundary Commission shall immediately notify the director ...
- 1 Sec. 29.06.140. Election.  
...Boundary Commission shall immediately notify the director ...
- 1 Sec. 29.06.220. Review of petition.  
...it shall be immediately returned to the ...
- 1 Sec. 29.06.510. Election.  
...Boundary Commission shall immediately notify the director ...
- 1 Sec. 29.10.050. Charter commission election.  
...number of votes immediately organize as a ...
- 1 Sec. 29.20.140. Qualifications.  
...in the municipality immediately forfeits office. ...
- 1 Sec. 29.20.230. Election and term of mayor.  
...who takes office immediately. The mayor of ...  
...who takes office immediately and exercises the ...
- 1 Sec. 29.35.635. Validity of pledge.  
...the revenue is immediately subject to the ...
- 1 Sec. 29.45.030. Required exemptions.  
...of the year immediately following the installation ...
- 1 Sec. 29.45.050. Optional exemptions and exclusions.  
...this subsection are immediately due and the ...  
...tax payments are immediately due. The amount ...
- 1 Sec. 29.45.250. Rates of penalty and interest.  
...can pay them immediately under protest. AS ...
- 1 Sec. 29.45.440. Expiration.  
...to the municipality immediately on expiration of ...
- 1 Sec. 29.60.500. Purpose and policy.  
...release will be immediately available upon a ...

5 + Title 30. NAVIGATION, HARBORS, AND SHIPPING

- 1 Sec. 30.13.080. Validity of pledge.  
...an authority is immediately subject to the ...
- 1 Sec. 30.17.020. Membership of authority.  
...the governor shall immediately appoint a member ...
- 1 Sec. 30.17.230. Validity of pledge.  
...the authority is immediately subject to the ...
- 1 Sec. 30.30.040. Notice to owner.  
...a written notice immediately shall be posted ...
- 1 Sec. 30.30.100. Disposition of derelict vessel.  
...taken into custody immediately. Upon taking custody ...

3 + Title 32. PARTNERSHIP

- 1 Sec. 32.05.440. Effective date and duration of registration.  
...32.05.415 is effective immediately when the registration ...
- 1 Sec. 32.05.550. Resignation by registered agent.  
...The department shall immediately mail a copy ...
- 1 Sec. 32.06.955. Knowledge and notice.  
...partnership is effective immediately as knowledge by. ...

7 + Title 33. PROBATION, PRISONS, AND PRISONERS

- 1 Sec. 33.16.160. Change in parole conditions.  
...or new condition immediately, without a hearing. ...  
...parole officer shall immediately notify the board ...
- 1 Sec. 33.16.210. Discharge of parolee.  
...the board to immediately begin serving the ...
- 1 Sec. 33.16.240. Arrest of parole violator.

- ...the working day immediately following the arrest. ...
- 1 Sec. 33.16.250. Execution of warrant for arrest of parolee.  
...peace officer shall immediately notify the board ...
- 1 Sec. 33.30.111. Prerelease furloughs.  
...are obliged to immediately report to the ...
- 1 Sec. 33.30.141. Effect of violation of furlough conditions or failure to return.  
...the commissioner may immediately require the return ...
- 1 Sec. 33.36.010. Compact enacted.  
...shall be transmitted immediately to the officials ...
- 18 + Title 34. PROPERTY
- 1 Sec. 34.03.180. Wrongful failure to supply heat, water, hot water or essential services.  
...breach and may immediately ...
- 1 Sec. 34.03.200. Fire or casualty damage.  
... (1) immediately vacate the premises ...
- 1 Sec. 34.03.220. Noncompliance with rental agreement: Failure to pay rent.  
...rental agreement and immediately recover possession of ...
- 1 Sec. 34.03.310. Retaliatory conduct prohibited.  
...the purpose of immediately terminating for at ...
- 1 Sec. 34.03.340. Service of process.  
...plaintiff or petitioner immediately mails a copy ...
- 1 Sec. 34.07.220. Collection of unpaid common expenses from apartment owner.  
...services will be immediately severed and shall ...
- 1 Sec. 34.35.270. Commissioner of public safety as receiver.  
...from the receiver immediately. ...
- 1 Sec. 34.35.350. Commissioner of public safety as receiver.  
...from the receiver immediately. ...
- 1 Sec. 34.35.900. Acknowledgment of satisfaction.  
...shall be delivered immediately upon payment by ...
- 1 Sec. 34.45.010. Record of consignee or bailee.  
...or bailee shall immediately record a description ...
- 1 Sec. 34.45.020. Consignee's or bailee's notice to owner.  
...or bailee shall immediately notify the owner, ...
- 1 Sec. 34.45.070. Proceeds of sale.  
...or magistrate shall immediately pay the excess ...
- 1 Sec. 34.45.200. Stock and other intangible interests in business associations.  
...of abandonment ceases immediately upon the occurrence ...
- 1 Sec. 34.45.400. Action to establish claim.  
...The department shall immediately pay the amount ...
- 1 Sec. 34.55.010. Application for registration.  
...The subdivider shall immediately report a material ...
- 1 Sec. 34.55.014. Inquiry and examination.  
...the department shall immediately initiate an examination ...
- 1 Sec. 34.55.036. Service of process.  
...instituted by it, immediately sends a copy ...
- 1 Sec. 34.60.090. Relocation services.  
...person occupying property immediately adjacent to the ...
- 9 + Title 36. PUBLIC CONTRACTS
- 1 Sec. 36.05.035. Notification of contract awards.  
... (1) immediately notify the commissioner ...
- 1 Sec. 36.10.150. Determination of zone of underemployment.  
... (a) Immediately following a determination ...
- 1 Sec. 36.10.160. Preference for residents of economically distressed zones.  
... (a) Immediately following a determination ...
- 1 Sec. 36.10.170. Preference for economically disadvantaged minority residents.  
... (a) Immediately following a determination ...
- 1 Sec. 36.10.175. Preference for economically disadvantaged female residents.  
... (a) Immediately following a determination ...
- 1 Sec. 36.30.570. Notice of a protest.  
...procurement officer shall immediately give notice of ...
- 1 Sec. 36.30.595. Notice of a protest appeal.  
...procurement officer shall immediately give notice of ...
- 1 Sec. 36.30.620. Contract controversies.  
...matter shall be immediately referred to the ...
- 1 Sec. 36.30.645. Written determinations.  
...or otherwise furnished immediately to the debarred ...

- 4 + Title 37. PUBLIC FINANCE
  - 1 Sec. 37.10.087. Loans to bond construction funds.  
...section shall be immediately returned to the ...
  - 1 Sec. 37.10.230. Conflicts of interest.  
...the trustee shall immediately disclose the interest ...
  - 1 Sec. 37.10.240. Regulations and open meetings.  
...or repealed, effective immediately, as an emergency ...
  - 1 Sec. 37.13.110. Conflicts of interest.  
...the member shall immediately disclose the interest ...
- 5 + Title 38. PUBLIC LAND
  - 1 Sec. 38.05.035. Powers and duties of the director.  
...shall be deposited immediately in the general ...
  - 1 Sec. 38.05.075. Leasing procedures.  
...The commissioner shall immediately issue a receipt ...
  - 1 Sec. 38.05.120. Disposal procedure.  
...The commissioner shall immediately issue a receipt ...
  - 1 Sec. 38.05.128. Obstructions to navigable water.  
...water is reentered immediately below the obstacle ...
  - 1 Sec. 38.95.080. Trapping cabin construction permits.  
...have the permit immediately revoked and is ...
- 14 + Title 39. PUBLIC OFFICERS AND EMPLOYEES
  - 1 Sec. 39.25.160. Prohibitions generally.  
...political office shall immediately resign any position ...
  - 1 Sec. 39.25.197. Termination of nonpermanent employees.  
...the director shall immediately notify the head ...
  - 1 Sec. 39.25.900. Penalties.  
...under this chapter immediately forfeits the employee's ...
  - 1 Sec. 39.27.022. Pay increments for longevity in state service.  
...increment be implemented immediately. Alaska Pub. Employees ...  
...years should have immediately received the pay ...
  - 1 Sec. 39.35.042. Regulations.  
...or repealed, effective immediately, as an emergency ...
  - 1 Sec. 39.35.370. Retirement benefits.  
...such benefits vests immediately upon an employee's ...
  - 1 Sec. 39.35.400. Nonoccupational disability benefits.  
...notify the administrator immediately. ...
  - 1 Sec. 39.50.050. Administration and inspection.  
...commission staff should immediately notify the chief ...
  - 1 Sec. 39.50.090. Prohibited acts.  
...commission staff should immediately notify the chief ...
  - 1 Sec. 39.52.210. Declaration of potential violations by public employees.  
... (2) immediately disclose the matter ...
  - 1 Sec. 39.52.310. Complaints.  
...personnel board shall immediately notify the subject ...
  - 1 Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.  
...attorney general shall immediately forward a copy ...
  - 1 Sec. 39.52.410. Violations; penalties for misconduct.  
...appointing authority shall immediately act to remove ...
  - 1 Sec. 39.52.430. Actions voidable.  
...chapter to become immediately payable. ...
- 8 + Title 41. PUBLIC RESOURCES
  - 1 Sec. 41.09.010. Exploration incentive credits.  
...debt that is immediately and unconditionally due, ...
  - 1 Sec. 41.15.090. Building or leaving fires.  
...clearing the ground immediately around it free ...
  - 1 Sec. 41.15.180. National forest income.  
...the commissioner shall immediately pay to each ...
  - 1 Sec. 41.17.118. Riparian standards for state land.  
...within 100 feet immediately adjacent to an ...  
...within 100 feet immediately adjacent to an ...
  - 1 Sec. 41.17.119. Minimum riparian standards for other public land.  
...within 100 feet immediately adjacent to an ...
  - 1 Sec. 41.17.138. Stop work orders.  
...state forester shall immediately refer the matter ...
  - 1 Sec. 41.21.131. Kachemak Bay State Park established.



- 1 Sec. 45.70.020. Discharge from liability.  
...on it is immediately discharged from all ...
- 1 Sec. 45.75.230. Misrepresentation of price.  
...fraction shall be immediately adjacent to, of ...
- 11 + Title 46. WATER, AIR, ENERGY, AND ENVIRONMENTAL CONSERVATION
- 1 Sec. 46.03.110. Waste disposal permit procedure.  
...the commissioner shall immediately send copies of ...
- 1 Sec. 46.03.475. Reporting requirements.  
...AS 46.03.463 shall immediately report that discharge ...
- 1 Sec. 46.03.755. Discharge reporting.  
...or 46.03.750, shall immediately notify the department ...  
...a duty to immediately report that fact ...
- 1 Sec. 46.03.820. Emergency powers.  
...activity shall be immediately discontinued, abated, or ...  
...order is not immediately complied with, the ...
- 1 Sec. 46.03.865. Authority of department in cases of emergency.  
...comply with it immediately, but on application ...
- 1 Sec. 46.04.020. Removal of oil discharges.  
...of oil shall immediately contain and clean ...  
...pipeline shall (1) immediately contain and clean ...
- 1 Sec. 46.06.080. Littering prohibited.  
...or right-of-way shall immediately remove the object ...
- 1 Sec. 46.08.070. Reimbursement for containment and cleanup.  
...the commissioner, shall immediately seek to recover ...
- 1 Sec. 46.09.020. Containment and cleanup of a released hazardous substance.  
...the commissioner may immediately undertake the containment ...
- 1 Sec. 46.15.065. Determination of existing rights.  
...the commissioner shall immediately issue a certificate ...
- 1 Sec. 46.35.030. Master application.  
...the department shall immediately forward a copy ...
- 24 + Title 47. WELFARE, SOCIAL SERVICES AND INSTITUTIONS
- 1 Sec. 47.07.070. Payment to health facilities.  
...new rate is immediately necessary to afford ...
- 1 Sec. 47.10.080. Judgments and orders.  
...aid, it shall immediately order the minor ...
- 1 Sec. 47.10.085. Medical treatment by religious means.  
...life is not immediately endangered. 21 ALR5th ...
- 1 Sec. 47.10.141. Runaway and missing minors.  
...minor and shall immediately complete a missing ...  
...the peace officer, immediately upon taking a ...  
...or facility shall immediately notify the department ...  
...leaving will be immediately noticed. ...
- 1 Sec. 47.10.142. Emergency custody and temporary placement hearing.  
...the department shall immediately, and in no ...  
...The court shall immediately, and in no ...
- 1 Sec. 47.12.120. Judgments and orders.  
...delinquent, it shall immediately order the minor ...
- 1 Sec. 47.12.170. Enforcement of restitution.  
...the department shall immediately send the response ...
- 1 Sec. 47.12.240. Detention of minors.  
...is detained shall immediately make reasonable attempts ...
- 1 Sec. 47.12.250. Temporary detention and detention hearing.  
...this section shall immediately, and in no ...  
...The court shall immediately, and in no ...  
...the court shall immediately, and in no ...  
... Meaning of "immediately". - Delinquency Rule ...  
...inconsistent. The term "immediately" means the same ...  
...a modification of "immediately," but merely sets ...
- 1 Sec. 47.17.023. Reports regarding child pornography.  
...AS 11.41.455(a) shall immediately report this to ...
- 1 Sec. 47.17.025. Duties of public authorities.  
...enforcement agency shall immediately notify the department
- 1 Sec. 47.17.290. Definitions.  
... (6) "immediately" means as soon ...
- 1 Sec. 47.20.100. Individualized family service plan.

- 1 ...the profession most immediately relevant to the ...
- 1 Sec. 47.24.010. Reports of harm.  
...reporting person cannot immediately contact the department's ...
- 1 Sec. 47.24.015. Action on reports.  
...its designee, shall immediately terminate an investigation ...
- 1 ...its designee, shall immediately terminate an investigation ...
- 1 Sec. 47.30.540. Eligible local community entities.  
...notify the department immediately of emergency situations ...
- 1 Sec. 47.30.685. Request to leave; evaluation; 48-hour hold for commitment.  
...shall be evaluated immediately in writing and ...
- 1 ...writing and discharged immediately or given written ...
- 1 Sec. 47.30.700. Initiation of involuntary commitment procedures.  
...a judge shall immediately conduct a screening ...
- 1 Sec. 47.30.725. Commitment proceeding rights; notification.  
...respondent shall be immediately notified orally and ...
- 1 ...right to communicate immediately, at the department's ...
- 1 ...respondent's counsel shall immediately notify the court ...
- 1 Sec. 47.30.790. Unauthorized absences; return to facility; required notice.  
...patient's unauthorized absence immediately upon its discovery. ...
- 1 Sec. 47.33.030. Advance payments.  
...rent for the immediately following rental period ...
- 1 Sec. 47.35.023. Provisional license; biennial license.  
...child must be immediately placed, the department ...
- 1 ...the department shall immediately revoke the license ...
- 1 Sec. 47.35.085. Shelters for runaway minors.  
...action is effective immediately upon the issuance ...
- 1 Sec. 47.37.170. Treatment and services for intoxicated persons and persons incapacitated by alcohol or drugs.  
...service patrol and immediately brought to an ...

**HB**

**338**

# ALASKA STATE LEGISLATURE

## House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN  
LABOR & COMMERCE COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &  
TOURISM, MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



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ANCHORAGE, AK 99501  
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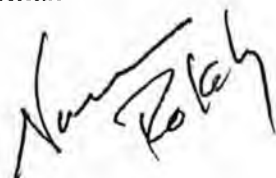
SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4968  
FAX: (907) 465-2010

### Representative Norman Rokeberg

e-mail: [Representative\\_Norman\\_Rokeberg@legis.state.ak.us](mailto:Representative_Norman_Rokeberg@legis.state.ak.us)

#### MEMORANDUM

TO: The Honorable John Coghill, Chairman  
House State Affairs Committee

FROM: Representative Norman Rokeberg 

DATE: April 16, 2002

RE: SB 338  
"An Act making certain individuals convicted of crimes ineligible for permanent fund dividends; relating to appropriations from the dividend fund; to certain payments of compensation from the crime victim compensation fund; to state aid for certain obligees with child support arrearages; and providing for an effective date."

I would appreciate it if you would schedule SB 338 for an early hearing before your committee.

cc: Senator Dave Donley



# Alaska State Senate


## Senate Finance Committee

Official Business

### MEMORANDUM

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

To: Representative John Coghill, Chair  
House State Affairs Committee

Fr: Senator Dave Donley, Co-Chair   
Senate Finance Committee

Re: Calendar Request for CSSB 338, "An Act making certain individuals convicted of crimes ineligible for permanent fund dividends; relating to appropriations from the dividend fund; to certain payments of compensation from the crime victim compensation fund; to state aid for certain obligees with child support arrearages; and providing for an effective date."

Date: April 15, 2002

I request that you schedule Committee Substitute for Senate Bill 338, for a hearing in the House State Affairs Committee at your earliest convenience.

Committee Substitute for Senate Bill 338 changes existing law so that individuals convicted of a felony or misdemeanor will lose their Permanent Fund Dividend for at least one year, regardless of whether they have a prior conviction or not. The bill also creates variable additional amounts of time violent criminals lose their dividend eligibility, depending on the seriousness of the crime.

Committee Substitute for Senate Bill 338 directs the Violent Crimes Compensation Board to first use money from confiscated Permanent Fund Dividends to pay the victims of the criminal who committed the violent crime.

Committee Substitute for Senate Bill 338 creates a new program under the Child Support Enforcement Agency of state aid for child support arrearages. Money appropriated to the Child Support Enforcement Agency from the dividend program representing amounts certain persons convicted of crimes would have received as dividends, is to be distributed to recipients of child support.

Committee Substitute for Senate Bill 338 passed out of the Senate on April 9 with a vote of 18 do pass and one no recommendation.

Thank you in advance for your consideration of this request. If you or your staff should have any questions, please contact myself or Marilyn Wilson of my staff at 6541.

DD/mjw

Attachments  
Bill  
Sponsor Statement  
Sectional Analysis  
Fiscal Notes  
Background Information



Official Business

# Alaska State Legislature

State Capitol  
Juneau, AK 99801-1182

## SPONSOR STATEMENT

### Committee Substitute for Senate Bill No. 338

**“An Act making certain individuals convicted of crimes ineligible for permanent fund dividends and relating to certain payments of compensation from the crime victim compensation fund; and providing for an effective date.”**

Under current law, as soon as two years after violent criminals are released, they may again start collecting Permanent Fund Dividends.

Existing law says individuals do not qualify for a Permanent Fund Dividend if during the qualifying year they are convicted of a felony, or if during all or part of the qualifying year, they are incarcerated as a result of a felony or misdemeanor, and they had a prior felony or two or more misdemeanors.

Committee Substitute for Senate Bill 338 would change this so individuals convicted of a felony or misdemeanor will lose their Permanent Fund Dividend for at least one year, regardless of whether they have a prior conviction or not.

Committee Substitute for Senate Bill 338 also creates variable additional amounts of time violent criminals lose their dividend eligibility, depending on the seriousness of the crime:

- Individuals incarcerated for an unclassified felony, including murder, attempted murder, solicitation to commit murder, conspiracy to commit murder, kidnapping, rape, sexual abuse of a minor or misconduct involving a controlled substance, would lose their dividend forever;
- Individuals incarcerated for a violent classified felony (Class A, B or C) would lose their dividend for 20 years;
- Individuals convicted of criminal mischief in the first degree under AS 11.46.480(a)(3), which is intentionally damaging an oil or gas facility, would lose their dividend for 20 years;
- Individuals incarcerated for a nonviolent felony (Class A, B or C) would lose their dividend for 10 years;
- Individuals incarcerated for a violent misdemeanor (Class A or B) would lose their dividend for five (5) years; and
- Individuals convicted of a violent or nonviolent crime but not incarcerated would lose their dividend for at least one (1) year;

Committee Substitute for Senate Bill 338 adds to the categories of criminals who are ineligible for a dividend: Individuals would lose their dividend for 20 years if convicted of criminal mischief where the damage is to an oil or gas facility. This addition is intended to discourage such acts as the recent vandalism to the Alyeska Pipeline. The Permanent Fund Dividend originates from oil production revenues. A criminal who commits vandalism should not be allowed to benefit from proceeds from the property they criminally damaged.

Under present law, money collected from the criminals' Permanent Fund Dividends may be appropriated for four purposes:

- Violent Crime Victim Compensation Fund
- Grants to Nonprofit Victims Groups
- Council on Domestic Violence and Sexual Assault
- Department of Corrections

Committee Substitute for Senate Bill 338 directs the Violent Crimes Compensation Board to first use money from these confiscated Permanent Fund Dividends for payments of compensation to the victims of the criminal who committed the violent crime. If a victim has a judgment or order of restitution for payment, the board is to pay that first, up to the amount of the criminal's confiscated Permanent Fund Dividend, and in addition to other compensations.

Committee Substitute for Senate Bill 338 creates a new program of state aide for child support arrearages in the Child Support Enforcement Agency. Money appropriated to the agency from the dividend program that represents amounts certain persons convicted of crimes would have received to be distributed by the agency to obligees for whom the agency is enforcing child support.

Since the budget currently uses both general funds and prisoners' Permanent Fund Dividends to fund these programs, an increase of prisoners' Permanent Fund Dividend funds will help reduce the fiscal gap.

To avoid violating the constitutional prohibition against ex post facto laws, this legislation applies only to individuals convicted of crimes committed after December 31, 2002.

DD/mjw

# LEGAL SERVICES

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

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

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 12, 2002

**SUBJECT:** Making individuals convicted of crimes ineligible for permanent fund dividends (CSSB 338 ( ); 22-LS1190\S)

**TO:** Senator Dave Donley, Co-Chair  
Senate Finance Committee

**FROM:** Tamara Brandt Cook  
Director

TBC

Here is a summary of the changes that have been incorporated into the enclosed draft committee substitute.

**Secs. 2 - 6:** These are new bill sections. In bill section 6, adding AS 25.27.400, a new program of state aid for child support arrearages is created in the Child Support Enforcement Agency. Money appropriated to the agency from the dividend program that represents amounts certain persons convicted of crimes would have received as dividends is to be distributed by the agency to obligees for whom the agency is enforcing a duty of child support. The other bill sections amend provisions to permit recovery from the obligor for amounts paid under this new aid program.

**Sec. 9:** Amends the public notice provision of the permanent fund dividend program in subsection (b) to acknowledge that some amounts attributable to dividends of certain ineligible persons convicted of crimes may be appropriated under subsection (c), added in this bill.

**Sec. 10:** This is a new bill section. It permits the legislature to appropriate money from the dividend fund without triggering the notice requirements that generally apply to appropriations from the dividend fund. The appropriations may not exceed the amount that would have been paid as dividends to ineligible persons with convictions who also are in arrears on child support payments and must be used for payments under the new program set up in Sec. 6 of the bill.

TBC:med  
02-267.med

# LEGAL SERVICES

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

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

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 16, 2002

**SUBJECT:** Individuals convicted of crimes ineligible for permanent fund dividends, sectional summary (Work Order No. 22-LS1190J)

**TO:** Senator Dave Donley

**FROM:** Tamara Brandt Cook  
Director *TBC*

**Sec. 1.** Requires the Violent Crimes Compensation Board to first use money appropriated from the dividend fund for the payment of compensation for victims of individuals who are ineligible for permanent fund dividends because of criminal convictions. In determining the amount of compensation of a victim of an individual who is ineligible for a dividend the board is required to consider the amount of any civil judgment or order of restitution that requires the individual to pay for damages to the victim. Amounts paid are not subject to the existing limit on compensation under AS 18.67.130(c), however, other existing statutes dealing with eligibility for compensation and the nature of the compensation, are not changed.

**Sec. 2.** Under existing law an individual does not qualify for a permanent fund dividend if the individual was, during the qualifying year, sentenced as a result of conviction in this state of a felony or, during all or part of the qualifying year, incarcerated as a result of the conviction in this state of a felony or a misdemeanor when the individual has previous convictions. This section adds to the categories of individuals who are not eligible for a dividend and sets various periods of ineligibility as follows:

- (1) an individual sentenced or incarcerated during the qualifying year for conviction of a misdemeanor without regard to prior convictions;
- (2) an individual sentenced during or at any time before the qualifying year for conviction of an unclassified felony or of criminal mischief in the first degree when the person damages an oil or gas facility;
- (3) an individual was incarcerated during the 19 years before the qualifying year for a felony against the person;
- (4) an individual was incarcerated during the nine years before the qualifying year for any other felony;
- (5) an individual was incarcerated during the four years before the qualifying year for a misdemeanor against the person.

**Sec. 3.** Technical amendment to accommodate the change made in sec. 2.

Senator Dave Donley  
January 16, 2002  
Page 2

**Sec. 4.** Technical amendment to accommodate the change made in sec. 2.

**Sec. 5.** Makes the changes in secs. 2 and 3 apply only to individuals convicted of crimes committed after December 31, 2002, to avoid violating the constitutional prohibition against ex post facto laws.

**Sec. 6.** Makes the bill effective January 1, 2003, the beginning of a dividend year.

TBC:med  
02-013.med

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSSB 338 (FIN)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act making certain individuals convicted of BRU Civil Division  
crimes ineligible for permanent fund dividends and ..." Component Collections and Support  
 Sponsor Senate Finance Committee  
 Requester Senate Finance Committee Component No. 2210

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (GF/Prog Rcpts)</b>	<b>0.0</b>	<b>0.0</b>	<b>(*****)</b>	<b>(*****)</b>	<b>(*****)</b>	<b>(*****)</b>
-------------------------------------------	------------	------------	----------------	----------------	----------------	----------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The collections unit of the Department of Law is responsible for collecting civil and criminal judgments owed to the State of Alaska, and beginning in January 2002, restitution on behalf of victims of all types of crimes (violent, non-violent, and property crimes) and delinquent a.u.s. Criminal judgments include criminal fines, costs of incarceration, costs of appointed counsel, forfeited bonds, minor offense fines, and costs related to those fines. Civil judgments include cost and attorney fees awarded to the state in civil litigation, and APOC and OSHA penalties.

Approximately two-thirds of the state revenue generated by the unit is deposited in the general fund. The remaining revenue is appropriated as general fund program receipts both to support DWI incarceration and court appointed counsel programs, and to pay for the collections unit. Restitution revenue will go directly to victims.

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 Agency: Department of Law

## FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. CSSB 338 (FIN)

### ANALYSIS CONTINUATION

The unit's primary collection tool is the permanent fund dividend attachment. Historically, over 90 percent of the unit's collections each year are received through the attachment of defendants' permanent fund dividends. During FY 02 through January 31, 2002, the unit has collected \$3,198,282 of which \$2,938,837 was through the dividend attachment. Although the unit may use other collection tools, such as wage withholding or attachment of funds in bank accounts, most of the judgments that the unit collects are simply not large enough to justify the cost of such collection actions. The cost of collection would exceed the amount collected. To succeed, the unit must be able to collect a high volume of relatively small judgments. The only cost-effective way to do this is through the electronic attachment process used for the permanent fund dividend attachment. As a practical matter, if the permanent fund dividend cannot be attached, most of these judgments would be uncollectible when the cost of collection is factored into the equation.

Because of the unit's reliance on the attachment of dividends, a bill that removes persons from eligibility for the permanent fund dividend will adversely affect the unit's collections. CSSB 338 (FIN) creates several new categories of criminal defendants who are permanently or temporarily ineligible for dividends. Because approximately 85 percent of the unit's collection actions are against criminal defendants who would fall within one or more of these new categories, this bill will have a serious and substantial impact on collections.

For example, CSSB 338 (FIN) makes persons who have been convicted of an unclassified felony (the most serious violent crimes, such as murder, first degree sexual assault, etc.) permanently ineligible for dividends. Although this is probably a relatively small percentage of the judgments received by the unit for collection, the fines and other judgments in these cases tend to be larger. Thus, the removal of the permanent fund dividends in these cases would likely have a larger fiscal impact on the unit's collection than would otherwise be expected given the small number of cases. Fines in most of these cases would be uncollectible if CSSB 338 (FIN) passes.

For the remaining defendants, the bill delays collection for a number of years either after sentencing or after the defendant is released from jail or prison. In these cases, the impact on collections will be attributable to the delay. The unit has found that the earlier the collection proceedings begin the more likely the judgment will be collected. Over time, defendants leave Alaska, die, are incarcerated for new crimes, or incur debts with a higher priority under the dividend priority scheme. Thus, debts that the unit could have collected during the first year or two after the defendant is released from jail may be uncollectible after the four, nine, or nineteen-year delay imposed by the bill.

The bill not only would affect collection of debts owed the state, but would also have an adverse effect on victims of crimes not covered by the Violent Crimes Compensation Board. Under existing law, only victims of certain violent crimes are entitled to payments from the board. See AS 18.67.101. Many of the victims for whom the unit collects restitution are victims of property and other non-violent crimes. These victims would not be entitled to compensation from the board, but would lose the permanent fund dividend for varying periods of time as a means of collecting the restitution awarded to them by the court.

It is extremely difficult to estimate the impact of this bill on the unit's collections. The impact will be masked initially because during the first several years after the bill takes effect, the unit will be collecting judgments that pre-date the bill's effective date. These earlier judgments will be unaffected by the bill's restrictions because the bill applies only to defendants convicted of crimes committed after December 31, 2002. As collections continue on older judgments, the effect of the bill will be limited. In addition, the current law precludes defendants from receiving a dividend while incarcerated. In these cases, the unit would be unable to collect the judgment until the defendant was released from jail anyway. Thus, the unit will not begin to feel the effect of the bill until these new defendants begin to be released from incarceration. At that point, we should see a sharp drop in collections, as the old judgments are paid off and the new judgments are not collectible because the defendants are ineligible for the dividend.

The only exceptions to this are the provisions which make (1) misdemeanants who are not incarcerated ineligible for the dividend for the year in which they were sentenced, and (2) first and second time misdemeanants who are incarcerated ineligible while incarcerated and for four years thereafter. These are persons who are eligible for a dividend under the current law. The impact of these provisions will be felt immediately by the unit. These are persons from whom we are usually able to collect during the first year after we receive the judgments from the court.

**FISCAL NOTE**

**STATE OF ALASKA  
2002 LEGISLATIVE SESSION**

**BILL NO. CSSB 338 (FIN)**

**ANALYSIS CONTINUATION**

As illustrated in the above discussion, there are many variables that will affect the actual loss in collections related to this bill over time. There can be no doubt that the provisions of CSSB 338 (FIN) will reduce the collections of criminal fines, restitution for crime victims, and other judgments owed to the state. The actual amount of the reduction, however, cannot be determined at this time.