

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10670 SENATE STATE AFFAIRS

## Top 50 Female Occupations in 1997 Workers, wages and gender earnings ratio

# 3

Shading shows jobs with female/male earnings ratios above 100% or below 50%.

	Male		Percent Female	Average Income		Female Earnings as % of Male
	Workers	Workers		Male	Female	
General Office Occupations	2,639	10,222	79.9%	\$16,652	\$15,498	93.1%
Sales Clerks	2,706	6,340	70.1	11,821	8,466	71.6
Secretaries	258	4,218	94.2	22,835	22,834	100.2
Bookkeepers & Accounting & Auditing Clerks	674	4,005	85.6	27,131	22,187	81.8
Waiters & Waitresses	943	3,691	79.7	9,303	8,107	87.1
Elementary School Teachers	1,292	3,451	72.8	37,908	35,765	94.3
Teacher Aides	699	3,323	82.6	10,194	11,455	112.4
Cashiers	1,365	3,147	69.7	12,776	10,861	85.0
Registered Nurses	259	3,039	92.1	39,182	34,560	88.2
Receptionists	224	2,790	92.6	15,104	14,365	95.1
Maids & Housemen	484	2,131	81.5	12,212	9,437	77.3
Janitors & Cleaners	3,779	2,039	35.0	13,634	11,224	82.3
Child Care Workers, except private household	290	2,000	87.3	9,486	7,757	81.8
Social Workers	862	1,923	69.0	28,816	24,495	85.0
Adult Education & Other Teachers, N.E.C.	905	1,896	67.7	15,141	14,032	92.7
Management Related Occup., N.E.C.	1,387	1,775	56.1	51,815	28,046	54.1
Cannery Workers, Incl. Seafood Processing	3,147	1,756	35.8	9,573	7,400	77.3
Admin. Support Occup, Including Clerical	457	1,727	79.1	17,773	20,925	117.7
Combined Food Prep & Service, Fast Food	1,589	1,585	49.9	4,419	4,333	98.1
Nursing Aides, Orderlies, & Attendants	382	1,527	80.0	19,949	16,402	82.2
Reservation Agents & Ticket Clerks	344	1,488	81.2	19,026	17,533	92.2
Secondary School Teachers	996	1,411	58.6	39,410	32,912	83.5
Food Counter, Fountain & Related Occup.	664	1,357	67.1	7,292	6,165	84.5
Kitchen Workers, Food Preparation	1,211	1,329	52.3	10,777	10,129	94.0
Counter Clerks	730	1,280	63.7	13,685	9,912	72.4
Salespersons, N.E.C.	1,036	1,277	55.2	24,376	12,396	50.9
Misc. Food & Beverage Preparation Occup.	1,705	1,248	42.3	8,582	11,280	131.4
Manager, Administrative Services	647	1,247	65.8	53,438	32,367	60.6
Bartenders	522	1,220	70.0	13,023	10,449	80.2
Manual Occupations, N.E.C.	4,999	1,140	18.6	11,050	6,548	59.3
Administrative Assistants & Officers	280	1,138	80.3	35,771	24,661	68.9
General Managers & Other Top Executives	1,806	1,061	37.0	72,104	34,879	48.4
Bank Tellers	88	1,017	92.0	13,277	13,538	102.0
Health Aides, except Nursing	177	975	84.6	21,138	20,118	95.2
Attendants, Amusement & Recreation Facilities	763	968	55.9	7,385	5,909	80.0
Accountants & Auditors	511	935	64.7	46,770	38,056	81.4
Record Clerks, N.E.C.	163	860	84.1	18,687	13,653	73.1
Supervisor; Sales, Retail	974	858	46.8	35,186	23,136	65.8
Teachers, Special Education	215	847	79.8	45,847	41,943	91.5
Postsecondary Teachers	947	830	46.7	29,174	18,695	64.1
Stock & Inventory Clerks	1,321	759	36.5	22,580	15,173	67.2
Supervisor, Food & Beverage Prep. & Service	768	732	48.8	27,131	18,687	68.9
Officials & Administrators, Other, N.E.C.	1,029	723	41.3	54,906	39,798	72.5
Cooks, Institution & Cafeteria	440	715	61.9	23,811	13,504	56.7
Teachers, except Postsecondary	302	706	70.0	31,273	26,364	84.3
Hairdressers & Cosmetologists	31	684	95.7	13,164	11,763	89.4
Stock Handlers & Baggers	2,159	675	23.8	13,414	7,109	53.0
Personal Service Occupations, N.E.C.	354	672	65.5	14,859	12,786	86.0
Billing Clerks	54	661	92.4	24,364	22,970	94.3
Dental Assistants	25	630	96.2	20,348	18,429	90.6
Supervisor, General Office Occupations	215	628	74.5	43,713	30,842	70.6
Information Clerks, N.E.C.	185	623	77.1	26,267	20,413	77.7

Source: Alaska Department of Labor, Research and Analysis Section

**STATE OF ALASKA**  
**FEMALE TO MALE WAGES % BASED ON RANDOM SAMPLINGS AS OF 1/16/01**

JOB DESCRIPTION	# FEMALES	# MALES	% FEMALES	% MALES	AVG BASE RATE		FEMALE VS MALE BASE RATE %
					FEMALES	MALES	

**BALANCED JOB CLASSES**

Analyst Programmer III	24	25	48.98%	51.02%	4187.740	3972.890	105.41%
Adult Probation Officer II	45	41	52.33%	47.67%	3901.390	4092.120	95.34%
Attorney III	34	31	52.31%	47.69%	5125.330	5331.810	96.13%
Planner III	15	16	48.39%	51.61%	4520.200	4542.940	99.50%
Research Analyst III	12	8	60.00%	40.00%	4148.480	4087.250	101.50%
<b>AVERAGE</b>	<b>130</b>	<b>121</b>	<b>51.79%</b>	<b>48.21%</b>	<b>4376.628</b>	<b>4405.402</b>	<b>99.57%</b>

**FEMALE DOMINATED JOB CLASSES**

Accountant III	32	16	66.67%	33.33%	4101.020	4179.550	98.12%
Administrative Clerk III	459	41	91.80%	8.20%	2429.540	2416.100	100.56%
Administrative Assistant	133	13	91.10%	8.90%	2935.780	2935.920	100.00%
Accounting Clerk II	78	20	79.59%	20.41%	2348.890	2275.410	103.23%
Certified Nurse Aide	275	32	89.58%	10.42%	2273.168	2278.844	99.75%
Child Support Officer	72	23	75.79%	24.21%	2859.952	2797.391	102.24%
Paralegal Assistant II	41	2	95.35%	4.65%	3842.610	3263.000	117.76%
Personnel Specialist I	28	3	90.32%	9.68%	3456.509	3672.333	94.12%
Public Health Nurse III	55	1	98.21%	1.79%	4993.545	4176.000	119.70%
Recorder II	20	4	83.33%	16.67%	2700.682	2534.500	106.50%
Secretary	63	4	94.03%	5.97%	2663.060	2333.000	114.15%
<b>AVERAGE</b>	<b>1256</b>	<b>159</b>	<b>88.76%</b>	<b>11.24%</b>	<b>3146.341</b>	<b>2987.459</b>	<b>105.11%</b>

**MALE DOMINATED JOB CLASSES**

Able Seaman	6	61	8.96%	91.04%	2965.387	3023.826	98.07%
Engineering Associate	3	42	6.67%	93.33%	5412.667	5546.476	97.59%
Oiler	1	39	2.50%	97.50%	3175.900	2998.567	105.91%
Seargent PS	3	48	5.88%	94.12%	6133.000	5774.667	106.21%
Analyst Programmer IV	31	76	28.97%	71.03%	4919.870	4781.680	102.89%
Correctional Officer II	97	408	19.21%	80.79%	3685.110	3732.840	98.72%
Fish & Wildlife Tech III	51	103	33.12%	66.88%	2704.110	2646.600	102.17%
Fisheries Biologist II	23	72	24.21%	75.79%	3789.510	3798.240	99.77%
Psych Nurse Assistant III	12	37	24.49%	75.51%	2432.170	2631.300	92.43%
<b>AVERAGE</b>	<b>227</b>	<b>886</b>	<b>20.40%</b>	<b>79.60%</b>	<b>3913.080</b>	<b>3881.577</b>	<b>100.42%</b>

<b>TOTAL AVERAGES</b>	<b>1613</b>	<b>1166</b>	<b>58.04%</b>	<b>41.96%</b>	<b>3668.425</b>	<b>3592.930</b>	<b>102.10%</b>
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**Subject: Senators: Women Should Get Equitable Pay**

**Date: Tue, 05 Feb 2001 17:31:09 -0900**

**From: Laura Achee <Laura\_Achee@legis.state.ak.us>**

**Organization: Alaska State Legislature**

**To: staff <lsnclaa+staff@legis.state.ak.us>, senators <lsnclaa+senators@legis.state.ak.us>, media <lsnclaa+media@legis.state.ak.us>, people <lsnclaa+people@legis.state.ak.us>**

Alaska State Legislature

Senator Dave Donley  
District J

For Immediate Release: Feb. 6, 2001  
Contact: Senator Dave Donley, (907) 465-3892  
Senator Robin Taylor, (907) 465-3873

Senators: Women Should Get Equitable Pay

(JUNEAU) - Senator Dave Donley (R-Anchorage) and Senator Robin Taylor (R-Wrangell) recently introduced legislation that would ensure men and women receive equal pay for equal work in state jobs.

"If two workers perform the same or similar jobs, it is illegal under federal law to pay them different wages based solely on their sex," said Donley. "Although the State of Alaska has never done a study of pay equity, there is research showing existing wage disparities between the sexes in our state government. We know that Alaska women working for the state are being paid less than their male counterparts."

Senate Bill 65 addresses this inequity, providing a mechanism to bring the state into compliance with federal law, and putting an end to wage-based sex discrimination in state employment. The bill requires the Department of Administration to identify instances in which the state is illegally paying women less than men. When these disparities in pay are identified, the state will be able to develop phased strategies to eliminate sex discrimination.

"We should pass SB 65 because paying all of our workers fairly is the right thing to do," said Donley. "But we should also pass it because illegal pay structures can expose the state to expensive, time-consuming and divisive litigation. Legislators in Washington chose to ignore this problem in their state government and ultimately paid much more than it would have cost to equalize worker pay in the first place."

Donley has previously introduced legislation on this subject and hopes this proposal will meet with success.

SB 65 was referred first to the Senate State Affairs Committee.

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Comments from Senator Donley are available on the Majority Actuality Line at 800-478-6540

-ADN  
11/16/00

# Women making slow progress in wages, politics

By GENARO C. ARMAS  
The Associated Press

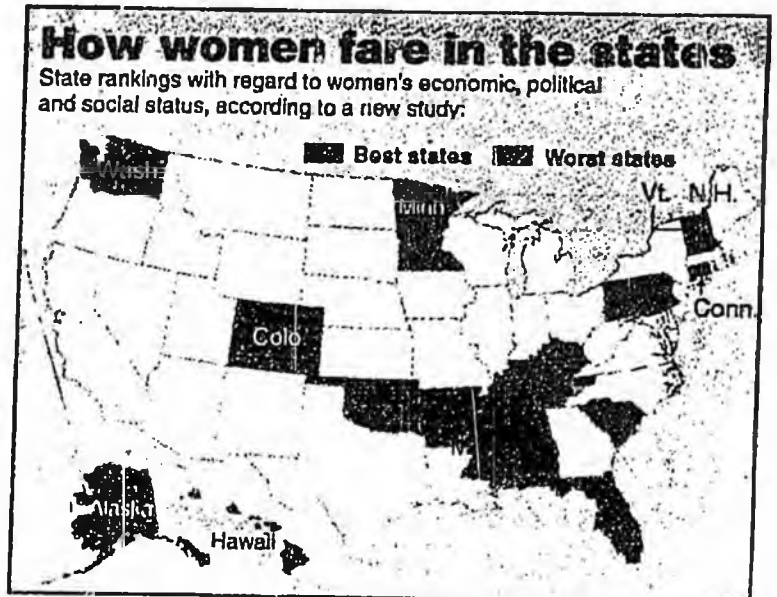
WASHINGTON — Gains in education and income and an increased presence in politics helped women boost their economic and social status in recent years, especially in New England and the West, a new study says.

Yet even states rated highly in the new report must progress for women to gain equality with men, said Heidi Hartmann, president of the non-profit Institute for Women's Policy Research.

"Overall we have found that American women are on a slow and uneven road to equality," Hartmann said in releasing the report Wednesday.

The Institute is an advocacy group for

See Back Page, WOMEN



Source: Institute for Women's Policy Research, Associated Press. Research/PAT CARR, Knight-Ridder/Tribune

## WOMEN: Alaska ranks in top third of states

Continued from Page A-1

women's issues, including abortion rights. The report is its third since 1996. Created to stimulate debate on women's issues, it rates the 50 states and the District of Columbia on women's rights and equality, based on various economic and social indicators. Alaska was rated in the top third of all U.S. states in this category. The states were not ranked relative to one another.

The Institute is affiliated with George Washington University in Washington.

The report was part of a larger educational program funded primarily by the Ford Foundation, with donations from Motorola Corp., the Minnesota Women's Foundation and the Wallace Alexander Gerbode Foundation.

The rankings are based on women's status in political participation, employ-

ment and earnings, economic autonomy, reproductive rights and health and well-being.

A summary in the report noted that Connecticut, Vermont and Washington ranked in the top 10 in at least three of the categories, while Mississippi, Alabama and Tennessee ranked in the bottom 10 in at least three categories.

Mississippi, for example, ranked 51st in terms of women's reproductive rights and 49th in economic autonomy, which included factors such as the percentage of women with health insurance and the percentage of female-owned businesses.

"It's not a satisfactory situation," said Marianne Hill, senior economist for Mississippi's Center for Policy Research and Planning. "The key is to get more women in leadership roles, not just in government, but in the business world and edu-

cation."

One of the indicators rated states on an "Employment and Earnings Composite Index," accounting for women's earnings, the wage gap with men, women's representation in managerial and professional jobs, and women's participation in the labor force.

Wyoming had the lowest ratio: 63 cents for every dollar earned by a man. The District of Columbia's 86 cents was the smallest earnings gap. Ann Scheidler, assistant director of the Chicago-based Pro-Life Action League, objected to the report's rankings on reproductive rights.

"They would rank someone way up at the top as long as abortion is readily available to everybody," Scheidler said. "Anybody who fulfills their qualifications for 'Number One' would be put at the bottom of the list for us."

ADN 3-9-97

# Alaska's gender pay gap widens

By MIKE HINMAN  
Daily News reporter

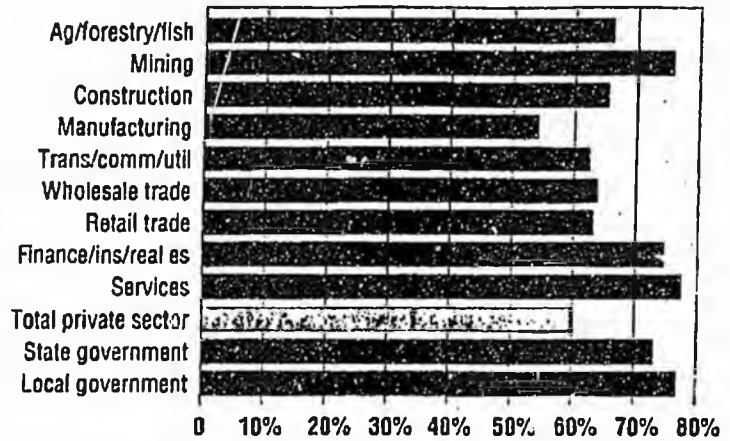
Women in Alaska, on average, earned 65 cents for every \$1 that men earned in 1997, the latest year for which data is available, according to a new state study.

**AT WORK** The earnings gender gap for women closed from 61.2 cents to 65.6 cents per dollar of male pay in the first half of the 1990s, but the gap widened by nearly a penny from 1995 to 1997.

The study compared Permanent Fund dividend applications with wage records

Please see Page F-4, PAY

**Gender income comparison in Alaska**  
Women's earnings as a percent of men's by industry



Source: Alaska Department of Labor

RON ENGSTROM / Anchorage Daily News

## PAY: Study shows Alaska gender gap is widening

Continued from Page F-1

and broke down a variety of industries and occupations by gender, then averaged what men and women make.

But the study didn't delve into what causes the wage difference.

"We really didn't go into depth," said Jeff Hadland, the state economist who wrote the report. "We didn't have the time."

Several different factors could be causing the earnings discrepancy, including education, number of hours worked, leaving the work force to raise children, the kinds of jobs in which women predominate, or overt and covert discrimination, Hadland said.

"I'd call (the study) an overview," he said.

The state report counts anyone who worked at any time during the year, whether the person worked on a part-time, seasonal basis or in a full-time, year-round job, Hadland said. Comparable data with other states is not available, he said.

A similar ongoing national study by the Institute for Women's Policy Research studied the earnings of year-round, full-time working women. Alaska ranked 44th among the 50 states and the District of Columbia in women-to-men earnings ratio. The national average was 72.3 percent; Alaska trailed at 66.3 percent.

Not all the news from the Women's Policy Research is bad. Alaska ranks fourth in the nation in the percentage of employed women who are in managerial or professional positions, 34.9 percent, according to the Institute.

The same study indicates that Alaska is about 6 percentage points above the national average for women in the labor force. Alaska ranks sixth at 66.4 percent.

The state report had the pay gap smallest in government and education fields while the largest gap for females is in carpentry, light truck driving and private management, according to the report.

The report notes how women domi-

nate some job occupations and men others. The occupations that were at least 95 percent male included electricians, mechanics, carpenters, welders and airplane pilots/navigation.

Females dominated the dental-assistant and hairdresser fields.

Women made more than men in a few jobs. These were secretaries, bank tellers and teacher's aides. Females in food and drink preparation jobs made nearly a third more than men in the same job, the biggest gap found in favor of women.

The area around Denali National Park showed the largest discrepancy in income, with women making just 38 percent of what men made, according to the report.

The Dillingham area was closest to income equality, with women making 99.7 percent of the average male income.

Reporter Mike Hinman can be reached at mhinman@adn.com.

# Wage gap is widening for women

THE ASSOCIATED PRESS

**ANCHORAGE** - Alaska women earned 65 cents for every dollar that men earned in 1997, according to a new state study of wages.

The earnings gap for women closed from 61.2 cents to 65.6 cents per dollar of male pay in the first half of the 1990s, but widened again by 1997, the last year for which figures are available. The study compared all workers across the employment spectrum, not pay rates for comparable jobs.

However in Juneau, women earned 77.2 percent as much as men, one of the highest female-to-male earning ratios in the state, according to the study. The high percentage of government jobs in the capital city contributes to the narrower earnings gap.

Several factors could be causing the statewide earnings dis-

crepancy, including education, number of hours worked, leaving the work force to raise children, the kinds of jobs women get, or overt and covert discrimination, said Jeff Hadland, an economist with the state Department of Labor.

The report counted anyone who worked at any time during the year. Comparable data for other states is not available.

A national study by the Institute for Women's Policy Research found year-round, full-time working women in Alaska made 66.3 percent of men's earnings.

Alaska ranked 44th among the 50 states and the District of Columbia in women-to-men earnings ratio. The national average was 72.3 percent. But Alaska ranked fourth in the percentage of em-

Please see Wage gap, Page 8

## Wage gap...

Continued from Page 1

ployed women in managerial or professional positions - 34.9 percent.

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The area around Denali National Park and Preserve showed the largest discrepancy in income, with women making just 38 percent of what men made.

The Dillingham area was closest to income equality, with women making 99.7 percent of the average male income.

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## MEMORANDUM

February 19, 2001

**SUBJECT:** CSSB 82(STA) (2001 Revisor's Bill)

**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee  
Attn: Joe

**FROM:** Pamela L. Finley   
Revisor of Statutes

The following is a sectional analysis of CSSB 82(STA), the 2001 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

**Sections that delete, repeal, or update obsolete provisions:** Section 24 repeals provisions that have become obsolete through other legislative action .

**Sections that correct errors or oversights:** Sections 1 - 4, 6 - 9, 11 - 15, and 17 - 23 correct errors or oversights.

**Sections that improve the form or substance of the law:** Sections 5, 10, and 16 propose amendments to improve the form or substance of the statutory law of Alaska.

## SECTIONAL ANALYSIS

Section 1 corrects an erroneous cross-reference in AS 06.05.005(a)(3). The statute currently referenced (AS 06.05.345) concerns the articles of incorporation, whereas AS 06.05.344 addresses approvals of state banks.

Section 2 changes the definition of "minor" in AS 13.06.050(29) (the Uniform Probate Code) from those persons 19 years of age and older to those persons 18 years of age and older. The uniform act indicates that states adopting it should insert the age of majority

in the definition of "minor". When AS 13.06.050 was enacted in 1972, the age of majority was 19. However, the age of majority (established in AS 25.20.010) was changed in 1977 from 19 years to 18 years of age. At that time, the definition of "minor" in AS 13.06.050 should also have been amended but was not. This bill section makes that change.

Section 3 corrects an error in a spanned reference exempting aquatic farms and hatcheries from certain other statutes relating to fisheries. Chapter 145, SLA 1988 enacted AS 16.40.100 - 16.40.199, which authorize and regulate aquatic farms and hatcheries. That same act enacted AS 16.05.930(g), which exempted activities authorized by a permit under AS 16.40.100 or 16.40.120 from AS 16.05.330 - 16.05.720. (AS 16.05.330-16.05.430 concern sport fishing and hunting and AS 16.05.440 - 16.05.720 concern commercial fishing.) However, in another 1988 act, AS 16.05.720 was repealed and replaced by AS 16.05.722 and 16.05.723, which meant that the end of the spanned reference in AS 16.05.930(g) became incorrect. The 1993 revisor's bill (sec. 5, ch. 6, SLA 1993) corrected this error by substituting "AS 16.05.723" for "AS 16.05.720". Unfortunately, sec. 5, ch. 6, SLA 1993 also changed the beginning of the spanned reference from "AS 16.05.330" to "AS 16.05.440". In all likelihood, this error was caused by duplicating the amendment in sec. 3, ch. 6, SLA 1993, which amendment correctly began with "AS 16.05.440" and also changed "AS 16.05.720" to "AS 16.05.723". At any rate, the sectional analysis of the 1993 revisor's bill makes it clear that the only change intended was the change from "AS 16.05.720" to "AS 16.05.723". To return the text to the language as enacted, this bill section reinstates "AS 16.05.330" at the beginning of the spanned reference in AS 16.05.930(g). For reasons explained in the attached memo of George Utermohle, this amendment should not have any practical effect on fish and game licensing.

Section 4 corrects an error in ch. 67, SLA 1992 by substituting "fee paid by the client" for "fee paid the client" in AS 21.27.560(a). A fee paid the client would be an illegal rebate. This correction was requested by the Department of Law.

Section 5 expands a spanned reference in AS 21.42.500 so that more sections can be easily added to AS 21.42 in the future. It also has the effect of supplying a definition of "health care insurer" and "health care insurance plan" for AS 21.42.400, which was added last year.

Section 6 amends AS 21.54.160(4)(A) to give the correct term as used in federal law and to correct a typographical error in the reference to the federal citation.

Section 7 corrects a cross-reference to federal law in AS 21.56.050(d)(3). Currently the statute refers to a federal law (42 U.S.C. 300) that governs grants for family planning services. The federal law that defines and sets requirements for health maintenance organizations is 42 U.S.C. 300e and therefore AS 21.56.050(d)(3) is amended to reference 42 U.S.C. 300e. This amendment corrects an error in ch. 39, SLA 1993.

Section 8 amends AS 23.40.215(c) to conform to the change made to AS 23.40.215(b) by ch. 15, SLA 2000. Before the 2000 amendment, subsection (b) provided for submission to, and approval or disapproval by, the legislature of the monetary terms of a collective bargaining agreement subject to the Public Employees' Retirement Act. Subsection (c) exempted agreements between school districts or REAAs and their employees from the requirement of legislative approval. Chapter 15, SLA 2000 deleted the "approval" provision from subsection (b) and amended the submission provision. However, chapter 15, SLA 2000 did not amend subsection (c), which still exempts the agreements of school districts and REAAs from "approval by the legislature." Since subsection (b) no longer requires legislative approval, subsection (c) doesn't make much sense. Based on the assumption that subsection (c) was intended to exempt school districts and REAAs from subsection (b)'s submission and approval provisions, this bill section amends subsection (c) to refer to submission to the legislature rather than approval by the legislature.

Section 9 corrects a cross-reference in AS 24.45.041(a)(7). There is no definition of "spousal equivalent" in AS 39.50.030(g); the definition of "spousal equivalent" that applies to AS 39.50.030(g) is found in AS 39.50.200(a), and so the cross-reference is changed accordingly. This corrects an error in ch. 74, SLA 1998.

Section 10 changes "section" to "subsection" in AS 38.04.900(c) in order to make the language more accurate. The term "interested person" appears only in subsection (c).

Section 11 changes "section" to "subsection" in the last sentence of AS 38.05.810(i). The last sentence authorizes sales for less than appraised market value. Because the title of the law that enacted subsection (i)---ch. 97, SLA 1992---referred to port authorities rather than land disposals in general, the last sentence of subsection (i) could legally apply only to the port authority provisions of subsection (i). This amendment makes that clear by correcting the error in ch. 97, SLA 1992.

Section 12 amends AS 38.05.821(a) to give the full proper citation in a reference to a federal law.

Sections 13 and 14 correct an error in the Alaska Coordinate System of 1927. As originally enacted, AS 38.20.060(10) did not contain the "as" that these amendments delete. In ch. 152, SLA 1984, when AS 38.20.060(10) was amended and duplicate language was added as (b)(10), the "as" appeared, although it was not shown as being inserted as new language. These two bill sections correct that typographical error by deleting the "as" that was erroneously added in 1984.

Section 15 corrects an error in AS 38.35.120(a)(1) as amended by ch. 56, SLA 2000. Before amendment by ch. 56, AS 38.35.120(a)(1) consisted of three parts. First it required certain lessees to assume the duties of a common carrier; secondly it provided a limited exemption from the common carrier provision; and thirdly it required the lessee to refrain from unjust or unreasonable discrimination and to take the oil or natural gas

that the Regulatory Commission of Alaska shall find to be reasonable in the lessee's performance of its duties as a common carrier. Chapter 56 added another limited exemption from the common carrier provision, but it was inserted at the end, so that the prohibition against unreasonable discrimination as a common carrier ended up in the paragraph providing the exception from the common carrier provision. This bill section moves the language so that the two exceptions from the common carrier provision are next to each other.

Section 16 defines "commissioner" as the commissioner of natural resources and defines "director" as the director of the division of lands for the purposes of AS 38.95.075 and 38.95.080, which relate to trapping cabin permits. Although the division of lands is currently administering these statutes, the statutes themselves do not contain applicable definitions of the terms "commissioner" and "director". This bill section supplies those definitions.

Section 17 amends the last sentence of AS 40.15.010 so that the verb ("are") agrees with the subject ("streets, alleys, or thoroughfares"). The verb was correct in the 1953 enactment, but incorrect in the 1962 codification. The other changes are purely editorial.

Section 18 changes a reference to the "division of land and water management" to the "division of lands," which is the correct name under AS 38.05.005.

Section 19 corrects a typographical error in ch. 34, SLA 1990 in the definition of "riparian area" in AS 41.17 (commonly known as the Forest Practices Act). Without this amendment, a literal reading of the term "riparian" (which commonly means "pertaining to the bank of a river") would include the river itself as well as shores or banks of rivers that were not necessarily fish water bodies. The amendment in this bill section makes the definition consistent with other related provisions of the Forest Practices Act, especially AS 41.17.118 and 41.17.119. Although the error is found in the original Governor's bill, the references in the Governor's transmittal letter to protection of "fish streams" and "streamside areas" also suggest that "or" should have been "of". See 1989 House Journal 1476 (May 3, 1989).

Section 20 corrects a minor grammatical error in AS 43.40.100(4), which is the definition of "user" in the motor fuel tax statutes. The word "either" is removed because it should be used only when "one of two" is intended, and there are three possible ways of being a "user" under AS 43.40.100(4).

Section 21 corrects an inaccurate cross-reference in AS 44.81.245(9). The equitable permit owner's right to nominate a person to assume the loan is established by AS 44.81.250(c), not AS 44.81.245. This corrects an error in ch. 34, SLA 1996.

Section 22 corrects an error in a cross-reference in AS 44.85.320(a) (Alaska Municipal Bond Bank Authority) by changing "appointed under this section" to "appointed under AS 44.85.310". AS 44.85.310, not AS 44.85.320, authorizes appointment of a trustee.

This error occurred in a floor amendment to HB 75 (which became ch. 79, SLA 1975) in which a section was deleted and following sections renumbered, but internal references to sections were not conformed. In addition, paragraph (6) is amended so that it fits the structure of the introductory language.

Section 23 corrects an error in ch. 113, SLA 2000, last year's Uniform Commercial Code revision. The amendment removes a reference to "(c) of this section" from AS 45.29.702(b). There is no "(c) of this section". What was subsection (c) in the model act became a temporary law section---section 34, ch. 113, SLA 2000. (It provides that the Act does not affect actions, cases, or proceedings commenced before the effective date of the Act.) Section 25 makes this correction effective July 1, 2001 because that is the effective date of AS 45.29.702.

Section 24 repeals AS 08.20.180(b), which provides for four-year renewals of a chiropractor's license. This corrects an omission in ch. 94, SLA 1987, which amended AS 08.01.100(a) to require biennial renewals for licenses covered by AS 08.01. Chapter 94, SLA 1987 made conforming amendments in many statutes, but omitted AS 08.20.180(b). The regulation covering these licenses (12 AAC 02.150) specifies biennial renewals, so this repeal should not affect existing practice. This section also repeals AS 14.43.310(b)(2), AS 18.65.250, AS 39.50.200(b)(17), and AS 44.19.110 - 44.19.122, all of which relate to the Governor's Commission on the Administration of Justice. This commission was established as a conduit of federal money and an entity to administer local efforts under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. However, the underlying federal provisions were omitted in the 1984 general revision enacted in P.L. 98-473, 98 Stat. 2077, and therefore no longer exist. (See explanatory note following 42 U.S.C.S. 3711.) The Department of Law requested that AS 44.19.110 - 44.19.122 be repealed since the commission no longer exists. AS 18.65.250 is repealed because it authorizes receipt of money from the commission and neither the money nor the commission exists. AS 14.43.310(b)(2) is repealed because it establishes an advisory committee for awarding the Carroll L. "Butch" Swartz Memorial Scholarship, the advisory committee to consist of three members of the defunct commission. (Although the Department of Law indicated that the Carroll L. "Butch" Swartz Memorial Scholarship has not been funded, other references to that scholarship are left in the statutes since future funding is always possible; only the advisory committee is repealed.) A copy of the statutes to be repealed is attached.

Section 25 makes section 23 effective July 1, 2001, the effective date of AS 45.29.702.

Section 26 gives the rest of the act an immediate effective date.

**TEXT OF REPEALED STATUTES**

AS 08.20.180(b):

(b) License renewal fees are due every four years.

AS 14.43.310(b)(2):

(2) three members of the Governor's Commission on the Administration of Justice selected annually by the commission from among its membership, for the Carroll L. "Butch" Swartz memorial scholarship;

AS 18.65.250:

Sec. 18.65.250. Financial assistance.

(a) The Governor's Commission on the Administration of Justice has the authority to assist political subdivisions and police departments in meeting the costs involved by extending financial assistance for travel, per diem, tuition, and other costs.

(b) Only those political subdivisions and police departments complying with AS 18.65.130 - 18.65.290 are eligible for financial assistance authorized under AS 44.19.116. This subsection applies only to those funds made available for providing minimum police standards.

AS 39.50.200(b)(17):

(17) Governor's Commission on the Administration of Justice (AS 44.19.110);

AS 44.19.110:

Sec. 44.19.110. Establishment of the commission. The Governor's Commission on the Administration of Justice is established in the Office of the Governor.

AS 44.19.112:

Sec. 44.19.112. Membership of the commission. The commission is composed of 13 members, to include the following: the attorney general, the commissioner of public safety, the commissioner of health and social services, the chief justice of the supreme court, the public defender, one member from each house of the legislature, four other residents of the state chosen by the governor so as to give reasonable geographic and urban-rural balance, including representation from the major ethnic groups of the state, from units of local government and from other groups concerned with the administration of justice in the state, and two other residents of the state representing citizens and professional and community organizations related to delinquency prevention. Members serve at the pleasure of the governor.

AS 44.19.114:

Sec. 44.19.114. Compensation and per diem. Members of the commission receive no salary for their service on the commission but are entitled to per diem and travel expenses authorized by law for boards and commissions.

AS 44.19.116:

Sec. 44.19.116. Grants and other aid. The commission may apply for, receive and utilize grants, gifts, and other funds and aids for the execution of its programs. Grants, gifts, and other funds may be received from the federal government and from other public and private sources.

AS 44.19.118:

Sec. 44.19.118. Commission as state planning agency. The commission shall act as the state planning agency under the Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

AS 44.19.120:

Sec. 44.19.120. Duties of state planning agency.

(a) As the state planning agency, the commission has the responsibility of coordinating and planning in Alaska, the federal, state, and local efforts under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(b) The commission is authorized to investigate state and local needs and seek funding for

(1) development of more effective crime prevention programs and techniques;

(2) development of programs to aid the courts in the field of criminal adjudication;

(3) development of programs to rehabilitate offenders and prevent recidivism.

(c) The commission shall assist the planning and coordination of criminal justice personnel in the Departments of Law, Health and Social Services, and Public Safety, the public defender's office, and other appropriate agencies in a manner which projects the necessary and advisable allocation, utilization, qualifications, and coordination of criminal justice personnel at the state and local level.

(d) In order to facilitate interagency communication and cooperation, the commission shall hold interagency conferences for the discussion and planning of law enforcement, crime prevention, criminal adjudication, and offender rehabilitation programs and personnel for the Departments of Law, Health and Social Services, and Public Safety, the public defender's office, and the court.

AS 44.19.122:

Sec. 44.19.122. Staffing.

(a) The attorney general may, with the approval of the governor, select a director for the execution of the program entrusted to the commission by AS 44.19.116 - 44.19.120.

(b) The director may employ personnel necessary to carry out functions assigned by this chapter. Notwithstanding any other provisions of law, personnel appointed under this section, with the exception of the director, are members of the classified service as set out in AS 39.25.100.

**MEMORANDUM**

November 21, 2000

**SUBJECT:** Aquatic Farming Triennial License  
**TO:** Pamela Finley  
Revisor of Statutes  
**FROM:** George Utermohle  
Legislative Counsel

You have asked whether a person who operates an aquatic farm or hatchery under AS 16.40.100 - 16.40.199 is subject to the aquatic farming triennial license under AS 16.05.340(a)(14).

The answer to your question appears to be no.

A person may not operate an aquatic farm or hatchery for shellfish or aquatic plants or obtain stock for an aquatic farm or hatchery without first obtaining the appropriate permit issued under AS 16.40.100 or 16.40.120, respectively, by the commissioner of fish and game.

AS 16.05.340(a)(14) establishes an aquatic farming triennial license.<sup>1</sup> The fee for the license is \$400. On its face, the triennial aquatic farming license seems applicable to anyone engaged in aquatic farming. However, there is no statutory requirement that a person who has an aquatic farm or hatchery permit under AS 16.40.100 - 16.40.199 must obtain the aquatic farming triennial license.

AS 16.05.340(a) establishes numerous licenses, permits, and tags, and sets out fees for those licenses, permits, and tags. Except for a few notable exceptions<sup>2</sup>, AS 16.05.340(a) does not impose a requirement that a person must obtain any of those licenses, tags, or permits. There is no provision in AS 16.05.340(a) that requires a person to obtain the aquatic farming triennial license. Unless there is a separate requirement for an aquatic farming triennial license outside of AS 16.05.340(a), a person should not be required to obtain the license.

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<sup>1</sup> AS 16.05.340(a)(14) states:  
(14) Aquatic farming triennial license..... 400

<sup>2</sup> AS 16.05.340(a) does contain requirements that a person must obtain big game tags, waterfowl conservation tags, and anadromous king salmon tags before taking certain big game, waterfowl, and anadromous king salmon.

Under AS 16.05.330(a)(3)<sup>3</sup> a person who is engaged in the farming of fish, fur, or game must have the appropriate license in the person's actual possession, unless an exemption is permitted under AS 16.05. This provision would apparently require a person who operates an aquatic farm for purposes of farming fish to have the appropriate licenses or tags. The terms "aquatic farming" and "fish farming" are largely synonymous in referring to the cultivation of aquatic life for human uses, except that "aquatic farming" is probably broader in that it may encompass farming of aquatic plants in addition to farming of fish. Absent a more specific provision in statute, the requirement that a person must possess a fish farming license in order to engage in fish farming is probably satisfied by obtaining an aquatic farming triennial license.

If it were not for the definition of "fish or game farming" under AS 16.05.940(15)<sup>4</sup>, a person who operates an aquatic farm or hatchery for shellfish would probably have to obtain the aquatic farming triennial license in order to satisfy the requirement of AS 16.05.330(a)(3). However, for purposes of AS 16.05.330(a), "fish" does not include shellfish as defined under AS 16.40.199. Thus a person who operates an aquatic farm or hatchery for shellfish is not subject to the license requirement of AS 16.05.330 and is not required to obtain a separate license, such as the aquatic farming triennial license under AS 16.05.340(a)(14), in order to engage in aquatic farming of shellfish.

Similarly, there is apparently no requirement that an aquatic farmer engaged in farming aquatic plants is required to obtain the aquatic farming triennial license. The requirement under AS 16.05.330(a)(3) that a person engaged in fish farming must possess the appropriate license does not apply because fish farming does not include farming of aquatic plants.

AS 16.05.330(a) apparently applies only to a fish farmer engaged in the farming of finfish (i.e., fish other than shellfish as defined under AS 16.40.199). A finfish farmer

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<sup>3</sup> AS 16.05.330(a)(3) states:

(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession a person may not engage in

. . .

(3) the farming of fish, fur, or game; or

. . .

<sup>4</sup> AS 16.05.940(15) states (emphasis added):

(15) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; **in this paragraph, "fish" does not include shellfish, as defined in AS 16.40.199;**

could obtain the aquatic farming triennial license under AS 16.05.340(a)(14) in order to satisfy the licensing requirement imposed by AS 16.05.330(a)(3).

In 1988, when the legislature authorized aquatic farming under AS 16.40, the legislature took steps to assure that persons engaged in aquatic farming were not subject to licensing under AS 16.05.330(a) or 16.05.340(a). First, the legislature granted an exemption from several provisions of AS 16.05 to persons engaged in aquatic farming under AS 16.40. Among the statutes made inapplicable to aquatic farms authorized under AS 16.40 were AS 16.05.330 and 16.05.340. See, sec. 8, ch. 145, SLA 1988 which enacted AS 16.05.930(g).<sup>5</sup> Second, the legislature amended the definition of "fish or game farming" under AS 16.05.940 to exclude shellfish as defined under AS 16.40.199. See, sec. 9, ch. 145, SLA 1988.

The only reason that there is now any question whether an aquatic farmer must obtain an aquatic farming triennial license is due to actions taken by the legislature in 1990 and 1993. The first legislative action amended AS 16.05.340(a)(14) to convert the fish farming biennial license into the aquatic farming triennial license. See, sec. 10, ch. 211, SLA 1990. When AS 16.05.340(a)(14) was amended in 1990, aquatic farms under AS 16.40 were exempt from the renamed license because of the exemption granted to aquatic farms and hatcheries by AS 16.05.930(g).<sup>6</sup> See, footnote 5, for the 1990 text of AS 16.05.930(g). The aquatic farming triennial license under AS 16.05.340(a)(14) and the fish farming license requirement under AS 16.05.330(a)(3) were two provisions expressly made inapplicable to persons who held aquatic farm or hatchery permits under AS 16.40. Also in 1990, the definition of "fish or game farming" (applicable to AS 16.05) excluded shellfish from the definition of "fish" and the fish farming licenses requirement under AS 16.05.330(a)(3) was inapplicable to farming of aquatic plants.

If the legislature had intended the new aquatic farming triennial license to apply to persons who held aquatic farm and hatchery permits under AS 16.40 in 1990, the legislature would have to (1) amend the exemption granted to aquatic farms under AS 16.05.930(g), (2) amend the definition of "fish or game farming" under AS 16.05.940(15) to include shellfish as defined under AS 16.40.199, and (3) amend the

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<sup>5</sup> In 1990, AS 16.05.930(g) stated:

(g) AS 16.05.330 - 16.05.720 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

<sup>6</sup> The amendment of the biennial fish farming license into the triennial aquatic farming license in 1990 is a virtual nullity. At that time the triennial aquatic license was not applicable to aquatic farming of shellfish and aquatic plants due to AS 16.05.930(g) and other provisions. Also, the license was not applicable to aquatic farming of finfish because earlier during that session of the legislature, the legislature had enacted a permanent ban on finfish farming. AS 16.40.210; Ch. 91, SLA 1990.

licensing requirement under AS 16.05.330(a)(3) to include aquatic plants. The legislature did none of these things, thus I must conclude that in 1990 the aquatic farming triennial license was not intended to apply to aquatic farms and hatcheries subject to AS 16.40.

The second action taken by the legislature complicates the issue of whether operators of aquatic farms and hatcheries must obtain an aquatic farming triennial license but does not change my conclusion. In 1993, as part of the Revisor's Bill for that year, the legislature adopted an amendment to AS 16.05.930(g) that had the effect of eliminating the exemption from AS 16.05.330 - 16.05.430 originally granted to aquatic farmers in 1988.<sup>7</sup> Sec. 5, ch. 6, SLA 1993. The amendment made aquatic farmers subject to applicable provisions of AS 16.05.330 - 16.05.430. However, as discussed above, there are no provisions of AS 16.05.330 - 16.05.430 that make the fish farming requirement of AS 16.05.330(a)(3) or the aquatic farming triennial license under AS 16.05.340(a)(14) applicable to aquatic farms and hatcheries under AS 16.40. More than the elimination of the exemption from AS 16.05.330 - 16.05.430 is necessary to subject aquatic farms and hatcheries to the aquatic farming triennial license. AS 16.05.330(a) and 16.05.940(15) would also have to be amended in the manner described above.<sup>8</sup> The legislature has not made these additional changes.

**It is my conclusion that an aquatic farming activity authorized by a permit issued under AS 16.40 is not subject to the aquatic farming triennial license and that a**

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<sup>7</sup> AS 16.05.930(g) currently reads:

(g) AS 16.05.440 - 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

<sup>8</sup> There is a possibility that the elimination of the exemption from AS 16.05.330 - 16.05.430 that was originally contained in AS 16.05.930(g) may have been a mistake. First of all, the Revisor's Bill is intended to cure technical errors and oversights in the statutes that cannot be fixed editorially and require legislative action to fix. The Revisor's Bill is not intended to address policy issues such as whether aquatic farms should be exempt from the licensing provisions of AS 16.05.330 - 16.05.430. The Sectional Analysis of the bill prepared by the Revisor of Statutes stated that AS 16.05.930(g) was amended to "correct internal references that should have been changed when AS 16.05.720 was repealed and AS 16.05.722 and 16.05.723 were added by ch. 46, SLA 1988." House Journal Supplement, No. 4, Alaska State Legislature, February 17, 1993, page 2. This explanation for the change to AS 16.05.930(g) does not make any mention of making a substantive change to the exemption granted by that subsection. Instead it refers only to a technical change made necessary by a wholly unrelated amendment to provisions related to penalties for commercial fishing violations. Thus the elimination of the exemption from the licensing provisions of AS 16.05.330 - 16.05.430 that was granted to aquatic farms and hatcheries under AS 16.05.930(g) may have been an unintended typographical or editorial error.

Senator Gene Therriault, Chair  
February 19, 2001  
Page 12

**person cannot be required to obtain an aquatic farming triennial license for an activity covered by a permit issued under AS 16.40.100 - 16.40.199.**

It may be useful to amend AS 16.05.930(g) to provide that AS 16.05.330 - 16.05.430 do not apply to activities authorized under AS 16.40.100 - 16.40.199 so that in the future the exemption is clear without having to resort to interpretation of several different statutes to determine whether aquatic farms and hatcheries under AS 16.40 are required to obtain the aquatic farming triennial license.

If I may be of further assistance, please advise.

PF:glc  
01-164.glc

22-LS0133VF  
Finley  
2/19/01

**CS FOR SENATE BILL NO. 82(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act making corrective amendments to the Alaska Statutes as recommended by the**  
2 **revisor of statutes; and providing for an effective date."**

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

4 **\* Section 1.** AS 06.05.005(a)(3) is amended to read:

5 (3) review and approve or disapprove applications for new state banks  
6 under AS 06.05.344 [AS 06.05.345], new bank branches under AS 06.05.399, and  
7 international or interstate branch banks under AS 06.05.555;

8 **\* Sec. 2.** AS 13.06.050(29) is amended to read:

9 (29) "minor" means a person who is under 18 [19] years of age;

10 **\* Sec. 3.** AS 16.05.930(g) is amended to read:

11 (g) AS 16.05.330 - 16.05.723 [AS 16.05.440 - 16.05.723] do not apply to an  
12 activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person  
13 or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or  
14 16.40.120.

1 \* **Sec. 4.** AS 21.27.560(a) is amended to read:

2 (a) A client who appoints an insurance producer as its broker in this state or  
3 relative to a subject resident, located, or to be performed in this state shall execute a  
4 written contract that specifically sets out the duties, functions, powers, authority, and  
5 compensation of the insurance producer, if the broker is compensated by a fee paid by  
6 the client or by a combination of a fee paid by a client and a commission paid by an  
7 insurer with which coverage has been placed. The written contract shall be kept in the  
8 permanent records of the insurance producer and be open to inspection by the director.

9 \* **Sec. 5.** AS 21.42.500 is amended to read:

10 **Sec. 21.42.500. Definitions.** In AS 21.42.345 - 21.42.500 [AS 21.42.345 -  
11 21.42.395],

12 (1) "copayment" means the portion of medical care expenses in excess  
13 of the deductible to be paid by a covered individual;

14 (2) "deductible" means the portion of medical care expenses for which  
15 a covered individual must pay before benefits become payable;

16 (3) "excepted benefits" has the meaning given in AS 21.54.160;

17 (4) "fraternal benefit society" has the meaning given in AS 21.84.900;

18 (5) "health care insurance plan" has the meaning given in  
19 AS 21.54.500;

20 (6) "health care insurer" has the meaning given in AS 21.54.500;

21 (7) "placed for adoption" has the meaning given in AS 21.54.500.

22 \* **Sec. 6.** AS 21.54.160(4)(A) is amended to read:

23 (A) Medicare supplemental policy [SUPPLEMENT HEALTH  
24 INSURANCE] as defined in 42 U.S.C. 1395ss(g)(1) [42 U.S.C. 1345ss(g)(1)]  
25 (Social Security Act);

26 \* **Sec. 7.** AS 21.56.050(d)(3) is amended to read:

27 (3) subject to the approval of the director, the board shall make an  
28 adjustment to the assessment formula for reinsuring carriers that are approved health  
29 maintenance organizations that are federally qualified under 42 U.S.C. 300e [42  
30 U.S.C. 300], to the extent, if any, that restrictions are imposed on those organizations  
31 that are not imposed on other small employer insurers;

1 \* **Sec. 8.** AS 23.40.215(c) is amended to read:

2 (c) Notwithstanding (b) of this section, the monetary terms of an agreement  
3 entered into between a school district or regional educational attendance area and its  
4 employees are not required to be submitted to [SUBJECT TO APPROVAL BY] the  
5 legislature.

6 \* **Sec. 9.** AS 24.45.041(b)(7) is amended to read:

7 (7) the identification of a legislator, legislative employee, or public  
8 official to whom the lobbyist is married or who is the spousal equivalent of the  
9 lobbyist; in this paragraph, "spousal equivalent" has the meaning given in  
10 AS 39.50.200(a) [AS 39.50.030(g)].

11 \* **Sec. 10.** AS 38.04.900(c) is amended to read:

12 (c) If the regulations adopted by the commissioner under (a) of this section fail  
13 to provide for a process by which decisions of the commission may be appealed, an  
14 interested person may petition for reconsideration of a decision. The petition shall  
15 contain the information required to be submitted by AS 44.62.220 and shall be acted  
16 upon by the commissioner in the manner provided in AS 44.62.230. For purposes of  
17 this subsection [SECTION], a municipality is an interested person with respect to its  
18 interests in land defined in (b) of this section.

19 \* **Sec. 11.** AS 38.05.810(i) is amended to read:

20 (i) Subject to AS 38.05.820, the commissioner may lease undeveloped state  
21 land, including tideland, to a port authority established under AS 29.35.600 -  
22 29.35.730, if the state land is within the physical boundaries of the authority and is  
23 needed by the authority for purposes provided in AS 29.35.600 - 29.35.730. The  
24 commissioner may lease developed state land, including tideland, to a port authority  
25 established under AS 29.35.600 - 29.35.730 only if, (1) the developed state land is  
26 within the physical boundaries of the authority; (2) the developed state land is needed  
27 by the authority for purposes provided in AS 29.35.600 - 29.35.730; and (3) the  
28 legislature approves the lease. A lease of state land under this subsection [SECTION]  
29 may be for less than the appraised market value.

30 \* **Sec. 12.** AS 38.05.821(a) is amended to read:

31 (a) Notwithstanding any other provision of law, a home rule or general law

1 municipality that [WHICH] accepts by conveyance or other disposition from the state  
2 a public recreation area facility developed under the terms of P.L. 84-507, 70 Stat.  
3 130 [P.L. 507 (70 STAT. 130)], upon application, shall receive by conveyance from  
4 the director all land owned by the state seaward of the public recreation area facility  
5 that [WHICH] is between the mean high tide line and the mean low tide line. The  
6 director may adopt necessary regulations providing for the conveyance of land under  
7 this section.

8 \* Sec. 13. AS 38.20.060(a)(10) is amended to read:

9 (10) Zone 10 is a Lambert conformal conic projection of the Clarke  
10 spheroid of 1866, having standard parallels at north latitude 51 degrees 50 minutes  
11 [AS] and 53 degrees 50 minutes, along which parallels the scale shall be exact. The  
12 origin of coordinates is at the intersection of the meridian 176 degrees 00 minutes west  
13 of Greenwich and the parallel 51 degrees 00 minutes north latitude. This origin is  
14 given the coordinates:  $x = 3,000,000$  feet and  $y = 0$  feet.

15 \* Sec. 14. AS 38.20.060(b)(10) is amended to read:

16 (10) Zone 10 is a Lambert conformal conic projection of the World  
17 Reference Ellipsoid, having standard parallels at north latitude 51 degrees 50 minutes  
18 [AS] and 53 degrees 50 minutes, along which parallels the scale shall be exact. The  
19 origin of coordinates is at the intersection of the meridian 176 degrees 00 minutes west  
20 of Greenwich and the parallel 51 degrees 00 minutes north latitude. This origin is  
21 given the coordinates:  $x = 1,000,000$  meters and  $y = 0$  meters.

22 \* Sec. 15. AS 38.35.120(a)(1) is amended to read:

23 (1) it assumes the status of and will perform all of its functions  
24 undertaken under the lease as a common carrier and will accept, convey, and transport  
25 without discrimination crude oil or natural gas, depending on the kind of pipeline  
26 involved, delivered to it for transportation from fields in the vicinity of the pipeline  
27 subject to the lease throughout its route both on state land obtained under the lease and  
28 on the other land; it will accept, convey, and transport crude oil or natural gas  
29 without unjust or unreasonable discrimination in favor of one producer or  
30 person, including itself, as against another but will take the crude oil or natural  
31 gas, depending on the kind of pipeline involved, delivered or offered, without

1 unreasonable discrimination, that the Regulatory Commission of Alaska shall,  
2 after a full hearing with due notice to the interested parties and a proper finding  
3 of facts, determine to be reasonable in the performance of its duties as a common  
4 carrier; however, a lessee that owns or operates a natural gas pipeline

5 (A) subject to regulation either under the Natural Gas Act (15  
6 U.S.C. 717 et seq.) of the United States or by the state or political subdivisions  
7 with respect to rates and charges for the sale of natural gas, is, to the extent of  
8 that regulation, exempt from the common carrier requirement in this  
9 paragraph; [IT WILL ACCEPT, CONVEY, AND TRANSPORT CRUDE OIL  
10 OR NATURAL GAS WITHOUT UNJUST OR UNREASONABLE  
11 DISCRIMINATION IN FAVOR OF ONE PRODUCER OR PERSON,  
12 INCLUDING ITSELF, AS AGAINST ANOTHER BUT WILL TAKE THE  
13 CRUDE OIL OR NATURAL GAS, DEPENDING ON THE KIND OF  
14 PIPELINE INVOLVED, DELIVERED OR OFFERED, WITHOUT  
15 UNREASONABLE DISCRIMINATION, THAT THE REGULATORY  
16 COMMISSION OF ALASKA SHALL, AFTER A FULL HEARING WITH  
17 DUE NOTICE TO THE INTERESTED PARTIES AND A PROPER  
18 FINDING OF FACTS, DETERMINE TO BE REASONABLE IN THE  
19 PERFORMANCE OF ITS DUTIES AS A COMMON CARRIER;]

20 (B) that is a North Slope natural gas pipeline (i) is required to  
21 operate as a common carrier only with respect to the intrastate transportation of  
22 North Slope natural gas, as that term is defined in AS 42.06.630, and (ii) is not  
23 required to operate as a common carrier as to a liquefied natural gas facility or  
24 a marine terminal facility associated with the pipeline, and is not otherwise  
25 required to perform its functions under the lease as a common carrier; for  
26 purposes of this subparagraph, "North Slope natural gas pipeline" means all the  
27 facilities of a total system of pipe, whether owned or operated under a contract,  
28 agreement, or lease, used by a carrier for transportation of North Slope natural  
29 gas, as defined by AS 42.06.630, for delivery, for storage, or for further  
30 transportation, and including all pipe, pump, or compressor stations, station  
31 equipment, tanks, valves, access roads, bridges, airfields, terminals and

1 terminal facilities, including docks and tanker loading facilities, operations  
2 control centers for both the upstream part of the pipeline and the terminal,  
3 tanker ballast treatment facilities, fire protection system, communication  
4 system, and all other facilities used or necessary for an integral line of pipe,  
5 taken as a whole, to carry out transportation, including an extension or  
6 enlargement of the line;

7 \* **Sec. 16.** AS 38.95 is amended by adding a new section to article 3 to read:

8 **Sec. 38.95.085. Definitions for AS 38.95.075 - 38.95.085.** In AS 38.95.075 -  
9 38.95.085,

10 (1) "commissioner" means the commissioner of natural resources;

11 (2) "director" means the director of the division of lands.

12 \* **Sec. 17.** AS 40.15.050 is amended to read:

13 **Sec. 40.15.050. Plats legalized.** All plats filed or recorded with the recorder  
14 before March 30, 1953, whether executed and acknowledged in accordance with this  
15 chapter or not, are validated and all streets, alleys, or public thoroughfares shown on  
16 these plats are considered to be dedicated to public use. The last plat of the area of  
17 record on March 30, 1953, is the official plat of the area as of that date, and the streets,  
18 alleys, or thoroughfares shown on it are considered to be dedicated to public use. The  
19 streets, alleys, or thoroughfares shown on an earlier plat of the same area, or any part  
20 of it, that are [WHICH IS] in conflict with those shown on the official plat are  
21 considered to be abandoned and vacated.

22 \* **Sec. 18.** AS 41.10.100(b) is amended to read:

23 (b) The board shall also

24 (1) receive and review reports concerning the use of soil resources of  
25 the state;

26 (2) hold public hearings and meetings to determine whether land in the  
27 state is being used in a manner consistent with sound soil and water conservation  
28 practices;

29 (3) make recommendations for specific action necessary to provide for  
30 the effective and orderly development of agricultural, forest, and grazing land in the  
31 state;

1 (4) review an appeal by an applicant or lessee from a decision of the  
2 director of the division of lands [LAND AND WATER MANAGEMENT]  
3 concerning a sale or lease of state agricultural or grazing land and submit its  
4 recommendations to the commissioner or hearing officer;

5 (5) act in an advisory capacity to the soil and water conservation  
6 districts in the state;

7 (6) act in an advisory capacity to the commissioner and director of the  
8 division of agriculture in the review of farm conservation plans for all state  
9 agricultural land sales in the state.

10 \* Sec. 19. AS 41.17.950(13) is amended to read:

11 (13) "riparian area" means

12 (A) the areas specified in AS 41.17.116(a) on private land in  
13 the coastal forest of spruce or hemlock;

14 (B) the areas specified in regulations adopted by the  
15 commissioner under AS 41.17.116(b) on private land outside the coastal forest  
16 of spruce or hemlock;

17 (C) the area 100 feet from the shore or bank of [OR] an  
18 anadromous or high value resident fish water body on state land managed by  
19 the department and on other public land;

20 \* Sec. 20. AS 43.40.100(4) is amended to read:

21 (4) "user" means a person consuming or using motor fuel, who  
22 [EITHER]

23 (A) purchases the fuel out of the state and ships it into the state  
24 for personal use in the state;

25 (B) manufactures the fuel in the state; or

26 (C) purchases or receives fuel in the state that is not taxed at  
27 the time of purchase or receipt or is taxed at a rate that is less than the rate  
28 prescribed by AS 43.40.010.

29 \* Sec. 21. AS 44.81.245(9) is amended to read:

30 (9) a statement of the right of the equitable owner to nominate a person  
31 to assume the loan under AS 44.81.250(c) [AS 44.81.245];

1 \* **Sec. 22.** AS 44.85.320(a) is amended to read:

2 (a) A trustee appointed under AS 44.85.310 [THIS SECTION] may, and shall  
3 in the trustee's name, upon written request of the holders of 25 percent [PER CENT]  
4 in principal amount of the outstanding notes or bonds,

5 (1) by civil action enforce all rights of the noteholders or bondholders,  
6 including the right to require the bond bank authority to collect rates, charges, and  
7 other fees and to collect interest and amortization payments on municipal bonds and  
8 notes held by it adequate to carry out an agreement as to, or pledge of, the rates,  
9 charges, and other fees and of the interest and amortization payments, and to require  
10 the bond bank authority to carry out any other agreements with the holders of the notes  
11 or bonds and to perform its duties under this chapter;

12 (2) bring a civil action upon the notes or bonds;

13 (3) by civil action require the bond bank authority to account as if it  
14 were the trustee of an express trust for the holders of the notes or bonds;

15 (4) by civil action enjoin anything that may be unlawful or in violation  
16 of the rights of the holders of the notes or bonds;

17 (5) declare all the notes or bonds due and payable, and if all defaults  
18 are made good, then with the consent of the holders of 25 percent [PER CENT] of the  
19 principal amount of the outstanding notes or bonds, annul the declaration and its  
20 consequences;

21 (6) [THE TRUSTEE,] in addition to the foregoing, exercise [HAS] all  
22 the powers necessary for the exercise of functions specifically set out or incident to the  
23 general representation of bondholders or noteholders in the enforcement and  
24 protection of their rights.

25 \* **Sec. 23.** AS 45.29.702(b) is amended to read:

26 (b) Except as otherwise provided in [(c) OF THIS SECTION AND]  
27 AS 45.29.703 - 45.29.709,

28 (1) transactions and liens that were not governed by former AS 45.09,  
29 were validly entered into or created before July 1, 2001, and would be subject to this  
30 chapter if they had been entered into or created on or after July 1, 2001, and the rights,  
31 duties, and interests flowing from those transactions and liens remain valid on and

1 after July 1, 2001; and

2 (2) the transactions and liens may be terminated, completed,  
3 consummated, and enforced as required or permitted under this chapter or by the law  
4 that otherwise would apply if this chapter had not taken effect.

5 \* **Sec. 24.** AS 08.20.180(b); AS 14.43.310(b)(2); AS 18.65.250; AS 39.50.200(b)(17);  
6 AS 44.19.110, 44.19.112, 44.19.114, 44.19.116, 44.19.118, 44.19.120, and 44.19.122 are  
7 repealed.

8 \* **Sec. 25.** Section 23 of this Act takes effect July 1, 2001.

9 \* **Sec. 26.** Except as provided in sec. 25 of this Act, this Act takes effect immediately under  
10 AS 01.10.070(c).

AMENDMENT

TO: SB 82

1 Page 7, following line 28:

2 Insert a new bill section to read:

3 **\*\* Sec. 21.** AS 44.81.245(9) is amended to read:

4 (9) a statement of the right of the equitable owner to nominate a person  
5 to assume the loan under AS 44.81.250(c) [AS 44.81.245];"

6

7 Renumber the following bill sections accordingly.

# 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 16, 2001

**SUBJECT:** Proposed amendment to SB 82 (2001 Revisor's Bill) (Work Order No. 22-LS0133\C.2)

**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee

**FROM:** Pamela Finley *PF*  
Revisor of Statutes

Enclosed is a second amendment to SB 82, which you have very kindly scheduled for a hearing on February 20. (The first amendment was included with my February 12 memo). This amendment corrects a recently discovered error in ch. 113, SLA 2000, last year's Uniform Commercial Code revision. The amendment removes a reference to "(c) of this section" from AS 45.29.702(b). There is no "(c) of this section". What was subsection (c) in the model act became a temporary law section---section 34, ch. 113, SLA 2000. (It provides that the Act does not affect actions, cases, or proceedings commenced before the effective date of the Act.) This correction is made effective July 1, 2001 because that is the effective date of AS 45.29.702.

I would appreciate it if you could add this amendment to the packet for the bill. Please give me a call if you have any questions. And, thank you for scheduling the hearing so quickly.

PF:glc  
01-151.glc

Enclosure

AMENDMENT

OFFERED IN THE SENATE

TO: SB 82

1 Page 8, following line 21:

2 Insert a new bill section to read:

3 **\* Sec. 22.** AS 45.29.702(b) is amended to read:

4 (b) Except as otherwise provided in [(c) OF THIS SECTION AND]  
5 AS 45.29.703 - 45.29.709,

6 (1) transactions and liens that were not governed by former AS 45.09,  
7 were validly entered into or created before July 1, 2001, and would be subject to this  
8 chapter if they had been entered into or created on or after July 1, 2001, and the rights,  
9 duties, and interests flowing from those transactions and liens remain valid on and  
10 after July 1, 2001; and

11 (2) the transactions and liens may be terminated, completed,  
12 consummated, and enforced as required or permitted under this chapter or by the law  
13 that otherwise would apply if this chapter had not taken effect."  
14

15 Renumber the following bill sections accordingly.

16

17 Page 8, following line 24:

18 Insert a new bill section to read:

19 **\*\* Sec. 24.** Section 22 of this Act takes effect July 1, 2001."  
20

21 Renumber the following bill section accordingly.

22

23 Page 8, line 25:

24 Delete "this"

1           Insert "Except as provided in sec. 24, this"

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## MEMORANDUM

February 12, 2001

**SUBJECT:** SB 82 (2001 Revisor's Bill)

**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee

**FROM:** Pamela Finley *PF*  
Revisor of Statutes

Enclosed is SB 82 (the 2001 Revisor's Bill), a sectional analysis and a proposed amendment. I would appreciate it if you would schedule a hearing on the bill as soon as possible. If you have any questions about this, please do not hesitate to call me.

PF:glc  
01-126.glc

Enclosure

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 19, 2001

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300-DIMOND COURT HOUSE  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-6735

The Honorable Gene Therriault, Chair  
Senate State Affairs Committee  
Capitol Building, Room 121  
Juneau, AK 99801

Re: SB 82 (2001 Revisor's Bill)

Dear Senator Therriault:

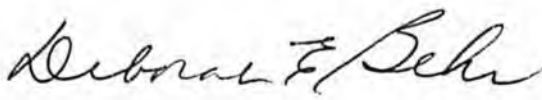
We appreciate the opportunity to provide comments on SB 82 (2001 revisor's bill).

We believe that the bill makes important technical improvements to Alaska law. We have detected no technical problems with the bill.

If you need more information, please let me know.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Deborah E. Behr  
Assistant Attorney General

DEB:jf

cc: Shari Kochman, Deputy Legislative Director, Office of the Governor  
Chrystal Smith, Legislative Contact, Dept. of Law  
Pam Finley, Revisor of Statutes, Legislative Affairs Agency

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## MEMORANDUM

February 12, 2001

**SUBJECT:** SB 82 (2001 Revisor's Bill)

**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee

**FROM:** Pamela L. Finley *(PLF)*  
Revisor of Statutes

The following is a sectional analysis of SB 82 the 2001 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

**Sections that delete, repeal, or update obsolete provisions:** Section 22 repeals provisions that have become obsolete through other legislative action .

**Sections that correct errors or oversights:** Sections 1 - 4, 6 - 9, 11 - 15, and 17 - 21 correct errors or oversights.

**Sections that improve the form or substance of the law:** Sections 5, 10, and 16 propose amendments to improve the form or substance of the statutory law of Alaska.

## SECTIONAL ANALYSIS

Section 1 corrects an erroneous cross-reference in AS 06.05.005(a)(3). The statute currently referenced (AS 06.05.345) concerns the articles of incorporation, whereas AS 06.05.344 addresses approvals of state banks.

Section 2 changes the definition of "minor" in AS 13.06.050(29) (the Uniform Probate Code) from those persons 19 years of age and older to those persons 18 years of age and older. The uniform act indicates that states adopting it should insert the age of majority

in the definition of "minor". When AS 13.06.050 was enacted in 1972, the age of majority was 19. However, the age of majority (established in AS 25.20.010) was changed in 1977 from 19 years to 18 years of age. At that time, the definition of "minor" in AS 13.06.050 should also have been amended but was not. This bill section makes that change.

Section 3 corrects an error in a spanned reference exempting aquatic farms and hatcheries from certain other statutes relating to fisheries. Chapter 145, SLA 1988 enacted AS 16.40.100 - 16.40.199, which authorize and regulate aquatic farms and hatcheries. That same act enacted AS 16.05.930(g), which exempted activities authorized by a permit under AS 16.40.100 or 16.40.120 from AS 16.05.330 - 16.05.720. (AS 16.05.330-16.05.430 concern sport fishing and hunting and AS 16.05.440 - 16.05.720 concern commercial fishing.) However, in another 1988 act, AS 16.05.720 was repealed and replaced by AS 16.05.722 and 16.05.723, which meant that the end of the spanned reference in AS 16.05.930(g) became incorrect. The 1993 revisor's bill (sec. 5, ch. 6, SLA 1993) corrected this error by substituting "AS 16.05.723" for "AS 16.05.720". Unfortunately, sec. 5, ch. 6, SLA 1993 also changed the beginning of the spanned reference from "AS 16.05.330" to "AS 16.05.440". In all likelihood, this error was caused by duplicating the amendment in sec. 3, ch. 6, SLA 1993, which amendment correctly began with "AS 16.05.440" and also changed "AS 16.05.720" to "AS 16.05.723". At any rate, the sectional analysis of the 1993 revisor's bill makes it clear that the only change intended was the change from "AS 16.05.720" to "AS 16.05.723". To return the text to the language as enacted, this bill section reinstates "AS 16.05.330" at the beginning of the spanned reference in AS 16.05.930(g). For reasons explained in the attached memo of George Utermohle, this amendment should not have any practical effect on fish and game licensing.

Section 4 corrects an error in ch. 67, SLA 1992 by substituting "fee paid by the client" for "fee paid the client" in AS 21.27.560(a). A fee paid the client would be an illegal rebate. This correction was requested by the Department of Law.

Section 5 expands a spanned reference in AS 21.42.500 so that more sections can be easily added to AS 21.42 in the future. It also has the effect of supplying a definition of "health care insurer" and "health care insurance plan" for AS 21.42.400, which was added last year.

Section 6 amends AS 21.54.160(4)(A) to give the correct term as used in federal law and to correct a typographical error in the reference to the federal citation.

Section 7 corrects a cross-reference to federal law in AS 21.56.050(d)(3). Currently the statute refers to a federal law (42 U.S.C. 300) that governs grants for family planning services. The federal law that defines and sets requirements for health maintenance organizations is 42 U.S.C. 300e and therefore AS 21.56.050(d)(3) is amended to reference 42 U.S.C. 300e. This amendment corrects an error in ch. 39, SLA 1993.

Section 8 amends AS 23.40.215(c) to conform to the change made to AS 23.40.215(b) by ch. 15, SLA 2000. Before the 2000 amendment, subsection (b) provided for submission to, and approval or disapproval by, the legislature of the monetary terms of a collective bargaining agreement subject to the Public Employees' Retirement Act. Subsection (c) exempted agreements between school districts or REAAs and their employees from the requirement of legislative approval. Chapter 15, SLA 2000 deleted the "approval" provision from subsection (b) and amended the submission provision. However, chapter 15, SLA 2000 did not amend subsection (c), which still exempts the agreements of school districts and REAAs from "approval by the legislature." Since subsection (b) no longer requires legislative approval, subsection (c) doesn't make much sense. Based on the assumption that subsection (c) was intended to exempt school districts and REAAs from subsection (b)'s submission and approval provisions, this bill section amends subsection (c) to refer to submission to the legislature rather than approval by the legislature.

Section 9 corrects a cross-reference in AS 24.45.041(a)(7). There is no definition of "spousal equivalent" in AS 39.50.030(g); the definition of "spousal equivalent" that applies to AS 39.50.030(g) is found in AS 39.50.200(a), and so the cross-reference is changed accordingly. This corrects an error in ch. 74, SLA 1998.

Section 10 changes "section" to "subsection" in AS 38.04.900(c) in order to make the language more accurate. The term "interested person" appears only in subsection (c).

Section 11 changes "section" to "subsection" in the last sentence of AS 38.05.810(i). The last sentence authorizes sales for less than appraised market value. Because the title of the law that enacted subsection (i)---ch. 97, SLA 1992---referred to port authorities rather than land disposals in general, the last sentence of subsection (i) could legally apply only to the port authority provisions of subsection (i). This amendment makes that clear by correcting the error in ch. 97, SLA 1992.

Section 12 amends AS 38.05.821(a) to give the full proper citation in a reference to a federal law.

Sections 13 and 14 correct an error in the Alaska Coordinate System of 1927. As originally enacted, AS 38.20.060(10) did not contain the "as" that these amendments delete. In ch. 152, SLA 1984, when AS 38.20.060(10) was amended and duplicate language was added as (b)(10), the "as" appeared, although it was not shown as being inserted as new language. These two bill sections correct that typographical error by deleting the "as" that was erroneously added in 1984.

Section 15 corrects an error in AS 38.35.120(a)(1) as amended by ch. 56, SLA 2000. Before amendment by ch. 56, AS 38.35.120(a)(1) consisted of three parts. First it required certain lessees to assume the duties of a common carrier; secondly it provided a limited exemption from the common carrier provision; and thirdly it required the lessee to refrain from unjust or unreasonable discrimination and to take the oil or natural gas

that the Regulatory Commission of Alaska shall find to be reasonable in the lessee's performance of its duties as a common carrier. Chapter 56 added another limited exemption from the common carrier provision, but it was inserted at the end, so that the prohibition against unreasonable discrimination as a common carrier ended up in the paragraph providing the exception from the common carrier provision. This bill section moves the language so that the two exceptions from the common carrier provision are next to each other.

Section 16 defines "commissioner" as the commissioner of natural resources and defines "director" as the director of the division of lands for the purposes of AS 38.95.075 and 38.95.080, which relate to trapping cabin permits. Although the division of lands is currently administering these statutes, the statutes themselves do not contain applicable definitions of the terms "commissioner" and "director". This bill section supplies those definitions.

Section 17 amends the last sentence of AS 40.15.050 so that the verb ("are") agrees with the subject ("streets, alleys, or thoroughfares"). The verb was correct in the 1953 enactment, but incorrect in the 1962 codification. The other changes are purely editorial.

Section 18 changes a reference to the "division of land and water management" to the "division of lands," which is the correct name under AS 38.05.005.

Section 19 corrects a typographical error in ch. 34, SLA 1990 in the definition of "riparian area" in AS 41.17 (commonly known as the Forest Practices Act). Without this amendment, a literal reading of the term "riparian" (which commonly means "pertaining to the bank of a river") would include the river itself as well as shores or banks of rivers that were not necessarily fish water bodies. The amendment in this bill section makes the definition consistent with other related provisions of the Forest Practices Act, especially AS 41.17.118 and 41.17.119. Although the error is found in the original Governor's bill, the references in the Governor's transmittal letter to protection of "fish streams" and "streamside areas" also suggest that "or" should have been "of". See 1989 House Journal 1476 (May 3, 1989).

Section 20 corrects a minor grammatical error in AS 43.40.100(4), which is the definition of "user" in the motor fuel tax statutes. The word "either" is removed because it should be used only when "one of two" is intended, and there are three possible ways of being a "user" under AS 43.40.100(4).

Section 21 corrects an error in a cross-reference in AS 44.85.320(a) (Alaska Municipal Bond Bank Authority) by changing "appointed under this section" to "appointed under AS 44.85.310". AS 44.85.310, not AS 44.85.320, authorizes appointment of a trustee. This error occurred in a floor amendment to HB 75 (which became ch. 79, SLA 1975) in which a section was deleted and following sections renumbered, but internal references to sections were not conformed. In addition, paragraph (6) is amended so that it fits the structure of the introductory language.

Section 22 repeals AS 08.20.180(b), which provides for four-year renewals of a chiropractor's license. This corrects an omission in ch. 94, SLA 1987, which amended AS 08.01.100(a) to require biennial renewals for licenses covered by AS 08.01. Chapter 94, SLA 1987 made conforming amendments in many statutes, but omitted AS 08.20.180(b). The regulation covering these licenses (12 AAC 02.150) specifies biennial renewals, so this repeal should not affect existing practice. This section also repeals AS 14.43.310(b)(2), AS 18.65.250, AS 39.50.200(b)(17), and AS 44.19.110 - 44.19.122, all of which relate to the Governor's Commission on the Administration of Justice. This commission was established as a conduit of federal money and an entity to administer local efforts under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. However, the underlying federal provisions were omitted in the 1984 general revision enacted in P.L. 98-473, 98 Stat. 2077, and therefore no longer exist. (See explanatory note following 42 U.S.C.S. 3711.) The Department of Law requested that AS 44.19.110 - 44.19.122 be repealed since the commission no longer exists. AS 18.65.250 is repealed because it authorizes receipt of money from the commission and neither the money nor the commission exists. AS 14.43.310(b)(2) is repealed because it establishes an advisory committee for awarding the Carroll L. "Butch" Swartz Memorial Scholarship, the advisory committee to consist of three members of the defunct commission. (Although the Department of Law indicated that the Carroll L. "Butch" Swartz Memorial Scholarship has not been funded, other references to that scholarship are left in the statutes since future funding is always possible; only the advisory committee is repealed.) A copy of the statutes to be repealed is attached.

### TEXT OF REPEALED STATUTES

AS 08.20.180(b):

(b) License renewal fees are due every four years.

AS 14.43.310(b)(2):

(2) three members of the Governor's Commission on the Administration of Justice selected annually by the commission from among its membership, for the Carroll L. "Butch" Swartz memorial scholarship;

AS 18.65.250:

Sec. 18.65.250. Financial assistance.

(a) The Governor's Commission on the Administration of Justice has the authority to assist political subdivisions and police departments in meeting the costs involved by extending financial assistance for travel, per diem, tuition, and other costs.

(b) Only those political subdivisions and police departments complying with AS 18.65.130 - 18.65.290 are eligible for financial assistance authorized under AS 44.19.116. This subsection applies only to those funds made available for providing minimum police standards.

AS 39.50.200(b)(17):

(17) Governor's Commission on the Administration of Justice (AS 44.19.110);

AS 44.19.110:

Sec. 44.19.110. Establishment of the commission. The Governor's Commission on the Administration of Justice is established in the Office of the Governor.

AS 44.19.112:

Sec. 44.19.112. Membership of the commission. The commission is composed of 13 members, to include the following: the attorney general, the commissioner of public safety, the commissioner of health and social services, the chief justice of the supreme court, the public defender, one member from each house of the legislature, four other residents of the state chosen by the governor so as to give reasonable geographic and urban-rural balance, including representation from the major ethnic groups of the state, from units of local government and from other groups concerned with the administration of justice in the state, and two other residents of the state representing citizens and professional and community organizations related to delinquency prevention. Members serve at the pleasure of the governor.

AS 44.19.114:

Sec. 44.19.114. Compensation and per diem. Members of the commission receive no salary for their service on the commission but are entitled to per diem and travel expenses authorized by law for boards and commissions.

AS 44.19.116:

Sec. 44.19.116. Grants and other aid. The commission may apply for, receive and utilize grants, gifts, and other funds and aids for the execution of its programs. Grants, gifts, and other funds may be received from the federal government and from other public and private sources.

AS 44.19.118:

Sec. 44.19.118. Commission as state planning agency. The commission shall act as the state planning agency under the Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

AS 44.19.120:

Sec. 44.19.120. Duties of state planning agency.

(a) As the state planning agency, the commission has the responsibility of coordinating and planning in Alaska, the federal, state, and local efforts under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(b) The commission is authorized to investigate state and local needs and seek funding for

(1) development of more effective crime prevention programs and techniques;

(2) development of programs to aid the courts in the field of criminal adjudication;

(3) development of programs to rehabilitate offenders and prevent recidivism.

(c) The commission shall assist the planning and coordination of criminal justice personnel in the Departments of Law, Health and Social Services, and Public Safety, the public defender's office, and other appropriate agencies in a manner which projects the necessary and advisable allocation, utilization, qualifications, and coordination of criminal justice personnel at the state and local level.

(d) In order to facilitate interagency communication and cooperation, the commission shall hold interagency conferences for the discussion and planning of law enforcement, crime prevention, criminal adjudication, and offender rehabilitation programs and personnel for the Departments of Law, Health and Social Services, and Public Safety, the public defender's office, and the court.

AS 44.19.122:

Sec. 44.19.122. Staffing.

(a) The attorney general may, with the approval of the governor, select a director for the execution of the program entrusted to the commission by AS 44.19.116 - 44.19.120.

(b) The director may employ personnel necessary to carry out functions assigned by this chapter. Notwithstanding any other provisions of law, personnel appointed under this section, with the exception of the director, are members of the classified service as set out in AS 39.25.100.

**MEMORANDUM**

November 21, 2000

**SUBJECT:** Aquatic Farming Triennial License

**TO:** Pamela Finley  
Revisor of Statutes

**FROM:** George Utermohle  
Legislative Counsel

You have asked whether a person who operates an aquatic farm or hatchery under AS 16.40.100 - 16.40.199 is subject to the aquatic farming triennial license under AS 16.05.340(a)(14).

The answer to your question appears to be no.

A person may not operate an aquatic farm or hatchery for shellfish or aquatic plants or obtain stock for an aquatic farm or hatchery without first obtaining the appropriate permit

issued under AS 16.40.100 or 16.40.120, respectively, by the commissioner of fish and game.

AS 16.05.340(a)(14) establishes an aquatic farming triennial license.<sup>1</sup> The fee for the license is \$400. On its face, the triennial aquatic farming license seems applicable to anyone engaged in aquatic farming. However, there is no statutory requirement that a person who has an aquatic farm or hatchery permit under AS 16.40.100 - 16.40.199 must obtain the aquatic farming triennial license.

AS 16.05.340(a) establishes numerous licenses, permits, and tags, and sets out fees for those licenses, permits, and tags. Except for a few notable exceptions<sup>2</sup>, AS 16.05.340(a) does not impose a requirement that a person must obtain any of those licenses, tags, or permits. There is no provision in AS 16.05.340(a) that requires a person to obtain the aquatic farming triennial license. Unless there is a separate requirement for an aquatic farming triennial license outside of AS 16.05.340(a), a person should not be required to obtain the license.

Under AS 16.05.330(a)(3)<sup>3</sup> a person who is engaged in the farming of fish, fur, or game must have the appropriate license in the person's actual possession, unless an exemption is permitted under AS 16.05. This provision would apparently require a person who operates an aquatic farm for purposes of farming fish to have the appropriate licenses or tags. The terms "aquatic farming" and "fish farming" are largely synonymous in referring to the cultivation of aquatic life for human uses, except that "aquatic farming" is probably broader in that it may encompass farming of aquatic plants in addition to farming of fish. Absent a more specific provision in statute, the requirement that a person must possess a fish farming license in order to engage in fish farming is probably satisfied by obtaining an aquatic farming triennial license.

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<sup>1</sup> AS 16.05.340(a)(14) states:  
(14) Aquatic farming triennial license..... 400

<sup>2</sup> AS 16.05.340(a) does contain requirements that a person must obtain big game tags, waterfowl conservation tags, and anadromous king salmon tags before taking certain big game, waterfowl, and anadromous king salmon.

<sup>3</sup> AS 16.05.330(a)(3) states:  
(a) Except as otherwise permitted in this chapter, without having the appropriate license or tag in actual possession a person may not engage in

...  
(3) the farming of fish, fur, or game; or

...

If it were not for the definition of "fish or game farming" under AS 16.05.940(15)<sup>4</sup>, a person who operates an aquatic farm or hatchery for shellfish would probably have to obtain the aquatic farming triennial license in order to satisfy the requirement of AS 16.05.330(a)(3). However, for purposes of AS 16.05.330(a), "fish" does not include shellfish as defined under AS 16.40.199. Thus a person who operates an aquatic farm or hatchery for shellfish is not subject to the license requirement of AS 16.05.330 and is not required to obtain a separate license, such as the aquatic farming triennial license under AS 16.05.340(a)(14), in order to engage in aquatic farming of shellfish.

Similarly, there is apparently no requirement that an aquatic farmer engaged in farming aquatic plants is required to obtain the aquatic farming triennial license. The requirement under AS 16.05.330(a)(3) that a person engaged in fish farming must possess the appropriate license does not apply because fish farming does not include farming of aquatic plants.

AS 16.05.330(a) apparently applies only to a fish farmer engaged in the farming of finfish (i.e., fish other than shellfish as defined under AS 16.40.199). A finfish farmer could obtain the aquatic farming triennial license under AS 16.05.340(a)(14) in order to satisfy the licensing requirement imposed by AS 16.05.330(a)(3).

In 1988, when the legislature authorized aquatic farming under AS 16.40, the legislature took steps to assure that persons engaged in aquatic farming were not subject to licensing under AS 16.05.330(a) or 16.05.340(a). First, the legislature granted an exemption from several provisions of AS 16.05 to persons engaged in aquatic farming under AS 16.40. Among the statutes made inapplicable to aquatic farms authorized under AS 16.40 were AS 16.05.330 and 16.05.340. See, sec. 8, ch. 145, SLA 1988 which enacted AS 16.05.930(g).<sup>5</sup> Second, the legislature amended the definition of "fish or game farming" under AS 16.05.940 to exclude shellfish as defined under AS 16.40.199. See, sec. 9, ch. 145, SLA 1988.

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<sup>4</sup> AS 16.05.940(15) states (emphasis added):

(15) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; **in this paragraph, "fish" does not include shellfish, as defined in AS 16.40.199;**

<sup>5</sup> In 1990, AS 16.05.930(g) stated:

(g) AS 16.05.330 - 16.05.720 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

The only reason that there is now any question whether an aquatic farmer must obtain an aquatic farming triennial license is due to actions taken by the legislature in 1990 and 1993. The first legislative action amended AS 16.05.340(a)(14) to convert the fish farming biennial license into the aquatic farming triennial license. See, sec. 10, ch. 211, SLA 1990. When AS 16.05.340(a)(14) was amended in 1990, aquatic farms under AS 16.40 were exempt from the renamed license because of the exemption granted to aquatic farms and hatcheries by AS 16.05.930(g).<sup>6</sup> See, footnote 5, for the 1990 text of AS 16.05.930(g). The aquatic farming triennial license under AS 16.05.340(a)(14) and the fish farming license requirement under AS 16.05.330(a)(3) were two provisions expressly made inapplicable to persons who held aquatic farm or hatchery permits under AS 16.40. Also in 1990, the definition of "fish or game farming" (applicable to AS 16.05) excluded shellfish from the definition of "fish" and the fish farming licenses requirement under AS 16.05.330(a)(3) was inapplicable to farming of aquatic plants.

If the legislature had intended the new aquatic farming triennial license to apply to persons who held aquatic farm and hatchery permits under AS 16.40 in 1990, the legislature would have to (1) amend the exemption granted to aquatic farms under AS 16.05.930(g), (2) amend the definition of "fish or game farming" under AS 16.05.940(15) to include shellfish as defined under AS 16.40.199, and (3) amend the licensing requirement under AS 16.05.330(a)(3) to include aquatic plants. The legislature did none of these things, thus I must conclude that in 1990 the aquatic farming triennial license was not intended to apply to aquatic farms and hatcheries subject to AS 16.40.

The second action taken by the legislature complicates the issue of whether operators of aquatic farms and hatcheries must obtain an aquatic farming triennial license but does not change my conclusion. In 1993, as part of the Revisor's Bill for that year, the legislature adopted an amendment to AS 16.05.930(g) that had the effect of eliminating the exemption from AS 16.05.330 - 16.05.430 originally granted to aquatic farmers in 1988.<sup>7</sup> Sec. 5, ch. 6, SLA 1993. The amendment made aquatic farmers subject to applicable provisions of AS 16.05.330 - 16.05.430. However, as discussed above, there are no provisions of AS 16.05.330 - 16.05.430 that make the fish farming requirement of AS 16.05.330(a)(3) or the aquatic farming triennial license under AS 16.05.340(a)(14)

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<sup>6</sup> The amendment of the biennial fish farming license into the triennial aquatic farming license in 1990 is a virtual nullity. At that time the triennial aquatic license was not applicable to aquatic farming of shellfish and aquatic plants due to AS 16.05.930(g) and other provisions. Also, the license was not applicable to aquatic farming of finfish because earlier during that session of the legislature, the legislature had enacted a permanent ban on finfish farming. AS 16.40.210; Ch. 91, SLA 1990.

<sup>7</sup> AS 16.05.930(g) currently reads:

(g) AS 16.05.440 - 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

Senator Gene Therriault  
February 12, 2001  
Page 11

applicable to aquatic farms and hatcheries under AS 16.40. More than the elimination of the exemption from AS 16.05.330 - 16.05.430 is necessary to subject aquatic farms and hatcheries to the aquatic farming triennial license. AS 16.05.330(a) and 16.05.940(15) would also have to be amended in the manner described above.<sup>8</sup> The legislature has not made these additional changes.

**It is my conclusion that an aquatic farming activity authorized by a permit issued under AS 16.40 is not subject to the aquatic farming triennial license and that a person cannot be required to obtain an aquatic farming triennial license for an activity covered by a permit issued under AS 16.40.100 - 16.40.199.**

It may be useful to amend AS 16.05.930(g) to provide that AS 16.05.330 - 16.05.430 do not apply to activities authorized under AS 16.40.100 - 16.40.199 so that in the future the exemption is clear without having to resort to interpretation of several different statutes to determine whether aquatic farms and hatcheries under AS 16.40 are required to obtain the aquatic farming triennial license.

If I may be of further assistance, please advise.

PF:glc  
01-127.glc

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<sup>8</sup> There is a possibility that the elimination of the exemption from AS 16.05.330 - 16.05.430 that was originally contained in AS 16.05.930(g) may have been a mistake. First of all, the Revisor's Bill is intended to cure technical errors and oversights in the statutes that cannot be fixed editorially and require legislative action to fix. The Revisor's Bill is not intended to address policy issues such as whether aquatic farms should be exempt from the licensing provisions of AS 16.05.330 - 16.05.430. The Sectional Analysis of the bill prepared by the Revisor of Statutes stated that AS 16.05.930(g) was amended to "correct internal references that should have been changed when AS 16.05.720 was repealed and AS 16.05.722 and 16.05.723 were added by ch. 46, SLA 1988." House Journal Supplement, No. 4, Alaska State Legislature, February 17, 1993, page 2. This explanation for the change to AS 16.05.930(g) does not make any mention of making a substantive change to the exemption granted by that subsection. Instead it refers only to a technical change made necessary by a wholly unrelated amendment to provisions related to penalties for commercial fishing violations. Thus the elimination of the exemption from the licensing provisions of AS 16.05.330 - 16.05.430 that was granted to aquatic farms and hatcheries under AS 16.05.930(g) may have been an unintended typographical or editorial error.

**S B**

**8 7**

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 87  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title An Act providing absentee ballots BRU Elections  
for voters in remote areas Component Elections  
 Sponsor Senator Lincoln  
 Requester Senate State Affairs Committee Component No. 21

**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	0.0					
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	0.0					
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)

Prepared by: Gail Fenumiai, Election Administrative Supervisor Phone 465-3935  
 Division: Division of Elections Date/Time 2/15/02 2:28 PM  
 Approved by: Lieutenant Governor Fran Ulmer Date 02/15/2002  
 Agency: Office of the Lieutenant Governor

**STATE OF ALASKA**

OFFICE OF THE LT. GOVERNOR

**Region III Elections Office  
675 7th Avenue, H3  
Fairbanks, AK 99701-4594  
PHONE (907) 451-2835**

May 4, 2001

The Honorable Georgianna Lincoln  
Senator, Alaska State Legislature  
State Capitol, Room 11  
Juneau, Alaska 99801

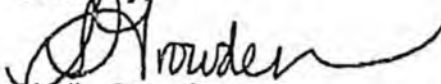
Dear Senator Lincoln:

As the Region III Elections Supervisor, I am responsible for voter registration and election management throughout Interior Alaska and Prince William Sound. Your office requested information regarding areas in my jurisdiction that would benefit by the passage of SB 87.

I have over 1,000 voters living in remote areas that have been classified as permanent absentee voting areas. Some of these voters live in areas such as the Kandishna River, Cosna River, Holtina River, Takahula Lake, Inlakuk Lake, Tolovana River, Chandalar Lake, Wien Lake, Flat, Chisana, Healy Lake, and other areas that do not have regular mail service. Without regular mail service, these voters have an extremely hard time exercising their right to vote due to the absentee ballot timeframes established in Alaska law.

Each election cycle I receive requests from voters residing in remote areas to obtain an absentee ballot early because of their limited ability to receive mail. Currently, the division mails ballots approximately three weeks before each election for regular absentee voters. Without regular mail service, many of the voters living in remote areas cannot receive their ballot in time to vote. SB 87 would allow voters living in these remote areas to obtain an advance absentee ballot just like the advance ballot privileges afforded to overseas voters.

Sincerely,



Shelly Growden  
Elections Supervisor, Region III

Letters of Support

# STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

Division of Elections  
P.O. Box 110017  
Juneau, Alaska 99811-0017  
PHONE (907) 465-4611

February 16, 2001

The Honorable Georgianna Lincoln  
Senator, Alaska State Legislature  
State Capitol, Room 11  
Juneau, Alaska 99801

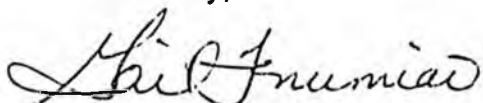
Dear Senator Lincoln:

Thank you for allowing the division to comment on Senate Bill 87. The division supports your efforts in assisting Alaska voters in remote areas of the state to exercise their right to vote.

Senate Bill 87 expands the allowable use of the 60-day special advance ballot to Alaskans in remote locations. This will allow additional time for these voters to receive their ballot.

Thank you for proposing this legislation. We believe it will have a positive impact for voters in Alaska's most remote areas.

Sincerely,



Gail Fenumiai  
Election Programs Specialist

Ruth M. and Larry E. Coy  
P.O. Box 515  
Nenana, Alaska 99760

Dear Senator Lincoln,

We are writing to you in support of Senate Bill 87. We support this bill because of the fact that Larry chartered a flight in to town to vote on a subject that we considered important. This charter flight cost us \$525.00. Even though what we had voted on did not pass at least we voted on the subject. If there was a 60 day window for absentee ballots instead of the 30 days it would be of considerable help to the bush residents and they would be able to cast their ballots on important issues.

Sincerely,

*Ruth and Mrs. Larry E. Coy*  
Ruth M. and Larry E. Coy



# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

TONY KNOWLES, GOVERNOR

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

January 22, 2002

The Honorable Georgianna Lincoln  
Senator, Alaska State Legislature  
State Capitol, Room 11  
Juneau, Alaska 99801

Dear Senator Lincoln:

After the first hearing of Senate Bill 87 in the Senate State Affairs Committee, questions arose concerning the term "reasonable." I would like to provide to you with more information about permanent absentee voters.

The permanent absentee voters who would benefit from this bill are uniquely identified within our voter registration system. A voter may only be designated in permanent absentee status by a regional election supervisor. The conditions under which a voter may be designated as such are outlined in 6 AAC 25.650. This regulation has been in place since 1990. The division can assure you that there is no abuse of this system.

Although a voter is designated as a permanent absentee voter, they must complete an absentee by-mail ballot application prior to receiving any ballot. The designation of permanent absentee status alerts the regional election supervisors that these voters must be sent an absentee by-mail application per the schedule set out in 6 AAC 25.650.

Again, thank you for your efforts in promoting this legislation.

Sincerely,



Gail Fenumiai  
Election Administrative Supervisor

# 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 18, 2002

**SUBJECT:** Definition of the Word "Reasonable" (SB 87)

**TO:** Senator Georgiana Lincoln  
Attn: Sara Boario

**FROM:** Kathryn L. Kurtz *KK*  
Legislative Counsel

You asked several questions about the word reasonable.

**Q: How extensively is the word "reasonable" used in statute?**

**A:** The phrase "reasonable access," the phrase used in the bill, appears 19 times in the Alaska statutes. The word "reasonable" appears 1,432 times.

**Q: Is "reasonable" defined beyond a common dictionary definition of the word "reasonable"?**

**A:** I found no statutory definition of the word "reasonable" standing on its own or the phrase "reasonable access."

Additional insight as to how the agency, in this case the Division of Elections, will interpret the phrase may be available by looking at how it applies 6 AAC 25.650(a)(1), which uses the same phrase.

The Alaska Supreme Court interpreted the phrase "reasonable access" in the context of a property condemnation suit in 0.958 Acres v. State, 762 P.2d 96 (Alaska 1988), involving condemnation of part of a piece of private property to build a state highway. The court recognized in that case that "the owner of abutting land has a right of access to and from a public street or highway," limited in Alaska to a "right of *reasonable* access." *Id.* at 99. The court went on to explain that "[t]he question whether the ... remaining access is reasonable is plainly a matter of degree. ... it involves an ad hoc analysis of the roads that actually or potentially lead to the property after the condemnation, to determine if they are suitable for the traffic that would likely go to the property. We think the analysis necessarily involves an examination of the potential uses of the property." *Id.* at 101.

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<sup>1</sup> According to the American Heritage Dictionary of the English Language (3d ed. 1992), "reasonable" means "[g]overned by or in accordance with sound thinking" and "[b]eing within the bounds of common sense" among other things.

"Reasonable Access": LAA Legal

Senator Georgiana Lincoln  
January 18, 2002  
Page 2

The court remanded the case to the superior court for further findings relating to whether the remaining access was indeed reasonable, a factual issue.

Although the facts and context of that case are very different than those that would be involved in this bill, a court interpreting the phrase "reasonable access" in SB 87 would probably follow a similar approach, interpreting "reasonable" as a matter of degree, and looking closely at the specific facts of the case.

**Q: Why doesn't the word "reasonable" need to be defined?**

A: According to the legislative drafting manual, "[i]f [a] word is clear and unmistakable without definition, it is superfluous and confusing to define it. . . . A word that is not defined in a statute will probably be given its common law meaning by a court construing the statute. Legislative Affairs Agency, Manual of Legislative Drafting at 47. Reed Dickerson, in his book Legislative Drafting wrote: "[t]he first thing to remember about legal definitions is that they should be used only where necessary. ... The main use of a definition in a legal document is, of course, to get clarity and consistency without burdensome repetition." The fact that the word "reasonable" has not been defined elsewhere in the Alaska statutes suggests that it is one of those words which usually does not require a special statutory definition, but can be interpreted by the agency and by courts according to its ordinary meaning.

I hope this information is helpful. Please call if you have further questions.

KLK:med  
02-018.med

TOLOVANA ROADHOUSE  
TOLOVANA, ALASKA  
BOX 281  
NENANA, ALASKA 99760  
PHONE/FAX 907.832.5258  
EMAIL- tolovana@pocketmall.com

Senator Georgiana Lincoln  
State Capitol Bldg.  
Juneau AK 99801

1/30/01

Dear Senator,

Thank you for attending to the legislation that will allow our family to vote in the fall elections.

The issue that started the letter to you on this matter was the presidential election this fall, coupled with a late freeze up. We couldn't get across the Tolovana to Manley Hot Springs (our normal polling place) or across the unfrozen lakes and sloughs to Nenana to vote a question ballot ( I'm not sure if they would have let us vote that way anyhow). We know it has happened to our neighbors up the Kantishna in the past.

It is frustrating to listen to the election returns on the radio knowing you weren't able to participate. By extending the scope of the 60 day overseas absentee ballot many disenfranchised Alaskans living in the bush will be able to exercise their right to vote.

Thank you,

  
Doug & Becky Bowers

ALASKA STATE LEGISLATURE  
Senator Georgianna Lincoln

State Capitol  
Juneau, Alaska 99801-1182

(907) 465-3732  
Toll Free: 1-888-461-3732  
Fax (907) 465-2652

E-mail: Senator\_Georgianna\_Lincoln@legis.state.ak.us

Standing Committees:  
Resources  
Transportation

Budget Subcommittees:  
Natural Resources  
Corrections  
Public Safety  
Community & Economic Development

DISTRICT R

Alatna  
Alekn  
Allakaket  
Aniak  
Anvik  
Arctic Village  
Beaver  
Bettles  
Big Delta  
Birch Creek  
Bourdery  
Canyon Village  
Central  
Chalkyitsik  
Chenequa Bay  
Chicklen  
Chistochina  
Chitna  
Chouthbaluk  
Circle  
Coldfoot  
Copper Center  
Cordova  
Crooked Creek  
Delta Junction  
Dry Lake  
Dry Creek  
Eagle  
Eagle Village  
Evanville  
Fort Greely  
Fort Yukon  
Four Mile Road  
Gatona  
Galena  
Georgetown  
Glenallen  
Grayling  
Gulkana  
Healy Lake  
Holy Cross  
Hughes  
Huslia  
Kaktik  
Kenny Lake  
Koyukuk  
Lake Minchumina  
Lime Village  
Livengood  
Lower Kalskag  
Manley Hot Springs  
Marshall  
McCarthy  
McGrath  
Medina  
Mendeltna  
Mentasta  
Minto  
Nabesna  
Nenana  
Nikolai  
Northway  
Nulato  
Pavson  
Pilot Station  
Rampart  
Red Devil  
Ruby  
Russian Mission  
Shigeluk  
Silver Springs  
Slana  
Sleetmute  
Stevens Village  
Stony River  
Taketna  
Tanatna  
Tanana  
Tantleak  
Tatchna  
Tehula  
Tetlin  
Tik  
Tolsana  
Tonina  
Tululsak  
Tyonek  
Upper Kalskag  
Vadler  
Venette  
Whittier  
Wienan

MEMORANDUM

**TO:** Senator Gene Therriault, Chair  
**FM:** Senator Georgianna Lincoln *glincoln*  
**RE:** status of by-pass mail solution  
**DATE:** January 26, 2002

I was recently briefed by members of the minority who met with Senator Stevens regarding the future of the by-pass mail system and the outlook for reform. At this time there are too many unknowns, and the fix that Senator Stevens has proposed is far from a done deal. Distance, terrain, weather and other natural conditions will continue to hinder mail delivery to remote areas and prevent committed citizens from exercising their right to vote, regardless of the outcome of the by-pass mail dilemma.

By-pass Mail Impacts

ALASKA STATE LEGISLATURE  
*Senator Georgianna Lincoln*

State Capitol  
Juneau, Alaska 99801-1182

(907) 465-3732  
Toll Free: 1-888-461-3732  
Fax (907) 465-2652

E-mail: [Senator\\_Georgianna\\_Lincoln@legis.state.ak.us](mailto:Senator_Georgianna_Lincoln@legis.state.ak.us)

Standing Committees:  
Resources  
~~Transportation~~ CRA

Budget Subcommittees:  
Natural Resources  
Corrections  
Public Safety  
Community & Economic Development



DISTRICT R

Alatna  
Altan  
Allakaket  
Aniak  
Anvik  
Arctic Village  
Beaver  
Berdes  
Big Delta  
Birch Creek  
Boundary  
Canyon Village  
Central  
Chalkyitsik  
Chersaga Bay  
Chicken  
Chitochina  
Chitina  
Chuathokuk  
Circle  
Coldfoot  
Copper Center  
Cordova  
Cresked Creek  
Delta Junction  
Dot Lake  
Dry Creek  
Eagle  
Eagle Village  
Evanville  
Fort Greely  
Fort Yukon  
Four Mile Road  
Gakona  
Galena  
Georgetown  
Glenallen  
Graying  
Gulkana  
Healy Lake  
Holy Cross  
Hughes  
Huslia  
Kaktog  
Kenny Lake  
Koyukuk  
Lake Minchumina  
Lime Village  
Livengood  
Lower Kaktog  
Manley Hot Springs  
Marshall  
McCarthy  
McGrath  
Medfra  
Mendeltna  
Mentasta  
Minto  
Nabesna  
Nenana  
Nikolai  
Northway  
Nulato  
Payson  
Pilot Station  
Rampart  
Red Devil  
Ruby  
Russian Mission  
Shageluk  
Silver Springs  
Slana  
Sleetmite  
Stevens Village  
Stony River  
Tadoma  
Tanacetos  
Tanana  
Tattletale  
Telma  
Telida  
Terdin  
Tok  
Tolsana  
Tonsina  
Tuliksak  
Tyonek  
Upper Kaktog  
Vadze  
Venette  
Whittier  
Wiseman

SPONSOR STATEMENT

**Senate Bill 87**

**An Act providing special absentee ballots for voters in remote areas**

SB 87 offers a voter living in remote locations the opportunity to vote using the 60-day special advance absentee ballot. In current statute, only voters living, working or travelling outside of the United States are eligible for a 60-day special advance absentee ballot. However, voters living in extremely remote areas are sometimes disenfranchised by conditions beyond their control. Distance, terrain and natural conditions have prevented voters from reaching the polling place or from receiving by-mail ballots. SB 87 will dramatically increase the window of opportunity to vote.

The recent Florida recount impressed upon us that every vote counts. Doug and Becky Bowers, were unable to vote in the last election due to a late freeze-up which kept them from crossing the river to their polling place. Larry and Rose Coy faced similar circumstances one year, and, were forced to charter a plane at great expense, \$525, in order to exercise their right to vote.

Voting is the fundamental method citizens utilize to participate in our democracy. The health of our democracy rests on the participation of every Alaskan. While many may take that right for granted, there are others, like Doug and Becky Bowers, who listen in frustration as the election returns come in over the radio, hindered by factors beyond their control from making their votes count.

Simply, SB 87 assists Alaskan voters in remote areas of the state to exercise their right to vote. The Division of Elections already distributes the 60-day special advanced absentee ballots, and this legislation will not be difficult to implement. I respectfully request your consideration and support of SB 87.

ALASKA STATE LEGISLATURE  
Senator Georgianna Lincoln

State Capitol  
Juneau, Alaska 99801-1182

(907) 465-3732  
Toll Free: 1-888-461-3732  
Fax (907) 465-2652

E-mail: Senator\_Georgianna\_Lincoln@legis.state.ak.us

Standing Committees:  
Resources  
Transportation

Budget Subcommittees:  
Natural Resources  
Corrections  
Public Safety  
Community & Economic Development

DISTRICT R

Alatna  
Alcan  
Allakaket  
Aniak  
Anvik  
Arctic Village  
Beaver  
Bertles  
Big Delta  
Birch Creek  
Boundary  
Canyon Village  
Central  
Chalkyitsk  
Chitena Bay  
Chicken  
Christochina  
Chitna  
Chuathalik  
Circle  
Coldfoot  
Copper Center  
Cordova  
Crooked Creek  
Delta Junction  
Dot Lake  
Dry Creek  
Eagle  
Eagle Village  
Evanville  
Fort Greely  
Fort Yukon  
Four Mile Road  
Galena  
Georgetown  
Glennallen  
Grayling  
Gulkana  
Healy Lake  
Holy Cross  
Hughes  
Huslia  
Kaktog  
Kenny Lake  
Koyukuk  
Lake Minchumina  
Lime Village  
Livengood  
Lower Kalskag  
Marley Hot Springs  
Marshall  
McCarthy  
McGrath  
Medfra  
Mendelma  
Mentasta  
Minto  
Nabesna  
Nemana  
Nikolai  
Northway  
Nulato  
Paxson  
Pilot Station  
Rampart  
Red Devil  
Ruby  
Rustan Mission  
Shageluk  
Silver Springs  
Slana  
Sleetmute  
Stevens Village  
Stony River  
Taktotna  
Tanacross  
Tanana  
Tarttlek  
Tathlina  
Tebklu  
Terlin  
Tik  
Tolsana  
Tonsina  
Tulksak  
Tyonek  
Upper Kalskag  
Valdez  
Venette  
Whittier  
Wienman

MEMORANDUM

**TO:** Senator Gene Therriault, Chair  
Senate State Affairs Committee

**FM:** Senator Georgianna Lincoln *gml*

**RE:** Committee Hearing for SB 87

**DATE:** January 26, 2002

At your earliest convenience could you please schedule SB 87 for a committee hearing in the Senate State Affairs Committee. Attached you will find the following documents:

- 1) Sponsor statement
- 2) Current version of the bill
- 3) Fiscal note
- 4) New correspondence that addresses concerns members of the committee expressed with the use of the word "reasonable".
- 5) Original letters of support
- 6) Memo re: by-pass mail system

If you have any questions please do not hesitate to contact my Chief of Staff, Sara Boario, who will be working on this legislation.

ALASKA STATE LEGISLATURE  
Senator Georgianna Lincoln

State Capitol  
Juneau, Alaska 99801-1182

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Standing Committees:  
Resources  
Transportation

Budget Subcommittees:  
Natural Resources  
Corrections  
Public Safety  
Community & Economic Development



DISTRICT R

- Alatna
- Alcan
- Allakaket
- Antak
- Anvik
- Arctic Village
- Beaver
- Beetles
- Big Delta
- Birch Creek
- Bounlay
- Canyon Village
- Central
- Chalkyitsik
- Chenegei Bay
- Chicken
- Chitrochina
- Chitina
- Chumchaluk
- Circle
- Coldfoot
- Copper Center
- Cordova
- Crooked Creek
- Delta Junction
- Dry Lake
- Dry Creek
- Eagle
- Eagle Village
- Evansville
- Fort Greely
- Fort Yukon
- Four Mile Road
- Gakona
- Galena
- Georgetown
- Glennallen
- Grayline
- Gulkana
- Healy Lake
- Holy Cross
- Hughes
- Huslia
- Katag
- Kenny Lake
- Koyukuk
- Lake Minchumina
- Lime Village
- Lwengood
- Lower Kalslag
- Manley Hot Springs
- Marshall
- McCarthy
- McGrath
- Medfra
- Mendeltna
- Mentasta
- Minto
- Nabesna
- Neenana
- Nikolai
- Northway
- Niutau
- Paxson
- Pilot Station
- Rampart
- Red Devil
- Ruby
- Russian Mission
- Shageluk
- Silver Springs
- Slana
- Sleetmute
- Steven Village
- Stony River
- Takotna
- Tanacross
- Tanana
- Tatitlek
- Techina
- Tellu
- Terlin
- Tok
- Tolsona
- Tonsina
- Tulokvak
- Tyonek
- Upper Kalslag
- Valdez
- Venetie
- Whittier
- Wiseman

SPONSOR STATEMENT

Senate Bill 87

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Senator Georgianna Lincoln

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Standing Committees:  
Resources  
~~Transportation~~ CRA

Budget Subcommittees:  
Natural Resources  
Corrections  
Public Safety  
Community & Economic Development

DISTRICT R

Abotna  
Alton  
Allakleet  
Aniak  
Anvik  
Arctic Village  
Beaver  
Bettles  
Big Delta  
Birch Creek  
Boundary  
Canyon Village  
Central  
Chalkyitsik  
Chenaux Bay  
Chicken  
Chitochina  
Chitna  
Chvatshakuk  
Circle  
Goldfoot  
Copper Center  
Cordova  
Cusick Creek  
Delta Junction  
Dot Lake  
Dry Creek  
Eagle  
Eagle Village  
Evanville  
Fort Greely  
Fort Yukon  
Four Mile Road  
Galena  
Galena  
Georgetown  
Glennallen  
Grayline  
Gulkana  
Healy Lake  
Holy Cross  
Hughes  
Huslia  
Kaliag  
Kenny Lake  
Koyukuk  
Lake Minchumina  
Lime Village  
Livengood  
Lower Kalskag  
Manley Hot Springs  
Marshall  
McCarthy  
McGrath  
Medina  
Mendeltna  
Mentawa  
Minto  
Nabesna  
Nenana  
Nikolai  
Northway  
Nulato  
Pavon  
Pilot Station  
**Rampart**  
Red Devil  
Rice  
Ri-sun Mission  
Shaceluk  
Silver Springs  
Slana  
Sleetmute  
Stevens Village  
Stony River  
Taketna  
Tanacross  
Tanana  
Tattletale  
Tetlina  
Tetliha  
Tetlin  
Teke  
Tolsona  
Tonsina  
Tulaksak  
Tyonek  
Upper Kalskag  
Valdez  
Venetie  
Whittier  
Wiseman

MEMORANDUM

**TO:** Senator <sup>Gene</sup> Therriault, Chair  
Senate State Affairs Committee

**FM:** Senator Georgianna Lincoln <sup>Georg</sup>

**RE:** Committee Hearing for SB 87

**DATE:** March 12, 2001

At your earliest convenience could you please schedule SB 87 for a committee hearing in the Senate State Affairs Committee. Attached you will find my sponsor statement explaining the purpose of this bill. If you have any questions please do not hesitate to contact my staff, Sara Boario, who will be working on this legislation.

**SB**

**90**

Paula Haley

From her view, rather than working w/ business, landlords, etc immigrants might get the impression that filing a complaint is what the legislature wants them to do. Also, she's not aware of any existing problems w/ immigrants who are having problems filing Human Rights claims → why fix something that ain't broke?

She's afraid that this has an unintended effect — it discriminates on the basis of national origin. Help locating all these services is a benefit and requirements/criteria for assistance

3<sup>rd</sup> Party communication issue addressed by CS

AS 18.

Commissioners are the boss... shouldn't testify  
April 4 is their next mtg





WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS0524V  
Lauterbach  
3/9/01

*P. Kelly*  
3.9.01

**CS FOR SENATE BILL NO. 90( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS KELLY, Austerman, Ellis, Taylor**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act establishing the Office of Citizenship Assistance and relating to its powers and**  
2 **duties; and providing for an effective date."**

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

4 **\* Section 1. AS 24 is amended by adding a new chapter to read:**

5 **Chapter 52. Office of Citizenship Assistance.**

6 **Sec. 24.52.010. Office created. (a) There is created in the legislative branch**  
7 **the Office of Citizenship Assistance.**

8 **(b) The office shall**

9 **(1) provide information, including referrals to public and private**  
10 **resources, to persons eligible under AS 24.52.020 who have become naturalized**  
11 **citizens of the United States or are about to become naturalized citizens of the United**  
12 **States;**

13 **(2) upon written authorization of a naturalized citizen who is eligible**  
14 **under AS 24.52.020(1), act as a liaison between the naturalized citizen and the office**

WORK DRAFT

WORK DRAFT

22-LS0524L

1 of the ombudsman established under AS 24.55 or between the naturalized citizen and  
2 the State Commission for Human Rights established under AS 18.80.

3 (c) The ombudsman appointed under AS 24.55 shall appoint a director for the  
4 office. The director may contract with other persons to perform the duties of the  
5 office.

6 **Sec. 24.52.020. Persons eligible for assistance.** The following are eligible to  
7 request assistance from the office:

8 (1) persons who live in the state who have become naturalized citizens  
9 of the United States within the 24 calendar months preceding the month of the person's  
10 request for assistance; and

11 (2) persons who live in the state who are eligible for United States  
12 citizenship and who can demonstrate that they are actively in the process of becoming  
13 naturalized citizens of the United States.

14 **Sec. 24.52.030. Types of assistance available.** (a) A person who is eligible  
15 under AS 24.52.020 may request information and referrals for services, including  
16 information and referrals relevant to the following areas:

17 (1) immigration services, including how to help the person's relatives  
18 or friends to obtain visas, to immigrate to the United States, or to become naturalized  
19 citizens;

20 (2) employment services, such as job placement services and  
21 information about how labor unions, administrative agencies, and court actions may be  
22 used to deal with claims or charges of job discrimination, illegal termination of  
23 employment, sexual harassment, and unsafe working conditions;

24 (3) affordable legal services;

25 (4) affordable medical care;

26 (5) affordable housing;

27 (6) education, including the availability of scholarships and loans;

28 (7) credit counseling and disputes with credit card companies;

29 (8) law enforcement.

30 (b) A person who is eligible under AS 24.52.020(1) may request the office to  
31 act as a liaison for the person with the office of the ombudsman or with the State

WORK DRAFT

WORK DRAFT

22-LS0524\L

1 Commission for Human Rights.

2 **Sec. 24.52.090. Definition.** In this chapter, "office" means the Office of  
3 Citizenship Assistance established under this chapter.

4 \* **Sec. 2.** AS 18.80 is amended by adding a new section to read:

5 **Sec. 18.80.102. Authorized liaison for certain complainants.** If the Office  
6 of Citizenship Assistance files with the commission a written document signed by a  
7 person who has filed a complaint under AS 18.80.100 and who is eligible for the  
8 office's assistance under AS 24.52.020(1), authorizing the office to be a liaison for the  
9 person with the commission, the commission shall communicate information and  
10 notices relevant to the person's complaint to the office in the same manner and to the  
11 same extent that the commission communicates the information and notices to the  
12 person who filed the complaint.

13 \* **Sec. 3.** AS 24.55 is amended by adding a new section to read:

14 **Sec. 24.55.285. Authorized liaison for certain complainants.** If the Office  
15 of Citizenship Assistance files with the ombudsman a written document signed by a  
16 person who has filed a complaint under this chapter and who is eligible for the office's  
17 assistance under AS 24.52.020(1), authorizing the office to be a liaison for the  
18 complainant with the ombudsman, the ombudsman shall communicate information  
19 and notices relevant to the person's complaint to the office in the same manner and to  
20 the same extent that the ombudsman communicates the information and notices to the  
21 complainant.

22 \* **Sec. 4.** AS 18.80.102; AS 24.52.010, 24.52.020, 24.52.030, 24.52.090; and AS 24.55.285  
23 are repealed June 30, 2006.

24 \* **Sec. 5.** This Act takes effect July 1, 2001.

# Alaska State Legislature



Official Business

State Capitol  
Juneau AK  
99801-1182

## Senator Alan Austerman District C

January 23, 2001

Jessie R. Pelayo ✕  
9023 Long Run Drive  
Juneau, Alaska 99801

Dear Mr. Pelayo,

This is a follow up on our conversation we had yesterday concerning the establishment of a Minority Affairs Office within the State of Alaska.


The Filipino community along with other Asian countries has a rich and proud culture. Having lived all of my life in Kodiak, I have witnessed the shift in demographics in our community to include many families from the Philippines and a burgeoning Hispanic population. This scene has been repeated all across Alaska.

People like Jessie Vizcocho in Kodiak have worked tirelessly in helping the members of his community sort out the many problems that arise in their lives. After listening to you and Mr. Raphael Castanos, I realize that he is not alone. The members of your community must not be lost and disenfranchised by our government.

A Minority Affairs Office such as the one we discussed could be a clearinghouse, if you will, to assist individuals with problems they may be having with state government. This office could also serve to help people find the right contacts within the federal bureaucracy.

I have met with Senator Pete Kelly on this matter. After further review, I will be in touch with you in regards to what direction we will go from here.

Best regards,

  
Alan Austerman  
Senator District C

\* Home phone: 790-2952  
Wife: DIVINA PELAYO  
WORKING WITH PETA. FISH &  
GAME

Cc: Raphael Castanos  
Jessie Vizcocho

# Alaska State Legislature

SENATOR

PETER KELLY

Mailing Address:

119 N. Cushman, Suite 201

Fairbanks, Alaska 99701

Senator\_Pete\_Kelly@legis.state.ak.us

(907) 456-8161



Senate

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

Senate District P

## Memorandum

To: Senator Gene Therriault  
Chair, Senate State Affairs Committee

From: Senator Pete Kelly *Pete*  
Co-Chair, Senate Finance Committee

Date: 7 March 2001

Re: "An Act establishing the Office of Citizenship Assistance; and providing for an effective date."

---

I respectfully request that SB 90 be scheduled for a hearing in the Senate State Affairs Committee at your earliest possible convenience.

Thank you for your consideration.

# Alaska State Legislature

*Session:*  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2327  
Fax: (907) 465-5241



*Interim:*  
119 N. Cushman  
Fairbanks, AK 99701  
Phone: (907) 456-8161

**Senator Pete Kelly**  
District P

## **SB 90**

### **“An Act establishing the Office of Citizenship Assistance; and providing for an effective date.”**

Senate Bill 90 would create an office to assist naturalized citizens and citizen candidates in Alaska.

SB 90 establishes the Office of Citizenship Assistance as a branch of the State’s Ombudsman Office. Naturalized citizens and people who are actively pursuing United States citizenship could receive navigation through state and private service agencies.

The Office of Citizenship Assistance would act as a liaison between individuals, the Office of the Ombudsman and the State Commission for Human Rights. Under this legislation the Office would assist in immigration services, employment services, affordable legal service, medical services, and educational opportunities. The Office also assists with credit counseling, interactions with law enforcement agencies including the court system.

Through this legislation, the Office shall be sensitive to the diverse cultural backgrounds of the people they would help. The Office of Citizenship Assistance would help new citizens adjust to life in the United States while respecting the social customs of their clients.

Alaska has always carried rich opportunity. SB 90 would expand our melting pot as people come from across the globe in search of an improved quality of life.

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: SB 90  
PUBLISH DATE: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act establishing the Office of  
Citizenship Assistance; and providing for an effective.."  
Sponsor: Senator Kelly  
Requestor: Senate Finance

Department Affected: Legislature  
BRU: Legislative Council  
Component: Council and Subcommittees  
Administrative Services

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07
PERSONAL SERVICES	218.0	218.0	218.0	218.0	218.0	0
TRAVEL	2.7	2.7	2.7	2.7	2.7	0
CONTRACTUAL	53.2	53.2	53.2	53.2	53.2	0
SUPPLIES	3.5	3.5	3.5	3.5	3.5	0
EQUIPMENT	32.4	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>309.8</b>	<b>277.4</b>	<b>277.4</b>	<b>277.4</b>	<b>277.4</b>	<b>0.0</b>

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	309.8	277.4	277.4	277.4	277.4	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>309.8</b>	<b>277.4</b>	<b>277.4</b>	<b>277.4</b>	<b>277.4</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	3	3	3	3	3	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary) SB 90 establishes the Office of Citizenship Assistance. The office shall provide information and referrals to public and private resources, to person in the state who have become naturalized citizens of the United States or are about to become naturalized citizens of the United States. Each year in Anchorage, 1200 people are naturalized. The Office of Citizenship Assistance will have one office located in Anchorage, and one office located in Juneau. The Offices will be staffed by a Director, a professional assistant and an administrative assistant. The office will establish a toll free number, set up a web page, and retain the services of language interpreters. Administrative support services for accounting, payroll, supply, maintenance, and data processing will be absorbed within the Legislative Affairs Agency budget.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 3/7/01

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*  
Agency: Legislative Affairs Agency Date: 3/7/01

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

Personal Services

Director	Range 26A	92,373	
Professional Assistant	Range 21C	74,098	
Administrative Assistant	Range 15C	51,454	
		<u>217,926</u>	218.0

Travel

<u>Travel for the Executive Director</u>	1,930	
2 trips to Juneau from Anchorage to meet with the Juneau Office		
<u>Travel for the Professional Assistant</u>	752	
1 trip to Ketchikan to assist clients		
	<u>2,682</u>	2.7

Contractual Services

Interpreter Fees (200 hrs @ \$120/hour)	24,000	
Phones (office and toll free number)	6,000	
Postage	1,000	
Office Lease expense		
1 office Anchorage - 500 square ft	11,100	
1 office Juneau - 500 square ft	11,100	
	<u>53,200</u>	53.2

Supplies

Office Supplies	2,000	
Informational booklets and publications	1,500	
	<u>3,500</u>	3.5

Equipment

3 desktop computers	6,300	
2 printers	3,284	
2 copiers	17,000	
Phones	1,950	
Fax machine	600	
3 desks	1,200	
3 chairs	1,350	
3 side chairs	600	
4 chairs for waiting clients	84	
	<u>32,368</u>	32.4

Total Annual Cost 309.8

# Alaska State Legislature

*Session:*  
State Capitol  
Juneau, AK 99801  
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*Interim:*  
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Fairbanks, AK 99701  
Phone: (907) 456-8161

Senator Pete Kelly  
District P

## Senate Bill 90 Sectional Analysis

### **“An Act establishing the Office of Citizenship Assistance; and providing for an effective date.”**

\* **Section 1.** AS 24 is amended by adding a new chapter to read:

Sec 24.52.010(a) creates an Office of Citizenship Assistance through the Alaska Legislative branch.

The Office shall (b)(1) provide information, and referrals to naturalized citizens or those wishing to become naturalized citizens of the United States and Alaska. The Office shall (2) act as a liaison between the citizen and the Office of the Ombudsman; (3) as a liaison between the citizen and the State Commission for Human Rights under AS 18.80.

The (c) Ombudsman shall appoint a director for the Office of Citizenship Assistance. The director shall have the power to contract services of the office that is intended to include multi-lingual services, legal advice, and other services the State may be not capable in handling.

#### **Sec. 24.52.020**

This section states those citizens eligible to request information and referrals from the office. A person (1) living in Alaska who has become a naturalized citizen of the United States. Also, a person (2) who lives in Alaska that is eligible for United States citizenship and who can demonstrate active involvement in obtaining citizenship in the United States.

#### **Sec. 24.52.030**

This section explains the information the Office must provide and be available to those who fit under AS 24.52.020. The Office of Citizenship Assistance must provide services relevant to (1) immigration services, including how to help the person's relatives or friends obtain visas, to immigrate to the United States, or to become naturalized citizens. Also, the Office shall provide

(2) employment services, such as placement programs, information about labor unions, administrative agencies, and court actions may be used to deal with claims or charges of job discrimination, illegal termination of employment, sexual harassment, and unsafe working conditions.

The Office of Citizenship Assistance also offers services and information regarding (3) affordable legal services; (4) affordable medical care; (5) affordable housing; (6) education, including the availability of scholarships and loans; (7) credit counseling and disputes with credit card companies; and (8) law enforcement.

### **Sec 24.52.090**

This section defines the term "Office" refers to the Office of Citizenship Assistance established under this chapter.

#### **\* Sec. 2.**

This section places a five-year sunset date on the legislation. The law will be repealed June 30, 2006.

#### **\* Sec. 3.**

This Act takes effect July 1, 2001

# Alaska State Legislature



State Capitol  
Juneau AK  
99801-1182

Official Business

## Senator Alan Austerman District C

January 23, 2001

Raphael Castanos  
Post Office Box 20241  
Juneau, Alaska 99802

Dear Mr. Castanos,

This is a follow up on our conversation we had yesterday concerning the establishment of a Minority Affairs Office within the State of Alaska.


The Filipino community along with other Asian countries has a rich and proud culture. Having lived all of my life in Kodiak, I have witnessed the shift in demographics in our community to include many families from the Philippines and a burgeoning Hispanic population. This scene has been repeated all across Alaska.

People like Jessie Vizcocho in Kodiak have worked tirelessly in helping the members of his community sort out the many problems that arise in their lives. After listening to you and Mr. Jessie Pelayo, I realize that he is not alone. The members of your community must not be lost and disenfranchised by our government.

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I have met with Senator Pete Kelly on this matter. After further review, I will be in touch with you in regards to what direction we will go from here.

Best regards,

  
Alan Austerman  
Senator District C

Cc: Jessie Pelayo  
Jessie Vizcocho

RAFAEL S. CASTAÑO  
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Testimony for the Alaska Legislature in support of House Bill 90, creating an OFFICE FOR CITIZENSHIP ASSISTANCE for the purpose of helping new immigrants to accelerate their familiarity to blend in the American way of life most especially in the State of Alaska.

Good afternoon ladies and gentlemen: I would like to express my thanks to the Alaskan Legislature and the various committees in allowing me to testify in support of House Bill 90.

My name is Jessie R. Pelayo. I came to Juneau, Alaska in the summer of 1970 and have lived in this town in an off and on basis up to the present. The testimony that I am about to give you is based on my personal experiences while living and raising my family in this great state of ours.

During the 70's, the number of Asian, Russian and European minorities in the State of Alaska was very minimal as compared to the whole population. Problems that new migrants faced were handled by naturalized citizens who migrated from the same area and have managed to establish themselves in this state. As a result of the pipeline days plus the shift in our economy, Alaska became a haven for new migrants not only for people from the lower 48 states but for those from other countries seeking a better way of life. With the increase in migration (which continue to the present), so was the increase in problems regarding our future citizens. These problems have escalated that in the fall of 1989, a meeting of all Filipino organizations throughout the State was held in Anchorage to discuss what our leaders can do in their respective communities to alleviate the sufferings of our people. It was really surprising to know that these problems not only existed in big cities like Juneau, Anchorage and Fairbanks but in small villages like Sitka, Ketchikan, Petersburg, Kodiak, Dutch Harbor, etc. Allow me now to discuss briefly these problems for your perusal.

#### **1) IMMIGRATION PROBLEMS:**

Prior to the resolution made by the City and Borough of Juneau requesting a permanently assigned Immigration Officer in Juneau, a citizen applying for naturalization had to spend an average of \$ 300.00 plus a day's wage in having fingerprints taken. This is under the assumption that no errors are made and the FBI accepts the submitted fingerprints. Otherwise, he or she has to spend the same amount of time and money to repeat the process.

Many naturalized citizens call the immigration offices in Ketchikan and Anchorage to request forms and information regarding the process of petitioning their immediate families. From my experience, depending on who receives the call, wrong information is disseminated and improper forms sent to these persons. It is unfortunate though that with every submitted form, it has to be accompanied with a non-refundable fee that ranges from \$100 to \$200 dollars. Because of this misinformation, expenses incurred double since another payment has to be enclosed upon resubmission of their forms. As a result, these people suffer in silence.

#### **2) EMPLOYMENT PROBLEMS:**

This is probably one of the most frequent and multi-faceted difficulty that an immigrant encounters upon his or her arrival in the United States. When I was applying in one of our state agencies for an entry-level position, out of several applicants I was the only person asked to write an essay in English on why I wanted the job. I thought that in my resume where my college degree, membership in civic organizations like the Rotary Club, involvement in international and local engineering projects, business interests in engineering and manpower development, I have presented myself as a professional with a good command of the English language. I tried to convince myself that this is not a form of discrimination, but my heart and my emotions said otherwise.

Another case I encountered when I was the President of the Filipino Organization here in Juneau was regarding a person who has worked for six years in the City and Borough of Juneau. The new supervisor fired him because he left his post five minutes early to catch the last bus on his way home. Leaving one's post (5) minutes early was a common practice and was permitted via a verbal agreement with the former supervisor who left town. No consideration was given by the Director of that institution. After meeting

with the terminated worker, he decided not to pursue the case and instead elected to find another job and suffer the humiliation in silence.

Another case brought to my attention was regarding a 65-year-old grandmother who was working in a private-owned food preparation firm for three years. She went to work the next day and was asked to get her final paycheck at the end of the shift. With her consent, I asked her supervisor why she was fired and the immediate response given was that she was too old. I tried getting her consent to file a court case against the firm but she elected not to pursue the situation. When I took her to the airport on her return to the Philippines, it was only then that I had known her resentments. Her husband was killed during World War II when Filipinos were fighting side by side with the Americans against the Japanese.

### **3) LEGAL PROBLEMS:**

There were numerous times that I have advised many Filipinos to get retributions in court. Unfortunately, they ask questions which I could not answer. "How much will it cost me?" "How long will the court proceedings take?" "Will I be terminated if I take them to court?" If I take them to court, I will be a target and called a persona non-grate. I will feel uncomfortable working to a point that will make one quit his job. Who will pay for my apartment's rent when I'm out of work?

A recent incident that was brought to my attention was regarding a house sold by a local realtor. The house was certified to be structurally sound and passed all the codes mandated by the City and Borough of Juneau by an engineer selected by the realtor. After a year, the water was seeping through the walls that had to be replaced. Due to financial difficulties, the owner was forced to apply for a loan in order to repair the walls. During the process of refinancing the loan, an engineer's certification was required as a supporting document. When the engineer's certification was received, it was found that the manner of construction in the roof was a failure and that it needed to be replaced. This was identified as the cause of water seeping through the walls. Therefore, the loan to repair the walls could not be granted until the roof was repaired. After telephone calls were made, we found that the engineer who gave the old certification left town and the realtor is also nowhere to be found however, the company that the realtor was working for still exists. Our biggest chance to get justice was to sue the realty company. To this date, nobody has been brought to court and repairs to the roof and walls are being done by the owner and their relatives.

### **4) MEDICAL PROBLEMS:**

This might come as a surprise to everyone but as I said before I am talking from my personal experiences. In all my years in Juneau, seldom do people come to me regarding their medical problems. It is common knowledge that a majority of Filipinos work in small firms that have minimal or no insurance coverage for their employees. This is where close family ties plays a huge factor in coping with medical problems. It is not unlikely for us Filipinos to hear that some of our old relatives are being sent back to the Philippines when we feel that he or she becomes a burden to our finances with regards to their medical problems.

### **5) HOUSING PROBLEMS:**

This is another area where I feel that Filipinos have few problems because of their culture and customs. In my observation, I have yet to see a Filipino that is homeless. Filipinos are known for their great hospitality and are willing to share their humble home to a fellow Filipino regardless of their situation. The small problem occurs when there is no awareness on assistance available for low cost housing or referrals to agencies with affordable rental rates.

### **6) EDUCATION PROBLEMS:**

To a Filipino family, the most sacred duty a parent commits to is to do everything within their power to ensure their children get the best education. During the 70's, I have already noticed that Filipinos, and even those with mixed marriages have instilled the great importance of a good education in their children. Instilling good values and having the finances to put them through a good system of education are two very different things. We could enhance and promote this attitude by informing Filipino parents about availability of academic, athletic and other scholarships from non-profit organizations, grants and financial aid from federal and state entities.

#### **7) CREDIT PROBLEMS:**

During the early years of my stay here in Juneau, credit problems regarding Filipino families were unheard of. For the past 10 years, I have known quite a number of Filipinos faced with problems concerning bad credit and excessive debts. Easy accessibility and misuse of credit cards, consumer advertisements and other factors that lead to potential mismanagement of earnings are the early beginnings of a financial crisis. Seminars, workshops and free counseling services should be made available for them to develop sound credit management practices.

#### **8) LAW ENFORCEMENT PROBLEMS:**

Of all the problems that I have discussed so far, this area is the one that has raised the greatest apprehension. With the increase in population and the continuous migration most especially with Asians in Alaska, our law enforcement is behind in studying the different cultures that exist in our community. We also have to educate our future immigrants about these differences in order to have a peaceful atmosphere in our communities. History will tell us that most of the third world countries have witnessed colonization and violence all their lives. Proper education and understanding of the different cultures will help us in implementing proactive remedies to the problems that we will be facing now and in the future.

I have had a number of traumatic experiences with the police forces here in Juneau. At one time, an intoxicated man came to my house around 9:00 P.M. and was pounding my door with his fist. I opened the door to ask him what his problem was and if I could help out. He accused me with driving too fast in the neighborhood a while ago. Completely astounded, I told him that I was at my home as early as 5:00 PM and being employed with the State of Alaska Department of Transportation and Public Facilities, I was aware of the speed limit. I told him that there was no way that I was the same person he was talking about. I told him to go home and closed the door. He pounded on my door again. At this point, I called the police and informed them that a heavily intoxicated man is at my front yard pounding on my door, and told them that if they will not get this man and he happens to break my door I will shoot him. I also told the police that the man tried to scare me by telling me "he can do anything he wants because his brother is a police officer." After a few minutes the police came. I was waiting so that I could direct them where this man lived. I opened my door and to my surprise two squad cars came with four police officers with drawn guns. I asked them why their guns were drawn? I told them that instead of confronting me why don't they confront the person pounding on my door? At this point, my wife came and she pointed to the police officers where this person lives. To my surprise the police officer lectured me that I have violated the law by having a gun in my house. This lecture went on for the past five minutes and they insisted that I have violated the law. Finally I told them about my right to bear arms under the constitution and since when does owning a gun locked safely in my house for the protection of my family and myself a crime? Suddenly they left without saying another word. This is an example where a law enforcement officer assumed that because I am a Filipino I am stupid and do not know my rights. This would show us also that the law officer did not know the law he was enforcing.

Another incident that happened a few years ago referred to me was a fight that started inside a house owned by a native Alaskan and resulted in serious injuries. Witnesses informed the police that a Filipino was involved in the stabbing. A number of young Filipinos were invited to the police station and questioned if they knew who may have committed the crime. All of the young Filipinos came to me and asked my help because the police threatened them with deportation if they wouldn't divulge who was responsible for the crime. Seriously concerned, I immediately conducted my own research and investigation knowing practically most of the young Filipinos in Juneau. After checking their alibis, I came to the conclusion that the perpetrator was not a Filipino. I told the Chief of Police this information and complained about the manner in which his police officers conducted their investigations. I also told the Police Chief it was unlawful for his police officers in their pretense as immigration officers and strongly protested the way the investigation was conducted. I suggested that reforms should be developed in gathering information from immigrants. At that point, I was berated and threatened by the Chief for interfering with police affairs. Four days later, they found the assailant and he was not a Filipino. Up to now, no apologies were ever made to those young Filipinos threatened with deportation.

#### **SUMMARY**

With this testimony, ladies and gentlemen, I hope to convince the committee on the importance of this bill. Do not allow a segment of your constituents to suffer in silence. America is a land of immigrants. Let us not be afraid anymore to bring injustices resulting in the lack of understanding between different cultures.

#### **PERSONAL INFORMATION:**

Attached to this testimony is a brief summary of my professional career.

Civic involvement includes but no limited to are:

- Vice President, Filipino Community of Juneau 1975-1976;
- Charter Member and President of the West Triangle Rotary Club International  
Manila, Philippines 1985-1986
- President of the Filipino Community, Inc.  
Juneau, Alaska 1989-1990

**PERSONAL DATA:**

JESSIE R. PELAYO  
9023 Long Run Drive  
Juneau, Alaska 99801

Birthdate: June 23, 1947  
Married : Four (4) children  
Home : (907) 790-2952

**PROFESSIONAL CAREER HISTORY:**

**JS CONTRACTOR INC. 423 Magallanes St. Intramuros, MetroManila, PHILIPPINES - (8/77 to present)**  
**International Marketing Manager (11/96 to present)**  
**Member - Board of Directors (8/86 to present)**  
**President and Chairman of the Board (8/77 to 7/86)**

Conducted research and assessment meetings with station managers, workers, marketing managers of offices situated in the MIDDLE EAST and ASIA in identifying prospective clients and contact persons needing Filipino skilled workers. Initiated discussions, made presentations on contents of both technical and financial proposals with emphasis on the quality of labor manpower and cost savings to the client. Evaluated performance of satellite offices, brokers, and managers covering contract negotiations, financial matters, status of exported manpower. Coordinated with existing clients, consular offices and government agencies regarding trends and changes affecting labor personnel requirements or significantly contribute to the development of related services markets. Accomplishments included:

- Generated a 400 % growth in business through development of new accounts.
- Computerization of operations and training of personnel to adopt on new technologies.
- Established inter-related companies (shipping manning and crewing, entertainment, food export, and diagnostic medical clinic) to compliment recruitment markets.
- Acquired real estate (buildings) properties to centralize multi-faceted operations.

**STATE OF ALASKA, DEPT. OF TRANSPORTATION & PUBLIC FACILITIES (07/90-10/96)**  
**Design and Construction Division (Southeast Regional Office) 6860 Glacier Highway, Juneau, AK 99801**  
**Engineering Assistant II**

Responsible in determining alternatives for proposed road projects through cost effective analysis. Designed road projects and prepared cost estimates utilizing AUTOCAD version and AASHTO standards for presentation to the public. Procured and analyzed traffic numbers and accident statistics. Prepared reconnaissance reports for management's decisions in determining project priorities and funding allocation. Coordinated with Traffic, Environmental, Right-of-Way, Utilities, Location and Materials sections during project development. Oversee draftsmen as they prepared drawings, corrected and amended drawings for computer design. Checked preliminary plans for conformity to current design standards and located possible design problems. Calculated project construction costs. Determined the best alternative, unit prices based on quantity, local area and present market factors, and added costs due to special or unusual design considerations. Wrote materials and construction specifications which must be flexible enough to reject inferior or inappropriate material or workmanship; conform to State and Federal law, generally accepted engineering practices and departmental policy; be clear, concise and grammatically well written, and free from any ambiguity.

**GEODESY SERVICES, INC. 601A BenLor Bldg. 1184 Quezon Blvd, Manila, PHILS. (08/76-08/87)**  
**President and General Manager (01/80 to 08/87)**  
**Vice-President, Marketing and Operations (08/76 to 12/79)**  
**Member, Board of Director (08/76 to 08/87)**

As chief executive officer for the corporation that engaged in surveying, civil works, construction management and supervision, coordinated with government agencies on various projects and contract