

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 0074

10933 HOUSE LABOR & COMMERCE

Alaska State Legislature



Rep. Tom Anderson, Chair
Rep. Bob Lynn, Vice - Chair
Rep. Nancy Dahlstrom, Member
Rep. Carl Gatto, Member
Rep. Norman Rokeberg, Member
Rep. Harry Crawford, Member
Rep. David Guttenberg, Member

State Capitol
Juneau, Ak 99801-1182
(907) 465-4954
Fax: (907) 465-2418

House Labor & Commerce Committee

Date: May 7, 2003
To: Suzi Lowell, Chief Clerk
From: Representative Tom Anderson, Chairman *T.A.*
House Labor & Commerce Committee
Re: House Labor & Commerce Overview Schedule

The House Labor & Commerce Committee has scheduled to hear the following bills:

Friday, May 9th at 3:15 pm. Room 17

+ HB 272	- Motor Vehicle Dealers
+ HB 288	- Changing Name of Dept of Comm & Econ Dev <Pending Referral>
+ HB 305	- Unemployment Compensation Benefits

Bills Previously Heard/Scheduled

- + - Teleconferenced
- * - First Hearing in First Committee of Referral
- = - Bill was Previously Heard/Scheduled



May 7, 2003


Representative Vic Kohring
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Kohring:

The purpose of this letter is to express AEDC's support for HB 288 'Changing the Name of the Department of Community and Economic Development' to the Department of Commerce and Economic Development. The name change seems to more accurately reflect the mission of the Department. Substituting the word "commerce" should also provide clearer direction to those parties interested in contacting state government about doing business in the state.

If you have any questions, please don't hesitate to call me at (907) 258-3700.

Sincerely,


Larry Crawford
President & CEO, AEDC

Frank H. Murkowski, Governor



Office of the Commissioner

P.O. Box 110800, Juneau, AK 99811-0800

Telephone: (907) 465-2500 • Fax: (907) 465-5442 • Text Telephone: (907) 465-5437

Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/

07 May 2003

The Honorable Vic Kohring
House of Representatives
Alaska State Capitol, Room 24
Juneau, AK 99811

RE: Support of HB 288 – Name Change for the Department of Community and Economic Development

Dear Representative Kohring;

Thank you for introducing House Bill 288 - Name Change for the Department of Community and Economic Development. The administration supports changing the name of the Department of Community and Economic Development to the Department of Commerce and Economic Development.

In the coming years, our mineral, oil and gas resources will become a stronger element in the health of the state's economy. The new title of the Alaska Department of Commerce and Economic Development implies that the economic growth of the state will improve living conditions for all individuals. As our commercial interests grow stronger, there will be more opportunities for Alaskans to receive training to engage in the spectrum of jobs that will become available.

This name change will communicate to international business partners that Alaska is serious and focused on development. The government to government message will be crisp and clear. Alaska is intent on being an honorable and competent player in the commercial system of the world. The Department will serve as a liaison between private sector business, state and local government and the people across the state of Alaska. It will focus on both local and external commercial conditions, and will assist the communities to participate in the associated economic activity.

As we commercialize Alaska's resources and move toward utilization of emerging routes to global markets, the Alaska Department of Commerce and Economic Development will send a clear message to the world. Thank you for your support in helping accomplish this change.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed. Blatchford".

Edgar Blatchford
Commissioner

HB

305

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HB 305 BY: Representative Tom Anderson House Labor & Commerce Committee Chair

TITLE: "An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

House Bill 305 provides an 8.2% increase the maximum weekly unemployment benefit amount. This increase, phased in over a three-year period, minimizes the impact to employers, employees, and the UI Trust Fund. Alaska currently ranks 47th in the nation with a maximum weekly benefit of \$248. Alaska will rank and estimated 28th in the nation when the maximum weekly benefit is fully increased to \$308 in 2006. The fully increased maximum benefit amount would be available to claimants earning \$34,250 or more per year.

The full impact of the increase in benefit costs will not be reflected in employer tax rates until 2010. When the cumulative impact of the increased benefit costs is included in the tax rate calculation by 2010, the average employer tax rate will increase by 0.17% and the average employee tax rate will only increase by 0.04%.

Alaska's unemployment benefits assist Alaskans who find themselves temporarily without work. The benefits are distributed back into the local economy, which in turn maintains economic stability for communities, business, and workers. HB 305 enables Alaskan workers to weather periods of economic downturn and alleviates skill shortages by keeping trained workers in Alaska.

I urge your support of HB 305.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SECTIONAL ANALYSIS FOR HB 305 BY: Representative Tom Anderson House Labor & Commerce Committee Chair

Section 1: Increases the maximum weekly benefit amount from \$248 to \$272; increases qualifying wage requirement from \$26,750 to \$29,750.

Section 2: Increases the maximum weekly benefit amount from \$272 to \$296; increases the qualifying wage requirement from \$29,750 to \$32,750.

Section 3: Increases the maximum weekly benefit amount from \$296 to \$308; increases the qualifying wage requirement from \$32,750 to \$34,250.

Section 4: Section 1 is effective January 1, 2004.

Section 5: Section 2 is effective January 1, 2005.

Section 6: Section 3 is effective January 1, 2006.

Comparison of Weekly Benefit Amount (WBA) Proposals

	2003 Proposal	HB 58 (FIN) (2002)
<p>Brief Synopsis: The major difference in the 2003 WBA proposal and the 2002 WBA bill is that section 3 of the 2003 proposal caps the maximum WBA at \$308 instead of \$320. In addition, sections 4, 5, and 6 of the 2003 proposal provide for extended effective dates.</p>		
Purpose	3-phase increase of the maximum unemployment insurance weekly benefit amount	3-phase increase of the maximum unemployment insurance weekly benefit amount
Section 1	Increase maximum weekly benefit amount to \$272; increase qualifying wage requirement from \$26,750 to \$29,750.	Increase maximum weekly benefit amount to \$272; increase qualifying wage requirement from \$26,750 to \$29,750.
Section 2	Increase maximum weekly benefit amount to \$296; increase the qualifying wage requirement from \$29,750 to \$32,750.	Increase maximum weekly benefit amount to \$296; increase the qualifying wage requirement from \$29,750 to \$32,750.
Section 3	Increase maximum weekly benefit amount to \$308; increase the qualifying wage requirement from \$32,750 to \$34,250.	Increase maximum weekly benefit amount to \$320; increase the qualifying wage requirement from \$32,750 to \$35,750.
Section 4	Section 1 effective 01/01/04.	Section 1 effective 07/01/02.
Section 5	Section 2 effective 01/01/05.	Section 2 effective 01/01/03.
Section 6	Section 3 effective 01/01/06.	Section 3 effective 01/01/04.

2003 Weekly Benefit Amount (WBA) proposal

History

- ◆ Alaska's maximum weekly benefit amount has increased only 4 times in the last 20 years. In 1997 the maximum weekly benefit amount increased by \$36.00.
- ◆ The maximum weekly unemployment insurance benefit paid to the Alaskan worker is 23% less than the 2001 poverty-level guidelines.
 - ✓ In 1997 the Alaska Poverty Guidelines for a family of three was \$351.73.
 - ✓ Alaska median family size is three.
- ◆ Alaska ranks 47th nationally in terms of the maximum weekly benefit amount available to claimants. With this proposal implemented, effective January 1, 2006, Alaska would rank approximately 28th.

The Proposal

- ◆ The 2003 WBA proposal seeks to raise the maximum weekly benefit amount in three phases. The proposal offers a three-phase increase to minimize the impact to employers, employees, and the UI Trust Fund.

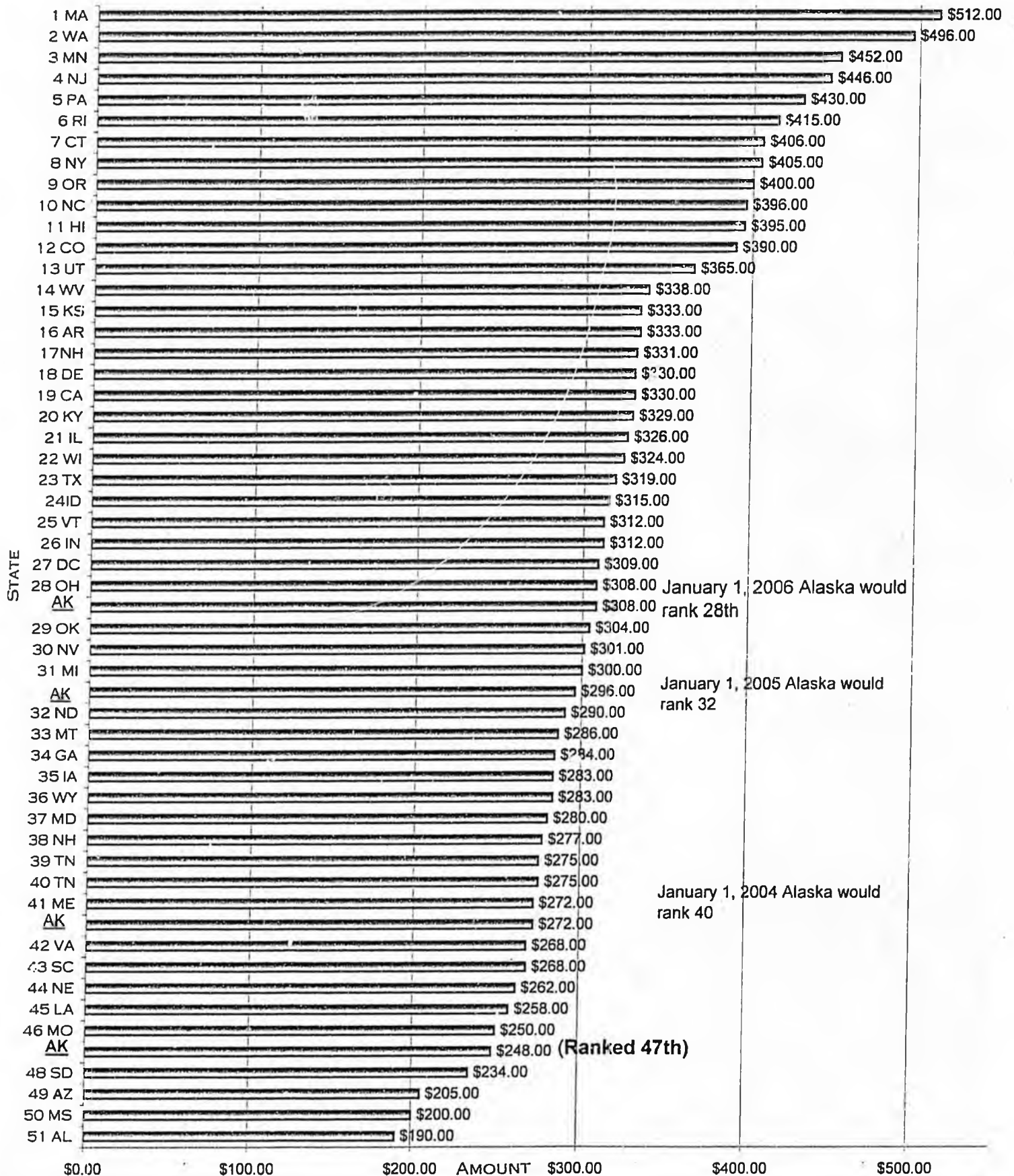
Phase	Benefit Amount	WBA Increase	Effective Date
Year 1	\$248 to \$272	\$24	January 1, 2004
Year 2	\$272 to \$296	\$24	January 1, 2005
Year 3	\$296 to \$308	\$12	January 1, 2006

- ◆ The advantages of the 2003 WBA proposal are:
 - ✓ Unemployment benefits are distributed back into the local economy, maintaining economic stability for communities, businesses and workers.
 - ✓ Enables Alaskan workers to weather periods of economic downturn.
 - ✓ Alleviates skill shortages by keeping trained workers in Alaska.

The Impact

- ◆ The cost for each increment of the 3-phase increase is estimated to be approximately \$4.0, \$3.2 and \$1.4 million respectively for a total cost of \$8.6 million. This represents an 8.2% increase in benefit costs.
- ◆ The full impact of the increase in benefit costs will not be reflected in employer tax rates until 2010.
- ◆ When the cumulative impact (8.2%) of the increased benefit costs is included in the tax rate calculation (by 2010), the average employer tax rate will increase from 2.08% to 2.25%; the average employee tax rate will increase from 0.52% to 0.56%.

MAXIMUM WEEKLY BENEFIT AMOUNT BY STATE



Note: Data includes 50 states and District of Columbia

Source: US Department of Labor, Significant Provisions of UI Law January 2002

Prepared by: Alaska Department of Labor and Workforce Development, Employment Security Division

April 26, 2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 305
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
Title: Unemployment Compensation Benefits BRU: Employment Security
Component: Unemployment Insurance
Sponsor: House L&C
Requester: House L&C Component Number: 2276

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation increases the maximum unemployment compensation weekly benefit amount (WBA) over a period of three years, from \$248.00 to \$308.00, and increases the qualifying wages in the existing statutory table. In calendar year 2004, the maximum WBA increases from \$248 to \$272. In calendar year 2005, the maximum WBA increases from \$272 to \$296. In calendar year 2006, the maximum WBA increases from \$296 to \$308.

Costs associated with implementing increases to the maximum WBA would be absorbed through routine resources. There is no fiscal impact to the department as a result of this legislation.

Prepared by: Thomas Nelson, Director Phone: 465-2712
Division: Employment Security Division Date/Time: 5/7/03 1:59 PM
Approved by: Greg O'Claray, Commissioner Date: 05/07/03
Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

Alaska State Legislature

Rep. Tom Anderson, Chair
Rep. Bob Lynn, Vice - Chair
Rep. Nancy Dahlstrom, Member
Rep. Carl Gatto, Member
Rep. Norman Rokeberg, Member
Rep. Harry Crawford, Member
Rep. David Guttenberg, Member



State Capitol
Juneau, Ak 99801-1182
(907) 465-4954
Fax: (907) 465-2418

House Labor & Commerce Committee

Date: May 7, 2003
To: Suzi Lowell, Chief Clerk
From: Representative Tom Anderson, Chairman *T.A.*
House Labor & Commerce Committee
Re: House Labor & Commerce Overview Schedule

The House Labor & Commerce Committee has scheduled to hear the following bills:

Friday, May 9th at 3:15 pm. Room 17

+ HB 272	- Motor Vehicle Dealers
+ HB 288	- Changing Name of Dept of Comm & Econ Dev <Pending Referral>
+ HB 305	- Unemployment Compensation Benefits

Bills Previously Heard/Scheduled

+ - Teleconferenced
* - First Hearing in First Committee of Referral
= - Bill was Previously Heard/Scheduled

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

**ASSOCIATED GENERAL CONTRACTORS of ALASKA**

8005 SCHOON STREET, SUITE 100 • ANCHORAGE, ALASKA 99518
TELEPHONE (907) 561-5354 • FAX (907) 562-6118

May 10, 2003

Representative Tom Anderson
Chairman, House Labor and Commerce
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Re: HB 305 – Unemployment Compensation Benefits

Dear Representative Anderson:

At the request of the Commissioner of Labor, the Associated General Contractors of Alaska participated on a task force designed to examine the appropriate level of unemployment benefits for Alaskan workers. HB 305 represents the consensus of the participants.

AGC supports the bill for a number of reasons, not the least of which is the fact that the proposed changes will only require an increase to employers of approximately one percent per year until 2010. This increase in cost will most likely be less than the increase in inflation for the same period and therefore should not place an undue burden on Alaskan businesses.

AGC urges your support of the HB 305 as drafted.

Sincerely,

Richard Cattanach
Executive Director

FAIRBANKS
P.O. BOX 6005 • FAIRBANKS, AK 99706
TELEPHONE (907) 452-1809

SOLDOTNA
43335 KALIFONSKI BEACH ROAD, STE. 32 • SOLDOTNA, AK 99669
TELEPHONE (907) 262-8535



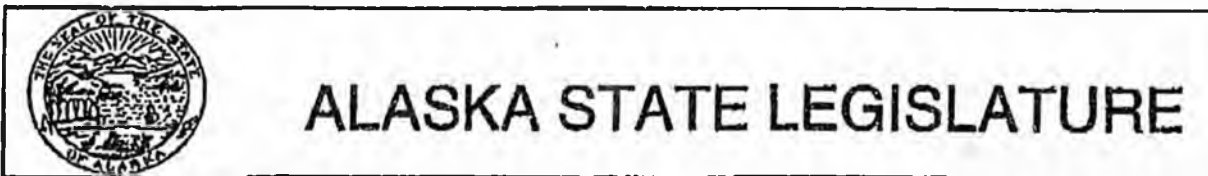
ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the LABOR & COMMERCE
 Committee on HB # 305 Committee Name
 Dated 5-9-03
Bill / Subject

Yes raising the amount of unemployment is very important to Alaskans. The amount should be raised to the at least the rest of the nation's national rate. The cost of living in Alaska is more than any other state. So the unemployment benefit should be higher than other states. This is a good start. But it should be even more than that is proposed in this bill. And should be implemented much quicker than is proposed.

Thank You
 Darrell L. Wingrove

SIGNED: DARRELL L. WINGROVE
 Testifier
SELF
 Representing
575-7342, 3141 E. 112th AVE ANCHORAGE
 Address / Phone Number



Please enter into the record my testimony to the LABOR & COMMERCE
 Committee on # 305 Committee Name
 Dated 3/7/03
 Bill / Subject

- THE PEOPLE OF ALASKA NEED THIS TO PASS!
- 1) WINTERS ARE LONG
 - 2) SUMMERS ARE SHORT
 - 3) THE COST OF LIVING IS HIGH

ANY INCREASE IN UNEMP. BENEFITS ARE DESERVED. THE LEGISLATION OF THIS BILL SEEMS TO BE MEANT TO IMPROVE OUR QUALITY OF LIFE, THE TRAGEDY IS, THAT IT WILL ONLY ALLOW US TO MAINTAIN IT. REGARDLESS IT IS APPRECIATED!

INITIATING THIS BILL SHOWS US THAT THIS LEGISLATIVE BODY IS TRYING TO DO SOMETHING.

THE PASSING OF THIS BILL WILL SHOW ALASKANS THAT THE SAME BODY IS ACTUALLY GETTING SOMETHING DONE.

THANK YOU.

SIGNED:

KENNETH R. PASCOE
 Testifier

SELF
 Representing

(907) 488-6440 3762 SILVERLEAF, NORTH POLE AK
 Address / Phone Number 99705



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Labor & Commerce
 Committee on H.B. 305 Committee Name
Dated 05-09-03
 Bill / Subject

I support H. B. 305. As a construction worker I need an increase in my weekly unemployment to offset the rising cost of living. Without an increase it would be increasingly difficult to weather the times I am out of work.

SIGNED:

John Zilger
 Testifier
Myself as a voting Alaskan
 Representing
P.O. Box 80623 Fairbanks, Ak 99708 / 388-5432
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HL + C

Committee on HB 305 Committee Name
Bill / Subject Dated 05/9/03

I support HB 305. As a resident of Alaska I share one of the highest costs of living with my peers, & think that due to the high cost of living, the current unemployment benefits are insufficient for people to get by.

SIGNED: Seth Thomas Seth Thomas

Testifier

Self

Representing

2025 Charlifo LP Fairbanks AK 99709

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept of Labor + Commerce
 Committee on AB 305 Committee Name Dated 05-09-03
Bill / Subject

I support Bill # 305 because in the off season when I have no other income source every little bit helps me get through the, on coming weeks.
 I am also noting Alastair

SIGNED: J. Deming
 Testifier
Myself
 Representing 907-227-5073
3802 Peterkin Ave #3 Anchorage Ak 99508
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Department of H.O.C.
 Committee on House Bill 305 Committee Name Dated 5-9-03
Bill / Subject

I : As a construction worker
 support Bill 305. When
 work comes sparse I want
 to be able to put food on the
 table for my kids!

SIGNED:

Glen Stebbins

Glen Stebbins

Testifier

the people

Representing

1081 Annapolis rd #2 388-4867

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Department of Labor & Commercial

Committee on HB 305 Committee Name
Dated 5-9-03
Bill / Subject

I am a seasonal worker and do
depend on unemployment so I support
HB 305 because I need more to live
off of.

SIGNED:

Bruce Peter

Testifier

Myself

Representing

Box 74 Arctic Village, 99722 (907) 378 9979

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Department Laborer and comms
Committee Name
 Committee on House Bill 305 Dated 5/9/03
Bill / Subject

I am for the house Bill 305,
 I feel that we should receive a higher
 amount of money for unemployment. Do to
 the fact that living expenses are higher
 in this state compared to the other states
 in the lower forty eight.

SIGNED:

Reggie St. Armand
 Testifier

Reggie St. Armand
 Representing

108 Concordia Fairbanks Ak 979-2156
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept. of Labor & Commerce
Committee on House Bill 305 Dated 6-9-03
Committee Name
Bill / Subject

I support HB 305. I have lived in Alaska all my life working in the construction field where as the seasons are short, and work isn't year round. I depend on my unemployment insurance to live off of a lot of the time. I would like to see the weekly benefits raised.

SIGNED:

Louis B. Bald
TestifierAK registered voter
RepresentingP.O. Box 84175 FBKS, AK 99708
Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the DEPT OF LABOR & Commerce
Committee Name
 Committee on H.B. 305 Bill / Subject Dated 5-9-03

*YES I DO SUPPORT HOUSE BILL 305
 THIS WOULD HELP THOSE FAMILIES ~~OUTSIDE~~
 WHO NEED IT MOST DURING TIMES OF
 UNEMPLOYMENT.*

SIGNER: *Maria Jose P...*
 Testifier

LARDERS LOCAL 942
 Representing

1409 BLUEBELL ST. FBX AK 99701 455-1285
 Address / Phone Number



ALASKA STATE LEGISLATURE

Dept of Labor

Please enter into the record my testimony to the

LIO CONFERENCE

Committee on

HR #305

Committee Name

Dated

5/9/03

Bill / Subject

*UNEMPLOYMENT IN ALASKA
IS NOT ENOUGH FOR THE
FAMILY IN NEED - I SUPPORT
HB 305 AS A CONSTRUCTION
WORKER AND VOTING ALASKAN,*

SIGNED:

Ronald G ABISE

Testifier

M. SE

Representing

Box 71788 FBKs, AK.

460-0330

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept. of Labor + Commerce
 Committee on HB 305 Committee Name Dated 5-9-03
Bill / Subject

As an individual I support
 HB 305.

SIGNED: Vance O Reita
Testifier
Self
Representing
906 Vaccabond 907 451-8002
Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept of Labor & Commerce
Committee Name
 Committee on HB 305 Dated 5-9-03
Bill / Subject

As a voting construction worker in Alaska
 I whole heartedly support HB 305. An Increase in
 funding would greatly help me when I am between
 work, especially during the off-season.

SIGNED:

Testifier

Steve Madsen, A Voting Alaskan

Representing

Address / Phone Number



Please enter into the record my testimony to the Department of Labor & Commerce
 Committee on HB 305 Committee Name
 Dated 5-10-03
Bill / Subject

As a construction worker
 I support HB-305

SIGNED:

Testifier

myself
Representing

Box 19 Copper Center AK 99573
Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the _____
 Committee on HB # 305 Committee Name Dated 5-9-03
Bill / Subject

I support for HB # 305, I work for local 942 & feel as a construction worker we Alaskans, that \$248⁰⁰ is not enough to provide when work is slow. Alaska has one of the lowest unemployment rates, to be a state with very high cost of living.

SIGNED:

Chris V...

Testifier

Local 942

Representing

#590-1230

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the _____
 Committee on HB # 305 Committee Name Dated 5-9-03
Bill / Subject

I Fully support HB # 305 and would like to see it go into affect so when the work season slows down, I can have peace of mind knowing I will be able to take care of Family.

SIGNED: Math Jensen
 Testifier
Local 302
 Representing
480-8776
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the DEPT OF LABOR & COMMERCE
 Committee on HB 305 Dated 5-9-03
 Bill / Subject

*AS A CONSTRUCTION WORKER + JOINER
 ALASKAN I SUPPORT HB 305*

SIGNED:

Testifier

302

Representing

Box 249 Delta 501, AK 99737 (907) 875-4377

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Labor & Commerce
Committee Name
 Committee on #305 Dated 5/7/03
Bill / Subject

Often enough the fluctuating economy is too drastic to maintain a reasonable quality of life here in Alaska what is proposed is certainly not an reasonable. Not just the ideals of Legislation but, also the induction of it is why we have the Governing body we do.

The hard working people of Alaska deserve this. It is my hope that you can make this happen.

Thank you
 Susan McKinney

SIGNED: Susan McKinney
Testifier

Self
Representing

3762 Silver Leaf Av North Pole AK
Address / Phone Number
99705



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept of Labor & Commerce
 Committee on - HB 305 Committee Name Dated 9 MAY 03
Bill / Subject

As a seasonal construction worker
 All the jobs have been taken by the time
 I get laid off so unemployment benefits is a
 must because the high cost of living
 the amount given must be increased.

SIGNED: *J. Mober*
 Testifier

Representing

457 2335 PO BOX 80465
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Department of Labor and Community
Committee Name
 Committee on HB 255 Dated 05-09-03
Bill / Subject

As a construction worker and Voting
 Alaskan I support HB 305

SIGNED:

[Signature]
 Testifier

Representing

907 350 8099
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept. of Labor and Commerce
Committee Name
 Committee on HB 255 Dated 5-9-03
Bill / Subject

As a Construction Worker
 and A Voting Alaskan. I support
 HB 305



SIGNED:

Richard J. [Signature]
 Testifier

Representing

907-500-3019

Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept. of Labor + Commerce
Committee Name
 Committee on AB 255 Dated 5/9/03
Bill / Subject

AS a Construction Worker I Support HB 305,

SIGNED:

D. Lyons
 Testifier

Teamsters Local 959
 Representing

171 Palace Circle, FBKS, AK 99701 (907) 460-2383
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Department of Labor and Commerce
Committee Name
 Committee on HB 255 Dated 5-9-03
Bill / Subject

*As a construction worker and voting Alaskan
 I support House Bill 305.*

SIGNED: *Grant Parkhurst*
Testifier
Teamsters Local 959.
Representing
760 Highgrade Wy. Siks, AK 99712
Address / Phone Number 457-4278



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Dept Labor and Commerce
 Committee on HB-255 Committee Name Dated 5/9/03
Bill / Subject

I'm a construction electrician and voting
 Alaskan I support HB 305

SIGNED: Daniel Mack
Testifier
IBEW
Representing
2895 Mack Road, Fairbanks
Address / Phone Number

HB

3 1 1

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB311-DOLWD-WC-03-31-04
() Publish Date: _____

Revision Date/Time: 03-31-04 12:22 PM
Title: Employer Responsibility for Workers' Comp

Department: Labor and Workforce Development
RDU: Workers' Compensation
Component: Workers' Compensation

Sponsor: House L&C
Requester: House L&C

Component Number: 344

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: None

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact to the department as a result of this legislation.

Prepared by: Paul Lisankie, Director
Division: Division of Workers' Compensation
Approved by: Greg O'Claray, Commissioner
Agency: Department of Labor and Workforce Development

Phone 465-2790
Date/Time 3/31/04 12:23 PM
Date 3/31/2004

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
1-888-478-3438 (toll free)
1-907-465-4565 (fax)



Interim Address:
716 West Fourth Avenue
Anchorage, Alaska 99501-2133
(phone) 1-907-269-0100
(fax) 1-907-269-0105

Representative Harry T. Crawford, Jr.

East Anchorage District 21

E-mail: [Representative Harry Crawford@legis.state.ak.us](mailto:Representative_Harry_Crawford@legis.state.ak.us)

Website www.akdemocrats.org

Sponsor Statement

HB 311 – Employer Responsibility For Workers' Comp

Under existing statute, sole proprietor subcontractors are rarely covered under a workers' compensation policy because they are neither employees of the general contractor nor specifically required to purchase their own policies. Uninsured subcontractors who are injured on construction jobs, however, frequently make claims under the general contractors' workers' compensation policies. In addition to the expected dispute as to whether or not the subcontractor was actually an employee, these claims put the fund at risk for back premiums it must then try to collect from the general contractor.

This bill corrects these deficiencies in the workers' compensation statutes by first requiring that a subcontractor must obtain a policy that covers him or herself (along with any employees); and second, making the general contractor liable for covering the subcontractor in the event the subcontractor fails to obtain such a policy.



Combs
Insurance
Agency, Inc.

"The Right Coverage at the Right Price"®

March 8, 2004

Representative Tom Anderson
Representative Harry T. Crawford, Jr.
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: **House Bill #311**
Workers Compensation - AS 23.30.045

Dear Representative Anderson and Crawford,

Thank you for allowing our industry representatives to meet with your respective offices last week regarding the above proposed legislation for the 23rd Legislature.

If your interest is to reform the current workers compensation statutes to enforce the coverage benefits on injured workers then I would suggest that a broad based approach be embraced.

If amendments to your bill were introduced that could bring every employee, and employer/owner within the coverage benefits, and eliminate the problematic system of third party liability, then you could accomplish your intent to provide the coverage benefits to the subcontractors and their employees, while reducing costly and unnecessary court costs to employers.

I have attached copies of the following Sections that would need to be amended:

Section 23.30.015 Compensation where third persons are liable.

Repeal this entire section.

Section 23.30.017 Immunity for third-party design professionals.

Repeal this entire section.

* If compensation where third persons are liability is repealed, there is no longer a need for a special exception.

Section 23.30.045 Employer's liability for compensation.

(a). An employer is liable for and shall secure the payment to employees of the compensation payable under AS 23.30.041, 23.30.095, 23.30.145, and 23.30.180-23.30.215. (Repealed AS 23.30.050 – third party liability)

Repeal the balance of this subsection.

* An employer is liable is sufficient, don't make any exceptions.

(b), (c), (d), (e), (f) (1) (2) remain intact.

Section 23.30.050 Employers liability despite negligence of a third party.

Repeal this entire section. 23.30.045 already clearly states this liability.

Section 23.30.239 Sole proprietors and partners as employees.

Add: and members or managers of a limited liability company.

* LLC's have not been properly addressed in the workers compensation statutes since their creation in the late 90's. This would finally add the LLC entity to the workers compensation statutes.

(a). A person who is a sole proprietor, a member of a partnership, or a member or manager of a limited liability company, [may] must elect coverage as an employee..... for purposes of this chapter.

* Workers compensation is for all workers, exclusive remedy, and no third party action would be allowed. This gets back to what workers compensation was designed to do in the first place. Cover injured workers, and unclog the courts.

(b). When the application as a sole proprietor, [or] partner, or a member or manager of a limited liability company.

* This would add in the LLC language.

(c). Would remain the same.

(d). Repeal.

*** Do not allow any exceptions to withdraw from the coverage benefits.**

*** If workers compensation is an exclusive remedy, and no third party liability is allowed then we must require an employer to provide coverage for themselves and their employees.**

Section 23.30.240 Officers of corporations, municipal corporations, and nonprofit corporations as employees.

An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, [other than] including an official of a municipal corporation or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under this chapter.

Repeal the balance of this section.

*** Require the officers of corporations to include themselves for coverage benefits with no exceptions.**

*** If the subcontractor is injured on the job, they would have their own workers compensation insurance policy to provide benefits, and provide coverage for all of the subcontractors employees too.**

*** Enforcement could be as simple as a certificate of insurance required upon renewal of the business license. The certificate, evidencing insurance, would be required to included all proprietors, partners, members or managers of a limited liability company, executive officers of for profit and not for profit corporations, and elected officials of municipal corporations.**

*** These simple changes could have a lasting economic benefit to all employees and employers in Alaska.**

Respectfully submitted,



**Michael F. Combs, CIC
President Combs Insurance Agency, Inc.
Vice President Alaska Independent Insurance Agents & Brokers, Inc.**

Sec. 23.30.015. Compensation where third persons are liable.

[REPEAL]

(a) If on account of disability or death for which compensation is payable under this chapter the person entitled to the compensation believes that a third person other than the employer or a fellow employee is liable for damages, the person need not elect whether to receive compensation or to recover damages from the third person.

(b) Acceptance of compensation under an award in a compensation order filed by the board operates as an assignment to the employer of all rights of the person entitled to compensation and the personal representative of a deceased employee to recover damages from the third person unless the person or representative entitled to compensation commences an action against the third person within one year after an award.

(c) Payment of compensation into the second-injury fund as a result of death operates as an assignment to the employer of all rights of the representative of the deceased to recover damages from the third person.

(d) An employer under an assignment may either institute proceedings for the recovery of damages or may compromise with a third person, either without or after instituting an action.

(e) An amount recovered by the employer under an assignment, whether by action or compromise, shall be distributed as follows:

(1) the employer shall retain an amount equal to

(A) the expenses incurred by the employer with respect to the action or compromise, including a reasonable attorney fee determined by the board;

(B) the cost of all benefits actually furnished by the employer under this chapter;

(C) all amounts paid as compensation and second-injury fund payments, and, if the employer is self-insured or uninsured, all service fees paid under AS 23.05.067 ;

(D) the present value of all amounts payable later as compensation, computed from a schedule prepared by the board; and the present value of the cost of all benefits to be furnished later under AS 23.30.095 as estimated by the board; the amounts so computed and estimated to be retained by the employer as a trust fund to pay compensation and the cost of benefits as they become due and to pay any finally remaining excess sum to the person entitled to compensation or to the representative; and

(2) the employer shall pay any excess to the person entitled to compensation or to the representative of that person.

(f) Even if an employee, the employee's representative, or the employer brings an action or settles a claim against the third person, the employer shall pay the benefits and compensation required by this chapter.

(g) If the employee or the employee's representative recovers damages from the third person, the employee or representative shall promptly pay to the employer the total amounts paid by the employer under (e)(1)(A) - (C) of this section insofar as the recovery is sufficient after deducting all litigation costs and expenses. Any excess recovery by the employee or representative shall be credited against any amount payable by the employer thereafter. If the employer is allocated a percentage of fault under AS 09.17.080 , the amount due the employer under this subsection shall be reduced by an amount equal to the employer's equitable share of damages assessed under AS 09.17.080 (c).

(h) If compromise with a third person is made by the person entitled to compensation or the representative of that person of an amount less than the compensation to which the person or representative would be entitled, the

employer is liable for compensation stated in (f) of this section only if the compromise is made with the employer's written approval.

(i) If the employer is insured and the carrier has assumed the payment of compensation, the carrier shall be subrogated to all the rights of the employer.

(j) Notice of the commencement of an action against a third party shall be given to the board and to all interested parties within 30 days.

Sec. 23.30.017. Immunity for third-party design professional.

[REPEAL]

(a) A person entitled to compensation under this chapter as a result of injury occurring at the job site of a construction project may not bring a civil action to recover damages for that injury against a design professional or an employee of a design professional who provides professional services for the construction project.

(b) This section does not apply to a person receiving compensation under this chapter who is injured at a job site at which the design professional or employee of the design professional

(1) specifically assumed responsibility for job site safety practices under a contract;

(2) actually exercises control over the premises where the injury occurred; or

(3) prepared design plans or specifications, the plans or specifications contributed to the injury, and the plans or specifications were prepared negligently, recklessly, or with intentional misconduct.

(c) In this section,

(1) "design professional" means a person registered under AS 08.48 as an architect, engineer, or land surveyor;

(2) "professional services" means services provided by a design professional that are within the scope of services for which the design professional is registered.

Sec. 23.30.045. Employer's liability for compensation.

(a) An employer is liable for and shall secure the payment to employees of the compensation payable under AS 23.30.041, 23.30.050 23.30.095, 23.30.145, and 23.30.180 - 23.30.215. If the employer is a subcontractor, the contractor is liable for and shall secure the payment of the compensation to employees of the subcontractor unless the subcontractor secures the payment.

(b) Compensation is payable irrespective of fault as a cause for the injury.

(c) For a person eligible for vocational rehabilitation service under this chapter or AS 23.15.080 who is placed with an employer for service at the request of the rehabilitation administrator or division of vocational rehabilitation to provide on the job training, work readiness, work therapy experience, or work sampling, the liability set out in (a) of this section applies to the state rather than to the employer. However, an employer may elect to assume the liabilities in (a) of this section.

(d) A contract may not be awarded by the state or a home rule or other political subdivision of the state unless the person to whom the contract is to be awarded has submitted to the contracting agency proof, furnished by the insurance carrier, of current coverage by workers' compensation insurance from an insurance company or association authorized to transact the business of workers' compensation insurance in this state or proof, furnished by the board, of a current certificate of self-insurance from the board. The person to whom the contract is awarded shall keep the workers' compensation insurance policy in effect during the life of the contract with the state or political subdivision. If the state or the political subdivision of the state fails to obtain proof of coverage or self-insurance or to protect itself under (e) of this section, and an employee of the contractor is injured during the term of the contract, the state or the political subdivision is liable for workers' compensation to the employee if the employee is unable to recover from the employer because of the employer's lack of financial

assets. The state or the political subdivision is not liable, however, to the employee for workers' compensation if the employee can recover from the employer under (a) and (b) of this section.

(e) When a contracting agency of the state or a political subdivision receives notice that the workers' compensation insurance policy of an employer to whom the agency has awarded a contract has been cancelled due to nonpayment of a premium, without being replaced by a comparable policy, the agency may either terminate the contract with the employer or continue the premium payments on behalf of the employer in order to keep the policy in force during the life of the agency's contract. If the agency chooses to keep the policy in force, it may deduct its payments from the contract price or bring an action against the employer to recover the amount of the payments. When the contracting agency receives notice that the board has revoked a certificate of self-insurance held by a person to whom a contract has been awarded, the agency may terminate the contract. This subsection does not limit the causes of action or remedies that the state or political subdivision may have against the emp'oyer.

(f) In this section,

(1) "contractor" means a person who undertakes by contract performance of certain work for another; and

(2) "subcontractor" means a person to whom a contractor sublets all or part of the initial undertaking.

Sec. 23.30.050. Employer's liability despite negligence of a third party.

[REPEAL]

The liability of an employer for medical treatment is not affected by the fact that the employee was injured through the fault or negligence of a third party not in the same employ, until notice of election to sue has been given as required by AS 23.30.015 (a) or suit has been brought against the third party without giving

notice. The employer has, however, a cause of action against the third party to recover any amounts paid by the employer for the medical treatment in like manner as provided in AS 23.30.015 (b).

AND MEMBERS OR MANAGERS OF A LIMITED LIABILITY COMPANY

23.30.239. Sole proprietors ~~and~~ partners, as employees.

(a) A person who is a sole proprietor, ~~or~~ a member of a partnership, ~~may~~ MUST elect coverage as an employee under this chapter by making written application to an insurer. The insurer may accept the application and fix an assumed monthly wage at which the person shall be carried on the payroll for purposes of this chapter.

OR A MEMBER OR MANAGER OF A LIMITED LIABILITY COMPANY

(b) When the application is accepted, the person is subject to the provisions and entitled to the benefits of this chapter. The person shall promptly notify the insurer whenever there is a change in the status of the person as a sole proprietor, ~~or~~ partner, OR A MEMBER OR MANAGER OF A LIMITED LIABILITY COMPANY.

(c) Notwithstanding the provisions of AS 23.30.120 (a), a person covered under (a) of this section bears the burden of proof of the validity of the claim.

(d) A person who has elected coverage under (a) of this section may cancel the election by giving written notice to the insurer. Notwithstanding AS 23.30.030 (5), the cancellation becomes effective the day following the filing of notice with the insurer. [REPEAL]

Sec. 23.30.240. Officers of corporations, municipal corporations, and nonprofit corporations as employees.

(3) INCLUDING

An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, ~~other than~~ an official of a municipal corporation or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under this chapter. However, an executive officer of a corporation may waive coverage under this chapter, subject to the approval of the commissioner of labor and workforce development, notwithstanding AS 23.30.245(b). Notwithstanding any other provision of this chapter, an executive officer of a municipal corporation or of a charitable,

religious, educational, or other nonprofit corporation may be brought within the coverage of its insurance contract by the corporation by specifically including the officer in the contract of insurance. The election to bring an executive officer within the coverage continues in force for the period the contract of insurance is in effect. During that period an executive officer brought within the coverage of the insurance contract is an employee of the corporation under this chapter.]

HB

323

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB 323-LAW-NR-2-17-04
Bill Version: HB 323
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An act relating to the care of and cruelty to RDU CIVIL
animals, and to reports of suspected child abuse...." Component Natural Resources
Sponsor Representative Crawford
Requester House Labor and Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	134.5	57.7	40.4	40.4	40.4	40.4
Travel	0.4	0.2	0.1	0.1	0.1	0.1
Contractual	15.8	7.9	4.8	4.8	4.8	4.8
Supplies	2.8	1.4	0.8	0.8	0.8	0.8
Equipment	8.3	0.9	0.5	0.5	0.5	0.5
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	161.8	77.6	46.6	46.6	46.6	46.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	161.8	77.6	46.6	46.6	46.6	46.6
1005 GF/Program Receipts						
1007 Interagency Receipts						
1141 RCA Receipts						
TOTAL	161.8	77.6	46.6	46.6	46.6	46.6

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	0.5	0.3	0.3	0.3	0.3
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 03.55 by adding new sections setting the minimum standards of care for animals subject to determination as to the sufficiency of food, water, shelter, space, sanitation, ventilation, rest, etc., based on the professional opinion of licensed veterinarians. The bill allows a person who suspects a violation of laws prohibiting cruelty to animals (AS.11.61.138 - 145) to file a complaint, and for such complaints to be referred to a peace officer. A peace officer who receives such complaints may apply for and receive a search warrant and may seize and remove any animals described in the warrant. A lien to recover the cost of care of animals seized under this legislation shall be filed against the owner. The legislation provides for circumstances under which seized animals will be placed for adoption or destroyed after 10 business days of taking the animal into custody. An owner may petition the court or post a bond or security with the court for purposes of preventing the animal's adoption or destruction.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 2/17/04 11:26 AM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/17/2004
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 323

ANALYSIS CONTINUATION

The bill allows the Commissioner of Natural Resources to designate employees of that agency as peace officers to enforce AS 03.55.100-190. The bill also describes the circumstances under which an individual may be charged with cruelty to animals in the first or second degree, and provides for defense against prosecution for these charges. The bill also amends AS 47.17.020 by adding to list of those persons required to report suspected instances of child abuse or neglect, those persons having a duty under state or municipal ordinance to investigate animal cruelty, abuse, or neglect.

Although primarily a criminal statutory scheme, this bill is expected to have a fiscal impact on the Department of Law. First, if the Commissioner of Natural Resources designates peace officers, as allowed under this bill, it is anticipated that a significant amount of time will be needed to advise the commissioner and designated peace officers in carrying out their duties under this legislation. Second, it is anticipated that some regulations would be needed or desired to ensure training and state-wide consistency in standards of care for veterinarians to use in their determinations. Additional legal work might also be needed to determine how best to contract for and coordinate veterinarian services on a state-wide basis. Third, if any agency wishes to recover costs under the lien provision, legal services may be needed to identify a collection system. The collections unit in the Department of Law is already functioning at capacity and cannot take on collection of additional obligations and debts to the state. Fourth, the bill provides animal owners the right to seek return of seized animals or injunctive relief to prevent the animal's destruction or adoption. This would mean civil proceedings in superior court.

Using the FY 2005 timekeeping and billing rate for Department of Law attorneys, and the FY 2005 anticipated average number of billable hours for such attorneys, the fiscal impact is estimated as follows:

Year One - 1 FTE attorney plus one time costs of \$6,500

Year Two - .5 FTE attorney

Year Three and Out Years - .3 FTE attorney

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB323-EC-EH-2-17-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title Cruelty to Animals RDU Environmental Health
 Component Laboratory Services
 Sponsor Rep Crawford
 Requester House Labor & Commerce Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will have no known fiscal impact upon the department.

Prepared by: Kristin Ryan, Director Phone 907-269-7644
 Division Environmental Health Date/Time 2/17/04 5:50 PM
 Approved by: Kurt Fredriksson, Deputy Commissioner Date 2/17/2004
 Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB 323-LAW-NR-2-19-04
Bill Version: HB 323
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An act relating to the care of and cruelty to animals, and to reports of suspected child abuse...." RDU CIVIL
Sponsor Representative Crawford Component Natural Resources
Requester House Labor and Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	40.4	26.9	26.9	26.9	26.9	26.9
Travel	0.1	0.1	0.1	0.1	0.1	0.1
Contractual	4.7	3.2	3.2	3.2	3.2	3.2
Supplies	0.8	0.6	0.6	0.6	0.6	0.6
Equipment	7.0	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	53.0	31.2	31.2	31.2	31.2	31.2

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	53.0	31.2	31.2	31.2	31.2	31.2
1005 GF/Program Receipts						
1007 Interagency Receipts						
1141 RCA Receipts						
TOTAL	53.0	31.2	31.2	31.2	31.2	31.2

Estimate of any current year (FY 2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0.3	0.2	0.2	0.2	0.2	0.2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows the Commissioner of Environmental Conservation to designate employees of that agency as peace officers to enforce AS 03.55.100-190. The bill also describes the circumstances under which an individual may be charged with cruelty to animals in the first or second degree, and provides for defense against prosecution for these charges. The bill also amends AS 47.17.020 by adding to the list of those persons required to report suspected instances of child abuse or neglect, those persons having a duty under state or municipal ordinance to investigate animal cruelty, abuse, or neglect.

Although primarily a criminal statutory scheme, this bill is expected to have a fiscal impact on the Department of Law. First, if the Commissioner of Environmental Conservation designates peace

Prepared by: Kathryn A. Daughhete, Director
Division: Administrative Services
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General
Agency: Department of Law

Phone 465-3673
Date/Time 2/19/04 2:37 PM
Date 2/19/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 323

ANALYSIS CONTINUATION

officers, as anticipated under this bill (if amended to designate DEC as the "Department"), it is anticipated that some time will be needed to advise the commissioner and department peace officers in carrying out their duties under this legislation. Second, it is anticipated that some questions may arise in regards to training and state-wide consistency in standards of care to be applied by veterinarians and peace officers. Additional legal work might also be needed to determine how best to contract for and coordinate veterinarian services on a state-wide basis. Third, if any agency wishes to recover costs under the lien provision, legal services may be needed to identify a collection system. The collections unit in the Department of Law is already functioning at capacity and cannot take on collection of additional obligations and debts to the state. Fourth, the bill provides animal owners the right to seek return of seized animals or injunctive relief to prevent the animal's destruction or adoption. This would mean civil proceedings in superior court.

Using the FY 2005 timekeeping and billing rate for Department of Law attorneys, and the FY 2005 anticipated average number of billable hours for such attorneys, the fiscal impact is estimated as follows:

Year One - .3 FTE attorney plus one time costs of \$6,500
Year Two and Out Years - .2 FTE attorney

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB323-EC-EH-2-17-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title Cruelty to Animals RDU Environmental Health
 Component Laboratory Services
 Sponsor Rep Crawford
 Requester House Labor & Commerce Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill will have no known fiscal impact upon the department.

Prepared by: Kristin Ryan, Director
 Division: Environmental Health
 Approved by: Kurt Fredriksson, Deputy Commissioner
 Agency: Department of Environmental Conservation

Phone 907-269-7644
 Date/Time 2/17/04 5:50 PM
 Date 2/17/2004

PO Box 2032
Palmer, Alaska 99645

April 8, 2004

Re: House Bill 275

To Whom It May Concern:

Thank you for the opportunity to testify regarding House Bill 275 on April 7 during the Judiciary Committee Hearing. Having been out of state for work most of the winter, I have not been able to keep up with the progress of this bill.

I am involved in animal related industries and own close to twenty animals on our farm in Palmer. While in general, I am supportive of any legislation that prevents suffering of animals; I have a few concerns and questions regarding House Bill 275. Especially after listening to the committee hearing yesterday.

First and foremost being the expanding of the powers of the veterinarian from caregiver to law enforcement official; and the complete absence of protection the owners' rights to his or her property.

A veterinarian in private practice should not be able to, nor made to enforce cruelty statutes. (Page 2 lines 10 through 14) This power should remain with a state official.

Animals are by definition property in this state and cautions should be added to the scope of this bill to ensure protection of the owner in the event the alleged abuses were not intentional or the real owner was helpless to prevent it (i.e. out of state, incapacitated in some fashion, or feel sufficient care is being given.) An example of this would be my belief as a physical therapist/rehabilitation specialist for animals that keeping horses confined in stalls with deep bedding is not good care. To me, this is no different than animals being locked up in zoos. They are a grazing animal and require miles of walking room daily for optimum health, especially for hoof health. Others would contend that leaving them turned out with simple shelters is cruelty. The same would be true in differences in how farm animals, livestock, and sled dogs are cared for as compared to the family pet.

I feel some of the language is based on the assumption that animals in Alaska have civil rights rather than property status. I understand that we all have an interest in preventing cruelty to animals, but not to the extent that owners' rights are forgotten. I feel animals should be treated as if they have the same rights as humans, but I also know you cannot legislate morality. I am in favor of having some laws in place to prosecute true offenders, but feel this legislation goes too far without regard to the fact that animals are chattel.

I am also wondering how custodial care can be given to an animal without it conflicting with the veterinary statute (AS 08.98), which clearly states one must be a licensed veterinarian to change the physical or mental well being of an animal wild or domestic

living or dead. Or, be a licensed veterinary technician under the direct supervision of a licensed veterinarian.

I am currently under a Cease and Desist order from Occupational Licensing for this. I provide non-veterinary care for animals and have been shut down for over two years. (I have a business license for Animal Husbandry issued by the state of Alaska, only to find out that animal husbandry is listed in state statutes, but not legally defined. More on this below.)

How will the State legally allow for one group of custodial caregivers to operate with the possibility of reimbursement for their services (Page 4 line 11) and those of us in the private sector, with the owners permission, are breaking the law by doing so? Isn't preventing owners of animals the benefits of rehabilitative care in conjunction with veterinary care for their animals in itself abuse? What happens when injuries are sustained that are not repairable by traditional medical means and the owner chooses not to destroy his property? Is he then guilty of cruelty because he can't try rehabilitation and his animal continues to suffer?

One solution to this would be to add the following:

...other standard practices commonly performed on farm or domestic animals in the course of routine farming, or *animal husbandry, or animal care or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owners approval or at the request of a state agency.

This could be added on page one or two with the lists of requirements for minimum care.

*The following definition of animal husbandry is taken from the US Patent Office Classification System. "... provides for methods or apparatus for the propagation, rearing, training, exercising, amusing, feeding, milking, grooming, housing, controlling, handling, or general care of a living animal...

These two paragraphs would define the difference between farming and companion animals and the standards of care required, allow for more care and education to be provided before the state intervenes, protect the owners right to choose care they deem appropriate for their property, and allow individuals to care for animals when taken into custody by state agencies.

Thank you for your time and consideration. I look forward to your response.

Sincerely,



Tracie Audette, Owner

FairHaven

745-1151 (home)

373-8191 (cell)

Subject: [Fwd: HB323 Crawford]

Date: Thu, 18 Mar 2004 10:09:15 -0900

From: Ethel <donefhet@gci.net>

To: Representative_Tom_Anderson@legis.state.ak.us

----- Original Message -----

Subject: HB323 Crawford

Date: Wed, 17 Mar 2004 13:10:06 -0900

From: Ethel <donethel@gci.net>

To: Representative_Kelly_Wolf@legis.state.ak.us

CC: akspca <akspca@gci.net>, "akspcaclinic@gci.net" <akspcaclinic@gci.net>, "bob_gerlach@dec.state.ak.us" <bob_gerlach@dec.state.ak.us>, Ralph and Sarah Clampitt <rsclampitt@gci.net>, representative_harry_crawford <representative_harry_crawford@legis.state.ak.us>, Gwen <muttnpug@alaska.net>, Harry <Representative_HarryCrawford@legis.State.Ak.US>, Judy <sleepingladybouvier@hotmail.com>, representative_kevin_meyer <representative_kevin_meyer@legis.state.ak.us>, Anna Laroche <Anna_Laroche@law.state.ak.us>, Lynn <lmelling@KTUU.com>, Debbie Moore <pathways@alaska.net>, newsroom <newsroom@adn.com>, Ralph and Sarah Clampitt <rsclampitt@gci.net>, "SHAFFER2001@GCI.NET" <shaffer2001@gci.net>, "sleddogAC@aol.com" <sleddogAC@aol.com>, "Snowbirder@webtv.net" <Snowbirder@webtv.net>, THE PULSE <pulse@anchortown.com>, Lori Jo of Wordsworth <petnews@alaska.net>, Jim Stanley <jtsatty@alaska.com>

Please support Harry Crawford's Animal Cruelty Bill 323.

We have tried for years to work with Chinault's office and I have to say that Sue Wright is a problem and has alienated people from the Republican Party by trying to make this a 'political football'.. She is impossible to work with and in fact, has stuck her nose into private matters, always representing Chenault's office. She has ethics charges filed against her and it is a question of another being being considered filed against her.

At any rate, she has tried to get her bill 275, (which has no support) through, or at least she has been saying this for over two years. Hopefully, you can talk to Chenault and let him know, she is damaging his image as well as the Republican Party. This should not be !

House Bill 323 has great support and should not be a political football !!!!! It does not have a monetary price tag. It needs to be passed this year ! Please check with Crawford's office.

Thank you,

Ethel D. Christensen
founder 1966
and volunteer director Alaska SPCA

Subject: animal cruelty bill

Date: Thu, 18 Mar 2004 10:05:58 -0900

From: Ethel <donethel@gci.net>

To: Representative_Tom_Anderson@legis.state.ak.us

Please hear HB323 ASAP. I will send you copies of emails that I sent yesterday to explain where the 'bottleneck' is in JNU.

Ethel D. Christensen
Founder 1966
and Vol Director Alaska SPCA

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:42:42 -0600

From: Shannon Basner <eyeoraven@aol.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Shannon Basner
18045 Amonson Rd
Chugiak, AK 99567-6801

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:43:52 -0600

From: Pam Wolf <mrs_howl@excite.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Ms. Pam Wolf
12 Lynne st
Gustavus, AK 99826

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 01:44:11 -0600

From: Lorna Grant <l.r.grant@ru.ac.za>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Lorna Grant
15 Temlett Street
Grahamstown, AK 61390

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 10:08:43 -0600

From: Tim Colbath <aelas@alaska.net>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Parry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Mr. Tim Colbath
POBox 8051
Nikiski, AK 99635

Subject: Help Stop Animal Abuse!

Date: Fri, 27 Feb 2004 06:30:18 -0600

From: lauren jain <laurenjain@yahoo.com>

Organization: ASPCA

To: Representative_Tom_Anderson@legis.state.ak.us

February 27, 2004

Representative Tom Anderson
State Capitol, Room 432
Juneau, AK 99801-1182

Dear Representative Anderson,

As a constituent, I respectfully urge you to support HB 323, recently introduced by Representative Harry Crawford, which if passed, would greatly improve the treatment and care of animals in Alaska without overburdening state agencies or putting further strain on Alaska's budget!

In the past couple of years there have been numerous cases of serious animal abuse and neglect that have occurred in Alaska, such as the case of Jon and Athena Harman who ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmon's for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmon's at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmon's were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.

HB 323 seeks to rectify this situation. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.

1. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
 2. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
 3. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.
- Please help Representative Crawford in his fight against animal abuse and vote in favor of HB 323.

Sincerely,

Miss lauren jain
37 defence enclave
new delhi, AK 10092



Ward Farms

P.O. Box 1087 - Delta Junction, Alaska 99737 - Phone (907) 895-5415 Fax 895-5416

February 21, 2004

House Labor & Commerce Committee

Testimony on: HB 275 "An Act relating to veterinarians and animals"
HB 323 "An Act relating to the care and cruelty to....."

I submit this testimony for the record as an individual with a background as:
A commercial agriculture livestock producer – lifelong & 30 yr in Alaska
Chairman of USDA, Farm Service Agency – State Committee
Affiliated with Farm Bureau & North American Elk Breeders Assn

I consider both of these bills to be bad pieces of legislation, not for the noble intentions but for the impact they will have on legitimate businesses, private rights, and the administrative and legal obligations of state government.

This legislation is written and crafted to protect dogs and personal pets as evidenced in the sponsor's statements. It is a result of isolated cases of abuse caused by people who aren't qualified to own or care for animals. Unfortunately, this legislation will affect all animal owners including commercial livestock businesses. It even goes so far as to govern wildlife. It paints a broad brush of standards that must be maintained for all animals. It goes far beyond the protection of dogs and pets.

It grants virtually anyone the ability to file a complaint against an animal owner and the state is then required to investigate and file a report on the findings. (AS03.25.020,(8)) & (AS03.55.110) People who can file a complaint could include: 1) an average citizen who judges animal welfare on the basis of how they raise their household pets and have no expertise in animal husbandry or livestock management, 2) a biased group like PETA or other wacko animal rights groups who's agenda is opposed to any animal ownership, 3) a municipal dog catcher, cop, or other anointed officer who has no training or qualifications to judge livestock care, 4) or even private veterinarians who for the most part in Alaska have no large animal experience and are unqualified to evaluate livestock care. The state officials who are required to investigate the complaint don't have the training or expertise to accurately judge the management standards of livestock in commercial agriculture. This legislation will open up commercial agriculture to wholesale harassment by virtually anyone who wants to interfere or pass judgment on the management of a private business.

(AS.03.55.100-190) This legislation sets fixed standards of care that can't be evenly applied to all animals. The animals defined in statute include everything except people and fish. It requires a judgment of "wellbeing" without any means of defining that standard. You cannot apply the standards of care of a household pet to all other animals. It sets penalties that can reach a felony level of punishment imposed by those untrained in animal husbandry. It requires seizure of animals with no mechanism to care for those animals once seized.

In AS11.61.138c2 you provide defense from prosecution if actions "conformed to accepted veterinary or animal husbandry practices". This does not prevent the arbitrary complaint by an unqualified person, the mandatory investigation by an untrained officer, or the burden placed on the accused of proving they are in compliance. You become guilty by accusation until you can prove yourself innocent.

The real irony of this legislation stems from the ongoing effort of the legislature to eliminate all the agriculture programs within state government. The employees of the Division of Agriculture have the training and statutory authority to protect animals in Alaska yet they are slowly being eliminated from DNR. I would fully expect that the Division of Agriculture and the animal protective services granted in statute will be gone in a couple years. Even the State Veterinarian who job is to protect animal health and welfare is not trained in livestock care. Dr. Bob Gerlach who recently replaced Bert Gore is working hard as the State Veterinarian but his training is not in large animals as I'm told he's trained in fisheries.

Now it appears with the elimination of all the state structure to monitor and protect livestock health in Alaska, your solution is to pass new laws which allows for vigilante justice by the people. Commercial livestock producers already have a vested interest in the welfare of their animals knowing that profitability is dependant on the proper care and management of their livestock. We don't need the added burden of ignorant critics, biased special interest groups, or untrained officials who can interfere with the management of our business. It would be another matter if you funded a well equipped agency that hired qualified professionals whose job is to assist in the proper management of livestock enterprises and protected the health and disease status of all animals in Alaska. There is no chance you will step up to the plate and assist business in Alaska so at least allow us to govern our affairs in accordance with our own training and professional experience.

My request to the committee is:

Exempt animals being raised for food or fiber by commercial agriculture from the standards and requirements of this legislation. Leave the oversight of commercial livestock solely in the hands of and at the discretion of the State Veterinarian.

Be careful how you pass any laws in Alaska unless you provide for the proper administration and responsible enforcement of those laws.

Signed:



Bill D. Ward

Delta Jct
907-895-5415

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
1-888-478-3438 (toll free)
1-907-465-4565 (fax)



Interim Address
716 West Fourth Avenue
Anchorage, Alaska 99501-2133
(phone) 1-907-269-0100
(fax) 1-907-269-0105

Representative Harry Crawford
East Anchorage District 21

E-mail: Representative Harry Crawford@legis.state.ak.us

SPONSOR STATEMENT
HB 323 – CRUELTY TO ANIMALS

In recent months, a number of severe incidents involving animal cruelty have shaken animal lovers in Alaska and received nationwide attention:

- In Fairbanks, none of Richard Hall's 400 dogs were spayed or neutered. Many suffered from malnutrition, dehydration and other ailments. Animal control officers received regular complaints against Hall, but had no authority to remove the animals or intervene on their behalf. In May, 2003, after months of planning, and only because Hall consented, volunteers set up an assembly line and spayed, neutered, and adopted out more than 200 of the dogs. Many had to be euthanized because of medical or behavioral problems.
- Before leaving Alaska in October 2002, Jon and Athena Harman ran a collie breeding operation in Nikiski. Although local residents filed numerous complaints against the Harmons for their poor treatment of their dogs, neither Nikiski, which has no local government, nor the Kenai Peninsula Borough, which has no animal control powers, had the ability to take corrective action. Law enforcement officers who stopped the Harmons at the Montana border found their 45-by-8-foot tractor trailer filled with crates, wooden chambers and plastic airline crates, stacked three deep and packed with 166 collies, 5 other dogs, and 10 cats. Shelby veterinarian Hardee Clark said the animals "didn't have any bedding. They were filthy, lying in urine. Thin. It was pretty overwhelming." There was so much urine, in fact, that some of it had dripped out of the truck and frozen to its sides. The Harmons were arrested and charged with 181 counts of animal cruelty. Because Montana has strict animal cruelty laws, authorities were able to confiscate all of the animals.
- Carolyn Boughton was charged with animal cruelty after Troopers found 66 filthy and underfed dogs and cats under her care in Sterling in November 2001. Accounts of the rescue are horrific. Volunteers had to wear gas masks because the smell of urine and feces was so strong. Animals' cages were filled with urine and feces piled six to eight inches thick. Dogs' eyes were

frozen shut. Two dogs choked to death trying to pull free from their tethers. Several living dogs were frozen to the ground; some had frozen to death. The bodies of dead cats littered the snow, many torn apart and eaten by the starving dogs. Most of the animals were in need of immediate medical care, and many had to be euthanized. Despite prior complaints, troopers had no power to confiscate the animals or intervene on their behalf. Rescue efforts could be undertaken only after Boughton agreed to transfer ownership of the animals to the Alaska SPCA.

Under current state law, in areas with no local animal abuse regulations, atrocities such as these have no resolution unless the animals' owner chooses to cooperate with authorities and animal-rescue organizations. If criminal charges are brought against an owner, animals are held in limbo, sometimes for years, while the case is resolved. In the meantime, individuals and organizations who volunteer their services bear the expenses of care and medical attention with little chance of reimbursement from the animals' owner.

House Bill 323 seeks to remedy this situation. Based on similar laws passed in Montana, it has four main purposes:

1. It defines animal cruelty as objectively as possible based on the health of the animal and the professional opinion of a licensed veterinarian, but excludes common agricultural, veterinary and trapping practices.
2. It provides a procedure under which a peace officer can immediately remove abused animals from their owner by applying to a judicial officer for a search warrant and providing probable cause that abuse is in fact taking place.
3. It allows a peace officer who confiscates animals pursuant to a search warrant to turn the animals over to volunteer organizations for care and shelter. It also provides that organizations that accept animals under such conditions cannot look to the state for reimbursement of their expenses.
4. It requires an owner whose animals are confiscated to either post a bond for care and medical attention given to the animals or face relinquishment of ownership so that the animals can be adopted out.

Rescue individuals and organizations are adamant that there is a great need in Alaska for an animal cruelty law that protects animals without overburdening state agencies or putting further strain on Alaska's budget. They have volunteered to step up to the plate and provide the necessary manpower and other resources if the legislature will put the necessary teeth in the law. I hope you will join me in supporting their efforts to prevent animal abuse, and vote in favor of this bill.

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 13, 2004

SUBJECT: Sectional Summary - HB 323 (Work Order No. 23-LS1110D)

TO: Representative Harry Crawford

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends AS 03.55 by adding a new article relating to the care of animals; providing for (1) standards relating to the care of animals, (2) investigations of complaints of cruelty to animals and enforcement of standards, and the (3) seizure, destruction, and adoption of animals.

Section 2. Creates a new crime, cruelty to animals in the first degree.

Section 3. Repeals and reenacts the existing cruelty to animals statute as cruelty to animals in the second degree.

Section 4. Requires persons who have a duty to investigate animal cruelty laws to report child abuse and neglect if they reasonably suspect that it is occurring; failure to report child abuse or neglect as required by this section exposes the person to criminal liability.

GPL:med
04-184.med

Alaska State Legislature
House of Representatives

Alaska State Capitol
Juneau, Alaska 99801-1182
1-907-465-3438 (phone)
1-888-478-3438 (toll free)
1-907-465-4565 (fax)



Interim Address:
716 West Fourth Avenue
Anchorage, Alaska 99501-2133
(phone) 1-907-269-0100
(fax) 1-907-269-0105

Representative Harry T. Crawford, Jr.
East Anchorage District 21
E-mail: Representative_Harry_Crawford@legis.state.ak.us
Website www.akdemocrats.org

House Bill 323 – Cruelty to Animals

Attached is a copy of a memorandum from the Alaska SPCA encouraging the Alaska Legislature to revise and strengthen Alaska's animal cruelty laws. This memorandum is signed by Mary Tyler Moore, and is only one of hundreds of signatures submitted by Alaskans who favor stricter animal cruelty laws. I am not submitting copies of those signatures with the backup documentation in favor of HB 323, but will make them available at committee hearings.

TO: 2003 STATE OF ALASKA LEGISLATORS
FROM: THE FOLLOWING ALASKANS AND OUTSIDE CITIZENS

REF; LACK OF ANIMAL CRUELTY LAWS AND ENFORCEMENT

WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS

THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.

THERE ARE STRICT LAWS, BIG BUDGETS, AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.

WE ARE MOST SERIOUS IN THIS REQUEST.

PRINTED NAME SIGNATURE ADDRESS DATE

MARY TULER MORE *Mary Tuler More* 2/7/003
927 FIFTH AVE NYC, NY 10021

PLEASE MAIL BACK TO ALASKA SPCA, 549 WEST INT'L AIRPORT ROAD B2 ANCHORAGE 99518

ALASKA EQUINE RESCUE

P.O. Box 113265
Anchorage, Alaska 99511-3265
Toll-free from within Alaska
1-888-LUV-HORS (588-4677)
www.alaskaequinerescue.com

January, 2004

DONATIONS – WE NEED YOUR HELP

As you know, AER tries hard to put most of its energy into horses in trouble, and we do not put as much effort and time into fundraising as perhaps we should. But now finances are low, and we need your support.

We have had 3 horses in protective custody for the state of Alaska for over a year (2 of them since September of 2002, and one of them since late December of 2002). The State does not pay one cent for the care of these animals. AER pays for everything. And even if we win this case, the state won't reimburse us for any of the foster care. I hope you will read about these horses below under "On Going "Nikiski" Court Case". It has been postponed several times already, and is currently scheduled for trial in February. We'll be lucky if it isn't postponed again, but it's not unusual for cruelty cases to take a back seat in the legal system. Furthermore, delays are frequently an effort by the defense to wear us down and exhaust our resources. We will not and cannot let this happen. An envelope is enclosed for your convenience. Please read this newsletter, and then take a moment to give us your support. We are very very grateful.

THIS YEAR'S AUCTION – APRIL 17, 2004, EAGLE RIVER LIONS CLUB

It's not too early to start thinking about our Annual Auction and Pot Luck Fund Raiser, to be held this year on **SATURDAY, APRIL 17TH**. It is our most important fundraising event. Your donated items are what make this such a popular and successful event. Horse tack, equipment and supplies are very popular. But remember – it's not just horse items that are popular. Household items, furnishings, arts and crafts, farm and garden, ... you name it ... auctioneer Brad Webb keeps the auction moving at a brisk and humorous pace, and you can be sure that *someone* at the auction will think your donated used items are just what they need. The pot-luck food table is a fun affair, and you'll enjoy the opportunity to see folks you haven't seen in ages. It's a blast and we want you there! Call Dave Wachsmuth at 694-2741 to volunteer, or with any questions.

ON-GOING "NIKISKI" HORSE CRUELTY CASE

Those of you who have visited our web site, or who read our monthly updates in The Alaska Horse Journal, know the history of this case. We are detailing it again here because we haven't sent a newsletter out in so long, and many of our readers are not necessarily horse owners who would read the Journal, (but are wonderful animal lovers who have supported us in the past) and we would like them to know about this important case, too.

In the summer of 2002, AER received several phone calls about some allegedly neglected horses in Nikiski, and one of them in particular ("Abigail") who was extremely emaciated. After verifying the situation, we reported it to the Alaska State Troopers and requested their assistance. However, in spite of repeated calls and visits, no significant action was taken to help "Abigail" or to improve the care given to the other horses.



Abigail, a couple of months before she died in Sept. 2002.

In mid-summer of 2002, the owners went hunting in the Tustumena Park & Preserve, taking several of their horses with them. Although they left "Abigail" at home, two extremely underweight mares were taken on the trip (one of which had foaled earlier that spring). Other hunters saw this hunting party, and were so alarmed at the condition of the horses that they contact AK Fish and Wildlife. F & W examined the animals and took the 2 thin-

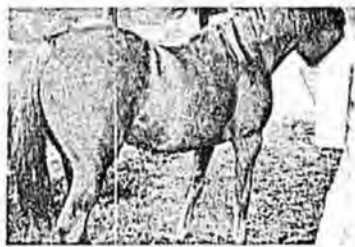
nest mares into protective custody and turned them over to AER for foster care. The horses were two emaciated and weak to walk back out of the park, and were barged across the lake and trailered to a safe home.

In the meantime, we were also still trying to get the authorities to take "Abigail" into protective custody, but the Troopers would take no formal action. Abigail was kept tied up to the outside of a coral, very old and utterly emaciated, with no shelter and no freedom to walk around. In mid-September, "Abigail" went down, and after repeated and allegedly brutal attempts to raise her failed, she died.

The foal born that spring also stayed at the owners' place of residence, primarily contained by tying her up with a short line so she could not lie down, run or play. As she grew, her halter became tighter and tighter, and shortly before



*Above - Sassy on day of rescue
Below - Back to good health*



Christmas, when she was about 7 months old, it had started to compress her facial bones into quite a "dish" shape. Fortunately, the owners were out of town over the Christmas holidays, and a caretaker contacted AER for assistance with the young filly, and eventually asked that we remove her from the property and provide her proper care.

The Kenai District Attorney's office first declined to prosecute this case. We found this inappropriate and contacted the Attorney General's office as well as Representative Mike Chenault, who arranged a meeting between the DA's office and AER. At the conclusion of that meeting, the DA agreed to look at all the investigative material again, including much additional information that

AER provided to them that had not been included in the Troopers report. The DA subsequently found cause to move this case forward and prosecute on 4 counts of cruelty to animals: the death of "Abigail", the 2 emaciated mares, and the young filly.

The case has been postponed twice, and is now scheduled for February. The defendants are Mary Martin and Eugene Lyle Antrich. Their attorney is Carol Brenckle, who unsuccessfully defended Marian Mayhan in the huge "Kenai Rescue" several years ago. We have no way of knowing if the Antrich/Martin case will be postponed again, but are committed to continuing the care of these animals as long as it takes. This is one important reason we need your support so much.

OUR NEW WEB SITE

www.alaskaequinerescue.com - Have you checked out our web site? It's new, and still "in the works", but you'll learn a lot about us, and some of our recent cases, with lots more to come. Join the 1000+ visitors who have visited the site already since November 30th!

TWO NEW HORSES IN THE PROGRAM FOR ADOPTION

AER has recently been given the following two new horses who are up for adoption. For more information about them, and about our adoption requirements, please call 1-888-LUV-HORS, or (907) 688-2623, or (907) 694-2741 or go to our website at www.alaskaequinerescue.com.



*Above-Cinnamon on day of rescue
Below-Back to good health*



*This little filly, born late May '02,
now has the freedom to run and
play as a young horse should.
She was previously tied by the head
inside a shed all the time.*



AER has acquired a 3 year old Curly stud colt (now gelded). He is about 14-to-14.2 hands, is a dark bay, has a quiet disposition that can be typical of Curlys. He was voluntarily relinquished by his owner. His initial recuperation period has been costly because he was so malnourished. Additionally, we have the vet bill for having him gelded. (Another reason we need your generous support now.) "Curly" had gained considerable weight here, but since this photo was taken, has gained more, become quite round, and has surprised us at how handsome he really is. He is good with (and wants to be around) other horses, and was well-

mannered for a trim with the farrier (who said he has excellent feet). We are told he has had some riding, but no formal training. We suspect that with patience and humane training, he would be a wonderful family or possibly youth horse.

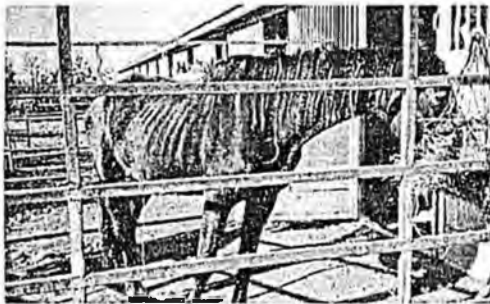


This handsome Tennessee Walker-Appy cross is estimated to be 8 years old. He was given to AER by an owner who suffered injuries and could no longer ride or take care of him. This summer photo shows what lovely markings he has. His winter coat is quite dark. He is in very good condition now, and will soon look as good as he did last summer. We are told that he has solid training in the past that will need some brushing-up. He is not gaited. He is looking for a home with at least one other horse and an experienced person. Some people believe that Appys have a unique personality that does best with someone who understands and loves

them. And in fact, our foster home discovered that this horse loves attention and human contact. He is bright, responsive, and energetic and will make a great companion and riding horse for the right home.

"STEAMER" RETIRES TO THE LOWER 48 – A DIFFICULT STORY WITH A HAPPY ENDING

Remember "Steamer"? He was also originally called "Lucky One" because he came to us in September, 2002, after being rescued by Mat Su Animal Control, from a dog lot where he was scheduled to be put down for dog food. Turns out that "Lucky One" was really a 13 y.o. Thoroughbred who had raced in Canada and somehow



*Steamer during his first week with AER.
He had already been eating steadily for a week!*

found his way to a pack string in the Mat Su Valley, where he didn't do very well. In fact, he was emaciated when we acquired him, and required surgery to remove kidney stones, and antibiotics to get rid of an infection. He also had rope burns, swollen legs, and was generally a wreck! But Steamer recovered extremely well, blossomed into a truly handsome animal, and at that time we believed he was serviceably sound for light trail riding.

things: (a) he *hated* trail riding, and (b) he was not going to stay sound enough for any riding. AER took Steamer back, and wondered what we would do with an unsound Thoroughbred in Alaska! Not your average-Joe companion horse. The thought of euthanizing him was unpleasant for us all, because he had such an outstanding disposition and had already been through so much. We contacted the Thorough Retirement Foundation, and much to our surprise, they were very agreeable to accepting Steamer into their program if we could get him down there. So we scrounged up half the money to trailer him down there, promised to pay the rest in payments, and off he went in October to a TRF satellite farm in Missouri, where he will spend the rest of his life out of harm's way. We are so very grateful to TRF for taking Steamer into their wonderful program.

A wonderful individual adopted him, but we unfortunately learned a couple of



*Steamer shortly before leaving
Alaska for his new home
with the Thoroughbred Retirement
Foundation.*

"KING" TIES THE KNOT WITH HIS FOSTER HOME

AER has had "King" for more than 2 years. He joined us in July of 2001, given up by his owner because of a bad (very bad) knee. He went to a foster home who was specifically looking for a companion horse to an older horse recovering from founder. His foster mom generously took over all of his expenses long ago, as King had truly become part of her family. But it was not until recently that she decided to make an honest man of King – and adoption papers are on the way.

AER is extremely grateful to Kim Barrett for her generosity and wonderful care of "King". (Also on a happy note, Kim's horse, "Tuck", did recover from his foot problem, thanks to Kim's diligence and commitment, and is now truly a playmate for King.)

"GYPSY" – STILL WITH US

"Gypsy" joined us in September, 2001, as a 3 year old, somewhat underweight, and with one of the most crooked front legs you could imagine. Good wholesome nutrition and surgery helped a little, but not enough to straighten that leg and render "Gypsy" rideable. So you've seen her on the "available for adoption" list for quite a while. Currently, she is a companion horse to a 12 year old gelding at a wonderful foster home. She runs and plays, but her leg is too crooked to bear any significant weight or work. We will continue to try to find her a home as long as we can afford to. Another reason that we are asking for your support!

NEW ANIMAL CRUELTY LEGISLATION PROPOSED FOR ALASKA

HB (House Bill) 323 entitled "An Act relating to the care of and cruelty to animals, and to reports of suspected child abuse or neglect by persons who have a duty to investigate animal cruelty, abuse and neglect" has been introduced by Representative Harry Crawford. You can read this whole bill at www.legis.state.ak.us (follow the icons to legislation). We will also be posting it on our web site. HB 323 is a vast improvement over the current Alaska statute on cruelty to animals, which is one of, if not THE, shortest cruelty law in the COUNTRY. It may also be one of the most poorly enforced. AER believes it is time for Alaska to get out of the dark ages on this issue. Please help animals in Alaska by contacting your legislators and tell them emphatically to support HB 323. It is time for us all to stand up and be counted.

THE PMU ISSUE – A VERY DIFFICULT PROBLEM

Background: Pregnant Mares' Urine (PMU) is used by drug company Wyeth Ayerst to manufacture Premarin, Prempro, and other related medications for women to relieve the symptoms of menopause. For decades, tens of thousands of foals are born annually on PMU farms, many of which go to slaughter. The mares are kept in confined circumstances on "PMU production lines" for a good portion of the year, in confined circumstances, wearing harnesses to collect their urine. They are bred over and over again. When they are deemed no longer useful, they are also slaughtered if they do not sell as a pleasure horse. Recently, Wyeth Ayerst announced that it would cut back its PMU production by 30% due to market conditions. That is, the demand for their product declined significantly because of the medical news that Premarin and Prempro cause increased cancer in women. Wyeth Ayerst lost a lot of customers, and for those remaining, it came out with a lower-dose pill. All in all, there was suddenly an awful lot of unwanted horses – pregnant horses – from PMU farms in Canada and the U.S.

Individuals and equine rescue groups all over the country have rallied to help find homes for the destitute PMU animals. Some individuals started bringing foals to Alaska last year, and now, with the PMU production cuts, mature, pregnant mares also being brought to Alaska.

It has caused a lot of controversy. And rightfully so. It is a very difficult issue.

Nobody wants to see these animals left for slaughter. Everyone wants to help in some way. At the same time, there is great concern that many of these wonderful horses are being purchased by well-intentioned but inexperienced Alaskans who could run into trouble down the road. Purchasing these horses may seem inexpensive, but purchasing an inexpensive horse has nothing to do with the expenses of taking care of it. It costs the same amount of money to buy hay, grain, vet and farrier care for a \$500 horse as it does for a \$5,000 horse or a \$50,000

horse. The price of a ton of hay does not vary according to the purchase price of the horse. An inexpensive horse doesn't deserve any less quality care than an expensive horse. The vet doesn't charge any less for a cheap horse than s/he does for a fancy expensive horse. The cost of de-wormer, vitamins, and necessary tack and equipment is the same for a \$400 PMU foal as it is for a \$40,000 show horse. We are concerned that in their enthusiastic kind-heartedness and concern, some new PMU owners may have underestimated the long-term financial commitment as well as the hard work involved in horse ownership in our challenging Alaska environment. It takes only one or two \$500 vet bills to wipe out a family budget. It takes only one bad ride for a small child or novice rider to get hurt on a horse that has not been humanely and properly trained.

We do not want to isolate the PMU horses in this discussion. The truth is that our concerns apply to the purchase of any horse, no matter where it is bred or comes from. But the influx of so many PMU horses so suddenly into Alaska, many of them pregnant, puts additional burdens on our horse community. Horse ownership is a major financial and personal commitment to a living thing ... a living thing for whom we are accepting full responsibility to meet all of its needs - physical, mental and emotional. The new horse does not understand the overwhelming gratification you or I might have with the knowledge that we have "saved" or "rescued" it. It only knows that it is totally dependent upon you to meet every God-given instinct in its body and soul.

To any new horse owner, we say - remember this: your new horse has no free choice over its life. It has been ripped away from everything it has known, taken to a strange place with strange people, sometimes where no other horses exist to comfort it and show it the way, and sometimes with people who are first-time horse owners and may not recognize vital needs or problems that can routinely arise. Seek out highly experienced horse people with many years of successful experience. Seek out your vet, well-known trainers and reputable horse organizations. Ask questions, read, research the internet, and always remember - the welfare of your animal rests in your hands. Always seek the 'high road'. Take your new responsibility seriously. Will we help if asked? You bet. 1-888-LUV-HORS . ~

Help us help a horse survive ...

Alaska Equine Rescue is a non-profit organization concerned with the health and welfare of hooved animals in Alaska. Help us bring hope to suffering animals. Your support helps educate the public on humane care and provides facilities, supplies and equipment necessary to rescue and rehabilitate horses. All contributions are fully tax deductible to the extent of the law. We urge you to complete the Volunteer Information below.

YES, I want to help horses in Alaska. Enclosed is my contribution:

\$10 Junior \$25 Adult \$40 Family \$100 Business \$_____ Other

Name: _____

Address / P.O. Box: _____

Phone: _____ E-mail: _____ Date: _____

Volunteer Information:

1. I am willing to be a foster home. Please contact me.
2. I may be able to donate funds for feed during a rescue.
3. I may be able to help provide transportation of horses during a rescue. My trailer can hold ___ horses and is _____ style. Other comments: _____
4. I may be able to help with fund-raisers.
5. I am currently a horse owner. I own ___ horses.
6. Other ways that I may be able to help (give us your suggestions) _____