

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11361 SENATE STATE AFFAIRS



U.S. Department of Justice Office of Legal Policy

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Last Updated: 4/26/04

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Judicial Nominations

43* = Vacancies in the 877-member Article III federal judiciary.

46 = Pending Article III Nominees.

- Number of nominees may exceed number of vacancies because the President may name individuals to fill vacancies that will occur in the near future.
- [Information about judicial nominations during the 107th Congress.](#)
 - o *This figure does not take into account recess appointments.

Counter

Hits from 4/19-4/26:

743

Total hits since 7/10/01:

117679

Judicial Vacancies



- 43 Vacant (5%)
- 832 Filled (95%)

Hearings for Nominees



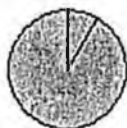
- 102 Had Hearing (84%)
- 20 No Hearing (16%)

Confirmations*



- 73 Confirmed (61%)
- 46 Not Confirmed (39%)

Circuit Vacancies



□ 16 Vacant (9%)
 □ 163 Filled (91%)

Hearings for Circuit Nominees



□ 29 Had Hearing (81%)
 □ 7 No Hearing (19%)

Circuit Confirmations**



□ 13 Confirmed (42%)
 □ 18 Not Confirmed (58%)

* These numbers only include Article III courts. The President has nominated 6 people to the Article I Court of Federal Claims, 5 of whom have been confirmed. There is also one Article I District Court nominee.

** One nominee withdrew and one nominee was recess appointed.

	Current Vacancies	Nominations Since 1/2003	Confirmations	Current Pending Nominations
Circuit	18* (of 179) — 10%	33	13	18
District	29 (of 680) — 4%	86	60	28
TOTAL	45 (of 877) — 5%	119	73	46

*This figure does not take into account recess appointments.

- Complete list of nominations.
 - Complete list of confirmed nominees.
 - Complete list of vacancies.
-
- 25 of the 46 vacancies are so-called "judicial emergency" vacancies.
 - There are 24 nominees pending against positions designated as a "judicial emergency" vacancy.
 - Complete list of "judicial emergency" vacancies.

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- Total nominations pending before the Senate:
 - 18 Circuit Court
 - 28 District Court
 - 0 International Trade Court
 - 0 Court of Federal Claims

- Nominations pending before the Senate Judiciary Committee awaiting a hearing:
 - 7 Circuit Court
 - 15 District Court
 - 0 International Trade Court
 - 0 Court of Federal Claims

- Nominations scheduled for a hearing:
 - 1 Circuit Court
 - 2 District Court
 - 0 International Trade Court
 - 0 Court of Federal Claims

- Nominations pending before the Senate Judiciary Committee awaiting a vote:
 - 4 Circuit Court
 - 5 District Court
 - 0 International Trade Court
 - 0 Court of Federal Claims

- Nominations pending before the full Senate awaiting a vote:
 - 9 Circuit Court
 - 13 District Court
 - 0 International Trade Court
 - 0 Court of Federal Claims

- Nominations confirmed by the Senate:
 - 13 Circuit Court
 - 60 District Court
 - 1 International Trade Court
 - 6 Court of Federal Claims

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- No nominations have been rejected by the Senate, one nomination has been withdrawn during the 108th Congress and one was returned at the end of the first session.

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- Blue Slips

- A blue slip is the traditional method of allowing the home state senators of a judicial nominee to express their approval or disapproval. Blue slips are generally given substantial weight by the Judiciary Committee in its consideration of a judicial nominee. The process dates back several decades and is grounded in the tradition of "senatorial courtesy," which traces its roots back to the presidency of George Washington.
- Current status of Blue Slips.

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- In the News...
- 5/6/03 Letter from Counsel to the President Alberto R. Gonzales to Senator Schumer Regarding the Judicial Confirmation Process

"[T]he solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate."

- 2/25/03 Letter from Bipartisan Majority of U.S. Senators Expressing Support for Miguel Estrada's Nomination

"Despite his obvious qualifications and remarkable personal story, we have been unable to obtain fair consideration on the Senate floor for Mr. Estrada's nomination. Nevertheless, we, the undersigned majority in the United States Senate, commend you for your outstanding choice, and will continue to work diligently to ensure Mr. Estrada receives a simple up or down vote on the Senate Floor."

- 6/24/02 Letter from former Solicitors General Regarding Chairman Leahy's Request for Deliberative Material

"Our decisionmaking process required the unbridled, open exchange of ideas - an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality."

- "White House Counsel Alberto Gonzales Discusses the Crisis in Our Courts"

"President Bush has responded to the vacancy crisis by nominating a record number of federal judges: 90 since taking office, almost double the nominations that any of the past six presidents submitted in the first

year. Despite his decisive action, the Senate has not done enough to meet its constitutional responsibility. It has voted on less than half of the nominees. Indeed, it has voted on only six of the 29 nominees to the courts of appeals. . . .

"As Congress returns to work, the administration respectfully calls on the Senate to make the vacancy crisis a priority and to ensure prompt hearings and votes for all nominees. The Senate should make this practice permanent, adhering to it well after President Bush leaves office, so as to ensure that every judicial nominee by a president of either party receives a prompt hearing and vote." *The Wall Street Journal, Editorial, January 25, 2002.*

- "Chief Justice Warns More Judges Need to be Confirmed"

"Chief Justice William Rehnquist has offered a timely assist to the Republican minority in the U.S. Senate, which has been accusing Democrats of dragging their feet on confirming new federal judges.

"And although the chief justice is a Republican appointee, there is nothing partisan about his plea that the Democratic-controlled Senate "act with reasonable promptness" on President Bush's judicial nominees and vote them "up or down" instead of ensaring them in procedural delays." *Pittsburgh Post Gazette, Editorial, January 3, 2002.*

- "Sixth Circuit Crisis"

"With eight openings, the 16-member court [the 6th Circuit Court of Appeals] is operating at half strength...Four of those Sixth Circuit openings have been deemed judicial emergencies by the Administrative Office of the U.S. Courts, based on the number of years a judgeship has been open and the size of the court's caseload.

"President Bush addressed this crisis with seven nominations to the Sixth Circuit last year, including two in his first batch of nominees last May 9. And the Senate? Mr. Leahy has yet to grant a single hearing for a Sixth Circuit nominee." *The Wall Street Journal, Editorial, January 3, 2002.*

- **Judicial Emergency:**

The formula by which a judicial vacancy is determined to be a "judicial emergency" has been changed by the Administrative Office of the U.S. Courts effective December 2001, to identify courts where vacancies have resulted in only one active judge.

The formula now used is:

Any vacancy in a district court where weighted filings are in excess of 600 per judgeship; **OR** any vacancy in existence more than 18 months where weighted filings are between 430 to 600 per judgeship; **OR** any court with more than one authorized judgeship and only one active judge;

AND

Any vacancy in a court of appeals where adjusted filings per panel are in excess of 700; **OR** any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel.

Complete list of "judicial emergency" vacancies.

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Judicial Emergencies

(See attachment for revised definition.)

April 6, 2004

Prepared by the AOUSC Office of Legislative Affairs

Court	Vacancy Created By	Reason	Vacancy Date	Da Pendi Adjusted filings*
02	CCA Parker, Fred I.	Deceased	8/12/2003	238 879
02	NY-E Johnson, Sterling Jr.	Senior	6/1/2003	310 667
02	NY-E Raggi, Reena	Elevated	9/20/2002	564 667
03	PA-E Hutton, Herbert J.	Senior	9/6/2003	213 620
03	PA-E Waldman, Jay C.	Deceased	5/30/2003	312 620
03	PA-E Buckwalter, Ronald L.	Senior	12/11/2003	117 620
03	PA-E Yohn, William H. Jr.	Senior	11/20/2003	138 620
04	CCA Murnaghan, Francis	Deceased	8/31/2000	1314 599
04	CCA Phillips, J. Dickson Jr.	Senior	7/31/1994	3537 599
04	NC-E Britt, W. Earl	Senior	12/7/1997	2312 537
04	VA-E Morgan, Henry C. Jr.	Senior	2/8/2004	58 632
05	CCA Garwood, William L.	Senior	1/23/1997	2630 1009
05	MS-S Pickering, Charles W. Sr.	Elevated	1/16/2004	81 1223
06	CCA Suhrheinrich, Richard F.	Senior	8/15/2001	965 588
06	CCA			

	Kennedy, Cornelia	Senior	3/1/1999	1863	588
06	CCA Ryan, James L.	Senior	1/1/2000	1557	588
06	CCA Keith, Damon	Senior	5/1/1995	3263	588
09	CA-S PL 107-273	New Position	7/15/2003	266	610
09	CCA Browning, James R.	Senior	9/1/2000	1313	956
09	HI Kay, Alan C.	Senior	1/1/2000	1557	431
09	WA-W Zilly, Thomas S.	Senior	1/1/2004	96	682
09	WA-W 28 USC 133 (per Barbara Rothstein, FJC Director)	FJC Director	9/8/2003	211	682
10	NM Parker, James A.	Senior	9/1/2003	218	681
11	FL-S Ferguson, Wilkie D. Jr.	Deceased	6/9/2003	302	615
Total Judicial Emergencies				24	

* A judicial emergency is defined as the following: 1) any vacancy in a district court where weighted filings are in excess of 600 per judgeship, OR any vacancy in existence more than 18 months where weighted filings are between 430 and 600 per judgeship, OR any court with more than one authorized judgeship and only one active judge; and 2) any vacancy in a court of appeals where adjusted filings per panel are in excess of 700; OR any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel.

ALASKA STATE SENATE



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SENATE JUDICIARY COMMITTEE

Senator Ralph Seekins, Chairman
District D

Senate Joint Resolution 33 Sponsor Statement

“Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.”

Senate Joint Resolution 33 respectfully requests the U.S. Senate move forward with President Bush’s judicial nominations.

Our U.S. Constitution provides the President with the power to nominate qualified candidates for federal judicial positions *with* the consent of the Senate. But, many of these nominations are currently being blocked through parliamentary delay tactics carried out by a minority of senators. This has created needless hardship within the judiciary branch of our government.

In fact, the Administrative Office of the United States Courts has classified 22 judgeships as “judicial emergencies”. Many of President Bush’s nominees are intended to fill these seats. Furthermore, a majority of the United States Senate stands ready to approve these individuals. Nevertheless, they — and the judiciary branch they are to serve — remain mired in political limbo.

Senate Joint Resolution 33 requests the U.S. Senate move forward with these nominations thus allowing the judicial branch to function as the Constitution intended.

SJR

34

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSJR 34(WTR)
(S) Publish Date: 4/27/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Message of Goodwill to Taiwain Presic BRU _____
Sponsor Senate WTR Component _____
Requester Senate WTR Committee 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						
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: 0.0
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)

Prepared by: Richard F. Schmitz Phone 465 4921
Division Senate Special Committee World Trade/State Federal Relations Date/Time 4/27/04 8:04 AM
Approved by: _____ Date 4/27/2004
Agency _____

SENATOR
JOHN J. COWDERY
Anchorage

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Chair: Rules
Chair: Transportation
Chair: World Trade &
State/Federal Relations
Legislative Council
State Affairs



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SPONSOR STATEMENT FOR SJR 34

"A Resolution sending a message of goodwill to President Chen Shui-bian, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of Official Observer status to the Republic of China and to support negotiation of a free trade agreement"

The Republic of China (Taiwan) is an important trading partner of the State of Alaska. The President of Taiwan, Chen Shui-bian visited Alaska last November to reinforce the relationship between the state and his nation.

This resolution reaffirms the Alaska State Legislature's action in Legislative Resolve 29, which encouraged the United States Congress to endorse a request by the Republic of China (Taiwan) to be granted Observer Status at the World Health Organization. Legislative Resolve 29 also encouraged the United States Congress to negotiate a free trade agreement with Taiwan.

SJR 34 reaffirms, Legislative Resolve 29 and sends a message of goodwill to the President of Taiwan Chen Shui-bian for his reelection.

TAIWAN'S PRESIDENT VISITS ALASKA

President Chen Shui-bian of the Republic of China, and his delegation, will visit Alaska on November 4th and 5th. Alaska will be the last stop of his 7-day trip. During Chen fourth trip overseas, he will first stop in New York City to receive a Human Rights Award and then continue on to Panama to celebrate the country's anniversary.

Upon his return, Chen will stop in Alaska on the invitation of Gov. Frank Murkowski. While in Anchorage, the president will tour some of Alaska's majestic sights and work on strengthening economic ties.

Alaska and Taiwan have an especially good relationship. Since 1989, the state has had trade representation in Taiwan. The two regions are natural trade partners given that Taiwan lacks the abundant natural resources present in Alaska. In 2002, Alaska exported \$22 million dollars worth of products to Taiwan, primarily seafood and forest products.

Chen's first stop will be New York City where the International League for Human Rights (ILHR) will honor him. The ILHR Chairman, Scott Horton, will present the prestigious Human Rights Award to Chen for his extraordinary contributions in promoting Taiwan's human-rights development. Past award recipients have included the Dalai Lama and the former South African President, Nelson Mandela.

The president will then travel to Panama to execute some free-trade agreement between the two countries and to join the country's anniversary celebration.

Chen will fly into Anchorage at 6pm Tuesday and meet with the local Taiwanese-American community that evening. The next day, Gov. Murkowski will host a luncheon in the president's honor at the Alyeska Resort in Girdwood, Alaska.

Chen had hoped to make this trip in May, but delayed the trip due to worldwide fear of SARS and to handle Taiwan's domestic infections.

Last Update: November 1, 2003

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Taken Questions
Office of the Spokesman
Washington, DC
May 10, 2002
Taken Questions from May 10, 2002 Daily Press Briefing

Taiwan: Observer Status at the World Health Organization

Question: What is the U.S. position on Taiwan observership in the World Health Organization (WHO)?

Answer: We support the goal of Taiwan's participation in the work of the World Health Organization (WHO), including observership, and have long worked closely with Taiwan authorities to advance that objective.

We have urged the WHO and its members to find appropriate ways for Taiwan to participate, including observership. We will continue to do so.

Question: Has the State Department responded to a recent letter from Congress on this issue

Answer: We have received letters from a number of senators and congressmen and are in the process of replying.

[End]



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For Immediate Release
Office of the Press Secretary
March 26, 2004

Statement on Taiwan Elections

Statement by the Press Secretary
Announcement of Election Results on Taiwan

We join the American people in congratulating the people of Taiwan on the successful conclusion of their March 20 presidential election. Taiwan's Central Election Commission on March 26 officially proclaimed that Mr. Chen Shui-bian has won reelection, and we congratulate Mr. Chen on his victory.

We recognize that there are pending legal challenges to the results of the March 20 election. We applaud the people of Taiwan for embracing established legal mechanisms and rejecting extra-legal options to resolve their differences. We reject calls for violence, which threaten the very democratic principles to which we and the people of Taiwan are committed.

The maintenance of peace and stability in the Taiwan Strait and the welfare of the people of Taiwan remain of profound importance to the United States. To advance these goals, the United States will fulfill its obligations under the Taiwan Relations Act. It falls to Taiwan and Beijing to build the essential foundations for peace and stability by pursuing dialogue through all available means and refraining from unilateral steps that would alter Taiwan's status.

We will continue to maintain close unofficial ties with the people on Taiwan through the American Institute in Taiwan in accordance with our one China policy, as embodied in the Taiwan Relations Act and our three Joint Communiqués with the People's Republic of China.

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<http://www.whitehouse.gov/news/releases/2004/03/20040326-6.html>

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Governor Murkowski

Press Archive

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Taiwan Power, Steel Consider AK Coal

[listen](#)  Taiwan Delegation Mission, 65.5k mp3 [More Audio](#)

FOR IMMEDIATE RELEASE: March 11, 2004 No.04-039

Taiwan Power, Steel Industries Consider Alaska Coal Governor's Efforts Pay Off in Trade Delegation of Technical Experts

(Anchorage) – Governor Frank H. Murkowski's efforts to improve trade opportunities with Pacific Rim nations paid off this week, as a delegation from Taiwan's power and steel industries visited to examine technical issues surrounding the potential development of Southcentral Alaska's vast coal reserves.

Representatives from TaiPower and China Steel, Taiwan's government-owned electrical generating and steel-making companies, arrived in Anchorage Saturday for four days of meetings with private business officials and state development agencies to explore prospects for exporting coal from the Beluga Point deposits west of Anchorage.

"I am very encouraged to see that our efforts at fostering closer personal, business and economic ties with our friends in Taiwan continue to open up new opportunities for Alaskans and Alaska's resources," Murkowski said. "The value of our exports increased by 9 percent last year, most of it to Asian markets. Trade visits like this are essential if we are to continue using our natural resources to generate the jobs, revenue and economic stability our state needs."

The Taiwan delegation includes TaiPower vice president Kuei-Ming Chen and China Steel purchasing manager Chine-Jine Hsiao. They and their colleagues, most of them technical and resource experts, met with the governor, the Office of International Trade, the Department of Natural Resources, and the Alaska Industrial Development and Export Authority.

They also met with representatives of Arctic Slope Regional Corporation, the Alaska Natural Gas Development Authority, Resource Development Council of Alaska, the Alaska Miners Association, and with representatives of Usibelli Coal Mine and Placer Dome. They also met with representatives of two private businesses, PacRim Coal, and KFx Inc., both interested in developing the Beluga coal for Asian markets.

Bob Stiles, development manager for PacRim Coal, a Texas-based company that has invested \$40 million on engineering, environmental and permitting work to market Alaska coal to Asian markets, credited Murkowski's personal diplomacy for attracting Taiwan's interest in Alaska's coal.

The governor advocated Alaska's energy and resources industries in Taiwan, Japan, Korea and Hong Kong during a trade mission last October. A month later, Murkowski welcomed Taiwan President Chen Shui-bian and Taiwan businessmen to Alaska.

"We've been working on the Taiwan market for 20-plus years, but as a result of Governor Murkowski's relationship with the president of Taiwan, we got these companies to take another look at Alaska coal as a potential fuel supply," said Stiles. "There's a very positive long-term potential for Alaska coal in the Taiwan market."

The Usibelli mine in Healy has sold coal to South Korea for decades, and the Beluga field



Photo archive: Ad opening of a two-day Syndrome Summit Frank Murkowski and Nancy Murkowski address the audience especially among medical and behavioral professionals working FAS, the only preventable. The two shared the Casco, state manager and Early Intervention Department of Health Services. Enlarge

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Proclamations

represents another export opportunity, said Stiles, whose company controls rights to more than 700 million metric tons in the Beluga Point deposits west of Anchorage. Other coal reserves in the area are controlled by a joint venture company involving Placer Dome, the Vancouver B.C.-based mining company developing the Donlin Creek mine, and CIRI Inc., an Alaska Native regional corporation. While Alaska's sub-bituminous coal is ultra-low sulfur – less than two-tenths of one percent – most Asian coal buyers prefer coal with less than the 25 percent moisture content of the Beluga coal, Stiles said.

Technological advances over the past 15 years now make it possible to economically process the low-quality Beluga coals into a premium energy fuel. This could be the key to finally developing the vast coal fields near Anchorage, which have laid dormant for 30 years. Rick Van Zyl, proposals director for KFx, who previously worked on coal technology projects in South Africa, noted that Beluga coals processed to Taiwan's specifications could open up a new area of trade for Alaska.

"We hope we can give Taiwan coal users what they want at a competitive price, unlocking the potential here in Alaska and improving the energy security of Taiwan," Van Zyl said.

Margy Johnson, director of the state's Office of International Trade, said that such challenges can be overcome but only after establishing positive business and political relationships.

"Japan, South Korea and Taiwan are natural customers for Alaska's resources, and their markets represent growing export opportunities," Johnson said. "Seeing this kind of on-the-ground expression of interest from the largest government corporations in Taiwan is a strong indication that we are continuing to make progress in marketing our resources to the Pacific Rim."

#

For more information, contact Office of International Trade Director Margy Johnson at 269-8110.

- Taiwan Delegation Mission (65.5k mp3) - Margy Johnson, director of the governor's office of international trade, characterizes the Taiwan delegation visit as a preliminary, but important, step in developing markets for Alaska's Beluga coal. :16 "...and sellers together."
- Alaska's Coal Resources (59.7k mp3) - Stan Foo, the Department of Natural Resources' mining section chief, says Alaska has plenty of coal to entice new customers. :13 "...some additional resources."
- China Steel Would Consider AK Coal (197.3k mp3) - Chine-Jine Hsiao, purchasing manager for Taiwan's government-owned steelmaking industry, says that his company would be happy to buy Alaska's coal, if it can be brought up to his industry's standards for use in steel-making, as supplies of coking coal are tightening becoming less abundantly available to Taiwan. : 49 "...to buy this."
- Taiwan Power Seeks Broader Coal Supplies (202.6k mp3) - Kuei-Ming Chen, vice president of Taiwan's government-owned power generating company, says Alaska coal is well-positioned for sale to Taiwan, once technical means are identified to process the coal for Asian market specifications. :52 "...marketplace in Asia

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Office of the Governor Box 110001 Juneau, AK 99811 907.465.3500 465.3532 fax

Taiwan utility reps scout Alaska coal

By the Journal of Commerce

Publication Date: 03/22/04

Taiwanese utility and steel company officials were in Alaska March 6 through March 12 talking with owners of coal deposits in the state.

Coal prices in Pacific Rim markets are increasing, and importers in manufacturing nations like Taiwan are looking for alternative supplies.

Kuei-Ming Chen, vice president of Taipower, Taiwan's government-owned power utility, said his company imports 24 million tons of coal yearly and would like to buy Alaska coal if the price terms are right.

Taipower is now the largest single coal purchaser in Asia, he said.

Chine-Jine Hsiao, purchasing manager for China Steel, said his company buys eight million tons of coal yearly. He is particularly interested in Alaska as a source of coking coal, which is used in steel-making.

The delegation was hosted by state of Alaska officials, who handled introductions to Alaska firms. Margy Johnson, head of the state Office of International Trade, coordinated the visit by the delegation.

Bob Stiles, president of PacCom Coal, a company formed to market coal from Alaska to Asia, credited Gov. Frank Murkowski's personal diplomacy with Taiwanese government leaders in getting the utility and steel officials to Alaska.

"We've been working on the Taiwan market for 20 years, and as a result of the governor's relationships there we got these companies to take another look at Alaska as a potential fuel supply source," Stiles said.

Stiles' company holds rights to 700 million metric tons of coal deposits in the Beluga coal fields west of Anchorage. The Taiwan companies also met with Usibelli Coal Mine, Inc., owners of the state's only producing coal mine at Healy, Placer Dome Inc., which also owns coal in the Beluga fields, and Arctic Slope Regional Corp., which owns large coal deposits on the western North Slope.

Click here to return to story:

http://www.alaskajournal.com/stories/032204/loc_20040322002.shtml

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Department of Community and Economic Development

Alaska Trade and Development

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Alaska Time **Mon Apr 26 13:01:18** Taipei, Taiwan **Tue Apr 27 05:01:18**

Taiwan

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Taiwan Introduction



The Taiwan market for Alaskan commodities and products is important---it helps to diversify Alaska's international exports, which traditionally have gone to two markets, Japan and Korea.

Annual Alaska exports to Taiwan are primarily seafood for both human consumption and for animal feed and forest products. Fertilizer is a major export to Taiwan in some years.

Export \$\$ Million	1998	1999	2000	2001	2002
All Commodities	\$70	\$67	\$47	\$31	\$22*
Fertilizer	\$11	\$8	---	\$12	\$2
Forest Products	\$14	\$11	\$13	\$4	\$2
Seafood	\$2	\$5	\$7	\$4	\$6
Animal Feed	\$3	\$6	\$10	\$8	\$8
Oil Products	\$34	\$32	\$10	\$0	\$0
Other	\$6	\$5	\$7	\$3	\$4

*Partial year reported, January - November 2002.

Taiwan's needs for natural resources makes it a natural trading partner for Alaska. Taiwan purchases seafood, animal feed, forest products and, in some years, significant amounts of fertilizer. The volume of Alaska's exports to Taiwan has declined in response to recent downside in Taiwan's economy.

Taiwan is in a period of transition. Years of rapid economic development ended when the GDP dropped for the first time by 1.9 percent. The GDP for 2003 is expected to swing back to a positive 3.4 percent. Along with Hong Kong, Taiwan is finding that more and more international companies deal directly with Chinese markets and partners, rather than through experienced intermediaries in Taiwan. In addition, major Taiwan companies have moved manufacturing facilities to China. Both these conditions create higher unemployment in Taiwan.

Taiwan seeks to improve its economic conditions by increasing the focus on the technical competencies of its workforce and instituting banking reforms and job creation programs.

Although Taiwan is encountering economic challenges, the 22 million

residents of Taiwan continue to enjoy one of the highest per capita incomes in Asia, US\$12,000. That is encouraging for Alaska's continued exports.

Alaska first established trade representation in Taiwan in 1989 and is one of about two dozen U.S. states active in trade promotion in this market. Alaska's current contract trade representative, Ida Pei-Hua Yao began representing the state in 1996.



Alaska Time Mon Apr 26 13:01:37 Taipei, Taiwan Tue Apr 27 05:01:37

Taiwan

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Alaska Seafood Exports to Taiwan

Export \$\$ Million	1998	1999	2000	2001	2002*
Seafood	\$2	\$5	\$7	\$4	\$6
Animal Feed	\$3	\$6	\$10	\$8	\$8

*Partial year reported, January - November 2002.

The possibilities for export of Alaskan seafood products to Taiwan are increasing. One advantage of Alaska seafood is the growing awareness by Taiwanese consumers of environmental issues, including the healthiness of the foods they eat. Fish oil accounted for over one million dollars of the seafood export to Taiwan in 2002.

The exports of seafood waste/animal feed mean that more of the fish is now being used. Historically, Alaska's seafood exports were only the parts of the fish for human consumption. Now, markets like Taiwan are developing to turn the seafood waste from primary processing operations into animal feed.

Alaska's general international image of "pure and clean," the ability of Alaska farmers to grow crops without pesticide, and the taste and quality of Alaska vegetables combine to create niche opportunities for Alaska's excellent produce in Taiwan's "healthy food" markets. The Division of International Trade & Market Development has worked with the State of Alaska Division of Agriculture and the University of Alaska Fairbanks to promote Alaska potatoes, carrots, and cabbage in Taiwan.

[USDA Foreign Agricultural Service Market Reports for Taiwan](#)

[USDA Foreign Agricultural Service Fisheries Export Guide](#)

HB

1

SENATE COMMITTEE REPORT

DATE: 4/17/03

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4/25/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 1(JUD)

HB 1 STALKING & PROTECTIVE ORDERS

"An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

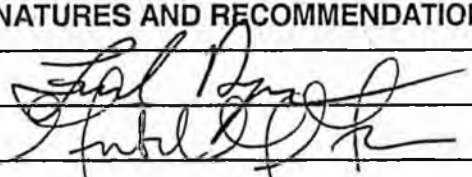
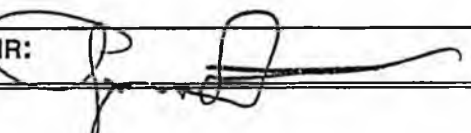
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOL	7/5/03		✓	1
DPS	7/5/03		✓	2
DOA	7/3/03	✓		3
ACS	7/5/03	✓		4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 1(JUD)
 (H) Publish Date: 2/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to stalking and protective BRU Criminal Division
orders; amending Rules 4 and 65, Alaska Rules of . . ." Component 1st-4th Judicial Districts; Criminal
 Sponsor Representative Crawford Appeals/Special Litigation
 Requester House Judiciary Committee Component No. 2198-99;2201/03/61/79

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 (FY2003) cost: 0.0

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

POSITIONS

POSITIONS	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 1 would allow a person who believes they are a stalking victim to petition the court to grant a protective order to keep the alleged stalker away from them.

While passage of this bill will create new prosecutions, the Department of Law does not anticipate a significant fiscal impact.

Prepared by: Joan M. Kasson
 Division: Attorney General's Office
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General
 Agency: Department of Law

Phone (907) 465-5370
 Date/Time 2/5/03 8:50 AM
 Date 2/5/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 1(JUD)
(H) Publish Date: 2/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act relating to stalking and to violating a BRU AST Detachment
protective order Component AST Detachment
Sponsor Representative Crawford
Requester House Judiciary Component No. 2325

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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2003) cost: 0.0
Mark 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)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390
Division Alaska State Troopers Date/Time 2/5/03 4:05 PM
Approved by: William Tandeske, Commissioner Date 2/5/2003
Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 1(JUD)
 (H) Publish Date: 2/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to stalking... BRU Legal and Advocacy Service
 Component Public Defender Agency
 Sponsor Rep. Crawford
 Requester (H) Judiciary Component No. 1631

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	*	*	*	*	*	*

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

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

Estimate of any current year (FY2003) cost: 0.0
 Mark 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 would create a new section in the protective order statutes to provide for the application and issuance of a protective order for victims of the crime of stalking, that is not a crime of domestic violence. Under the proposed legislation, if a person allegedly violates the protective order, they may be prosecuted for the crime of violating a protective order, a class A misdemeanor.
 This legislation will likely have a fiscal impact on the Public Defender Agency, because it broadens the scope of the crime of violating a protective order, which will likely result in more cases, handled by the Agency, charging a violation of this crime. However it is not possible to predict with any certainty the number of new cases this bill will generate, therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division: Public Defender Agency Date/Time 2/3/03 9:33 AM
 Approved by: Sharon Barton, Acting Commissioner Date 2/3/2003
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSHB 1(JUD)
(H) Publish Date: 2/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Stalking Protective Orders BRU Alaska Court System
Component Trial Courts
Sponsor Rep. Crawford
Requester House Judiciary Committee Component No. 768

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	*	*	*	*	*	*

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

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

Estimate of any current year (FY2003) cost: 0.0
Mark 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)

House Bill 1 establishes new procedures for obtaining protective orders for those petitioners who reasonably believe that they are victims of the crime of stalking but who do not have a relationship with the respondent that would allow them to obtain a domestic violence restraining order. This bill also makes it a crime to violate such an order.

The passage of HB 1 would impact the court system because new crimes and new protective orders will require additional court proceedings. This fiscal note does not contain a specific dollar amount because estimating the number of new crimes likely to be charged and the number of petitions likely to be filed is too speculative at this time. However, if the impact of either change is significant the court system may return to the legislature with a request for additional funding.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 2/5/03 12:56 PM
Approved by: Stephanie Cole, Administrative Director Date 2/5/2003
Agency Alaska Court System

Sponsor Statement

HB 1

HB 1 closes a dangerous loophole in the Alaska statutes, by allowing unacquainted victims of stalking to enjoy the security of a judicial protective order. Current law provides protection to those in domestic situations and minor children, but enjoins the victims of strangers from equal protection of the law. HB 1 allows the victims of stalking to seek and obtain a protective order in cases of stalking that are not crimes involving domestic violence. The bill streamlines the process for public safety and judicial practitioners by harmonizing the arrest and notification procedures to mirror those already in place for domestic violence situations. The bill adds the crime of violation of a child protective order and of a violation of a stalking protective order; these changes also reflect existing practitioner procedures.

Please support this important legislation.

HB

2

SENATE COMMITTEE REPORT

DATE: 3/28/03

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 4/11/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 2(JUD)(title am)

HB 2 CIVIL STATUTE OF LIMITATIONS/SEX OFFENSES

"An Act relating to the statute of limitations for certain civil actions relating to acts constituting sexual offenses; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____


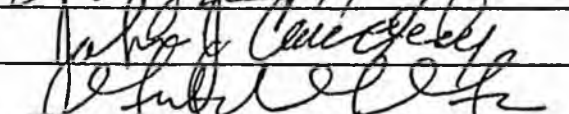
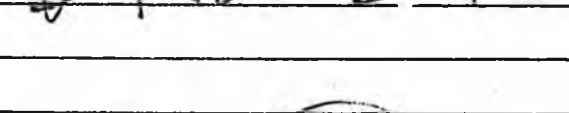
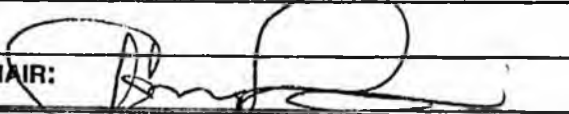
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
ACS	3/12/03		✓	1
DOL	3/10/03		✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
	✓			
				
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 2(JUD)
 (H) Publish Date: 3/12/2003

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Statute of Limitation for Sex Crimes BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Meyer
 Requester House Judiciary Component No. 768

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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0
 Mark 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)
 The court system does not anticipate any fiscal impact from the passage of HB 2.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/12/03 2:26 PM
 Approved by: Stephanie Cole, Administrative Director Date 3/12/2003
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 2(JUD)
(H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to the statute of limitations for BRU Civil Division
certain civil actions; . . ." Component Special Litigation
Sponsor Representative Meyer
Requester House Judiciary Committee Component No. 2213

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0
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 bill removes the statute of limitations for when a person may bring a civil action for unlawful exploitation of a minor, and extends the statute of limitations for other civil actions stemming from certain criminal conduct.

This bill concerns private rights of action against perpetrators of specified criminal conduct, and will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 3/10/03 11:28 AM
Approved by: Kathryn Daughhetee for Gregg D. Renkes, Attorney General Date 3/10/2003
Agency: Department of Law

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

CS FOR HOUSE BILL NO. 210(JUD) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/24/01

Offered: 4/11/01

Sponsor(s): REPRESENTATIVES MEYER, Guess, Dyson, Croft, Hudson, Hayes, McGuire, Bunde, Wilson

SENATORS Pearce, Halford, Taylor, Leman, Ward, Olson, Cowdery, Hoffmat, Davis, Lincoln, Therriault, Ellis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sexual assault and sexual abuse of a minor."**

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

3 *** Section 1.** AS 09.10.060(c) is repealed and reenacted to read:

4 (c) Notwithstanding other provisions in this chapter, a person may bring an
5 action at any time for the following acts:

6 (1) felony sexual abuse of a minor; or

7 (2) felony sexual assault.

8 *** Sec. 2.** AS 12.10.010 is repealed and reenacted to read:

9 **Sec. 12.10.010. General time limitations.** (a) Prosecution for the following
10 offenses may be commenced at any time:

11 (1) murder;

12 (2) felony sexual abuse of a minor;

13 (3) sexual assault that is an unclassified, class A, or class B felony or a
14 violation of AS 11.41.425(a)(2) or (3);

15 (4) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,

1 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
2 who, at the time of the offense, was under 18 years of age.

3 (b) Except as otherwise provided by law or in (a) of this section, a person may
4 not be prosecuted, tried, or punished for an offense unless the indictment is found or
5 the information or complaint is instituted not later than

6 (1) 10 years after the commission of a felony offense in violation of
7 AS 11.41.120 - 11.41.370, 11.41.425(a)(1), or 11.41.450 - 11.41.458; or

8 (2) five years after the commission of any other offense.

9 * Sec. 3. AS 12.10.020(c) is repealed.

10 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. The extension of the statute of limitations for felony sexual
13 assault provided in sec. 2 of this Act applies to all offenses occurring

14 (1) on or after the effective date of this Act; and

15 (2) to all offenses occurring before the effective date of this Act if the statute
16 of limitations applicable to that offense on the day before the effective date of this Act has not
17 expired, including any specific time periods for that offense under AS 12.10.020, as that
18 section read the day before the effective date of this Act, and any period when the limitations
19 period did not run under AS 12.10.040.

Journal Text



04-23-2001 House Journal 1141
HB 210

The following was read the second time:

HOUSE BILL NO. 210
"An Act relating to sexual assault and sexual abuse of a minor."

with the:	Journal Page
JUD RPT CS(JUD) 3DP 1NR 1AM	953
FN1: INDETERMINATE(ADM)	954
FN2: ZERO(CRT)	954
FN3: ZERO(LAW)	954
FIN REFERRAL WAIVED	994

Representative James moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 210(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, following line 2:

Insert "*Section 1. AS 09.10.060 is repealed and reenacted to read:

Sec. 09.10.060. Notwithstanding other provisions in this chapter, a person may bring an action at any time for the following acts:

- (a) sexual abuse of a minor; or
- (b) sexual assault."

Renumber the following bill sections accordingly.

04-23-2001 House Journal 1142

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Meyer objected.

Amendment to Amendment No. 1 was offered by Representative Davies:

Under (a) and (b) preceding "sexual":
Insert "felony"

Representative Davies moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

There being no further objection to Amendment No. 1 as amended, it was adopted.

Representative James moved and asked unanimous consent that CSHB 210(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 210(JUD) am was read the third time.

The question being: "Shall CSHB 210(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 210(JUD) am
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft,
Davies, Dyson, Fate, Green, Guess, Halcro, Harris, Hayes, Hudson,
James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek,
McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Porter,
Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Ogan

04-23-2001

House Journal

1143

Absent: Foster, Kohring

And so, CSHB 210(JUD) am passed the House.

Representative Berkowitz gave notice of reconsideration of his vote on
CSHB 210(JUD) am.

Bill Root: Display Bill Root



TO REPORT PROBLEMS WITH BASIS INQUIRY

LIVE KTOO STREAMS



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

[Return to Legislature Home Page](#)

Journal Text



04-24-2001 House Journal 1169
HB 210

Representative Berkowitz brought up reconsideration of the vote on CSHB 210(JUD) am (page 1143).

04-24-2001 House Journal 1170
The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 210(JUD) am
"An Act relating to sexual assault and sexual abuse of a minor."

Representative Berkowitz moved and asked unanimous consent that CSHB 210(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 1 (page 1141). There being no objection, it was so ordered.

Representative Berkowitz moved and asked unanimous consent that the House rescind previous action in adopting Amendment No. 1. There being no objection, it was so ordered.

Without objection, New Amendment No. 1 was offered by Representative Berkowitz to replace Amendment No. 1:

Page 1, following line 2:

Insert "*Section 1. AS 09.10.060(c) is repealed and reenacted to read:

- (c) Notwithstanding other provisions in this chapter, a person may bring an action at any time for the following acts:
 - (1) felony sexual abuse of a minor; or
 - (2) felony sexual assault."

Renumber the following bill sections accordingly.

Representative Berkowitz moved and asked unanimous consent that New Amendment No. 1 be adopted. There being no objection, it was so ordered.

The question to be reconsidered: "Shall CSHB 210(JUD) am pass the House?" The roll was taken with the following result:

CSHB 210(JUD) am--RECONSIDERATION
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2
04-24-2001 House Journal 1171

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Ogan

Absent: Kapsner, Mulder

And so, CSHB 210 (JUD) am passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

Bill Root: |



[TO REPORT PROBLEMS WITH BASIS INQUIRY](#)

[LIVE KTOO STREAMS](#)



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

[Return to Legislature Home Page](#)

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

Sponsor Statement

CS HB 2(JUD)(title am)

“An Act relating to the statute of limitations for certain civil actions relating to acts constituting sexual offenses; and providing for an effective date.”

CS HB 2(JUD)(title am) is a clean-up bill that clarifies which misdemeanors and felonies involving sexual assault and sexual abuse have a three-year statute of limitations on civil actions, and which felonies have no statute of limitations on civil actions.

In 2001, the Twenty-second Legislature passed HB 210 Statute of Limitations: Sexual Assault and Sexual Abuse of a Minor. The original intent of HB 210 was to remove the criminal statute of limitations for felony sexual assault and sexual abuse of a minor. HB 210 was amended on the House floor and, as a result, both the criminal and the civil statute of limitations for all felony sexual assault and felony sexual abuse of a minor were removed. The floor amendment caused several statutory inconsistencies pertaining to civil statute of limitations.

The 2001 floor amendment did not reference “felony sexual abuse of a minor” and “felony sexual assault” to particular sections of the criminal code. The floor amendment did not make clear whether certain felonies included in AS 09.10.060(c) that are not sexual assault or sexual abuse of a minor, are intended to have: 1. No statute of limitations; 2. A two-year statute of limitations; or, 3. A three-year statute of limitations.

Also, the floor amendment did not make a specific provision for misdemeanor sexual abuse or sexual assault crimes. As a consequence, the civil statute of limitations for those crimes dropped to two years, for torts in general. Prior to the floor amendment, the statute of limitations was three years.

CS HB 2(JUD)(title am) establishes the civil statute of limitations at three years for misdemeanor sexual assault, misdemeanor sexual abuse of a minor, incest, and felony indecent exposure. Under CS HB 2(JUD)(title am), unlawful exploitation of a minor, a class B felony, is added to the list of sexual assault crimes in which the civil statute of limitations is removed.

Last Updated: March 31, 2003

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 10, 2003

SUBJECT: HB 2 (Work Order No. 23-LS0008\A); Civil Statute of Limitations for sex offenses

TO: Representative Kevin Meyer

FROM: Pam Finley 
Revisor of Statutes

You have asked for a sectional analysis of HB 2.

Bill section 1. This section amends AS 09.10.065 by adding unlawful exploitation of a minor to the list of sex offenses that do not have a civil statute of limitations. The amendment also clarifies that (1) it is the defendant's conduct, not a criminal conviction, that makes the section apply, and (2) for the purposes of this section, the defendant's conduct is to be judged according to the elements of the offenses as they existed at the time of the offense (not, for example, at the time the civil lawsuit is filed.)

Bill section 2. This bill section establishes a three year civil statute of limitations for conduct constituting misdemeanor sexual abuse of a minor, misdemeanor sexual assault, incest, and felony indecent exposure. Currently, acts described by these offenses would have a two year civil statute of limitations under AS 09.10.070.

Bill section 3. This bill section amends AS 09.10.140(b) to conform to the fact that conduct covered by AS 09.10.065(a) ---in bill section 1--- no longer has a statute of limitations. It is essentially a technical amendment.

Bill section 4. This bill section makes bill sections 1-3 retroactive to October 1, 2001, which was the effective date of sec. 1, ch. 86, SLA 2001. Section 1, ch. 86, SLA 2001, eliminated the civil statute of limitations for felony sexual abuse of a minor and felony sexual assault and also indirectly changed the civil statute of limitations for unlawful exploitation of a minor, misdemeanor sexual abuse of a minor, misdemeanor sexual assault, incest, and felony indecent exposure from three years to two years. Based on discussions of last year's revisor's bill, it appears that the legislature did not intend the indirect change from three years to two years. To reflect the legislature's intent in restoring the three year civil statute of limitations, this bill is made retroactive. (The addition of unlawful exploitation of a minor to those offenses that have no civil statute of limitations is also retroactive, as is the technical amendment in bill section 3.) While I do

not believe that this provision creates any constitutional problems, the bill does limit retroactivity "to the extent permitted by the state and federal constitutions."¹

Bill section 5. This bill section gives the bill an immediate effective date.

Because it may be helpful to see the statutes to which this bill relates, I have set out below AS 09.10.070 (the two year statute of limitations for torts in general), AS 09.55.650 (referred to in sec. 3), and the current versions of related criminal statutes. I am also attaching copies of the former statutes referred to in AS 09.55.650(c), as they existed at the time of their repeal in 1980.

AS 09.10.070. (general statute of limitations for torts):

Sec. 09.10.070. Actions for torts, for injury to personal property, for certain statutory liabilities, and against peace officers and coroners to be brought in two years.

(a) Except as otherwise provided by law, a person may not bring an action (1) for libel, slander, assault, battery, seduction, or false imprisonment, (2) for personal injury or death, or injury to the rights of another not arising on contract and not specifically provided otherwise; (3) for taking, detaining, or injuring personal property, including an action for its specific recovery; (4) upon a statute for a forfeiture or penalty to the state; or (5) upon a liability created by statute, other than a penalty or forfeiture; unless the action is commenced within two years of the accrual of the cause of action.

(b) A person may not bring an action against a peace officer or coroner upon a liability incurred by the doing of an act in an official capacity or by the omission of an official duty, including the nonpayment of money collected upon an execution, unless brought within two years. This subsection does not apply to an action for an escape.

AS 09.55.650 (referred to in sec. 3):

Sec. 09.55.650. Claim based on sexual abuse to a minor under 16 years of age.

(a) A person who, as a minor under 16 years of age, was the victim of sexual abuse may maintain an action for recovery of damages against the perpetrator of the act

¹ Normally, a civil statute of limitations may be extended before it has expired. Assuming that HB 2 takes effect before October 1, 2003, the statute of limitations for all acts occurring after ch. 86, SLA 2001 took effect will not have expired. However, there may be acts that occurred while the statute of limitations was three years (e.g., in 2000), but which would have been barred in 2002 under a two year statute of limitations. There are some cases in some jurisdictions that suggest that a defendant may have a vested, constitutionally protected right not to be sued once the statute of limitations has expired. See discussion at 51 AM JUR 2d, Limitation of Actions §§ 4, 49, 50, and 51. While these may be distinguishable from the situations covered by HB 2, and while Alaska's Supreme Court has not ruled on this issue, I thought it prudent to indicate that even if the constitution prevents HB 2 from being applied retroactively to some cases, it should be applied retroactively to those cases for which there is no constitutional impediment.

or acts of sexual abuse based on the perpetrator's intentional conduct for an injury or condition suffered as a result of the sexual abuse.

(b) If the defendant committed more than one act of sexual abuse on the plaintiff, the plaintiff is not required to prove which specific act caused the injury.

(c) In this section, "sexual abuse" means an act committed by the defendant against the plaintiff maintaining the cause of action if the defendant's conduct would have violated a provision of AS 11.41.410 - 11.41.440 or 11.41.450 - 11.41.458, former AS 11.15.120, 11.15.134, or 11.15.160, or former AS 11.40.110 at the time it was committed.

AS 11.41.410 - 11.41.458

Sec. 11.41.410. Sexual assault in the first degree.

(a) An offender commits the crime of sexual assault in the first degree if

(1) the offender engages in sexual penetration with another person without consent of that person;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state; or

(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.41.420. Sexual assault in the second degree.

(a) An offender commits the crime of sexual assault in the second degree if

(1) the offender engages in sexual contact with another person without consent of that person;

(2) the offender engages in sexual contact with a person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state;

(3) the offender engages in sexual penetration with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed; or

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the second degree is a class B felony.

Sec. 11.41.425. Sexual assault in the third degree.

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the third degree is a class C felony.

Sec. 11.41.427. Sexual assault in the fourth degree.

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the fourth degree is a class A misdemeanor.

Sec. 11.41.432. Defenses.

(a) It is a defense to a crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), or 11.41.425 that the offender is

(1) mentally incapable; or

(2) married to the person and neither party has filed with the court for a separation, divorce, or dissolution of the marriage.

(b) Except as provided in (a) of this section, in a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

Sec. 11.41.434. Sexual abuse of a minor in the first degree.

(a) An offender commits the crime of sexual abuse of a minor in the first degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.41.436. Sexual abuse of a minor in the second degree.

(a) An offender commits the crime of sexual abuse of a minor in the second degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least three years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least three years younger than the offender to engage in sexual penetration with another person;

(2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455(a)(2) - (6); or

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the second degree is a class B felony.

Sec. 11.41.438. Sexual abuse of a minor in the third degree.

(a) An offender commits the crime of sexual abuse of a minor in the third degree if

(1) being 16 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the third degree is a class C felony.

Sec. 11.41.440. Sexual abuse of a minor in the fourth degree.

(a) An offender commits the crime of sexual abuse of a minor in the fourth degree if

(1) being under 16 years of age, the offender engages in sexual penetration or sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the fourth degree is a class A misdemeanor.

Sec. 11.41.445. General provisions.

(a) In a prosecution under AS 11.41.434 - 11.41.440 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless the offense was committed without the consent of the victim.

(b) In a prosecution under AS 11.41.410 - 11.41.440, whenever a provision of law defining an offense depends upon a victim's being under a certain age, it is an affirmative defense that, at the time of the alleged offense, the defendant

(1) reasonably believed the victim to be that age or older; and

(2) undertook reasonable measures to verify that the victim was that age or older.

Sec. 11.41.450. Incest.

(a) A person commits the crime of incest if, being 18 years of age or older, that person engages in sexual penetration with another who is related, either legitimately or illegitimately, as

(1) an ancestor or descendant of the whole or half blood;

(2) a brother or sister of the whole or half blood; or

(3) an uncle, aunt, nephew, or niece by blood.

(b) Incest is a class C felony.

Sec. 11.41.455. Unlawful exploitation of a minor.

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to

Representative Kevin Meyer

February 10, 2003

Page 7

engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
- (2) the lewd touching of another person's genitals, anus, or breast;
- (3) the lewd touching by another person of the child's genitals, anus, or breast;
- (4) masturbation;
- (5) bestiality;
- (6) the lewd exhibition of the child's genitals; or
- (7) sexual masochism or sadism.

(b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

(c) Unlawful exploitation of a minor is a class B felony.

(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

Sec. 11.41.458. Indecent exposure in the first degree.

(a) An offender commits the crime of indecent exposure in the first degree if

- (1) the offender violates AS 11.41.460(a);
 - (2) while committing the act constituting the offense, the offender knowingly masturbates; and
 - (3) the offense occurs within the observation of a person under 16 years of age.
- (b) Indecent exposure in the first degree is a class C felony.

PF:lmb

03-025.lmb

Enclosure:




REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: March 31, 2003

TO: Senator Gary Stevens
Chairman, Senate State Affairs Committee

FROM: Representative Kevin Meyer 

RE: CS HB 2(JUD)(title am)

There were two minor changes that were made in the House Judiciary Committee Substitute for HB 2:

Section 1: Page 1, line 6-7

Delete: "Notwithstanding other provisions in this chapter, a"

Section 2: Page 1, line 13

Delete: "Notwithstanding other provisions in this chapter"

The title of CS HB 2(JUD) was amended on the House Floor to clarify that the civil actions are limited to the civil actions for acts constituting sexual offenses.

HB

10

SENATE COMMITTEE REPORT

DATE: 5/3/03

FURTHER: Labor and Commerce
Finance

DATE TURNED
IN TO OFFICE: 5/17/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 10(HES)

HB 10 GROUP HEALTH INSURANCE FOR PRIVATE GROUPS

"An Act relating to pooling by employers and self-employed individuals for purposes of group health insurance; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOA	4/14/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
CHAIR: <i>[Signature]</i>				

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 10(L&C)
 (H) Publish Date: 4/14/2003

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to health insurance BRU Centralized Admin Services
for small businesses and non profits Component Retirement & Benefits
 Sponsor Rep. Heinze and Rokeberg
 Requester House Labor & Commerce Component No. 64

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
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 (FY2002) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to the adoption of a committee substitute by the House Labor & Commerce Committee, which no longer requires the involvement of the Commissioner of Administration, this bill will now have a zero fiscal impact.

Prepared by: Representative Tom Anderson Phone _____
 Division Chair, House Labor & Commerce Committee Date/Time 4/14/03 11:44 AM
 Approved by: Representative Tom Anderson Date 4/14/2003
 Agency House Labor & Commerce Committee

Alaska State Legislature

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Rep.Cheryll.Heinze@legis.state.ak.us

Representative Cheryll Heinze

District 24 - Anchorage

CSHB 10 (HESS)

SPONSOR STATEMENT

"An Act relating to pooling by employers and self-employed individuals for the purposes of group health insurance; and providing for an effective date."

In this legislation, small and large employers and self-employed individuals are allowed to form an association for the purpose of obtaining health insurance. Under HB 10, an insurer may offer a policy to an association of employers covering the employees and dependents of the employees, or to an association of self-employed individuals covering self-employed individuals and dependents of the self-employed individuals, or to an association that includes a combination of employers and self-employed individuals.

A self-employed individual is defined as an individual who derives a substantial portion of the individual's income from a trade or business through which the individual has attempted to earn taxable income and for which the individual has filed the appropriate Internal Revenue Service form and schedule for the previous year.

An association would be required to establish a constitution and bylaws. The association must be maintained for the benefit of persons other than the association or its officers or trustees. Membership in the association is restricted to large or small employers, or self-employed individuals, who are residents of the state. An employer, however, may reside in another state and may obtain coverage through an association for the employees and dependents of the employees of that employer who are residents of this state.

The association may not condition membership in the association or coverage under a health insurance policy issued to the association. An exception is provided for a self-employed individual where a health care insurer may decline to cover or may restrict coverage offered to that individual under the association plan.

An intent section has been added to the bill to clarify that non-profits are included in those covered by this bill. Specifically, large and small non-profit employers and non-profit self-employed individuals would be allowed to form an association for group health insurance purposes.

Alaska State Legislature

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Representative Cheryll Heinze
District 24 - Anchorage

CSHB 10 (HESS)

SECTIONAL

Section 1. This is a section of uncodified law which expresses the intent to include non-profits .

Section 2. This section amends As 21.54.015 by adding a new subsection to allow an insurer to decline to cover or restrict coverage to a self-employed individual under AS 21.54.060.

Section 3. This section amends AS 21.54.060 defining group health insurance to include as association of employers and their dependents and self-employed individuals and their employers.

Subsection (A) Sets out requirements for the association.

Subsection (B) Defines "self-employed individual"

Section 4. This section amends AS 21.56.120 by adding a new subsection describing how premium rates may be determined .

Section 5. This section provides for an effective date.

Aetna
601 Union St., Suite 810
Seattle, WA 98101



Mike Wiggins
National Accounts
(206) 701-8106
Fax: (206) 701-8175

May 5, 2003

Representative Cheryl Heinze
House of Representatives
Alaska Legislature
Pouch V
Juneau, Alaska 99801

Dear Representative Heinze:

Aetna has reviewed CS HB10, which would allow the pooling of small businesses and nonprofit corporations for the purpose of procuring health insurance.

Any organization for pooling would be done privately and independent brokers may have the opportunity to procure insurance for any groups which might be formed.

Aetna does not have any objection to the creation of this additional option to allow businesses an alternate means to find the best possible private health insurance that will fit their needs.

Sincerely,

A handwritten signature in cursive script that reads "Mike Wiggins".

Mike Wiggins 

Cc: Nicole Salinas
Jeff Beck
Reed Stoops

THE
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Honorable Tom Anderson, Chair
House Labor and Commerce Committee
Alaska Capital, Room 432
Juneau, AK 99801-1182

February 15, 2003

RE: HB 10 (Heinze & Rokeberg)-Support

Dear Chair Anderson:

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House Labor and Commerce Committee to support HB 10, authored by Representatives Cheryll Heinze and Norman Rokeberg, one of your Committee members, and co-sponsored by nine of your other House colleagues.

Alaska has good reason to be concerned about it's uninsured. Almost one of every five Alaskans between the ages of 50 and 64 has no health insurance coverage. These same statistics hold true for younger Alaskans. HB 10 will offer some opportunity for coverage for employees of small businesses, non-profit organizations and agencies and organizations that band together to form a group pool. AARP is very supportive of such efforts. Indeed, AARP was founded by retired educators in the 1940's and 1950's who were unable to secure any form of health insurance once they left the workforce. This was several years before the enactment of Medicare and AARP pool coverage was often the only health insurance our members could find.

AARP believes that all Alaskans should have access to health insurance coverage. We know that the uninsured often postpone preventive care and end up in emergency rooms, receiving the most expensive and often most serious care. We are also well aware that the health care costs of the uninsured are often shifted to those who do have insurance. Obviously, state government often picks up some of the costs of the uninsured because the State does provide coverage to its employees and retirees. If we could reduce the number of uninsured, we would also reduce the health costs unfortunately being shifted to the State as well as other employers that cover their employees (including AARP).

HB 10 will not solve all our problems with the uninsured. However, it has already focused attention in the media on this issue. These are most often our small businesses, farmers, college students, and workers in the non-profit sector. As the authors point out in the bill, expensive turnover for these organizations often eliminates the opportunity for them to retain an experienced workforce. Small business is the future of Alaska. Non-profit organizations, as the bill points out, often provide needed services that the State simply cannot afford to supply.

HB 10 is a very good first effort at addressing this serious problem. AARP encourages you and your colleagues on the House Labor and Commerce Committee to vote "AYE" when HB 10 is heard before you.

Should you have any questions about our position, please feel free to contact Marie Darlin (907.586.3637), Coordinator of the AARP Capitol City Task Force; Patrick Luby (907.762.3314), AARP Legislative Representative; or me (907.245.5259).

Thank you for your consideration.

Sincerely,

Marguerite Stetson

Marguerite Stetson
AARP Alaska
Executive Council Member for Advocacy
3009 Northwood Street
Anchorage, AK 99517-1871
907.245.5259 voice
907.245.5279 fax
ffmas@aurora.uaf.edu

cc: Vice-Chair Bob Lynn
Representative Nancy Dahlstrom
Representative Carl Gatto
Representative Norman Rokeberg
Representative Harry Crawford
Representative David Guttenberg
Representative Cheryl Helnze
Marie Darlin
Patrick Luby

Representative Les Gara
Representative Lesil McGuire
Representative Mike Hawker
Representative Richard Foster
Representative Gary Stevens
Representative Peggy Wilson
Representative Paul Seaton
Representative Bruce Weyhrauch
Representative Carl Moses

Subject: House Bill 10

Date: Wed, 29 Jan 2003 09:18:12 -0900

From: Debbie McCravey <dmccravey@sremsc.org>

Organization: SREMSC

To: "Heinze, Representative Cheryll" <Representative_Cheryll_Heinze@legis.state.ak.us>, "Rokeberg, Representative Norman" <Representative_Norman_Rokeberg@legis.state.ak.u

Dear Representatives Heinze and Rokeberg,

I would like to thank you for introducing House Bill 10 early in the session. I will be very interested on the progress of this bill.

Our company is Southern Region EMS Council, Inc. We are a non-profit and operate on a grant through the DHSS/CHEMS. Our funding has been flat for the past 6 years and so the health insurance increases, along with other increases in costs, have really had an effect on our funding.

We employ ten people of whom eight are eligible for insurance. Two years ago we were forced to ask our employees to start contributing to the cost of the premiums to hold our costs within our grant budget. This has been devastating for the employee moral since this was truly the only real benefit we can offer our employees. We currently pay close to \$7,000 per month for health insurance.

Please let me know if there is anything I can do to help with your quest to get House Bill 10 passed. I could easily create a spreadsheet showing the premium increases we have suffered for the past several years. These increases have ranged from 10-43% and an annual basis.

Thank you,
Debbie McCravey

Debbie McCravey <dmccravey@sremsc.org>

Finance Manager

Southern Region EMS Council, Inc.

May 5, 2003

Gary Stevens, Chair, State Affairs committee, 907 465 3517

Re: HB 10 "An act relating to pooling by employers and self-employed individuals for purposes of group health insurance

Dear Senator Stevens,

I am writing to support HB 10 and encourage its expedient passage through Senate State Affairs committee.

This legislation offers an excellent option for uninsured Alaskans to obtain medical insurance. This would make health care more assessable for many who now put off getting needed medical attention. This usually serves to increase the severity of their illness, making treatment more difficult when they finally do get medical care.

Please pass HB 10 out of SB State Affairs.

Thank you for your service to Alaska in the legislature.

Respectfully,



Cathy Giessei, MSN, FNP-CS
12701 Ridgewood Rd
Anchorage, AK 99516-2934

907 345 5470

Alaska State Legislature

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0160
Fax: (907) 269-0177



Session:
Alaska State Capitol, Rm 416
Juneau, AK 99801-1182

Phone: (907) 465-4930
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Toll Free: (800) 331-4930
Rep.Cheryll.Heinze@legis.state.ak.us

Representative Cheryll Heinze District 24 - Anchorage

- The bill before you today is the CS for HB 10 (HES)
- Current estimates show that more than 100,000 Alaskans are without health insurance coverage.
- HB 10 attempts to help our citizens obtain affordable health insurance
- Current statute (AS 21.54.060), defines the eligible groups for which an insurance company can offer coverage. Currently AS 21.54.060 does not include a group formed for insurance purposes. If a group type is not included in AS 21.54.060, then an insurance company can not offer coverage to that group type.
- HB 10 amends this statute by allowing self-employed individuals and groups of employers, both small and large including non-profits to pool for the purpose of obtaining health insurance.
- Incorporating self-employed individuals into the group associations is a key component of this bill. To make this provision workable, some conditions have been incorporated into the bill.
- Under HB 10, a health care insurer **may decline to cover or may restrict the coverage** offered to a self-employed individual under an association plan. This applies **only** to a **self-employed individual** who joins a group but **not for employees** of either large or small employers.
- The State's Division of Insurance recommended these restrictions to prevent high risk individuals from flocking to these association plans thereby driving up the premiums for the groups.
- Under current statute (AS 21.54.100), a health care insurer may not establish rules for eligibility based on health status, medical history, disability etc., nor may they charge a higher fee for coverage of such an individual. Except in the case of a self-employed individual attempting to join an association for the purpose of obtaining insurance, this statute remains intact.
- Another key feature of this bill is the inclusion of non-profits in the bill's language. Non-profit groups have been amongst those having the most difficulty in obtaining affordable health insurance for their members. Allowing non-profit groups to form associations with other non-profit groups or self-employed non-profit individuals or with any other association may help them to negotiate for more affordable health insurance.
- In addition, The Mental Health Trust Authority has committed to assisting the non-profits in this effort and are currently working with Dennis McMillan of the Foraker Group, a group providing management and organizational training to non-profit staff, to find affordable health options.

HB

14

SENATE COMMITTEE REPORT

DATE: 4/2/03

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/7/03

State Affairs Committee considered HOUSE BILL NO. 14 am

HB 14 PERMANENT FUND ALLOWABLE ABSENCES

"An Act relating to an absence from the state while providing care for a terminally ill family member for purposes of determining eligibility for a permanent fund dividend; and providing for an effective date."

and recommends:

- be replaced with Senate CS 4HB14 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOR	7/16/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			

23-LS0056D

Cook

5/3/03

SENATE CS FOR HOUSE BILL NO. 14()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES FATE, Gara, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an absence from the state while providing care for a terminally ill
2 family member for purposes of determining eligibility for a permanent fund dividend;
3 and providing for an effective date."

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

5 * Section 1. AS 43.23.008(a) is amended to read:

6 (a) Subject to (b) and (c) of this section, an otherwise eligible individual who
7 is absent from the state during the qualifying year remains eligible for a current year
8 permanent fund dividend if the individual was absent

9 (1) receiving secondary or postsecondary education on a full-time
10 basis;

11 (2) receiving vocational, professional, or other specific education on a
12 full-time basis for which, as determined by the Alaska Commission on Postsecondary
13 Education, a comparable program is not reasonably available in the state;

14 (3) serving on active duty as a member of the armed forces of the

- 1 United States;
- 2 (4) serving under foreign or coastal articles of employment aboard an
- 3 oceangoing vessel of the United States merchant marine;
- 4 (5) receiving continuous medical treatment recommended by a
- 5 licensed physician or convalescing as recommended by the physician that treated the
- 6 illness if the treatment or convalescence is not based on a need for climatic change;
- 7 (6) providing care for a parent, spouse, sibling, child, or stepchild with
- 8 a critical life-threatening illness whose treatment plan, as recommended by the
- 9 attending physician, requires travel outside the state for treatment at a medical
- 10 specialty complex;
- 11 (7) providing care for the individual's terminally ill family member
- 12 [PARENT, SPOUSE, SIBLING, CHILD, OR STEPCHILD];
- 13 (8) settling the estate of the individual's deceased parent, spouse,
- 14 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- 15 (9) serving as a member of the United States Congress;
- 16 (10) serving on the staff of a member from this state of the United
- 17 States Congress;
- 18 (11) serving as an employee of the state in a field office or other
- 19 location;
- 20 (12) accompanying a minor who is absent under (5) of this subsection;
- 21 (13) accompanying another eligible resident who is absent for a reason
- 22 permitted under (1) - (3), (5) - (12), or (14) of this subsection as the spouse, minor
- 23 dependent, or disabled dependent of the eligible resident;
- 24 (14) for any reason consistent with the individual's intent to remain a
- 25 state resident, provided the absence or cumulative absences do not exceed
- 26 (A) 180 days if the individual is not claiming an absence under
- 27 (1) - (13) of this subsection;
- 28 (B) 120 days in addition to any absence or cumulative absences
- 29 claimed under (1) or (2) of this subsection if the individual is not claiming an
- 30 absence under (3) - (13) of this subsection; or
- 31 (C) 45 days in addition to any absence or cumulative absences

1 claimed under (1) - (13) of this subsection.

2 * Sec. 2. AS 43.23.008 is amended by adding a new subsection to read:

3 (d) For purposes of (a)(7) of this section, "family member" means a person
4 who is

5 (1) legally related to the individual through marriage or guardianship;

6 or

7 (2) the individual's sibling, parent, grandparent, son, daughter,
8 grandson, granddaughter, uncle, aunt, niece, nephew, or first cousin.

9 * Sec. 3. This Act takes effect January 1, 2004.

Representative
HUGH "BUD" FATE
Chair-Resources Committee
Energy Council
119 N. Cushman St. Suite 207
Fairbanks, Alaska 99701
(907) 452-6084
Fax: (907) 452-6096

Alaska State Legislature



While in Session
State Capitol, Room 128
Juneau, Alaska 99801-1182
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Fax: 465-3883
Toll Free:
1 866-465-4976

House District 7

House of Representatives Memorandum

To: Senate State Affairs Committee
Fm: Representative Hugh "Bud" Fate
With Attachment
Date: April 30, 2003
Re: Responses to questions posed by the Committee

A handwritten signature in cursive script that reads "Hugh Fate".

Members of the Committee asked several questions regarding HB 14am during Tuesday's committee meeting:

In reference to the definition of Canon Law, *Blacks Law Dictionary, 6th Edition (1990)* defines accordingly:

Canon- A law, rule, or ordinance in general and of the church in particular. An ecclesiastical law of statute. A rule of doctrine or discipline. A criterion or standard of judgement. A body of principals, standards, rules, or norms.

A body of Roman ecclesiastical jurisprudence compiles in the twelfth, thirteenth and fourteenth centuries from the opinions of the ancient Latin fathers, the decrees of General Councils, and the decretal epistles and bulls of the Holy See. The canon law is contained in two principal parts,--- the decrees or ecclesiastical constitutions made by the popes and cardinals; and the decretals or canonical epistles written by the pope, or by the pope and cardinals, at the suit of one or more persons. As the decrees set out the origin of the canon law, and the rights, dignities and decrees of ecclesiastical persons, with their manner of election, ordination, etc., so the decretals contain the law to be used in the ecclesiastical courts.

Ecclesiastical- Pertaining to anything belonging to or set apart for the church, as distinguished from "civil" or "secular", with regard to the world.

It was the intent of the amendment author to use the canon law reference to assure, that family member could not be loosely interpreted by the judiciary as it has in some cases.¹

¹ *Collins v. Northwest Casualty co.*, 180 Wash. 347, 39 P.2d 986, 989 & *Logan v. St. Louis Police Relief Ass'n*, Mo.App., 133 S.W.2d 1048, 1049, 1050

For the purposes of other definitions also using Black's:

Family: *Wills:* As respect to construction of will, the word "family" denotes a group of persons related to each other by marriage or blood living together under a single roof and comprising a household whose head is usually the father or husband, but the word is not one of inflexible meaning and its significance to a large extent depends upon the context and the purpose for which it is employed. For example, the word "family" has been held to include those who have left father's home and have married and established their own homes when context and purpose indicate such significance should be attributed to the word.

Magill v. Magill, 317 Mass. 89, 56 N.E.2d 892, 894, 896

Kindred defers to **Next of Kin:** The term "next of kin" is used with two meanings; (1) nearest blood relations according to law of consanguinity and (2) those entitled to take under statutory distribution of intestate's estates, and term is not necessarily confined to relatives by blood, but may include a relationship existing by reason of marriage, and may well embrace persons, who in the natural sense of word, and in contemplation of Roman law, bear no relation of kinship at all.

Re: Kyle's Autopsy, Okl., 309 p.2d 1070, 1073

Adoption: Legal process pursuant to state statute in which a child's legal rights and duties toward his natural parents are terminated and similar rights and duties toward his adoptive parents are substituted.

Guardianship: A legal arrangement under which one person (a guardian) has the legal right and duty to care for another (the ward) and his or her property. A guardianship is established because of the ward's inability to legally act on his or her own behalf.

As to the question of individual:

The language in existing statute cited on Page 1, Line 6 is clear regarding the term.

(a) Subject to (b) and (c) of this section, an otherwise **eligible individual** who is absent.... (emphasis added)

After a closer review of the two other sections starting on Page 2, Line 7 and Line 13 about a possible change to language:

The original intent of the language was to only deal with terminally ill family members. Therefore, life-threatening illness and settling of the estate was not to be addressed as is indicated in the title.

I spoke with Paul Dick, Chief of PFD Operations regarding the number of people effected by:

1. Existing Language: 140 people filed and received the benefit for the 2002 dividend. Had the language not been in place checks would have increased approximately \$.75.
2. It is somewhat difficult to determine exactly how many people will be added to that number with the passage of HB 14. The best estimate is an additional 300 to the 2002 figure.

Regarding the amendment already submitted to the Committee, the attached memo from Tam Cook of Legislative Legal should resolve those concerns.

Thank you for the opportunity to work with the Committee members regarding HB 14, which will make it easier for Alaskans to take care of a terminally ill family member without being penalized for being responsible to the most important unit in Alaska, the family.

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

April 30, 2003

SUBJECT: Eligibility for permanent fund dividend (HB 14am)

TO: Representative Hugh Fate
Attn: Jim Pound

FROM: Tamara Brandt Cook
Director *TBC*

The House adopted an amendment to HB 14 permitting a person to be absent from the state to care for a terminally ill family member and defining "family member" in part as follows: "a person legally related to the individual through blood to the second degree of kindred computed under the rules of canon law..." You ask about the meaning of this part of the definition.

There are two methods of determining the degrees of consanguinity, the common law method and the canon law method. Under the canon law method of determining kinship, aunts and uncles, nieces and nephews, and first cousins are considered to be more closely related to an individual than under the common law method. Under the canon law method, the following individuals are within the second degree of kinship: brother and sister, father and mother, grandfather and grandmother, son and daughter, grandson and granddaughter, uncle and aunt, niece and nephew, first cousin. Under the common law method the following relatives would be excluded: uncle and aunt, niece and nephew, and first cousin.

I have attached a chart showing degrees of consanguinity for your reference.

I was present for part of the meeting that Mr. Pound referred to in his memorandum to me and recall that a question came up as to whether paragraphs (6) and (8) of AS 43.23.008(a) should also be amended as is done to paragraph (7) in HB 14am. Be aware that including amendments to paragraphs (6) and (8) would require that the title of the bill as it passed the House be changed in the Senate, thereby triggering the requirement that Uniform Rules prohibiting the second house from changing a title be suspended. (See Uniform Rule 54)

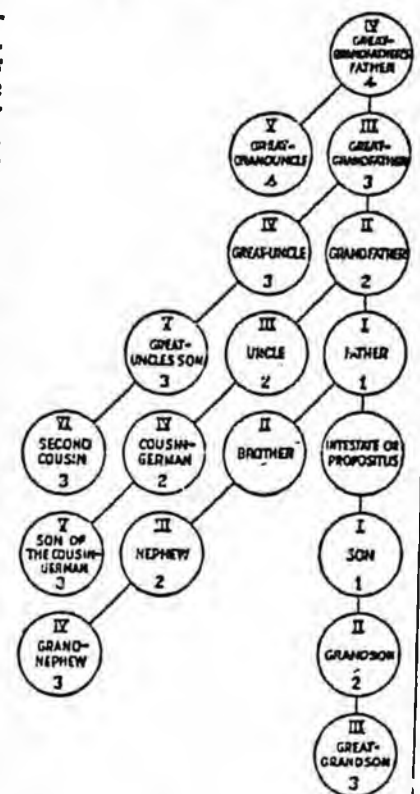
TBC:mdr
03-095.mdr

Enclosure:

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

sanguineus + *E -al*] : CONSANGUINE (~ ties are the normal basis for the transmission of land rights — W.H. Goodenough)
con-san-guin-ean \-;gwīnēən\ *adj* [L *consanguineus* + *E -an*] *Roman law* : having the same father
con-san-guin-eous \-nēəs\ *adj* [L *consanguineus*] 1 : of the same blood (a ~ mating) : descended from the same person (as a father) or the same ancestor (~ brothers); also : of or relating to persons so related (a ~ community) — distinguished from *affinal*: compare CONSANGUINE 2 : of the same origin (~ igneous rocks) — **con-san-guin-eous-ly** *adv*

con-san-guin-i-ty \;kūnsən;gwīnəd-ē, -sən;gw-ətē, -i\ *n* -ES [ME *consanguinitate*, fr. MF *consanguinité*, fr. L *consanguinitat-*, *consanguinitas*, fr. *consanguineus* + *-itat-*, *-itas* -ity] 1 : the quality or state of being related by blood or descended from a common ancestor : BLOOD RELATIONSHIP — distinguished from *affinity* and commonly expressed in degrees of consanguinity (according to one scheme a person has ~ of the second degree with his grandfather, grandson, uncle, cousin-german, and nephew or with corresponding female relations); compare AGNATE, COGNATE 2 : genetic relationship; *specif* : the spatial, chronological, and compositional relationship existing between the various rocks in a single petrographic province 3 : a close relation or connection : AFFINITY (the ~ of all religions)



consarcinate *vt* -ED/-ING/-S [L *consarcinatus*, past part. of *consarcinare*, fr. *com-* + *-sarcinare* (fr. *sarcire* : to mend, patch)] *obs* : to patch together — **consarcination** *n* -s *archaic*
con-sarn \(')kūn;sārŋ, kən-'s-, -sārŋ\ *vt* -ED/-ING/-S [alter. of 'concern; prob. euphemism for *confound*] *dial* : DAMN — a mild imprecation

con-sarned \(')kūn;sārnd, kən's-, -sārnd\ *also* **con-sarn** \-sārŋ, -sārŋ\ *adj, dial* : DAMNED, CONFOUNDED — a mild imprecation (that ~ old thief — Kate D. Wiggin)

consarned \'\ *also* **con-sarn** \'\ *adv* [*consarned*, *consarn*] *dial* : TERRIBLY, AWFULLY — a mild imprecation (he was always ~ lucky)

con-science \'kūnchən(t)s *sometimes* 'kōn-\ *n* -s [ME, fr. OF, fr. L *conscientia*, fr. *conscient-*, *consciens* (pres. part. of *conscire* to know, be conscious, fr. *com-* + *scire* to know) + *-ia -y* — more at SCIENCE] 1 a : the sense of right or wrong within the individual (decide a matter according to your own ~) : the awareness of the moral goodness or blameworthiness of one's own conduct, intentions, or character together with a feeling of obligation to do or be that which is recognized as good often felt to be instrumental in producing feelings of guilt or remorse for ill-doing; *specif* : the part of the superego in psychoanalysis of which the ego is conscious and through which the commands and admonitions of the superego are communicated to the ego b : the faculty, power, or principle (as in an individual, nation, or group) that guides toward the right and away from the wrong (~ rather than professional loyalty was his spiritual leader) (the still small voice of his ~) 2 *obs* : inmost thought or sense : knowledge of inner self : CONSCIOUSNESS (a ~ of having done his duty) 3 a *obs* : conscientious observance : REVERENCE, REGARD — used with *of* or *to* (mere ~ of royal rank) b : observance of or loyalty to the dictates of the moral or ethical sense : CONSCIENTIOUSNESS (forbidden by ~ and by law) (they blunder along badly enough in all ~ — Walter Lippmann) 4 : sensitive regard for fairness or justice : SCRUPLE, COMPUNCTION (a legal advisor with no ~ for his client's feeling) (a profiteer with no ~) — **in all conscience** or **in conscience** *adv* 1 : in all reasonableness and fairness 2 : beyond a doubt

diagram showing degrees of consanguinity between a given person (intestate or propositus) and lineal and collateral relations according to the common law and canon-law computation (Arabic numerals) and the civil-law computation (Roman numerals), lineal relations being represented by the disks vertically connected, collateral relations by those at the side

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Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • <http://www.kerttula.net>

INTEROFFICE MEMORANDUM

TO: Lisa Weissler
FROM: Juli Lucky
SUBJECT: Floor Amendment to HB 14
DATE: April 4, 2003

Lisa,

The amendment your boss offered, my boss explained and the body adopted reads:

(d) For purposes of (a)(7) of this section, "family member" means a person legally related to the individual through blood to the second degree of kindred computed under the rules of canon law, marriage, adoption, or guardianship."

The underlined part is what we put in during discussions in Beth's office. The problem is that this bill would restrict blood relatives to the 2nd degree of kindred and place no restrictions on relatives acquired through marriage, adoption or guardianship. I don't think that was our intent. Tam also thinks that you shouldn't open it up to a guardian's relatives, so she proposed the attached amendment.

The amendment language would read:

(d) For purposes of (a)(7) of this section, "family member" means a person legally related to the individual through guardianship or to the second degree of kindred computed under the rules of canon law through blood, marriage, or adoption."

Do you want to run this by Fat's office?

AMENDMENT

OFFERED IN THE SENATE

TO: HB 14 am

1 Page 3, line 4:

2 Delete "blood"

3 Insert "guardianship or,"

4

5 Page 3, line 5:

6 Delete "marriage, adoption, or guardianship"

7 Insert "through blood, marriage, or adoption"

AMENDMENT #2

OFFERED IN THE SENATE

TO: HB 14 am

*talk to
James
Crespo*

- 1 Page 3, line 4:
- 2 Delete "blood"
- 3 Insert "guardianship or,"
- 4
- 5 Page 3, line 5:
- 6 Delete "marriage, adoption, or guardianship"
- 7 Insert "through blood, marriage, or adoption"

ALASKA STATE LEGISLATURE

House of Representatives

Representative Hugh (Bud) Fate

State Capitol, Room 128
Juneau, AK 99801
Phone: (907) 465-4976
Fax: (907) 465-3883
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Co-Chair Resources
Member:
Military & Veterans Affairs
Oil & Gas
Transportation

Sponsor Statement

House Bill 14

“An Act relating to an absence from the state while providing care for a terminally ill grandparent for purposes of determining eligibility for a permanent fund dividend; and providing for an effective date.”

House Bill 14 makes changes to existing statute and defines the legal definition of family. Once passed into law, the Permanent Fund Division of the Department of Revenue will be able to clearly consider the family through first cousins for the purpose of granting this exemption.

By changing the language, a family member will be able to provide care for a terminally ill family member in their final days without being penalized by the state. This expansion of existing language defines a legal family member as related through blood to the second degree, under the rules of canon law, marriage, adoption, or guardianship.

This addition to existing language will show Alaskans that we do believe the family is more than one or two generations. The family is still the strongest single unit that makes this state great, and we as legislators need to acknowledge that by passing House Bill 14.

HOUSE BILL NO. 14 am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE LES FATE, Gara, Lynn

Amended: 3/31/03
Introduced: 1/21/03

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to an absence from the state while providing care for a terminally ill
2 family member for purposes of determining eligibility for a permanent fund dividend;
3 and providing for an effective date."

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

5 * **Section 1.** AS 43.23.008(a) is amended to read:

6 (a) Subject to (b) and (c) of this section, an otherwise eligible individual who
7 is absent from the state during the qualifying year remains eligible for a current year
8 permanent fund dividend if the individual was absent

9 (1) receiving secondary or postsecondary education on a full-time
10 basis;

11 (2) receiving vocational, professional, or other specific education on a
12 full-time basis for which, as determined by the Alaska Commission on Postsecondary
13 Education, a comparable program is not reasonably available in the state;

14 (3) serving on active duty as a member of the armed forces of the

1 United States;

2 (4) serving under foreign or coastal articles of employment aboard an
3 oceangoing vessel of the United States merchant marine;

4 (5) receiving continuous medical treatment recommended by a
5 licensed physician or convalescing as recommended by the physician that treated the
6 illness if the treatment or convalescence is not based on a need for climatic change;

7 (6) providing care for a parent, spouse, sibling, child, or stepchild with
8 a critical life-threatening illness whose treatment plan, as recommended by the
9 attending physician, requires travel outside the state for treatment at a medical
10 specialty complex;

11 (7) providing care for the individual's terminally ill family member
12 [PARENT, SPOUSE, SIBLING, CHILD, OR STEPCHILD];

13 (8) settling the estate of the individual's deceased parent, spouse,
14 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;

15 (9) serving as a member of the United States Congress;

16 (10) serving on the staff of a member from this state of the United
17 States Congress;

18 (11) serving as an employee of the state in a field office or other
19 location;

20 (12) accompanying a minor who is absent under (5) of this subsection;

21 (13) accompanying another eligible resident who is absent for a reason
22 permitted under (1) - (3), (5) - (12), or (14) of this subsection as the spouse, minor
23 dependent, or disabled dependent of the eligible resident;

24 (14) for any reason consistent with the individual's intent to remain a
25 state resident, provided the absence or cumulative absences do not exceed

26 (A) 180 days if the individual is not claiming an absence under
27 (1) - (13) of this subsection;

28 (B) 120 days in addition to any absence or cumulative absences
29 claimed under (1) or (2) of this subsection if the individual is not claiming an
30 absence under (3) - (13) of this subsection; or

31 (C) 45 days in addition to any absence or cumulative absences

1 claimed under (1) - (13) of this subsection.

2 * **Sec. 2.** AS 43.23.008 is amended by adding a new subsection to read:

3 (d) For purposes of (a)(7) of this section, "family member" means a person
4 legally related to the individual through blood to the second degree of kindred
5 computed under the rules of canon law, marriage, adoption, or guardianship.

6 * **Sec. 3.** This Act takes effect January 1, 2004.

HOUSE BILL NO. 14

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FATE, Gara

Introduced: 1/21/03

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an absence from the state while providing care for a terminally ill
2 grandparent for purposes of determining eligibility for a permanent fund dividend; and
3 providing for an effective date."

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

5 * Section 1. AS 43.23.008(a) is amended to read:

6 (a) Subject to (b) and (c) of this section, an otherwise eligible individual who
7 is absent from the state during the qualifying year remains eligible for a current year
8 permanent fund dividend if the individual was absent

9 (1) receiving secondary or postsecondary education on a full-time
10 basis;

11 (2) receiving vocational, professional, or other specific education on a
12 full-time basis for which, as determined by the Alaska Commission on Postsecondary
13 Education, a comparable program is not reasonably available in the state;

14 (3) serving on active duty as a member of the armed forces of the

- 1 United States;
- 2 (4) serving under foreign or coastal articles of employment aboard an
- 3 oceangoing vessel of the United States merchant marine;
- 4 (5) receiving continuous medical treatment recommended by a
- 5 licensed physician or convalescing as recommended by the physician that treated the
- 6 illness if the treatment or convalescence is not based on a need for climatic change;
- 7 (6) providing care for a parent, spouse, sibling, child, or stepchild with
- 8 a critical life-threatening illness whose treatment plan, as recommended by the
- 9 attending physician, requires travel outside the state for treatment at a medical
- 10 specialty complex;
- 11 (7) providing care for the individual's terminally ill parent, spouse,
- 12 sibling, child, [OR] stepchild, or grandparent;
- 13 (8) settling the estate of the individual's deceased parent, spouse,
- 14 sibling, child, or stepchild, provided the absence does not exceed 220 cumulative days;
- 15 (9) serving as a member of the United States Congress;
- 16 (10) serving on the staff of a member from this state of the United
- 17 States Congress;
- 18 (11) serving as an employee of the state in a field office or other
- 19 location;
- 20 (12) accompanying a minor who is absent under (5) of this subsection;
- 21 (13) accompanying another eligible resident who is absent for a reason
- 22 permitted under (1) - (3), (5) - (12), or (14) of this subsection as the spouse, minor
- 23 dependent, or disabled dependent of the eligible resident;
- 24 (14) for any reason consistent with the individual's intent to remain a
- 25 state resident, provided the absence or cumulative absences do not exceed
- 26 (A) 180 days if the individual is not claiming an absence under
- 27 (1) - (13) of this subsection;
- 28 (B) 120 days in addition to any absence or cumulative absences
- 29 claimed under (1) or (2) of this subsection if the individual is not claiming an
- 30 absence under (3) - (13) of this subsection; or
- 31 (C) 45 days in addition to any absence or cumulative absences

1 claimed under (1) - (13) of this subsection.

2 * Sec. 2. This Act takes effect January 1, 2004.