



Headquarters:
217 2nd Street, Suite 201
Juneau, Alaska 99801
(907) 586-2323 FAX 463-5515
www.alaskachamber.com



Regional Office:
601 W. 5th Ave., Suite 700
Anchorage, Alaska 99501
(907) 278-2722 FAX 278-6643

★ STATE ★
CHAMBER
OF COMMERCE

March 20, 2006

Representative Paul Seaton
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801

Representative Seaton,

The Alaska State Chamber of Commerce supports House Bill 415. Private landowners often play a pivotal role in accessing Alaska's outdoors through leasing or granting permission to use their own private property. This role helps small businesses blossom while providing recreational access for Alaska's burgeoning tourist and adventure activities. Without legal protections, new tourist and adventure activities may be limited or threatened altogether. We believe HB 415 will increase business in Alaska by protecting private property owners from the potentiality of far-reaching lawsuits.

Jobs and economic opportunity are limited in many parts of Alaska, HB 415 may have additional benefits by creating opportunities in Alaska's remotest locations. The State Chamber encourages your constructive work with regards to HB 415 and we are hopeful that the bill will move through the legislative process.

Best Regards,

Wayne A. Stevens
President/CEO
Alaska State Chamber of Commerce

**Alaska State Chamber of Commerce
2006 Position
Amend the Tort Laws and Regulations**

The Alaska State Chamber of Commerce supports amending tort laws and regulations to reduce the number of wasteful law suits and exorbitant settlements and awards that cause insurance rates to climb and businesses to become less competitive in Alaska.



Kachemak Heritage Land Trust

315 Klondike Avenue • Homer, AK 99603 • ph: 907-235-5263 • fax: 907-235-1503 • www.kachemaklandtrust.org

February 20, 2006

Representative Paul Seaton
Capitol Building Room 102
Juneau, Alaska 99801

Dear Representative Seaton,

I am very pleased to write today to express strong support for House Bill No. 415, as it is currently written, on behalf of the board of directors and membership of Kachemak Heritage Land Trust. After working many years on trails issues primarily in the Homer area, it is wonderful to see your work to provide private landowners with more immunity for allowing increased recreational activity. It is our experience that many landowners would like to allow public access through their lands and while they support trail development and use, potential liability is a common concern.

House Bill No. 415 will make a significant difference in the future development of a strategic network of public trails, enhancing recreational opportunities for both residents and visitors. We see this as a very positive action that will result in improved public health, increased economic vitality for the area, and a wonderful land-use planning tool in the forefront of rapidly increasing residential development.

Thank you very much for your attention to and persistence in this effort. I am pleased to report that we have emailed many of our members to make them aware of your work to bring House Bill No. 415 and have encouraged them to add their support.

Sincerely,

Barbara Seaman
Executive Director

Preserving, for public benefit, land on Alaska's Kenai Peninsula with natural, recreational, or cultural values by working with willing landowners.



4014 Lake Street, suite 201
Homer, Alaska 99603
907-235-8177 ext. 5
hswcd@xyz.net

Rep. Paul Seaton
Capitol Building, Room 102
Juneau, AK 99801

Dear Representative Seaton:

During our February 9th Board of Supervisors meeting, our board members reviewed House Bill 415, "An Act relating to landowners' immunity for allowing use of land for recreational activity," and expressed strong support for this bill. Our Board unanimously supported your efforts to protect private property owners from frivolous lawsuits that could result from the informal use of trails and property for recreational uses.

Since 2001, the Homer Soil and Water Conservation District has worked with recreational issues on the Kenai Peninsula and have recognized a strong need for greater liability protection for landowners. This bill addresses this need and we are thrilled to see it in the legislature this session.

We would like to highlight that we support this bill in its current state; should any changes be made to the bill's language, we would like to consider any new implications of those changes.

Thanks for your hard work in Juneau, Paul. We appreciate you having your representation and thank you for your work on House Bill 415.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, reading "Shirley Schollenberg".

Shirley Schollenberg
District Manager

"To provide education and leadership in the conservation and sustainable use of soil- and water- related resources through cooperative programs that protect, restore and improve our environment."

LESSMEIER & WINTERS

LAWYERS - LLC

VINTAGE BUSINESS PARK
3000 VINTAGE BOULEVARD
SUITE 100
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER
GREGORY W. LESSMEIER
SHELDON E. WINTERS

TELEPHONE: (907) 796-4998
FACSIMILE: (907) 796-4998
E-MAIL: lw@gl.net

Via Telefax to 465-3472

February 14, 2006

Representative Paul Seaton
Alaska State House of Representatives
State Capitol Room 102
Juneau, Alaska 99801


Re: House Bill 415

Dear Representative Seaton:

I am the registered lobbyist for State Farm and am pleased to voice State Farm's support for House Bill 415 relating to landowners' immunity for recreational activity. If there is anything we can do to help or any information we can provide, please let me know.

Sincerely,

LESSMEIER & WINTERS
Lobbyists For State Farm

By: 
Sheldon E. Winters

SEW/caf

0015-006/Letter to Seaton re HB 415.wpd

Ian Laing

From: Heather Beggs [Director@prattmuseum.org]
Sent: Thursday, January 19, 2006 11:27 AM
To: 'Bruce Hess'
Cc: Ian Laing
Subject: RE:

Hi Ian,

This email is in support of CoHost's draft changes to the liability statute and your revision efforts to that effect. The Pratt Museum supports this effort and is willing to write a more formal letter in the future if necessary. Please let us know how we can be of assistance.

Thank you,
Heather

Heather Beggs
Museum Director

Pratt Museum
3779 Bartlett Street
Homer, AK 99603
(907) 235-8635 ext.33/Fax 235-2764
director@prattmuseum.org
www.prattmuseum.org

Ian Laing

From: Phylis at Northern Enterprises [kshores@ptialaska.net]
Sent: Friday, January 20, 2006 10:43 AM
To: Rep. Paul Seaton
Subject: trails

January 20, 2006

Good Morning,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 8 years. It is a good organization and supports our community abundantly. I enjoy atv activities of all kind and accept full responsibility for that. I have concerns about public access across private property and the liability issues connected with that. The land owner should not bear the responsibility, ideally the state should. I see this as an action that would insure the trails would stay open to be enjoyed in this great state of ours.

Thank you,

Phylis Tolva

FREE Emoticons for your email! [Click Here!](#)



Ian Laing

From: Valerie Connor [redherring007@hotmail.com]
Sent: Thursday, February 16, 2006 12:21 PM
To: Ian Laing
Subject: HB 415

Dear Ian,

I wanted to thank you for the work you have put into HB 415. Your support on this issue is much appreciated.

I would like to go on record as being in favor of this bill. It has the potential to benefit many communities around Alaska. With increasing sprawl, diminishing open spaces and health problems associated with inactivity, this bill is greatly needed. I can't imagine who would be against this bill. It benefits everyone. I believe many landowners would welcome a trail through their lands if they were relieved of the burden of a possible lawsuit. Please add my name to the list of supporters for HB 415.

Many thanks,

Valerie Connor

963 Cape Douglas Way Homer, AK 99603

235-6371

Ian Laing

From: Carol at Northern Enterprises [kshores@ptialaska.net]

Sent: Thursday, January 26, 2006 8:01 AM

To: Ian Laing

Subject: Land usage-liability

Good Afternoon Mr. Seaton,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 4 years. This organization has been very helpful and offered many benefits to the entire community.

I enjoy both atv and snowmachine activity and understandably accept full responsibility for that.

Over the last couple of years I have noted more and more that the issue of liability of public access across private property is a major concern. As a land owner, I do not feel that I should have to bear the responsibility for someone wishing to use my property in order to have fun, I feel that this should be a state issue. I feel that with the states assistance in this matter our trails would be able to stay open to be enjoyed by all.

Thank you,

Carol Grace

Ian Laing

From: Wayne Watson [watson@xyz.net]
Sent: Friday, February 17, 2006 10:05 AM
To: Rep. Paul Seaton
Subject: support HB415
Follow Up Flag: Follow up
Flag Status: Completed

Dear Paul,

This message is to let you know of my support for HB415. I believe this could be important legislation to the development of ski and other recreational trails across the State.

Kind regards,

H. Wayne Watson
P.O. Box 884
Homer, AK 99603
907-235-4283

Ian Laing

From: Jeanne & Kevin Walker [jwalker@alaska.net]
Sent: Friday, February 17, 2006 4:53 PM
To: Rep. Paul Seaton
Cc: cohosts@gmail.com
Subject: HB 415
Follow Up Flag: Follow up
Flag Status: Completed

Rep Seaton,

I strongly support HB 415 and feel that it will dramatically improve the quality of life, health, and recreation in Alaska. Without the fear of liability problems, landowners will be more generous in allowing trails to cross their property.

It could possibly be argued there is also a fuel savings here - with trails that actually go from point A to point B, people may be able to walk, bike, or ski instead of driving their cars.

Thanks,
Kevin Walker

PO Bcx 1542
Homer, Alaska 99603
www.alaska.net/~walkersroost
1-907-235-5304
Cellphone: 1-907-299-7723

Rep. Paul Seaton

From: Kenneth Jones [ken_jonz@hotmail.com]
Sent: Saturday, February 18, 2006 8:44 AM
To: Rep. Paul Seaton
Subject: HB 415

Dear Rep. Paul

I enthusiastically support HB 415. I have property that I have no desire to post no trespassing and I also recreate on private property of others. This is a well thought out and necessary piece of legislation. Please add my support to HB 415.

Yours truly,
Ken Jones
907 235 6417

Ian Laing

From: Seabright [seabright@alaska.net]
Sent: Wednesday, January 18, 2006 4:05 PM
To: Ian Laing
Subject: Comprehensive tort immunity

This letter is intended to reflect my support for the proposed changes to the tort immunity laws affecting recreational trail use. I have found the existing set of laws do not support the private landowner who wishes to grant an easement to the public for recreational use. The requirement that the easement be granted to the State or municipality has created a Catch 22. The willing private landowner grants an easement to the public. In most cases we have found both the State and Kenai Peninsula will not accept these easements. Under current law the result is no tort immunity for the landowner. This problem is a serious impediment to the Kachemak Greenway, the Parkway Project, an interconnected system of open space and trails between Diamond Creek, Bridge Creek, Twitter Creek and Fritz Creek drainages. The system includes existing trust lands, private trail easements, easements across public lands and existing recreational sites at Baycrest, Lookout Mountain, McNeil Canyon and Evelene State Park. One day the public should be able to walk from the beach at Diamond Creek clear over to the beach at Cottonwood/Eastland. This system will become the backbone of a significant recreational resource. Let me know if I can provide any additional information.

Cordially,

Kenton Bloom

Ian Laing

From: Dave and Molly Brann [brann@alaska.net]
Sent: Thursday, January 19, 2006 10:08 AM
To: Rep. Paul Seaton
Cc: Ian Laing
Subject: Re: RE:

Rep. Paul Seaton,

Hi Paul, Just a short note to assure you the F achemak Nordic Ski Club, 200+ members, are in full support of creating a clear recreational use statute. The existing statute(s) while somewhat beneficial are confusing to the private landowner and don't cover all the situations we would like to see included. A new statute would make it much easier for the private landowner and trails groups to work together to provide recreational opportunities for residents and visitors alike. For over twenty years the biggest problem related to developing and maintaining ski trails in the Homer area has been the landowners fear of being sued. A new statute would be of benefit to the whole state.

I also am sure our local Raven Ridge Homeowners Assoc. would also be very supportive of a new comprehensive statute.

Sincerely,

Dave Brann

Ian Laing

From: Barb Seaman [barb@kachemaklandtrust.org]
Sent: Wednesday, January 18, 2006 1:04 PM
To: Ian Laing
Subject: recreational use statute

Hi Ian,

So glad to hear you are working on a new liability statute and not just an update of the existing one. Bruce Hess just emailed asking that those of us who support this effort let yo. know.

Kachemak Heritage Land Trust absolutely supports the work you and Rep. Seaton have taken on to update/re-write Alaska's recreational use liability statute. I will be happy to provide a formal letter of support for this effort when the time comes.

Thank you so much for your time and attention!

Barb Seaman
Executive Director
Kachemak Heritage Land Trust
P.O. Box 2400
Homer, Alaska 99603
907.235.5263

Ian Laing

From: Valerie Connor [redherring007@hotmail.com]
Sent: Thursday, February 16, 2006 12:21 PM
To: Ian Laing
Subject: HB 415

Dear Ian,

I wanted to thank you for the work you have put into HB 415. Your support on this issue is much appreciated.

I would like to go on record as being in favor of this bill. It has the potential to benefit many communities around Alaska. With increasing sprawl, diminishing open spaces and health problems associated with inactivity, this bill is greatly needed. I can't imagine who would be against this bill. It benefits everyone. I believe many landowners would welcome a trail through their lands if they were relieved of the burden of a possible lawsuit. Please add my name to the list of supporters for HB 415.

Many thanks,

Valerie Connor

963 Cape Douglas Way Homer, AK 99603

235-6371

Ian Laing

From: Jeanne Parker [otterbdancing@gci.net]
Sent: Monday, February 20, 2006 1:15 PM
To: Ian Laing
Cc: cohosts@gmail.com
Subject: HB 415

Hi Ian,

I want to let you know that I support HB 415. I am a strong supporter of public use of trails, and any way that these can be established more easily is worth the effort.

Thanks Jeanne Parker, Homer, AK.

**Coalition for Homer Open Space and Trails
(907) 235-2926**

January 18, 2006

**Representative Paul Seaton
Capitol Building, Rm. 102
Juneau, AK 99801**

Dear Representative Seaton:

This past November the Coalition for Homer Open Space and Trails met with you and your staff to discuss potential changes to the Alaska liability statutes, especially as they affect landowner liability and recreational activities.

We thank you for your time on this effort and would like to express our strong support for continuing the pursuit of alternative language that will help landowners to feel more comfortable with their liability concerns and be more apt to allow access for recreational opportunities across their land.

As it stands, the existing statutes are confusing for landowners to understand their rights and responsibilities and, as such, landowners have become more concerned about their liability. We hope the new legislation will clarify the rights of property owners to allow public use of their land without fear of petty liability actions.

Please contact me at the above listed number if you have any questions or suggestions regarding COHOST and the ideas expressed in this letter. Your support and involvement could make a very positive difference.

Sincerely,

**Bruce Hess
Founding Member**

Louie Flora

From: POMS@legis.state.ak.us
Sent: Wednesday, March 15, 2006 1:32 PM
To: Louie Flora
Subject: New Pom:HB 415 Liability For Recreational Land Use

Mairiis Kilcher
40904 Seaside Farm Rd

Homer 99603-9460,

I strongly support HB 415. I would appreciate a hearing on it in House Resources Committee.

Ian Laing

From: Dianne Mahaffey [dmahaff@alaska.net]
Sent: Friday, March 10, 2006 9:01 AM
To: Rep. Paul Seaton
Subject: HB415

We want to commend you on your work to introduce and move forward HB415.

As long-time trail users in Alaska, we feel this is a very important piece of legislation.

Thank you for your efforts.

James R. & Dianne D. Mahaffey
9601 Midden Way
Anchorage, AK 99507

Homer Alaska
2/24/06

Rep. Paul Seaton
State Capital
Juneau, AK 99801

Dear Paul,

I am writing in support of H.B. 415

As a lifelong skier and user of trails, downhill facilities, and ski jumps at several places in Alaska and in Minnesota; and as a younger enthusiast I've been aware of the risk and responsibilities of both user and landowner. I believe the proposed legislation would greatly enhance the availability of recreational areas and, at the same time, leave in place protection of both landowner and user.

Thank you for your service to Alaska and your consideration of our particular needs

Respectfully,

Merritt A. Mitchell
77811 Harrison

Ian Laing

From: Afish-n-See/Kennedy's [afishnsee@alaska.com]
Sent: Tuesday, March 07, 2006 8:49 AM
To: Rep. Paul Seaton
Cc: cohosts@gmail.com; Molly Brann
Subject: in favor of HB 415

Representative Seaton,

I am a cross country skier and land owner who would benefit from the passing of HB 415. The protection to private land owners that this bill would provide would definitely encourage me to participate. I currently go to great measure to prevent trespassing on my land. Also as a skier who travels to Homer occasionally to ski I am aware that is a big issue there. Many fine trails could be expanded without huge cost if this bill passes.

Thank you for your help to pass HB 415,

Kathryn Kennedy
P.O. Box 39011
Ninilchik, Alaska 99639
907-567-3310
afishnsee@alaska.com

Ian Laing

From: Dave and Molly Brann [brann@alaska.net]
Sent: Sunday, March 12, 2006 9:01 PM
To: Ian Laing
Subject: HB 415, Newsletter

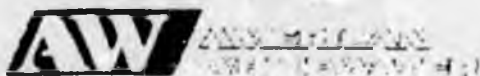
Hi Ian,

After a successful Marathon Ski Race from Lookout Mt. to the Baycrest Trails today, 80 participants with a fair number from Anchorage and points north, I just wanted to point out once again the value of HB 415. A good portion of the 30 mile trail crossed private property (with their permission) but each of them was at risk under existing state statutes. After spending 8 hours on a snowmachine seeing to the safety of participants and trail maintenance I came home to read Paul's newsletter.

I fully understand the importance of the oil tax, the mining laws, the Pers/Ters issue but frankly was frustrated by the lack of even the mention of HB 415. A one sentence mention of the bill or a request for an opinion would have been nice. As you know there are a good group of people working hard just to get the bill before the public. A note in the newsletter would lend some credence to that effort.

I know it is a busy time and a busy place and do appreciate all that you do.

Sincerely,
Dave Brann



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Liability And Recreational Use Statutes

posted December 11, 2000 by Jason Robertson

American Whitewater has prepared this table with substantial help from the International Mountain Biking Association (IMBA) and the American Association for Horsemanship Safety (AAHS) as a tool for understanding the differences between state recreational use statutes on a national basis. This table is a valuable tool; however it is not the final word on liability law in America. Exercise your own good judgement when using the material and verify the status of your state statutes independently with an attorney before relying on this data.

What are Recreational Use Statutes and how do they work?

Clarification of terms used in this table.

Credits and Appreciation.

STATE	YEAR PASSED	DUTY TO DUTY		ASSURANCE OF SAFETY	LIABILITY FOR MISCONDUCT PROTECTION	
		KEEP SAFE	TO WARN		WILFUL/WANTON	LOST IF FEE CHARGED
Alabama						
<u>Alabama Code §35-15-1</u>	1965, 1981	No	No	No	Yes	No, if use of land is non-commercial
Alaska						
<u>Alaska Stat. §09.65.200</u>	1980	Not Specified	Not Specified	Not Specified	Yes	Yes
Arizona						
<u>Arizona Rev. Stat. Ann. §33-1551</u>	1983	Not Specified	Not Specified	Not Specified	Yes	Yes
Arkansas						
<u>Arkansas Stat.</u>	1965,	No	No	No	Yes	Yes, but fees

<u>Ann. §18-11-301</u>	1983, 1991						from land leased to public agency allowed
California							
<u>California Govt. Code §2-2-3-2-846</u>	1963, 1988	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Colorado							
<u>Colorado Rev. Stat. §33-41-101</u>	1963, 1970	Not Specified	Not Specified	No	Yes		Yes, but fees from land leased to public agency allowed
Connecticut							
<u>Connecticut Gen. Stat. §52-557(f)</u>	1971, 1990	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Delaware							
<u>Delaware Code Ann. §7-VI-5901</u>	1953	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Florida							
<u>Florida State. Ann. §XXVIII-375.251</u>	1963	No	No	No	Yes	Yes	
Georgia							
<u>Georgia Code Ann. §51-3-20</u>	1965	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Hawaii							
<u>Hawaii Rev. Stat. §3-28-520-1</u>	1969	No	No	No	Yes		Yes, but fees from land leased to

						public agency allowed
Idaho						
<u>Idaho Code §36-16</u>	1976, 1988	No	No	No	Not Specified	Yes
Illinois						
<u>Illinois Ann. Stat. §745-65-1</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
Indiana						
<u>Indiana Code Ann. §14-22-10</u>	1969, 1995, 1998	No, for recreation trails; not specified for other locations.	Not Specified	No	Yes	Yes
Iowa						
<u>Iowa Code Ann. §XI-2-461(C)</u>	1967	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
Kansas						
<u>Kansas Stat. Ann. §58-3201</u>	1965, 1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
Kentucky						
<u>Kentucky Rev. Stat. Ann. §XXXVI-411-190</u>	1968, 2000	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
Louisiana						
<u>Louisiana Rev. Stat. Ann. §9-III-V-2-2791 & 2795</u>	1964, 1989	No	No	No	Yes	Yes

Maine

<u>Maine Rev. Stat. Ann. §14-1-7-159(A)</u>	1979, 1995	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Maryland

<u>Maryland Nat. Res. Code Ann. §5-1101</u>	1957, 1998	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Massachusetts

<u>Massachusetts Gen. Law Ann. §I-21-17(C)</u>	1972	Not Specified	Not Specified	Not Specified	Yes	Yes, but voluntary payments are allowed
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Michigan

<u>Michigan Comp. Laws Ann. §324.73301</u>	1994	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose immunity
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Minnesota

<u>Minnesota Stat. Ann. §604(A)20</u>	1961, 1994	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Mississippi

<u>Mississippi Code Ann. §89-2-1</u>	1978, 1986	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Missouri

<u>Missouri §XXXVI-537.345</u>	1983	No	No	No	Yes	Yes
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Montana

<u>Montana Rev. Code Ann. §70-</u>	1965, 1995	No	Not Specified	No	Yes	Yes
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16-301

Nebraska

<u>Nebraska Rev. Stat. §37-730</u>	1965, 1998	No	No	No	Yes	Yes, except can charge group rates & not lose immunity
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Nevada

<u>Nevada Rev. Stat. §41.510</u>	1963, 1995	No	No	No	Yes	Yes
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New Hampshire

<u>New Hampshire Rev. Stat. Ann. §XVIII-212-34</u>	1961, 1982	No	No	No	Yes	Yes, but may charge a fee for "U-Pick" crops & not lose immunity
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New Jersey

<u>New Jersey Stat. Ann. §13-1 (B)B-15-133</u>	1968, 1984	No	No	No	Yes	Yes
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New Mexico

<u>New Mexico Stat. Ann. §17-4-7; §66-3-1013; §16-3-9</u>	1973	No	Not Specified	No	Yes	Yes, but fees from land leased to public agency allowed
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New York

<u>New York Gen. Oblig. Law §9-103</u>	1963	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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North Carolina

<u>North Carolina Gen. Stat. §113 (A)-6-95</u>	1987 Trails Act, 1993	Not Specified	Not Specified	Not Specified	Not Specified	Only applies to trails & not other uses of land
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North Dakota

<u>North Dakota Cent. Code §53-</u>	1965, 1993	No	No	No	Yes	Yes, but fees from land
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<u>08-1</u>							leased to public agency allowed
Ohio							
<u>Ohio Rev. Code Ann. §XV-33-18</u>	1963, 1995	No	Not Specified	No	Not Specified	Yes	
Oklahoma							
<u>Oklahoma Stat. Ann. Title §76-10</u>	1965, 1994	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Oregon							
<u>Oregon Rev. Stat. §105.672</u>	1971, 1995	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Pennsylvania							
<u>Pennsylvania Stat. Ann. §68-11-477</u>	1965	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
Rhode Island							
<u>Rhode Island Gen. Law §32-6-1</u>	1978	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
South Carolina							
<u>South Carolina Code Ann. §27-3-10</u>	1962	No	No	No	Yes		Yes, but fees from land leased to public agency allowed
South Dakota							
<u>South Dakota Comp. Laws Ann. §20-9-11</u>	1966, 1990	No	No	No	Yes		Yes, but nonmonetary gifts up to \$100 allowed

Tennessee

<u>Tennessee Code Ann. §11-10-101</u>	1988	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Texas

<u>Texas Stat. & Codes §4-75.001</u>	1965, 1999	No	Not specified	No	Yes	No. Revenue from charges may not exceed 2x prop. taxes
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Utah

<u>Utah Code Ann. §57-14-1</u>	1971, 1997	No	No	No	Yes	Yes, but fees from land leased to public agency allowed
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Vermont

<u>Vermont Stat. Ann. §10-020-441 & §12-5791</u>	1967, 1993	No	Not Specified	No	Yes	Yes
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Virginia

<u>Virginia Code §29.1-509</u>	1950	No	No	No	Yes	Yes, but may charge fees to maintain the land & not lose immunity
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Washington

<u>Washington Rev. Code Ann. §4-24.200</u>	1967, 1997	Not Specified	Not Specified	Not Specified	Yes	Yes, but may charge for cutting firewood & not lose immunity
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West Virginia

<u>West Virginia Code §19-25-1</u> Also see <u>West Virginia's Whitewater Responsibility</u>	1965	No	No	No	Yes	Yes
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<u>Act §20-3b-1 to 5</u>						
Wisconsin						
<u>Wisconsin Stat. Ann. §895.52</u>	1963, 1995	No	No	No	Not Specified	No, so long as total revenues don't exceed \$2000 annually
Wyoming						
<u>Wyoming Stat. Ann. §34-19-101</u>	1965	No	No	No	Yes	Yes, but fees from land leased to public agency allowed

CLARIFICATION OF TERMS:

YEAR PASSED: When was the recreational use statute passed or modified?

DUTY TO KEEP SAFE: Does the owner owe a duty of care to keep their premises safe for entry and use by others for recreational purposes?

DUTY TO WARN: Does the owner owe any duty to warn visitors of hazardous conditions, structures, or activities on their property to persons entering for recreational purposes?

ASSURANCE OF SAFETY: Does the owner who gives permission to another for recreational activities on their property thereby extend any assurance that the premises are safe?

LIABILITY FOR MISCONDUCT WILFUL/WANTON: Does the statute limit the landowner's liability for wilful or malicious failure to guard or warn against known dangerous conditions, uses, structures, or activities?

PROTECTION LOST IF FEE CHARGED: Does the statute limit the landowner's liability for injuries suffered in any case where access permission is granted for commercial enterprise or profit? In other words, does the landowner lose their protection under the statute if they charge an access fee?

CREDITS:

American Whitewater collected the majority of this data via private research, correspondence, and assistance from the following sources:

HB

434

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500

FAX: (907) 586-8365
PHONE: (907) 485-3900

March 30, 2006

The Honorable Lesil McGuire
Chair, House Judiciary Committee
State Capitol, Room 118
Juneau, Alaska 99801

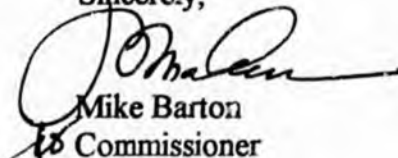
Dear Representative McGuire: *Lesil*

I respectfully request that you schedule House Bill 434 Authorizing Highway Program Participation for a hearing in House Judiciary Committee. Enclosed are a copy of the bill and the transmittal letter from the Governor.

This bill provides the Department of Transportation and Public Facilities (DOT&PF) with the authority to review and approve the environmental documents under the National Environmental Policy Act (NEPA) for highway transportation projects. This does not weaken environmental requirements but insures that Alaska's priorities receive the timely reviews needed.

If you need any additional information please do not hesitate to contact Deputy Commissioner of Highways and Public Facilities John MacKinnon (907-465-6973) or Mary Siroky, Legislative Liaison (907-465-4772).

Sincerely,


Mike Barton
Commissioner

Enclosures: Governor's Transmittal Letter
HB 434

cc: Mary Siroky, Legislative Liaison

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would authorize the Alaska Department of Transportation and Public Facilities to assume certain federal programmatic and environmental responsibilities as provided for by the United States Congress in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P.L. 109-59. A prerequisite to assumption of the duties is that the State of Alaska agree to a waiver of immunity to suit in federal court for those duties specifically assumed from the United States Department of Transportation.

Under the recent SAFETEA-LU amendments, the State of Alaska is one of only five named states with the opportunity to participate in a so-called "pilot program" for assumption of duties and responsibilities under 23 U.S.C. 327 (National Environmental Policy Act of 1969). This bill provides a unique opportunity for the State of Alaska to have more direct involvement, and control, in the planning and decision-making process involved with many public projects.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 434
 (H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____
 Title NEPA Pilot Project
 Sponsor _____
 Requester Governor

Dept. Affected: DOT&PF
 RDU Design, Engineering, Construction
 Component Statewide Design & Eng Svcs
 Component No. 2357

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	422.7	422.7	422.7	422.7	422.7	
Travel	50.0	50.0	50.0	50.0	50.0	
Contractual	154.7	154.7	154.7	154.7	154.7	
Supplies	20.0	10.0	10.0	10.0	10.0	
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	647.4	637.4	637.4	637.4	637.4	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						
1061 CIP Rcpts	647.4	637.4	637.4	637.4	637.4	
Other (Specify Type--Do not abbreviate)						
TOTAL	647.4	637.4	637.4	637.4	637.4	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	4	4	4	4	4
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

Under Section 6.005 of SAFETEA-LU, the State of Alaska may assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act of 1969. Specifically, the FHWA may assign, with some exceptions, all or part of their responsibilities for environmental review, consultation, approvals or other actions required under any federal environmental law pertaining to the review and approval of federally funded projects. For the State to assume these obligations 1) DOT/PF requires two positions to fulfill the role of performing federal actions such as reviewing and approving federal environmental documents, 4(f) statements and environmental document re-evaluations (2 positions at range 24C and 2 positions at range 21C plus support costs), 2) the Attorney General's office requires one position to perform required legal sufficiency reviews of environmental documents (provided through a reimbursable services agreement (RSA)). Federal authorization for this pilot program expires in FY2011.

Prepared by: Nancy Slagle, Director
 Division: Administrative Services
 Approved by: Mike Barton
 Agency: DOT&PF

Phone 465-3911
 Date/Time 12/30/05 9:00am
 Date 12/30/05

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 434
 (H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____ Dept. Affected: DEC
 Title NEPA Pilot Program RDU _____
 Component _____
 Sponsor Rules Committee Component No. _____
 Requester Governor

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPEKATING	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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Molly Hicks Phone 465-5065
 Division Office of the Commissioner Date/Time 12/21/2005 9:12am
 Approved by: Kurt Fredriksson Date 12/21/05 10:02am
 Agency Department of Environmental Conservation

NEPA Delegation Pilot Fact Sheet

SAFETEA-LU includes a NEPA delegation pilot program for five states – Alaska, California, Oklahoma, Ohio, and Texas. Under the program, the five states are eligible to apply for delegation of the Secretary of Transportation's (Secretary) NEPA responsibilities for one or more highway projects within the state. The state may also apply for delegation of some or all of the Secretary's review and consultation responsibilities under other Federal environmental laws. The scope of delegation will be determined through application to the Secretary and execution of a Memorandum of Understanding (MOU).

Time Frame:

- Duration of the pilot program is six years from enactment of SAFETEA-LU. Unless extended by statute, the pilot terminates on August 10, 2011.
- The Secretary is required to promulgate regulations to establish delegation application requirements. Rulemaking is required to be complete within 270 days of the Act. Rulemaking is currently behind schedule.
- The State may not submit its application until:
 - Rulemaking is complete, and
 - The State must advertise the application and solicit public comment.
- After application is accepted, the State and Secretary will enter into an MOU.
- Once the MOU is executed, delegation may proceed.

Delegation Options:

- NEPA delegation is limited to highway projects. The term includes roads, streets, and parkways, rights-of-way, bridges, and protective structures.
 - NEPA delegation may be programmatic, or for specific, identified projects. The State has broad latitude to determine the FHWA environmental responsibilities it would like to assume (i.e. CEs, EAs, EISs, Section 4(f)).
- The State intends to request delegation for all of the Secretary's environmental review and consultation responsibilities under other Federal environmental laws (examples include Section 106 of the National Historic Preservation Act, and Section 7 of the Endangered Species Act).
- NEPA delegation is limited to environmental decision-making. It does not extend to engineering decisions.

Requirements and Responsibilities:

- **Under delegation, the State would assume sole responsibility and liability for its NEPA actions and decisions and would be subject to Federal court jurisdiction. To receive delegation, the State is required to waive its 11th Amendment sovereign immunity from suits in Federal court for its decisions under NEPA.**
- **The State will be required to comply with all applicable Federal laws, Executive Orders, regulations, policies and guidance for the responsibilities it assumes.**
- **The State's delegation programs will be audited, twice annually for the first two years, annually thereafter. The audits will be available for public comment.**
- **The Secretary is required to submit an annual report to Congress on the pilot program.**
- **The Secretary may terminate any state's participation in the pilot program at any time for cause.**

HB

439

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 439
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Insurance Product Regulation Compact RDU Insurance (116)
 Component Insurance Operations
 Sponsor Coghill
 Requester Labor & Commerce Component No. 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation authorizes the state to join with other states entering into the Interstate Insurance Product Regulation Compact and authorizes the compact to supersede existing statutes by approving standards, rules, or other action under the terms on the compact. It will not have a financial impact on the operations of the division.

Prepared by: Linda S. Hall, Director
 Division: Insurance
 Approved by: William C. Noll, Commissioner
 Agency: Commerce, Community and Economic Development

Phone 907-269-7900
 Date/Time 03/02/06 8:47AM
 Date 3/3/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 439(L&C)
 (H) Publish Date: 3/3/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: DCCED - Div of Ins
 Title Insurance Product Regulation Compact RDU _____
 Component _____
 Sponsor Rep. Coghill _____
 Requester House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Rep. Tom Anderson, Chair
 Division: House Labor & Commerce Committee
 Approved by: Rep. Tom Anderson
 Agency: House Labor & Commerce Committee

Phone 465-4939
 Date/Time: 3/1/06 12:00 AM
 Date 3/1/2006

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4721



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

HB 439 SPONSOR STATEMENT

Interstate Insurance Product Regulation Act

This bill adds Alaska to the other twenty states that have already joined together in the interstate Insurance Product Regulation Act. Life insurance, annuities, disability income, and long-term care products for the most part must be approved by each state before they are marketed. In addition the states have differing requirements for the structure of these products, so products must be revised to meet each individual state's requirements before they are approved for sale. Consequently, it is expensive and time consuming to market new insurance policies or products as compared to competitors in the financial services marketplace who are federally regulated.

House Bill 439 would enhance state regulation of insurance by creating a Commission governed collectively by the states that would serve as a single point of filing for specified insurance products, and that would establish uniform, national standards for those products. Such a system would benefit consumers and state government as well as the insurers. Consumers will benefit from strong, uniform national product standards. The quality of product review will be enhanced as experienced staff will review the filings, thereby enabling regulators to devote more time and resources to monitoring for problems in the marketplace. The public will have more timely access to innovative insurance products. Importantly the state retains the right to opt out of certain adopted standards if a need is determined.

Alaska is among seventeen states with legislation pending

ALASKA STATE HOUSE OF REPRESENTATIVES



Contact:

Interim Address:

**3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271**

Session

**(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204**

REPRESENTATIVE JOHN COGHILL

HB 439 Sectional Analysis

Section 1. Adopts the Interstate Insurance Product Regulation Compact.

By adopting the compact the state enters into an agreement with other states to develop uniform standards for insurance policies, provide a central clearinghouse for review and approval of insurance policy forms and to coordinate regulatory resources between state insurance departments. Section 1 includes the compact wording.

The compact:

Article I, sets out the purpose of the compact.

- (1) Promoting and protecting the interests of consumers of life insurance, disability income and long term care products.
- (2) Developing uniform standards.
- (3) Establishing a central clearinghouse for insurance product review.
- (4) Giving regulatory approval to insurance products and advertisements.
- (5) Improving coordination and expertise among members.
- (6) To create the Interstate Product Regulation Commission.
- (7) To perform related functions consistent with State regulation of the business of insurance.

Article II, is the definitions section.

Article III, establishes the Interstate Product Regulation Commission and venue.

Article IV, sets out the powers of the Interstate Product Regulation Commission.

Article V, sets out the organization of the Interstate Product Regulation Commission.

Article VI, sets out participation in and scheduling of meetings of the Interstate Product Regulation Commission.

Article VII, sets out the rules and operating procedures: rulemaking functions of the Interstate Product Regulation Commission opting out of uniform standards.

Article VIII, provides for management of Interstate Product Regulation Commission records and enforcement of commission rules.

Article IX, sets out how disputes will be resolved.

Article X, provides for insurers to make filings with the Interstate Product Regulation Commission.

Article XI, provides an appeal procedure for disapproved filings.

Article XII, Sets out how the Interstate Product Regulation Commission will be financed and conduct their financial business.

Article XIII, Defines when the compact and how the compact becomes effective.

Article XIV, covers withdrawal, default and termination by members.

Article XV, is the severability section.

Article XVI, covers the binding effect of the compact and enforcement of other laws.

Section 2. Amends AS 21.45.010 by adding subsection (b) which allows AS 21.42.700 (Interstate Compact) to supersede.

Section 3. Amends AS 21.51.010 by adding a new subsection (b) which allows AS 2142.700 (Interstate Compact) to supersede.

Section 4. Amends AS 21.53.010 to approve sale and advertising of products in Alaska that have been approved by and comply with the Interstate Compact under AS 21.42.700.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 439(L&C)
 (H) Publish Date: 3/3/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: DCCED - Div of Ins
 Title Insurance Product Regulation Compact RDU _____
 Component _____
 Sponsor Rep. Coghill
 Requester House Labor & Commerce Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Rep. Tom Anderson, Chair Phone 465-4939
 Division: House Labor & Commerce Committee Date/Time 3/1/06 12:00 AM
 Approved by: Rep. Tom Anderson Date 3/1/2006
 Agency: House Labor & Commerce Committee

HB

441

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB441-Courts-2-21-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Therapeutic Courts for DUI/Sentencing RDU Alaska Court System
 Component Trial Courts
 Sponsor Representative Rokeberg
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 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 441.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 2/21/06 @ 2:45 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/21/2006
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 441
 () Publish Date: _____

Revision Date/Time (Note if correction): 2/23/06 5:20 p.m. Dept. Affected: Administration
 Title An act relating to operating or driving a motor RDU Legal and Advocacy Services
vehicle, aircraft, or watercraft while under the... Component Office of Public Advocacy
 Sponsor Rep. Rokeberg
 Requester (H) JUD Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This legislation would authorize "therapeutic courts" for individuals charged with violations of AS 28.35.030 (Operating a vehicle, aircraft or water craft while under the influence...) and AS 28.35.032 (Refusal to submit to chemical test). Therapeutic courts provide an alternative to the normal criminal justice process emphasizing treatment and rehabilitation.

 This legislation would have no fiscal impact on the Office of Public Advocacy.

Prepared by: Joshua F. Fink, Director Phone (907) 269-3500
 Division Office of Public Advocacy Date/Time 2/23/06 5:20 PM
 Approved by: Mike Tibbles, Deputy Commissioner Date 2/24/2006
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 441
 () Publish Date: _____

Revision Date/Time (Note if correction): 2/23/06 5:30 p.m. Dept. Affected: Administration
 Title An act relating to operating or driving a motor RDU Legal and Advocacy Services
vehicle, aircraft, or watercraft while under the... Component Public Defender Agency
 Sponsor Rep. Rokeberg
 Requester H(Jud) Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would authorize "therapeutic courts" for individuals charged with violations of AS 28.35.030 (Operating a vehicle, aircraft or water craft while under the influence...) and AS 28.35.032 (Refusal to submit to chemical test). Therapeutic courts provide an alternative to the normal criminal justice process emphasizing treatment and rehabilitation.

This legislation is not expected to have a fiscal impact on the Public Defender Agency.

Prepared by: Quinlan Steiner, Director Phone (907) 334-4414
 Division Public Defender Agency Date/Time 2/23/06 5:30 p.m.
 Approved by: Mike Tibbles, Deputy Commissioner Date 2/24/2006
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB441-LAW-CJL-2-23-06
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to operating or driving a motor RDU CIVIL
vehicle, aircraft, or watercraft while under the influence..." Component Criminal Justice Litigation
Sponsor Representative Rokeberg
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill expands the conditions under which the court may grant limited driver's license privileges to someone whose license would otherwise be revoked under a misdemeanor conviction for operating a vehicle, aircraft or water while under the influence of an alcoholic beverage, inhalant, or controlled substance, or refusal to submit to a chemical test, if that person has successfully completed a court-ordered treatment program. The bill spells out the procedure the court shall follow in allowing the defendant to participate in a court-ordered treatment program, including imposing a sentence for a defendant who fails to complete the treatment program, and the bill sets forth certain conditions the court may impose before allowing such treatment. The bill spells out what kind of programs or treatments the court may consider. The bill removes conflicting mitigating sentencing language in AS 28.35.030 (b)(p) and AS 28.35.032(g)(r).

Prepared by: Kathryn Daughhete, Director Phone 465-3673
Division Administrative Services Division Date/Time 2/23/06 11:21 AM
Approved by: Kathryn Daughhete for David Marquez, Attorney General Date 2/23/2006
Agency Department of Law

FISCAL NOTE

**STATE OF ALASKA
2006 LEGISLATIVE SESSION**

BILL NO. _____

ANALYSIS CONTINUATION

The purpose of this bill is to codify what has already been set forth in law in 2001 in HB 172 and funded with accompanying fiscal notes. As a result, passage of this bill will not have a fiscal impact on the Department of Law.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akrepublicans.org/rokeberg/index.php>



INTERIM
718 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE: (907) 269-0117
FAX: (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR HB 441

By: Representative Norman Rokeberg

Title: An Act relating to suspending imposition of sentence and to therapeutic treatment programs; and providing for an effective date.

The Alaska Legislature has repeatedly stated its belief in the effectiveness of therapeutic courts. Therapeutic courts save money and reduce recidivism by changing the long-term addictive behavior of offenders. The Anchorage Wellness Court tracked graduates of its therapeutic court over a three-year period after graduation. Only 25 percent of the graduates had any repeat crime. This is in stark contrast to the 75 percent of DUI defendants who re-offend after serving their time in jail.

Over the last several years, the legislature has made tremendous efforts to provide these courts with the statutory tools, financial assistance and institutional support to make these courts successful. To further the accomplishments of therapeutic courts, the 22nd Legislature created a pilot DUI program in Anchorage and Bethel. This pilot program is set to expire on June 30th, 2006.

As therapeutic courts are being formed around the state, from Ketchikan to Fairbanks, it is important these courts have uniformity in their operation. HB 441 takes all of the tools created over the last several years and establishes one uniform therapeutic court statutory structure to be applied throughout the state.

This legislation streamlines and makes more workable provisions for a therapeutic court. HB 441 is vital to creating permanent successful therapeutic courts for the people of Alaska.

I urge your support of this legislation.

24-LS1295\G
Luckhaupt
2/21/06

CS FOR HOUSE BILL NO. 441()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to suspending imposition of sentence and to therapeutic treatment**
2 **programs; and providing for an effective date."**

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

4 *** Section 1. AS 12.55.085(b) is amended to read:**

5 (b) At any time during the probationary term of the person released on
6 probation, a probation officer may, without warrant or other process, rearrest the
7 person so placed in the officer's care and bring the person before the court, or the court
8 may, in its discretion, issue a warrant for the rearrest of the person. The court may
9 revoke and terminate the probation if the interests of justice require, and if the court, in
10 its judgment, has reason to believe that the person placed upon probation is

11 (1) violating the conditions of probation;

12 (2) engaging in criminal practices; or

13 (3) violating an order of the court to participate in or comply with the
14 treatment plan of a rehabilitation program under AS 12.55.015(a)(10) or a

1 **therapeutic treatment program under AS 12.55.087.**

2 * **Sec. 2.** AS 12.55 is amended by adding a new section to read:

3 **Sec. 12.55.087. Suspending imposition of sentence and probation for**
4 **substance use or abuse.** (a) A court may suspend the imposition of sentence and
5 place a defendant on probation under AS 12.55.085 and, in addition, may order the
6 defendant to complete a court-ordered therapeutic treatment program. Notwithstanding
7 AS 12.55.085(f), 12.55.125, or AS 28.35, a defendant is eligible to participate in the
8 program if the defendant

9 (1) is charged with a violation of

10 (A) AS 28.35.030 or 28.35.032 that did not result in physical
11 injury to another person;

12 (B) AS 11.71 involving the possession of controlled substances
13 or the sale of small amounts of controlled substances to provide for the
14 defendant's own illicit drug use;

15 (C) any offense when the victim consents to the suspension of
16 sentence and the defendant's participation in a therapeutic treatment program
17 under this section;

18 (D) any offense when the defendant is referred to the program
19 by sentence agreement between the prosecutor and the defendant; or

20 (E) conditions of probation for an offense listed in (A) - (E) of
21 this paragraph; and

22 (2) has not previously been convicted of an offense under
23 AS 11.41.100 - 11.41.130 or 11.41.410 - 11.41.458.

24 (b) A court, when imposing probation under this section and AS 12.55.085,
25 shall, to the extent feasible, consider or require

26 (1) early intervention to plan and begin treatment for recovery from
27 alcohol or drug addiction;

28 (2) emphasis on personal responsibility;

29 (3) frequent appearances before the same judge to provide in-court
30 recognition of progress and quick sanctions for relapses;

31 (4) in-court recognition of progress and quick sanctions for relapses;

1 (5) if the offender is living in a municipality or an area of the state
2 without a judge, frequent appearances before a person or persons designated by the
3 judge who will report progress and relapses to the judge;

4 (6) prompt payment of restitution for victims;

5 (7) completion of community work service as appropriate for
6 restoration of the community;

7 (8) pharmaceutical treatment of the physical addiction to alcohol or
8 drugs, as approved and prescribed by a physician;

9 (9) treatment addressing the psychosocial bases of the addiction;

10 (10) a strong monitoring program to enforce long-term abstinence;

11 (11) appropriate physical placement or housing;

12 (12) assistance in obtaining a constructive alcohol-free and drug-free
13 occupation and lifestyle;

14 (13) assistance from supportive friends and relatives;

15 (14) payment for all or a portion of treatment costs;

16 (15) adherence to all probation conditions;

17 (16) collection of data about and evaluation of the effectiveness of the
18 program;

19 (17) the defendant to execute releases to provide information and
20 reports to the court, the prosecutor, and all agencies involved in the defendant's
21 therapeutic treatment program; and

22 (18) case coordination in planning for and assisting offenders in
23 accomplishing the conditions set out in (1) - (17) of this subsection.

24 (c) The court shall develop a list of sanctions to be imposed in the event that a
25 defendant violates conditions imposed by the court. If a defendant does not
26 successfully complete the treatment program imposed by the court, the probation shall
27 be revoked and terminated and sentence imposed as provided in AS 12.55.085(c).

28 (d) Notwithstanding any other provision of law to the contrary, the judge, the
29 state, the defendant, and the agencies involved in the defendant's treatment program
30 are entitled to information and reports bearing on the defendant's assessment,
31 treatment, and progress. The victim is entitled to periodic reports on the defendant's

1 progress and participation.

2 (e) In addition to other conditions authorized under AS 12.30, a court may
3 require the defendant to take a drug or combination of drugs intended to prevent the
4 consumption of alcoholic beverages. The Department of Health and Social Services
5 may require treatment providers to make advances to a defendant participating in a
6 therapeutic treatment program to cover the initial costs related to the use of naltrexone
7 if the defendant is otherwise without resources to pay those costs. The court shall
8 require, as a condition of probation, that the defendant repay the treatment provider.

9 (f) Notwithstanding AS 28.15.201, a court may grant limited driver's license
10 privileges to a defendant participating in a therapeutic treatment program.

11 (g) On successful completion of a therapeutic treatment program, the court
12 may discharge the person and set aside the conviction as provided in AS 12.55.085.

13 (h) Notwithstanding AS 12.55.085, a period of probation under this section
14 may not be less than the estimated time necessary to complete the program or two
15 years, whichever is less.

16 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 TRANSITION. Notwithstanding sec. 4 of this Act, defendants participating in a court-
19 ordered treatment program under AS 28.35.030(p) or 28.35.032(r) or the therapeutic court
20 pilot program created by ch. 64, SLA 2001, as amended by chs. 109 and 126, SLA 2004, on
21 the effective date of this Act, shall continue in their respective programs under the terms of
22 that program until the individual program is completed.

23 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website <http://www.akrepublishers.org/rokeberg/index.php>



INTERIM:
716 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE: (907) 269-0117
FAX: (907) 269-0119

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR CSHB 441()

By: Representative Norman Rokeberg

Title: An Act relating to suspending imposition of sentence and to therapeutic treatment programs; and providing for an effective date.

Section 1: Conforming amendment referencing the new therapeutic court statute.

Section 2: Creates a therapeutic court statutory structure, AS 12.55.087, within sentencing and probation.

AS 12.55.087(a): Sets forth the eligibility requirements for participation in the therapeutic court.

AS 12.55.087(b): Provides the required elements for the structure of the therapeutic court.

AS 12.55.087(c): Requires the court to develop a list of sanctions in the event that a defendant violates conditions imposed by the court. If defendant does not successfully complete the program, probation is revoked and sentence shall be imposed.

AS 12.55.087(d): Provides for information and reports on defendants assessment, treatment and progress for those entities involved with the therapeutic court. Victim is entitled to periodic reports on defendant's progress and participation.

AS 12.55.087(e): Court may require defendant to take a drug or combination of drugs to prevent consumption of alcohol.

AS 12.55.087(f): Court may grant limited driver's license privileges for participants in the therapeutic court program.

AS 12.55.087(g): Upon successful completion of the therapeutic court program, the court may discharge the person and set aside the judgment.

AS 12.55.087(h): The period of probation under the therapeutic court program may not be less than the estimated time necessary to complete the program or two years, which ever is less.

Section 3: A transition section that allows those in existing therapeutic court programs to complete their existing programs.

Section 4: This act takes effect immediately.

HB

442

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 442(HES)
 (H) Publish Date: 3/3/06
 Dept. Affected: Health & Social Services
 RDU Public Health
 Component Community Health/EMS Services

Revision Date/Time (Note if correction):
 Title RELATING TO HEALTH CARE DIRECTIVES

Sponsor WEYHRAUCH
 Requester HOUSE (HES)

Component No. 2078

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill follows up on a comprehensive advance directives measure passed by the Legislature and signed into law in 2004. HB442 amends current law in several areas, including the validity of health care directives from other states, clarifying which physicians can issue or revoke health care directives on behalf of a patient, and revising provisions regarding do not resuscitate orders.

Though EMTs and other first responders in Alaska will have to be aware of changes enacted in this bill, there is no additional fiscal impact on the Department of Health and Social Services.

Prepared by: Richard Mandsager, M.D.
 Division Public Health
 Approved by: Karleen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone 465-3092
 Date/Time 02/17/2006
 Date 02/17/2006

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

Sponsor Statement for House Bill 442

Passage of the Health Care Decisions Act ("Alaska Act") in 2004, was an important step forward in modernizing and improving Alaska's health care laws for the terminally ill, their families, and loved ones. House Bill 442 makes minor changes to the Alaska Act in order to provide clearer direction to those implementing health care decisions.

Current law imposes a duty of investigation upon doctors when carrying out the health care directives of their patients. House Bill 442 amends the current statute to conform the language in the Alaska Act to Uniform Act language, thus requiring a doctor to act in "good faith" when time is often critical for their patients. The bill also substitutes the word "physician" for "attending physician", to clarify the intent that all physicians treating a patient adhere to the patient's advanced health care directives. Finally, House Bill 442 clarifies when CPR may be used, addresses the validity of orders from other jurisdictions, and indicates under what circumstances a Do Not Resuscitate order may be revoked.

The Health Care Decisions Act has been beneficial and important for all Alaskans in letting terminally ill patients have their wishes heard. House Bill 442 helps caregivers carry out those wishes.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 442(HES)
 (H) Publish Date: 3/3/06
 Dept. Affected: Health & Social Services
 RDU Public Health
 Component Community Health/EMS Services

Revision Date/Time (Note if correction):

Title RELATING TO HEALTH CARE DIRECTIVES

Sponsor WEYHRAUCH

Requester HOUSE (HES)

Component No. 2078

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill follows up on a comprehensive advance directives measure passed by the Legislature and signed into law in 2004. HB442 amends current law in several areas, including the validity of health care directives from other states, clarifying which physicians can issue or revoke health care directives on behalf of a patient, and revising provisions regarding do not resuscitate orders.

Though EMTs and other first responders in Alaska will have to be aware of changes enacted in this bill, there is no additional fiscal impact on the Department of Health and Social Services.

Prepared by: Richard Mandsager, M.D.
 Division Public Health
 Approved by: Karleen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone 465-3092
 Date/Time 02/17/2006
 Date 02/17/2006

HB

446

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592



Interim:
716 W 4th Avenue, Suite 430
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Representative Lesil McGuire
Chair, Judiciary Committee

SPONSOR STATEMENT HB 446

"An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce."

The Federal Trade Commission recently reported that *Alaska topped the nation in fraud complaints last year: 249 per 100,000 people*. Unfortunately, Alaska's current consumer protection laws provide one of the lowest allowable civil penalties of any state. To strengthen Alaska's consumer protection law and send a message to those who prey on Alaska consumers, HB 446 seeks to increase the civil penalties authorized under Alaska's Unfair Trade Practices and Consumer Protection Act.

Under current law, when a person or company violates an injunction prohibiting unfair or deceptive business practices, it is subject to a maximum penalty of \$25,000. HB 446 will increase that maximum allowable civil penalty to \$50,000.

The current Act also provides for a \$5,000 civil penalty for each violation of the Act. HB 446 will increase this amount to a range between \$1,000 and \$25,000 per violation. The current \$5,000 penalty in the Act was established in 1970 when the Act was passed. Adjusting for inflation alone, this penalty should be \$20,200 (inflation from January 1970 to January 2005 was 405%). An increase to \$25,000 is a very modest increase.

Obtaining injunctive relief and civil penalties are the tools that enable the Attorney General to protect Alaska consumers against unfair and deceptive trade practices. These changes are vital enforcement tools that strengthen the Act. All civil penalties are assessed by a court only after a violation of the Act has been proven. All penalty payments go directly to the State of Alaska. Your support of this important legislation is appreciated.



America's Newspapers

Paper: Anchorage Daily News (AK)

Title: State tops in fraud gripes - PER CAPITA LEADER: Tips offered on identifying scams.

Date: February 7, 2006

Alaska topped the nation in fraud complaints last year: 249 per 100,000 people, according to the Federal Trade Commission. Identity theft topped the list of nationwide complaints for the sixth year in a row, according to the FTC's annual report on consumer fraud released recently.

Monday, Jeremy Zidek, a spokesman for the Better Business Bureau that serves Alaska, western Washington and Oregon, talked about the latest versions of common scams and how to avoid them.

Q. Do we know how many Alaskans are affected by fraud each year?

A. According to the FTC, 1,654 Alaskans complained about being a victim of fraud in 2005.

Q. How much does fraud cost consumers in a year?

A. Alaskans lost an average of \$1,062. We were one of the lowest. The national average was \$2,412.

Q. What are some current scams?

A. On Internet dating sites, scam artists may say, "I want to come and see you, can you send me money?" or "My mother's sick."

They may pose as an American citizen working in a foreign country, say they don't trust the banks in the country and want to send money to someone they trust in the United States and ask them to wire the money back.

Prizes, sweepstakes and lotteries generate a lot of inquires at the BBB, often out of Great Britain and Canada.

A lot of prize sweepstakes go out targeting seniors. They might have to pay \$20 to enter, and be guaranteed a prize. The fine print shows the minimum prize might be 50 cents.

A counterfeit check is a favorite tactic.

People hesitant to put up their own money when dealing with a stranger are a little more willing to cooperate when they get what appears to be a cashier's check.

Checks may be used in an overpayment scam: If you're selling something online to be picked up later, they may send you a check for more than the amount then ask you to send back the difference.

If anyone asks you to cash a check and wire back money, you can be pretty sure it's a scam.

Anyone with time and determination and a few key tools can counterfeit identification, Web sites and checks and credit cards for that matter.

Q. What are a few key steps people can take to avoid fraud?

A. Ask detailed questions; don't accept elusive answers. Ask for written information. Don't be rushed into making a decision. Talk to a trusted friend or family member about the offer.

Monitor credit cards, banking and other accounts online for a better chance of catching identity theft faster.

Q. Is there any good news on the fraud front?

A. The numbers of identity theft cases seem to have declined in 2005. That's good news.

The federal government requires the three major credit report companies to provide a free credit report every year, so consumers can get three of them free a year. That may be helping consumers keep better track of their financial records, and that may be part of why we're seeing a decline in identity theft cases.

Several bills being considered in the state Legislature would require businesses to inform consumers if their personal information is lost or stolen. Some variations of the bill also enable consumers to put a freeze on their accounts.

WANT TO KNOW more about common consumer scams? Need a credit report? For information on fraud and identity theft, log on to

www.adn.com/money

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Author: SARANA SCHELL Anchorage Daily News Staff

Section: Money

Page: F1

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STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

FRANK MURKOWSKI, GOVERNOR

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-5903
PHONE: (907)269-5100
FAX: (907)276-8554

February 20, 2006

The Honorable Lesil McGuire
Chair
House Judiciary Committee
State Capitol, Room 118
MS 3100
Juneau, Alaska 99801

Re: HB 446, Civil Penalties in Consumer Protection Cases

Dear Representative McGuire:

Thank you for introducing HB 446. The Department of Law supports this important legislation. It would provide the department with more powerful enforcement tools by ensuring minimum penalties for violators of Alaska's Unfair Trade Practices and Consumer Protection Act (the "Act"), and increase the maximum penalty to a more meaningful amount. The current penalty of \$5,000 per violation is outdated. Several states have maximum penalties of \$100,000 or more, recognizing that in some cases, a single violation can have catastrophic consumer impacts that require severe penalties against larger corporate defendants.

The penalty provision of the Act requires the court to ultimately decide the amount of the penalty. Currently, this amount can range from \$0 to \$5,000. The court typically considers the nature of the alleged conduct, the harm involved, and other factors when considering an appropriate penalty. The amendments proposed by HB 446 will require the court to engage in this same analysis, except that the court must impose at least a \$1,000 penalty if a violation is found, and can impose up to \$25,000 per violation in appropriate cases. The proposed amendments will only affect state enforcement efforts because only the state can request penalties.

The Honorable Lesil McGuire
Chair
House Judiciary Committee

February 20, 2006
Page 2

The Act is a critically important law that allows consumers and the department to investigate and prosecute consumer fraud and deception. HB 446 strengthens the Act, and provides a greater deterrent to would-be violators.

If you need additional information, please contact me at (907) 269-5200.

Sincerely,

DAVID W. MARQUEZ
ATTORNEY GENERAL

By:



Clyde E. Sniffen, Jr.
Assistant Attorney General

cc: Kevin Jardell, Legislative Director
Office of the Governor

Randy Ruaro, AAG
Deborah Behr, AAG
Department of Law

CES/sjm

To: Housed Judiciary and Finance Committees

Re: AkPIRG Supports HB 446 - Penalty for Unlawful Trade Practice

AkPIRG urges support for HB 446 – Penalty for Unlawful Trade Practices. This bill is a concrete step toward better protection for Alaskan consumers by modernizing the penalties against those who commit consumer crime.

Alaska leads the nation in fraud complaints, according to the Federal Trade Commission. Alaska's current laws in regard to consumer protection however, provide one of the lowest allowable civil penalties of any state. HB 446 will strengthen the Unfair Trade Practices and Consumer Protection Act, sending the message that crimes against consumers will not be lightly punished.

The current penalty dates back to the 1970s, HB 446 will increase deterrence by increasing the penalties for consumer crimes. In cases involving a person or company violating an injunction prohibiting unfair or deceptive business practices, the maximum allowable civil penalty will be increased from \$25,000 to \$50,000 - for each violation. The bill will also allow a range of \$1,000 to \$25,000 to be employed for civil penalties – again, for each violation of the Act.

The Department of Law needs the proper tools to be able to protect consumers in Alaska. HB 446 is one step toward better protection. The Alaskan Legislature is making great strides in updating consumer protection laws in regard to Identity Theft and other fraud. Increasing the penalties for such crimes will serve as a needed deterrence to better protect Alaskans.

Thank you for your support of this legislation.
Sincerely,

Steve Cleary
A'PIRG Director

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB446-Courts-2-21-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Penalty for Unlawful Trade Practice RDU Alaska Court System
 Component Trial Courts
 Sponsor Representative McGuire
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 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 446.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2/21/06 @ 2:30 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/21/2006
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB446-LAW-2-22-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to the amount of a civil penalty RDU CIVIL
for an unlawful act or practice in the conduct of trade..." Component Commercial & Fair Business
 Sponsor Representative McGuire
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill doubles the civil penalty imposed on someone who violates the terms of an injunction or restraining order issued to prevent the person from engaging in an unlawful act or practice in the conduct of trade or commerce, from \$25,000 to \$50,000 for each violation. It changes the penalty for the unlawful act or practice that is the subject of the injunction or restraining order, from the present level of \$5,000 to not less than \$1,000 nor more than \$25,000 for each violation.

Passage of this legislation will not have a fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division: Administrative Services Division Date/Time 2/22/06 2:18 PM
 Approved by: Kathryn Daughhete for David Márquez, Attorney General Date 2/22/2006
 Agency: Department of Law