

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SSTA 12753

STATE OF ALASKA

Department of Military and Veterans Affairs

OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 5800
FORT RICHARDSON, AK 99505
PHONE: (907) 428-6003
FAX: (907) 428-6017

Sectional Analysis for SB 232-Emergency Firefighter Pay for Alaska National Guard Members

- Section 1, the Governor may delegate authority to the Adjutant General of the Alaska National Guard to activate troops.
- Section 2 changes the statute to allow National Guard members, when fighting wild fires, to be paid the same as all other emergency firefighters instead of State Active Duty rates.
- Section 3 provides an immediate effective date.

SARAH PALIN
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 485-3500
FAX (907) 485-3832
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 15, 2008

The Honorable Lyda Green
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill authorizing the Governor to delegate to the adjutant general the authority to order the organized militia into active state service and authorizing payment of Alaska National Guard called into active state service to fight wildfires at rates of pay established for certain emergency fire-fighting personnel.

Section 1 of the bill would amend AS 26.05.070, which authorizes the Governor to order the organized militia into active state service in certain circumstances, to authorize the Governor to delegate to the adjutant general the authority to order the organized militia into active state service if these circumstances exist. The organized militia includes the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Defense Force. The circumstances under which the organized militia may be called into active state service include the occurrence or imminent danger of occurrence of a disaster or other catastrophe. Authorizing the Governor to delegate to the adjutant general the authority to order the organized militia into active state service is appropriate to allow a rapid response to such events, particularly if the Governor is not immediately available.

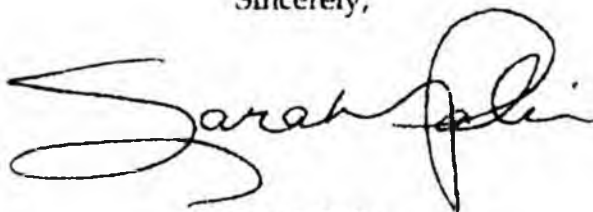
Section 2 of the bill would amend AS 26.05.260(b), which establishes the pay for members of the Alaska National Guard and the Alaska Naval Militia called into active state service under AS 26.05.070, to authorize the payment of Alaska National Guard personnel called to active state service to fight wildfires at rates of pay established for emergency fire-fighting personnel under AS 41.15.030 if the adjutant general and the commissioner of natural resources so agree. Existing AS 41.15.030 provides that the commissioner of natural resources may hire emergency fire-fighting personnel and shall establish classifications and rates of pay for the emergency fire-fighting personnel

The Honorable Lyda Green
January 15, 2008
Page 2

consistent with the compensation paid by other fire-fighting agencies. The amendment to AS 26.05.260(b) will allow pay parity between national guard and civilian personnel of specified classifications fighting wildfires by agreement between the commissioner of natural resources and the adjutant general. Section 2 would also amend AS 26.05.260(b) to remove an outdated provision relating to payment of Alaska National Guard and Alaska Naval Militia members for active service performed during the fiscal year ending June 30, 2000.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Palin". The signature is written in dark ink and is positioned above the printed name and title.

Sarah Palin
Governor

Enclosure

SENATE BILL NO. 232

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/18/08
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the governor to delegate to the adjutant general the authority to
2 order the organized militia into active state service and authorizing the payment of
3 Alaska National Guard called into active state service to fight wildfires at rates of pay
4 established for certain emergency fire-fighting personnel; and providing for an effective
5 date."

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

7 * Section 1. AS 26.05.070 is amended to read:

8 **Sec. 26.05.070. Governor may order organized militia into active state**
9 **service.** In the event of war, disaster, insurrection, rebellion, tumult, catastrophe,
10 invasion, or riot; or if a mob or body of men act together by force with intent to
11 commit a felony or to offer violence to persons or property, or by force and violence to
12 break and resist the laws of the state, or the United States; or in the case of imminent
13 danger of the occurrence of any of these events; or whenever responsible civil

1 authorities fail to preserve law and order, or protect life and property, or the governor
 2 believes that failure is imminent, the governor may order the organized militia or any
 3 part of it, into active state service to execute the laws and to perform duties in
 4 connection with them that the governor considers proper. Whenever any portion of the
 5 militia is ordered into active state service by the governor, it becomes an additional
 6 police force, retaining its separate entity and operating at all times as a military
 7 organization under military command, with power to cooperate with but not to
 8 supersede the existing civilian law enforcement officers whenever possible, for the re-
 9 establishment of law and order and for the protection of life and property. The
 10 governor may also order members of the organized militia to active state service, with
 11 their consent, for the purpose of training or for full-time duty with the office of the
 12 adjutant general. **The governor may delegate authority to order the organized**
 13 **militia or any part of it, into active state service under this section to the adjutant**
 14 **general.**

15 * Sec. 2. AS 26.05.260(b) is amended to read:

16 (b) Members of the Alaska National Guard and Alaska Naval Militia are
 17 entitled to receive, for each day of active service under AS 26.05.070, pay equal to
 18 200 percent of the minimum daily basic pay provided by federal laws and regulations
 19 for members of equivalent grades of the United States armed forces, **except that the**
 20 **adjutant general and the commissioner of natural resources may agree that**
 21 **specified classifications of Alaska National Guard personnel called to active state**
 22 **service to fight wildfires shall be paid at rates established for emergency fire-**
 23 **fighting personnel in accordance with AS 41.15.030.** [HOWEVER, A MEMBER
 24 MAY NOT RECEIVE LESS THAN \$105 PER DAY FOR ACTIVE SERVICE
 25 PERFORMED DURING THE FISCAL YEAR ENDING JUNE 30, 2000.] For fiscal
 26 years beginning after June 30, 2000, the minimum payment of \$105 shall be increased
 27 one percent for each percent increase in the consumer price index for Anchorage,
 28 Alaska, as determined by the United States Department of Labor, Bureau of Labor
 29 Statistics, not to exceed an annual increase of four percent. The increase, if any, takes
 30 effect not more than 30 days after the release of the consumer price index. The
 31 consumer price index that is published immediately after July 1, 1999, is the reference

- 1 base in lex.
- 2 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

DNR Comments on 773-08-0016
Authorizing payment of Alaska National Guard called into service to fight wildfires
at RFF Rates of Pay

Division of Forestry use of the DMVA National Guard resources has occurred infrequently and only under extreme fire occurrence. When we have used the National Guard they have been of immense value. Since 2000, the Guard has been utilized four times, once in 2002 twice in 2004 and once in 2007. However, the actual availability of the Guard has been impacted by mobilizations to other parts of the world, making them totally unavailable during some fire seasons.

Identification of the costs associated with their future usage is totally dependent upon factors we cannot predict – such as the severity of the fire season, availability of National Guard Units, and the configuration (number and types of positions or resources required for the situation), as well as the fact the Division of Forestry can only use them after we have used all available civilian assets (also a variable that is impacted by other industry use and the season). The primary reason that we have used the Guard in recent years has been the lack of civilian helicopters in the state. A number of factors in the aviation and oil and gas industries have led to a steady decline in the number of civilian helicopters available for use on wildland fires. Both the legislature and previous administrations have supported use of private sector contracts for Forestry aviation.

Summary of use since 2000:

- In 2002, AKNG flew for 39.0 helicopter hours and DOF paid \$177,000 for a total of 5 days.
- In 2004, AKNG flew 258.1 helicopter hours and DOF paid \$649,379.60 (includes flight hours, personnel, meals, lodging, etc.), during 2 different mobilizations totaling 50 days.
- In 2007, AKNG flew 30.4 helicopter hours and DOF paid \$147,351.80 for a total of 4 days (includes flight hours, personnel, and a fuel truck, ...no meals and lodging as the crews flew back and forth from the Willow to Fort Rich every night)

It is worthy to note that in two of those three years this proposed legislation would not have increased the amount paid. In 2002 and 2007 the National Guard units were not put on Active Duty and thus continued to receive their normal guard pay plus overtime. In 2004 when they were placed on Active Duty and received combat pay, which in most cases is less than they would receive as regular employees.

The 2007 EFF rates are attached. Under the new legislation, Pilots would be paid at the EFF Pilot rate (EFF-12, \$35.23/hr.). Aircraft mechanics and other support personnel would be paid at rates equivalent to those positions on EFF rate schedule. Rates have not been established for 2008, but typically go up about 3% year.

137 APPROVED BY CLASSIFICATIONS

| Title | Mnemonic | Rate | Title | Mnemonic | Rate |
|---------------------------------------|----------|--------|--|----------|--------|
| Agency Representative* | AREP | EFF-11 | Incident Commander Type 3* | ICT3 | EFF-10 |
| Aircraft Base Radio Operator* | ABRO | EFF-3 | Incident Communication Center Mgr* | INCM | EFF-6 |
| Air Support Group Supervisor | ASGS | EFF-10 | Incident Communication Technician | INCT | EFF-6 |
| Air Tactical Group Supervisor | ATGS | EFF-10 | Initial Attack Dispatcher* | IADP | EFF-6 |
| Air tanker Base Manager* | ATBM | EFF-10 | Interagency Resource Rep* | IARR | EFF-6 |
| Barracks Worker | | EFF-3 | Laborer*** | THSP | EFF-3 |
| Barracks Worker-Lead | | EFF-4 | Line Officer | LINE | EFF-11 |
| Base Camp Manager* | BCMG | EFF-5 | Loadmaster*** | LOAD | EFF-6 |
| Buying Team Member | BUYM | EFF-6 | Maintenance Mechanic*** | | EFF-6 |
| Camp Crew Member*** | THSP | EFF-1 | Maintenance Worker*** | | EFF-2 |
| Camp Crew Squad Boss*** | THSP | EFF-3 | Master* | MXMS | EFF-7 |
| Camp Crew Boss*** | THSP | EFF-4 | Metalsite Handler* | WHHR | EFF-6 |
| Carpenter*** | | EFF-6 | Metalsite Handler Leader* | WHLR | EFF-6 |
| Clark*** | CASC | EFF-3 | Mechanic (Automotive/Heavy Equip) | GMEC | EFF-7 |
| Commissary Manager* | CMSY | EFF-6 | Medical Unit Leader* | MEDL | EFF-6 |
| Cook, Head Camp*** | COOK | EFF-6 | Operations Branch Director* | OPBD | EFF-11 |
| Cook Helper*** | CAMP | EFF-2 | Ordering Manager* | ORDM | EFF-6 |
| Crew Administrative Representative* | CAR | EFF-6 | Paramedic* | EMTP | EFF-10 |
| Crew Boss* | CRWB | EFF-6 | Personnel Time Recorder* | PTRC | EFF-6 |
| Crew Representative* | CREP | EFF-7 | Pilot* or Pilot*** | PILO | EFF-12 |
| Demo Unit Leader* | DMOB | EFF-6 | Prevention Education Team Leader* | PIEL | EFF-11 |
| Detection Specialist*** | AOBS | EFF-6 | Prevention Education Team Member* | PETM | EFF-10 |
| Display Processor* | DPRO | EFF-3 | Public Information Officer Type 1* | PIO1 | EFF-12 |
| Division/Group Supervisor* | DIVS | EFF-10 | Public Information Officer Type 11* | PIO2 | EFF-11 |
| Documentation Unit Leader | DOCL | EFF-6 | Public Information Officer | PIOF | EFF-7 |
| Dozer Boss* | DOZB | EFF-6 | Radio Operator* | RADO | EFF-2 |
| Dozer Operator*** | DOZ1 | EFF-6 | Ramp Manager* | RAMP | EFF-6 |
| Driver, CDL Required | DRCL | EFF-6 | Receiving & Dist. Manager* | RCDM | EFF-5 |
| Driver, >1 Ton and ≤ 4 Tons (No CDL) | DRVS | EFF-4 | Receptionist*** | | EFF-2 |
| Driver, ≤ 1 Ton | DRVP | EFF-3 | Resource Advisor | READ | EFF-6 |
| EMT*** | EMTB | EFF-7 | Resources Unit Leader* | REBL | EFF-6 |
| EMT*** | EMTI | EFF-7 | Restaurant Worker*** | | EFF-6 |
| EMTP*** | EMTP | EFF-10 | Safety Officer Type 1* | SOF1 | EFF-12 |
| Engine Boss* or Engine Boss** | ENG8 | EFF-6 | Safety Officer Type 2* | SOF2 | EFF-11 |
| Engine Operator* or Engine Operator** | ENOP | EFF-5 | Safety Officer, Line* | SOFR | EFF-6 |
| Equipment Manager* | EQPM | EFF-5 | Section Chiefs Type 1* | FSC1 | EFF-12 |
| Equipment Time Recorder* | EQTR | EFF-5 | Section Chiefs Type 2* | FSC2 | EFF-11 |
| Expanded Dispatch Recorder* | EDRC | EFF-3 | Situation Unit Leader* | SITL | EFF-6 |
| Expanded Dispatch Coordinator* | CORD | EFF-10 | Security Manager* | SECM | EFF-5 |
| Expanded Supervisory Dispatcher* | EDSP | EFF-6 | Staging Area Manager* | STAM | EFF-6 |
| Expanded Support Dispatcher* | EDSO | EFF-6 | Status Check-in Recorder* | SCIN | EFF-5 |
| Field Observer* | FOBS | EFF-6 | Strike Team Leader-All Types* | | EFF-6 |
| Firefighter Type 1* | FFT1 | EFF-4 | Structure Protection Specialist* | STPS | EFF-10 |
| Firefighter Type 2* | FFT2 | EFF-3 | Sweeper*** | | EFF-2 |
| Fire Behavior Analyst* | FBAN | EFF-10 | Task Force Leader* | TFLD | EFF-7 |
| Fire Investigator* | INVF | EFF-11 | Time Unit Leader* | TME | EFF-6 |
| Fixed Wing Base Manager* | FWBM | EFF-9 | Unit Leaders* (w/ exception of DOCL & PROCL which are EFF 6 & 9 respectively) | | EFF-6 |
| Fixed Wing Parking Tender* | FWPT | EFF-3 | Warehouse Worker*** | | EFF-4 |
| Food Service Worker*** | | EFF-1 | | | |
| Fork Lift Operator*** | | EFF-2 | | | |
| Fueler*** | | EFF-2 | | | |
| Fuel Specialist*** | FUEL | EFF-4 | Crew Member* Type 2 Crew | FFT2 | EFF-3 |
| GIS Specialist* | GISS | EFF-7 | Squad Boss* | FFT1 | EFF-4 |
| Ground Support Unit Leader* | GSUL | EFF-6 | Crew Boss* | CRWB | EFF-6 |
| Helicopter Boss, Single Resource* | HELB | EFF-6 | | | |
| Helicopter Manager* | HELM | EFF-7 | | | |
| Helibase Manager, X Type 2* | HEB2 | EFF-6 | Crew Member* < 2 seasons | | EFF-3 |
| Helibase Manager Type 1* | HEB1 | EFF-6 | Crew Member* | | EFF-4 |
| Helicopter Crew Member* | HECM | EFF-4 | Squad Boss* | | EFF-6 |
| Incident Commander Type 5* | ICT5 | EFF-5 | Asst. Crew Superintendent* | | EFF-7 |
| Incident Commander Type 4* | ICT4 | EFF-6 | Crew Superintendent* | | EFF-8 |

* Must meet ICS requirements and possess a valid Red Card. Trainees are hired at one pay rate below qualified hires.

** Must be dispatched as part of a Structure Fire Department (SFD) unit of apparatus.

*** Alaska positions, local hire, not normally sent to the Lower-48 states.

| | | | | | |
|-------|---------|--------|---------|--------|---------|
| EFF-1 | \$10.85 | EFF-6 | \$17.80 | EFF-11 | \$29.39 |
| EFF-2 | \$11.98 | EFF-7 | \$19.66 | EFF-12 | \$35.23 |
| EFF-3 | \$13.58 | EFF-8 | \$21.80 | EFF-13 | \$41.89 |
| EFF-4 | \$14.92 | EFF-9 | \$24.30 | | |
| EFF-5 | \$16.36 | EFF-10 | \$28.75 | | |

To get the rate for a position not listed here, contact Karen Gordon at 451-2662 for the Northern Region and Darlene Langill at 761-6205 for the Coastal Region.

| EFF Title | Hourly | Overtime rate (1.5x) | Daily (12 Hours) | Weekly (7x12) |
|------------------|---------------|---------------------------------|-----------------------------|--------------------------|
| EFF-12 (Pilot) | \$35.23 | \$52.85 | \$422.76 | \$3,734.38 |
| EFF 9 (Loadm) | \$24.30 | \$36.45 | \$291.60 | \$2,575.80 |
| EFF-8 (Rear d) | \$21.99 | \$32.99 | \$263.88 | \$2,330.94 |
| EFF -11 (Ager) | \$29.39 | \$44.09 | \$352.68 | \$3,115.34 |

| <u>GRADE</u> | <u>SAD Daily Rate</u> | <u>SAD Weekly Rate</u> |
|--------------|---------------------------|--------------------------------|
| O6/COL | \$357.50 | \$2,502.50 |
| O5/LTC | \$298.00 | \$2,086.00 |
| O4/MAJ | \$257.12 | \$1,799.84 |
| O3/CPT | \$226.06 | \$1,582.42 |
| O2/1LT | \$195.30 | \$1,367.10 |
| O1/2LT | \$169.56 | \$1,186.92 |
| O3E/CPT | \$301.58 | \$2,111.06 |
| O2E/1LT | \$264.88 | \$1,854.16 |
| O1E/2LT | \$213.32 | \$1,493.24 |
| CW5 | \$415.40 | \$2,907.80 |
| CW4 | \$233.60 | \$1,635.20 |
| CW3 | \$213.34 | \$1,493.38 |
| CW2 | \$188.78 | \$1,321.46 |
| CW1 | \$165.70 | \$1,159.90 |
| E9/SGM | \$282.26 | \$1,975.82 |
| E8/MSG | \$231.04 | \$1,617.28 |
| E7/SFC | \$160.62 | \$1,124.34 |
| E6/SSG | \$138.92 | \$972.44 |
| E5/SGT | \$127.30 | \$891.10 |
| E4/SPC | \$121.92* | \$853.44 |
| E3/PFC | \$121.92* | \$853.44 |
| E2/PVT | \$121.92* | \$853.44 |
| E1/PV1 | \$121.92* | \$853.44 |

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number 1
Bill Version SB 232
(S) Publish Date 1/18/08

Identifier (file name): 0016-DOA-DOP-12-17-07 Dept. Affected: Administration
Title: "An Act authorizing the governor to delegate to the adjutant the authority to order organized militia into active state svc." RDU: Central Administrative Services
Sponsor: Rules Committee Component: Personnel
Requester: Governor Component Number: 56

(Thousands of Dollars)

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

| | Appropriation Required | | Information | | | | |
|-------------------------------|------------------------|------------|-------------|------------|------------|------------|------------|
| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other Interagency Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Division of Personnel

Prepared by: Nicki Neal, Director
Division: Division of Personnel
Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-465-4429
Date/Time 12/17/07 1:40 p.m.
Date 12/26/2007

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 232
(S) Publish Date: 1/18/08

Identifier (file name): LL#08-0016-DNR-Fire-01-08-08 Dept. Affected: Natural Resources
Title: Authorizing the governor to delegate the adjunct general RDU: Statewide Fire Suppression
the authority to order the organized militia into active state service... Component: Fire Suppression Activity
Sponsor: Rules Committee
Requester: Governor Component Number: 2706

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|------------------------------|---------|---------|---------|---------|---------|---------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Contractual | | | | | | | | |
| Supplies | | | | | | | | |
| Equipment | | | | | | | | |
| Land & Structures | | | | | | | | |
| Grants & Claims | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | | *** INDETERMINATE *** | | | | | | |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| 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 Interagency Receipts | | | | | | | | |
| TOTAL | | *** INDETERMINATE *** | | | | | | |

Estimate of any current year (FY2008) cost: Indeterminate

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The cost is indeterminate. Since 2000, the Army National Guard (ANG) has been utilized four times: once in 2002, twice in 2004, and once in 2007. The only impact may be to the Fire Suppression Activity Component when ANG Units are involved in the actual suppression of wildland fires. The use of ANG resources on wildland fires has been and will continue to be highly variable as it is based on factors that cannot be easily predicted such as: severity of the fire season, availability of other resources, and the unavailability of ANG units due to deployment elsewhere in the world. Identification of costs is dependent on unpredictable factors including availability of civilian resources, Guard module configurations to meet specific wildland fire situations, and industry availability of private sector equipment contracts such as helicopters.

Prepared by: Lynn Wilcock
Division: Forestry
Approved by: Tom Irwin, Commissioner
Natural Resources

Phone (907) 451-2675
Date/Time 1/8/2008
Date 1/8/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 232
 (S) Publish Date: 1/18/08

Identifier (file name): 0016-DMVA-ARNG-1-11-08 Dept Affected: DMVA
 Title: TAG authorization to order militia into active state service and RDU: Military and Veterans Affairs
authorization of payment for fighting wildfires Component: National Guard Military Headquarters
 Sponsor: Rules Committee
 Requester: Governor Component Number: 2135

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

| | Appropriation Required | Information | | | | | |
|-------------------------------|---------------------------|-------------|---------|---------|---------|---------|---------|
| | | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | . | . | . | . | . | . | . |
| Travel | . | . | . | . | . | . | . |
| Contractual | . | . | . | . | . | . | . |
| Supplies | . | . | . | . | . | . | . |
| Equipment | . | . | . | . | . | . | . |
| Land & Structures | . | . | . | . | . | . | . |
| Grants & Claims | . | . | . | . | . | . | . |
| Miscellaneous | . | . | . | . | . | . | . |
| TOTAL OPERATING | . | . | . | . | . | . | . |

| | | | | | | | |
|-----------------------------|---|---|---|---|---|---|---|
| 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 Interagency Receipts | . | . | . | . | . | . | . |
| TOTAL | . | . | . | . | . | . | . |

Estimate of any current year (FY2008) cost:

POSITIONS

| | | | | | | | |
|-----------|---|---|---|---|---|---|---|
| Full-time | . | . | . | . | . | . | . |
| Part-time | . | . | . | . | . | . | . |
| Temporary | . | . | . | . | . | . | . |

ANALYSIS: (Attach a separate page if necessary)

Funds to pay for firefighter services are RSA'd from the Fire Suppression Fund of the Department of Natural Resources.

Due to fluctuating demands for firefighters and unknown number of events per year, we are submitting an indeterminate fiscal note. It is not known at this time what the impact of this legislation will be to the Department of Military and Veterans Affairs budget.

Prepared by: McHugh Pierre, Communications Director/Legislative Liaison Phone 907 465-4621
 Division: National Guard Military Headquarters/Commissioner's Office Date/Time 1/11/08 1:30 PM
 Approved by: Commissioner Craig Campbell Date 1/11/2008

SB

257

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/30/08

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 02/12/08

State Affairs Committee considered SENATE BILL NO. 257

SB 257 ADMINISTRATIVE CODE/REGISTER DISTRIBUTION

"An Act relating to distribution of the Alaska Administrative Code and Alaska Administrative Register; and providing for an effective date."

and recommends:

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

| |
|---|
| SENATE BILL: |
| <input type="checkbox"/> Same Title |
| <input type="checkbox"/> New Title |
| <hr/> |
| HOUSE BILL: |
| <input type="checkbox"/> Same Title |
| <input type="checkbox"/> Technical Title Change |
| <input type="checkbox"/> New Title w/ SCR # _____ |


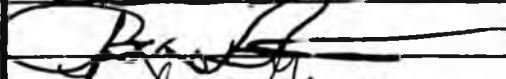
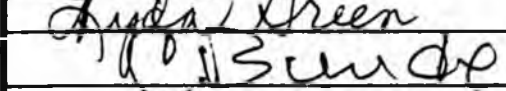
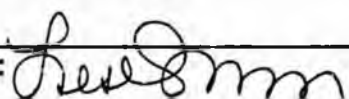
NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|----------|--------|--------|------|-----|
| GOV | 01/25/08 | | | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|  | French | ✓ | | | |
|  | Green | ✓ | | | |
|  | Bundo | ✓ | | | |
| | | | | | |
| CHAIR:  | McGuire | ✓ | | | |



State Capitol
Juneau, Alaska 99801
907.465.3520 465.5400 FAX
www.ligov.state.ak.us

550 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263 FAX
Lt_Governor@gov.state.ak.us

Lieutenant Governor Sean Parnell

February 4, 2008

Senator Les McGuire, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 125
Juneau, AK 99801-1182

Dear Senator McGuire:

The Governor's Legislative Office has transmitted HB 344 on my behalf, and I request consideration and passage of this bill in the House Community and Regional Affairs Committee.

The bill was generated in response to feedback I have received from local governments who do not use or wish to receive paper copies of the Alaska Administrative Code that I currently distribute at state expense. With electronic access available at no charge, many local governments believe that these materials are obsolete and an unnecessary use of limited office space.

The bill allows local governments to opt-out of receiving paper copies of the Alaska Administrative Code and its quarterly supplements. If, in the future, local officials wish to resume receiving these materials, the bill also affords provisions for opting-in.

Responding to local concerns and conserving state resources are two benefits of this legislation. I urge your support of these goals in the passage of SB 257. If I can provide any information, please contact me or Jason Hooley in my office at 465-4082. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Sean Parnell".

Sean Parnell
Lieutenant Governor

Cc with Enclosures: Russ Kelly, Legislative Director

SARAH PALIN
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 28, 2008

The Honorable Lyda Green
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Green:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to change the Alaska Administrative Procedure Act to provide for better and more cost-effective access to administrative information.

The bill stems from requests of some local governments to stop receiving paper copies of the Alaska Administrative Code and the Alaska Administrative Register. Space in some local government offices is limited and the storage and disposal of these documents can be problematic.

Under current law, the Lieutenant Governor, at state expense, is required to supply a complete set of the Alaska Administrative Code, the Alaska Administrative Register, and each supplement to the code or register to the clerk of each local government unit. Many local governments have indicated that paper copies of these publications are neither utilized nor desired.

The bill allows the clerk of a local governmental unit to choose to forego receipt of the paper copies. Paper copies would continue to be supplied to governmental units that do not request cessation of the deliveries.

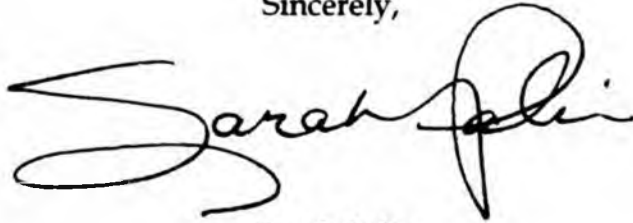
Because electronic access to the Alaska Administrative Code is currently available through the Legislature's website, and through links to that website from various state agency websites, we anticipate that many local governments would prefer this "no-cost" option for electronic access to the information, and paper copies would not be needed.

The Honorable Lyda Green
January 28, 2008
Page 2

The bill also provides an easy method for the local government to "opt back in" to start receiving paper copies of the documents if the local government's needs changed.

I urge your prompt consideration and passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Palin". The signature is fluid and cursive, with a large initial "S" and a distinct "P" for "Palin".

Sarah Palin
Governor

Enclosure

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 257
 (S) Publish Date: 1/30/08

Identifier (file name): 0048-OOG-LGO-1-25-08 Dept. Affected: OOG
 Title: "An Act relating to distribution of the Alaska Administrative RDU Executive Operations
code and Alaska Administrative Register,...." Component: Office of the Lt. Governor
 Sponsor: Rules Committee
 Requester: Governor Component Number: 11

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 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 Interagency Receipts | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Reduced distribution of the Alaska Administrative Code and Register should result in savings to the state. It is not possible at this time to estimate the number of local governments that would opt out, nor to estimate the amount of savings that would be realized.

Prepared by: Linda Perez, Administrative Director
 Division: Division of Administrative Services
 Approved by: Jay Pullins, Chief of Staff
Office of the Lt. Governor

Phone: 465-3876
 Date/Time: 1/25/08 10:20 AM
 Date: 1/25/2008

SB

259

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/4/08

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 03/19/08

State Affairs Committee considered SENATE BILL NO. 259

SB 259 EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

"An Act repealing certain provisions relating to applications for medical assistance coverage; making certain provisions of ch. 96, SLA 2006, retroactive; providing for an effective date by repealing an effective date section in ch. 96, SLA 2006; providing for an effective date for certain sections of ch. 96, SLA 2006; and providing for an effective date."

and recommends:

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

| | |
|--------------------------|--------------------------|
| SENATE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | New Title |
| <hr/> | |
| HOUSE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | Technical Title Change |
| <input type="checkbox"/> | New Title w/ SCR # _____ |



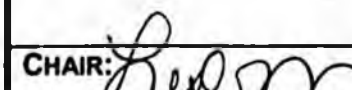
NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| HSS | 3/14/08 | | | ✓ | |
| LAA | 3/14/08 | | | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|  | French | | | X | |
|  | Green | | | X | |
| Lynne Green | Green | ✓ | | | |
| | | | | | |
| CHAIR:  | McNamee | | | ✓ | |

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB 259
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An act repealing certain provisions relating to RDU: Legislative Council
applications for medical assistance coverage; making certain..." Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 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 Interagency Receipts | | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Vami, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____

Bill Version: SB 259

() Publish Date: _____

ID(File name) SB259-DHSS-MS-03-14-08

Dept. Affected: Health & Social Services

Title EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS

RDU Health Care Services

Component Medicaid Services

Sponsor RULES BY REQUEST OF LEG COUNCIL

Requester SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation | | Information | | | | |
|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | Required | | | | | | |
| OPERATING EXPENDITURES | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| 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 | 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 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 2006 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner

Phone 334-2520

Division: Department of Health and Social Services

Date/Time 02/11/2008

Approved by: Karleen Jackson, Commissioner

Date 03/14/2008

Agency: Department of Health and Social Services

LEGAL SERVICES

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

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


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

MEMORANDUM

February 6, 2008

SUBJECT: SB 259, Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\A)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Kathryn L. Kurtz 
Assistant Revisor

Introduction

Enclosed is a sectional analysis of SB 259, a special revisor's bill relating to the effective date of changes made to the medical assistance program in ch. 96, SLA 2006. This bill is in addition to the regular revisor's bill. The changes proposed are presented in a special revisor's bill because the effective date and retroactivity issues involved are somewhat complex. This memo explains the situation that precipitated the need for this bill. I would appreciate it if the Senate State Affairs Committee would hear the bill at your earliest convenience.

Situation Analysis

In 2006, the legislature passed an act amending the medical assistance program. Of the thirteen substantive sections in the Act, only four have clearly taken effect. The status of the remaining sections is uncertain because of the wording of a special effective date section in the Act. This section provided that the nine sections in question would take effect on July 1, 2006, or on the date of notification to the revisor of federal approval of "a revised state plan for medical assistance coverage" incorporating the changes made in the Act, whichever is later. This language assumed that there would be one plan submitted, and one approval received. This is not what has happened.

The Department of Health and Social Services determined that several of the statutory changes included under this special effective date did not require amendment of the state plan. The department submitted other changes to the federal authorities; some were approved on February 28, 2007, retroactive to October 1, 2006, others were disapproved.

Because not all of the changes made in secs. 1 - 7 and 9 of the Act (the sections specified in sec. 16) were submitted to the federal authorities for approval, and because not all of those that were submitted received approval, under the language of sec. 16 of ch. 96, SLA 2006, it appears to us that the bill sections subject to the effective date in sec. 16 have not and will not take effect without further legislative action. We are aware that this

Senator Lesil McGuire

February 6, 2008

Page 2

view may not be universal; one could certainly argue that the sections that required no change, or those that have been approved by the federal government, or both, have already taken effect. The situation is not clear, and can not be made clear through independent editorial action by the revisor.

The inconclusivity of sec. 16 of ch. 96, SLA 2006, is a deficiency in the statutes. Also, the disapproval of certain amendments in ch. 96, SLA 2006, arguably makes those provisions obsolete. Under AS 01.05.036, the revisor of statutes is empowered to prepare for submission to the legislature legislation that would correct deficiencies in the statutes and remove obsolete provisions.

Please call me if you have any questions.

KLK:ljw
08-063.ljw

Enclosure

LEGAL SERVICES

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

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


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

MEMORANDUM

February 6, 2008

SUBJECT: Sectional Analysis of SB 259, Special Revisor's Bill relating to ch. 96, SLA 2006 (medical assistance program) (Work Order No. 25-LS1339\A)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Kathryn L. Kurtz 
Assistant Revisor

The following is a sectional summary of SB 259.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Bill section 1 repeals AS 47.07.020(j), (k), and (n) because those subsections require changes to the state plan, the department has submitted amendments to the plan to reflect those changes, and the federal government has disapproved of the amendments. Rather than give effect to sections that have proven unacceptable at the federal level, this section repeals them.

Bill section 2 would make section 6 and two subsections of AS 47.07.020 enacted in section 7 of ch. 96, SLA 2006, retroactive to October 1, 2006. Those sections required amendments to the state plan for which the department has received federal approval. Bill section 2 would also make sec. 11 of ch. 96, SLA 2006, the section requiring a report to the legislature, retroactive to the date the report was made, March 2, 2007. This section addresses the requirement in AS 01.10.090, which provides: "No statute is retrospective unless expressly declared therein."

Bill section 3 repeals sec. 16, ch. 96, SLA 2006, the section with the effective date provision that gives rise to the uncertainty of the status of the affected sections.

Bill section 4 of the bill gives an immediate effective date to secs. 2 - 7 and 9 - 11 of ch. 96, SLA 2006, those sections covered by the effective date provision in sec. 16 of that Act.

Bill section 5 gives the bill an immediate effective date.

Senator Lesil McGuire
February 6, 2008
Page 2

TEXT OF REPEALED PROVISION

* **Sec. 16.** Except as provided in secs. 14 and 15 of this Act, this Act takes effect July 1, 2006, or on the date of notification under sec. 13 of this Act of federal approval of a revised state plan for medical assistance coverage incorporating the changes made by secs. 1 - 7 and 9 of this Act, whichever is later.

KLK:ljw
08-064.ljw

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

*LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIAMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520*

February 14, 2008

Senator Lesil McGuire, Chair
Senate State Affairs Committee
Alaska State Legislature
State Capital, Room 125
Juneau, Alaska 99801-1182

Re: 2008 Revisor's Bill Concerning Effective Dates for Medical
Assistance Laws - SB 259

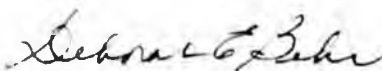
Dear Senator McGuire:

The Department of Law has reviewed SB 259, 2008 revisor of statute's bill concerning effective dates for certain medical assistance laws. The bill makes technical improvements in the effective dates for those laws. We believe these improvements are appropriate and consistent with traditional revisor's bills to revise the law consistent with the meaning and intent of those laws.

If you need additional information, please let me know.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

DEB:pvp

cc: Russ Kelly, Legislative Director, Office of the Governor
Katherine Kurtz, Assistant Revisor of Statutes, Legislative Affairs Agency
Jon Sherwood, Medical Assistance Administrator, Dept. of Health and Social Services

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB 259
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Health Care Services
 Component Medicaid Services

ID(File name) SB259-DHSS-MS-03-14-08
 Title EFFECTIVE DATE: MEDICAL ASSISTANCE LAWS
 Sponsor RULES BY REQUEST OF LEG COUNCIL
 Requester SENATE STA

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation | | Information | | | | |
|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | Required | | | | | | |
| OPERATING EXPENDITURES | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| 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 | 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 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill is a clean-up of the effective dates of Ch. 96, SLA 206 (HB 426), requested by the Revisor, to put actual effective dates for some provisions and repeal those provisions that were denied Medicaid State Plan approval by CMS.

There is no fiscal impact.

Prepared by: William J. Streur, Deputy Commissioner
 Division: Department of Health and Social Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 334-2520
 Date/Time 02/11/2008
 Date 03/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB 259
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB259-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An act repealing certain provisions relating to RDU: Legislative Council
applications for medical assistance coverage; making certain..." Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

| OPERATING EXPENDITURES | Appropriation Required | Information | | | | | |
|------------------------|------------------------|-------------|------------|------------|------------|------------|------------|
| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| 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 | 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 Interagency Receipts | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

SB

2660

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/4/08

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 03/19/08

State Affairs Committee considered SENATE BILL NO. 260

SB 260 2008 REVISOR'S BILL

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

and recommends:

- be replaced with SCS or CS SB 260 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

| | |
|-------------------------------------|--------------------------|
| SENATE BILL: | |
| <input checked="" type="checkbox"/> | Same Title |
| <input type="checkbox"/> | New Title |
| <hr/> | |
| HOUSE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | Technical Title Change |
| <input type="checkbox"/> | New Title w/ SCR # _____ |

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| LAA | 3/14/08 | ✓ | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|-------------------|---------|-------------|--------|-------|
| | French | | | X | |
| | STEVENS | | | X | |
| | Green | | | ✓ | |
| CHAIR: | McClure | ✓ | | | |

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 260
 () Publish Date: _____

Identifier (file name): SB260-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing..." RDU: Legislative Council
 Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 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 Interagency Receipts | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626
 Division: Legislative Affairs Agency Date/Time 3/14/08 11:49 AM
 Approved by: Pamela Vami, Executive Director Date 3/14/2008
Legislative Affairs Agency

SENATE COMMITTEE REPORT

DATE: 2/15/08

FURTHER: Judiciary
Finance

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 183

SB 183 REPEAL DEFINED CONTRIB RETIREMENT PLANS

"An Act repealing the defined contribution retirement plans for teachers and for public employees; making conforming amendments; and providing for an effective date."

and recommends:

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

| | |
|--------------------------|--------------------------|
| SENATE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | New Title |
| <hr/> | |
| HOUSE BILL: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | Technical Title Change |
| <input type="checkbox"/> | New Title w/ SCR # _____ |



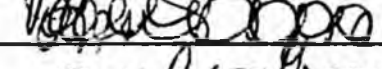
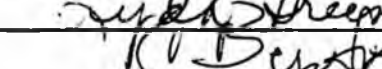
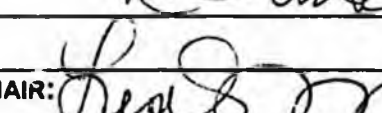
NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| Admin | 2/15/08 | ✓ | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|---|-------------------|---------|-------------|--------|-------|
|  | French | x | | | |
|  | Staves | ✓ | | x | |
|  | Green | | ✓ | | |
|  | Bunde | | ✓ | | |
| CHAIR:  | McBurne | ✓ | | | |

LEGAL SERVICES

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

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


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

MEMORANDUM

February 20, 2008

SUBJECT: Amendment A.1 to SB 260 (2008 Revisor's Bill)
(Work Order No. 25-LS1022\A.1)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Pam Finley 
Revisor of Statutes

Enclosed is a proposed amendment to SB 260, the 2008 revisor's bill, which is currently pending before the Senate State Affairs Committee. When the committee considers the bill, I would appreciate it if the committee would also consider the amendment. The amendment corrects an error in AS 47.30.550(c) by changing "census date" to "census data". This amendment was requested by the Department of Law after SB 260 had been introduced. Thank you for your consideration. Please give me a call if you have any questions about the amendment or the bill.

PF:med
08-124.med

Enclosure

AMENDMENT

OFFERED IN THE SENATE

TO: SB 260

1 Page 23, following line 7:

2 Insert a new bill section to read:

3 **** Sec. 55. AS 47.30.55(c) is amended to read:**

4 (e) In (a) and (b) of this section, "poverty area" means a census district in
5 which at least 15 percent of the population, based upon the most recent census **data**
6 [DATE], falls under 125 percent of the United States Department of Health and
7 Human Services' Poverty Income Guidelines for Alaska, as reported in the Federal
8 Register."

9

10 Renumber the following bill sections accordingly.

LEGAL SERVICES

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

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

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

MEMORANDUM

February 6, 2008

SUBJECT: 2008 Revisor's Bill; SB 260 (Work Order No. 25-LS1022\A)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee

FROM: Pam Finley *PF*
Revisor of Statutes

The following is a sectional analysis of the 2008 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

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

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

Sections that delete, repeal, or update obsolete provisions: Sections 2 - 12, 19 - 27, 31, 40 - 44, 47, 49, 54, and 55 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1, 13 - 18, 28 - 30, 32 - 37, 39, 48, and 50 - 53 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 38, 45, and 46 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 amends AS 06.50.020(a)(2)(C) to make the provision grammatical.

Bill sections 2 - 11 change references to the Board of Dispensing Opticians to references to the Department of Commerce, Community, and Economic Development. The Board was sunsetted June 30, 2004, under AS 08.03.010(9), and the department is regulating the dispensing opticians.

Bill section 12 substitutes the current federal law citation for personal injury claims under the Jones Act for the previous citation.

Bill sections 13, 14, and 16 change the word "crime" to "offense" in statutes addressing unlawful possession of an official traffic control device, endangering the welfare of a child in the second degree, and failure to report a violent crime committed against an adult. All three of these offenses are punishable as a violation, which under AS 11.81.900(63) is defined as an offense that is punishable only by a fine. A "crime," on the other hand, is an offense for which a sentence of imprisonment is authorized. AS 11.81.900(11). The word "offense" as used in AS 11 covers both crimes and violations, AS 11.81.900(3), and therefore is substituted for "crime" in these three statutes.

Bill sections 15 and 17 add the words "or offense, as applicable" to statutes addressing unlawful contact in the second degree and promoting an exhibition of fighting animals. Both of these offenses may be either crimes or violations, depending on the circumstances, so it is appropriate to add a reference to "offense." See explanation for bill sections 13, 14, and 16.

Bill section 18 changes the word "crime" to "offense" in the statute addressing interference with the training of a service animal. See the explanation for bill sections 13, 14, and 16.

Bill sections 19 - 27 update references to federal statutes and regulations as a result of 2004 amendments. These changes were requested by the Department of Education and Early Development.

Bill section 28 substitutes "judicial retention" for "electoral confirmation" because, under art. IV, sec. 6 of Alaska's constitution, judges seek approval, not confirmation. See AS 15.35.040, 15.35.055, and 15.35.070.

Bill section 29 changes the word "crime" to "offense" in the statute addressing campaign misconduct in the third degree. Although the definitions in AS 11.81.900 do not apply outside AS 11, the term "offense" is more precise for the reasons set out in the explanation for bill sections 13, 14, and 16.

Bill section 30 substitutes a generic description for a specific reference to the division of fish and wildlife protection. There is no statutorily created division of fish and wildlife protection. Currently there is an administratively created division of Alaska wildlife troopers, but that name could also be changed administratively. The generic reference should apply no matter what name is given to the division administratively.

Bill section 31 substitutes a reference to 1.4 G fireworks, as defined by the National Fire Protection Association, for a reference to class C common fireworks enumerated by the ICC. The ICC (Interstate Commerce Commission) was abolished in 1995 and many of

Senator Lesil McGuire

February 6, 2008

Page 3

its duties transferred to the Surface Transportation Board. However, I could find no indication that the Surface Transportation Board regulated fireworks. Mr. Belanger at the Department of Public Safety referred me to Griz, the president of Alaska Pyrotechnics Guild, who said that the current designation for what used to be called "Class C common fireworks" is 1.4 G fireworks, as defined by the National Fire Protection Association. It may be that other aspects of this statute need to be changed, but this bill section addresses only the obsolete reference to the ICC.

Bill sections 32 - 34 fix an error in ch. 58, SLA 1999, which transferred responsibility for vending machines on public property from the Department of Education to the Department of Labor and Workforce Development. By deleting the reference to education and early development, the reference to "commissioner" will be to the commissioner of labor and workforce development. AS 23.45.010. This change was requested by the Department of Law.

Bill section 35 amends the section governing terms of legislators (AS 24.05.080) so that the terms will begin on the third Tuesday in January. This corrects an error of omission in ch. 34, SLA 2007, which set the third Tuesday in January as the beginning of each regular legislative session.

Bill section 36 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 37 substitutes a generic description for a specific reference to the division of fish and wildlife protection. See explanation for bill section 30.

Bill section 38 adds a short title for AS 40.25.100 - 40.25.295 (the Alaska Public Records Act). This makes it easier for people to refer to that body of law.

Bill section 39 substitutes a generic description for a specific reference to the division of fish and wildlife protection. See explanation for bill section 30.

Bill sections 40 - 44 amend AS 42.40 to substitute references to the Surface Transportation Board for references to the Interstate Commerce Commission, which was abolished in 1995. These changes were approved by the Alaska Railroad.

Bill sections 45 and 46 make the definition of "cigarette" that applies to AS 43.50.190 easier to find by adding a cross-reference in AS 43.50.190. Currently the definition of the term appears in the preceding article, which is confusing. Note that, of the words defined in AS 43.50.170, only "cigarette" appears in AS 43.50.190.

Bill section 47 amends a reference to portions of the Jones Act in AS 44.19.035. When AS 44.19.035 was enacted by initiative in 1983, part of the Jones Act was codified at 46 U.S.C. 861 et seq. Those provisions are now scattered throughout 46 U.S.C. Yute Air

Alaska v. McAlpine, 698 P.2d 1173 (Alaska 1985) suggests that the focus of the initiative that enacted AS 44.19.035 was the requirement ---now found in 46 U.S.C. 55102--- that U.S. vessels be used for transporting goods between U.S. ports. However, the citation that appears in AS 44.19.035 is much broader. To correct the citation without limiting the (none too clear) intent of the voters who enacted AS 44.19.035, I have substituted a reference to "those provisions of the Jones Act formerly codified at 46 U.S.C. 861 et seq."

Bill section 48 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 49 amends AS 45.55.900(a)(9) to substitute a reference to the Surface Transportation Board for a reference to the Interstate Commerce Commission, which was abolished in 1995. While the statute does include the "successor" of the ICC, it is more helpful to the user of the statutes to refer to the appropriate agency.

Bill sections 50 and 51 correct errors in 2006 Primary Election Ballot Measure No. 2 (the cruiseship initiative). The word "wastewaters" is substituted for "waster" in AS 46.03.465(a), "state or federal law" is substituted for "state of federal law" in AS 46.03.465(f), and a verb is supplied in AS 46.03.465(f).

Bill sections 52 and 53 correct an error in ch. 57, SLA 2005. AS 47.10.088(i) and AS 47.14.100(m) refer to "a foster care license under AS 47.35.019 or 47.35.021." However, AS 47.35.019 and 47.35.021 were repealed in ch. 57, SLA 2005. Instead the Department of Health and Social Services was authorized to adopt regulations to impose licensing requirements. See AS 47.32.030(a)(3)(B). These bill sections correct the error.

Bill section 54 updates references to federal education statutes to conform to the passage of 2004 amendments.

Bill section 55 repeals sections related to the Board of Dispensing Opticians, which was sunsetted in 2004. The text of these statutes is set out below.

Bill section 56 gives the bill an immediate effective date.

Please give me a call if you have any questions about the above.

TEXT OF REPEALED PROVISIONS

AS 08.03.010(9).

(9) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2004;

Senator Lesil McGuire
February 6, 2008
Page 5

AS 08.71.010.

Sec. 08.71.010. Creation of board. There is created the Board of Dispensing Opticians.

AS 08.71.020.

Sec. 08.71.020. Membership. The board consists of four opticians licensed under AS 08.71.080 and one public member appointed by the governor.

AS 08.71.040.

Sec. 08.71.040. Election of officers. The board shall elect a chairman and secretary from among its members. The officers may administer oaths.

AS 08.71.240(1).

(1) "board" means the Board of Dispensing Opticians;

PF:ljw
08-062.ljw

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 260
 () Publish Date: _____

Identifier (file name): SB260-LEC-COU-03-14-08 Dept. Affected: Legislature
 Title: "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing..." RDU: Legislative Council
 Component: Council and Subcommittees
 Sponsor: Senate Rules by Request
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| 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 | 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 Interagency Receipts | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: _____

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

SB

265

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT

SB 265 – Sex Offenders & Child Kidnappers

One out of ten convicted sex offenders and child kidnappers in the State of Alaska are failing to keep their information current on the state Sex Offender Registry (SOR). SB 265 aims to bring these offenders into compliance by withholding their Permanent Fund Dividend until they have registered.

SB 265 would require that anyone applying for their PFD be screened against the Department of Public Safety's Sex Offender Registry. If the applicant is found to be a convicted sex offender and out of compliance with the SOR, the application would be rejected and a notice with instructions on how to update SOR information would be mailed to the applicant.

Information provided to the PFD is arguably the most accurate and up-to-date information in the state. SB 265 taps into this valuable resource to bring the one out of ten noncompliers on the SOR into compliance.

By creating an incentive for convicted sex offenders to keep their SOR information up to date, SB 265 would relieve law enforcement of the burden of having to dedicate the time, money, and resources to track down noncompliant offenders. Convicted sex offenders willingly updating their information would also relieve the court system of the burden of trying and convicting noncompliers.

But most importantly, SB 265 would increase the effectiveness of an already successful and popular SOR program. By ensuring up-to-date and accurate information is posted on the State SOR, SB 265 gives Alaskan citizens an improved means to identify convicted sex offenders who may be living in their communities.

25-LS1449E
Cook
2/25/08

CS FOR SENATE BILL NO. 265()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the payment of permanent fund dividends to certain individuals**
2 **required to register as sex offenders or child kidnappers and providing for an effective**
3 **date."**

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

5 *** Section 1. AS 43.23 is amended by adding a new section to read:**

6 **Sec. 43.23.021. Delayed payment of certain dividends.** (a) Notwithstanding
7 other provisions regarding the payment of permanent fund dividends, if an individual
8 is required to register as a sex offender or child kidnapper under AS 12.63 and has not
9 registered or has not completed the required periodic verifications or notices required
10 under AS 12.63, payment of the dividend for that individual shall be delayed.

11 (b) If payment of a dividend is delayed, the department shall notify the
12 individual in writing of the delayed payment status, explain the requirements of this
13 section, and request proof of registration and compliance with the verifications and
14 notices required under AS 12.63. The dividend may not be paid unless, within one

1 year after the notification, the department determines that the individual has registered
2 and is in compliance with the verifications and notices required under AS 12.63.

3 (c) Notwithstanding other provisions, a permanent fund dividend that has not
4 become payable to an individual under this section is not subject to levy, execution,
5 garnishment, attachment, or any other remedy for the collection of debt until that
6 dividend becomes payable or is paid to the individual.

7 (d) If an individual for whom payment of a permanent fund dividend has been
8 delayed but remains payable under (b) of this section dies before the dividend is paid
9 or payable, the department shall pay the dividend to a personal representative of the
10 individual's estate.

11 (e) The department shall include notice with the dividend application form of
12 the requirements of (a) and (b) of this section.

13 * Sec. 2. AS 43.23.025(a) is amended to read:

14 (a) By October 1 of each year, the commissioner shall determine the value of
15 each permanent fund dividend for that year by

16 (1) determining the total amount available for dividend payments,
17 which equals

18 (A) the amount of income of the Alaska permanent fund
19 transferred to the dividend fund under AS 37.13.145(b) during the current year;

20 (B) plus the unexpended and unobligated balances of prior
21 fiscal year appropriations that lapse into the dividend fund under
22 AS 43.23.045(d);

23 (C) less the amount necessary to pay prior year dividends from
24 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and
25 43.23.055(3) and (7) [UNDER AS 43.23.055(3) AND (7)];

26 (D) less the amount necessary to pay dividends from the
27 dividend fund due to eligible applicants who, as determined by the department,
28 filed for a previous year's dividend by the filing deadline but who were not
29 included in a previous year's dividend computation;

30 (E) less appropriations from the dividend fund during the
31 current year, including amounts to pay costs of administering the dividend

1
2
3
4
5
6
7

program and the hold harmless provisions of AS 43.23.075;

(2) determining the number of individuals eligible to receive a dividend payment for the current year and the number of estates and successors eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

(3) dividing the amount determined under (1) of this subsection by the amount determined under (2) of this subsection.

* Sec. 3. This Act takes effect January 1, 2009.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB265-DOC-OC-2-15-08
 () Publish Date: _____

Identifier (file name): SB265-DOC-OC-2-15-08 Dept. Affected: Corrections
 Title "An Act relating to drivers' licenses and identification cards
issued to sex offenders and child kidnappers." RDU Administration and Operations
 Sponsor Senator McGuire Component Office of the Commissioner
 Requester Senate Transportation Component Number 694

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 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 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other Interagency Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
 Division: Administrative Services
 Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone (907) 465-3339
 Date/Time 2/15/08 2:13 PM
 Date 2/15/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 265
 () Publish Date: _____

Identifier (file name): SB265-DOA-DMV-02-13-08 Dept. Affected: Administration
 Title: "Drivers' licenses and ID cards issued to sex offenders..." RDU: Division of Motor Vehicles
 Component: Motor Vehicles
 Sponsor: Sen. McGuire
 Requester: (S) TRA Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Contractual | 155.0 | | | | | | | |
| Supplies | | | | | | | | |
| Equipment | | | | | | | | |
| Land & Structures | | | | | | | | |
| Grants & Claims | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | 155.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

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

FUND SOURCE (Thousands of Dollars)

| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
|---------------------------------|--------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| 1156 Receipt Supported Services | 155.0 | | | | | | |
| TOTAL | 155.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

| | FY 2009 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill would require the Division of Motor Vehicles' database to interface with the Department of Public Safety database to determine sex offender status. It would also require a change to DMV's computer program to allow for an alternate expiration date.

The fiscal note reflects the cost of a contract programmer for 650 hours for analysis, review, security, planning, and implementation of the interface, and an additional 120 hours for interface implementation and automatic 1-year expiration date programming.

Prepared by: Whitney H. Brewster, Director
 Division: Motor Vehicles
 Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-269-5574
 Date/Time 2/14/08 12:00 AM
 Date 2/14/2008

LEGAL SERVICES

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

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

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

MEMORANDUM

February 20, 2008

SUBJECT: Sex offender registration and permanent fund dividends
(Work Order No. 25-LS1538)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee
Attn: Trevor Fulton

FROM: Tamara Brandt Cook
Director *TBC*

Would there be a constitutional issue with withholding a sex offender's permanent fund dividend if the offender fails to comply with sex offender registration requirements?

A convicted sex offender is required to comply with the registration requirements of AS 12.63.010 which are fairly detailed. Failing to comply with the registration requirements is, itself, a criminal offense. Under AS 11.56.830, failure to register as a sex offender in the first degree is a class C felony. Under AS 11.56.840, failure to register as a sex offender in the second degree is a class A misdemeanor. So, the state has already established the penalty for failure to comply with the registration requirements. Consequently, it is possible that an equal protection challenge could be brought against the state if it treats people who are convicted of failing to register as sex offenders differently from people who are convicted of other crimes that carry the same penalties.

However, in most cases a person who fails to register as a sex offender already loses eligibility for permanent fund dividends. AS 43.23.005(d) provides:

- (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when
- (1) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;
 - (2) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a
 - (A) felony; or
 - (B) misdemeanor if the individual has been convicted of
 - (i) a prior felony as defined in AS 11.81.900; or
 - (ii) two or more prior misdemeanors as defined in AS 11.81.900.

Senator Lesil McGuire

February 20, 2008

Page 2

Note that if an individual, during the dividend qualifying year, has been sentenced as a result of conviction of failure to register as a sex offender in the first degree or was incarcerated for that crime, the individual does not qualify for a permanent fund dividend. If an individual, during the dividend qualifying year, was incarcerated as a result of conviction of failure to register as a sex offender in the second degree, that individual will not qualify for a permanent fund dividend because, essentially, all persons who are required to register have already been convicted of prior offenses that trigger the ineligibility provision of AS 43.24.005(d)(2)(B).

TBC:med
08-125.med