

Alaska State Legislature

News from the Senate and House Majorities

Bills on the Move!

For Immediate Release: Contact Wilda Laughlin at (907) 465-6011 (Senate Bills) or Craig Johnson at (907) 465-5369 (House Bills)

Keeping You Current on Majority Priorities

Web Site: <http://www.akrepublicans.org>

April 13, 2004

HB 84: Alaska History Curriculum

An Act relating to a curriculum for Alaska history; and providing for an effective date.

Version: CSHB 84 (EDU)

Contact: Rep. Mary Kapsner, 465-4942

Action: **04-13-04:** (H)EDU ==> (H)HES

HB 84 requires at least on semester of Alaska history to be taught in Alaska schools. Amended in committee to make Alaska history optional and change the effective date.

Sponsored by [Rep. Mary Kapsner](#)

HB 344: Mining Fees, Rentals, & Royalties

An Act relating to annual rental fees for mining claims, and providing for reduced royalties during the first three years of production.

Version: SCS HB 344 (RES)

Contact: Jim Pound, 465-4976

Action: **04-13-04:** House Concurrence with Senate Amendments

Allows a grace period if the mine's filing deadline is missed. By filing the necessary paperwork, paying the royalties, rent, and a penalty equal to one year's rent the claim remains protected.

| [Sponsor Statement](#) |

Sponsored by [Rep. Hugh Fate](#)

HB 417: AK Natural Gas Dev. Authority Initiative

An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date.

Version: HB 417

Contact: Rep. Mike Chenault, 465-3779

Action: **04-13-04:** Passed the House

Amends the definition of project to include all options for a terminus of the Alaska Natural Gas Pipeline. This specifically identifies Cook Inlet as a possible terminus.

| [Sponsor Statement](#) |

Sponsored by [Rep. Mike Chenault](#)

HB 418: Extend Real Estate Commission

An Act extending the termination date of the Real Estate Commission; and providing for an effective date.

Version: CS HB 418 (FIN)

Contact: Josh Applebee, 465-4939

Action: **04-13-04:** (H)FIN ==> (H)RLS

This bill extends the sunset date of the Real Estate Commission until June 2008. CS added a Home Inspector provision in addition to the board's sunset clause.

| [Sponsor Statement](#) |

Sponsored by the [Hou. Labor & Commerce Committee](#)

HB 464: Extend Board of Real Estate Appraisers

An Act extending the termination date of the Board of Certified Real Estate Appraisers.

Version: HB 464

Contact: Henry Webb, 465-2095

Action: **04-13-04:** Passed the House

Sec. 08.87.010 Established the Board of Certified Real Estate Appraisers and provided for the appointment of members by the governor. The board consists of one licensed general real estate appraiser, one licensed residential real estate appraiser, one mortgage banking executive, and one member who represents the public at large. If enacted, HB 464 would extend the board's operation for another 4 years to June 30, 2008.

Sponsored by the [House Rules Committee](#)

Requested by [Legislative Budget & Audit](#)

HB 484: Corrections: Fees/Surcharge

An Act imposing a correctional facility surcharge on persons convicted of a crime under state law, and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date.

Version: CS HB 484 (JUD)

Contact: Mike Tibbles, 465-4021

Action: **04-13-04:** (H)FIN ==> (H)RLS

The bill imposes a surcharge on a person who pleads guilty or nolo contendere to, or is convicted of, a crime if the person was arrested and taken to a correctional facility or is sentenced to a term of imprisonment. The amount of the surcharge depends on the seriousness of the crime: \$100 for a felony and \$50 for a misdemeanor. The bill also would impose a surcharge on a person placed on probation after conviction of a crime. The surcharge is collected only if the defendant's probation is revoked for a probation violation and the person was either arrested and taken to a correctional facility for the violation, or sentenced to prison for it. Amended for minor language fixes .

| [Gov's Transmittal Letter](#) |

Sponsored by the [House Rules Committee](#), Requested by [Gov. Frank Murkowski](#)

SB 241: Approp: Natural Gas Development Authority

An Act making an appropriation to the Department of Revenue for work related to bringing North Slope natural gas to market; and providing for an effective date.

Version: CSSB 241(FIN) am H

Contact: Joe Balash 465-4797

Action: **04-13-04:** Signed into law

The Governor signed SB 241 into law April 13. SB 241 appropriates \$1.65 million to the Department of Revenue for work related to bringing natural gas from the North Slope to market. The appropriation lapses June 30, 2005.

| [Press Release](#) | [Fact Sheet](#) | [PDF - 1 Page - 105 KB]

Sponsored by [Sen. Gene Therriault](#)

[SB 338: Claims Against State Employees](#)

An Act relating to actionable claims against state employees; and providing for an effective date.

Version: CSSB 338(STA)

Contact: Dave Marquez, 465-2132

Action: **04-13-04:** Senate Floor ==> House

SB 338 unanimously passed the Senate April 13. It incorporates a core concept of the Federal Tort Claims Act by converting claims against state employees acting within the scope of their employment into claims against the state.

| [Gov's Transmittal Letter](#) |

Sponsored by the [Sen. Rules Committee](#), Requested by [Gov. Frank Murkowski](#)

[SJR 3: Const Am: Appropriation/Spending Limit](#)

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

Version: CSSJR 3 (FIN) AM

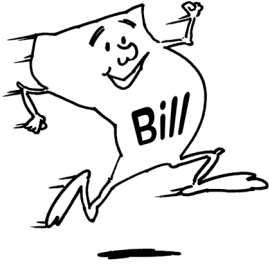
Contact: Lucky Shultz, 465-6580

Action: **04-13-04:** Senate Floor ==> Senate Finance Committee

SJR 3 was returned to the Senate Finance Committee April 13. It amends the current appropriation limit in the Alaska State Constitution. It allows growth based on population and inflation. It includes a four-year sunset provision and mechanisms for funding emergencies and extraordinary circumstances.

| [Sponsor Statement](#) |

Sponsored by [Sen. Fred Dyson](#)



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April 14, 2004

HB 188 : Bail Schedule For Skiing Violation

Passed House!

Sponsored by [Rep. Mike Hawker](#)

An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation.

Version: HB 188

Contact: Sara Wright, 465-4949

Action: **04-14-04:** (H)Floor » (S)Floor

House Bill 188 allows for citations to be issued in ski areas throughout the State and provides the Court with the necessary authority to adopt the bail forfeiture schedule for the violations included in the Statute.

| [Sponsor Statement](#) |

HB 331 : Retirement:Teachers/Judges/Pub Employees

Sponsored by the [Hou. Rules Committee](#)

Requested by [Gov. Frank Murkowski](#)

An Act relating to federal requirements for governmental plan and other qualifications for the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; and providing for an effective date.

Version: CS HB 331 (STA)

Contact: Mike Tibbles, 465-3500

Action: **04-14-04:** (H)STA » (H)L&C

It extends the Special Education Service Agency for another nine years. SESA assists schools and infant learning programs to serve children with severe disabilities.

| [Gov's Transmittal Letter](#) |

HB 336 : Civil Damages For Uninsured Drivers

Sponsored by [Rep. Kevin Meyer](#)

An Act limiting recovery of civil damages by an uninsured driver; and providing for an effective date.

Version: CS HB 336 (JUD)

Contact: Suzanne Cunningham, 465-4945

Action: **04-14-04:** (H)JUD » (H)RLS

HB 336 changes existing law to provide that a person who does not comply with existing motor vehicle liability laws may not recover damages for non-economic loss suffered by that person while operating a motor vehicle. HB 336 also clarifies

that punitive damages are not required to be part of the mandated offers of uninsured/underinsured motorist coverage and that insurance companies are not required to offer uninsured/underinsured motorist coverage on excess or umbrella basis.

| [Sponsor Statement](#) |

HB 349 : Illegally Obtained Evidence

Passed Senate!

Sponsored by [Rep. Ralph Samuels](#), [Rep. Lesil McGuire](#), [Rep. Bill Stoltze](#), [Rep. Nancy Dahlstrom](#)

An Act amending Rule 412, Alaska Rules of Evidence.

Version: CS HB 349 (JUD) Am

Contact: Sara Nielson, 465-2095

Action: **04-14-04:** (S)Floor » (H)Concurrence

House Bill 349 is a bill that promotes truth telling by criminal defendants who choose to testify at trial. Under the supervision of a judge, HB 349 will permit prosecutors to cross-examine defendants using prior suppressed statements and evidence.

| [Sponsor Statement](#) |

HB 357 : Restitution

Passed Senate!

Sponsored by [Rep. Ralph Samuels](#), [Rep. Lesil McGuire](#), [Rep. Bill Stoltze](#), [Rep. Nancy Dahlstrom](#)

An Act relating to restitution; and providing for an effective date.

Version: SCS HB 357 (JUD)

Contact: Sara Nielson, 465-2095

Action: **04-14-04:** (S)Floor » (H)Concurrence

Requires judges to order restitution from criminals in all cases where a victim has suffered a financial loss. It also clarifies that a minor who has been ordered to pay restitution be required to do so after his or her 19th birthday. Amended to make minor language changes.

| [Sponsor Statement](#) |

HB 427 : Protection Of Persons And Property

Sponsored by [Rep. Tom Anderson](#)

An Act relating to guardianships and conservatorships, to the public guardian and the office of public advocacy, to private professional guardians and private professional conservators, to court visitors, court-appointed attorneys, guardians ad litem, and fiduciaries, and to the protection of the person or property of certain individuals, including minors; amending Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date.

Version: CS HB 427 (HES)

Contact: Josh Applebee, 465-4939

Action: **04-14-04:** (H)JUD » (H)FIN

HB 427 would ensure those individuals or organizations wishing to serve as private guardians or conservators meet certain criteria, and register with the State. Amended for minor technical language. Amended to clarify that the appointment of a guardian ad litem shall occur only in limited circumstances when the respondent, as a result of incapacity, is truly incapable of articulating a position to their attorney. Also, the CS clarified that an attorney for a ward or respondent may be appointed as guardian ad litem in some cases, but the role of attorney in that situation ceases, since a guardian ad litem should not be appointed unless it is impossible for the attorney to operate under the traditional attorney-client model of advocating for the client's expressed wishes.

| [Sponsor Statement](#) |

HB 452 : Guided Sport Fishing

Sponsored by the [Rep. Cheryll Heinze](#)

An Act relating to licensing and regulation of sport fishing services operators and fishing guides; and providing for an effective date.

Version: CS HB 452 (JUD)

Contact: Jon Bittner, 465-4930

Action: **04-14-04:** (H)FIN » (H)RLS

The bill establishes two types of licenses: a sport fishing services operator license and a fishing guide license, and establishes minimum requirements and fees for obtaining each license. Amended to reduce the penalty for late filling from a Class a Misdemeanor to a violation.

| [Sponsor Statement](#) |

HB 553 : Permanent Fund Appropriations & Investments

Sponsored by the [Hou. Finance Committee](#)

An Act relating to investments of the Alaska permanent fund and to the income of and appropriations from the Alaska permanent fund and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date.

Version: HB 553

Contact: Pete Ecklund 465-3424

Action: **04-14-04:** (H)FIN » (H)RLS

HB 553 is effective only if a Percent of Market Value (POMV) constitutional amendment is approved by the voters during the 2004 general election and takes effect. HB 553 provides conforming language to existing statute to accommodate changing the constitutional requirement that all income of the Permanent Fund be deposited into the general fund to the more limiting appropriation mechanism of 'up to 5%' of market value in the proposed POMV constitutional amendments which protect the fund's principal.

| [Sponsor Statement](#) |

| [Sectional Analysis](#) |

HJR 46 : Constitutional Amendment: Permanent Fund Appropriations/ Inflation-Proofing

Sponsored by the [Hou. Finance Committee](#)

Proposing amendments to the Constitution of the State of Alaska relating to the principal of the Alaska permanent fund; limiting appropriations from the Alaska permanent fund to amounts equal to that part of the market value of the fund that exceeds the principal based on an averaged percent of the fund market value.

Version: HJR 46

Contact: Pete Ecklund 465-4930

Action: **04-14-04:** (H)FIN » (H)RLS

HJR 46 proposes an amendment to the constitution that would create a modified Percent of Market Value (POMV) endowment approach to managing the permanent fund. HJR 46 proposes an amendment to the constitution that would create a modified Percent of Market Value (POMV) endowment approach to managing the permanent fund.

The amendment would limit appropriations from the fund to up to 5% of the total market value of the fund, averaged over a 5-year period. However, if there is not sufficient market value above principal to payout the 5% calculation, the payout would be restricted to the amount equal to that part of the market value of the fund that exceeds principal.

| [Sponsor Statement](#) |

HJR 47 : Constitutional Amendment: Permanent Fund Appropriations/ Inflation-Proofing

Sponsored by the [Hou. Finance Committee](#)

Proposing amendments to the Constitution of the State of Alaska relating to the principal of the Alaska permanent fund; limiting appropriations from the Alaska permanent fund to amounts equal to that part of the market value of the fund that exceeds the principal based on an averaged percent of the fund market value; and permitting appropriations from the permanent fund only for costs of administering the fund, a program of dividend payments for state residents, and public education.

Version: HJR 47

Contact: Pete Ecklund 465-3424

Action: **04-14-04:** (H)FIN » (H)RLS

HJR 47 proposes an amendment to the constitution that would create a modified Percent of Market Value (POMV) endowment approach to managing the permanent fund. The amendment would limit appropriations from the fund to up to 5% of the total market value of the fund, averaged over a 5-year period. However, if there is not sufficient market value above principal to payout the 5% calculation, the payout would be restricted to the amount equal to that part of the market value of the fund that exceeds principal.

HJR 47 limits appropriations from the payout to only being used for the following purposes: 1) costs of administering the permanent fund, 2) dividends to state residents, and 3) public education.

| [Sponsor Statement](#) |

SB 132 : Minto Flats Game Refuge & Townsite

Sponsored by [Sen. Georgianna Lincoln](#)

An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Minto Village Council.

Version: CS SB 132 (CRA)

Contact: Mark Stopha, 465-3732

Action: **04-14-04:** (S)CRA » (S)RES

SB 132 removes the 32-acre Old Minto town site from the Minto Flats State Game Refuge and conveys it to the Native village of Minto. The State retains existing and future rights to natural resource development.

SB 289 : Extending The Special Ed Service Agency

Passed Legislature! Await Transmit to Governor

Sponsored by [Sen. Lyda Green](#)

An Act extending the termination date of the special education service agency; and providing for an effective date.

Version: SB 289

Contact: Jacqueline Tupou, 465-6600

Action: **04-14-04:** (H)Floor » Governor

SB 289 unanimously passed the House April 14. It extends the Special Education Service Agency for another nine years. SESA assists schools and infant learning programs to serve children with severe disabilities.

| [Sponsor Statement](#) |

| [Fact Sheet](#) | [PDF - 1 Page - 101 KB]

SB 301 : Pioneers' Homes/Veterans' Homes

Passed Senate!

Sponsored by the [Sen. Rules Committee](#)

Requested by [Gov. Frank Murkowski](#)

An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming

amendments; and providing for an effective date.

Version: HCS CS SB 301 (FIN) Am H

Contact: Sherry Hill, 465-3030

Action: **04-14-04:** (H)Floor » (S)Concurrence

SB 301 passed the House April 14 by a vote of 38 to 1 and was noticed for reconsideration. It authorizes the establishment of an Alaska Veterans' Home and allows the Department of Health and Social Services to require home residents to apply for other state or federally sponsored programs that could reduce the amount of assistance. The bill designates the Pioneer Home in Palmer as the State veterans' home. The House adopted a Senate letter of intent that the State continue to maintain a Pioneers' Home waiting list for the Palmer home and that the home have an occupancy of 75 percent veterans and 25 percent from the waiting list. The House increased the monthly stipend that indigent residents receive, increased the minimum level of allowable assets, and required the State to conduct annual unannounced licensing inspections. The House also adopted a letter of intent that the bill shall not reduce the number of non-veteran Pioneers' Home residents living in Pioneers' Homes statewide.

| [Gov's Transmittal Letter](#) |

SB 311 : Insurance & Workers' Compensation System

Sponsored by the [Sen. Rules Committee](#)

Requested by [Gov. Frank Murkowski](#)

An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; relating to covered workers' compensation claims paid by the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission; relating to agreements that discharge workers' compensation liability; providing for hearing officers in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date.

Version: CS SB 311 (JUD)

Contact: Sally Saddler, 465-2500

Action: **04-14-04:** (S)JUD » (S)FIN

SB 311 proposes reforms to the workers' compensation system. It changes the appeals process by eliminating the current Alaska Workers' Compensation Board and establishing a panel of hearing officers and a hearing commission to bring more efficiencies and predictability to the system. It removes the cap on the surcharge in the assigned risk workers' compensation pool. It establishes new statutory penalties against uninsured employers.

| [Gov's Transmittal Letter](#) |

SB 322 : Salmon Enhancement Tax

Passed Senate!

Sponsored by [Sen. Ben Stevens](#)

Requested by the [Jnt. Salmon Industry Task Force Committee](#)

An Act relating to the rate of the salmon enhancement tax.

Version: SB 322

Contact: Cheryl Sutton, 465-2705

Action: **04-14-04:** (H)FSH » (H) FIN

SB 322 offers flexibility for Regional Aquaculture Associations by adding tax rates of 30, 20, 15, 10, 9, 8, 7, 6, 5 and 4 percent to the salmon enhancement tax that the fishermen may impose on themselves. Under current law fishermen may self-assess 1, 2 or 3 percent of the value of their harvest for the purpose of funding the operation of their regional aquaculture associations.

| [Sponsor Statement](#) |
| [Fact Sheet](#) | [PDF - 1 Page(s) - 105 KB]

SB 357 : Insurance

Sponsored by the [Sen. Labor & Commerce](#)

An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date.

Version: CS SB 357 (L&C)
Contact: Linda Hall, 465-2560
Action: **04-14-04:** (S)Floor » (H)After Recon

SB 357 unanimously passed the Senate April 14 and was noticed for reconsideration. Referred to as the Insurance Omnibus Bill, it contains numerous changes to Title 21 to conform state statutes to federal law and the National Association of Insurance Commissioners (NAIC) model acts, and to update procedures and transactions.

| [Sponsor Statement](#) |
| [Sectional Analysis](#) | (PDF - 5 Page(s) - 43 KB)
| [Fact Sheet](#) | [PDF - 1 Page - 94 KB]

SB 379 : Permanent Fund Board Public Member Removal

Sponsored by the [Sen. Rules Committee](#)
Requested by [Gov. Frank Murkowski](#)

An Act providing that public members of the Board of Trustees of the Alaska Permanent Fund Corporation may be removed only for cause; and providing for an effective date.

Version: SB 379
Contact: Bob Storer, 465-2047
Action: **04-14-04:** (S)JUD » (S)FIN

Provides that public members of the Board of Trustees of the Alaska Permanent Fund Corporation may be removed only for cause. Provides grounds for the removal of public members of the board, which includes neglect of duty, misconduct in office or conviction of certain misdemeanor or felony charges. Grants Board members the opportunity to be heard at a public hearing and requires at least ten days notice of the hearing.

| [Gov's Transmittal Letter](#) |

SB 382 : Eminent Domain/Replating Of Boundary Changes

Sponsored by the [Sen. Transportation Committee](#)

An Act relating to replat approval; relating to the platting of right-of-way acquired through eminent domain proceedings; and providing for an effective date.

Version: CS SB 382 (CRA)
Contact: Jeff Ottesen, 465-4070
Action: **04-14-04:** (S)CRA » (S)RLS

SB 382 corrects the conflict between the state's right to acquire right-of-way property acquired through eminent domain proceedings and still follow local government platting provisions.

SB 383 : Children's Trust Grants

Sponsored by the [Sen. Health, Education & Social Services Committee](#)

An Act relating to the Alaska children's trust grant awards.

Version: SB 383

Contact: Jason Hooley, 465-2199

Action: **04-14-04:** (S)HES » (S)FIN

SB 383 removes the \$50,000 maximum cap on annual grants awarded to projects aimed at preventing child abuse and neglect. The Alaska Children's Trust Board will receive more flexibility in determining grant amounts in preparation for an anticipated increase in federal funding. By requiring the grant recipient to create a self-sustainability plan and lowering the yearly funding percentage, SB 383 will allow the board to emphasize that these grants are to be used as start-up funds for these community-based programs.

| [Sponsor Statement](#) |