

HB

114

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

DEPARTMENT House of Representatives
Rep. T. Gardiner, Chairman
ATTENTION House Judiciary Committee

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input checked="" type="checkbox"/> Your Information |

Remarks: The question of Board per diem rates was raised at the Violent Crimes Comp. hearing and Mr. Iverson gave you the latest revised rates. The attached is the memorandum received from the Dept. of Administration with regard to the change of rates for employees as well as board members. We hope this will be of use to you. Thank you.

FROM:
MAIL STATION NUMBER 0600

DEPARTMENT H & SS / Violent Crimes Comp. Bd.

BY D. Benson DATE 3/4/75

02-002 (REV.10/73)

MEMORANDUM

State of Alaska

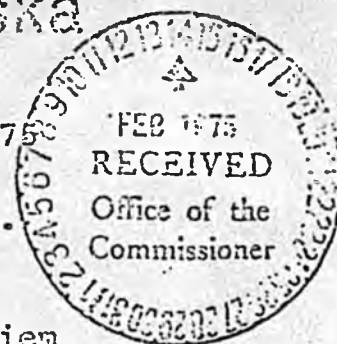
DEPARTMENT OF ADMINISTRATION

TO: ALL COMMISSIONERS

DATE: February 10, 1975

FOR INFO:

REFERENCE NO:



Andrew S. Warwick
 FROM: Andrew S. Warwick
 Commissioner

SUBJECT: Increased Per Diem

It has been demonstrated that the cost of food and lodging have risen to the extent that the existing per diem allowance and meal allowance for State employees is no longer adequate to cover reasonable expenses. I am therefore increasing per diem and other expenses effective February 16, 1975, for those employees not covered by a collective bargaining agreement. This authority is granted under AS 39.20.110 and AS 39.20.130.

The schedule of per diem shall be as follows:

Per Diem Allowances
For Employees Who Obtain Overnight Lodging

House Election District#	Steps Above Basic Per Diem	Percent Factor	Short-Term** Per Diem Rate	Long-Term Rate (60% of Short-Term)
0 *	0	100.00	\$40.00	\$24.00
1	0	100.00	40.00	24.00
4	0	100.00	40.00	24.00
8	0	100.00	40.00	24.00
2	1	103.75	41.00	24.60
3	1	103.75	41.00	24.60
7	1	103.75	41.00	24.60
5	2	107.50	43.00	25.80
9	2	107.50	43.00	25.80
10	2	107.50	43.00	25.80
11	2	107.50	43.00	25.80
15-S	3	112.25	44.00	26.40
6	4	115.00	45.00	27.00
12	7	126.25	49.00	29.40
13	7	126.25	49.00	29.40
18	7	126.25	49.00	29.40
14	8	130.00	51.00	30.60
19	8	130.00	51.00	30.60
15	9	133.75	52.00	31.20
15-N	9	133.75	52.00	31.20
17	9	133.75	52.00	31.20

The Election Districts used are those designated by the Proclamation of Reapportionment Redistricting of December 7, 1961, and retained for the House of Representatives by proclamation of the Governor September 3, 1965.

* House Election District "0" denotes any place not in Alaska.
 ** "Short-term" rate is rounded to nearest whole dollar.

Page Two

For those employees who do not obtain overnight lodging but are on travel status, a meal allowance is provided as follows:

A meal allowance will be allowed an employee who is on travel status for at least three (3) hours:

<u>Time</u>	<u>Meal</u>	<u>Allowance</u>
Midnight to 10:00 a.m.	Breakfast	\$3.50
10:00 a.m. to 3:00 p.m.	Lunch	4:00
3:00 p.m. to midnight	Dinner	8.50

The mileage allowance as provided in AS 39.40.130 shall be twenty cents (20¢) per mile.

The basic per diem for members of boards and commissions as provided in AS 39.20.180 shall be fifty dollars (\$50) per day.

Employees of the General Government, Labor Trades and Crafts, and Confidential bargaining units shall be paid in accordance with the attached letters of agreement effective February 16, 1975.

Employees of the Supervisory bargaining unit shall be paid in accordance with Article XXIV of their collective bargaining agreement retroactive to its effective date which is November 16, 1975.

If you have questions on this matter, please contact the Division of Personnel.

Attachments: Letters of Understanding (three)

RECEIVED
FEB 26 1975
ADMINISTRATIVE SERVICES
OFFICE OF THE DIRECTOR

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

DEPARTMENT House of Representatives
Rep. T. Gardiner, Chairman
ATTENTION House Judiciary Committee

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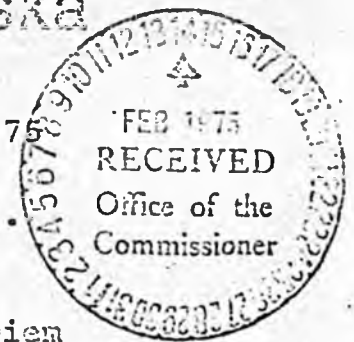
MEMORANDUM

State of Alaska

DEPARTMENT OF ADMINISTRATION

TO: ALL COMMISSIONERS

DATE: February 10, 1975



TITLE:

ISSUE NUMBER:

Andrew S. Warwick
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SUBJECT: Increased Per Diem

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Attachments: Letters of Understanding (three)

RECEIVED
FEB 26 1975
ADMINISTRATIVE SERVICES
OFFICE OF THE DIRECTOR

PROVIDENCE HOSPITAL



3200 Providence Drive
Anchorage, Alaska 99504

277-6671

February 27, 1975

Representative Terry Gardiner
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

Recently I reviewed the proposed House Bill 114 relating to Violent Crimes Compensation and generally agree and support the intent of the bill as it has been presented with your amendments, however, the following changes additionally should also be considered before pressing the bill for passage.

Section 050 - Attorney Fees: I am in agreement with HB 114, however feel strongly that a CEILING BE PLACED ON ATTORNEY FEES - NOT TO EXCEED \$6,000 regardless of the size of settlement over \$25,000. or PLACE A CEILING ON THE TOTAL MAXIMUM AWARD (NOT TO EXCEED \$40,000) regardless of the number of dependents.

Section 090 - Recovery from Collateral Source - your section is good.

Section 120 - Emergency Compensation - Advocate adoption as amended in HB 114.

Section 130 - Limitations on awarding compensation. Max. award of \$25,000 per incident (adopt). However, in the case of a deceased victim - I would prefer to see the first dependent receive the \$25,000 - and \$3,000 for each additional ~~victim~~ not to exceed a total award of \$40,000. dependent

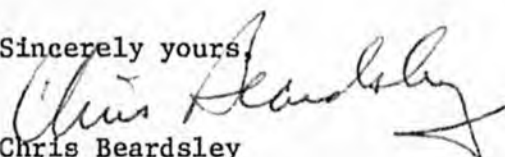
Payment of above awards should be in a lump sum or in periodic payments depending on the claimants circumstances and/or at the discretion of the board.

Section 175 - Duty to Display Information - I support the adoption of this section with the following additions. 1. Display of information should also include the main entrance and business office of the hospital. 2 Brochures, giving general information on the provisions of this chapter and on where the family can get application forms, should be available and in the offices of Social Service workers and the Patient Care Coordinator if the hospital has one.

Section 020 - add - at least one member of the board should be a licensed attorney - licensed to practice in Alaska.

Thank you for your consideration.

Sincerely yours,


Mr. Chris Beardsley

Director of Public Relations

PROVIDENCE HOSPITAL



3200 Providence Drive
Anchorage, Alaska 99504

277-6671

February 26, 1975

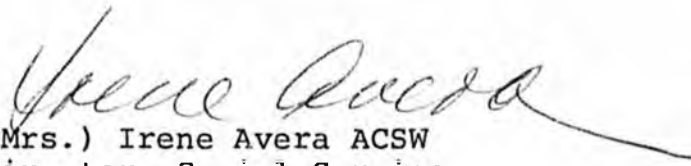
Representative Terry Gardiner, Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

As director of Social Service at Providence Hospital I occasionally have an opportunity to inform patients about the provision of the Violent Crimes Compensation law. In its present state the law has so many flaws, that it is frequently ineffective. The liberalization of this law as proposed in the up-coming House Bill #114 would serve to render it more useful and effective.

While I have no personal or pecuniary interest in the law, I have observed its effect on a number of patients here at Providence Hospital who had occasion to apply and am convinced the law needs revamping and liberalization. I could cite case after case in which patients were found ineligible, because they had third party coverage (insurance) or their medical bills exceeded the prescribed maximum. In reading the provisions of Bill #114 these shortcomings would be eliminated, and as a disinterested party I urge you to vote for its enactment.

Sincerely yours,


(Mrs.) Irene Avera ACSW
Director, Social Service

IA/mcc

Recommendation for change in Section AS 18.67.130 (c)

No compensation may be awarded under this chapter in an amount in excess of \$25,000 per victim per incident. However, in the case of the death of a victim who has more than one dependent applying for compensation, the total compensation which may be awarded as a result of that death may not exceed the sum of the maximum award of \$25,000 for one dependent plus \$2,500 [\$5,000] for each additional dependent to \$10,000 maximum for additional dependents and the board shall prorate the total awarded among those dependents according to relative need. In no circumstances shall the total to the dependents of a deceased victim exceed \$35,000. All [\$10,000 AND ALL] payments shall be made in a lump sum.

586-6425

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
510 2ND AVENUE, SUITE 230
FAIRBANKS, ALASKA 99701
TELEPHONE 456-5401

February 26, 1975

Don Clocksin
Deputy Director
Alaska Legal Services Corporation
315 Fifth, #8
Juneau, Alaska 99801

Re: Violent Crimes Compensation Board bills
SB 23 and HB 114

Dear Don:

Both SB 23 and HB 114 seem pretty good to me. But of the two I definitely favor SB 23. This is primarily because SB 23 in Section 90 prohibits the Board from deducting from an award any compensation received from a collateral source (except for a prior emergency award made by the Board). Unless collateral sources are eliminated from consideration, a person who must receive welfare as a result of a crime is denied the award to which he or she would otherwise be entitled from the Board. This point was dramatically illustrated in one of my cases: A mother with a minor child was murdered. There was no husband. The child's grandparents took the child in and applied for and received AFDC for the child. When the Violent Crimes Compensation Board claim was processed, the Board reasoned that the child was being benefitted by the AFDC payments and hence these payments had to be considered an award of compensation from a collateral source. The Board therefore felt constrained to deduct the AFDC payments from any award it made. I think the unfairness of this practice with regard to poor persons is readily apparent: If the crime causes a person to go on welfare, then the amount of welfare received is deducted from any award that is made. But if a person is financially well enough off not to go on welfare, then he or she may receive the full award. I believe that this practice is in conflict with the purpose of the Violent Crimes Compensation Board Act, which is to compensate

Don Clocksin
February 26, 1975
Page -2-

innocent persons for injuries they receive as the result of a crime. Being forced to receive welfare hardly seems to be the sort of "benefit" intended by the Act. Therefore, it should not be included as a collateral source.

Very sincerely,

E. John Athens, Jr.
Attorney at Law

EJA/jg

cc: Senator Robert H. Ziegler, Chairman
Senate Judiciary Committee

Representative Terry Gardiner, Chairman
House Judiciary Committee

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No compensation may be awarded under this chapter in an amount in excess of ~~\$25,000~~ per victim per incident. However, in the case of the death of a victim who has more than one dependent applying for compensation, the total compensation which may be awarded as a result of that death may not exceed the sum of the maximum award of ~~\$25,000~~ ^{10,000} for one dependent plus ~~\$2,500~~ ^{5,000} for each additional dependent to \$10,000 maximum for additional dependents and the board shall prorate the total awarded among those dependents according to relative need. In no circumstances shall the total to the dependents of a deceased victim exceed ~~\$35,000~~ ^{20,000}. All [~~\$10,000 AND ALL~~] payments shall be made in a lump sum.

HB 114

March 17, 1975

Paul J. Nangle
Baer, Barker and Nangle
Attorneys at Law
700 H Street, Suite 7
Anchorage, Ak. 99501

Dear Mr. Nangle:

Thank you for your letter of March 12 regarding violent crimes compensation. HB 114 was introduced this session on the same subject by Representative Clark Gruening, in recognition of some of the problems you mention.

HB 114 was referred to the House Judiciary Committee where we conducted two hearings on the subject. The committee's action is in the form of a committee substitute for the bill (attached). Briefly, due chiefly to fiscal constraints, the committee determined that the maximum award for one dependent should be \$10,000. In recognition of the difficulties of large families, the committee determined that an amount of \$2,500 should be awarded to each additional dependent up to a maximum additional award of \$10,000, making the total maximum award to a family \$20,000. This money could be awarded, or any portion of it awarded, in the amount that exceeds what is covered by insurance.

The House Judiciary Committee moved CS HB 114 out of committee on March 4, 1975. The bill had a further referral to Finance, where it now is.

I hope I've answered your concerns. If you wish to have further input into this matter I suggest that you write to Representative Hugh Malone, Chairman, House Finance Committee.

Sincerely,

Terry Gardiner
Representative

BAER, BARKER & NANGLE

ATTORNEYS AT LAW
700 "H" STREET, SUITE 7
ANCHORAGE, ALASKA 99501

(907) 279-7564

March 12, 1975

Senator Robert H. Ziegler
Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

Rep. Terry Gardiner
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Senator Mike Colletta
Pouch V
Juneau, Alaska 99811

Dear Sir:

I am writing you on behalf of the family of victims of violent crimes. This firm has represented one such family, a mother and six children whose husband-father was killed by a mentally unbalanced person while the victim was delivering the mail in Glennallen. We were able to obtain \$10,000.00 for the family, but we argued unsuccessfully that each child, plus the mother, was entitled to compensation. Secondly, the victim had a \$15,000.00 insurance policy that could have excluded any recovery. I believe that this area needs to get some clarity.

If I can be of any help in this matter, please do not hesitate contacting me.

Very truly yours,

BAER, BARKER & NANGLE

By



PAUL J. NANGLE

PJN/jpm

Prof. Gardiner

PAUL SAYER, M.D.

A Professional Corporation

GENERAL SURGERY

2211 EAST NORTHERN LIGHTS
ANCHORAGE, ALASKA 99504

Telephone 279-2578
24 HOUR CALL


March 20, 1975

Representative Terry Gardiner
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Gardiner:

I would like to encourage your support in passing House Bill 114 related to violent crimes compensation. I believe the Bill reads fairly well and I would encourage that if it is passed that it have the clause it does regarding attorney's fees limitation as well as limiting the total amount of payment that may be made for each individual case in order to limit total payments by the state per case.

Yours truly,


Paul Sayer, M.D.

PS:jsh