



COMMITTEE REPORT  
SENATE

5/28/81

FURTHER: Finance

Date: MAY 13, 1982

Mr. President:

The Committee on JUDICIARY has had HB 548 am

providing legal services in civil cases for persons who are financially unable to obtain legal counsel

under consideration and ~~a majority of the committee~~ (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>S</sup>CS for HB 548 (Jud)  same title  
 new title
- and recommends ~~HAS INDIVIDUAL RECOMMENDATIONS~~  
*as follows*
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

2 Charles H. Pa  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

3 Melba G. Anderson No Rec  
3 Bill Ray No Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 Patrick Foley  
CHAIRMAN  
DO NOT PASS

Original sponsor: Malone

Offered: 5/14/82  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 548 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to uninterpreted exploration data; and  
7 providing for an effective date."

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

9 \* Section 1. AS 38.05.180 is amended by adding a new subsection to read:

10 (aa) In order to achieve the purposes of this chapter, the commis-  
11 sioner may require a person conducting geophysical exploration for oil  
12 or gas resources or drilling a stratigraphic test well on unleased state  
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2 (A) field data that has been initially processed and is  
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11 commenced on unleased state land on or after January 1, 1982.

12 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
13 070(c).

Introduced: 5/1/81  
Referred: Judiciary and Finance

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BY MALONE

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22 basis;

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24 and persons who are not attorneys on its board of directors; and

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18 zation" means a corporation organized for the purpose of providing  
19 legal services, which applies to operate the legal services program  
20 under AS 44.47.602.

ALASKA STATE LEGISLATURE

THIRTIETH Legislature FIRST Session

HOUSE BILL NO. 548...

By MALONE.....

"An Act providing for legal services in civil cases for persons who are financially unable to obtain legal counsel."

Legal counsel for persons financially unable to obtain

Introduced in the House 5/1....., 19..81

HISTORY IN THE HOUSE

1981		Read first time and referred to Committee on
May 1	1	Judiciary and Finance <i>waved</i>
May 5	5	Reported back with recommendation that <i>decreased, 4 do pass, 1 do not pass, 1 no rec to Finance</i>
May 12	12	<i>known waived to Rules</i>
May 21	21	Read second time and <i>Did not advance</i>
May 25	25	<i>In 2d for specific am amended today</i>
May 25	25	<i>again in 2d for specific am. amended today</i>
May 25	25	Read third time and
May 25	25	<i>Returned to 2d for specific am</i>
May 25	25	<i>Returned to 2d for specific am</i>
May 26	26	<i>Reconsideration brought up held until 5/27</i>
May 25	25	<b>PASS ed. Effective Date</b> Yeas 22 Yeas Nays 18 Nays Absent Absent Excused Excused
May 25	25	<i>Planning</i> <b>Reconsideration</b>
May 27	27	<b>PASS ed Effective Date</b> Yeas 23 Yeas Nays 16 Nays Absent 1 not Absent Excused <i>not voting</i> Excused
5 27	27	Reported correctly engrossed
5 27	27	Signed by Speaker
5 27	27	Sent to Senate
		<i>Irene Pastern</i> CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

1981		Read first time and referred to Committee on
5 27	27	<i>508</i> <i>1981</i> <i>514</i> <i>Judiciary</i>
		Reported back with recommendation that <i>release w/SCS, new title, 1 do pass, 1 do not pass, 2 no rec to Fin.</i>
		Read second time and
		Read third time and
		<b>PASS Effective Date</b> Yeas Yeas Nays Nays Absent Absent Excused Excused
		<b>Reconsideration</b>
		<b>PASS Effective Date</b> Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed
		Signed by President
		Returned to House
		SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Received from Senate
		Concurred in Senate amendment thus adopting: VOTE
		Failed to concur in Senate amendment; asked Senate to recede VOTE
		Senate receded from amendment VOTE
		Senate failed to recede from amendment VOTE
		CC appointed by House
		CC appointed by Senate
		CC adopted by House VOTE
		CC adopted by Senate VOTE
		To enrolling
		Reported correctly enrolled
		Sent to Governor
		..... by Governor
		Filed with Lt. Governor
		Chapter No. ....

Introduced: 5/1/81  
Referred: Judiciary and Finance

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21 (3) allows the attorneys who operate the program to have full  
22 freedom to represent their clients in keeping with the Code of Professional  
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Original sponsor: Malone

Offered: 5/14/82  
Referred: Finance

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12 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
13 070(c).

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 548 obtain legal counsel.  
 Title An Act providing legal services in civil cases for persons financially unable to  
 Requested by House Judiciary Committee Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs  
 Program Category Affected Development  
 BRU, Program, or Subprogram(s) Affected Local Government Assistance  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
<b>TOTAL</b>		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)		-0-				

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

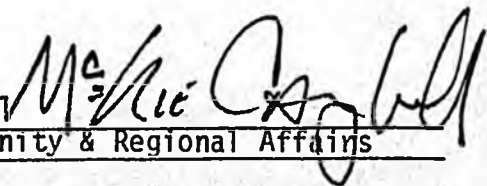
III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No administrative costs assuming that existing Department of Community and Regional Affairs Legislative Grant administrative positions remain in Governor's FY 82 budget.

IV. DATE May 5, 1981

PREPARED BY McKie Campbell  
 AGENCY Department of Community & Regional Affairs  
 PHONE 465-4735

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



STATE OF ALASKA  
THE LEGISLATURE

POUCH V, STATE CAPITOL  
JUNEAU, ALASKA 99811

*Julie* HOUSE OF REPRESENTATIVES

TO

HR 548 *pick up*

REMARKS:

*Invoice wanted 5/12  
20 Rules*

FROM

*9*

*Poon 519  
Mukigov  
DATE Becky*

Introduced: 5/1/81  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for legal services in civil cases  
7 for persons who are financially unable to obtain legal  
8 counsel."

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

10 \* Section 1. PURPOSE. There is a need for a program that will allow all  
11 persons equal access to the system of justice in the state. Reductions in  
12 federal funding for legal services for persons who cannot afford those  
13 services in civil cases leaves a gap which can and should be filled by state  
14 coordination and support of a legal services program to serve the needs of  
15 those persons. A legal services program supported by the state must be a  
16 statewide program that

17 (1) provides high quality legal assistance to those otherwise  
18 unable to afford adequate legal counsel;

19 (2) supplements or replaces the existing federal legal services  
20 program in the state; and

21 (3) allows the attorneys who operate the program to have full  
22 freedom to represent their clients in keeping with the Code of Professional  
23 Responsibility, the Canons of Ethics, and the highest standards of the legal  
24 profession.

25 \* Sec. 2. AS 44.47 is amended by adding new sections to read:

26 ARTICLE 11. LEGAL SERVICES PROGRAM FOR CERTAIN PERSONS.

27 Sec. 44.47.600. PROGRAM ESTABLISHED. (a) A program to provide  
28 legal services for persons who cannot afford adequate legal counsel in  
29 civil cases is established in the Department of Community and Regional

1 Affairs.

2 (b) The department shall contract for the legal services program  
3 on an annual basis with an organization selected by the department  
4 through competitive bidding.

5 Sec. 44.47.602. PROPOSAL AND CONTRACT FOR OPERATION OF THE LEGAL  
6 SERVICES PROGRAM. (a) An organization seeking to operate the legal  
7 services program established under AS 44.47.600 - 44.47.610 shall  
8 submit a proposal to the department containing

9 (1) an operating budget for the first year of operation;

10 (2) a plan to establish local advisory councils from the  
11 client population served by the program;

12 (3) financial and income guidelines to be applied in deter-  
13 mining client eligibility;

14 (4) a statement that the organization agrees to

15 (A) operate a competent, professional legal services  
16 program to serve persons eligible under the guidelines adopted  
17 under (3) of this section;

18 (B) provide legal services for persons eligible under  
19 the guidelines adopted under (3) of this subsection on a statewide  
20 basis;

21 (C) maintain an approximately equal number of attorneys  
22 and persons who are not attorneys on its board of directors; and

23 (D) assume the caseload of the Alaska Legal Services  
24 Corporation.

25 (b) The contract entered into between the department and the  
26 organization selected to operate the legal services program shall  
27 include the terms and information set out in (a) of this section,  
28 together with other terms and conditions agreed to by the department  
29 and the organization.

1           Sec. 44.47.604. DUTIES OF THE DEPARTMENT. The department shall

2                   (1) supervise the organization selected to operate the legal  
3 services program;

4                   (2) provide for and accept the transfer of the caseload of  
5 the Alaska Legal Services Corporation to the organization selected to  
6 operate the legal services program;

7                   (3) receive federal and state money appropriated to operate  
8 the legal services program; and

9                   (4) distribute money received to the contracting organization  
10 under the terms of the contract.

11           Sec. 44.47.606. LIMITS ON SUPERVISION. In performing its duties  
12 under AS 44.47.604 the department may not interfere with the attorney-  
13 client relationship between the organization selected and the clients  
14 represented by the legal services program, and may not restrict the  
15 categories of cases accepted by the organization.

16           Sec. 44.47.610. DEFINITION. In AS 44.47.600 - 44.47.610 "organi-  
17 zation" means a corporation organized for the purpose of providing  
18 legal services, which applies to operate the legal services program  
19 under AS 44.47.602.  
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THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 548 obtain legal counsel.  
 Title An Act providing legal services in civil cases for persons financially unable to  
 Requested by House Judiciary Committee Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Community and Regional Affairs

Program Category Affected Development

BRU, Program, or Subprogram(s) Affected Local Government Assistance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
<b>TOTAL</b>		<b>-0-</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER (Specify Fund Source)		-0-				

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No administrative costs assuming that existing Department of Community and Regional Affairs Legislative Grant administrative positions remain in Governor's FY 82 budget.

IV. DATE May 5, 1981

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Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)