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COMMITTEE REPORT

SENATE

2/18/82

FURTHER: None

Date: March 3, 1982

Mr. President:

The Committee on JUDICIARY has had SB 811
compilation of the jury list

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 CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN



Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SJR 6 - Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.

SB 811 - "An Act relating to compilation of the jury list."

SB 626 - "An Act relating to smoking in public places."

SB 741 - "An Act relating to child support enforcement."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Ray, Bennett, Parr, and Anderson.

Chairman Rodey brought the first order of business before the committee, SB 811.

After a brief discussion, Senator Ray motioned to move SB 811 from committee with individual recommendations. There was no objection. Senators Rodey, Ray, and Bennett signed do pass. Senators Parr and Anderson signed no recommendation.

Chairman Rodey next brought SB 741 before the committee.

Senator Eliason testified in favor of SB 741 and distributed an amendment to the committee which would direct interest on delinquent payments to the obligee, and directs the penalty to the Child Enforcement Agency.

Dan Copeland, Director, Child Support Enforcement, Division of Department of Revenue, testified in opposition of SB 741, stating that it would place an extra administrative burden on the Agency for handling the cost of the enforcement. He did not think that the interest and penalty fee would add any incentive to the obligor and that it may actually decrease the amount of payments since it will add a financial cost to people who make the payments, some of whom don't want to make them anyway. The Federal Government has a law that allows them to charge a fee (10%), however, it is not enforced for the same reason. It

will require more administrative help, and they are concerned it may actually reduce the payments they currently receive.

Senator Rodey discussed the fiscal note. How much federally funded? What about non-ADFC?

Senator Parr brought to the committee's attention an incident where a man who had requested a certified copy of his check was not given one. He hired an attorney to obtain the copies and the attorney also had problems in getting the copy. Senator Parr was not aware of whether the agency ignored the request, lost it, or was giving the man the run-around, but that was how it was presented to him. Senator Parr expressed that copies should be made available of the payment upon written request.

Senator Ray stated that the number of copies should be limited so the agency isn't inundated with request. Limit it to one copy per year.

Senator Eliason stated that child support is a legal debt and we need to be able to enforce payments.

Mr. Copeland discussed the collection of fees and how it would offset the expenses of administering. He thinks it would cost considerable man hours and would not be cost effective. He compared it to the Court System that used to charge 3% to obtain a copy of the payment. They have discontinued it because it was not worth their time and administrative expense of providing the service.

Senator Rodey suggested that they lay the bill on the table and do more work with Senator Eliason. Senator Ray said that he will help work up a compromise.

Fred Jenkins, Men's Support Network and Alaska Domestic Violence Network, testified, stating that he agrees that the obligor should recognize payment. State will need more clerical work to administer. Should address penalty and interest and assign a specific amount. Look at the \$182,000 figure for clerical help and make sure it is reasonable.

The next item on the agenda was SB 626.

Senator Parr discussed the law passed in 1975/76 dealing with smoking in public places. He stated that the Department of Environmental Conservation should change their definition regarding public places.

Karla Forsythe, General Counsel for the Alaska Court System, testified stating that the Court System does not have an official position on the bill. As the statute presently exists, smoking can occur in jury rooms. If rooms are adequately ventilated, smoking is allowed so needs of smokers and non-smokers can both be accomplished. It is a balancing situation to serve everyone's interest. Doesn't seem to interfere with allowing it in jury rooms.

Senator Parr raised the question as to whether or not there is adequate ventilation in jury rooms? All jury rooms?

Ms. Forsythe stated that again, it is a matter of balancing. Our Court Administrator believes the jury rooms are adequately ventilated.

Dr. E.S. Rabeau, stood up and indicated he had left a brief message expressing his thoughts. He asked Senator Rodey to read it or relay it to the other members of the Committee.

Senator Rodey said that basically the message is that non-smokers can risk lung cancer by being exposed to smokers.

Walt McPherson testified stating that his wife is allergic to smoking. She served on a jury and tried to get out of jury duty, but was not allowed. She was informed there would not be smoking; however, smoking did occur. She was sick for a week. He supports amendment and discussed problems in public places such as airports, restaurants, waiting areas, ferries, etc.

Senator Parr commented he also feels the problems occur in other public areas i.e. supermarkets, airports, etc., but feels jury rooms should be addressed since people don't have a choice of serving. It is unfair to expose them to the problem when they aren't there as a matter of choice.

The committee decided to hold the bill for further review. Senator Rodey adjourned the meeting at 2:40 P.M.

Since the prime sponsor of SJR 6, Senator Kelly, did not attend the meeting, that bill was not taken up.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

March 2, 1982

The Honorable Patrick M. Rodey
Chairman
Senate Judiciary Committee
Room 125 - Capitol Building
Juneau, Alaska

Dear Senator Rodey:

Re: Senate Bill No. 811

Senate Bill No. 811, an Act relating to compilation of the jury list, was introduced in the Senate on February 18, 1982 and was referred to the Senate Judiciary Committee.

For the consideration of the Senate Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. P. A. Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson

Enclosure

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

P. A. Wall, Director
Administrative Services Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 811
 Title Relating to Compilation of The Jury List
 Requested by Senate Judiciary Committee Date 3/26/82

II. FISCAL DETAIL
 Agency Affected Revenue
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Admin. & Support, Admin. Services
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

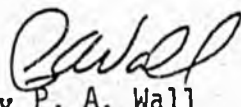
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The cost of producing lists from Alaska resident trapping, hunting or fishing license purchases and from filing for Alaska permanent fund income distribution is not increased by SB 811. Social Security Number already exists in the associated computer systems.

IV. DATE 3/1/82 PREPARED BY  P. A. Wall
 AGENCY Revenue
 PHONE 465-2313
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

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P. A. Wall
 PREPARED BY P. A. Wall
 AGENCY Revenue

Original: Legislative Finance PHONE 465-2313

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

HB 254 continued

Yays: 31 Abood, Adams, Anderson, Brown, Buchholdt,
Carney, Cato, Chuckwuk, Clocksin,
Cotten, Cuddy, Duncan, Freeman, Fuller,
Gardiner, Grussendorf, Halford, Haugen,
Hayes, Hurlbert, Malone, Meekins,
Miller, Montgomery, Moss, O'Connell,
Phillips, Rogers, Smith, Vaska, Zharoff

**Not
Voting:** 0

And so, Amendment No. 1 was not adopted.

Amendment No. 2 by Rogers:

Page 2, lines 10 - 11:

Delete "his social security number;"

Representative Rogers moved and asked unanimous consent that
Amendment No. 2 be adopted.

Representative Miller objected and withdrew his objection.

Representative Cotten objected.

The question being: "Shall Amendment No. 2 be adopted?" The
roll was taken with the following result:

HB 254 AM2

Yays: 24 Abood, Barnes, Beirne, Bettisworth,
Bryson, Buchholdt, Bylsma, Carney, Cato,
Chuckwuk, Fanning, Freeman, Fuller,
Gardiner, Hurlbert, Malone, Metcalfe,
Miller, Moss, O'Connell, Randolph,
Rogers, Smith, Zharoff

Nays: 16 Adams, Anderson, Clocksin, Cotten,
Cuddy, Duncan, Grussendorf, Halford,
Haugen, Hayes, Martin, Meekins,
Montgomery, Phillips, Sutcliffe,
Vaska

**Not
Voting:** 0

The proposed bill would amend AS 09.20.050(b) to include the social security number in the list of data elements that Department of Revenue provides to the court system for use in compiling the jury list.

The Department of Revenue forwards the annual permanent fund dividend tape for this purpose. Before creation of the permanent fund, the Department was required by AS 09.20.050(b) to supply the court with a copy of the income tax tape, which includes social security numbers. When the statute was amended last year to replace the income tax tape with the permanent fund dividend tape, the reference to social security numbers was deleted. Consequently, the Department is taking the position that it is no longer authorized to release social security numbers to the court system. Social security numbers are removed from the list now provided which essentially makes the tape valueless.

The jury list is made up of a merged set of tapes, which includes fish and game, voter registration, permanent fund dividend and drivers' licenses. Because the names of individuals frequently are spelled differently on the various tapes, or show initials rather than full first names, there are an unacceptably high number of duplicate names on the court master tape. Social security numbers are the one data element which can be used to eliminate duplicate names. Social security numbers are essential to avoid calling a person for jury service several times in the same year because his or her name appears several times on the master list.

HB 254 continued

Representative Haugen changed his vote from "yea" to "nay."

And so, Amendment No. 2 was adopted.

HB 254am

Representative Meekins moved and asked unanimous consent that HB 254am be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HB 254am was read the third time.

The question being: "Shall HB 254am pass the House?" The roll was taken with the following result:

HB 254AM

Yeas:	35	Abood, Adams, Anderson, Beirne, Bettisworth, Brown, Buchholdt, Bylsma, Carney, Cato, Chuckwuk, Clocksin, Cotten, Cuddy, Duncan, Freeman, Fuller, Gardiner, Grussendorf, Halford, Haugen, Hayes, Hurlbert, Malone, Martin, Metcalfe, Miller, Montgomery, O'Connell, Phillips, Rogers, Smith, Sutcliffe, Vaska, Zharoff
Nays:	5	Barnes, Fanning, Meekins, Moss, Randolph
Not Voting:	0	

And so, HB 254am passed the House.

Representative Meekins moved and asked unanimous consent that the roll call on the passage of HB 254am be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HB 254am was referred to the Chief Clerk for engrossment.