

H B

217



Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JAHLEER STRANDBERG
Staff Counsel

March 17, 1989

303 K Street
Anchorage, AK 99501
(907) 264-8228

Representative Peter Goll, Co-chair
Representative Max Gruenberg, Co-chair
House Judiciary Committee
P. O. Box V
Juneau, Alaska 99811

Re: HB 217 - An Act relating to the preparation of maintenance of the jury list.

Dear Representatives Goll and Gruenberg:

The court system would like to offer these comments on HB 217. We support this bill which provides the mechanism for the technical services staff of the court system to construct and maintain the jury lists from a list of permanent fund dividend applicants. Technical services has found that the Fish and Game lists are very inaccurate and cause more work than justifies the information gleaned from them.

Section three, which requires vital statistics to transmit a list of death certificates to the court system, allows us to purge the jury lists of the names of those persons who have died.

If you have any questions or comments about this bill, I would be happy to discuss them with you.

Very truly yours,

Jan Strandberg
Jan Strandberg
Staff Counsel

JS:bh

cc: Representative Mike Davis
Representative Cliff Davidson
Representative Johnny Ellis
Representative Terry Martin
Representative Mike Miller

FISCAL NOTE

REQUEST:

Revision Date:	Agency Affected:	Alaska Court System
Title: An act relating to selection and maintenance of the jury list	BRU:	Trial Courts
Sponsor: Donley, Gruenberg, Goll, Spohnholz...	Components:	
Requestor: Judiciary		

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 03/17/89

Approved by: *Arthur H. Snowden, II*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 03/17/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 14, 1989

The Honorable Dave Donley
Alaska State Representative
P. O. Box V
Juneau, AK 99811-3100

Dear Representative Donley:

Your March 8, 1989 communication to B.J. Jordan respecting jury lists has been referred to me for response.

You have proposed two bills. The first, HB 34, would require a two-year durational residency for persons to apply for a permanent fund dividend. The second would eliminate fish and game license and voter registration lists as sources for jury lists, retaining only permanent fund dividend and driver's license lists, but also adding a list of persons who have volunteered for jury duty.

You have asked whether the use of whists for permanent fund dividends volunteers and driver's licenses as the proposed jury list is adequate to create a fair cross-section of Alaskans as jurors. Our view is that it is. The permanent fund dividend applicant pool on its own is without doubt the most comprehensive list of Alaskan residents. It likely would continue to be even with passage of HB 34.

As you are aware, the two-year residency requirement for permanent fund dividend applicants may raise an independent basis for objection to the jury list. We note that one-year residency requirements for jury service (usually a prerequisite for voting) have been upheld repeatedly. See e.g. United States v. Blair, 493 F.Supp. 398 (D. Md. 1980), Wilkins v. Maryland, 402 F.Supp. 76 (D. Md. 1975), United States v. Arnett, 342 F.Supp 1255 (D. Mass. 1970). However, we believe that a two-year restriction on a jury list would be much more difficult to defend. However, since your bill would use two alternative data sources, driver's license and volunteer lists, that are not tied to durational residency we believe that it passes constitutional muster.

The Honorable Dave Donley
Alaska State Representative

March 14, 1989
Page 2

Should you have any further questions, please do not
hesitate to contact me.

Sincerely yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By



Bruce M. Botelho
Assistant Attorney General

BMB:tg

cc: Arthur Peterson

FISCAL NOTE

REQUEST

Revision Date: _____
Title: An Act relating to preparation and maintenance of the jury list
Sponsor: Donley et al.
Requestor: House Judiciary

Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: See attached.

Prepared By: E. Jones
Division: Permanent Fund Dividend Division

Phone: 465-2323
Date: March 21, 1989

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 3/21/89

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Permanent Fund Dividend Division
Fiscal Note Analysis
SB 217
03/21/89

The Permanent Fund Dividend Division will be able to provide a magnetic tape of all persons who filed a Permanent Fund Dividend application, listing the following information:

First Name
Middle Initial
Last Name
Mailing Address
Birth date

The division will not be able to provide residence address or year and months of residency, as this information is not available from the Permanent Fund Dividend system. After discussing the bill with Jan Strandberg of the Court System, I would suggest the following amendments:

1. Section 1, page 1, line 17: Delete [SHOWED]; add shows;

The Court System needs the most current address available as of January 15. Given that the Permanent Fund Dividend Division receives 60,000 address changes between April 1 and December 31 of each year, this change would appear important.

2. Section 1, page 2, line 3: Delete [RESIDENCE ADDRESS AND];

Section 1, page 2, line 4-5: Delete [FOR EACH] and [AND THE NUMBER OF YEARS AND MONTHS THE PERSON HAS BEEN A RESIDENT OF THE STATE].

The court system does not need this information, and the Permanent Fund Dividend system cannot provide it.

3. Section 2, page 2, lines 14-16: Delete [THE ADMINISTRATIVE DIRECTOR SHALL PROVIDE A LIST OF PERSONS VOLUNTEERING FOR JURY DUTY TO THE DEPARTMENT OF REVENUE FOR INCLUSION ON THE JURY LIST UNDER (b) OF THIS SECTION.].

This would be unnecessary, as the Court System will be creating the jury list from potentially three sources. The Department of Revenue will provide the Permanent Fund Dividend list as indicated in Section 1.

A M E N D M E N T

OFFERED IN THE HOUSE

BY DONLEY

TO: HB 217

Page 2, line 3, following "address" through "state" on page 2, line 5:

Delete all material.

Insert: "[AS WELL AS MAILING ADDRESS], including the zip code [FOR EACH]; and birth date [; AND THE NUMBER OF YEARS AND MONTHS THE PERSON HAS BEEN A RESIDENT OF THE STATE]"

Page 2, lines 14 - 16:

Delete: "The administrative director shall provide a list of persons volunteering for jury duty to the Department of Revenue for inclusion on the jury list under (b) of this section."

HOUSE COMMITTEE REPORT

77)

Date Referred: March 13, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/22/89

The JUDICIARY Committee considered:

HB 217

HOUSE BILL NO. 217

[PREPARATION & MAINTENANCE OF JURY LIST]

"An Act relating to preparation and maintenance of the jury list."

RECOMMENDATIONS:

- be replaced with CSHB 217 (JUD) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note CP/LS/ST 5/15
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Peter Lee
Mike Deitz
Mike Miller
Terry Martin
Cliff Grunberg
Cliff Dinkins
J. Ellis

	Do Not Pass	No Rec	Other Amend

Peter Lee / Cliff Grunberg
Chairman's signature

Original sponsors: Donley, Gruenberg,
Goll, et al.

1 I.: THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 217 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to preparation and maintenance of
7 the jury list."

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

9 * Section 1. AS 09.20.050(b) is amended to read:

10 (b) The jury list shall be based on [A LIST OF ALL PERSONS WHO
11 PURCHASED A RESIDENT TRAPPING, HUNTING OR FISHING LICENSE DURING THE
12 PRECEDING CALENDAR YEAR WHICH SHOWED AN ALASKAN ADDRESS (TO BE PRE-
13 PARED BY THE DEPARTMENT OF FISH AND GAME),] a list prepared by the
14 Department of Revenue of all persons who filed an application for a
15 distribution of Alaska permanent fund income under AS 43.23 [AS 43.-
16 23.010 - 43.23.100] during the preceding calendar year that shows
17 [WHICH SHOWED] an Alaskan address [(TO BE PREPARED BY THE DEPARTMENT
18 OF REVENUE), A LIST OF ALL PERSONS WHO HAVE REGISTERED TO VOTE IN THIS
19 STATE (TO BE PREPARED BY THE DIRECTOR OF ELECTIONS)], and of all
20 persons who volunteer for jury duty under (d) of this section. If [,
21 IF] considered necessary by the administrative director of the Alaska
22 Court System, the jury list shall incorporate [COURTS,] a list pre-
23 pared by the Department of Public Safety of all persons who hold a
24 valid Alaska driver's [DRIVERS'] license [(TO BE PREPARED BY THE
25 DEPARTMENT OF PUBLIC SAFETY)]. The departments [AND THE DIRECTOR OF
26 ELECTIONS] shall submit their respective lists to the Alaska Court
27 System [DEPARTMENT OF ADMINISTRATION] not later than January 15 of
28 each year. To the extent that it is available, the [LISTS SUBMITTED
29 BY THE] departments [AND THE DIRECTOR OF ELECTIONS] shall include on

1 the lists they submit [CONTAIN] the following information for each
2 person [ON THE LIST FOR THE PRECEDING CALENDAR YEAR]: first name,
3 middle initial, and last name; [RESIDENCE ADDRESS AS WELL AS] mailing
4 address, including the zip code [FOR EACH]; and birth date [; AND THE
5 NUMBER OF YEARS AND MONTHS THE PERSON HAS BEEN A RESIDENT OF THE
6 STATE]. The lists [SUBMITTED BY THE DEPARTMENTS AND THE DIRECTOR OF
7 ELECTIONS] shall be recorded on magnetic tape compatible with Alaska
8 Court System [DEPARTMENT OF ADMINISTRATION] data processing equipment.

9 * Sec. 2. AS 09.20.050 is amended by adding a new subsection to read:

10 (d) A person who is qualified as a juror under AS 09.20.010 and
11 is not disqualified from serving as a juror by AS 09.20.020 may volun-
12 teer for jury duty by contacting the administrative director of the
13 Alaska Court System and providing the information the administrative
14 director may require.

15 * Sec. 3. AS 18.50.230 is amended by adding a new subsection to read:

16 (e) To assist the Alaska Court System to remove the names of
17 deceased persons from jury lists under AS 09.20.050(c), the state
18 registrar of vital statistics shall forward to the administrative
19 director of the Alaska Court System the names of persons for whom
20 certificates of death were issued and reported to the registrar.