

**SB**

**73**

**SFIN**

**FILE**

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 73

Revision Date: December 15, 1993  
Title: "An Act relating to the time for filing certain civil actions."  
Sponsor: Senator Kelly  
Requestor: Governor's Office

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
Division: Administrative Services Division Date: December 15, 1993  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law Date: December 15, 1993

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**FISCAL NOTE**

**STATE OF ALASKA  
1994 LEGISLATIVE SESSION**

**BILL NO. SB 73**

**ANALYSIS CONTINUATION:**

This bill amends the statute of repose for architects and engineers, AS 09.10.055. This bill generally deals with private transactions and, for the most part, the state is not involved, except where it may be a plaintiff with a design claim of its own. The state usually relies on contract law when it has a claim of this nature. It is therefore not anticipated that the bill will have a fiscal impact on the Department of Law.

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/16/93

FURTHER:

DATE TURNED INTO OFFICE: 4-18-93

The Finance Committee considered **SENATE BILL NO. 73**

"An Act relating to the time for filing certain civil actions; and providing for an effective date."

and recommends:

replace with \_\_\_\_\_ CS SB 73 (FINANCE)  
 or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_  
 attaches amendment(s)

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
<i>Courts</i>	<i>2-8-93</i>	<i>0</i>	
<i>DOLaw</i>	<i>2-4-93</i>	<i>0</i>	

Appropriation No Fiscal Note

DO PASS:

*Tim Kelly*

OTHER RECOMMENDATIONS:

*Steve Thayer No Rec*  
*J. Kustuba DO NOT pass*  
*George Vicks no Rec.*  
*Ben Adams No Rec*

1. *[Signature]* *Do Pass*  
 Co-Chair Signature/Recommendation

2. *[Signature]* *Do Pass*  
 Co-Chair Signature/Recommendation

FISCAL NOTE

1

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 73

(S) Publish Date: 2-10-93

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the time for filing BRU: Trial Courts  
certain civil actions Components: \_\_\_\_\_  
 Sponsor: Kelly  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) Impact: None Changes in CSSB 73 (JVD) have no fiscal impact. This fiscal note is appropriate.  
 ANALYSIS: (Attach a separate page if necessary) 4/14/93 KRL  
No fiscal impact. date Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Division: Alaska Court System Date: 02/08/93

Approved by: Arthur H. Snowden, II, Administrative Director Date: 02/08/93  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev 1/93

Changes in CSSB 73 (Fin) 'age 1 of 1 have no fiscal impact. This fiscal note is appropriate.  
4-18-93 KL  
 date Comte Aide (initial)

FISCAL NOTE

No. 2  
 Bill Version: SB 73  
 (S) Publish Date: 2-10-93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date: February 4, 1993  
 Title: "An Act relating to the time for filing certain civil actions..."  
 Sponsor: Senator Kelly  
 Requestor: Senator Kelly

Department Affected: Department of Law  
 BRU: Legal Services  
 Component: Operations  
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Changes in CSSB 73 (Fin) have no fiscal impact. This fiscal note is appropriate.  
4-18-93 date Richard I. Peques Comte Aide (initial)

Changes in CSSB 73 (JVD) have no fiscal impact. This fiscal note is appropriate.  
4/14/93 date KRL Comte Aide (initial)

Prepared by: Richard I. Peques, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: February 4, 1993  
 Date: February 4, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 73

ANALYSIS (Continued):

This bill amends the statute of repose for architects and engineers, AS 09.10.055. This bill generally deals with private transactions and, for the most part, the state is not involved, except where it may be a plaintiff with a design claim of its own. The state usually relies on contract law when it has a claim of this nature. It is therefore not anticipated that the bill will have a fiscal impact on the Department of Law.

4-18-93  
SE moved  
Adopted  
CS Final

WORK DRAFT

WORK DRAFT

WORK DRAFT

8-LS0446J  
Ford  
4/17/93

CS FOR SENATE BILL NO. 73(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATORS KELLY, Leman, Halford, Pearce, Frank

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the time for filing certain civil actions; and providing for  
2 an effective date."

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

4 \* Section 1. FINDINGS. The legislature finds that

5 (1) upon the completion of the construction of an improvement to real  
6 property, those persons involved in the design and construction of the improvement relinquish  
7 control over the determination of the need for, or responsibility for, maintenance and control  
8 over the use of the facility, and may not be made aware of or have the opportunity to evaluate  
9 the effect of subsequent forces that may result in excessive stress or strain to the structure;

10 (2) a recent study by Victor O. Schinnerer and Co., the major provider of  
11 professional liability insurance, indicates 83.6 percent of claims filed against design  
12 professionals for injuries due to alleged design deficiencies associated with improvements to  
13 real property are brought within five years of substantial completion of the improvement, 95.5  
14 percent within eight years, and 96.8 percent within 10 years; the study also indicates that

1 claims made 10 or more years after substantial completion of an improvement are primarily  
2 the result of inadequate maintenance by the owner of the facility and not as a result of  
3 inadequate service by the original design professionals;

4 (3) unlike manufactured products, the useful life of an improvement to real  
5 property can be hundreds of years; the availability of relevant evidence and witnesses is  
6 problematic in all suits, but can be especially acute in suits involving improvements to real  
7 property because of this potential for long life; the inherently complex nature of construction  
8 projects and the numerous parties typically involved further exacerbate this problem; for these  
9 reasons, the burden of maintaining appropriate records and other documentation beyond a  
10 certain reasonable period of time may be excessive or even impossible;

11 (4) even though design professionals or others involved in design or  
12 construction may be proven to have no responsibility for claimed damages, the legal costs of  
13 defending against a claim can be substantial;

14 (5) this Act is in the public interest and in the interest of providing the due  
15 process rights to potential litigants in the area of design and construction of an improvement  
16 to real property in an equitable manner; this Act also adjusts the standard of care so that those  
17 attempting to bring an action under a general standard of care against a person involved in the  
18 design or construction of an improvement to real property may bring the action only within  
19 10 years following substantial completion of the construction, unless the claimed deficiency  
20 can be shown to have been the result of gross negligence, fraud, fraudulent concealment,  
21 fraudulent misrepresentation, breach of an expressed warranty or guaranty, or intentional  
22 misconduct in the design or construction of the improvement.

23 \* Sec. 2. AS 09.10.050 is amended to read:

24 Sec. 09.10.050. ACTIONS TO BE BROUGHT IN SIX YEARS. Unless the  
25 action is commenced within six years, a [NO] person may not bring an action

26 (1) upon a contract or liability, express or implied, excepting those  
27 mentioned in AS 09.10.040 [OR 09.10.055];

28 (2) for waste or trespass upon real property; or

29 (3) for taking, detaining, or injuring personal property, including an  
30 action for its specific recovery [, EXCEPT THOSE MENTIONED IN AS 09.10.055;  
31 UNLESS COMMENCED WITHIN SIX YEARS].

1 \* Sec. 3. AS 09.10.055 is repealed and reenacted to read:

2 Sec. 09.10.055. CERTAIN ACTIONS THAT MUST BE BROUGHT IN 10  
3 YEARS. (a) Notwithstanding AS 09.10.140, a person may not bring an action for  
4 personal injury, death, or property damage if the action is based on a defect in the  
5 design, planning, supervision, construction, or inspection or observation of construction  
6 of an improvement to real property unless the action is brought within 10 years of the  
7 date of substantial completion of the improvement.

8 (b) Notwithstanding (a) of this section, if personal injury, death, or property  
9 damage occurs in the 10th year after substantial completion of the improvement, a  
10 person may bring a negligence action to recover damages if the negligence action is  
11 brought within one year after the date on which the personal injury, death, or property  
12 damage occurs.

13 (c) This section does not apply

14 (1) to an action against a person who was in actual possession and  
15 lawful control of the improvement at the time the defect caused the personal injury,  
16 death, or property damage;

17 (2) if the personal injury, death, or property damage was caused  
18 intentionally or resulted from gross negligence, fraud, fraudulent concealment,  
19 fraudulent misrepresentation, or breach of an express warranty or guarantee;

20 (3) if a longer period of time for bringing the action was provided  
21 under a contract.

22 (d) In this section, "substantial completion" means the date when construction  
23 is sufficiently completed to allow the owner or a person authorized by the owner to  
24 occupy the improvement or use the improvement in the manner for which it was  
25 intended.

26 \* Sec. 4. APPLICABILITY. This Act applies to all causes of action accruing on or after  
27 the effective date of this Act.

28 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).



Official Business

# Alaska State Legislature

**SENATOR TIM KELLY**

State Capitol  
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR SB 73:

## LIABILITY OF DESIGN/CONSTRUCTION PROFESSIONALS

In 1967, the Alaska Legislature enacted a six year statute of repose for suits against design professionals. The rationale was that it seemed reasonable to assume that after a facility had been utilized safely for six years, the facility itself should be deemed safe. A balance needed to be struck between the interests of potential plaintiffs and the interests of potential defendants, who have a right to be free from suit after the passage of a reasonable amount of time. Without such a statute, design professionals and others in the building trade are subject to an almost indefinite period of liability, even though a facilities' "safeness" becomes increasingly affected by operation and maintenance activities, as well as improvements, over the life of the facility.

In 1988, the Alaska Supreme Court, in Turner Const. Co. v. Scales, ruled the statute (AS 09.10.055) unconstitutional, as it violated Article 1 of the Alaska Constitution, the provision guaranteeing equal protection under the law. (See attached opinions from LAA's Division of Legal Services and the Department of Law).

SB 73 would repeal the six year statute of repose and re-enact a 10 year statute of repose in its place. While the same constitutional concerns exist, it may now survive the court's scrutiny. Under current law, there is no longer joint and several liability, so liability would not be shifted to another party.

In addition, immunity would not kick in until 10 years from the date of substantial completion, rather than six. (An attached study from a major insurer of design professionals indicates 96.8% of all claims against design professionals are brought forward within 10 years of substantial completion.) It does not grant immunity if the injury or property damage resulted from "gross negligence."

While this legislation is admittedly in a "constitutional grey area", it is necessary to provide reasonable protection for design professionals.

# Schinnerer

Management Services, Inc.

Two Wisconsin Circle, Chevy Chase, Maryland 20815-7003 • 301/961-9800 • Fax 301/951-5444 • Telex 261829

Thomas H. Porterfield, Jr.  
Vice President

Direct Dial: 301/961-9877

January 28, 1992

Mr. Art Jacobs  
7060 Saturn Circle  
Anchorage, Alaska 99504

RE: Alaska Statute of Response

Dear Mr. Jacobs:

Pursuant to our telephone conversation of last Friday, Victor O. Schinnerer and Company has conducted four special claim studies which measure when claims are brought against design professionals in relationship to project date of substantial completion. The studies cover a period of twenty-four years as follows:

- 1964 Study of 570 claim files
- 1983 Study of 159 claim files
- A New York State Specific Study covering claims filed in 1981, 1982 and 1983
- A New Hampshire State Specific Study covering claims filed in 1984 through 1988

As evidenced by all four studies the vast majority of claims filed against Design Professionals are brought within six years of substantial completion usually involving parties to the construction process. Claims filed more than six years after substantial completion almost always involves users of the project. The fact that design professionals may be sued in these instances in no way equates to negligence in their performance of professional services going back 5, 10, 20 and more years.

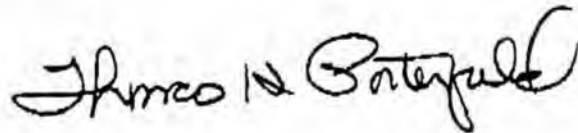
**Schinnerer**  
Management Services, Inc.

The studies also reinforce our belief that there is a legitimate argument to be made for a Statute of Repose. In view of the complexity of the construction process, is unrealistic to expect parties involved in the design and construction of any project to defend stale claims brought many years after their involvement with the project has ended; and while normally defensible these claims represent a tremendous financial burden in terms of direct out of pocket cost, time and money.

A special statute does not impose an unfair burden on an injured party because it direct him or her to seek redress from the owner or occupier of the project, the party who is most likely to be responsible for the injury and the one in the best position to have prevented it.

If you have any questions regarding the enclosed material or if we can be of any further assistance, please let me know.

Cordially,



VOS/THP/zmc



March 16, 1983

VICTOR O. SCHINNERER & COMPANY INC.  
SPECIAL CLAIM STUDY  
DISTRIBUTION OF CLAIMS IN RELATIONSHIP TO SUBSTANTIAL COMPLETION

<u>Years Brought Within</u>	<u># of Claims</u>	<u>% of Claims</u>	<u>Cummulative Percentage</u>
One	73*	45.9	45.9
Two	22	13.8	59.7
Three	13	8.2	67.9
Four	13	8.2	76.1
Five	12	7.5	83.6
Six	9	5.7	89.3
Seven	5	3.1	92.4
Eight	5	3.1	95.5
Nine	0	0	95.5
Ten	2	1.3	96.8
More Than Ten	5	3.1	99.9
	<u>159</u>	<u>99.9</u>	<u>99.9</u>

\*Based on CNA's records, roughly 32.0% of these claims were brought prior to the date of substantial completion.

Study is based upon a review of 250 CNA files set up between December 1979 and October 1980.

The Date of Substantial Completion was established from information secured from CNA claim records.

159 files contained sufficient documentation which could be used for the purpose of this study.

## BACKGROUND

The basis for this study is previous evidence that:

- (1) Most claims against design professionals are initiated within a few years of a project's substantial completion.
- (2) Claims made 10 years after a project's substantial completion are the result of inadequate maintenance by those responsible for a facility, at the time of the claim, not the result of inadequate service by the original design professionals.
- (3) Claims made 10 years, or more, after substantial completion rarely result in damage payments by the design professionals.
- (4) Yet, significant expenses are incurred by the courts, plaintiffs, defendants and insurance companies in processing claims occurring 10 or more years after a project's substantial completion.
- (5) A statute of limitations based on empirical claims data would benefit the public and all involved professionals.

FISCAL NOTE

2/23/93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill No. SB 73

300

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the time for filing BRU: Trial Courts  
certain civil actions Components: \_\_\_\_\_  
 Sponsor: Kelly \_\_\_\_\_  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

SB 73

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel

Division: Alaska Court System

Phone: 264-8228

Date: 02/08/93

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 02/08/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

Bill Version: SB 73

(S) Publish Date: 2-10-93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the time for filing BRU: Trial Courts  
certain civil actions Components: \_\_\_\_\_  
 Sponsor: Kelly  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 709

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

Changes in CS5B 73 (JVD) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

4/14/93

date

KRL

Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel

Division: Alaska Court System

Phone: 264-8228

Date: 02/08/93

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 02/08/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 73(S) Publish Date: 2-10-93

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the time for filing BRU: Trial Courts  
certain civil actions Components: \_\_\_\_\_  
 Sponsor: Kelly  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 138

## EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99

REVENUE FUND SOURCE:	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99

## FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

## POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

Changes in CSSB 73 (JVD)  
have no fiscal impact. This  
fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

4/14/93

date

KRL

Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff CounselDivision: Alaska Court SystemPhone: 264-8228Date: 02/08/93Approved by: Arthur H. Snowden, II, Administrative DirectorAgency: Alaska Court SystemDate: 02/08/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, &amp; Impacted Agency(ies).

FISCAL NOTE

Bill Version: SB 73

(S) Publish Date: 2-10-93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the time for filing BRU: Trial Courts  
certain civil actions Components: \_\_\_\_\_  
 Sponsor: Kelly  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 76d

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

Changes in CSSB 73 (JVD) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)  
No fiscal impact. 4/14/93 KRL  
 date Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Division: Alaska Court System Date: 02/08/93

Approved by: Arthur H. Snowden, II, Administrative Director Date: 02/08/93  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

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1993 LEGISLATIVE SESSION

Bill No. 2  
Bill Version: SB 73  
(S) Publish Date: 2-10-93

Revision Date: February 4, 1993  
Title: "An Act relating to the time for filing certain civil actions..."  
Sponsor: Senator Kelly  
Requestor: Senator Kelly

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURE REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

Changes in CSSB 73 (JVD) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

4/14/93 date KRL Comte Aide (initial)

Prepared by: Richard I. Peques, Director  
Division: Administrative Services (Division)  
Richard I. Peques / RRP

Phone: 465-3672  
Date: February 4, 1993

Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Date: February 4, 1993

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For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 73

ANALYSIS (Continued):

This bill amends the statute of repose for architects and engineers, AS 09.10.055. This bill generally deals with private transactions and, for the most part, the state is not involved, except where it may be a plaintiff with a design claim of its own. The state usually relies on contract law when it has a claim of this nature. It is therefore not anticipated that the bill will have a fiscal impact on the Department of Law.

FISCAL NOTE

2/5/93

BILL NO. SB 73

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

LRC then JLD

Revision Date: February 4, 1993  
 Title: "An Act relating to the time for filing certain civil actions..."  
 Sponsor: Senator Kelly  
 Requestor: Senator Kelly

Department Affected: Department of Law  
 BRU: Legal Services  
 Component: Operations  
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
 Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
 Division: Administrative Services (Division)  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: February 4, 1993  
 Date: February 4, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 73

ANALYSIS (Continued):

This bill amends the statute of repose for architects and engineers, AS 09.10.055. This bill generally deals with private transactions and, for the most part, the state is not involved, except where it may be a plaintiff with a design claim of its own. The state usually relies on contract law when it has a claim of this nature. It is therefore not anticipated that the bill will have a fiscal impact on the Department of Law.

# SENATE RULES COMMITTEE REPORT

DATE: 4/15/93

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Rules Committee considered **SENATE BILL NO. 73**

"An Act relating to the time for filing certain civil actions; and providing for an effective date"

and recommends it be placed on the calendar:

replace with \_\_\_\_\_ CS \_\_\_\_\_ (RULES)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

- same title
- new title
- technical title change (HB only)

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**MEMBERS SIGNING FOR PLACEMENT ON THE CALENDAR**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Chair: Signature and Recommendation

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Calendar on: \_\_\_\_\_

Approved by: \_\_\_\_\_

**SENATE COMMITTEE REPORT**

DATE: 2/10/97

FURTHER: *has no further*

DATE TURNED INTO OFFICE: 15 APR 1993

JUDICIARY Committee considered SENATE BILL NO. 73

"An Act relating to the (time for filing certain civil actions); and providing for an effective date."

and recommends it be replaced with

and recommends:

replace with \_\_\_\_\_ CS SB 73 (JUD)

or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_

attaches amendment(s)

and a majority of the committee recommends DO PASS

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

and report it back as follows

do pass

do not pass

no recommendation

individual recommendations

*2 of Feb '93*

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Court System	2-8-93	✓	
DEPT. OF LAW	2-4-93	✓	

*apply to CS*

Appropriation No Fiscal Note

**DO PASS:**

**OTHER RECOMMENDATIONS:** *No Rec*

- ① *Stigman Little*
- ① *George J. ...*
- ② *Rick Halford - do pass when amended*

① *Adrian Taylor* NO Rec

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*DM*

DATE: 1/27/93

FURTHER: JUDICIARY

Date of 5-Day Notice: 1/28/93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/9/93

L&C Committee considered SENATE BILL NO. 73

~~"An Act relating to the time for filing certain civil actions; and providing for an effective date."~~

and recommends: and a majority of the committee recommends do pass

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( ) [ ] same title
- attaches amendment(s) [ ] new title
- adopts \_\_\_\_\_ Letter of Intent [ ] technical title change (HB only)
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

*2 PHON'S*

FISCAL NOTE INFORMATION			
Department	Date	Zero	Fiscal
COURT SYSTEM	2/8/93	✓	
DEPT. OF LAW	2/4/93	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note  Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**  
*Irue Pearce*  
*John Rieger*  
*Josephine Linder*

**OTHER RECOMMENDATIONS:**  
*J. E. Salo (No Kes)*

① Tim Kelly - Do Pass  
Chair: Signature and Recommendation