

LEG. FINANCE - BILLS 1985 - 1986 2143

EC 60 - SB 2

2143

COMMITTEE REPORT
SENATE

FURTHER:

1/29/85

Date _____

Mr. President

The Committee on FINANCE considered EO NO. 60

transfer the athletic commission from the Office of the Governor to the Department of Commerce and Economic Development.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

1/14/85

Date 28 JAN 1985

Mr. President

The Committee on L & C considered EO NO. 60

transfer the athletic commission from the Office of the Governor to the Department of Commerce and Economic Development.

and (a majority of the committee) *recommends approval* (the committee) ~~reports it back with the following recommendations:~~

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bill Ray

Frank J. ...

Chairman

Chairman recommendation _____

Introduced: 1/14/85
Referred: Labor and Commerce
and Finance

EXECUTIVE ORDER NO. 60

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.30.130(b), I order the following:

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration and state planning to transfer the athletic commission from the Office of the Governor to the Department of Commerce and Economic Development.

* Sec. 2. AS 05.05.010(a) is amended to read:

(a) There is created an athletic commission within the Department of Commerce and Economic Development [OFFICE OF THE GOVERNOR].

The commission consists of four members appointed by the governor. One member of the commission must [SHALL] be appointed from each of the four major senate districts described in sec. 2, art. XIV of the state constitution. The commissioners must [SHALL] be appointed for overlapping two year terms. Members of the commission serve at the pleasure of the governor and must [SHALL] be selected on the basis of their known interest in and knowledge of athletics in the state.

* Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

(25) Athletic Commission (AS 05.05 and AS 05.10).

* Sec. 4. TRANSITION. All litigation, hearings, investigations, and other proceedings pending under a law amended by this Order, or in connection with functions transferred by this Order, continue in effect and may be continued and completed notwithstanding the transfer or an amendment provided for in this Order. Certificates, orders, and regulations issued or adopted under authority of a law amended by this Order remain in effect for the term issued, or until revoked, vacated, or otherwise modified under the provisions of this Order. All contracts, rights, liabilities, and obligations created by or under a law amended by this Order, and in effect on the effective date of this Order, remain in effect notwithstanding this

1 Order's taking effect. Records, equipment, and other property of the
2 agency being transferred by this Order must be transferred commensurate
3 with the provisions of this Order.

4 * Sec. 5. This Order takes effect March 15, 1985.
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7 DATED: _____
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10 _____
11 Bill Sheffield

12 Governor
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E.O. 60

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development.

The Athletic Commission (AS 05.05 and 05.10) is currently assigned by AS 05.05.010 to the Office of the Governor. However, it was informally and unofficially transferred to the Department of Commerce and Economic Development in a July 30, 1980 memorandum by former Governor Hammond. This executive order would make that transfer official.

The transfer places the commission where it logically belongs, with the other occupational licensing and regulatory boards and commissions. The commission will be undertaking the promulgation of regulations governing the increasing number of boxing matches in our state. The Division of Occupational Licensing will provide staff assistance to the commission.

I believe that this transfer will improve the efficiency and effectiveness of the Athletic Commission. I am confident that, along with the funding I have requested for the commission in the budget, the transfer will also improve the quality of the services the commission provides to boxers, promoters, and fans alike.

Sincerely,

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

EXECUTIVE

FISCAL DETAIL

Bill/Resolution No.: ORDER NO. 60
Title: Transfer of the Athletic Commission

Agency Affected: Commerce & Economic Dev.
Program Category Affected: Consumer Protection

Sponsor: _____
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____
Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | -0- | -0- | -0- | -0- |

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|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
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|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Funding was added to the Department's FY '86 budget request to operate the Athletic Commission.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 1-10-85

Approved by Commissioner Loren H. Lounsbury Date: 1/10/85
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

Handwritten text, possibly a signature or name, located at the top right of the page.

0551220

IN THE SENATE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

IN THE HOUSE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

EXECUTIVE ORDER NO. 60

1
2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.30.130(b), I order the following:

4 * Section 1. FINDINGS. As governor, I find that it would be in the
5 best interests of efficient administration and state planning to transfer
6 the athletic commission from the Office of the Governor to the Department
7 of Commerce and Economic Development.

8 * Sec. 2. AS 05.05.010(a) is amended to read:

9 (a) There is created an athletic commission within the Depart-
10 ment of Commerce and Economic Development [OFFICE OF THE GOVERNOR].

11 The commission consists of four members appointed by the governor.
12 One member of the commission must [SHALL] be appointed from each of
13 the four major senate districts described in sec. 2, art. XIV of the
14 state constitution. The commissioners must [SHALL] be appointed for
15 overlapping two year terms. Members of the commission serve at the
16 pleasure of the governor and must [SHALL] be selected on the basis of
17 their known interest in and knowledge of athletics in the state.

18 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

19 (25) Athletic Commission (AS 05.05 and AS 05.10).

20 * Sec. 4. TRANSITION. All litigation, hearings, investigations, and
21 other proceedings pending under a law amended by this Order, or in connec-
22 tion with functions transferred by this Order, continue in effect and may
23 be continued and completed notwithstanding the transfer or an amendment
24 provided for in this Order. Certificates, orders, and regulations issued
25 or adopted under authority of a law amended by this Order remain in effect
26 for the term issued, or until revoked, vacated, or otherwise modified under
27 the provisions of this Order. All contracts, rights, liabilities, and
28 obligations created by or under a law amended by this Order, and in effect
29 on the effective date of this Order, remain in effect notwithstanding this

1 Order's taking effect. Records, equipment, and other property of the
2 agency being transferred by this Order must be transferred commensurate
3 with the provisions of this Order.

4 * Sec. 5. This Order takes effect March 15, 1985.

5
6
7 DATED: Jan 14th 1985

8 Bill Sheffield
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10 Bill Sheffield
11 Governor
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: ORDER NO. 60
 Title: Transfer of the Athletic Commission
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Commerce & Economic Dev.
 Program Category Affected: Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
 Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | -0- | -0- | -0- | -0- |

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|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
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|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Funding was added to the Department's FY '86 budget request to operate the Athletic Commission.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 1-10-85

Approved by Commission: Loren H. Lounsbury Date: 1/10/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1985

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President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

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Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

E0.60

IN THE SENATE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

IN THE HOUSE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

EXECUTIVE ORDER NO. 60

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DATED: Jan 14th 1985

Bill Sheffield
Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: ORDER NO. 60
 Title: Transfer of the Athletic Commission
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Commerce & Economic Dev.
 Program Category Affected: Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
 Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | -0- | -0- | -0- | -0- |

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|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
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| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-----|-----|-----|-----|-----|
| GENERAL FUNDS | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary FOR INFORMATION ONLY

Funding was added to the Department's FY '86 budget request to operate the Athletic Commission.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 1-10-85

Approved by Commissioner: Loren H. Lounsbury Date: 1/10/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

| | | | |
|----------------------|-----|---------------|-------------|
| AGENCY ADJUSTED BASE | PFT | GENERAL FUNDS | TOTAL FUNDS |
| | PPT | | |

| PRI | FF | INCREMENT/DECREMENT TITLE | BRU/COMPONENT | POSITIONS | INCREMENT/DECREMENT | | GOVERNOR'S FUNDING | |
|--|----|---------------------------------|-------------------------------|-----------|---------------------|-------|--------------------|-------|
| | | | | | GF | TOTAL | GF | TOTAL |
| 34-52 | | Inflation | Total Department Reque | PFT | 222.0 | 516.2 | 146.6 | 440.8 |
| 53 | | Tourism Marketing | Tourism/ General Operating | PFT | 500.0 | 500.0 | 500.0 | 500.0 |
| 54 | | Contractual | Economic Dev. Advocat | PPT | 115.3 | 115.3 | 115.3 | 115.3 |
| 55 | | Lease - IBM Card Interpreter | Accounting & Collectio | PPT | 7.9 | 7.9 | 7.9 | 7.9 |
| 56 | | COM Customer Records | Accounting & Collectio | PPT | 4.2 | 4.2 | 4.2 | 4.2 |
| 57 | | Board Travel | Occupational Licensin | PPT | 56.0 | 56.0 | 56.0 | 56.0 |
| 58 | | Licensing Examiner II | Occupational Licensin | PPT 1 | 46.0 | 46.0 | 46.0 | 46.0 |
| 59 | | DOT/PF Wet Rental Program | Measurement Standards | PPT | 22.6 | 22.6 | 22.6 | 22.6 |
| 60 | | Dental Examination Costs | Occupational Licensin | PPT | 10.0 | 10.0 | 10.0 | 10.0 |
| 61 | | Land Surveyor Examination Costs | Occupational Licensin | PPT | 10.0 | 10.0 | 10.0 | 10.0 |
| 62 | | EDA Planning Grant | Economic Dev. Advocat | PPT 1 | -0- | 100.0 | | 100.0 |
| 63 | | Contractual Services | Economic Dev. Advocat | PPT | 28.8 | 28.8 | 28.8 | 28.8 |
| TOTAL INCREMENTS/DECREMENTS | | | | PPT | | | | |
| AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS) | | | | PPT | | | | |

A2

AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

FY 86

PAGE 3 OF 9
REVISED DATE 12/18/84

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| | | | |
|----------------------|-----|---------------|-------------|
| AGENCY ADJUSTED BASE | PFT | GENERAL FUNDS | TOTAL FUNDS |
| | PPT | | |

| YR | FF | INCREMENT/DECREMENT TITLE | BRU/COMPONENT | POSITIONS | INCREMENT/DECREMENT | | GOVERNOR'S FUNDING | |
|--|----|---|---|-----------|---------------------|-------|--------------------|-------|
| | | | | | GF | TOTAL | GF | TOTAL |
| 88 | | Licensing Examiner/ Anchorage | Occupational Licensing Administration | PFT 1 | 41.5 | 41.5 | 41.5 | 41.5 |
| 89 | | Project/Contractual Increment | Economic Dev. Advocate Fisheries | Sr/ | 100.0 | 100.0 | | |
| 90 | | Telecommunications Equipment Replacement | Measurement Standards, Administration | PFT | 15.0 | 15.0 | | |
| 91 | | Inquiry Fulfillment Support | Tourism/ General Operating | PFT 1 | 28.8 | 28.8 | | |
| 92 | | Anchorage Automobile Rental | Investments/ Administration | PFT | 4.5 | 4.5 | | |
| 93 | | Additional Printing and Advertising | Investments/ Administration | PFT | 5.0 | 5.0 | | |
| 94 | | Meeting Costs | Real Estate/ Administration | PFT | 16.0 | 16.0 | | |
| 95 | | Milk Tank Certification Program | Measurement Standards Administration | PFT | 32.8 | 32.8 | 32.8 | 32.8 |
| 96 | | New Forestry Position | Economic Dev. Advocate Forest Products | Sr/ 1 | 79.5 | 79.5 | | |
| 97 | | Test Equipment Analyzers | AK Public Utilities Comm./Administration | PFT | 13.9 | 13.9 | | |
| 98 | | Attorney Costs - APUC/ATA | AK Public Utilities Comm./Administration | PFT | 49.1 | 49.1 | | |
| 99 | | Data Processing Travel | Administration & Supp Data Processing | PFT/ | 9.3 | 9.3 | | |
| TOTAL INCREMENTS/DECREMENTS | | | | PFT | | | | |
| AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS) | | | | PPT | | | | |

A2

AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

FY 86

PAGE 6 OF 9
REVISED DATE 12/18/84

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| | | | |
|----------------------|-----|---------------|-------------|
| AGENCY ADJUSTED BASE | PFT | GENERAL FUNDS | TOTAL FUNDS |
| | PPT | | |

| PRI | FF | INCREMENT/DECREMENT TITLE | DRU/COMPONENT | POSITIONS | INCREMENT/DECREMENT | | GOVERNOR'S FUNDING | |
|--|----|---|--|-----------|---------------------|-------|--------------------|-------|
| | | | | | CF | TOTAL | CF | TOTAL |
| 64 | | Regulations Specialist I | Occupational Licensing Administration | PFT 1 | 45.3 | 45.3 | 45.3 | 45.3 |
| 65 | | Investigator I, Juneau | Occupational Licensing Investigations | PFT 1 | 58.5 | 58.5 | | |
| 66 | | New Clerk III Position | Banking & Securities/Corporations | PFT 1 | 29.2 | 29.2 | 29.2 | 29.2 |
| 67 | | AMI 84 Foreign Language Executive Summaries | Economic Dev. Advocates/Minerals | PFT | 20.0 | 20.0 | 20.0 | 20.0 |
| 68 | | Collection and Support Staff | Accounting & Collections Administration | PPT 4 | 232.3 | 232.3 | 120.0 | 120.0 |
| 69 | | Additional Commission Meetings | Real Estate/ Administration | PPT | 14.0 | 14.0 | 14.0 | 14.0 |
| 70 | | Clerk III | Occupational Licensing Administration | PFT 1 | 31.7 | 31.7 | | |
| 71 | | Commission Education Program | Real Estate/ Administration | PPT | 0 | 75.0 | | 75.0 |
| 72 | | Rural Travel Requirements | Investments/ Administration | PPT | 12.0 | 12.0 | | |
| 73 | | Travel | Administration & Support Administration | PPT | 18.3 | 18.3 | 18.3 | 18.3 |
| 74 | | Overtime | Measurement Standards Administration | PPT | 14.2 | 14.2 | | |
| 75 | | Moving Costs - FY 1986 | AK Public Utilities Comm./Administration | PPT | 146.8 | 146.8 | | |
| TOTAL INCREMENTS/DECREMENTS | | | | PPT | | | | |
| AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS) | | | | PPT | | | | |

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AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

FY 86

PAGE 4 OF 9
REVISED DATE 12/18/84

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| | | | |
|----------------------|-----|---------------|-------------|
| AGENCY ADJUSTED BASE | PFT | GENERAL FUNDS | TOTAL FUNDS |
| | PPT | | |

| PRI | FF | INCREMENT/DECREMENT TITLE | BRU/COMPONENT | POSITIONS | INCREMENT/DECREMENT | | GOVERNOR'S FUNDING | |
|--|----|--|--|----------------------|---------------------|------------|--------------------|-----------|
| | | | | | CF | TOTAL | CF | TOTAL |
| 124 | | Auditor | AK Power Authority/ CIP Positions | PFT 1 PPT | 0 | 48.0 | | |
| 125 | | Resource Planner | AK Power Authority/ CIP Positions | PFT 1 PPT | 0 | 54.6 | | |
| 126 | | Office Relocation and Space Lease | AK Power Authority/ CIP Positions | PFT PPT | 0 | 372.0 | | |
| 127 | | New Construction Activity Support | AK Power Authority/ CIP Positions | PFT PPT | 0 | 27.5 | | |
| 128 | | Bradley Lake Positions Upgrades | AK Power Authority/ CIP Positions | PFT PPT | 0 | 9.1 | | |
| 129 | | Summer Interns | AK Power Authority/ CIP Positions | PFT 4 Temp PPT | 0 | 27.5 | | |
| 130 | | Dues in Profession/ Tech./Operations | AK Power Authority/ Operation & Maintenance | PFT PPT | 0 | 10.7 | | |
| 131 | | Dues in Professional/ Technical Organization | AK Power Authority/ CIP Positions | PFT PPT | 0 | 10.8 | | |
| | | Restore FY85 Funding Level | Tourism | PFT PPT | | | 310.6 | 310.6 |
| | | Athletic Commission Travel | Occupational Licensing/ Boards | PFT PPT | | | 10.0 | 10.0 |
| | | Railroad Special Report | Commissioner & Admin / Railroad | PFT PPT | | | (175.0) | (175.0) |
| | | Alaska Railroad Corporation FY86 Revenue Adjustment | Alaska Railroad Corp. | PFT PPT | | | — | 25,612.0 |
| TOTAL INCREMENTS/DECREMENTS | | | | PFT 59 PPT 4 Temp | 12,834.5 | 17,443.2 | 4,005.1 | 32,934.9 |
| AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS) | | | | PFT 484 PPT 16 | 66,634.9 | 121,321.1* | 57,805.5 | 136,812.8 |

4 Temp.

*Railroad operating budget not submitted yet.

FY 86

A2
AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

PAGE 9 OF 9
REVISED DATE 12/19/84

000000

Alaska State Legislature

REPRESENTATIVE
MIKE NAVARRE

DISTRICT 5A

CHAIR, LABOR & COMMERCE
VICE-CHAIR, STATE AFFAIRS



HOME ADDRESS
P O BOX E
KENAI, ALASKA 99611
(907) 283-7813

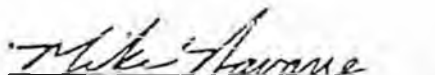
WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3893


House of Representatives


COMMITTEE REPORT

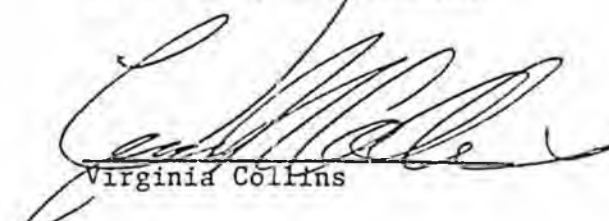
TO: Rep. Ben Grussendorf, Speaker of the House
FROM: Rep. Mike Navarre, Chairman House Labor & Commerce
SUBJECT: Executive Order 60
DATE: February 6, 1985

The House Labor and Commerce Committee has reviewed the Governor's bill, EO 60, which transfers the State Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development, and recommends that it not be disapproved.

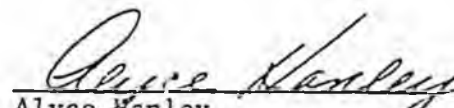

Mike Navarre, Chairman

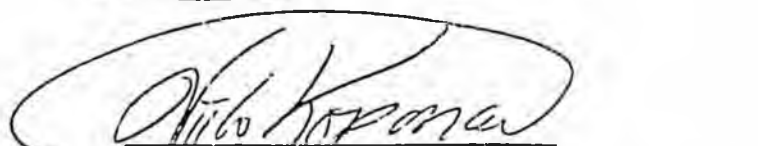

Mike Davis, Vice-Chairman


Red Boucher


Virginia Collins


Drue Pearce


Alyce Hanley


Nillo Koponen

major purposes. be established department.

abolish this section. State Dev. Corp., File No. 285, 376

State Mortgage 10 — 44.83.249) quasi-judicial or state within the order this section. Mtg. Ass'n, Sup. Ct. Op. No. 669, 416 P.2d

State-Operated in the executive function, as it was to execute and effect in the laws relating to created by the State-Operated School System. Sup. Ct. Op. No. 1157 (File No. 75). For present situation in the AS 14.08.011 —

a regulatory, primary agency. School Sys. v. 1157 (File No.

former Alaska System was department or within the t. see Alaska s. v. Mueller, No. 2138), 536

Alaska could not 17 (now 15) tments now 05. University Leasing, Ltd., No. 2365), 536

is not an agency of the the state which deals the state. It is maximum local under Alaska government. Mortgage, Sup. Ct. Op. No. 431, 471 P.2d

Quoted in Alaska State Hous. Auth. v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975). Dixon, Sup. Ct. Op. No. 793 (File No. 1529), 496 P.2d 649 (1972); Warren v.

Section 23. Reorganization. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

The constitution vests no power in the judiciary to define the specific functions of the principal departments in the state government or the units of the executive branch, and in the absence of express authorization or an overriding constitutional imperative, the judiciary may not bequeath such a power to itself. Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Thus, superior court cannot order home study by department of health and social services. — The superior court does not have the authority to order the Alaska department of health and social services, division of social services, against its will, to conduct a home-study in a

private custody dispute. Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

The legislative veto power granted in this section and Alaska Const., art. X, § 12, is the power to change statutes, not rule-making power, which is the power to interpret and implement statutes. State v. A.L.I.V.E. Voluntary, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980).

The creation of the Alaska Mortgage Adjustment Agency was not a change in the organization of the executive branch of government requiring the force of law. Suber v. Alaska State Bond Comm., Sup. Ct. Op. No. 344 (File No. 651), 414 P.2d 546 (1966).

Section 24. Supervision. Each principal department shall be under the supervision of the governor.

Section 25. Department Heads. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Revisor's note. — Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

The provisions of this section and § 26 of this article are clear and unambiguous. Bradner v. Hammond,

Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

This section explicitly empowers the governor to appoint and dismiss the head of each principal department. Bradner v. Hammond, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

It subjects these executive appointments to confirmation by a majority of the members of the legislature



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development.

The Athletic Commission (AS 05.05 and 05.10) is currently assigned by AS 05.05.010 to the Office of the Governor. However, it was informally and unofficially transferred to the Department of Commerce and Economic Development in a July 30, 1980 memorandum by former Governor Hammond. This executive order would make that transfer official.

The transfer places the commission where it logically belongs, with the other occupational licensing and regulatory boards and commissions. The commission will be undertaking the promulgation of regulations governing the increasing number of boxing matches in our state. The Division of Occupational Licensing will provide staff assistance to the commission.

I believe that this transfer will improve the efficiency and effectiveness of the Athletic Commission. I am confident that, along with the funding I have requested for the commission in the budget, the transfer will also improve the quality of the services the commission provides to boxers, promoters, and fans alike.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER:

7. 5/85

Date 7/18/85

Mr. President

The Committee on FINANCE considered SB 1

jurisdiction of the district court and the small claims jurisdictional limitation; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 1 (Jud)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Paul Herford
Paul Herford
Paul Herford

Paul Herford
Chairman

Paul Herford
Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 1 (Jud)
 Title: Jurisdiction of Superior
 and District Courts
 Sponsor: Senate Judiciary
 Requestor: Senate Finance
 Date of Request: 1/29/85

FISCAL DETAIL

Agency Affected: Court System
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 0 | 0 | | | |
| 200 TRAVEL | | 0 | 0 | | | |
| 300 CONTRACTUAL | | 0 | 0 | | | |
| 400 SUPPLIES | | 0 | 0 | | | |
| 500 EQUIPMENT | | 0 | 0 | | | |
| 600 LAND & STRUCTURES | | 0 | 0 | | | |
| 700 GRANTS, CLAIMS | | 0 | 0 | | | |
| 800 MISCELLANEOUS | | 0 | 0 | | | |
| TOTAL OPERATING | | 0 | 0 | | | |
| CAPITAL | | 0 | 0 | | | |
| REVENUE | | 0 | 0 | | | |

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Janis A. Fair Phone: 465-4523
 Division: Senator Jan Faiks, Co-chairman Date: 1/29/84
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

12/1/83

Offered: 1/23/85
Referred: Finance

Original sponsors: Ziegler and Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 1 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the jurisdiction of the superior
7 court and the district court; and providing for an
8 effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 22.10.020(a) is amended to read:
11 (a) The superior court is the trial court of general jurisdic-
12 tion, with original jurisdiction in all civil and criminal matters,
13 including probate and guardianship of minors and incompetents. An
14 action that falls within the concurrent jurisdiction of the superior
15 court and the district court may not be filed in the superior court,
16 except as provided by rules of the supreme court.
17 * Sec. 2. AS 22.15.030 is amended to read:
18 Sec. 22.15.030. CIVIL JURISDICTION. (a) The district court has
19 jurisdiction of civil cases and proceedings as follows:
20 (1) for the recovery of money or damages when the amount
21 claimed exclusive of costs, interest and attorney fees does not exceed
22 \$25,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];
23 (2) for the recovery of specific personal property, when
24 the value of the property claimed and the damages for the detention do
25 not exceed \$25,000 [\$10,000];
26 (3) for the recovery of a penalty or forfeiture, whether
27 given by statute or arising out of contract, not exceeding \$25,000
28 [\$10,000];
29 (4) to give judgment without action upon the confession of

1 the defendant for any of the cases specified in this section, except
2 for a penalty or forfeiture imposed by statute;

3 (5) for establishing the fact of death of any person in the
4 manner prescribed in AS 09.55.020 09.55.060;

5 (6) [REPEALED.

6 (7) REPEALED.

7 (8)] for the recovery of the possession of premises in the
8 manner provided under AS 09.45.070 - 09.45.160 when the value of the
9 property or of the arrears and damage to the property does not exceed
10 \$25,000 [\$10,000];

11 (7) [(9)] for the foreclosure of a lien when the amount in
12 controversy does not exceed \$25,000 [\$10,000];

13 (8) [(10)] for the recovery of money or damages in motor
14 vehicle tort cases when the amount claimed exclusive of costs, inter-
15 est and attorney fees does not exceed \$25,000 [\$15,000];

16 (9) [(11)] over civil actions for taking utility service
17 and for damages to or interference with a utility line filed under
18 AS 42.20.030;

19 (10) over cases involving injunctive relief for domestic
20 violence under AS 25.35.010 and 25.35.020.

21 (b) Insofar as the civil jurisdiction of the district courts and
22 the superior court is the same, the [SUCH] jurisdiction is concurrent.
23 An action that falls within the concurrent jurisdiction of the super-
24 ior court and the district court may not be filed in the superior
25 court, except as provided by rules of the supreme court.

26 * Sec. 3. AS 22.15.050 is amended to read:

27 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The
28 jurisdiction of the district courts does not extend to

29 (1) an action in which the title to real property is in

1 question;

2 (2) an action for false imprisonment, libel, slander,
3 malicious prosecution, criminal conversation, seduction upon a promise
4 to marry, actions of an equitable nature (except as otherwise provided
5 by law [IN AS 22.15.030(a)(9)]), or actions in which the state is a
6 defendant.

7 * Sec. 4. AS 22.15.100 is amended to read:

8 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
9 MAGISTRATE. Each district judge and magistrate has the power

10 (1) to issue writs of habeas corpus for the purpose of
11 inquiring into the cause of restraint of liberty, returnable before a
12 judge of the superior court, and the same proceedings shall be had on
13 the writ as if it had been granted by the superior court judge under
14 the laws of the state in such cases;

15 (2) of a notary public;

16 (3) to issue marriage licenses and to solemnize marriages;

17 (4) to issue warrants of arrest, summons and search war-
18 rants according to manner and procedure prescribed by law and the
19 supreme court;

20 (5) to act as an examining judge or magistrate in prelimi-
21 nary examinations in criminal proceedings; to set, receive and forfeit
22 bail and to order the release of defendants under bail;

23 (6) to act as a referee in matters and actions referred to
24 the judge or magistrate by the superior court, with all powers confer-
25 red upon referees by laws;

26 (7) of the superior court in all respects including but not
27 limited to contempts, attendance of witnesses and bench warrants;

28 (8) to order the temporary detention of a minor, or take
29 other action authorized by law or rules of procedure, in cases arising

1 under AS 47.10, when the minor is in a condition or surrounding dan-
2 gerous or injurious to the welfare of the minor or others which
3 requires immediate action; the action may be continued in effect until
4 reviewed by the superior court in accordance with rules of procedure
5 governing these cases;

6 (9) to issue a temporary order for [EMERGENCY] injunctive
7 relief in cases involving domestic violence as provided in AS 25.35.-
8 010 and AS 25.35.020;

9 (10) to review an administrative revocation of a person's
10 driver's license or nonresident privilege to drive, and an administra-
11 tive refusal to issue an original license, when designated as a hear-
12 ing officer by the commissioner of public safety and with the consent
13 of the administrative director of the state court system.

14 * Sec. 5. AS 25.35.010 is amended to read:

15 Sec. 25.35.010. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC
16 VIOLENCE. (a) A person who is subjected to domestic violence may
17 petition a superior or district court for injunctive relief restrain-
18 ing the infliction of further domestic violence against the petitioner
19 by the respondent.

20 (b) Upon receiving a petition under (a) of this section, the
21 [SUPERIOR] court shall schedule a hearing and shall provide at least
22 10 days notice to the respondent of the hearing and of the respon-
23 dent's right to appear and to be heard either in person or by attor-
24 ney. If, at the hearing, the [SUPERIOR] court finds that the peti-
25 tioner has been subjected to domestic violence by the respondent, the
26 [SUPERIOR] court may issue any order it determines to be necessary for
27 the protection of the health, safety or welfare of the petitioner or
28 of a minor child in the care of the petitioner. An order under this
29 subsection may include provisions that [WHICH]

- 1 (1) restrain the respondent from subjecting the petitioner
2 to domestic violence;
- 3 (2) direct the respondent to vacate the home of the peti-
4 tioner;
- 5 (3) restrain the respondent from communicating directly or
6 indirectly with the petitioner;
- 7 (4) direct the respondent to pay support for the petitioner
8 or for a minor child in the care of the petitioner if there is an
9 independent legal obligation of the respondent to support the peti-
10 tioner or the child,
- 11 (5) award temporary custody of a minor child to the peti-
12 tioner;
- 13 (6) direct the respondent to pay medical expenses incurred
14 by the petitioner as a result of the domestic violence;
- 15 (7) direct the respondent to engage in personal or family
16 counseling;
- 17 (8) restrain the respondent from entering a propelled
18 vehicle in the possession of or occupied by the petitioner.
- 19 (c) An order issued under this section remains in effect for a
20 period of time not to exceed 90 days. However, the petitioner may
21 petition the [SUPERIOR] court for an extension of a provision of the
22 order if the provision is described in (b)(1), (b)(2), (b)(3), (b)(7),
23 or (b)(8) of this section. If the [SUPERIOR] court, after notice to
24 the respondent of and a hearing on the petition for the extension in
25 accordance with the procedures described in (b) of this section, finds
26 that an extension of the provision of the order is necessary to pro-
27 tect the petitioner or a minor child in the care of the petitioner
28 from domestic violence, the [SUPERIOR] court may extend the provision
29 of the order for a period of time not to exceed 45 days. The court

1 may not grant more than one extension under this subsection.

2 (d) Proceedings under this section do not preclude any other
3 available civil or criminal remedies.

4 * Sec. 6. AS 25.35.020(a) is amended to read:

5 (a) A person who has been subjected to domestic violence may
6 petition the superior or district court for a temporary order provid-
7 ing for emergency injunctive relief restraining the infliction of
8 further domestic violence against the petitioner by the respondent.
9 [IF THERE IS NO SUPERIOR COURT WITHIN 50 ROAD MILES OF THE RESIDENCE
10 OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY PETITION
11 THE NEAREST DISTRICT COURT FOR A TEMPORARY EMERGENCY INJUNCTIVE RELIEF
12 ORDER. IF THERE IS NO DISTRICT COURT WITHIN 50 ROAD MILES OF THE
13 RESIDENCE OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY
14 PETITION THE NEAREST MAGISTRATE FOR A TEMPORARY EMERGENCY INJUNCTIVE
15 RELIEF ORDER. THE DISTRICT COURT OR MAGISTRATE SHALL NOTIFY THE
16 SUPERIOR COURT IMMEDIATELY UPON ISSUANCE OF AN ORDER GRANTING EMER-
17 GENCY INJUNCTIVE RELIEF UNDER THIS SECTION.]

18 * Sec. 7. AS 25.35.020(d) is amended to read:

19 (d) If an order under this section is granted without notice, a
20 hearing before the [SUPERIOR] court for injunctive relief under
21 AS 25.35.010 shall be scheduled by the [SUPERIOR] court at the earli-
22 est possible time consistent with the notice provisions of AS 25.-
23 35.010. If at the hearing the petitioner does not proceed with the
24 petition for injunctive relief, the [SUPERIOR] court shall dissolve
25 the emergency injunctive relief order.

26 * Sec. 8. AS 25.35.020(e) is amended to read:

27 (e) On three days notice to the petitioner, or on shorter notice
28 as the [SUPERIOR] court may prescribe, the respondent may make a
29 motion to the [SUPERIOR] court for the dissolution or modification of

1 an order for emergency injunctive relief under this section. The
2 [SUPERIOR] court shall hear and rule on the motion in an expeditious
3 manner.

4 * Sec. 9. AS 34.35.005(a) is amended to read:

5 (a) When an action is required to enforce a lien provided for in
6 [SECS. 5 - 425 OF] this chapter and the action falls within the
7 monetary jurisdiction of the district court, the action shall be
8 started in the district [SUPERIOR] court in the judicial district in
9 which the property upon which the lien attaches is located. An action
10 that exceeds the monetary jurisdiction of the district court shall be
11 started in the superior court in the judicial district in which the
12 property upon which the lien attaches is located. The procedure,
13 except as otherwise provided in [SECS. 5 - 45 OF] this chapter, is the
14 same as in the trial of an action to secure property to hold it for
15 the satisfaction of a lien against it.

16 * Sec. 10. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 21, 1985

SUBJECT: Sectional analysis of CSSB 1 (Judiciary)

TO: Senator Patrick M. Rodey
Chairman, Senate Judiciary Committee

FROM: Keith B. Levy *KB*
Legislative Counsel

You have requested a sectional analysis of CSSB 1 (Judiciary). The bill amends a number of provisions relating to the jurisdiction of the superior and district courts.

Section 1 provides that when a matter falls within the overlapping jurisdiction of the superior court and the district court, the action must be filed in the district court unless the Supreme Court provides for an exception by court rule (AS 22.10.020(a)).

Section 2 increases the monetary jurisdictional limitation in the district court from \$10,000 to \$25,000 and adds the power to issue injunctive relief in domestic violence cases to the jurisdiction of the district court (AS 22.15.030(a)). It also restates the rule that matters within the concurrent jurisdiction of the superior court and the district court must be filed in the district court unless the Supreme Court provides for an exception (AS 22.15.030(b)).

Section 3. AS 22.15.050 currently provides that the district court has no jurisdiction over actions of an equitable nature. Section 3 amends that section to provide for an exception "where otherwise provided by law" to be consistent with other provisions of the bill giving the district court jurisdiction to issue injunctive relief in domestic violence cases since this power is of an equitable nature.

Sections 4 - 8 amend existing provisions of law to allow an individual to seek injunctive relief in domestic violence

Senator Patrick Rodey
January 21, 1985
Page 2

cases in the district court as well as the superior court
(AS 22.15.100, AS 25.35.010, and AS 25.35.020).

Section 9 amends AS 34.35.005(a) to allow the district court
to enforce liens in cases where the value of the property
attached does not exceed the monetary limit of \$25,000
provided for in section 1 of the Act.

Section 10 provides that the Act is to take effect im-
mediately.

KBL:ojb
J11/019

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

1/14/85

Date January 22, 1985

Mr. President

The Committee on JUDICIARY considered SB 1
jurisdiction of the district court and the small claims jurisdictional
limitation; efd

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

- ~~let~~ do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for Senate Bill No. 1 (Judiciary)
- new title *& do pass*
- same title and recommends
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten signature]
Chairman
DO PASS
Chairman recommendation

Introduced: 1/14/85
Referred: Judiciary and
Finance

1 IN THE SENATE

BY ZIEGLER AND RAY

2

SENATE BILL NO. 1

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the district
7 court and the small claims jurisdictional limitation;
8 and providing for an effective date."

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

10 * Section 1. AS 22.15.030(a) is amended to read:

11 (a) The district court has jurisdiction of civil cases and
12 proceedings as follows:

13 (1) for the recovery of money or damages when the amount
14 claimed exclusive of costs, interest and attorney fees does not exceed
15 \$25,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

16 (2) for the recovery of specific personal property, when
17 the value of the property claimed and the damages for the detention do
18 not exceed \$25,000 [\$10,000];

19 (3) for the recovery of a penalty or forfeiture, whether
20 given by statute or arising out of contract, not exceeding \$25,000
21 [\$10,000];

22 (4) to give judgment without action upon the confession of
23 the defendant for any of the cases specified in this section, except
24 for a penalty or forfeiture imposed by statute;

25 (5) for establishing the fact of death of any person in the
26 manner prescribed in AS 09.55.020 - 09.55.060;

27 [(6) Repealed

28 (7) Repealed]

29 (6) [(8)] for the recovery of the possession of premises in

1 the manner provided under AS 09.45.070 - 09.45.160 when the value of
2 the property or of the arrears and damage to the property does not
3 exceed \$25,000 [\$10,000];

4 (7) [(9)] for the foreclosure of a lien when the amount in
5 controversy does not exceed \$25,000 [\$10,000];

6 (8) [(10)] for the recovery of money or damages in motor
7 vehicle tort cases when the amount claimed exclusive of costs, inter-
8 est and attorney fees does not exceed \$25,000 [\$15,000];

9 (9) [(11)] over civil actions for taking utility service
10 and for damages to or interference with a utility line filed under
11 AS 42.20.030.

12 * Sec. 2. AS 22.15.040 is amended to read:

13 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not
14 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,
15 and request is so made, the district judge or magistrate shall hear
16 the action as a small claim unless important or unusual points of law
17 are involved. The supreme court shall prescribe the procedural rules
18 and standard forms to assure simplicity and the expeditious handling
19 of small claims.

20 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

3/18/85

Date:

3-19-85

The Committee on FINANCE has had CSBR 1 (Jud)

"An Act relating to the jurisdiction of the superior court and the district court; and providing for an effective date."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for CSBR 1 (Jud) same title

and recommends do pass new title

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING

DO PASS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
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MEMBERS HAVING

OTHER RECOMMENDATIONS:

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CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HCS CSSB 1(JUD)
 Title: Re: jurisdiction of the
 superior court & district court
 Sponsor: Ziegler
 Requestor: House Finance Committee
 Date of Request: 3/28/85

FISCAL DETAIL

Agency Affected: Court System
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 0 | | | | |
| 200 TRAVEL | | 0 | | | | |
| 300 CONTRACTUAL | | 0 | | | | |
| 400 SUPPLIES | | 0 | | | | |
| 500 EQUIPMENT | | 0 | | | | |
| 600 LAND & STRUCTURES | | 0 | | | | |
| 700 GRANTS, CLAIMS | | 0 | | | | |
| 800 MISCELLANEOUS | | 0 | | | | |
| TOTAL OPERATING | | 0 | | | | |

| | | | | | | |
|----------------|--|---|--|--|--|--|
| CAPITAL | | 0 | | | | |
|----------------|--|---|--|--|--|--|

| | | | | | | |
|----------------|--|---|--|--|--|--|
| REVENUE | | 0 | | | | |
|----------------|--|---|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

MA

Prepared By: Al Adams, Chair Phone: 465-3706
 Division: House Finance Committee Date: 3/28/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Offered: 3/18/85
Referred: Finance

Original sponsors: Ziegler and Ray

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 1 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the jurisdiction of the superior
7 court and the district court; and providing for an
8 effective date."

9

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

10

* Section 1. AS 08.18.081(a) is amended to read:

11

(a) A person having a claim against a contractor for any of the

12

items referred to in AS 03.18.071 may bring suit upon the bond in the

13

district [SUPERIOR] court of the judicial district in which venue lies

14

[THE WORK IS DONE OR OF ANY JUDICIAL DISTRICT IN WHICH JURISDICTION OF

15

THE CONTRACTOR MAY BE OBTAINED]. A copy of the complaint shall be

16

served by registered or certified mail upon the commissioner at the

17

time suit is filed and the commissioner shall maintain a record,

18

available for public inspection, of all suits commenced. Two addi-

19

tional copies shall be served upon the director of the division of

20

insurance with the payment of \$5 to the director taxable as costs in

21

the action. This service upon the director shall constitute service

22

on the surety and the director shall transmit the complaint or a copy

23

of it to the surety within 72 hours after it has been received. The

24

surety upon the bond is not liable in an aggregate amount in excess of

25

that named in the bond, but in case claims pending at any one time

26

exceed the amount of the bond, the claims shall be satisfied from the

27

bond in the following order:

28

(1) labor, including employee benefits;

29

(2) taxes and contributions due the state, city and

1 borough, in that order;

2 (3) material and equipment;

3 (4) claims for breach of contract;

4 (5) repair of public facilities.

5 * Sec. 2. AS 22.10.020(a) is amended to read:

6 (a) The superior court is the trial court of general jurisdic-
7 tion, with original jurisdiction in all civil and criminal matters,
8 including probate and guardianship of minors and incompetents. Except
9 for a petition for injunctive relief under AS 25.35.010 or 25.35.020,
10 an action that falls within the concurrent jurisdiction of the su-
11 perior court and the district court may not be filed in the superior
12 court, except as provided by rules of the supreme court.

13 * Sec. 3. AS 22.15.030 is amended to read:

14 Sec. 22.15.030. CIVIL JURISDICTION. (a) The district court has
15 jurisdiction of civil cases and proceedings as follows:

16 (1) for the recovery of money or damages when the amount
17 claimed exclusive of costs, interest and attorney fees does not exceed
18 \$25,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

19 (2) for the recovery of specific personal property, when
20 the value of the property claimed and the damages for the detention do
21 not exceed \$25,000 [\$10,000];

22 (3) for the recovery of a penalty or forfeiture, whether
23 given by statute or arising out of contract, not exceeding \$25,000
24 [\$10,000];

25 (4) to give judgment without action upon the confession of
26 the defendant for any of the cases specified in this section, except
27 for a penalty or forfeiture imposed by statute;

28 (5) for establishing the fact of death of any person in the
29 manner prescribed in AS 09.55.020 - 09.55.060;

1 (6) [REPEALED.

2 (7) REPEALED.

3 (8)] for the recovery of the possession of premises in the
4 manner provided under AS 09.45.070 - 09.45.160 when the value of the
5 property or of the arrears and damage to the property does not exceed
6 \$25,000 [\$10,000];

7 (7) [(9)] for the foreclosure of a lien when the amount in
8 controversy does not exceed \$25,000 [\$10,000];

9 (8) [(10)] for the recovery of money or damages in motor
10 vehicle tort cases when the amount claimed exclusive of costs, inter-
11 est and attorney fees does not exceed \$25,000 [\$15,000];

12 (9) [(11)] over civil actions for taking utility service
13 and for damages to or interference with a utility line filed under
14 AS 42.20.030;

15 (10) over cases involving injunctive relief for domestic
16 violence under AS 25.35.010 and 25.35.020.

17 (b) Insofar as the civil jurisdiction of the district courts and
18 the superior court is the same, the [SUCH] jurisdiction is concurrent.
19 Except for a petition for injunctive relief under AS 25.35.010 or
20 25.35.020, an action that falls within the concurrent jurisdiction of
21 the superior court and the district court may not be filed in the
22 superior court, except as provided by rules of the supreme court.

23 * Sec. 4. AS 22.15.050 is amended to read:

24 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The
25 jurisdiction of the district courts does not extend to

26 (1) an action in which the title to real property is in
27 question;

28 (2) an action for false imprisonment, libel, slander,
29 malicious prosecution, [CRIMINAL CONVERSATION, SEDUCTION UPON A

1 PROMISE TO MARRY,] actions of an equitable nature (except as otherwise
2 provided by law [IN AS 22.15.030(a)(9)]), or actions in which the
3 state is a defendant.

4 * Sec. 5. AS 22.15.100 is amended to read:

5 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
6 MAGISTRATE. Each district judge and magistrate has the power

7 (1) to issue writs of habeas corpus for the purpose of
8 inquiring into the cause of restraint of liberty, returnable before a
9 judge of the superior court, and the same proceedings shall be had on
10 the writ as if it had been granted by the superior court judge under
11 the laws of the state in such cases;

12 (2) of a notary public;

13 (3) to issue marriage licenses and to solemnize marriages;

14 (4) to issue warrants of arrest, summons and search war-
15 rants according to manner and procedure prescribed by law and the
16 supreme court;

17 (5) to act as an examining judge or magistrate in prelimi-
18 nary examinations in criminal proceedings; to set, receive and forfeit
19 bail and to order the release of defendants under bail;

20 (6) to act as a referee in matters and actions referred to
21 the judge or magistrate by the superior court, with all powers confer-
22 red upon referees by laws;

23 (7) of the superior court in all respects including but not
24 limited to contempts, attendance of witnesses and bench warrants;

25 (8) to order the temporary detention of a minor, or take
26 other action authorized by law or rules of procedure, in cases arising
27 under AS 47.10, when the minor is in a condition or surrounding dan-
28 gerous or injurious to the welfare of the minor or others which re-
29 quires immediate action; the action may be continued in effect until

1 reviewed by the superior court in accordance with rules of procedure
2 governing these cases;

3 (9) to issue a temporary order for [EMERGENCY] injunctive
4 relief in cases involving domestic violence as provided in AS 25.35.-
5 010 and AS 25.35.020;

6 (10) to review an administrative revocation of a person's
7 driver's license or nonresident privilege to drive, and an administra-
8 tive refusal to issue an original license, when designated as a hear-
9 ing officer by the commissioner of public safety and with the consent
10 of the administrative director of the state court system.

11 * Sec. 6. AS 25.35.010 is amended to read:

12 Sec. 25.35.010. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC
13 VIOLENCE. (a) A person who is subjected to domestic violence may
14 petition a superior or district court for injunctive relief restrain-
15 ing the infliction of further domestic violence against the petitioner
16 by the respondent.

17 (b) Upon receiving a petition under (a) of this section, the
18 [SUPERIOR] court shall schedule a hearing and shall provide at least
19 10 days notice to the respondent of the hearing and of the respon-
20 dent's right to appear and to be heard either in person or by attor-
21 ney. If, at the hearing, the [SUPERIOR] court finds that the peti-
22 tioner has been subjected to domestic violence by the respondent, the
23 [SUPERIOR] court may issue any order it determines to be necessary for
24 the protection of the health, safety or welfare of the petitioner or
25 of a minor child in the care of the petitioner. An order under this
26 subsection may include provisions that [WHICH]

27 (1) restrain the respondent from subjecting the petitioner
28 to domestic violence;

29 (2) direct the respondent to vacate the home of the

1 petitioner;

2 (3) restrain the respondent from communicating directly or
3 indirectly with the petitioner;

4 (4) direct the respondent to pay support for the petitioner
5 or for a minor child in the care of the petitioner if there is an
6 independent legal obligation of the respondent to support the peti-
7 tioner or the child;

8 (5) award temporary custody of a minor child to the peti-
9 tioner;

10 (6) direct the respondent to pay medical expenses incurred
11 by the petitioner as a result of the domestic violence;

12 (7) direct the respondent to engage in personal or family
13 counseling or mediation;

14 (8) restrain the respondent from entering a propelled
15 vehicle in the possession of or occupied by the petitioner.

16 (c) An order issued under this section remains in effect for a
17 period of time not to exceed 90 days. However, the petitioner may
18 petition the [SUPERIOR] court for an extension of a provision of the
19 order if the provision is described in (b)(1), (b)(2), (b)(3), (b)(7),
20 or (b)(8) of this section. If the [SUPERIOR] court, after notice to
21 the respondent of and a hearing on the petition for the extension in
22 accordance with the procedures described in (b) of this section, finds
23 that an extension of the provision of the order is necessary to pro-
24 tect the petitioner or a minor child in the care of the petitioner
25 from domestic violence, the [SUPERIOR] court may extend the provision
26 of the order for a period of time not to exceed 45 days. The court
27 may not grant more than one extension under this subsection.

28 (d) Proceedings under this section do not preclude any other
29 available civil or criminal remedies.

1 * Sec. 7. AS 25.35.020(a) is amended to read:

2 (a) A person who has been subjected to domestic violence may
3 petition the superior or district court for a temporary order provid-
4 ing for emergency injunctive relief restraining the infliction of
5 further domestic violence against the petitioner by the respondent.
6 [IF THERE IS NO SUPERIOR COURT WITHIN 50 ROAD MILES OF THE RESIDENCE
7 OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY PETITION
8 THE NEAREST DISTRICT COURT FOR A TEMPORARY EMERGENCY INJUNCTIVE RELIEF
9 ORDER. IF THERE IS NO DISTRICT COURT WITHIN 50 ROAD MILES OF THE
10 RESIDENCE OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY
11 PETITION THE NEAREST MAGISTRATE FOR A TEMPORARY EMERGENCY INJUNCTIVE
12 RELIEF ORDER. THE DISTRICT COURT OR MAGISTRATE SHALL NOTIFY THE
13 SUPERIOR COURT IMMEDIATELY UPON ISSUANCE OF AN ORDER GRANTING EMER-
14 GENCY INJUNCTIVE RELIEF UNDER THIS SECTION.]

15 * Sec. 8. AS 25.35.020(d) is amended to read:

16 (d) If an order under this section is granted without notice, a
17 hearing before the [SUPERIOR] court for injunctive relief under
18 AS 25.35.010 shall be scheduled by the [SUPERIOR] court at the earli-
19 est possible time consistent with the notice provisions of AS 25.-
20 35.010. If at the hearing the petitioner does not proceed with the
21 petition for injunctive relief, the [SUPERIOR] court shall dissolve
22 the emergency injunctive relief order.

23 * Sec. 9. AS 25.35.020(e) is amended to read:

24 (e) On three days notice to the petitioner, or on shorter notice
25 as the [SUPERIOR] court may prescribe, the respondent may make a
26 motion to the [SUPERIOR] court for the dissolution or modification of
27 an order for emergency injunctive relief under this section. The
28 [SUPERIOR] court shall hear and rule on the motion in an expeditious
29 manner.

1 * Sec. 10. AS 34.35.005(a) is amended to read:

2 (a) When an action is required to enforce a lien provided for in
3 [SECS. 5 - 425 OF] this chapter and [,] the action falls within the
4 monetary jurisdiction of the district court, the action shall be
5 started in the district [SUPERIOR] court in the judicial district in
6 which venue lies. An action that exceeds the monetary jurisdiction of
7 the district court shall be started in the superior court in the
8 judicial district in which venue lies [THE PROPERTY UPON WHICH THE
9 LIEN ATTACHES IS LOCATED]. The procedure, except as otherwise pro-
10 vided in [SECS. 5 - 45 OF] this chapter, is the same as in the trial
11 of an action to secure property to hold it for the satisfaction of a
12 lien against it.

13 * Sec. 11. The amendments to AS 22.10.020(a) and AS 22.15.030(b),
14 provided for in secs. 2 and 3 of this Act apply only to cases filed on or
15 after the effective date of this Act.

16 * Sec. 12. This Act takes effect July 1, 1985.

M E M O R A N D U M

March 27, 1985

To: Representative Al Adams
Chair, House Finance Committee

From: Karla L. Forsythe *Karla L. Forsythe*
General Counsel
Alaska Court System

Subject: House CS for CS for SB 1 (Judiciary)

You asked the court system to provide a sectional analysis of the above-numbered bill, which relates to the jurisdiction of the superior court and the district court and provides for an effective date.

Brief Summary

This legislation makes five changes in current law:

1. Increases district court jurisdiction from \$10,000 to \$25,000.
2. Provides that cases \$25,000 or under must be filed in district court, except as provided by supreme court rules.
3. Permits the district court as well as the superior court to hear domestic violence injunctions.
4. Permits claims against contractors' bonds to be filed in district court.
5. Permits liens to be enforced in district court up to \$25,000.

These changes would take effect July 1, 1985, and create no fiscal impact.

The overall purpose of this legislation is to make more efficient use of judicial resources by balancing the workload between the superior and district courts. Additionally, the increase to \$25,000 reflects inflationary trends, and enables the public to file more cases in district court. Although district court relies on the same civil rules of court as the superior court, matters generally are calendared more quickly, and more persons tend to represent themselves because issues are less complex.

Section 1. This section permits claims against contractors' bonds to be brought in district court, rather than in superior court as provided under current law. The amount of the bond is

\$5,000 for a general contractor and \$2,000 for a specialty contractor (AS 08.18.071(b)). Since the bond amount is well within the monetary jurisdiction of the district court, the court system believes these matters are more appropriately handled in district court.

HB 151 would increase the amounts of the bonds to \$10,000 for general contractors and \$5,000 for specialty contractors. This increase would still fall within both the current monetary jurisdiction and the jurisdictional increase proposed in this bill.

Section 2. Under current law, there is no requirement that actions within the district court monetary jurisdiction must be filed in district court. This section provides that these actions must be filed in district court, except under circumstances which will be provided by supreme court rule. The supreme court anticipates adopting a rule which will permit some lawsuits to be filed in superior court for good cause shown, such as complexity of issues. This section also clarifies that domestic violence injunctions could be filed either in district or superior court.

Section 3. This section increases the monetary jurisdiction of the district court from \$10,000 (\$15,000 in motor vehicle tort cases) to \$25,000 across the board. In 1959, district court jurisdiction was established statutorily at \$3,000. This figure was increased to \$10,000 in 1972. An increase to \$25,000 reflects inflation, while retaining the character of the district court.

This section also gives the district court the ability to hear domestic violence injunctions. Under current law, these injunctions must be heard by a superior court judge. Widening the availability of judges who can hear these matters should result in speedier determinations and more efficient use of judicial resources.

Paragraph (b) reiterates that petitions for domestic violence injunctions can be filed either in superior or district court.

Section 4. Under current law the district court may not hear actions involving criminal conversation and seduction upon a promise to marry. The House Judiciary Committee believed there was no reason to exclude these rarely-heard matters from the district court's jurisdiction, and amended the bill to provide that the district court may hear these matters. The court system has no objection to this amendment.

Section 5. Under this section, the list of specific functions and powers of district judges and magistrates is expanded to include the ability to issue temporary orders for domestic violence injunctions.

Section 6. This section amends the domestic violence statute to provide that petitions for injunctive relief may be filed in superior or district court. Also, under existing law the court may order the respondent to engage in personal or family counseling. The House Judiciary Committee added the authority to direct the respondent to engage in mediation. The court system has no objection to this amendment.

Section 7. This section also amends the domestic violence statute to permit filing of petitions in either superior and district court.

Sections 8 and 9. These sections delete references to superior court as the sole forum for domestic violence hearings. The statute will simply provide that these hearings are before the court.

Section 10. This section provides that actions to enforce liens can be filed in district court if they are within the monetary jurisdiction. The types of liens involved include attorney's liens, liens for wages, and mechanic's liens.

Section 11. This section clarifies that cases with a monetary value up to \$25,000 must be filed in district court only if they are filed after the effective date of the measure. Cases filed before that date may be filed either in superior or district court. This provision provides a clear cut-off for determining when cases must be filed in district court under this act.

Section 12. This section provides for an effective date of July 1, 1985, which provides sufficient time for the supreme court to adopt a rule authorizing certain actions to be filed in superior court, as well as time for the trial courts to prepare for this change.

KLF:smh

cc: Arthur H. Snowden, II

Offered: 1/23/85
Referred: Finance

Original sponsors: Ziegler and Ray

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 1 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the superior
7 court and the district court; and providing for an
8 effective date."

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

10 * Section 1. AS 22.10.020(a) is amended to read:

11 (a) The superior court is the trial court of general jurisdic-
12 tion, with original jurisdiction in all civil and criminal matters,
13 including probate and guardianship of minors and incompetents. An
14 action that falls within the concurrent jurisdiction of the superior
15 court and the district court may not be filed in the superior court,
16 except as provided by rules of the supreme court.

17 * Sec. 2. AS 22.15.030 is amended to read:

18 Sec. 22.15.030. CIVIL JURISDICTION. (a) The district court has
19 jurisdiction of civil cases and proceedings as follows:

20 (1) for the recovery of money or damages when the amount
21 claimed exclusive of costs, interest and attorney fees does not exceed
22 \$25,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

23 (2) for the recovery of specific personal property, when
24 the value of the property claimed and the damages for the detention do
25 not exceed \$25,000 [\$10,000];

26 (3) for the recovery of a penalty or forfeiture, whether
27 given by statute or arising out of contract, not exceeding \$25,000
28 [\$10,000];

29 (4) to give judgment without action upon the confession of

1 the defendant for any of the cases specified in this section, except
2 for a penalty or forfeiture imposed by statute;

3 (5) for establishing the fact of death of any person in the
4 manner prescribed in AS 09.55.020 09.55.060;

5 (6) [REPEALED.

6 (7) REPEALED.

7 (8)] for the recovery of the possession of premises in the
8 manner provided under AS 09.45.070 - 09.45.160 when the value of the
9 property or of the arrears and damage to the property does not exceed
10 \$25,000 [\$10,000];

11 (7) [(9)] for the foreclosure of a lien when the amount in
12 controversy does not exceed \$25,000 [\$10,000];

13 (3) [(10)] for the recovery of money or damages in motor
14 vehicle tort cases when the amount claimed exclusive of costs, inter-
15 est and attorney fees does not exceed \$25,000 [\$15,000];

16 (9) [(11)] over civil actions for taking utility service
17 and for damages to or interference with a utility line filed under
18 AS 42.20.030;

19 (10) over cases involving injunctive relief for domestic
20 violence under AS 25.35.010 and 25.35.020.

21 (b) Insofar as the civil jurisdiction of the district courts and
22 the superior court is the same, the [SUCH] jurisdiction is concurrent.
23 An action that falls within the concurrent jurisdiction of the super-
24 ior court and the district court may not be filed in the superior
25 court, except as provided by rules of the supreme court.

26 * Sec. 3. AS 22.15.050 is amended to read:

27 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The
28 jurisdiction of the district courts does not extend to

29 (1) an action in which the title to real property is in

1 question;

2 (2) an action for false imprisonment, libel, slander,
3 malicious prosecution, criminal conversation, seduction upon a promise
4 to marry, actions of an equitable nature (except as otherwise provided
5 by law [IN AS 22.15.030(a)(9)]), or actions in which the state is a
6 defendant.

7 * Sec. 4. AS 22.15.100 is amended to read:

8 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
9 MAGISTRATE. Each district judge and magistrate has the power

10 (1) to issue writs of habeas corpus for the purpose of
11 inquiring into the cause of restraint of liberty, returnable before a
12 judge of the superior court, and the same proceedings shall be had on
13 the writ as if it had been granted by the superior court judge under
14 the laws of the state in such cases;

15 (2) of a notary public;

16 (3) to issue marriage licenses and to solemnize marriages;

17 (4) to issue warrants of arrest, summons and search war-
18 rants according to manner and procedure prescribed by law and the
19 supreme court;

20 (5) to act as an examining judge or magistrate in prelimi-
21 nary examinations in criminal proceedings; to set, receive and forfeit
22 bail and to order the release of defendants under bail;

23 (6) to act as a referee in matters and actions referred to
24 the judge or magistrate by the superior court, with all powers confer-
25 red upon referees by laws;

26 (7) of the superior court in all respects including but not
27 limited to contempts, attendance of witnesses and bench warrants;

28 (8) to order the temporary detention of a minor, or take
29 other action authorized by law or rules of procedure, in cases arising

1 under AS 47.10, when the minor is in a condition or surrounding dan-
2 gerous; or injurious to the welfare of the minor or others which
3 requires immediate action; the action may be continued in effect until
4 reviewed by the superior court in accordance with rules of procedure
5 governing these cases;

6 (9) to issue a temporary order for [EMERGENCY] injunctive
7 relief in cases involving domestic violence as provided in AS 25.35.-
8 010 and AS 25.35.020;

9 (10) to review an administrative revocation of a person's
10 driver's license or nonresident privilege to drive, and an administra-
11 tive refusal to issue an original license, when designated as a hear-
12 ing officer by the commissioner of public safety and with the consent
13 of the administrative director of the state court system.

14 * Sec. 5. AS 25.35.010 is amended to read:

15 Sec. 25.35.010. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC
16 VIOLENCE. (a) A person who is subjected to domestic violence may
17 petition a superior or district court for injunctive relief restrain-
18 ing the infliction of further domestic violence against the petitioner
19 by the respondent.

20 (b) Upon receiving a petition under (a) of this section, the
21 [SUPERIOR] court shall schedule a hearing and shall provide at least
22 10 days notice to the respondent of the hearing and of the respon-
23 dent's right to appear and to be heard either in person or by attor-
24 ney. If, at the hearing, the [SUPERIOR] court finds that the peti-
25 tioner has been subjected to domestic violence by the respondent, the
26 [SUPERIOR] court may issue any order it determines to be necessary for
27 the protection of the health, safety or welfare of the petitioner or
28 of a minor child in the care of the petitioner. An order under this
29 subsection may include provisions that [WHICH]

1 (1) restrain the respondent from subjecting the petitioner
2 to domestic violence;

3 (2) direct the respondent to vacate the home of the peti-
4 tioner;

5 (3) restrain the respondent from communicating directly or
6 indirectly with the petitioner;

7 (4) direct the respondent to pay support for the petitioner
8 or for a minor child in the care of the petitioner if there is an
9 independent legal obligation of the respondent to support the peti-
10 tioner or the child;

11 (5) award temporary custody of a minor child to the peti-
12 tioner;

13 (6) direct the respondent to pay medical expenses incurred
14 by the petitioner as a result of the domestic violence;

15 (7) direct the respondent to engage in personal or family
16 counseling;

17 (8) restrain the respondent from entering a propelled
18 vehicle in the possession of or occupied by the petitioner.

19 (c) An order issued under this section remains in effect for a
20 period of time not to exceed 90 days. However, the petitioner may
21 petition the [SUPERIOR] court for an extension of a provision of the
22 order if the provision is described in (b)(1), (b)(2), (b)(3), (b)(7),
23 or (b)(8) of this section. If the [SUPERIOR] court, after notice to
24 the respondent of and a hearing on the petition for the extension in
25 accordance with the procedures described in (b) of this section, finds
26 that an extension of the provision of the order is necessary to pro-
27 tect the petitioner or a minor child in the care of the petitioner
28 from domestic violence, the [SUPERIOR] court may extend the provision
29 of the order for a period of time not to exceed 45 days. The court

1 may not grant more than one extension under this subsection.

2 (d) Proceedings under this section do not preclude any other
3 available civil or criminal remedies.

4 * Sec. 6. AS 25.35.020(a) is amended to read:

5 (a) A person who has been subjected to domestic violence may
6 petition the superior or district court for a temporary order provid-
7 ing for emergency injunctive relief restraining the infliction of
8 further domestic violence against the petitioner by the respondent.
9 [IF THERE IS NO SUPERIOR COURT WITHIN 50 ROAD MILES OF THE RESIDENCE
10 OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY PETITION
11 THE NEAREST DISTRICT COURT FOR A TEMPORARY EMERGENCY INJUNCTIVE RELIEF
12 ORDER. IF THERE IS NO DISTRICT COURT WITHIN 50 ROAD MILES OF THE
13 RESIDENCE OF THE PERSON SUBJECTED TO DOMESTIC VIOLENCE, THE PERSON MAY
14 PETITION THE NEAREST MAGISTRATE FOR A TEMPORARY EMERGENCY INJUNCTIVE
15 RELIEF ORDER. THE DISTRICT COURT OR MAGISTRATE SHALL NOTIFY THE
16 SUPERIOR COURT IMMEDIATELY UPON ISSUANCE OF AN ORDER GRANTING EMER-
17 GENCY INJUNCTIVE RELIEF UNDER THIS SECTION.]

18 * Sec. 7. AS 25.35.020(d) is amended to read:

19 (d) If an order under this section is granted without notice, a
20 hearing before the [SUPERIOR] court for injunctive relief under
21 AS 25.35.010 shall be scheduled by the [SUPERIOR] court at the earli-
22 est possible time consistent with the notice provisions of AS 25.-
23 35.010. If at the hearing the petitioner does not proceed with the
24 petition for injunctive relief, the [SUPERIOR] court shall dissolve
25 the emergency injunctive relief order.

26 * Sec. 8. AS 25.35.020(e) is amended to read:

27 (e) On three days notice to the petitioner, or on shorter notice
28 as the [SUPERIOR] court may prescribe, the respondent may make a
29 motion to the [SUPERIOR] court for the dissolution or modification of

1 an order for emergency injunctive relief under this section. The
2 [SUPERIOR] court shall hear and rule on the motion in an expeditious
3 manner.

4 * Sec. 9. AS 34.35.005(a) is amended to read:

5 (a) When an action is required to enforce a lien provided for in
6 [SECS. 5 - 425 OF] this chapter and the action falls within the
7 monetary jurisdiction of the district court, the action shall be
8 started in the district [SUPERIOR] court in the judicial district in
9 which the property upon which the lien attaches is located. An action
10 that exceeds the monetary jurisdiction of the district court shall be
11 started in the superior court in the judicial district in which the
12 property upon which the lien attaches is located. The procedure,
13 except as otherwise provided in [SECS. 5 - 45 OF] this chapter, is the
14 same as in the trial of an action to secure property to hold it for
15 the satisfaction of a lien against it.

16 * Sec. 10. This Act takes effect immediately in accordance with AS 01.
17 10.070(c).

Introduced: 1/14/85
Referred: Judiciary and
Finance

1 IN THE SENATE

BY ZIEGLER AND RAY

2

SENATE BILL NO. 1

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the district
7 court and the small claims jurisdictional limitation;
8 and providing for an effective date."

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

10 * Section 1. AS 22.15.030(a) is amended to read:

11 (a) The district court has jurisdiction of civil cases and
12 proceedings as follows:

13 (1) for the recovery of money or damages when the amount
14 claimed exclusive of costs, interest and attorney fees does not exceed
15 \$25,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

16 (2) for the recovery of specific personal property, when
17 the value of the property claimed and the damages for the detention do
18 not exceed \$25,000 [\$10,000];

19 (3) for the recovery of a penalty or forfeiture, whether
20 given by statute or arising out of contract, not exceeding \$25,000
21 [\$10,000];

22 (4) to give judgment without action upon the confession of
23 the defendant for any of the cases specified in this section, except
24 for a penalty or forfeiture imposed by statute;

25 (5) for establishing the fact of death of any person in the
26 manner prescribed in AS 09.55.020 - 09.55.060;

27 [(6) Repealed

28 (7) Repealed]

29 (6) [(8)] for the recovery of the possession of premises in

1 the manner provided under AS 09.45.070 - 09.45.160 when the value of
2 the property or of the arrears and damage to the property does not
3 exceed \$25,000 [\$10,000];

4 (7) [(9)] for the foreclosure of a lien when the amount in
5 controversy does not exceed \$25,000 [\$10,000];

6 (8) [(10)] for the recovery of money or damages in motor
7 vehicle tort cases when the amount claimed exclusive of costs, inter-
8 est and attorney fees does not exceed \$25,000 [\$15,000];

9 (9) [(11)] over civil actions for taking utility service
10 and for damages to or interference with a utility line filed under
11 AS 42.20.030.

12 * Sec. 2. AS 22.15.040 is amended to read:

13 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not
14 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,
15 and request is so made, the district judge or magistrate shall hear
16 the action as a small claim unless important or unusual points of law
17 are involved. The supreme court shall prescribe the procedural rules
18 and standard forms to assure simplicity and the expeditious handling
19 of small claims.

20 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

COMMITTEE REPORT
SENATE

FURTHER:

1/23/65

Date 1/23/65

Mr. President

The Committee on FINANCE considered SB 2

extending the termination date of the Board of Governors of the Alaska
Assn. of Association; and.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 2 (1/23/65)
- new title
- same title and recommends SB 2 (1/23/65)
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Richard H. ...
[Signature]
[Signature]
[Signature]

Chairman *[Signature]*

Chairman recommendation *[Signature]*

This note to out
committee on Jan
1/29/85

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: CSSB 2 (Jud)
 Title: Extending Board of Gov. of the Alaska Bar Association
 Sponsor: Senate Judiciary
 Requestor: Senate Finance
 Date of Request: 1/29/85

FISCAL DETAIL
 Agency Affected: Community & Regional Affairs
 Program Category Affected: Community Development
 BRU, Program or Subprogram(s) Affected: Administration & Support
Commissioner's Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 0 | 0 | | | |
| 200 TRAVEL | | 0 | 0 | | | |
| 300 CONTRACTUAL | | 0 | 0 | | | |
| 400 SUPPLIES | | 0 | 0 | | | |
| 500 EQUIPMENT | | 0 | 0 | | | |
| 600 LAND & STRUCTURES | | 0 | 0 | | | |
| 700 GRANTS, CLAIMS | | 0 | 0 | | | |
| 800 MISCELLANEOUS | | 0 | 0 | | | |
| TOTAL OPERATING | | 0 | 0 | | | |
| CAPITAL | | 0 | 0 | | | |
| REVENUE | | 0 | 0 | | | |

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: *Jan Faiks* Phone: 465-4523
 Division: Senator Jan Faiks, Co-chairman Date: 1/29/85
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

12/1/83

Offered: 1/23/85
Referred: Finance

Original sponsors: Ziegler, Kelly,
Faiks, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 2 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act extending the termination date of the Board
7 of Governors of the Alaska Bar Association; and
8 providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 08.03.010(c)(19) is amended to read:
11 (19) Board of Governors of the Alaska Bar Association
12 (AS 08.80.040) -- June 30, 1989 [1985].
13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

ANALYSIS FOR SENATE BILL 2

This bill extends the life of the Board of Governors of the Alaska Bar Association for four more years. Unless this legislation is passed, the Board will expire on June 30, 1985.

There is a Judiciary Committee Substitute which shortens the period of extension from five to four years. This is necessary because the original bill did not conform to those provisions of the sunseting law that stipulate the maximum extension to be four years.

There is no fiscal impact but an \$11,400 fiscal note was at some point made up by the the Senate Judiciary Committee but never officially adopted. Staff has verified that there is no additional fiscal impact because this amount has already been requested in the Governor's FY 86 budget, Commissioners Office, Department of Community and Regional Affairs. (copy attached). To avoid possible future confusion, it might be advisable for the Senate Finance Committee to adopt a new zero fiscal note.

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P.O. BOX 100279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

RANDALL P. BURNS, EXECUTIVE DIRECTOR

STEPHEN J. VAN GOOR, DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL



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HARRY BRANSON
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GAIL ROY FRATIES
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NIESJE STEINKRUGER
GLENDA J. STRAUBE
LEW M. WILLIAMS

PUBLIC BOARD MEMBER EXPENSE/REIMBURSEMENT FROM STATE

| | | |
|----------------------------|--|-------------|
| Received from State 1982 | | \$ 9,447.00 |
| 1982 Public Member Expense | | (2,356.50) |
| | Balance | \$ 7,090.50 |
| 1983 Public Member Expense | | (2,457.50) |
| | Balance | 4,633.00 |
| 1984 Public Member Expense | | (5,834.77) |
| | Balance due from State (ABA to invoice) | \$ 1,201.77 |

| | |
|--|------------------------------|
| TITLE OF INCREMENT/DECREMENT: | AGENCY CONTACT/PHONE NUMBER: |
| Fund Alaska Bar Assoc. Lay Member Travel | 465-4700 |

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:

This increment will fund a grant to the Alaska Bar Association to pay for the travel and per diem expenses of the three lay (non-attorney) members of the Association's Board of Governors during FY 85.

The Legislature decided in 1982 that expenses of the Board 's lay members should be covered by the General Fund rather than by the Alaska Bar Association itself in order to ensure the independence of these public representatives. Lay member expenses have previously been included in the operating budget of the Office of the Governor.

The funds requested will permit the three public members of the Board of Governors to attend the six scheduled meetings of the Alaska Bar Association during FY 86.

| CODE | EXPENDITURE BY OBJECT | AGENCY REQ. | GOV'S REQ. |
|------------------------|------------------------|-------------|------------|
| 100 | Personal Services | | |
| 200 | Travel | | |
| 300 | Contractual Services | | |
| 400 | Supplies | | |
| 500 | Equipment | | |
| 600 | Lands, Buildings, Etc. | | |
| 700 | Grants, Claims, Etc. | 11.9 | 11.9 |
| 800 | Miscellaneous | | |
| TOTAL | | 11.9 | 11.9 |
| I-A Transfer (NON-ADD) | | | |
| 1702 | Federal Receipts | | |
| 1003 | General Fund Match | | |
| 1004 | General Fund | 11.9 | 11.9 |
| 1005 | I-A Receipts | | |
| 1028 | Program Receipts | | |
| Other | | | |
| POSITION INFORMATION | PFT | | |
| | PPT | | |
| | Non Permanent | | |
| | Staff Months | | |

| | |
|---|--|
| <input type="checkbox"/> Enhance Existing Service Compared to FY 85 | <input type="checkbox"/> Formula Program |
| <input type="checkbox"/> New Service Compared to FY 85 | |
| <input checked="" type="checkbox"/> Continuation of FY 85 Service Level | |

IMPACT FROM CAPITAL PROJECT (NAME)

Chapter _____ SLA _____ Page/Line _____

C5 INCREMENT/DECREMENT REQUEST

Agency Priority _____ of _____

AGENCY Community & Regional Affairs

PROGRAM Community Development

BRU Administration & Support

COMPONENT Commissioner's Office

PROJECT _____

PAGE 2 OF 2

REVISED DATE 10-24-84

FY 86

000633

| CODE | EXPENDITURE CLASSIFICATION | PRIOR YEAR FY 84 ACTUAL | CURRENT YEAR FY 85 AUTHORIZED | BUDGET YEAR - FY 86 | | | GOVERNOR'S BUDGET |
|---------|---|-------------------------------|-------------------------------------|---------------------|-----------------------------------|---------|----------------------|
| | | | | ADJUSTED BASE | AGENCY INCREMENT/ DECREMENT | REQUEST | |
| 610 | Land and Interest in Land | | | | | | |
| 628 | ASHA Payment | | | | | | |
| 620/630 | Buildings and Other Improvements | | | | | | |
| 600 | TOTAL LAND, BUILDING, NON-STRUCTURAL IMPROVEMENTS | | | | | | |
| 960 | INTER-AGENCY TRANSFERS (NON-ADD) | | | | | | |

| | | | | | | | |
|-----|--------------------------------------|-----|-----|-----|------|------|--|
| 720 | Local Assistance, State Sources | | | | | | |
| 730 | Benefits to Individuals | | | | | | |
| 740 | Grants and Awards to Individuals | | | | | | |
| 750 | Grants, Other Agencies | -0- | -0- | -0- | 11.9 | 11.9 | |
| 760 | Health Benefits | | | | | | |
| 700 | TOTAL ASSISTANCE GRANTS AND BENEFITS | -0- | -0- | -0- | 11.9 | 11.9 | |
| 970 | INTER-AGENCY TRANSFERS (NON-ADD) | | | | | | |

| | | | | | | | |
|-----|---------------------|--|--|--|--|--|--|
| 810 | Debt Service | | | | | | |
| 820 | Special Services | | | | | | |
| 800 | TOTAL MISCELLANEOUS | | | | | | |

| CODE | EXPLANATION | ADJUSTED BASE | INCREMENT/ DECREMENT |
|------|---|------------------|-------------------------|
| 750 | This amount represents a grant to the Alaska Bar Association to fund travel and per diem for the three lay members of the Association's Board of Governors for six regularly scheduled meetings; grant money is provided from the State's General Fund to assure independence of the public members within this private professional association. | | 11.9 |

C700 LAND, GRANTS,
AND MISCELLANEOUS

(6/84)-c700

AGENCY Community & Regional Affairs
PROGRAM Community Development
BRU Administration & Support
COMPONENT Commissioner's Office

PAGE 1 OF 1
REVISED DATE 10-24-84

FY 86

000643

SB 2

Handout from Governors
Ely, Guess & Rudd

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P.O. BOX 100278
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7489

RANDALL P. BURNS, EXECUTIVE DIRECTOR

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LEW M. WILLIAMS
TREASURER
KETCHIKAN

October 16, 1984

Jay Hogan
Associate Director of Budget Review
Office of Management and Budget
Office of the Governor
State of Alaska
Pouch AM
Juneau, AK 99811

Dear Mr. Hogan:

As we discussed last week, I am writing to provide the Office of the Governor with the Alaska Bar Association's funding request for FY '86. As you are aware, the Alaska Bar requests funding for only the travel and per diem expenses of the public members appointed to the Board of Governors, the entity which governs the operations of the Association. When we spoke, you indicated that some background information on the Association's request would be helpful, so before I get down to dollars and cents, I thought I'd provide you with a history of the Association's appropriations request.

The Bar Association, like many other State agencies and instrumentalities, was placed under provisions of "sunset" legislation adopted in the mid-Seventies. As a result of legislative hearings on the continued existence of the Bar during 1980 and 1981, the Integrated Bar Act was amended in 1981 to include the addition of three non-attorney (or public) members to the Bar's governing board.

In early 1982, at the instigation of Senator Rodey and with the concurrence of the Governor's Office, the leadership of both the House of Representatives and the Senate formally requested Governor Hammond to provide monies from out of his contingency fund to pay for the travel and per diem expenses of the public members about to be appointed to the Board of Governors. As

is stated in President Kerttula's and Speaker Hayes' March 26, 1982 letter (copy attached), the Legislature agreed "that it would not be appropriate to have the Association pay for the expenses [of the non-attorney members] as it would, indeed, affect the independence of the lay members."

In October of 1982, following the appointment in July of that year of the first three public members to the Board of Governors, the Association requested an appropriation in the amount of \$9,447.00 to cover the projected expenses of the public members for one year. The Bar received a check in that amount from the State of Alaska on November 9, 1982.

In December of 1983 I wrote to John Shively concerning the Bar's request for FY '85 (copy attached). Because slightly less than half of the original \$9,447 appropriation had actually been expended by the end of 1983, the Bar Association requested an appropriation of only \$6,572 for FY '85. The \$6,572 figure reflected the difference between the Bar's FY '85 projected costs of \$11,205.00 and the as yet unexpended balance of \$4,633.00 from the original appropriation.

However, the lateness of my FY '85 request to the Governor, coupled with the Administration's belief that the Bar's request should more appropriately be included in the State's operating budget (as opposed to coming directly from the Governor's contingency fund), mandated that the Bar Association seek its FY '85 request directly from the Alaska Legislature.

As John Shively's January 3, 1984 letter indicates (copy attached), the Administration did agree that it was "appropriate public policy for the State to pay for the [expenses of the] non-attorney members" who serve on the Bar's Board of Governors. Mr. Shively also expressed the willingness of the Administration to support the Association's efforts before the Legislature in adding the Bar's request to the already published operating budget.

Fortunately, with the support in the House of Judiciary Committee Chair Charlie Bussell, the support in the Senate of Senator Bob Ziegler, and the support of the Administration, the Bar's request for \$6,500 was "appropriated from the general fund to the Office of the Governor to pay for the per diem and travel expenses of the lay appointees to the Board of Governors of the Alaska Bar Association" (see Section 68, Chapter 171, of SLA 1984).

Under an agreement worked out with the Administration through Michael Nizich, the Bar Association will submit itemized billings to the Office of the Governor for the expenses it incurs during FY '85 on behalf of the public members on the Board.

October 16, 1984

In follow-up to John Shively's January 3rd letter, I wrote Mr. Shively in late August of this year concerning inclusion of the Bar's funding request in the Governor's FY '86 Budget submission to the Legislature. It was Mr. Shively's September 21st response, as you know, that prompted my telephone call to you late last week and which now brings me back to the Association's FY '86 request.

We are requesting an appropriation for FY '86 of \$11,898 or, rounded, \$11,900. This amount reflects the travel and per diem costs of sending the three (3) public members on the Board of Governors to six (6) Board meetings between July 1, 1985 and June 30, 1986. Five meetings will be held in Anchorage and one meeting in Valdez (the site of the 1986 Bar Convention).

As of this date, there remains but \$1,176.25 of the original \$9,447.00 appropriation. The upcoming three-day meeting of the Board in early November will finally exhaust the amount remaining from that original appropriation. That will leave us with the \$6,500 from the FY '85 budget appropriation to cover lay member expenses through June of 1985. There are three additional meetings scheduled between December of this year and June of next year. Our projection for those three meetings (two in Anchorage, one in Sitka) assumes a cost of \$6,300.00, so we should be right on budget now, with no substantial carry-over.

Not knowing what kind of detail you need or desire, I provide the following expense breakdown for the three public members in FY '86:

| | |
|---|--------------------|
| 3rd Quarter, 1985 | |
| 1, two-day meeting in Anchorage | \$ 1,908.00 |
| 4th Quarter, 1985 | |
| 2 meetings in Anchorage (1 two-day and 1 three-day meeting) | \$ 3,189.00 |
| 1st Quarter, 1986 | |
| 2, two-day meetings in Anchorage | \$ 3,508.00 |
| 2nd Quarter, 1986 | |
| 1 meeting in Valdez (Bar Convention, 4 days) | \$ 3,293.00 |
| | <hr/> |
| Total for FY '86 | <u>\$11,898.00</u> |

Mr. Hogan

- 4 -

October 16, 1984

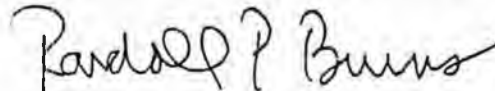
Should you have any questions concerning this funding request, please do not hesitate to contact me. Very specific budget detail regarding our request is obviously available, should you wish it.

Finally, I would appreciate hearing from you, as budget preparations progress, regarding the placement of this request within the operating budget. I understand that there is some question concerning in which department the Bar's request should be inserted (e.g., Department of Law, Court System, Office of the Governor). Once that matter is resolved, I would appreciate knowing from OMB which department will act as our foster parent. The Bar Association, I know, would prefer to continue within the operating budget of the Office of the Governor under its current relatively uncomplex system of reimbursement.

I appreciate the assistance of your Office in this matter.

Very truly yours,

ALASKA BAR ASSOCIATION



Randall P. Burns
Executive Director

In

Attachments

cc: All Members, Board of Governors
Deborah O'Regan, Assistant Director
Geraldine Downes, Controller



Official Business

Alaska State Legislature

Senate

March 26, 1982

Pouch V
State Capitol
Juneau, Alaska 99801

Jerry Reinwand
Executive Assistant
Office of the Governor
Pouch A
Juneau, Alaska 99811

RE: Travel and per diem expenses for
the three lay members appointed to
the Board of Governors of the Alaska Bar

Dear Mr. Reinwand:

On June 25, 1981 the Governor approved Chapter 52 SLA 1981 which amended AS 08.08.040 to increase the Board of Governors of the Alaska Bar to nine active members and three persons appointed by the Governor who are not attorneys.

It has come to our attention that no monies were appropriated to cover the travel and per diem expenses of the three lay members. This matter has been discussed with the Alaska Bar Association and we agree that it would not be appropriate to have the Association pay for the expenses as it would, indeed, affect the independence of the lay members.

Attached is an expense projection which outlines the travel and per diem expenses for the three lay members for the time period of July 1, 1982 through June 30, 1983. The total projection is \$9,447.00.

We understand this matter has been brought to your attention and agree that it would be more appropriate to pay these expenses from the Governor's contingency fund.

Senator Jalmer M. Kerttula
President of the Senate

Representative Joe L. Hayes
Speaker of the House of Representatives

Attachment

LAY MEMBERS - BOARD OF GOVERNORS

EXPENSE PROJECTION

July, 1982 - June, 1983

| Location of Meeting | No. of Meetings | No. of days each meeting | At \$80.00 a day | Present Airfare Roundtrip-Coach | Times Factor for Increase | Projected airfare | Meeting cost per member | TOTAL COST |
|----------------------|-----------------|--------------------------|------------------|---------------------------------|---------------------------|-------------------|-------------------------|----------------|
| ANCHORAGE | 4 | 3 | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | |
| Central Member | | | 240 | - 0 - | - 0 - | - 0 - | 240 | |
| Southeastern Mbr. | | | 240 | 380 | 1.25 | 475 | 715 | |
| Interior Member | | | 240 | 176 | 1.25 | 220 | 460 | \$5,660 |
| BUREAU | 1 | 3 | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | |
| Central Member | | | 240 | 296 | 1.40 | 414 | 654 | |
| Southeastern Mbr. | | | 240 | 152 | 1.40 | 213 | 453 | |
| Interior Member | | | 240 | 354 | 1.40 | 496 | 736 | \$1,043 |
| FAIRBANKS | 1 | 3 | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | |
| Central Member | | | 240 | 176 | 1.40 | 246 | 406 | |
| Southeastern Mbr. | | | 240 | 404 | 1.40 | 670 | 918 | |
| Interior Member | | | 240 | - 0 - | - 0 - | - 0 - | 240 | \$1,644 |
| MISC. TRAVEL EXPENSE | | | | | | | | 300 |
| | | | | | | | TOTAL. | <u>\$9,447</u> |

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ALASKA BAR ASSOCIATION

P.O. BOX 100279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

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RONALD W. LORENSEN
VICE-PRESIDENT
JUNEAU

NIESJE STEINKRUGER
SECRETARY
FAIRBANKS

JUDITH J. BAZELEY
TREASURER
ANCHORAGE

December 19, 1983

John Shively
Chief of Staff
Office of the Governor
State of Alaska
Pouch A
Juneau, AK 99811

Dear Mr. Shively:

I am writing on behalf of the Alaska Bar Association to request an appropriation from the Office of the Governor in the amount of \$6,572.00. This amount is requested for the calendar year 1984, to fund the projected travel and per diem expenses of the non-attorney members who serve on the Board of Governors of the Bar Association.

In 1981 the Alaska Legislature enacted, and Governor Hammond signed into law, a number of amendments to Chapter 8 of Title 8 (the "Alaska Integrated Bar Act"). Among the most important was an amendment to AS 08.08.040 ("Board of Governors of the Alaska Bar") which added three (3) non-attorney or "lay" members to the nine-attorney-member Board of Governors. The non-attorney members are appointed by the Governor and are subject to confirmation by the Legislature in joint session.

Since July of 1980, the Alaska Bar Association has essentially been self-supportive and has received no funds from the State for its operating expenses. However, both houses of the Legislature felt that the major expenses of the non-attorney -- or public -- members should be borne by the State of Alaska in order to not compromise "the independence of the lay members" (see attached letter, dated March 26, 1982). House Speaker Joe Hayes and Senate President Jay Kerttula co-signed the letter to Governor Hammond, agreeing with the Administration that it would be appropriate for the expenses of the public members to be paid for from out of the Governor's contingency fund.

In October of 1982 I wrote Jerry Reinwand, Governor Hammond's Executive Assistant, requesting an appropriation in the amount of \$9,447.00 to cover the projected expenses of the public members for one year (see the October 1, 1982 letter attached). We received a check in that amount from the State on November 9, 1982. Enclosed with this letter, as promised, is a printout of the expenses for the public members through the end of this year. Of the \$9,447.00 received, the Bar Association has expended \$4,814.00 leaving an unexpended balance of \$4,633.00. The amount spent is considerably less than projected, mainly because of vacancies, the serious illness of one lay member, and a "period of adjustment" during the first half of 1983 between the time vacancies occurred in two public member positions and the now infamous appointments controversy was "settled" in June of this year. At the current time, only two of the public positions are filled, the Governor having an additional appointment to make.

The Alaska Bar's projected non-attorney expense for 1984 is \$11,205.00 (see attached Bar Association budget for 1984). This is based on a computation of six Board meetings attended by three non-attorney members. All of the scheduled 1984 meetings are planned for Anchorage. The Association is requesting a 1984 appropriation of \$6,572.00, which reflects the difference between the expected costs of \$11,205.00 and the unexpended balance of \$4,633.00.

The Bar Association itself obviously continues to support the wisdom of the State's original decision to fund the expense of the public members appointed to the Board of Governors, inasmuch as they particularly serve in the public's interest. Although it is my personal observation that the former, all-attorney Board never lost sight of its public role, the addition of the non-attorney members serves as an unqualified reminder to the Association of its responsibilities to the citizenry. This independence should not be compromised. Indeed, the Association has welcomed the participation of the public members, as it provides the Administration and the Legislature with individuals who can objectively evaluate the Bar's performance of its duties.

Further, because the Association receives no public funds (except for the costs of the non-attorney members), and survives primarily on the dues paid by its members, it is the position of the Association that it cannot be expected to fund the expense of the non-attorney appointments, especially when membership dues are \$310.00 a year (the highest in the country), and the Association fully funds the cost of disciplining attorneys and substantially underwrites the cost of attorney admissions and the Bar's continuing legal education offerings.

John Shiveley

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The continued cooperation and support of the Office of the Governor is hereby petitioned; it has been sincerely appreciated in the past. Should you have any questions concerning the Bar's appropriation request, or if I can provide you with any additional information, please do not hesitate to contact me. I wish you the best in your new position.

Very truly yours,

ALASKA BAR ASSOCIATION



Randall P. Burns
Executive Director

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xc: All Members, Board of Governors

Joe L. Hayes, Speaker
Alaska State House of Representatives

Jalmar M. Kerttula, President
Alaska State Senate

Carol A. Derfner, Special Staff Assistant
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Michael Nizich, Administrative Officer
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