

LEG. FINANCE - BILLS 1985 - 1986 2356

CSHB 168 cont. - HB 173

2356

1 [AND] address, and address of the contractor's principal place of
2 business. Advertising and contracts shall also include the contrac-
3 tor's registration number [SHALL SHOW THE NAME AND ADDRESS AS REGIS-
4 TERED UNDER THIS CHAPTER].

5 (c) Individual contractors and partners, associates, agents,
6 salesmen, solicitors, officers and employees of contractors shall use
7 their true names and addresses and the true name of the contractor
8 firm at all times while acting in the capacity of a contractor or
9 performing related activities.

10 * Sec. 4. AS 08.18.071(b) is amended to read:

11 (b) If the applicant is a general contractor the amount of the
12 bond shall be \$10,000 [\$5,000]; if the applicant is a specialty con-
13 tractor the amount of the bond shall be \$5,000 [\$2,000]. In lieu of
14 the surety bond the applicant may file with the commissioner a cash
15 deposit or other negotiable security acceptable to the commissioner
16 [OF COMMERCE,] in the amount specified for bonds.

17 * Sec. 5. AS 08.18 is amended by adding new sections to article 3 to
18 read:

19 Sec. 08.18.116. INVESTIGATIONS. Either the Department of Com-
20 merce and Economic Development or the Department of Labor may investi-
21 gate alleged or apparent violations of this chapter. These depart-
22 ments, upon showing proper credentials, may enter, during regular
23 hours of work, a construction site at which it appears that contract-
24 ing work is being done. The departments may make inquiries about the
25 identity of the contractor or the person acting in the capacity of a
26 contractor. Upon demand, a contractor or person acting in the capac-
27 ity of a contractor, or that person's representative, shall produce
28 evidence of current registration.

29 Sec. 08.18.117. ISSUANCE OF CITATIONS. Either the Department of

1 Commerce and Economic Development or the Department of Labor may issue
2 a citation for a violation if there is probable cause to believe a
3 person has violated this chapter. Each day a violation continues
4 after a citation for the violation has been issued constitutes a
5 separate violation.

6 Sec. 08.18.118. PROCEDURE AND FORM OF CITATION ISSUANCE AND
7 PROCEDURE. (a) A citation issued under this chapter shall be in
8 writing. A person receiving the citation is not required to sign a
9 notice to appear in court.

10 (b) The time specified in the notice to appear on a citation
11 issued under this chapter shall be at least five days, not including
12 weekends and holidays, after the issuance of the citation, unless the
13 person cited requests an earlier hearing.

14 (c) The Department of Commerce and Economic Development and the
15 Department of Labor are responsible for the issuance of books contain-
16 ing appropriate citations, and each shall maintain a record of each
17 book issued and each citation contained in it. Each department shall
18 require and retain a receipt for every book issued to an employee of
19 the department designated by the commissioner to provide investigative
20 services to enforce provisions of this chapter.

21 (d) An employee who issues a citation under this chapter shall
22 deposit the original or a copy of the citation with a court having
23 jurisdiction over the alleged offense. Upon its deposit with the
24 court, the citation may be disposed of only by trial in the court or
25 other official action taken by the magistrate, judge, or prosecutor.
26 The employee who issued the citation may not dispose of it or copies
27 of it or of the record of its issuance except as required under this
28 subsection and (e) of this section.

29 (e) The Department of Commerce and Economic Development and the

1 Department of Lab : shall require the return of a copy of every cita-
2 tion issued by an employee of the respective department under this
3 chapter, and of all copies of every citation that has been spoiled or
4 upon which an entry has been made and not issued to an alleged viola-
5 tor. The departments shall also maintain, in connection with every
6 citation issued by an employee of the respective department, a record
7 of the disposition of the charge by the court where the original or
8 copy of the citation was deposited.

9 (f) If the form of citation issued under this chapter includes
10 the essential facts constituting the offense charged, and if the
11 citation is sworn to as required under the laws of this state for a
12 complaint charging commission of the offense alleged in the citation,
13 then the citation when filed with a court having jurisdiction is
14 considered to be a lawful complaint for the purpose of prosecution.

15 Sec. 08.18.119. FAILURE TO OBEY CITATION. Unless the citation
16 has been voided or otherwise dismissed by the magistrate, judge, or
17 prosecutor, a person who without lawful justification or excuse fails
18 to appear in court to answer a citation issued under this chapter, re-
19 gardless of the disposition of the charge for which the citation was
20 issued, is guilty of a class B misdemeanor.

21 * Sec. 6. AS 08.18.121(f) is amended to read:

22 (f) If the Department [COMMISSIONER] of Labor or the Department
23 of Commerce and Economic Development [LABOR] determines that a con-
24 tractor or a person [IS] acting in the capacity of [AS] a contractor,
25 is in violation of this chapter, that department may [THE COMMISSIONER
26 SHALL] give written notice to the person prohibiting further action by
27 the person as a contractor. The prohibition continues until the
28 person has submitted evidence acceptable to that department [THE
29 COMMISSIONER OF LABOR] showing that the violation has been corrected.

1 * Sec. 7. AS 08.18.121(g) is amended to read:

2 (g) A person affected by an order issued under this chapter may
3 seek equitable relief preventing the Department of Labor or the
4 Department of Commerce and Economic Development [COMMISSIONER OF
5 LABOR] from enforcing the order.

6 * Sec. 8. AS 08.18.131 is amended to read:

7 Sec. 08.18.131. INJUNCTION. In an action instituted in the
8 superior court by the commissioner [OF LABOR OR THE COMMISSIONER'S
9 REPRESENTATIVE], a person may be enjoined from acting in the capacity
10 of a contractor in violation of this chapter [MAY BE ENJOINED FROM
11 DOING SO]. In addition to other relief, a civil penalty not to exceed
12 \$250 may be imposed for each violation. Each day that an unlawful act
13 continues constitutes a separate violation.

14 * Sec. 9. AS 08.18.141 is amended to read:

15 Sec. 08.18.141. MISDEMEANOR. (a) A contractor or a person
16 acting in the capacity of a contractor in violation of AS 08.18.011
17 [THIS CHAPTER] is guilty of a class B misdemeanor. A person who
18 violates another provision of this chapter is guilty of a violation
19 punishable under AS 12.

20 (b) Criminal prosecution for a violation of this chapter does
21 not preclude the Department of Commerce and Economic Development or
22 the Department of Labor from seeking available civil remedies.

23 * Sec. 10. AS 08.18.171 is amended by adding a new paragraph to read:

24 (4) "department" means the Department of Commerce and
25 Economic Development, unless the context indicates otherwise.

26 * Sec. 11. Sections 1, 2 and 4 - 10 of this Act take effect July 1,
27 1985.

28 * Sec. 12. Section 3 of this Act takes effect July 1, 1986.

29 * Sec. 13. Section 4 of this Act applies to general contractor and

1 specialty contractor licenses that are issued or renewed by the Department
2 of Commerce and Economic Development after July 1, 1985.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/18/85

Date 5-1-85

Mr. President

The Committee on JUDICIARY considered CSHB 168(L&C)
construction contractors; 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 SCS for CSHB 168 (Judiciary)
- 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

Kirk Halford
Ziegler
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Tim Kelly
 Chairman

DO PASS
 Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

3/26/85

Date 17 April 85

Mr. President

The Committee on LABOR & COMMERCE considered CSHB 168 (L&C)
construction contractors; 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 5 CS for CSHB 168 (L&C)
- new title
- ~~same text~~ and recommends Adopting House Letter of Intent
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

1 [Signature]

MEMBERS HAVING

OTHER RECOMMENDATIONS

1 [Signature] No Rec
2 [Signature] No Rec

1 [Signature]
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/8/85

Date: 4-29-85

Mr. Speaker:

The Committee on FINANCE has had HB 170

"An Act relating to land surveys."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 170 (Fin) same title
 new title
and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
2-12-85
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Pat Karchot
Paul Vehl

Ronald J. Jans

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

De [unclear] to [unclear]

[unclear]
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: ASHB 170 (FIN)
 Title: An act relating to land surveys

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC

Sponsor: Koponen, Sund, Navarre
 Requestor: Jehling, Jenkins, Kingstad,
 Date of Request: & Pearce

BRU, Program or Subprogram(s) Affected: Information/Records Management

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	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

It is assumed that approximately 500 documents at \$8.00 each would be recorded each year under this proposed Bill.

Prepared By: Joseph C. Burch
 Division: Technical Services

Phone: 786-2400
 Date: 2/11/85

Approved by Commissioner: Thomas D. Zmurek
 Agency: Natural Resources

Date: 2/12/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

3/8/85

Date: 4-29-85

Mr. Speaker:

The Committee on FINANCE has had HB 170

"An Act relating to land surveys."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 170 (Fin) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
2-12-85
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature] NO REC.

[Signature]
Vice - CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 170 (FIN)
Title: An act relating to land surveys

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC

Sponsor: Koponen, Sund, Navarre
Requestor: Jehling, Jenkins, Ringstad, & Pearce
Date of Request: _____

BRU, Program or Subprogram(s) Affected: Information/Records Management

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	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

It is assumed that approximately 500 documents at \$8.00 each would be recorded each year under this proposed Bill.

Prepared By: Joseph C. Burch
Division: Technical Services

Phone: 786-2400
Date: 2/11/85

Approved by Commissioner: Thomas D. Zimrel
Agency: Natural Resources

Date: 2/12/85

Distribution (by Agency preparing fiscal note):

Original sponsors: Koponen, Sund,
Navarre, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (Finance)

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 land surveys; and providing for
7 an effective date."

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

9 * Section 1. AS 34 is amended by adding a new chapter to read:

10 CHAPTER 65. LAND SURVEYS.

11 Sec. 34.65.010. PURPOSE. The purpose of this chapter is to
12 authorize right of entry on land for survey purposes, and to provide a
13 method for preserving evidence of land surveys by filing records of
14 survey and monument records. The provisions of this chapter supple-
15 ment laws relating to land survey platting and subdivision surveys.

16 Sec. 34.65.020. ENTRY UPON LAND FOR SURVEY PURPOSES. (a) A
17 land surveyor or an employee of a land surveyor may enter public or
18 private land or water in the state only to occupy, locate, relocate,
19 install, or replace survey monuments, to locate boundaries, determine
20 geodetic positions, and to make surveys and maps.

21 (b) The land surveyor shall give reasonable notice to the owner
22 or occupant of the land of an intent to enter private land for survey
23 purposes. The notice shall indicate the anticipated date of the entry
24 for survey purposes.

25 (c) Notice under (b) of this section is not required for a
26 survey along previously surveyed boundaries within a platted
27 subdivision accepted or recorded by the federal government or approved
28 under AS 29.33.160 or AS 40.15.010.

29 (d) A land surveyor or an employee of a land surveyor who

1 complies with the notice requirements of (b) of this section is liable
2 to the landowner only for actual damages.

3 (e) The attorney general may bring an action in the name of the
4 state to restrain and prevent the obstruction of entry under (a) of
5 this section.

6 Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in
7 conformity with the practice and definition of land surveying, a land
8 surveyor shall file with the district recorder a record of the survey
9 within 90 days if the survey discloses

10 (1) material evidence or physical change that in whole or
11 in part does not appear on a plat of record previously filed in the
12 office of the district recorder or in the records of the Bureau of
13 Land Management;

14 (2) a material discrepancy with a plat of record previously
15 filed in the office of the district recorder or in the records of the
16 Bureau of Land Management; or

17 (3) evidence that by reasonable analysis might result in
18 alternate positions of boundaries from those of record.

19 Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor who
20 in the course of a survey establishes, reestablishes, uses as control,
21 or restores a monument to make it readily identifiable or reasonably
22 durable shall file a monument record, unless the monument and its
23 accessories are substantially as described in a monument record filed
24 under this chapter or on a survey plat of record.

25 (b) An agency whose activities will disturb or destroy a monu-
26 ment or its accessories shall have a land surveyor

27 (1) file a monument record before the monument or its
28 accessories are disturbed or destroyed;

29 (2) restore or replace the monument and its accessories

1 after the activities have ceased; and

2 (3) file a new monument record after restoring or replacing
3 the monument or its accessories.

4 (c) A person who disturbs or destroys a monument shall file a
5 notice of the disturbance or destruction in the office of the district
6 recorder.

7 (d) A land surveyor may file a monument record for any monument.

8 (e) A land surveyor who is required to file a monument record
9 under this section shall do so within 90 days of the completion of the
10 survey or of the establishment, reestablishment, or rehabilitation of
11 a monument.

12 (f) A monument record shall be signed and sealed by the land
13 surveyor responsible for the survey.

14 Sec. 34.65.050. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
15 of survey is not required for a survey

16 (1) made by the Bureau of Land Management;

17 (2) when a plat of the survey has been filed or will be
18 filed within 18 months after the field survey is completed.

19 Sec. 34.65.060. DUTIES OF THE COMMISSIONER. (a) The commis-
20 sioner shall adopt regulations to implement this chapter.

21 (b) The commissioner shall provide a standard form for a monu-
22 ment record.

23 Sec. 34.65.070. DUTIES OF THE DISTRICT RECORDER. (a) The
24 district recorder shall provide a copy of a monument record or a copy
25 of a record of survey to the municipal clerk for the municipality in
26 which the monument or survey is located.

27 (b) The district recorder shall keep a proper index of monument
28 records and records of survey by the survey name, tract designation,
29 subdivision designation, or United States public land designation.

1 Sec. 34.65.100. DEFINITIONS. In this chapter

2 (1) "accessory" means physical evidence adjacent to a
3 monument used for the future identification and restoration of a
4 monument;

5 (2) "commissioner" means the commissioner of natural re-
6 sources;

7 (3) "land surveyor" means a professional land surveyor
8 licensed under AS 08.48;

9 (4) "monument" means

10 (A) a United States public land survey monument;

11 (B) an Alaska state land survey primary monument;

12 (C) an exterior primary monument controlling a re-
13 corded survey;

14 (D) a geodetic control monument established by a state
15 or federal agency;

16 (5) "United States public land survey monument"

17 (A) means a survey monument established in a cadastral
18 survey by the Bureau of Land Management or its predecessor;

19 (B) includes a monument in a United States special
20 survey and United States mineral survey that is a part of the
21 public land records of the Bureau of Land Management.

22 * Sec. 2. This Act takes effect July 1, 1985.
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27
28
29

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS




ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives MEMORANDUM

DATE: April 29, 1985

TO: House Finance Committee

FROM: Representative Pat Pourchot 

RE: HB 170, Relating to Land Surveys

HB 170, relating to land surveys and sponsored by Representative Koponen, was originally considered by the Finance Committee on March 28. At that hearing several members of the committee expressed concerns that Section 1 of the bill effectively gave rights of "legal trespass" to a surveyor without having to give notice to the landowner. Since that time, I have worked with the sponsor, DNR staff, surveyors and other interested parties to come up with some acceptable notice requirements prior to a surveyor entering private land.

Surveyors presented a "worst case" scenario where notification of landowners would be particularly onerous, such as in an urban area, surveying a lot along a previously surveyed boundary where the surveyor might have to contact dozens of property owners whose land he or she would be technically crossing by walking along a rear or side boundary.

I believe we have come to an equitable compromise. The proposed CS requires reasonable notice to landowners or occupants prior to entry by the surveyor. We have also included an exception to notice requirements for surveys along previously surveyed boundaries within platted subdivisions approved or performed by the federal government (i.e. the Bureau of Land Management) or approved under Title 29 or Title 40 which relates to surveys within unorganized areas of the state.

I believe this compromise addresses the legitimate concerns of surveyors in urban and subdivision situations while protecting private property owners against trespass without prior notification.

I recommend the attached draft CS for adoption.



COOK INLET REGION, INC.

April 18, 1985

Representative Albert P. Adams
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adams:

Cook Inlet Region, Inc. (CIRI) is opposed to House Bill Number 170 in its present form. CIRI views the proposed legislation as a flagrant abuse of private property rights. This bill does nothing more than legalize trespass and places an additional management burden on our Corporation. Our primary concern is that the proposed legislation does not address CIRI's permitting rights.

Presently, CIRI requires a permit for all activities that occur on its lands. These permits do several things: (1) provide notification of proposed activities; (2) identify types and scale of activities; (3) provide stipulations to mitigate any adverse impacts of the proposed activities, and (4) indemnify CIRI from all liability associated with activities on CIRI lands.

Representative Pourchot has submitted amended language that satisfies our notification concerns. However, the bill still ignores CIRI's right to require permits for use of its land, and more importantly, does not afford CIRI any protection against liability suits. Until these concerns are addressed we strongly oppose this bill and recommend that it is not passed.

I am willing to discuss our concerns and provide whatever additional information you may need. Thank you.

Sincerely,

COOK INLET REGION, INC.



Don Marx, Director
Land Management and Administration

DM/slb:198:2

CC: Regional Corporations
AFN

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

revised
POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

February 21, 1985

SUBJECT: Land surveys (HB 170)
TO: .. Representative Niilo Koponen
FROM: Richard A. Bradley
Legislative Counsel *B*

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill adds a new chapter to AS 34 (Property) relating to land surveys.

Sec. 10 states the purpose of the chapter: (1) to authorize right of entry on land for survey purposes (cf. sec. 20) and (2) establish a method for preserving evidence of land surveys (cf. secs. 30 - 70).

Sec. 20 establishes the right of a land surveyor and the employees of a surveyor to enter on land for the purposes of surveying it. When on the land, the land surveyor is responsible only for "actual damages". I believe that this rule is intended to alter the usual rule that damages to some extent are presumed to have occurred in a trespass; in this situation, damages would only be available on the showing of affirmative and actual (as opposed to legal) damages. And the section authorizes the attorney general to bring an action to "restrain and prevent an obstruction of entry" under (a) of the section.

Sec. 30 relates to "records of survey."

Sec. 30(a) provides that a land surveyor shall file a record of survey within 90 days of the completion of a survey when the survey discloses (1) "material evidence or physical change" that is not reflected on a previous "plat of record;" (2) a "material discrepancy" with a previously filed "plat of record;" or (3) evidence that by "reasonable analysis" might alter existing recorded "positions of boundaries."

Sec. 30(b) provides that a land surveyor shall file a monument record when the land surveyor "reestablishes, uses as a control, or restores a monument to make it readily identifiable or reasonably durable" unless the monument and its accessories are as described in an existing monument record or a survey plat of record.

Sec. 30(c) provides that when activities on the land, as for example construction, will "disturb or destroy a monument or its accessories", the land surveyor shall

- (1) file a monument before the monument and its accessories are disturbed or destroyed;
- (2) restore or replace the monument and its accessories after the activities have ceased; and
- (3) file a new monument record after restoring or replacing the monument and its accessories.

Sec. 30(d) provides that a land surveyor may file a monument record at any time.

Sec. 30(e) provides that when a land surveyor is required to file a monument record by this section, the monument record shall be filed within 90 days of the "completion of the survey or of the establishment, reestablishment, or rehabilitation of a monument.

Sec. 30(f) requires a land surveyor to sign and seal a monument record.

Sec. 40 deals with situations when a record of survey is not required. The section provides that a record of survey is not required for survey made by the Bureau of Land Management; to some extent, the result suggested here would be

inevitable since the legislature does not have the power to impose burdens on a Federal agency.

The section also provides that a record of survey is not required when a plat of survey either has been filed or will be filed within 18 months of the field survey.

Sec. 50 directs the commissioner of natural resources to adopt regulations to implement the chapter. It also directs the commissioner to adopt a standard form for a record of survey.

Sec. 60 relates to the duties of the district recorder.

Sec. 60(a) directs the district recorder to provide a copy of a monument record or a copy of the record of survey to the municipal clerk for the municipality in which the record or survey is located.

Sec. 60(b) provides that the district recorder is to keep a proper index of monument records and records of survey by "survey name, tract designation, subdivision designation, or United States public land designation."

Sec. 70 defines terms for the chapter, including "accessory," "monument," and "united States public land survey monument."

If I may be of further assistance, please advise.

RAB:csh
c3/014



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

P. O. BOX 376
ANCHORAGE, ALASKA 99510

April 19, 1985

Representative Albert Adams
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

On behalf of the 207 members of the Alaska Section, American Congress on Surveying and Mapping, I urge prompt consideration by your committee of House Bill 170 pertaining to right of entry for surveyors and for the recordation of records of surveys and monument records. A do pass recommendation of the bill in the original form as submitted by Representative Koponen and other sponsors is urged by this professional group. This legislation is of benefit to not only the surveying and mapping professions, but the public at large and is becoming sorely needed as the scope of land use accelerates in Alaska.

We understand there has been considerable discussion by some members of your committee regarding the precise wording for the right to entry portions of the proposed legislation. It is extremely difficult to word this section in such a manner as to meet the unique circumstances that exist in the various geographical areas of Alaska, especially as they pertain to identification of ownership and occupancy of lands in the general area where a survey is to be conducted and meet any notice requirement without serious impact on one party or another. What would work well under notice requirements in remote areas are absurd in developed cities. We, therefore, feel a formal advance notice procedure will be found to be totally unworkable in some areas or under some conditions.

In lieu of advance notice, we feel the restriction that surveyors may gain entry only for the surveying of legal property boundaries and not for other developmental type projects will be sufficient restriction to prevent misuse of the right to entry. We, therefore, strongly urge this proposed legislation in its original submitted form be passed out of your Committee with "do pass" recommendation.

Respectfully requested,
ALASKA SECTION, AMERICAN CONGRESS ON
SURVEYING AND MAPPING

C. A. Herschbach

C.A. Herschbach, R.L.S., M.I.S
Chairman

CAH:kh

cc: John Ringstad
Jim Duncan
Ronald Larson
Mike Szymanski
Sam Cotten

Steve Frank
John Binkley
Pat Porchout
Steve Rieger
Rick Uehling

JUSTIFICATION
AMENDMENTS TO AS 34 (ADDITION OF CHAPTER 65)

Section Authorizing Entry On Land For Survey Purposes

Thousands of survey monuments exist in the State of Alaska identifying section corners, township corners, various property boundaries and serving as geodetic control points in remote areas where no other survey control presently exists. Taxpayers' dollars were utilized to establish these monuments, as they were intended for purposes benefiting the public. Various Federal agencies, primarily the Bureau of Land Management, Coast and Geodetic Survey, Geological Survey, Corps of Engineers and Army Mapping Service and, more recently, various State of Alaska agencies established these monuments. Utilization of this existing monumentation is mandatory if the surveyors, mappers and photogrammetrists in the State are to conduct the surveys required by the public for property boundaries, subdivisions, construction projects and mineral, oil and gas exploration programs. Traditionally, access to this survey control has been available to these professionals as required to conduct these surveys. Access is primarily by foot, air or water and utilization of the station usually involves only the temporary setting up of a theodolite, distance measuring equipment, satellite survey system, photo control panel or in some cases, leaving a small, unmanned, battery-powered transmitter on a small tower or tripod to continuously broadcast signals for offshore or airborne positioning systems. No damage to the monument or its surrounding environment is entailed.

In addition, in the course of conducting surveys, surveyors must often physically traverse adjoining property boundaries or gain access to hilltops, mountain peaks or shorelines so as to gain line of sight or for other technical reasons. Again, the occupancy is limited in nature and normally involves no damage to the environment.

With increasing transfer of lands from the public domain into private ownership, access to these survey control monuments, property boundaries and key terrain features is becoming increasingly curtailed. Owners, applicants and alleged owners of the underlying property on which the monument is located or to which access must be gained, even in extremely remote areas of the State, are now requiring advance permission, and often the payment of considerable rental fees to briefly occupy the station or terrain feature. In some cases, there is outright refusal of access if the owners are not in agreement with the program for which a survey is being undertaken, regardless of the fact that the resultant program may be on State, Federal

or third party ownership. To further complicate the matter, often two or more persons or groups claim ownership to the same lands, leaving the surveyor in the position of not knowing from whom to obtain permission or alternatively, obtaining permission from the apparent owner only to be challenged by a second party claiming ownership. As survey monumentation in the remote areas of the State is extremely sparse, this allows the owner or alleged owner of the lands underlying a primary control monument to control developments over a vast area far outside their ownership. In some cases, a single monument may serve as primary control for thousands of square miles so use of alternate monuments is not feasible or even impossible.

This problem, nonexistent prior to five years or so ago, is annually becoming more critical. As much as surveyors, mappers and photogrammatrists wish to see the property rights of all individuals or groups to be properly protected, the time has come for some protection for all of the citizens of the State to utilize the survey monumentation which was established with their tax dollars, and to allow surveyors to determine citizen's property boundaries. Similar legislation has been found necessary in nearly all the other states of the union.

The Alaska Section, American Congress on Surveying and Mapping and the Alaska Society of Professional Land Surveyors and their members feel the time has now arrived that this legislation is mandatory if the rights of all individual citizens of this State are to be protected.

Section Requiring Record Of Survey And Monument Record

A present requirement exists in Alaska that subdivisional plats be recorded with the district recorder so as to be available for use by all citizens of interest. Hundreds of other land surveys are annually conducted, however, defining boundaries and rights-of-way, for which no such recording requirement exists and which presently do not become a part of any public record. Although some informal exchange of information currently takes place between the professional surveyors in the State, there is no official depository for records of this sort where a public or private surveyor can research records of previous surveys prior to undertaking a survey in the same area. This often results in repeated duplication of effort, boundary conflicts (between two surveyors utilizing totally different techniques to approach the same problem) and, at the very least, incursion of unnecessary costs by the surveyor's client if a private survey.

or the public at large if the survey is for public purposes. Similarly, as surveys are undertaken and key monumentation recovered, no current regulation or law requires the surveyor record any public document indicating the existence, lack of existence, condition of, or current status of key control monumentation in the project area. This is especially critical where monumentation will or likely will be destroyed during forthcoming construction following the initial survey. Replacement of these destroyed monuments is extremely costly unless adequate records exist prior to any disturbance, indicating the exact original position of the monument with ties to appropriate access ways.

These professional associations and their members believe it is the duty of all professional surveyors to file a record of survey and monument records for all appropriate surveys they undertake and that an appropriate procedure be established by the State to provide the mechanism for the recording of these documents.

The burden and cost of this recordation will primarily fall upon the surveyor and not the government entity. The sole cost to the State of Alaska or its subentities will be the cost of accepting and maintaining these records. It is estimated the total number of documents would not exceed 1000 per year. This very minor cost would be greatly offset by the value to State agencies, boroughs and municipalities that could make great use of the vast amount of information so recorded and made readily available with no cost of field acquisition whatsoever. Likewise, when individual citizens of the State require survey in the future, they will often achieve a cost saving because of the ready availability of these documents.

The majority of other states currently have statutes requiring recordation of monument and/or survey records. This is especially true in the western states where fewer surveys exist, with the resultant greater distance between monuments and longer time intervals between occasions when monuments may be inspected by professional surveyors.

Bradley
3/27/85

Original sponsors: Koponen, Sund,
Navarre, et al

KEY
— additions to Jud C.S.
[] deletions from Jud C.S.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 170 (Finance)

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 land surveys; and providing for
7 an effective date."

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

9 * Section 1. AS 34 is amended by adding a new chapter to read:

10 CHAPTER 65. LAND SURVEYS.

11 Sec. 34.65.010. PURPOSE. The purpose of this chapter is to
12 authorize right of entry on land for survey purposes, and to provide a
13 method for preserving evidence of land surveys by filing records of
14 survey and monument records. The provisions of this chapter supple-
15 ment laws relating to land survey platting and subdivision surveys.

16 Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYORS.

17 (a) A land surveyor or an employee of a land surveyor may enter
18 public or private land or water in the state only to occupy, locate,
19 relocate, install, or replace survey monuments, to locate boundaries,
20 determine geodetic positions, and to make surveys and maps.

21 (b) A land surveyor or an employee of a land surveyor is liable
22 to the landowner only for actual damages.

23 (c) The attorney general may bring an action in the name of the
24 state to restrain and prevent the obstruction of entry under (a) of
25 this section.

26 Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in
27 conformity with the practice and definition of land surveying, a land
28 surveyor shall file with the district recorder a record of the survey
29 within 90 days if the survey discloses

1 (1) material evidence or physical change that in whole or
 2 in part does not appear on a plat of record previously filed in the
 3 office of the district recorder or in the records of the Bureau of
 4 Land Management;

5 (2) a material discrepancy with a plat of record previously
 6 filed in the office of the district recorder or in the records of the
 7 Bureau of Land Management; or

8 (3) evidence that by reasonable analysis might result in
 9 alternate positions of boundaries from those of record.

10 ^[b]
 Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor who
 11 in the course of a survey establishes, reestablishes, uses as control,
 12 or restores a monument to make it readily identifiable or reasonably
 13 durable shall file a monument record, unless the monument and its
 14 accessories are substantially as described in a monument record filed
 15 under this chapter or on a survey plat of record.

16 ^[(c)]
 (b) A person or agency whose activities will disturb or destroy
 17 a monument or its accessories shall have a land surveyor

18 (1) file a monument record before the monument or its
 19 accessories are disturbed or destroyed;

20 (2) restore or replace the monument and its accessories
 21 after the activities have ceased; and

22 (3) file a new monument record after restoring or replacing
 23 the monument or its accessories.

24 ^[(d)]
 (c) A land surveyor may file a monument record for any monument.

25 ^[(e)] (d) A land surveyor who is required to file a monument record
 26 under this section shall do so within 90 days of the completion of the
 27 survey or of the establishment, reestablishment, or rehabilitation of
 28 a monument.

29 ^[(f)] (e) A monument record shall be signed and sealed by the land

1 surveyor responsible for the survey.

2 Sec. 34.65.050. ^[4] WHEN RECORD OF SURVEY IS NOT REQUIRED. A record
3 of survey is not required for a survey

4 (1) made by the Bureau of Land Management;

5 (2) when a plat of the survey has been filed or will be
6 filed within 18 months ^[of] after the field survey is completed.

7 Sec. 34.65.060. ^[5] DUTIES OF THE COMMISSIONER. (a) The commis-
8 sioner shall adopt regulations to implement this chapter.

9 (b) The commissioner shall provide a standard form for a monu-
10 ment record.

11 Sec. 34.65.070. ^[6] DUTIES OF THE DISTRICT RECORDER. (a) The
12 district recorder shall provide a copy of a monument record or a copy
13 of a record of survey to the municipal clerk for the municipality in
14 which the monument or survey is located.

15 (b) The district recorder shall keep a proper index of monument
16 records and records of survey by the survey name, tract designation,
17 subdivision designation, or United States public land designation.

18 Sec. 34.65.100. ^[7] DEFINITIONS. In this chapter

19 (1) "accessory" means physical evidence adjacent to a
20 monument used for the future identification and restoration of a
21 monument;

22 (2) "commissioner" means the commissioner of natural re-
23 sources;

24 (3) "land surveyor" means a professional land surveyor
25 licensed under AS 08.48;

26 (4) "monument" means

27 (A) a United States public land survey monument;

28 (B) an Alaska state land survey primary monument;

29 (C) an exterior primary monument controlling a

1 recorded survey;

2 (D) a geodetic control monument established by a state
3 or federal agency;

4 (5) "United States public land survey monument"

5 (A) means a survey monument established in a cadastral
6 survey by the Bureau of Land Management or its predecessor;

7 (B) includes a monument in a United States special
8 survey and United States mineral survey that is a part of the
9 public land records of the Bureau of Land Management.

10 * Sec. 2. This Act takes effect July 1, 1985.

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United States Department of the Interior 9658 (920)

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

JAN 18 1985

Honorable Niilo Koponen
Alaska State House of Representatives
Pouch V
Room C110, State Capitol Building
Juneau, Alaska 99811

Dear Mr. Koponen:

This letter references and supports the legislation being proposed by the Alaska Society of Professional Land Surveyors (ASPLS) concerning Right of Entry, Recordation, and Amendments to Title 38 of the Alaska Statutes.

The Bureau of Land Management (BLM) fully recognizes the need for the enactments of this legislation to further the orderly conduct of surveying and mapping activities in Alaska. Significant problems are already confronting the citizens and the Federal and State governments in the establishment, administration, and management of property boundaries and their associated records.

* The justification which has been written in support of this proposed legislation provides a clear picture of the needs but could have been expanded to convey the impact of the programs affected in the State. The BLM alone has a legislated workload which will require over a half billion dollars of surveying and mapping activities to identify lands for patent to the State, Native corporations and private claimants. Without this legislation the enactment of this work will be fraught with great wastes of human efforts and dollars due to the lack of required records keeping, higher costs to perform surveys and an inevitable increase in boundary legislation.

Your solid support of the enactment of the ASPLS proposed legislation is requested for the benefit of all Alaskans and the efficient use of State and Federal tax dollars.

We would be pleased to respond to any questions or comments you might have regarding this subject.

Sincerely,

Offered: 3/8/85
Referred: Finance

Original sponsors: Koponen, Sund,
Navarre, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 170 (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 land surveys."

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

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* Section 1. AS 34 is amended by adding a new chapter to read:

9

CHAPTER 65. LAND SURVEYS.

10

Sec. 34.65.010. PURPOSE. The purpose of this chapter is to authorize right of entry on land for survey purposes, and to provide a method for preserving evidence of land surveys by filing records of survey and monument records. The provisions of this chapter supplement laws relating to land survey platting and subdivision surveys.

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15

Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYORS.

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(a) A land surveyor or an employee of a land surveyor may enter public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, determine geodetic positions, and to make surveys and maps.

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(b) A land surveyor or an employee of a land surveyor is liable to the landowner only for actual damages.

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22

(c) The attorney general may bring an action in the name of the state to restrain and prevent the obstruction of entry under (a) of this section.

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24

25

Sec. 34.65.030. RECORDS OF SURVEY. (a) After making a survey in conformity with the practice and definition of land surveying, a land surveyor shall file with the district recorder a record of the survey within 90 days if the survey discloses

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(1) material evidence or physical change that in whole or

1 in part does not appear on a plat of record previously filed in the
2 office of the district recorder or in the records of the Bureau of
3 Land Management;

4 (2) a material discrepancy with a plat of record previously
5 filed in the office of the district recorder or in the records of the
6 Bureau of Land Management; or

7 (3) evidence that by reasonable analysis might result in
8 alternate positions of boundaries from those of record.

9 (b) A land surveyor who in the course of a survey establishes,
10 reestablishes, uses as control, or restores a monument to make it
11 readily identifiable or reasonably durable shall file a monument
12 record, unless the monument and its accessories are substantially as
13 described in a monument record filed under this chapter or on a survey
14 plat of record.

15 (c) A person or agency whose activities will disturb or destroy
16 a monument or its accessories shall have a land surveyor

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18 accessories are disturbed or destroyed;

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5 filed within 18 months of the field survey.

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7 survey and United States mineral survey that is a part of the
8 public land records of the Bureau of Land Management.

Alaska Society of Professional Land Surveyors

AFFILIATE OF AMERICAN CONGRESS OF SURVEYING AND MAPPING
MEMBER OF WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS



P.O. BOX 2106
ANCHORAGE, ALASKA 99510

January 17, 1985

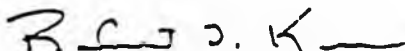
Representative Niilo Koponen
Alaska State House of Representatives
Pouch V
Room C110, State Capitol Bldg.
Juneau, Alaska 99811

Dear Representative Koponen:

The Anchorage Chapter of Alaska Society of Professional Land Surveyors at their annual dinner January 11, gave their unanimous approval to the legislation being proposed by the ASPLS Legislative committee concerning Right of Entry, Recordation, and Amendments to Title 38. We believe these bills to be of extreme importance to the efficient and orderly conduct of surveying and mapping in the State of Alaska. Many hours have gone into preparing this legislation by our State legislative committee and we respectfully request your review and support of this important legislation in the forthcoming session.

As president of the Anchorage Chapter and member of the legislative committee, I plan to be in Juneau the 23rd and 24th of January with other members of the Alaska Section American Congress of Surveying and Mapping and the Alaska Society of Professional Land Surveyors. At this time we would be pleased to meet with you and your staff and discuss any aspects of the proposed legislation.

Sincerely,



Robert T. Kean, President
c/o Kean & Assoc.
6510 Homer Drive
Anchorage, AK 99502

Introduced: 2/4/85
Referred: Labor & Commerce
and Judiciary

BY KOPONEN, SUND, NAVARRE,
UEHLING, JENKINS, RINGSTAD
AND PEARCE

1 IN THE HOUSE

2 HOUSE BILL NO. 170

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 land surveys."

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3 survey by the Bureau of Land Management or its predecessor;

4 (B) includes a monument in a United States special
5 survey and United States mineral survey that is a part of the
6 public land records of the Bureau of Land Management.

COMMITTEE REPORT
SENATE

FURTHER:

3/19/86

Date 5/7/86

Mr. President

The Committee on FINANCE considered CSHB 172 (Jud) am
rights of physically and mentally disabled persons.

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 SCS for CSHB 172 (Hess)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 2 & SFC (Gov. & CA)
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

~~Richard Halford~~
 Richard Halford
 Paul Fitch
 McLean
 Ferguson

MEMBERS HAVING
OTHER RECOMMENDATIONS

a - Jan Fitch
 Chairman
do pass
 Chairman recommendation

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (Hess)
 Title : An Act Relating to Rights of Deaf, Blind, Disabled Persons
 Sponsor : HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Court System
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

This fiscal note zeroes previous fiscal note funding for the Alaska Court System.

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Faiks, Co-chairman Date : 5/7/86
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)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (HESS)
 Title : Rights of physically and
mentally disabled persons

Sponsor : Duncan, Collins, Gruenburg
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Office of the Governor
 BRU : Commissions/Special Offices

Components : Human Rights Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : _____ Phone : 465-4523
 Division : Senator Jan Faiks, Co-chairman Date : 5/7/86
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)

Offered: 3/19/86
Referred: Finance

Original sponsors: Duncan, Collins
and Gruenberg

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 172 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."

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

9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.

16 * Sec. 2. AS 12.55.155(c)(22) is amended to read:

17 (22) the defendant knowingly directed the conduct consti-
18 tuting the offense at a victim because of that person's race, sex,
19 color, creed, physical or mental disability, ancestry, or national
20 origin;

21 * Sec. 3. AS 18.06.010 is amended to read:

22 Sec. 18.06.010. STATE POLICY. It is the policy of this state to
23 encourage and enable the [BLIND, THE VISUALLY HANDICAPPED, AND THE
24 OTHERWISE] physically or mentally disabled to participate fully in the
25 social and economic life of the state and to engage in remunerative
26 employment.

27 * Sec. 4. AS 18.06.020 is amended to read:

28 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
29 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the

1 same right as the able-bodied to the full and free pedestrian use of
2 the streets, highways, sidewalks, walkways, public buildings, public
3 facilities, and other public places.

4 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
5 physically or mentally disabled are entitled to full and equal accom-
6 modations, advantages, facilities, and privileges of all common carri-
7 ers, airplanes, motor vehicles, railroad trains, motor buses, street
8 cars, boats or any other public conveyances or modes of transporta-
9 tion, hotels, lodging places, places of public accommodation, amuse-
10 ment or resort, and other places to which the general public is invit-
11 ed, subject only to the conditions and limitations established by law
12 and applicable alike to all persons.

13 (c) Persons who are physically or mentally disabled [TOTALLY OR
14 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
15 by a service animal that is certified by a training facility for
16 service animals as being able to function in a public setting [GUIDE
17 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
18 in (b) of this section without being required to pay an extra charge
19 for the service animal [GUIDE DOG]; however, the person with the
20 animal [GUIDE DOG] is liable for any damage done to the premises or
21 facilities by the animal [DOG].

22 * Sec. 5. AS 18.06.030 is amended to read:

23 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
24 vehicle approaching a physically or mentally disabled [TOTALLY OR
25 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
26 or metallic in color, with or without a red tip, using special equip-
27 ment for mobility, or using a service animal [GUIDE DOG] shall take
28 all necessary precautions to avoid injury to the pedestrian, and a
29 driver who fails to take all necessary precautions and causes injury

1 to the pedestrian is liable in damages for the injury caused. A
2 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
3 pedestrian not carrying a cane as described in this section or using a
4 service animal [GUIDE DOG] in any of the places, accommodations or
5 conveyances set out under AS 18.06.020 has all of the rights and
6 privileges conferred by law upon other persons, and the failure of a
7 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-
8 an to carry a cane as described in this section or to use a service
9 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-
10 gence.

11 * Sec. 6. AS 18.06.040 is amended to read:

12 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
13 Enforcement of this chapter shall be by the state Human Rights Commis-
14 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
15 feres with admittance to or enjoyment of the public facilities set out
16 in AS 18.06.020 or otherwise interferes with the rights of a physical-
17 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
18 person is guilty of a class B misdemeanor [AND UPON CONVICTION IS
19 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR
20 NOT MORE THAN 60 DAYS, OR BY BOTH].

21 * Sec. 7. AS 18.06.050 is amended to read:

22 Sec. 18.06.050. DEFINITIONS. In this chapter "physically or
23 mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY
24 BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES
25 NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE
26 WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20
27 DEGREES].

28 * Sec. 8. AS 18.80.050 is amended by adding a new subsection to read:

29 (b) The commission shall adopt regulations relating to

1 discrimination because of physical and mental disability. The regula-
2 tions shall furnish guidance concerning the circumstances under which
3 it is permissible, appropriate, and relevant to consider a person's
4 physical or mental disability in deciding whether to provide the
5 person with employment, credit, financing, public accommodations,
6 housing accommodations, or other goods or services under this chapter.

7 * Sec. 9. AS 18.80.060(a) is amended to read:

8 (a) In addition to the other powers and duties prescribed by
9 this chapter the commission shall

10 (1) appoint an executive director approved by the governor;

11 (2) hire other administrative staff as may be necessary to
12 the commission's function;

13 (3) exercise general supervision and direct the activities
14 of the executive director and other administrative staff;

15 (4) accept complaints under AS 18.80.100;

16 (5) study the problems of discrimination in all or specific
17 fields of human relationships, and foster through community effort or
18 goodwill, cooperation and conciliation among the groups and elements
19 of the population of the state, and publish results of investigations
20 and research as in its judgment will tend to eliminate discrimination
21 because of race, religion, color, national ancestry, physical or
22 mental disability [HANDICAP], age, sex, marital status, changes in
23 marital status, pregnancy or parenthood;

24 (6) make an overall assessment, at least once every three
25 years, of the progress made toward equal employment opportunity by
26 every department of state government; results of the assessment shall
27 be included in the annual report made under AS 18.80.150;

28 (7) enforce AS 18.06.

29 * Sec. 10. AS 18.80.200 is amended to read:

1 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
2 a matter of legislative finding that discrimination against an inhabi-
3 tant of the state because of race, religion, color, national origin,
4 age, sex, physical or mental disability, marital status, changes in
5 marital status, pregnancy or parenthood is a matter of public concern
6 and that such discrimination not only threatens the rights and privi-
7 leges of the inhabitants of the state but also menaces the institu-
8 tions of the state and threatens peace, order, health, safety and
9 general welfare of the state and its inhabitants.

10 (b) Therefore, it is the policy of the state and the purpose of
11 this chapter to eliminate and prevent discrimination in employment, in
12 credit and financing practices, in places of public accommodation, in
13 the sale, lease, or rental of real property because of race, religion,
14 color, national origin, sex, age, physical or mental disability,
15 marital status, changes in marital status, pregnancy or parenthood.
16 It is also the purpose of this chapter to eliminate or prevent dis-
17 crimination or inequity resulting from ignorance or misconceptions
18 concerning the nature and effects of physical and mental disabilities.
19 It is not the purpose of this chapter to supersede laws pertaining to
20 child labor, the age of majority or other age restrictions or require-
21 ments.

22 * Sec. 11. AS 18.80.210 is amended to read:

23 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-
24 ployment, credit and financing, public accommodations, housing accom-
25 modations and other property without discrimination because of sex,
26 physical or mental disability, marital status, changes in marital
27 status, pregnancy, parenthood, race, religion, color or national
28 origin is a civil right.

29 * Sec. 12. AS 18.80.220(a) is amended to read:

1 (a) It is unlawful for

2 (1) an employer to refuse employment to a person, or to bar
3 the person [HIM] from employment, or to discriminate against the
4 person [HIM] in compensation or in a term, condition, or privilege of
5 employment because of [HIS] race, religion, color or national origin,
6 or because of [HIS] age, physical or mental disability [HANDICAP],
7 sex, marital status, changes in marital status, pregnancy or parent-
8 hood when the reasonable demands of the position do not require dis-
9 tinction on the basis of age, physical or mental disability [HANDI-
10 CAP], sex, marital status, changes in marital status, pregnancy or
11 parenthood;

12 (2) a labor organization, because of a person's sex, mari-
13 tal status, changes in marital status, pregnancy, parenthood, age,
14 race, religion, physical or mental disability, color or national
15 origin, to exclude or to expel the person [HIM] from its membership,
16 or to discriminate in any way against one of its members or an em-
17 ployer or an employee;

18 (3) an employer or employment agency to print or circulate
19 or cause to be printed or circulated a statement, advertisement, or
20 publication, or to use a form of application for employment or to make
21 an inquiry in connection with prospective employment, which expresses,
22 directly or indirectly, a limitation, specification or discrimination
23 as to sex, physical or mental disability, marital status, changes in
24 marital status, pregnancy, parenthood, age, race, creed, color or
25 national origin, or an intent to make the limitation, unless based
26 upon a bona fide occupational qualification;

27 (4) an employer, labor organization or employment agency to
28 discharge, expel or otherwise discriminate against a person because
29 the person [HE] has opposed any practices forbidden under

1 AS 18.80.200 - 18.80.280 or because the person [HE] has filed a com-
2 plaint, testified or assisted in a proceeding under this chapter;

3 (5) an employer to discriminate in the payment of wages as
4 between the sexes, or to employ a female in an occupation in this
5 state at a salary or wage rate less than that paid to a male employee
6 for work of comparable character or work in the same operation, busi-
7 ness or type of work in the same locality; or

8 (6) a person to print, publish, broadcast or otherwise
9 circulate a statement, inquiry or advertisement in connection with
10 prospective employment which expresses directly, a limitation, speci-
11 fication or discrimination as to sex, physical or mental disability,
12 marital status, changes in marital status, pregnancy, parenthood, age,
13 race, religion, color or national origin, unless based upon a bona
14 fide occupational qualification.

15 * Sec. 13. AS 18.80.230 is amended to read:

16 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-
17 DATION. It is unlawful for the owner, lessee, manager, agent or
18 employee of a public accommodation

19 (1) to refuse, withhold from or deny to a person any of its
20 services, goods, facilities, advantages or privileges because of sex,
21 physical or mental disability, marital status, changes in marital
22 status, pregnancy, parenthood, race, religion, color or national
23 origin;

24 (2) to publish, circulate, issue, display, post or mail a
25 written or printed communication, notice or advertisement that [WHICH]
26 states or implies

27 (A) that any of the services, goods, facilities,
28 advantages or privileges of the public accommodation will be
29 refused, withheld from or denied to a person of a certain race,

1 religion, sex, physical or mental disability, marital status,
2 color or national origin or because of pregnancy, parenthood, or
3 a change in marital status, or

4 (B) that the patronage of a person belonging to a
5 particular race, creed, sex, marital status, color or national
6 origin or who, because of pregnancy, parenthood, physical or
7 mental disability, or a change in marital status, is unwelcome,
8 not desired or solicited.

9 * Sec. 14. AS 18.80.240 is amended to read:

10 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
11 PROPERTY. It is unlawful for the owner, lessee, manager or other
12 person having the right to sell, lease or rent real property

13 (1) to refuse to sell, lease or rent the real property to a
14 person because of sex, marital status, changes in marital status,
15 pregnancy, race, religion, physical or mental disability, color or
16 national origin; however, nothing in this paragraph prohibits the
17 sale, lease or rental of classes of real property commonly known as
18 housing for "singles" or "married couples" only;

19 (2) to discriminate against a person because of sex, mari-
20 tal status, changes in marital status, pregnancy, race, religion,
21 physical or mental disability, color or national origin in a term,
22 condition or privilege relating to the use, sale, lease or rental of
23 real property; however, nothing in this paragraph prohibits the sale,
24 lease or rental of classes of real property commonly known as housing
25 for "singles" or "married couples" only;

26 (3) to make a written or oral inquiry or record of the sex,
27 marital status, changes in marital status, race, religion, physical or
28 mental disability, color or national origin of a person seeking to
29 buy, lease or rent real property;

1 (4) to offer, solicit, accept, use or retain a listing of
2 real property with the understanding that a person may be discrimin-
3 ated against in a real estate transaction or in the furnishing of
4 facilities or sources in connection therewith because of a person's
5 sex, marital status, changes in marital status, pregnancy, race,
6 religion, physical or mental disability, color, national origin or
7 age;

8 (5) to represent to a person that real property is not
9 available for inspection, sale, rental, or lease when in fact it is so
10 available, or to refuse a person to inspect real property because of
11 the race, religion, physical or mental disability, color, national
12 origin, age, sex, marital status, change in marital status or preg-
13 nancy of that person or of any person associated with that person;

14 (6) to engage in blockbusting;

15 (7) to make, print or publish, or cause to be made, printed
16 or published, any notice, statement or advertisement, with respect to
17 the sale or rental of real property that indicates any preference,
18 limitation, or discrimination based on race, color, religion, physical
19 or mental disability, sex, or national origin, or an intention to make
20 the preference, limitation or discrimination.

21 * Sec. 15. AS 18.80.250(a) is amended to read:

22 (a) It is unlawful for a financial institution or other commer-
23 cial institution extending secured or unsecured credit, upon receiving
24 an application for financial assistance or credit for the acquisition,
25 construction, rehabilitation, repair or maintenance of a housing
26 accommodation or other property or services, or the acquisition or
27 improvement of unimproved property, or upon receiving an application
28 for any sort of loan of money, to permit one of its officials or
29 employees during the execution of the official's or the employee's

1 [HIS] duties

2 (1) to discriminate against the applicant because of sex,
3 physical or mental disability, marital status, changes in marital
4 status, pregnancy, parenthood, race, religion, color or national
5 origin in a term, condition or privilege relating to the obtainment or
6 use of the institution's financial assistance or credit, except to the
7 extent of a federal statute or regulation applicable to a transaction
8 of the same character;

9 (2) to make or cause to be made a written or oral inquiry
10 or record of the sex, physical or mental disability, marital status,
11 changes in marital status, pregnancy, parenthood, race, religion,
12 color or national origin of a person seeking the institution's finan-
13 cial assistance or credit, unless the inquiry is for the purpose of
14 ascertaining the creditor's rights and remedies applicable to the
15 particular extension of credit and is not made or used in order to
16 discriminate in a determination of creditworthiness;

17 (3) to refuse to extend credit, issue a credit card or make
18 a loan to a married person or a person with a physical or mental
19 disability, who is otherwise creditworthy, if so requested by the
20 person;

21 (4) to refuse to issue a credit card to a married person in
22 that person's name, if so requested by the person, provided, however,
23 that the person so requesting a card may be required to open an ac-
24 count in that name.

25 * Sec. 16. AS 18.80.255 is amended to read:

26 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
27 SUBDIVISIONS. It is unlawful for the state or any of its political
28 subdivisions

29 (1) to refuse, withhold from or deny to a person any local,

1 state or federal funds, services, goods, facilities, advantages or
2 privileges because of race, religion, sex, color or national origin;

3 (2) to publish, circulate, issue, display, post or mail a
4 written or printed communication, notice or advertisement which states
5 or implies that any local, state or federal funds, services, goods,
6 facilities, advantages or privileges of the office or agency will be
7 refused, withheld from or denied to a physically or mentally disabled
8 person or a person of a certain race, religion, sex, color or national
9 origin or that the patronage of a physically or mentally disabled
10 person or a person belonging to a particular race, creed, sex, color
11 or national origin is unwelcome, not desired or solicited; it is not
12 unlawful to post notice that facilities to accommodate the physically
13 or mentally disabled are not available;

14 (3) to refuse or deny to a person any local, state, or
15 federal funds, services, goods, facilities, advantages or privileges
16 because of physical or mental disability.

17 * Sec. 17. AS 18.80 is amended by adding a new section to read:

18 Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not
19 be construed to require, or affect other laws that require or provide
20 for, the alteration or remodeling of buildings, facilities, or vehi-
21 cles in order to provide access to or accommodate the needs of a
22 person with a physical disability.

23 * Sec. 18. AS 18.80.300 is amended by adding new paragraphs to read:

24 (15) "major life activities" means functions such as caring
25 for one's self, performing manual tasks, walking, seeing, hearing,
26 speaking, breathing, learning, and working;

27 (16) "physical or mental disability" means

28 (A) a physical or mental impairment that substantially
29 limits one or more major life activities,

1 (B) a history of, or a misclassification as having, a
2 mental or physical impairment that substantially limits one or
3 more major life activities; or

4 (C) having

5 (i) a physical or mental impairment that does not
6 substantially limit a person's major life activities but
7 that is treated by the person as constituting such a limita-
8 tion;

9 (ii) a physical or mental impairment that sub-
10 stantially limits a person's major life activities only as a
11 result of the attitudes of others toward the impairment; or

12 (iii) none of the impairments defined in this
13 paragraph but being treated by others as having such an
14 impairment;

15 (D) a condition that may require the use of a prosthe-
16 sis, special equipment for mobility or service animal;

17 (17) "physical or mental impairment" means

18 (A) physiological disorder or condition, cosmetic
19 disfigurement, or anatomical loss affecting one or more of the
20 following body systems: neurological, musculoskeletal, special
21 sense organs, respiratory including speech organs, cardiovascu-
22 lar, reproductive, digestive, genito-urinary, hemic and lymph-
23 atic, skin, and endocrine; or

24 (B) mental or psychological disorder, including mental
25 retardation, organic brain syndrome, emotional or mental illness,
26 and specific learning disabilities.

27 * Sec. 19. AS 18.80.300(13) is repealed.

SECTIONAL ANALYSIS FOR SCS CSHB 172 (HESS)

Section 1 Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

Section 2 Includes as an aggravating factor under presumptive sentencing, offenses against a person because of that person's physical or mental disability.

Section 3 Includes mentally disabled persons under the state policy of encouraging and enabling disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Section 4 Replaces the phrase "blind, visually handicapped and otherwise disabled" with a broader term "physically and mentally disabled", which is defined in section 18. Protects the rights of these persons to use public streets, sidewalks, transportation and public accommodations. Also substitutes the term "service animal" in place of "guide dog" and requires that the animal be certified as able to function in a public setting.

Section 5 Extends the rights of pedestrians to include the "physically and mentally disabled" and allows the use of "service animals" and "special equipment for mobility". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

Section 6 Establishes that enforcement of physically and mentally disabled persons' rights is by the state Human Rights Commission. Provides that persons interfering with the rights of disabled persons are guilty of a class B misdemeanor.

Section 7 Deletes the existing definition of "totally blind" or "partially blind" and references the definition in Section 18 for "physically or mentally disabled."

Section 8 Requires that the State Human Rights Commission adopt regulations that would prohibit unjustified discrimination against a physically or mentally handicapped person in employment, credit, financing, public accommodations, housing accommodations, etc.

Section 9 Provides that the state Human Rights Commission has the duty to eliminate discrimination based on "physical or mental disability" and has the duty to enforce the rights of disabled persons.

Section 10 Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, public accommodations, and transfers of real property.

Section 11 Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Section 12 Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability."

Section 13 Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability."

Section 14 Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability."

Section 15 Prohibits discrimination in credit and financing matters against those with a "physical or mental disability."

Section 16 Prohibits discrimination by the state or its political subdivisions in providing federal funds, services, goods, facilities, advantages, or privileges, because of a "physical or mental disability".

Section 17 Clarifies that alteration or remodeling of buildings, facilities or vehicles is not required unless required by other law.

Section 18 Defines "physical or mental disability" as a physical or mental impairment that limits or is perceived as limiting a major life activity.

Section 19 Repeals the existing definition of "physical handicap." This term is no longer used in these statutes.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CS HB 172

Title: "An Act relating to the rights of physically & mentally disabled persons" and Developmental Disabilities

Sponsor: Duncan

Requestor:

Date of Request: 4-18-85

FISCAL DETAIL

Department of Health

Agency Affected: and Social Services

Program Category Affected: Division of Mental Health

BRU, Program or Subprogram(s) Affected:

Community Developmental Disabilities

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	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Mel Henry

Prepared By: Mel Henry, Ph.D., M.A.

Phone: 465-3370

Division: Mental Health and Developmental Disabilities

Date: 4-23-85

Approved by Commissioner: *John R. Poy*

Date: 4-25-85

Agency: Health & Social Services

JCC

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: March 20, 1985

REQUEST

Bill/Resolution No. CSHB 172 (HESS)
 Title: Rights of physically and mentally disabled persons
 Sponsor: Duncan
 Requestor: House HESS
 Date of Request: March 20, 1985

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						
200 TRAVEL						
300 CONTRACTUAL		2.700	2.835	2.970	3.100	
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		2.700	2.835	2.970	3.100	

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		2.700	2.835	2.970	3.100	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The funds are to provide interpreters for the deaf to the court system so that these people can serve on juries. There are 450 deaf adults in Alaska who use sign language, the assumption being that 300 are physically capable of serving, and 5% of those might serve in any given year. The cost is \$20.00/hour for interpreter fees figured on a 9 hour per juror factor and a 5% increase per year in the number of deaf jurors.

Prepared By: Representative Max Gruenberg Phone: 465-4986
 Division: House of Representatives Date: 3/20/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

11/5

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/10/86

REQUEST

Bill/Resolution No. : SCSCSHB 172
 Title : Rights of the Physically and
Mentally Disabled
 Sponsor : Rene Duncan Collins Gruenberg
 Requestor : Senator Fahrenkamp
 Date of Request : 2/6/86

FISCAL DETAIL

Agency Affected : Office of the Governor
 BRU : Commissions/Special Offices
 Components : Human Rights Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		48.6				
TRAVEL		7.5				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT		5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		56.6				

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND		56.6				
FEDERAL FUNDS						
OTHER						
TOTAL		56.6				

POSITIONS :

FULL-TIME		1.0				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

One PFT Human Rights Field Representative III, Range 18, plus attendant travel and supplies.

Prepared by : Michael A. Nizich, Director Phone : 465-3616
 Division : Administrative Services Date : Feb. 10, 1986

Approved by Commissioner : Laura J. Herman Date : Feb. 10, 1986
 Agency : Office of the Governor

Distribution (by Agency preparing fiscal note):

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

1.	POSITION TITLE Human Rights Field Rep. III			RANGE/STEP 18A	ORG. UNIT X	PAGE/LINE	COY.	APPROV.	DATE
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	ORG PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	37.6							
6.	Benefits	11.0							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	01	48.6						
10.	Travel	02	7.5						
11.	Contractual	03							
12.	Commodities	04	.5						
13.	Equipment	05							
14.	Other								
15.	TOTAL COST		56.6						
JUSTIFICATION									
This position will handle increased caseload (intake and processing) of complaints anticipated to be filed by disabled persons due to CSHB 172 (HESS).									
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts	1002						
18.		G.F. Match	1003						
19.		General Funds	1004	56.6					
20.		I-A Receipts	1005						
21.		Program Receipts	1028						
		Other							
FOR BSH USE ONLY									
KEY NUMBER _____									

**REQUEST FOR
NEW POSITION**

AGENCY Office of the Governor
 PROGRAM Commissions/Special Offices
 BRU Human Rights Commission
 COMPONENT _____

Page 2 of 2
 Revised Date 2/10/86

FY 86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

A/B

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS CSHB 172 (HESS)
 Title : An act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor : HESS
 Requestor : _____
 Date of Request : 2/5/86

FISCAL DETAIL

Agency Affected : ALASKA COURT SYSTEM
 BRU : Trial Courts
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.1	5.4	5.7	6.0	6.4
SUPPLIES		9.5	10.1	10.7	11.3	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		14.6	15.5	16.4	17.3	18.4

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND		14.6	15.5	16.4	17.3	18.4
FEDERAL FUNDS						
OTHER						
TOTAL		14.6	15.5	16.4	17.3	18.4

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared by : Robert G. Fisher Phone : 264-8215
 Division : Fiscal Officer Date : 2/6/86

Approved by Commissioner : J. Cole for Art Stewardson Date : 2/6/86
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note) :

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

ALASKA COURT SYSTEM
SCS CSHB 172 (HESS) - RIGHTS OF DEAF, BLIND,
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's travel and contractual budget categories. The other aspects of the legislation should not impact the Court.

Historically, seven to eight percent of all eligible persons are required to perform jury duty. Jury service typically averages slightly more than one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, it is estimated that approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court.

The geographical distribution of the adult deaf population is not known. To estimate the cost of providing interpreters, the court used 1984 jury statistics to estimate the probability of serving in each of the court locations statewide. These probabilities were applied to the estimated costs of providing an interpreter for the average length of jury service in each location. For locations other than Anchorage, one day of travel time was added to the average length of service. It was assumed that all interpreters are based in Anchorage. The summation of the costs for each court provided an estimate of the total cost of providing interpreters.

Interpreter fees are calculated to cost \$9,500 per year. Interpreter travel is estimated to cost \$5,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

POSITION PAPER

CS HB 172

"An Act relating to the rights of physically and mentally disabled persons."

EFFECT OF CS HB 172:

A.S. 18.06 entitles a physically or mentally disabled person full and equal accommodations, advantages, facilities and privileges on all common carriers, airplanes, motor vehicles, trains, buses, street cars, boats or other public conveyance, hotels lodging, places of public accommodations, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes physically or mentally disabled persons have the right to be accompanied by service animals in the above locations and describes rights of physically and mentally disabled persons (and their service animals) as pedestrians.

Under A.S. 18.80, all areas of the Human Right Law would be expanded to provide equal protection to "physically and mentally disabled persons" as defined.

RECOMMENDATION:

The Department of Health and Social Services supports passage of CS HB 172.

Recommended by:

Thomas R. Braxton for

Mel Henry, Ph.D., M.P.A.

Date:

4-23-85

Approved by:

John Pugh

John Pugh, Commissioner

Date:

4-25-85

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

Letter of Intent for SCS CSHB 172 (HESS)

The Alaska State Commission for Human Rights is currently charged with eliminating and preventing unlawful discrimination in Alaska. SCS CSHB 172 (HESS) extends this civil rights protection to mentally and physically disabled persons. Sections 4 and 5 protect the rights of physically and mentally disabled persons to use public streets, buildings and accommodations. It is the intent of the Senate Committee on Health, Education and Social Services that the Commission's enforcement responsibility of these rights extend only to accepting complaints and not to conducting criminal investigations or prosecutions.

Offered: 4/17/85
Referred: Rules

Original sponsors: Duncan, Collins
and Gruenberg

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 172 (Judiciary) am
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 rights of physically and
7 mentally disabled persons."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 18.06.020 is amended to read:
10 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
11 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the
12 same right as the able-bodied to the full and free pedestrian use of
13 the streets, highways, sidewalks, walkways, public buildings, public
14 facilities, and other public places.
15 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
16 physically or mentally disabled are entitled to full and equal accom-
17 modations, advantages, facilities, and privileges of all common
18 carriers, airplanes, motor vehicles, railroad trains, motor buses,
19 street cars, boats or any other public conveyances or modes of trans-
20 portation, hotels, lodging places, places of public accommodation,
21 amusement or resort, and other places to which the general public is
22 invited, subject only to the conditions and limitations established by
23 law and applicable alike to all persons.
24 (c) Persons who are physically or mentally disabled [TOTALLY OR
25 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
26 by a service animal that is certified by a training facility for
27 service animals as being able to function in a public setting [GUIDE
28 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
29 in (b) of this section without being required to pay an extra charge

1 for the service animal [GUIDE DOG]; however, the person with the
2 animal [GUIDE DOG] is liable for any damage done to the premises or
3 facilities by the animal [DOG].

4 * Sec. 2. AS 18.06.030 is amended to read:

5 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
6 vehicle approaching a physically or mentally disabled [TOTALLY OR
7 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
8 or metallic in color, with or without a red tip, using special equip-
9 ment for mobility, or using a service animal [GUIDE DOG] shall take
10 all necessary precautions to avoid injury to the pedestrian, and a
11 driver who fails to take all necessary precautions and causes injury
12 to the pedestrian is liable in damages for the injury caused. A
13 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
14 pedestrian not carrying a cane as described in this section or using a
15 service animal [GUIDE DOG] in any of the places, accommodations or
16 conveyances set out under AS 18.06.020 has all of the rights and
17 privileges conferred by law upon other persons, and the failure of a
18 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-
19 an to carry a cane as described in this section or to use a service
20 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-
21 gence.

22 * Sec. 3. AS 18.06.040 is amended to read:

23 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who denies
24 or interferes with admittance to or enjoyment of the public facilities
25 set out in AS 18.06.020 or otherwise interferes with the rights of a
26 physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]
27 disabled person is guilty of a Class B misdemeanor [AND UPON
28 CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY
29 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

1 * Sec. 4. AS 18.06.050 is amended to read:

2 Sec. 18.06.050. DEFINITIONS. In this chapter "physically or
3 mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY
4 BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES
5 NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE
6 WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20
7 DEGREES].

8 * Sec. 5. AS 18.80.060(a) is amended to read:

9 (a) In addition to the other powers and duties prescribed by
10 this chapter the commission shall

11 (1) appoint an executive director approved by the governor;

12 (2) hire other administrative staff as may be necessary to
13 the commission's function;

14 (3) exercise general supervision and direct the activities
15 of the executive director and other administrative staff;

16 (4) accept complaints under AS 18.80.100;

17 (5) study the problems of discrimination in all or specific
18 fields of human relationships, and foster through community effort or
19 goodwill, cooperation and conciliation among the groups and elements
20 of the population of the state, and publish results of investigations
21 and research as in its judgment will tend to eliminate discrimination
22 because of race, religion, color, national ancestry, physical or
23 mental disability [HANDICAP], age, sex, marital status, changes in
24 marital status, pregnancy or parenthood;

25 (6) make an overall assessment, at least once every three
26 years, of the progress made toward equal employment opportunity by
27 every department of state government; results of the assessment shall
28 be included in the annual report made under AS 18.80.150;

29 (7) enforce AS 18.06.

1 * Sec. 6. AS 18.80.200 is amended to read:

2 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
3 a matter of legislative finding that discrimination against an inhabi-
4 tant of the state because of race, religion, color, national origin,
5 age, sex, physical or mental disability, marital status, changes in
6 marital status, pregnancy or parenthood is a matter of public concern
7 and that such discrimination not only threatens the rights and privi-
8 leges of the inhabitants of the state but also menaces the institu-
9 tions of the state and threatens peace, order, health, safety and
10 general welfare of the state and its inhabitants.

11 (b) Therefore, it is the policy of the state and the purpose of
12 this chapter to eliminate and prevent discrimination in employment, in
13 credit and financing practices, in places of public accommodation, in
14 the sale, lease, or rental of real property because of race, religion,
15 color, national origin, sex, age, physical or mental disability,
16 marital status, changes in marital status, pregnancy or parenthood.
17 It is not the purpose of this chapter to supersede laws pertaining to
18 child labor, the age of majority or other age restrictions or require-
19 ments.

20 * Sec. 7. AS 18.80.210 is amended to read:

21 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-
22 ployment, credit and financing, public accommodations, housing accom-
23 modations and other property without discrimination because of sex,
24 physical or mental disability, marital status, changes in marital
25 status, pregnancy, parenthood, race, religion, color or national
26 origin is a civil right.

27 * Sec. 8. AS 18.80.220(a) is amended to read:

28 (a) It is unlawful for

29 (1) an employer to refuse employment to a person, or to bar

1 the person [HIM] from employment, or to discriminate against the
2 person [HIM] in compensation or in a term, condition, or privilege of
3 employment because of [HIS] race, religion, color or national origin,
4 or because of [HIS] age, physical or mental disability [HANDICAP],
5 sex, marital status, changes in marital status, pregnancy or parent-
6 hood when the reasonable demands of the position do not require dis-
7 tinction on the basis of age, physical or mental disability [HANDI-
8 CAP], sex, marital status, changes in marital status, pregnancy or
9 parenthood;

10 (2) a labor organization, because of a person's sex, mari-
11 tal status, changes in marital status, pregnancy, parenthood, age,
12 race, religion, physical or mental disability, color or national
13 origin, to exclude or to expel the person [HIM] from its membership,
14 or to discriminate in any way against one of its members or an
15 employer or an employee;

16 (3) an employer or employment agency to print or circulate
17 or cause to be printed or circulated a statement, advertisement, or
18 publication, or to use a form of application for employment or to make
19 an inquiry in connection with prospective employment, which expresses,
20 directly or indirectly, a limitation, specification or discrimination
21 as to sex, physical or mental disability, marital status, changes in
22 marital status, pregnancy, parenthood, age, race, creed, color or
23 national origin, or an intent to make the limitation, unless based
24 upon a bona fide occupational qualification;

25 (4) an employer, labor organization or employment agency to
26 discharge, expel or otherwise discriminate against a person because
27 the person [HE] has opposed any practices forbidden under AS 18.80.-
28 200 - 18.80.280 or because the person [HE] has filed a complaint,
29 testified or assisted in a proceeding under this chapter;

1 (5) an employer to discriminate in the payment of wages as
2 between the sexes, or to employ a female in an occupation in this
3 state at a salary or wage rate less than that paid to a male employee
4 for work of comparable character or work in the same operation, busi-
5 ness or type of work in the same locality; or

6 (6) a person to print, publish, broadcast or otherwise
7 circulate a statement, inquiry or advertisement in connection with
8 prospective employment which expresses directly, a limitation, speci-
9 fication or discrimination as to sex, physical or mental disability,
10 marital status, changes in marital status, pregnancy, parenthood, age,
11 race, religion, color or national origin, unless based upon a bona
12 fide occupational qualification.

13 * Sec. 9. AS 18.80.230 is amended to read:

14 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-
15 DATION. It is unlawful for the owner, lessee, manager, agent or
16 employee of a public accommodation

17 (1) to refuse, withhold from or deny to a person any of its
18 services, goods, facilities, advantages or privileges because of sex,
19 physical or mental disability, marital status, changes in marital
20 status, pregnancy, parenthood, race, religion, color or national
21 origin;

22 (2) to publish, circulate, issue, display, post or mail a
23 written or printed communication, notice or advertisement that [WHICH]
24 states or implies

25 (A) that any of the services, goods, facilities,
26 advantages or privileges of the public accommodation will be
27 refused, withheld from or denied to a person of a certain race,
28 religion, sex, physical or mental disability, marital status,
29 color or national origin or because of pregnancy, parenthood, or

1 a change in marital status, or

2 (B) that the patronage of a person belonging to a
3 particular race, creed, sex, marital status, color or national
4 origin or who, because of pregnancy, parenthood, physical or
5 mental disability, or a change in marital status, is unwelcome,
6 not desired or solicited.

7 * Sec. 10. AS 18.80.240 is amended to read:

8 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
9 PROPERTY. It is unlawful for the owner, lessee, manager or other
10 person having the right to sell, lease or rent real property

11 (1) to refuse to sell, lease or rent the real property to a
12 person because of sex, marital status, changes in marital status,
13 pregnancy, race, religion, physical or mental disability, color or
14 national origin; however, nothing in this paragraph prohibits the
15 sale, lease or rental of classes of real property commonly known as
16 housing for "singles" or "married couples" only;

17 (2) to discriminate against a person because of sex, mari-
18 tal status, changes in marital status, pregnancy, race, religion,
19 physical or mental disability, color or national origin in a term,
20 condition or privilege relating to the use, sale, lease or rental of
21 real property; however, nothing in this paragraph prohibits the sale,
22 lease or rental of classes of real property commonly known as housing
23 for "singles" or "married couples" only;

24 (3) to make a written or oral inquiry or record of the sex,
25 marital status, changes in marital status, race, religion, physical or
26 mental disability, color or national origin of a person seeking to
27 buy, lease or rent real property;

28 (4) to offer, solicit, accept, use or retain a listing of
29 real property with the understanding that a person may be

1 discriminated against in a real estate transaction or in the furnish-
2 ing of facilities or sources in connection therewith because of a
3 person's sex, marital status, changes in marital status, pregnancy,
4 race, religion, physical or mental disability, color, national origin
5 or age;

6 (5) to represent to a person that real property is not
7 available for inspection, sale, rental, or lease when in fact it is so
8 available, or to refuse a person to inspect real property because of
9 the race, religion, physical or mental disability, color, national
10 origin, age, sex, marital status, change in marital status or preg-
11 nancy of that person or of any person associated with that person;

12 (6) to engage in blockbusting;

13 (7) to make, print or publish, or cause to be made, printed
14 or published, any notice, statement or advertisement, with respect to
15 the sale or rental of real property that indicates any preference,
16 limitation, or discrimination based on race, color, religion, physical
17 or mental disability, sex, or national origin, or an intention to make
18 the preference, limitation or discrimination.

19 * Sec. 11. AS 18.80.250(a) is amended to read:

20 (a) It is unlawful for a financial institution or other commer-
21 cial institution extending secured or unsecured credit, upon receiving
22 an application for financial assistance or credit for the acquisition,
23 construction, rehabilitation, repair or maintenance of a housing
24 accommodation or other property or services, or the acquisition or
25 improvement of unimproved property, or upon receiving an application
26 for any sort of loan of money, to permit one of its officials or
27 employees during the execution of the official's or the employee's
28 [HIS] duties

29 (1) to discriminate against the applicant because of sex,

1 physical or mental disability, marital status, changes in marital
2 status, pregnancy, parenthood, race, religion, color or national
3 origin in a term, condition or privilege relating to the obtainment or
4 use of the institution's financial assistance or credit, except to the
5 extent of a federal statute or regulation applicable to a transaction
6 of the same character;

7 (2) to make or cause to be made a written or oral inquiry
8 or record of the sex, physical or mental disability, marital status,
9 changes in marital status, pregnancy, parenthood, race, religion,
10 color or national origin of a person seeking the institution's finan-
11 cial assistance or credit, unless the inquiry is for the purpose of
12 ascertaining the creditor's rights and remedies applicable to the
13 particular extension of credit and is not made or used in order to
14 discriminate in a determination of creditworthiness;

15 (3) to refuse to extend credit, issue a credit card or make
16 a loan to a married person, who is otherwise creditworthy, if so
17 requested by the person;

18 (4) to refuse to issue a credit card to a married person in
19 that person's name, if so requested by the person, provided, however,
20 that the person so requesting a card may be required to open an ac-
21 count in that name.

22 * Sec. 12. AS 18.80.300 is amended by adding new paragraphs to read:

23 (15) "major life activities" means functions such as caring
24 for one's self, performing manual tasks, walking, seeing, hearing,
25 speaking, breathing, learning, and working;

26 (16) "physical or mental disability" means

27 (A) a physical or mental impairment that substantially
28 limits one or more major life activities,

29 (B) a history of, or a misclassification as having, a

1 mental or physical impairment that substantially limits one or
2 more major life activities; or

3 (C) having

4 (i) a physical or mental impairment that does not
5 substantially limit a person's major life activities but
6 that is treated by the person as constituting such a limita-
7 tion;

8 (ii) a physical or mental impairment that sub-
9 stantially limits a person's major life activities only as a
10 result of the attitudes of others toward the impairment; or

11 (iii) none of the impairments defined in this
12 paragraph but being treated by others as having such an
13 impairment;

14 (D) a condition that may require the use of a prosthe-
15 sis, special equipment for mobility or service animal;

16 (17) "physical or mental impairment" means

17 (A) physiological disorder or condition, cosmetic
18 disfigurement, or anatomical loss affecting one or more of the
19 following body systems: neurological, musculoskeletal, special
20 sense organs, respiratory including speech organs, cardiovascu-
21 lar, reproductive, digestive, genito-urinary, hemic and lymph-
22 atic, skin, and endocrine; or

23 (B) mental or psychological disorder, including mental
24 retardation, organic brain syndrome, emotional or mental illness,
25 and specific learning disabilities.

26 * Sec. 13. AS 18.80.300(13) is repealed.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

5/10/85

Date 3-18-86

Mr. President

The Committee on HESS considered CSHB 172 (Jud) am

rights of physically and mentally disabled persons.

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 SCS for CSHB 172 ~~(Hess)~~ ^(Hess)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 2
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson

Edna McWine R.R.

Debra Schenkamp
Chairman

Chairman recommendation

COMMITTEE REPORT

44

HOUSE

(7)

FURTHER: FINANCE

2/6/85

Date: April 2, 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 173

"An Act making a special appropriation for payment as a grant to the City of Cordova for construction of a community hospital; and providing for an effective date."

under consideration and recommends:

- [X] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for [] same title [] new title
and recommends
[] AND attaches a "Letter of Intent" [] New Fiscal Note [] Zero Fiscal Note Attached
[] reports it back without recommendation
[] referred to the Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

LOPONEN [Signature]
GRUBENBERG [Signature]
HURLEY [Signature]
HANLEY [Signature]
TAYLOR [Signature]

THOMPSON [Signature] - NO REC
PETT, JOHN [Signature] no rec

CHAIRMAN [Signature]
Co-Chair [Signature]

Introduced: 2/6/85
Referred: Health, Education &
Social Services and Finance

Ford
0528

Funding Information
General Fund \$1,390,000
Other Funds -0-
\$1,390,000

1 IN THE HOUSE

BY CATO

2 HOUSE BILL NO. 173

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation for payment as
7 a grant to the City of Cordova for construction of a
8 community hospital; and providing for an effective
9 date."

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

11 * Section 1. The sum of \$1,390,000 is appropriated from the general
12 fund for payment as a grant to the City of Cordova for construction of a
13 community hospital.

14 * Sec. 2. The appropriation made by this Act shall be disbursed in
15 accordance with AS 37.05.315.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

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COMMITTEE COPY

ALASKA STATE LEGISLATURE

14th... Legislature FIRST.. Session

HOUSE BILL NO. 173

By ..CATO.....

"An Act making a special appropriation for payment as a grant to the City of Cordova for construction of a community hospital; and providing for an effective date."

Spec. Appro. Constuct. Cordova
Community Hosp.
Introduced in the House 2/6, 19.85

HISTORY IN THE HOUSE

19 85

Feb. 6

Read first time and referred to Committee on HESS AND FINANCE

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Introduced: 2/6/85
Referred: Health, Education &
Social Services and Finance

Funding Information
General Fund \$1,390,000
Other Funds -0-
\$1,390,000

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO.173

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation for payment as
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16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).