

ALABAMA LEGISLATIVE COMMISSION ON THE JUDICIAL BRANCH

673 SC - FILE NO. 36 - FILE NO. 43

673

2. \_\_\_\_\_  
 Name of employer                      Address                      Position held

\_\_\_\_\_

Dates of employment

3. \_\_\_\_\_  
 Name of employer                      Address                      Position held

\_\_\_\_\_

Dates of employment

I have been licensed to practice veterinary medicine in the following states:

1. \_\_\_\_\_  
 State Board      Certificate number      Date of issue      Certificate current?

2. \_\_\_\_\_  
 State Board      Certificate number      Date of issue      Certificate current?

3. \_\_\_\_\_  
 State Board      Certificate number      Date of issue      Certificate current?

List four references who have knowledge of your character and professional abilities.

1. \_\_\_\_\_  
 Name                                      Address                                      Zip Code

2. \_\_\_\_\_  
 Name                                      Address                                      Zip Code

3. \_\_\_\_\_  
 Name                                      Address                                      Zip Code

4. \_\_\_\_\_  
 Name                                      Address

Make any additional statement you may deem of value to the board:

\_\_\_\_\_

\_\_\_\_\_

If granted a license I will be governed by the rules and regulations of the Alaska State Board of Veterinary Examiners, and will at all times observe and abide by the Code of Ethics adopted by the Board.

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

Subscribed and sworn before me, a notary public in and for the State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
 Notary

\_\_\_\_\_  
 My commission expires

SEAL

# STATE OF ALASKA

JAY S. HAMMOND, Governor

**DEPARTMENT OF COMMERCE**  
and Economic Development  
DIVISION OF OCCUPATIONAL LICENSING

POUCH D — JUNEAU 99801  
PHONE 465-2544

## CERTIFICATE OF GOOD MORAL CHARACTER

THIS CERTIFIES THAT I HAVE BEEN PERSONALLY ACQUAINTED  
WITH \_\_\_\_\_ OF \_\_\_\_\_,  
FOR \_\_\_\_\_ YEARS AND THAT I KNOW HIM/HER TO BE OF GOOD MORAL  
CHARACTER, NOT ADDICTED TO THE USE OF HABIT-FORMING DRUGS OR  
INTEMPERANCE AND I HEREBY RECOMMEND HIM/HER TO THE BOARD OF  
\_\_\_\_\_ OF ALASKA AS ENTIRELY  
WORTHY TO BE LICENSED TO PRACTICE \_\_\_\_\_ IN  
ALASKA PURSUANT TO LAW.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

SEAL

# STATE OF ALASKA

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WORTHY TO BE LICENSED TO PRACTICE \_\_\_\_\_ IN  
ALASKA PURSUANT TO LAW.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

SEAL

VERIFICATION OF LICENSURE

I am applying for a certificate to practice veterinary medicine in the State of Alaska. The Alaska State Board of Veterinary Examiners requires that this form be completed by each jurisdiction in which I hold or have held licenses. Please complete the form and return it to:

DEPARTMENT OF COMMERCE  
Division of Occupational Licensing  
Alaska State Board of Veterinary Examiners  
Pouch D  
Juneau, Alaska 99811

\_\_\_\_\_  
Full Name of Applicant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

PLEASE DO NOT DETACH

.....

I, \_\_\_\_\_ certify that \_\_\_\_\_  
Secretary of Board Name of Applicant

holds license number \_\_\_\_\_ issued on \_\_\_\_\_, 19\_\_ by (examination)  
(reciprocity)(endorsement). This applicant's license has never been  
revoked and is current and in good standing with this board.

In testimony whereof witness my hand and seal.

\_\_\_\_\_  
Signed

(Void without Seal)

\_\_\_\_\_  
Designate Name of Board

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

Comments:

SJR

71

FILE EMPTY

SB

21

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K—STATE CAPITOL  
JUNEAU, ALASKA 99811

March 11, 1980

The Honorable Brad Bradley  
Chairman, Seante Commerce Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

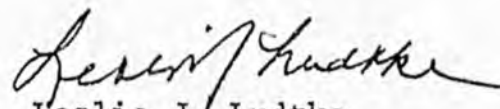
RE: Senate Resolution No. 21

Dear Senator Bradley:

After a preliminary review of Senate Resolution No. 21, this department has determined that there are no constitutional or legal problems preventing the implementation of this policy. Although this policy may result in certain costs to the state, the Department of Law is not in a position to prepare a fiscal note.

Sincerely yours,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Leslie J. Ludtke  
Assistant Attorney General

LJL;ab

SB

37, 43,

44



ALASKA LANDLORD & PROPERTY MANAGERS ASSOCIATION

MY NAME IS: SAMUEL CLEMENS

I REPRESENT THE ALASKA LANDLORD & PROPERTY MANAGERS ASSOCIATION

I HAVE BEEN IN THE RENTAL BUSINESS HERE IN ALASKA SINCE 1965. I AM A RELATIVELY SMALL LANDLORD WITH JUST 16 UNITS.

I AM RETIRED FROM THE NAVY, WITH OVER 30 YEARS OF SERVICE AND ALSO RETIRED FROM THE STATE OF ALASKA. I AM A LANDLORD BECAUSE I HAVE FOUND THIS TYPE OF ENTERPRISE AFFORDS ME THE OPPORTUNITY TO AUGMENT MY RETIREMENT INCOME AND ALLOWS ME TO BE INDEPENDENTLY SELF EMPLOYED WITHOUT ACTUALLY BEING EMPLOYED.

PRIMARILY I AM HERE TO REPRESENT THE ALASKA LANDLORD & PROPERTY MANAGERS ASSOCIATION. AS PRESIDENT OF THIS ASSOCIATION I REPRESENT A GOOD PORTION OF THE LANDLORDS AND PROPERTY MANAGERS WITHIN ALASKA. WE HAVE A MEMBERSHIP OF 175 MEMBERS, REPRESENTING 3,080 RENTAL UNITS IN ANCHORAGE ALONE. WE ALSO HAVE MEMBERS OPERATING IN OTHER CITIES OF ALASKA INCLUDING FAIRBANKS (WITH 620 UNITS REPRESENTED), KETCHIKAN, DOUGLAS AND SOLDOTNA WITH A SUBSTANTIAL NUMBER OF UNITS.

ADDRESSING ATTENTION TO THREE SENATE BILLS, SB-36, SB-38 AND SB-57. ALL OF WHICH HAVE BEEN INTRODUCED AS PROPOSED CHANGES, ADDITIONS OR AS CLARIFICATIONS OF ARTICLES WITHIN ALASKA STATUTES.

ALASKA STATUTES TITLE 34.03 - UNIFORM RESIDENTIAL LANDLORD & TENANT ACT SAYS:

1. SIMPLIFY, CLARIFY, MODERNIZE AND REVISE THE LAW GOVERNING THE RENTAL OF DWELLING UNITS AND THE RIGHTS AND OBLIGATIONS OF LANDLORD AND TENANT;
2. ENCOURAGE LANDLORD AND TENANT TO MAINTAIN AND IMPROVE THE QUALITY OF HOUSING;
3. MAKE UNIFORM THE LAW AMONG THOSE STATES WHICH ENACT IT.

WITH THAT AS BACKGROUND I FEEL THAT IS EXACTLY WHY THESE THREE SENATE BILLS HAVE BEEN INTRODUCED.

SENATE BILL 36 - A NEW SECTION TO BE ADDED TO THE STATUTES

I FEEL THAT THE LANDLORD SHOULD BE PROTECTED BY STATE LAW FROM BEING VICTIMIZED BY WORTHLESS CHECKS, THE SAME AS ANY OTHER TYPE OF BUSINESSMAN. IF IT IS A MISDEMEANOR TO PASS A BAD CHECK TO A MOTEL, HOTEL OR INNKEEPER, THEN THE SAME SHOULD APPLY LIKEWISE TO LANDLORDS. GRANTED HOTELS OPERATE ON A DAY TO DAY, OR A FEW DAYS OCCUPANCY AND A LANDLORD OPERATES ON A LONGER TIME SPAN AND EVEN THOUGH THE TWO TYPES OF LODGING ARE SIMILAR I NEVER-THE-LESS FEEL THAT THE LANDLORD HAS A GREATER INVOLVEMENT OF LIABILITY COMMITMENTS, AGREEMENTS AND A MUCH LONGER TIME. THE POINT IS THAT A B A D C H E C K IS EXACTLY THAT! AS A LANDLORD I WOULD LIKE TO FEEL THAT I DO HAVE PROTECTION OR AN AVENUE OF RECOURSE UNDER THE LAW.

SENATE BILL 38 - A NEW SECTION TO BE ADDED TO THE STATUTES

THIS BILL CLARIFIES WHERE THE RESPONSIBILITY RESTS FOR THE PROPER AND ADEQUATE SERVICES. IS IS PROTECTIVE IN NATURE. IT ALLOWS THE LANDLORD TO TAKE IMMEDIATE ACTION TO PROTECT HIS PROPERTY WHEN IT IS APPARENT THAT IT IS JEOPARIZED BY ANOTHER PERSONS NEGLIGENCE. I BELIEVE THIS BILL HAS BEEN INTRODUCED WITH THE INTENT OF PROTECTION OF BOTH LANDLORDS AND TENANTS. THERE IS MORE AT STAKE, SO TO SPEAK, IN A MULTIPLE DWELLING COMPLEX, THAN A LANDLORD AND A TENANT. IF ONE TENANT DID GET CARELESS IT COULD EFFECT THE SAFETY OF OTHER TENANTS. I FEEL THAT THE REMEDIAL PROVISIONS AS STATED ARE NECESSARY.

RELATE THE EXPERIENCE I HAD WITH TENANTS IN APT. "B", 40TH STREET - IF APPROPRIATE AND TIME ALLOWS.

SENATE BILL 57 - IN SUPPORT OF THIS BILL I WOULD LIKE TO READ A LETTER FROM AN ALPMA MEMBER AND ANCHORAGE ATTORNEY-AT-LAW:

READ LETTER -

MR. MAFFEI'S PROPOSED CHANGE AND AMENDMENT IS WELL SUPPORTED BY ALPMA. WE FEEL THAT THE TENANT SHOULD PROVIDE THE LANDLORD A FORWARDING ADDRESS AND ALSO THAT IN MANY CASES IT APPEARS THAT THE 14 DAY PERIOD IS NOT SUFFICIENT TIME TO DO ADEQUATE CHECKING ON CLOSE OUT OF UTILITY SERVICES AND TO KNOW THAT THERE WILL NOT BE ANY DELAYED BILLINGS PLACED ON THE LANDLORD AFTER THE TENANT HAS MOVED, THE NOTICE HAS BEEN TIMELY FORWARDED TO THE TENANT AND SO TO, SO TO SPEAK, THE TRANSACTION CLOSED.

SPEAKING OF PERSONAL EXPERIENCES, I PRESENTLY HAVE A LIKE SITUATION. THE TENANT BECAME UNEMPLOYED. EARLY IN JANUARY HE CONTACTED THE RESIDENT MANAGER AND STATED THAT THEY MAY HAVE TO MOVE AND ASKED IF THEY COULD USE UP THE SECURITY DEPOSIT AS RENT THROUGH THE 15TH. THE MATTER WAS REFERRED TO ME. THE NEXT DAY I TALKED WITH THE MAN AND EXPLAINED WHY I WOULD NOT AGREE WITH HIS REQUEST. WE DISCUSSED POSSIBILITIES OF THEM REMAINING IN THE APARTMENT. HE STATED THAT HE SHOULD BE RECEIVING AN UNEMPLOYMENT CHECK ON THE 15TH OF THE MONTH. WE AGREED TO THEM PAYING THE FULL MONTHS RENT AT THAT TIME. I ALSO INFORMED THEM THAT BY STATE LAW AND THE RENTAL AGREEMENT THEY WERE REQUIRED TO GIVE A 30 DAY NOTICE TO VACATE AND WHEN THEY DID VACATE AND IF ALL REQUIREMENTS WERE MET THAT THEY WOULD BE RECEIVING A REFUND OF SECURITY DEPOSIT. IT ALL SEEMED TO BE UNDERSTOOD. THEY WERE GOOD TENANTS.

ON JANUARY 15TH, EARLY EVENING, I WAS INFORMED BY THE MANAGER THAT THE TENANTS HAD MOVED. THEY HAD LEFT THE KEY IN THE MANAGERS MAIL BOX AND LEFT A NOTE THAT THEY HAD MOVED. THEY HAVE NOT GIVEN A FORWARDING ADDRESS OR PHONE NUMBER OR WHERE THEY COULD BE LOCATED. THIS IS AN EXAMPLE OF WHAT HAPPENS.

IN CONCLUSION AND SPEAKING IN BEHALF OF THE ALASKA LANDLORD AND PROPERTY MANAGERS ASSOCIATION I RECOMMEND AND URGE THAT EACH OF THESE BILLS BE PASSED, WHICH WILL CLARIFY AND STRENGTHEN THE STATUTES IN IT'S INTENT AND PURPOSE.

THANK YOU.

ALBERT MAFFEI  
TELEPHONE 277-2503

LAW OFFICES  
MAFFEI, INC.  
A PROFESSIONAL CORPORATION  
1034 WEST 4TH AVENUE  
ANCHORAGE, ALASKA 99501

P. O. BOX 674  
ANCHORAGE, ALASKA 99510

November 17, 1978

Mr. Bernard L. Marsh  
Executive Secretary  
Alaska Landlord & Property Managers Assoc.  
505 West Northern Lights Blvd.  
Suite 120  
Anchorage, AK 99503

RE: Landlord Tenant Act-Security Deposits

Dear Ben:

In my practice over the past several years regarding the Landlord-Tenant Act, it appears that the most troublesome provision is the one requiring the return of the security deposit.

The provision under AS 34.03.070(b), which provides that accrued rent and damages must be itemized by the landlord in a written notice delivered to the tenant, together with the amount due, no later than 14 days after termination of the tenancy and delivery of possession by the tenant is the one that causes the problems and probably should be amended.

The problem is the written notice delivered to the tenant. Generally, I have advised my clients that if a tenant does not give any written or verbal notice of his new address and the landlord has no actual notice of his new address, then the written notice should be delivered to the tenant at his last known address, which is the landlord's premises. This is impractical, however, since obviously the tenant has moved and unless he has left a forwarding address, the notice will not be delivered to him.

The question is if the notice is not delivered to the tenant, then may he bring action against the landlord for twice the actual amount withheld?

The law should be clarified to either provide that the tenant must notify the landlord in writing of his new address, or put the responsibility upon the tenant to make demand for the return of the security deposit giving his address and where he can be located, and then require that the landlord deliver to him within 14 days either the security deposit or the written notice. This would seem to be fair since rarely does


Mr. Bernard L. Marsh  
November 17, 1978  
Page Two

the tenant give his landlord notice of where he intends to move, and usually the tenant just skips without giving any notice, and waits until the 14 days have expired, and then brings an action for double the amount of the security deposit. If the landlord does not give a notice, obviously the tenant will be successful.

I would appreciate hearing from you regarding this matter.

Very truly yours,

MAFFEI, INC.



Albert Maffei

AM/bfm

37

Introduced: 1/16/79  
Referred: Commerce and  
Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 37

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to landlord remedies."

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

8 \* Section 1. AS 34.03.250(a) is amended to read:

9 (a) Except as provided in (c) of this section, a [A] lien or  
10 security interest on behalf of the landlord in the tenant's household  
11 goods is not enforceable unless perfected before March 19, 1974.

12 \* Sec. 2. AS 34.03.250 is amended by adding a new subsection to read:

13 (c) The landlord and tenant may execute a security agreement which  
14 gives the landlord an enforceable security interest for unpaid rent in  
15 the household goods of the tenant which are not exempt from execution or  
16 attachment under state or federal law. The landlord has no right to  
17 take possession of the collateral except by judicial process. The  
18 security interest is subject to AS 45.05.690 - 45.05.794 except when in-  
19 consistent with this section. The security interest is not a "land-  
20 lord's lien" for purposes of AS 45.05.696(2). The security agreement is  
21 void unless in writing and signed by the tenant.

22 \* Sec. 3. This Act applies prospectively only and not retroactively.

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43

Introduced: 1/16/79  
Referred: Commerce and  
Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 43

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rental agreements."

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

8 \* Section 1. AS 34.03.030(c) is amended to read:

9 (c) Except as provided in (d) of this section, if [IF] a rental  
10 agreement given effect by the operation of this section provides for a  
11 term longer than one year, it is effective only for one year.

12 \* Sec. 2. AS 34.03.030 is amended by adding a new subsection to read:

13 (d) If a rental agreement given effect by the operation of this  
14 section has either of the provisions listed below, that provision is as  
15 effective and enforceable as if each party had signed the agreement and  
16 delivered it to the other party:

17 (1) a provision requiring

18 (A) automatic renewal of the tenancy for a one-year term  
19 after a term of one year unless a written notice of nonrenewal is  
20 delivered by either party to the agreement to the other party; and

21 (B) automatic renewal of the tenancy each year in the  
22 same manner;

23 (2) a provision

24 (A) requiring automatic renewal of the tenancy for a  
25 one-year term after a term of one year unless a written notice of  
26 nonrenewal is delivered by either party to the agreement to the  
27 other party; and

28 (B) prohibiting more than one renewal of the tenancy  
29 under the rental agreement.

1 \* Sec. 3. This Act is inapplicable to rental agreements executed before  
2 the effective date of this Act.

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Alaska Court System  
State of Alaska

RICHARD P. BARRIER  
DEPUTY ADMINISTRATIVE DIRECTOR

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K STREET  
ANCHORAGE, ALASKA 99501

(907) 274-8611

February 9, 1979

Hon. W. E. "Brad" Bradley  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Bradley:

Thank you for sending the Court System several of your bills for comment and statements concerning fiscal impact. I have reviewed each of these bills, including SB 36, 37, 38, 42, 43, and 44, and find the impact of these bills on the operations of the Alaska Court System should be minimal. Each of these bills is related to substantive issues of law relating to landlords and remedies under the Landlord and Tenant Act. As a result of these bills there may be more or less litigation in various types of disputes but it is unlikely that the level of litigation will increase enough to have a serious impact on the Court System.

The Court System takes no position concerning the intent or purpose of the legislation you have sent us. Our comments are generally limited to impacts bills on the administration of the courts. Thank you for supporting the establishment of an intermediate Court of Appeals.

I would appreciate your continuing to send to us any bills which may have an impact on the Court System.

Sincerely,

Richard P. Barrier  
Deputy Administrative Director

4141

Introduced: 1/16/79  
Referred: Commerce and  
Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 44

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to security deposits and prepaid  
7 rent."

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

9 \* Section 1. AS 34.03.070(d) is amended to read:

10 (d) If the landlord wilfully fails to comply with (b) of this  
11 section, the tenant may recover an amount not to exceed [TWICE] the  
12 actual amount withheld.

13 \* Sec. 2. This Act applies to any action brought under AS 34.03.070(d)  
14 which is commenced on or after the effective date of this Act, regardless of  
15 when the cause of action may have arisen.

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BROOKE MARSTON, Broker  
WILEY S. BROOKS, Property Manager  
LINDA J. ENCELEWSKI, Assistant Manager



BRADY BRADLEY  
2804 W. NORTHERN LIGHTS BLVD.  
ANCHORAGE, ALASKA 99503  
TELEPHONE: (907) 274-5504

February 17, 1979

Mr. George Oliver  
President  
Anchorage Board of Realtors  
301 E. Fireweed  
Anchorage, Alaska 99503

Dear Mr. Oliver:

It has come to my attention that certain requirements of the Alaska Statutes and Regulations relating to Real Estate Brokers and salesmen are not in the best interest of property owners. In fact, specific statutes act to prevent property owners from effectively managing their own investments. Other statutes hinder those having a fiduciary responsibility from managing an owner's property by the most efficient and economical means.

Below are some specific statutes which I urge the Real Estate Board to carefully study and seek legislative change which will be more in the interest of real estate owners:

1. Article 2 Section 08.88.161 (1) which reads, "unless licensed as a real estate broker, associate real estate broker, or real estate salesman, no natural person, foreign or domestic corporation, or partnership, or limited partnership, or other entity may sell, exchange, rent, lease, auction, or purchase real estate."

Comment: The intent of this part of the statutes is undoubtedly to protect an owner against persons not having proper training and qualifications. But, literally interpreted, the words rent and lease prevent an owner from employing an unlicensed person from renting or leasing real estate in the owners behalf. I feel quite certain many owners absent from Alaska, or simply involved with their own enterprises authorize resident managers to sign rental and lease agreements for the owner. The owner should certainly have this right without placing an unlicensed resident manager in violation of the statutes. The exceptions found in Section 08.88.421 are not explicit enough to prevent some from insisting that an unlicensed non-owner is unauthorized to sign a rent or lease agreement.

Subparagraph (3) of the above reference section reads, "Collect rent for the use of real estate;"



Comment: This part of the statute is very specific and less subject to interpretation. It prohibits an owner or a professional management firm from including collecting rent monies as part of the duties assigned to an on-site manager. This is over regulation for the following reasons:

- 1) It is normally cost prohibitive to employ a licensed individual to work as a resident manager.
- 2) Residents of an apartment complex without a qualified (licensed) resident manager to collect rents are inconvenienced and incur travel expenses to pay rent monies.
- 3) It is a real estate owner's risk and right to employ a resident manager to collect rents in the owner's behalf.
- 4) Professional property management firms routinely provide a fidelity bond on employees to protect their client's interest. (See our own enclosed management agreement). Even though we are providing fidelity bonds on our employees, we are unable to utilize on-site managers to collect rents.

2. Article 3, Section 8.88.331 states:

"All transactions in real estate by a real estate salesman or associate real estate broker shall be processed through his employing real estate broker's office, whether the transactions are for the real estate salesman's or associate real estate broker's own use or the use of a client."

Article 3, Section 8.88.341 (1) states:

"A real estate broker shall (1) keep a complete record of all real estate transactions made by himself or persons in his employ for at least three years" etc.

Comment: While I am in complete agreement that the statute, as it relates to the real estate client is very appropriate, to deny the real estate salesman or associate real estate broker the freedom and privacy of renting, leasing and maintaining records on their own investments is very inappropriate.

RECOMMENDATIONS:

1. That Article 4 of Section 08.88.421 be amended as follows:  
Subparagraph (10) be added:  
(10) A person employed by a real estate owner or licensed owner's agent, whose responsibilities are limited to "on-site" management, office

Page 3  
Mr. George Oliver  
February 17, 1979

administration, or bookkeeping.

2. That article 4, of section 8.88.421 (1) be amended as follows:  
Subparagraph (11) be added - a person, though licenced, who rents leases, and maintains records or property he owns.
3. That a subparagraph (c) be added to Chapter 64 12 AAC 64.230 to read:  
(c) a licensee engaged in property management must provide a fidelity bond in adequate amounts on all employees who handle or are responsible for owner's monies.

I am certain you will insure the above recommendations will be given early study and action by the Anchorage Real Estate Board.  
Thank you for your interest and dedication in these matters.

Sincerely,

Wiley S. Brooks  
Manager

CC: Bernard L. Marsh, Executive Secretary  
Alaska Landlord & Property Managers Association



Alaska Court System

State of Alaska

303 K STREET  
ANCHORAGE, ALASKA 99501

RICHARD P. BARRIER  
DEPUTY ADMINISTRATIVE DIRECTOR

OFFICE OF ADMINISTRATIVE DIRECTOR

(907) 274-8611

February 9, 1979

Hon. W. E. "Brad" Bradley  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Bradley:

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The Court System takes no position concerning the intent or purpose of the legislation you have sent us. Our comments are generally limited to impacts bills on the administration of the courts. Thank you for supporting the establishment of an intermediate Court of Appeals.

I would appreciate your continuing to send to us any bills which may have an impact on the Court System.

Sincerely,

Richard P. Barrier  
Deputy Administrative Director

S B

98

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL  
JUNEAU, ALASKA 99811

February 8, 1979

The Honorable W. E. Bradley  
Alaska State Legislature  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 98

Dear Senator Bradley:

You have asked Dick Pegues, Administrative Officer for the Department of Law, for his comments on Senate Bill 98. I have been requested to respond to your letter in his stead.

If a fiscal note is required by SB 98, the Department of Public Safety would be the appropriate agency to inquire of, as this would fall within their expertise.

With respect to the substance of SB 98, the Department of Law has several objections which mitigate against its passage. As a primary consideration, should this bill become law there would be selective enforcement, at best. This is because the person at the counter in the Division of Motor Vehicles would have no way of knowing how long a person attempting to register a vehicle had been in the state, nor whether a person was employed nor for how long the person was employed. Should a person registering a vehicle admit that he has been in the state for longer than 90 days or employed for more than 15 days, he would be subject to the penalty reflected in SB 98. However, it is highly likely that people would soon be aware of the obvious advantages of misrepresenting these facts, and in this regard, the bill encourages misrepresentation.

February 8, 1979

In addition, the bill discriminates between residents and non-residents who register their vehicles at a time later than that required by law. There appears to be no valid reason for this distinction other than the possibly more difficult job of enforcing registration requirements on out-of-state vehicles.

It would appear that the best way to approach this problem is simply more strict enforcement of existing laws. I have consulted the Department of Public Safety; and the concerns expressed above are shared by that department.

If I may be of any further assistance, please contact me at your convenience.

Very truly yours,

AVRUM M. GROSS  
ATTORNEY GENERAL

DANIEL W. HICKEY  
CHIEF PROSECUTOR

By:

Michael J. Stark  
Michael J. Stark  
Assistant Attorney General

MJS/mt

5  
SB

102

102  
TO: SEN. WILLIAM SUMNER  
SEN. W.E. BRADLEY

FROM: KENNETH OWSICHEK 243-5899  
P.O. BOX 6301, ANCHORAGE, AK 99502

THIS IS TO STATE THAT I FULLY SUPPORT THE EFFORT TO REPEAL THE PRESENT GUIDE LAW. I AM A GUIDE WITH A \$400,000 INVESTMENT FOR MY GUIDING OPERATION. I RECEIVE NO GUIDE AREA DISPIE MY INVESTMENT, EXPERIENCE IN THE AREA AND DEPENDENCE ON GUIDING FOR A LIVING. I HAVE ALSO BEEN THREATENED BY THE BOARD WITH DISCIPLINARY ACTION FOR CHARGES AGAINST ME THAT WERE COMPLETELY DISMISSED IN A JURY TRIAL. I BELIEVE THE GUIDE BOARD IS ACTING BEYOND ITS PROPER FUNCTION. THEY HAVE BECOME AN ARM OF THE ATTORNEY GENERAL'S OFFICE AND THEIR SYSTEM OF ASSIGNING EXCLUSIVE GUIDE AREAS HAS BEEN HAPHAZARD, UNJUST AND ILLEGAL. I WILL SEND YOU A LETTER WITH DETAILS SUPPORTING MY VIEW. THANK YOU. EOM

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 503-8442

JUNEAU, ALASKA 99902

1979 FEB 26 PM 12 57

# 02033 ANCHORAGE ALASKA 27 02-26 955A AST

PMS SENATOR W E BRADLEY

JUNEAU AK

1066

DEAR SENATOR,

AS A LICENSED ALASKAN ASSISTANT GUIDE, I SUPPORT THE REPEAL OF  
PRESENT GUIDE LAW.

ALAN L JONES, LICENSE NBR 1110006

1317 WEST NORTHERN LIGHTS BLVD SUITE 9

ANCHORAGE AK 99503

TELEGRAM

02125 POM IDA CHUGIAK ALASKA 15 02-26 359P AST

PMS SEN W E BRADLEY

JUN

1 FAVOR REPEAL OF THE PRESENT GUIDE LAW.

DON SISSON BOX 707 CHUGIAK ALASKA 99567

DICK RICE  
P. O. Box 10  
Palmer, Ak. 99645

February 22, 1979

Dear Senator Bradley,

Regarding the effort to repeal the present guide law (limited guiding areas and license control by Guide board), I hope you will vote for and enlist support for the repeal of this law and the return of the previous method of regulating the guiding industry. At present nearly 80% of the guides in Alaska are in favor of the repeal of this arbitrary and restrictive law, including many of them who have drawn some benefit from it. Personally, I've been severely limited in my ability to make a living these past 3 years, because I've no area to limit in, though I've been guiding in the Wrangells and Chugach ranges for 15 years and am licensed for all 8 units in South Central Alaska.

Sincerely hope you and your fellow Senators will repeal the unfair guide law, and return things to normal as they were in 74.

Sincerely,



Dick Rice, Reg. Guide

DR/lr

February 22, 1979

Sen. W. E. Bradley  
Pouch V  
Capitol Building  
Juneau, AK 99811

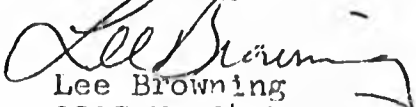
Dear Sen. Bradley:

I understand that you are presently discussing matters pertaining to the Guide Law. The purpose of this letter is to voice my full support of the repeal of this law.

I have been an active registered guide since 1962, but because of arbitrary and unfair regulations promulgated by the Guide Licensing & Control Board, I find myself without any area in which to guide. This is in spite of the fact that I am registered in Units 6 through 17.

In my opinion, the whole concept of allocating guide areas was ill conceived, badly timed, and expertly blundered. The same could be said for placing licensing and control in the hands of this Board. We were, I'm sorry to say, much better off as a profession when these functions were handled by the Department of Fish & Game.

Very truly yours,

  
Lee Browning  
2907 W. 34th Avenue  
Anchorage, Alaska  
99503

# BRUNNER

## OF ALASKA

6950 CRAWFORD DRIVE

ANCHORAGE, ALASKA 99502

TELEPHONE (907) 243-2284

HIGHEST PRICES PAID FOR RAW FURS • QUALITY TANNED ALASKAN FURS • THOPHY QUALITY WOLF & WOLVERINES  
WE BOOK HUNTING, FISHING AND WILDERNESS EXCURSIONS IN ALASKA

LOUIE K. BRUNNER  
Lt. Col. Ret.

February 23, 1979

Senator W. E. Bradley  
Pouch V  
Capitol Building  
Juneau, Alaska 99811

Dear Brad:

It has been some time since I have had the opportunity to set down and talk with you. Next time you have a chance drop by and see us. We are out of the taxidermy business but are still involved in Alaska raw furs.

The purpose of my letter is to urge you and your colleagues to give serious consideration to Mr. Ron Hayes' proposal to do away with the present guide law. In my position I have the opportunity to talk to guides, sportsmen and other interested personnel on a daily basis. I attend most of the guide board meetings and many of the fish and game board meetings. I have participated with the APHA and have donated considerable time and money to assist them in their efforts.

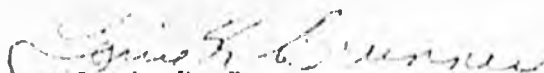
During the many years you and I have been in Alaska we have watched the guide hassle and it continues to get worse. The distribution of guide areas in the state is so complex and unfair that it has caused far more problems than it has resolved.

The loss of respect for the Alaskan Guides by the American Sportsman in the last few years is primarily due to the haggling presently going on in the guide board.

Let's clean up the guide business by putting it in the Alaskan Court system where it belongs! Let's do away with "dual jeopardy"--where the guide is tried by the courts and then again by the guide board. This would also do away with the unfairness caused by assigning guide areas. Remember--D-2 will amplify all the problems the guide board has been causing.

You are to be congratulated on the fine job you are doing in Juneau. Keep up the good work.

Sincerely,

  
Louie K. Brunner

(907) 344-1457

# SAMSAL GUIDE & FLYING SERVICE

LLOYD E. SAMSAL, OWNER

REGISTERED GUIDE & OUTFITTERS

2733 West 100th Avenue

Anchorage, Alaska 99502

February 23, 1979

Dear Senator W. E. Bradley:

I am an old time Alaska guide. I am writing to you to let you know I favor the repeal of the present guide law.

Sincerely,

Lloyd E. Samsal  
2733 West 100th Ave  
Anchorage, Alaska  
99502.



# Alaska

## Professional Hunters Association, Inc.

P. O. BOX 4-1932  
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977  
or (907) 262-4678

March 5, 1979

### OFFICERS

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JACK LEE

*Vice President*

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BILL ELLIS

*Southcentral*

KEN FANNING

*Central*

BEN FORBES

*Southeastern*

WAYNE HANS

*Kodiak*

BUD HELMRICKS

*Eastern Arctic*

KEITH KOONZ

*Arctic Coast*

ED SHAVINGS, Sr.

*Southwestern*

Senator Brad Bradley, Chairman  
Senate Commerce Committee  
Pouch V.  
Juneau, Alaska 99811

Dear Brad:

Thank you for sending me a copy of Senate Bill 102.

The Alaska Professional Hunters Ass. has long felt a step in this direction was needed badly. You have our complete support on this bill.

We were happy you introduced Senate Bill 101 also. This one was needed as well as the above. If we can be of any help in either of these let us know.

I can't think of any other group that would be interested in this legislation.

I understand some of the legislators are under the impression Mr. Tom Biss still represents APHA. This is not true, that arrangement was terminated Feb. 7, 1979. Would appreciate it if you would make a note of that for your Commerce Committee.

We certainly appreciate your work on our behalf with the above legislation.

Sincerely,

Ray McNutt

Introduced: 2/1/79  
Referred: Commerce

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 102

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the grounds for disciplining a  
7 licensed guide."

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

9 \* Section 1. AS 08.54.200(a)(1) is amended to read:

10 (1) complaints concerning the licensee have been filed with  
11 the board from three or more clients of separate parties within a con-  
12 tinuous five-year period; or *Proof of game*

13 *Violation by conviction.*

14 *I have been a guide for*  
15 *26 years - now I buy a*  
16 *license and have no place to*  
17 *hunt, I was not given*  
18 *a territory to hunt*

19 *Randy Vought*

20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Introduced: 2/1/79  
Referred: Commerce

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 102

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

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10 (1) complaints concerning the licensee have been filed with  
11 the board from three or more clients of separate parties within a con-  
12 tinuous five-year period; or

13 *above Regulation more*  
14 *stringent than applied to doctors*  
15 *or any other professional*  
16 *group I know of.*  
17 *Lee Hancock*  
18 *Box 955 - Anchorage 99510*

19 *Most Non-Resident Moose & Caribou*  
20 *hunters not handled by Registered*  
21 *guides, including Europeans.*  
22 *They are set out by Air Taxi's*  
23 *and others who may have a*  
24 *Transporters License.*  
25 *Lee Hancock*  
26

27

28

29

TELEGRAM

RCR ALASKA COMMUNICATIONS, INC.

ANCHORAGE ALASKA 99510

# 02084 POM ANCHORAGE ALASKA 15 02-23 314P AST

PMS SEN W E BRADLEY

JUN

I SUPPORT REPEAL OF THE PRESENT GUIDE LAW.

ROCKY KEEN

PO BOX 1605

ANCHORAGE AK 99510

# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE 33446

JUNEAU, ALASKA 99802

\* 02137 NL ANCHORAGE ALASKA 50 02-22 613P AST

PMS SENATOR W E BRAD BRADLEY

JUN

I AM HIGHLY IN FAVOR OF THE REPEAL OF THE PRESENT GUIDE LAW, IN  
REGARD TO A CORRESPONDENCE WITH MR RON HAYES AND MR TIM ENWRIGHT.  
BOTH REGISTERED GUIDES AND WE WANT THIS GUIDE LAW THROWN OUT.

W S BILL RICE, REGISTERED GUIDE

TIM ENWRIGHT, REGISTERED GUIDE

TELEGRAM

FOR ALL INFORMATION SEE

02129 NL ANCHORAGE ALASKA 50 02-22 350P AST

PMS SEN W E BRADLEY

JUN

SIR, AS AN ALASKAN REGISTERED GUIDE I SUPPORT REPEAL OF  
THE PRESENT GUIDE LAW, FORCING GUIDES TO HUNT IN EXCLUSIVE  
AREAS.

DENNIS C OWENS

BOX 361

MOOSE PASS, AK 99631

February 27, 1979

Dear Senator Bradley,

I hope you will vote to repeal the present Guide law, which limits guiding areas and gives liscense control to the Guide board, and return the guiding industry to jurisdiction of the ADF & G where it belongs, as it was until a few years ago. In a recent poll of Alaskan guides, 142 voted for repeal of this law, 43 against. Hope you'll support us in our fight to get rid of this restrictive Guide law and we'll all be able to make a decent living.

Respectfully,

Charles A. Edmonds, Reg. Guide

*Charles A. Edmonds*

CE/lr

March 2, 1879

Swater William Sumner,

Dear Sir,

I am writing you to voice my opinion.

I strongly urge you to vote to repeal the present  
guidelines. My guide license was suspended for  
two years even though I had a print and  
was placed not guilty. If the board has the  
power to revoke licenses independent of the court  
system.

Again I urge you to vote for repeal.

Sincerely

Tom W Zimmerman

SB 102

# Mark Miller

Feb. 27 1979

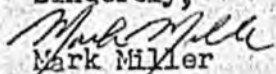
Senator W.E. Bradley  
Pouch V, Capitol Building  
Juneau, Ak. 99811

Dear Mr. Bradley,

The present guide board is not fulfilling it's job to the general guiding public. I think the guide area law should be thrown out and a more capable group of persons reduce it if the area thing is necessary. The fish and Game did a better job. Now as it stands, there are a few guides with large areas while others like myself have nothing. For two years I hunted on my own and make a good salary of under \$20,000.00. Now I don't have an area and for the last two years I had to stretch a major part of my income. Others have been granted areas so large they can still make \$100,000. plus and have room to expand.

Something must be done or all the state has succeeded in doing "again" is supporting another group of lucky people while the profession lays stagnant to those like myself who where fairly new in the area. I hope you can do something.

Sincerely,

  
Mark Miller



Official Business

# Alaska State Legislature

## Senate

### Committee on Commerce

March 1, 1979

Pouch V  
State Capitol  
Juneau, Alaska 99811

*Tom*

Mr. ~~Thomas~~ V. Zimmerman  
SRA Box 60726-A  
Fairbanks, Alaska 99701

Dear Mr. Zimmerman:

Enclosed is Senate Bill 102 relating to grounds for disciplining a licensed guide.

I would appreciate receiving any comments you may have pertaining to this bill. If you know of other agencies that have an interest in this legislation, please let me know so that I may get the benefits of comments from all knowledgeable and interested parties.

In consideration of a productive and expeditious session, I request that your comments be returned to the Senate Commerce Committee within 10 days.

Sincerely,

*Brad*

Brad Bradley  
State Senator  
Chairman  
Senate Commerce Committee

WEB:jp  
Encl

*I am opposed to any further government interference i.e. laws, regulations etc on the guiding industry. I feel the present law is abused from what it was intended for. Any additional legislation means red tape, red tape and all things associated.*

*Sincerely Tom V. Zimmerman Jr.*

**Sec. 08.54.190. Expiration and renewal.** (a) A master guide, registered guide, class-A assistant guide, assistant guide or transporter license expires on December 31, following issuance.

(b) No license may be issued to a class-A assistant guide or assistant guide who has failed to renew his license for two consecutive years unless he again meets the qualifications for initial issuance of the license.

(c) A master or registered guide who fails to renew a license is not required to requalify under § 100(2) or § 110(8) of this chapter, respectively. (§ 1 ch 17 SLA 1973; am § 12 ch 127 SLA 1974; am § 4 ch 106 SLA 1976)

**Effect of amendments.** — The 1974 amendment substituted "class-A assistant guide" for "class-A guide" in subsection (b).

The 1976 amendment substituted "assistant guide or transporter license" for "or assistant guide license" in subsection (a) and added "following issuance" to the end of that subsection.

**Editor's note.** — Section 10, ch. 106, SLA 1976, provides: "Nothing in this Act gives a person licensed as a transporter a right as an air carrier which he does not otherwise hold under law."

**Legislative committee report.** — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

**Sec. 08.54.200. Grounds for disciplining a licensee.** (a) The board shall hold a hearing to determine if disciplinary action is necessary if

(1) complaints concerning the licensee have been filed with the board from three or more clients of separate parties; or

(2) a licensee has been charged with a violation of federal or state sport fish, game or guide statutes or regulations; or

(3) a licensee has been convicted of a violation of federal or state sport fish, game or guide statute or regulation.

(b) After a hearing, the board may revoke, suspend, or deny renewal of a license if the board finds that the licensee

(1) engaged in unethical activity, unsafe activity, or activity which adversely affects the natural resources of the state when such activity is unrelated to the legal and legitimate purposes of the contract hunt; or

(2) violated a provision of a federal or state sport fish, game or guide statute or regulation.

(c) After a hearing, the board shall revoke a license if the board finds that the licensee

(1) does not meet the qualifications specified by statute or regulation for the class of license held;

(2) is incompetent as a master guide, registered guide, class-A assistant guide, or assistant guide;

(3) has been convicted of two violations of federal or state sport fish, game or guide statutes or regulations.

(d) No person who is disciplined under this section may engage in any guiding or transporting activity during the period of license revocation

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING  
JUNEAU, ALASKA 99801

*Chris, OK*

March 5, 1979

The Honorable Brad Bradley  
Chairman, Senate Commerce  
Committee  
Alaska State Legislature  
Pouch V, State Capitol  
Juneau, Alaska 99811

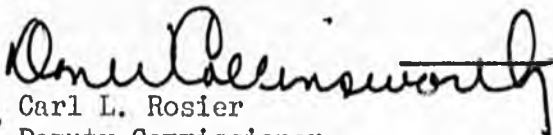
Dear Senator Bradley:

Your letter of February 19, regarding Department comments and a fiscal note on SB 102 was not received in our office until February 27, thus our written response is somewhat tardy. I did discuss this matter with one of your staff members on February 28, and indicated that a letter would be forthcoming.

The Department of Fish and Game does not plan to comment on SB 102 as we have essentially nothing to do with the administration of the State's guiding industry. This authority is vested in the Department of Commerce and Mr. Don Hostak administers the program. I believe that he will be commenting on the bill and would be the best source for preparation of a fiscal note.

If we can be of assistance to you on other matters, please feel free to contact our office.

Sincerely,

*for* 

Carl L. Rosier  
Deputy Commissioner  
Program Management

## STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER

POUCH N - JUNEAU 99811

February 27, 1979

Honorable Brad Bradley  
Chairman, Senate Commerce  
Committee  
Pouch V  
Juneau, Alaska 99811

RE: SB 102

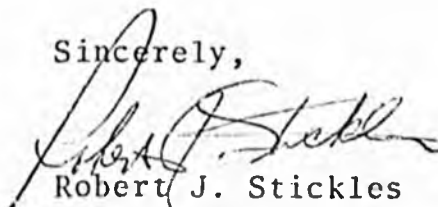
Dear Senator Bradley:

The Department of Public Safety supports SB 102. This bill does not alter current practices and in effect, would have little impact on current procedures. Complaints that are over five years old are not considered reasonably admissible in court and consequently not used.

You may want to contact the Department of Fish and Game, as it appears they will have an interest in the bill. There will not be a fiscal impact on this Department regardless of whether the bill passes or not.

I will be happy to meet with you at your convenience to answer any questions you may have.

Sincerely,



Robert J. Stickles  
Acting Deputy Commissioner  
Department of Public Safety

RJS/l sb



# Alaska

## Professional Hunters Association, Inc.

P. O. BOX 4-1932  
ANCHORAGE, ALASKA 99509

February 22, 1979

Phone (907) 243-3977  
or (907) 262-4678

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JACK LEE  
*Vice President*

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WAYNE HANS  
*Kodiak*  
BUD HELMRICKS  
*Eastern Arctic*  
KEITH KOONZ  
*Arctic Coast*  
ED SHAVINGS, Sr.  
*Southwestern*

W. E. Bradley  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Bradley:

The Alaska Professional Hunters Association is deeply concerned about the current move underway to remove the Guide Law from Alaska Statutes.

We would appreciate your considering the following points in behalf of retaining the Guide Law.

- A. It could be people are short sighted in their desire to throw out the guide law. Under the guide Licensing and Control Board it is known in what areas each guide is working. If we have no guide law everyone a plane, boat, snowmachine, horses etc. will be taking out hunt. Certainly there will be no respect to areas or who has been there traditionally, be they native or non-native
- B. It could not be at a worse time to rid ourselves of the guide law. That, in our opinion, would give the environmentalist the very thing they need to further restrict more land in order to keep the land and wildlife resources from being raped by uncontrolled hunting pressure by this one act. Secretary Andrus and Representative Morris Udall have already used these type tactics in their effort to gain more locked up land.
- C. The Alaska Game Board is meeting in April and, should they believe the guide law had a chance of being thrown out, it would greatly increase the possibility of them closing more areas to sport hunting or putting all big game under a permit system. By supporting a move to throw out the guide law, you will be killing the guiding industry as well as drastically curtailing the opportunity for resident sport hunting and working directly in the anti-hunting forces' hands.


Page 2

- D. Some may feel they will benefit by the removal of the guide law, those who have lost their license or didnot qualify for an exclusive guide area. This is very short sighted, perhaps they can for a period of a year. However, a year down the road, the guidin industry will die and that will effect all Alaskans.

We urge to support the Alaska Professional Hunters Association's position on this vital issue. The enclosed "Open Letter" will give you more detailed description of the above points and some others.

Mr. Tom Biss has not represented APHA as a lobbyist since February 7, 1979.

Respectfully,



Ray McNutt,  
President, APHA

Encl:

RM/km



# Alaska

## Professional Hunters Association, Inc.

P. O. BOX 4-1932  
ANCHORAGE, ALASKA 99509

Phone (907) 243-3977  
or (907) 262-4678

February, 1979

### OFFICERS

RAY McNUTT  
*President*  
JACK LEE  
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WAYNE HANS  
*Kodiak*  
BUD HELMRICKS  
*Eastern Arctic*  
KEITH KOONZ  
*Arctic Coast*  
ED SHAVINGS, Sr.  
*Southwestern*

### An Open Letter to the Guiding Industry-

Fellow guides, throwing out the Guide Law will not turn the calendar back to the days when we could take our clients into any area open for hunting. Nor will it solve the problem caused by the Antiquities Act closures, dwindling wildlife resources, or the irrational associated with this recent subsistence issue. To the contrary, it will only hasten restrictions and wreck havoc with what chance we have to survive in the guiding industry. These are pretty strong words to those of us who lost a substantial portion of our Exclusive Guide Area(s) to Carter's actions, but truth none-the-less.

I'd like to attempt to explain why I make the above statement. The most obvious argument to such statements is that "if the Guide Law is thrown out, and the Exclusive Guide Areas with it, then those of us who lost areas will be able to hunt anywhere we want to and therefore remain in business. I'll not argue that this may be true for this coming fall season, and I've thought of it myself as I lost a substantial portion of my fall area to the McKinley Extensions-BUT it's a damn short-sighted point of view if we look ahead about fourteen months to the Spring, 1980 meetings of the Game Board.

Suppose we throw out the Guide Law, or at least the Exclusive Area concept. Then this fall we all hustle our clients into the open areas; and it won't be just a few clients, but as many hunters as each of us feels we can handle 'cause this may be the last chance we have to make a buck in this business. And besides, it will be easy to book hunters this year because the word's out that permits may be darn hard to get next year. It doesn't take much imagination to see what happens next! But let's follow things on through.....

This fall, when sheep hunters all over Alaska are restricted to hunting about half the areas they've had in the past, we guides would be right there with them, in greater force than ever before because our areas have also been reduced and we have no place else to hunt.

Competition for airstrips, areas to hunt, and trophies would be at an unprecedented high level, and resultant conflicts between guides and residents would sky-rocket. Not only would every resident sportsman in the State raise hell about guides that did this, and guides that did that, but even more devastating for the guides who hope to remain in business, or retire with some self-respect, would be our success rates as compared to the resident harvest figures. At the same time the resident harvest will drop by an estimated 40 to 80 percent (depending upon whether we go to a full curl law or not), it is conceivable that by overbooking hustling, and just plain out-hunting we could approach or even surpass last fall's harvest. But any way we cut it, we would be considerably more successful than the resident hunter.

"So, what's so bad about this?"

I don't think any of us are so naive that we can expect the State and its residents to accept their cut in the harvest unless our non-resident clients are cut just as much in proportion, or even more, now that the crunch is on. And this is no idle observation, for speculation of the very speculation of the very situation I've described has been discussed between both the Department and the Board of Game and representatives of your Guide Association. All we, as an industry, have to do to cut our own throats and destroy any hope we have to head off lottery permit systems on sheep and bears is to sweep the available harvest this fall. If this happens and the non-resident harvest isn't correspondingly reduced along with the resident harvest in 1979 we are going to see so damn many anti-guide, anti-non-resident, pro-regional and discriminatory proposals from the public, Department of Fish and Game, Administration (we may see these anyway) and even the Game Board, that even if the 1980 Game Regulations don't put us all out of business the legislative and regional game boards will! Before ANY of us jumps on the band wagon to throw out the Exclusive Guide Areas we had better take a long hard look at the consequences; and at the motives of those proposing such action.

Most of us received a letter from Ron Hayes advocating that we join the Natives in their efforts to throw out the Guide Law. I doubt that many of us will disagree with some of Ron's reasons, but I sure take exception to his reasoning that they'll cooperate with us in the future. Bull----! If we haven't learned yet about cooperation with groups like AFN, RuralCap and the National Park Service during this D-2 battle then we damn well deserve what would happen to us if the Guide Law were thrown out at this time. I don't care what we do, those Regional Corporations are going to try and stop us every way they can, and the ONLY cooperation we'll get as guides if the Regional Board concept goes, is the cooperation we BUY with our knowledge and expertise in booking clients and managing hunts. I'll not deny that many as any guide in business- but for the next couple years, and until the Regional Corporations realize that clients won't book with them or their people without going through guys like us who have the contacts and reputation, we aren't going to be able to even slow down this anti-white-guide movement that's been building along the coast ever since the Marine Mammal Act was passed in 1972 (and even before), much less expect any cooperation that's not forced upon them. There are admitted

exceptions, but in my experience with dog-team polar bear hunting, walrus and muskox, I've long since learned that "exceptions" have to live in the village too, and it's going to take time before the "exceptions" are in the majority and any degree of cooperation can be achieved.

What it boils down to is this. If the Guide Law were thrown out today, the guides don't have the clout necessary in Juneau to get another guide law established that would not be regional in nature. Fellows, you know as well as I do, if we are ever forced to operate under regional guide laws you had better move to the villages and get yourself adopted....it's simple as that. There will be no home in Anchorage, and guide area in Unit 9; we'll be guiding in our own backyard, or not at all.

There are several more considerations too. Those of us that lost areas to the new Monuments have an excellent chance of receiving compensation for our losses a couple years down the road when D-2 is settled and we can begin instigating class action and individual condemnation suits against the Federal Government. But these condemnation suits will only hold water IF our Exclusive Guide Area concept is effective. If the Exclusive Area concept is thrown out, or if the Board continues to accept filings on top of existing Exclusive Guide Areas, even the dumbest government attorney will be able to successfully challenge our position by simply pointing out that the Exclusive Guide Areas do not, in fact, protect and insure our businesses. And if they do not protect our businesses, then they were worthless at the time of the Antiquities Act and no compensation is justified. If, on the other hand, we can successfully demonstrate, as an industry, that the Exclusive Guide Areas are what holds the industry together and makes the system work (look at Kodiak—that system could never work without Exclusive areas, and it's being used as a model to help shape future permit systems), then we have every reason to expect to win these suits.

A last major consideration is the current situation with D-2 legislation in Washington. As an industry we have had considerable impact in the D-2 issue, as evidenced by the House version of HR-39 which gave guides grandfather rights for up to 25 years in certain National Parks created by that Act. During the past several months your Association and others have been working to expand this influence but our efforts can only succeed if we present a unified and responsible 'front'. If we are in-fighting over areas and guide laws—and even the basic concept on which the industry survives, it won't take our enemies long to sense our confusion and make us look like a bunch of greedy, savage entrepreneurs back in Washington.

Yet I'm not suggesting that we sit back and do nothing. Ron's letter points out two basic areas of conflict between the existing system and the industry; the issue of double jeopardy by Guide Board action after being found Not-guilty in a court of law, and the issues are controversial, but I'd like to think that they can be best handled within the industry rather than to throw them out on the floor of the legislature along with the entire Guide Law.

The Guide License and Control Board just appointed an Advisory

Page 4

Committee consisting of Association representatives, non-affiliated guide members, a representative of the A.G. 's office and a Guide Board member which presumably will be able to voice these conflicts to the Board and suggest corrective measures. Following the December meeting such suggestions might well have been hooted, but I think those of you who attended the Jan/Feß meetings came away with a different feeling. Guide Board member Chuck Keim said it best when he stated to those in attendance that one of the Board's primary functions in the future would be to stand as yet another bulwark between the ethical guide who is trying to make a living, and the Governmental (agencies) who would like to take this right away from him without just cause .

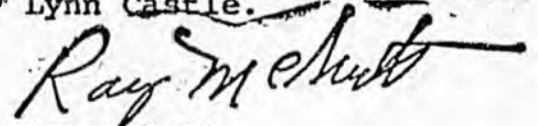
In another action the Board voted unanimously to adopt a resolution not to hear or act upon any case against a guide for Federal trespass violation.

I sure don't know all the answers, but it's kind've like being an American- I don't like everything that goes on, but it's still the best game in town and worth fighting for. Let's keep our Guide Law, let's fight to make certain any special guiding privileges extended to coastal residents for marine mammals come under jurisdiction of our existing Guide Board, and let's support the Advisory Committee and get our beefs before the Board, not before the public and our enemies in Juneau and Washington.

Thank you,

Lynn Castle, APHA Director

The Board of Directors of Alaska Professional Hunters Association has endorsed the open letter written by Lynn Castle.



Ray McNutt  
President, APHA

SB

112

TESTIMONY OF JULIUS J. BRECHT, DIRECTOR  
DIVISION OF BANKING AND SECURITIES  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BEFORE  
SENATE COMMERCE COMMITTEE

March 1, 1979

Good afternoon. My name is Julius J. Brecht, Director of the Division of Banking and Securities within the Department of Commerce and Economic Development. I would first like to take this opportunity to thank you for the opportunity to appear before this committee to offer comment on SB 112.

The Corporations and Associations Title, AS 10, requires the department to accept filings for incorporation of domestic corporations (incorporated in Alaska) and registrations of articles of incorporation for foreign corporations (incorporated outside of Alaska) doing business in the State and to maintain those files as official files of the State. The title also requires that corporations and associations keep the information on file current through the submission of annual reports and other filings.

The duties of the department in the context of AS 10 are carried out through the Corporations Section within the Division of Banking and Securities. All of the files maintained by the division in this respect are open to the public.

Fees are charged for the reproduction of various documents and certification of documents or the certification of the status of corporations on file with the division. These fees are supposedly set to cover the cost incurred by the division in administering AS 10. Those fees were set in many cases a number of years ago. Several fees were increased by statute in 1976. However, we again find ourselves faced with the situation where the dollars generated by the combined fee structure provided by AS 10 are not adequate to cover the costs incurred by the division in administering the title. These costs if not paid by the corporations in the form of fees are, of course, ultimately borne by the Alaska taxpayer.

The department, therefore, finds itself once more having to go the Legislature to seek a change in the fees at a time when the Legislature has many extremely important issues to resolve and limited time in which to accomplish those tasks.

The present bill would remedy this situation by replacing all references to specific fees in AS 10 by a directive to the department to adopt regulations setting forth the fees. Of course, those regulations are

reviewable by the Legislature pursuant to AS 44.62.190(a). The bill does not attempt to relegate to regulation the setting of taxes or penalties for late filings. Those are clear prerogatives of the Legislature. However, since the fees provided for in AS 10 are specifically to cover the cost of administering that title, setting those fees by regulation would allow the department to adjust the fees from time to time to pay the reasonable costs of administration of the title. In this way, those who enjoy the advantages of incorporation, e.g., limited personal liability, will pay for the service rather than the Alaska taxpayer.

Another provision of the bill allows for the distribution of assets of a business or non-profit corporation by the board of directors of the corporation after the corporation has been either voluntarily or involuntarily dissolved. In effect, the provision allows the corporate existence to continue up to seven years after the corporation has been dissolved for the sole purpose of distribution of assets discovered after dissolution. After that time period has lapsed, interested parties could go to court to get a determination on the discovered assets.

In summary, the provisions of the bill before you are of a housekeeping nature and will aid the corporations and associations served through a streamlined fee structure as well as aid the department in administering the title. By keeping the fees current, the corporations and not the Alaska taxpayer will pay the reasonable cost of the services rendered by the department through the Corporations Section within this division. A section-by-section analysis of the bill is attached dated January 19, 1979 and is submitted for your information.

I, therefore, urge the members of the committee to carefully consider the provisions of SB 112 and take affirmative action on it.

JJB/slp27U

STATE  
of ALASKA

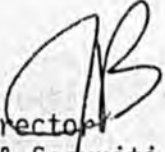
## MEMORANDUM

TO:  Members of the Committee

DATE: January 19, 1979

FILE NO:

TELEPHONE NO:

FROM: Julius J. Brecht, Director   
Division of Banking & Securities  
Department of Commerce &  
Economic Development

SUBJECT: SB-112  
Corporations and  
Associations Title  
10 Amendment Bill  
Narrative Supplement

The proposed corporations and associations legislation before you provides a number of changes to the Alaska Corporations and Associations Title, AS 10. Much of the present law was enacted in 1959 and has undergone a number of changes from time to time. A large portion of the provisions of this bill are of a "housekeeping" nature and are proposed to streamline the fee structure set out in the various chapters of AS 10.

The major provisions of the bill include (1) provision for a procedure for profit and nonprofit corporations to dispose of assets discovered after dissolution; (2) the repeal of references throughout the Title to specific fees for various services rendered by the Department of Commerce and Economic Development ("department") to corporations, cooperatives and associations doing business in the state and to the public; (3) provision that those fees will be established by the department by regulation; and (4) provision for the department to charge a fixed average annual fee per corporation, cooperative or association to each of them subject to the Title in place of charging them the various fees specified in the Title with certain exceptions. Those exceptions go mainly to the fees required for incorporation.

The following is a section-by-section review of the provisions of the bill.

Section 1. (AS 10.05.039(a)). This section repeals the reference to the specific fee for the registration of a corporation name under the Alaska Business Corporation Act ("ABCA") and replaces that provision with a requirement that the fee shall be established by the department by regulation.

Section 2. (AS 10.05.042). This section repeals the reference to a specific fee for the renewal of a registered name under ABCA and replaces it with a requirement that the fee be established by regulation.

Section 3. (AS 10.05.519(d)). This section repeals the explicit reference to "limited partnership" in the context of corporate name availability upon reinstatement of a corporation under ABCA. The department does not have the authority to regulate and does not maintain files on limited partnership names. Therefore the reference to limited partnerships in Sec. 519(d) is meaningless.

Section 4. (AS 10.05.594). This section provides a procedure for a corporation to dispose of assets discovered after dissolution of a corporation under ABCA. Presently, Alaskan corporations may not be reinstated if they have been dissolved for more than two years, and therefore timely distribution of assets is severely hampered. There have been several instances in the recent past where good title could not be given to property discovered after dissolution. This section continues the corporate existence for an additional five years after dissolution solely for the purpose of disposing of the property. After that five year period, the section provides that a court resolution could be obtained. See, Section 19 of this memorandum for a similar provision for nonprofit corporations under AS 10.20.

Section 5. (AS 10.05.708(a)). This section repeals the reference in ABCA to specific filing fees for the filing of articles of incorporation for domestic and foreign corporations, with the exception of nonprofit corporations regulated under AS 10.20, based on the capital stock of a corporation. That provision is replaced with the requirement that the department establish these fees by regulation based on the amount of authorized capital stock.

Section 6. (AS 10.05.711(a)). This section repeals the reference in ABCA to specific filing fees for filing amendatory or supplemental articles of incorporation for domestic and foreign corporations, with the exception of nonprofit corporations regulated under AS 10.20, based on the capital stock of a corporation. That provision is replaced with the requirement that the department establish these fees by regulation based on the amount of change in the authorized capital stock.

Section 7. (AS 10.05.714). This section repeals the reference to the specific fees for appointment, amendment, or revocation of appointment of a process agent for a foreign corporation under ABCA and replaces those provisions by the requirement that the fees be established by the department by regulation.

Section 8. (AS 10.05.720). This section repeals the reference to the explicit fee for the issuance of a certificate or a duplicate of a certificate of the payment of the annual tax and filing of the annual

report required of business corporations under ABCA. In place of the explicit fee there is established the requirement that the department set the fee by regulation.

Section 9. (AS 10.05.747). In (a) of this section, the reference to a specific filing fee for instruments not otherwise provided in ABCA is repealed and replaced by a requirement that the fee be established by regulation. In (b) of the section, the department is given authority to establish by regulation and charge a fixed average annual fee per corporation to each corporation subject to ABCA. This fee would be charged by the department in place of charging corporations the various fees specified in ABCA with certain exceptions. Those exceptions go to the following: (1) the fee required for the registration of a corporate name, (2) the incorporation fee based on the initial capitalization of a corporation, and (3) the fee based on a subsequent change of the capitalization of the corporation. The fixed annual fee would also cover the cost of routine administrative services rendered to the corporation by the department. For example, a given corporation may require numerous services of the department throughout the year including change of registered agent, amendment of the articles of incorporation (other than changes of capitalization), etc. All of these various fees require the department's corporation staff to expend considerable time maintaining a system to collect the correct fees required by statute for approximately 10,000 corporations. With one flat fee, the accounting system would be far easier and less burdensome on both the department and the corporation in that separate accounting of each and every fee on a case-by-case basis could be avoided. See, Sections 18, 21 and 23 of this memorandum for similar provisions under AS 10.15, 10.20, and 10.25.

Section 10. (AS 10.05.750). This section repeals the requirement of ABCA that a certificate of withdrawal of a foreign corporation from registration be filed with the Office of the Clerk of the Superior Court, in addition to a filing with the department. At the present time, the department maintains the primary files on foreign corporations and is required to provide the Superior Court with an updated list pursuant to AS 10.05.630. The additional filing with the Superior Court under Sec. 750 is therefore redundant and unnecessary. In addition, this section repeals the reference to the specific fee for the filing of the certificate and replaces it with the requirement that the department establish the fee by regulation.

Section 11. (AS 10.05.753). This section repeals the reference in ABCA to the specific fee for the dissolution of a domestic business corporation and replaces it by a requirement that the fee be established by the department by regulation.

Section 12. (AS 10.05.756). This section repeals the reference in ABCA to the specific fee for filing a certificate of dissolution from the state of origin of a foreign corporation and replaces it with the requirement that the fee be established by the department by regulation.

Section 13. (AS 10.05.762). This section repeals the fee required for furnishing a certified copy of any instrument under ABCA and replaces it with the requirement that the fee be established by the department by regulation.

Section 14. (AS 10.15.255). This section repeals the reference in the Alaska Cooperative Corporation Act ("ACCA") to the specific fee for filing of terminated contracts and replaces it with the requirement that the fee be established by the department by regulation.

Section 15. (AS 10.15.260). This section repeals the reference in ACCA to a specific fee for filing of a list of names of all persons whose contracts have been terminated and replaces it with the requirement that the fees be established by the department by regulation.

Section 16. (AS 10.15.535). This section repeals and reenacts the requirement in ACCA that a license fee be charged to each cooperative authorized by its articles to issue stock, and the fee is to be established by the department by regulation based on the amount of stock issued.

Section 17. (AS 10.15.545). This section repeals the reference in ACCA to the specific license fee for cooperatives having no authorized shares of capital stock and replaces it by the requirement that the fee will be established by the department by regulation.

Section 18. (AS 10.15.555). In (a) of this section, the reference in ACCA to the specific fees for various services rendered to cooperative corporations are repealed and replaced by the requirement that the fees will be established by regulation. Those services include the filing of the articles of incorporation or articles of consolidation for a new cooperative, articles of amendment, restated articles, or articles of merger, statement of intent to dissolve, statement of revocation of voluntary dissolution proceedings, articles of dissolution, and other statements. In (b) of this section, the department is given the authority to establish by regulation and charge a fixed average annual fee per cooperative corporation to each corporation subject to ACCA. This fee would be charged by the department in place of charging the corporations the various fees specified in ACCA with the exception of fees related to the initial incorporation of the corporation. The fixed annual fee would also cover the cost of routine administrative services rendered to the cooperative by the department. See, Section 9 of this memorandum for further explanation.

Section 19. (AS 10.20.450). This section provides a procedure for a nonprofit corporation under the Alaska Nonprofit Corporations Act ("ANCA") to dispose of assets discovered after dissolution. Presently an Alaskan nonprofit corporation may not be reinstated if it has been dissolved for more than two years, and therefore the timely distribution of assets is severely hampered. There have been several instances in the recent past where good title could not be given to property discovered after dissolution. This section continues the corporate existence for an additional five years after dissolution solely for the purpose of disposing of the property. After that five year period, the section provides that a court resolution could be obtained. See, Section 4 of this memorandum for a similar provision for business corporations under ABCA.

Section 20. (AS 10.20.530). This section repeals the reference in ANCA to the specific fee for service of process on the commissioner for nonprofit corporations and replaces that provision with a requirement that the fee be established by the department by regulation.

Section 21. (AS 10.20.635). In (a) of this section, the reference to the specific fees for various services rendered by the department are repealed and replaced by the requirement that the fees will be established by the department by regulation. In (b) of this section, the department is given authority to establish by regulation and charge a fixed average annual fee per corporation for each corporation subject to ANCA. The fixed annual fee would be charged by the department in place of charging corporations the various fees specified in ANCA with the exception of the fee for incorporation. The fixed annual fee would also cover the cost of routine administrative services rendered by the department to the corporation. See, Section 9 of this memorandum for further explanation.

Section 22. (AS 10.20.640). This section repeals the reference in ANCA to the specific fee structure to be charged for certified copies of instruments and requires the department to establish a fee structure by regulation.

Section 23. (AS 10.25.530). In (a) of this section, reference in the Alaska Electric and Telephone Cooperative Act ("AETCA") to various specific fees is repealed and replaced by the requirement that the fees will be established by the department by regulation. In (b) of this section, the department is given authority to establish by regulation and charge a fixed annual fee per cooperative for each cooperative subject to AETCA. This fee would be charged by the department in place of charging cooperatives the various fees that are specified in AETCA with one exception. A cooperative would still have to pay the initial incorporation fee required by Sec. 530(a)(1). The fixed annual fee would also cover the cost of routine administrative services rendered to the corporation by the department. See, Section 9 of this memorandum for further information.

Section 24. (AS 10.35.060). This section repeals the reference in the Alaska Business Act ("ABA") to the specific fee for the registration of a business name and replaces it with the requirement that the fee be established by the department by regulation.

Section 25. (AS 10.35.070). This section repeals the reference in ABA to the specific fee for the renewal of a registered business name and replaces it by the requirement that the fee be established by the department by regulation.

Section 26. (AS 10.40.140(a)). This section repeals the reference in the Alaska Religious Corporations Act to the specific fee for a filing of any document and requires that the fee be established by the department by regulation.

Section 27. This section states the effective date of the Act as July 1, 1979. This date is chosen as the beginning of FY '80. It is felt that regulations establishing the various fees could be in finalized form by that time, and if necessary the fees could be adopted by emergency regulation.

In summary, the bill before you is basically a housekeeping measure to aid in the better administration of the Corporations and Associations Title and to provide a reasonable mechanism for the distribution of assets discovered after dissolution of a business or nonprofit corporation.

I urge the committee to consider thoughtfully the provisions of the bill. I stand ready to answer any questions you may have concerning this legislation.

JJB/mh4/2

*Δ fees to adm from statutory control.*

Introduced: 2/6/79  
Referred: Commerce and Finance

BY THE COMMERCE  
COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 112

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

6 For an Act entitled. "An Act relating to corporate dissolution and rein-  
7 statement, and fees paid by businesses and corpora-  
8 tions; and providing for an effective date."

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

10 \*Section 1. AS 10.05.039(a) is amended to read:

11 (a) The fee for registration of a corporate name shall be esta-  
12 blished by the department by regulation [IS \$2 FOR EACH MONTH, OR FRAC-  
13 TION OF EACH MONTH, BETWEEN THE DATE OF FILING THE APPLICATION AND  
14 DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THE APPLICATION IS FILED].

15 \* Sec. 2. AS 10.05.042 is amended to read:

16 Sec. 10.05.042. RENEWAL OF REGISTERED NAME. A corporation which  
17 has registered its corporate name may renew the registration from year  
18 to year by filing an application for renewal each year setting out the  
19 facts required in an original application for registration and a certi-  
20 ficate of good standing required for an original registration and by  
21 paying a fee established by the department by regulation [OF \$10]. An  
22 application for renewal may be filed between October 1 and December 31  
23 in each year. The renewal of the registration extends the registration  
24 for the following calendar year.

25 \* Sec. 3. AS 10.05.519(d) is amended to read:

26 (d) A corporation dissolved by the commissioner under the pro-  
27 visions of this section may be reinstated by the commissioner at any  
28 time within two years from the date of the certificate of involuntary  
29 dissolution whenever it is established to the satisfaction of the com-

1 missioner that in fact there was no cause for the dissolution, or when-  
2 ever the neglect or delinquency resulting in dissolution has been cor-  
3 rected and payment made of double the amount delinquent along with  
4 the amount the corporation would have paid had it not been dissolved.

5 Reinstatement may not be authorized if the same or a deceptively similar  
6 corporate, [LIMITED PARTNERSHIP,] reserved or registered name is cur-  
7 rently on file with the commissioner, unless the corporation being  
8 reinstated contemporaneously amends its articles of incorporation to  
9 change its name to conform with the provisions of this chapter.

10 \* Sec. 4. AS 10.05.59' is amended by adding new subsections to read:

11 (b) If a dissolved corporation is the owner of real or personal  
12 property, or claims an interest in or lien upon any real or personal  
13 property, the corporation through its board of directors, continues to  
14 exist for five years after the date of dissolution for the purpose of  
15 conveying, transferring, or releasing the real or personal property or  
16 interest in or lien upon that property. A dissolved corporation through  
17 its board of directors, continues to exist for the purpose of being made  
18 a party in any action or proceeding arising before its dissolution and  
19 involving the title to real or personal property or any interest in it.  
20 The action or proceeding may be instituted and maintained in the same  
21 manner as the dissolution of the corporation. This subsection does not  
22 affect or suspend any statute of limitations applicable to a claim.

23 (c) For the purpose of service of process, notice, or demand  
24 within the prescribed time following dissolution, the commissioner is an  
25 agent of the dissolved corporation upon whom service may be made in the  
26 manner prescribed in AS 10.05.057(b).

27 \* Sec. 5. AS 10.05.708(a) is amended to read:

28 (a) A domestic or foreign corporation which is required by law to  
29 file articles of incorporation with the department, except corporations

1 organized under AS 10.20 and foreign corporations organized under the  
2 laws of the United States or the laws of a state or territory of the  
3 United States or the laws of a foreign country for the same purposes as  
4 those allowed under AS 10.20, shall pay to the commissioner a filing  
5 fee established by the department by regulation. The filing fee shall  
6 be based on the amount of authorized capital stock of the corporation.

7 [(1) IF THE AUTHORIZED CAPITAL STOCK OF THE CORPORATION IS  
8 \$100,000, OR LESS, A FILING FEE OF \$30;

9 (2) IF THE AUTHORIZED CAPITAL STOCK OF THE CORPORATION EX-  
10 CEEDS \$100,000, THE FEE SET FORTH IN (1) OF THIS SUBSECTION PLUS AN  
11 ADDITIONAL FEE OF 20 CENTS FOR EACH \$1,000, OR FRACTION OF \$1,000, OF  
12 AUTHORIZED CAPITAL STOCK ABOVE \$100,000;

13 (3) IF THE AUTHORIZED CAPITAL STOCK EXCEEDS \$1,000,000, THE  
14 FEES SET FORTH IN (1) AND (2) OF THIS SUBSECTION PLUS AN ADDITIONAL FEE  
15 OF \$15 FOR EACH \$1,000,000, OR FRACTION OF \$1,000,000, OF AUTHORIZED  
16 CAPITAL STOCK OVER \$1,000,000.]

17 \* Sec. 6. AS 10.05.711(a) is amended to read:

18 (a) A domestic or foreign corporation, except corporations organi-  
19 zed under AS 10.20 and foreign corporations organized under the laws of  
20 the United States or the laws of a state or territory of the United  
21 States or the laws of a foreign country for the same purposes as those  
22 allowed under AS 10.20, filing amendatory or supplemental articles of  
23 incorporation, or certificates of increase or decrease of capital stock  
24 with the department, shall pay to the commissioner

25 (1) for filing amendatory or supplemental articles which do  
26 not increase capital stock, or for filing a certificate of decrease of  
27 capital stock, a fee established by the department by regulation [OF  
28 \$10];

29 (2) for filing amendatory or supplemental articles which do

1 not increase capital stock, or for filing a certificate of increase of  
2 capital stock, a fee established by the department by regulation based  
3 on the amount of change in the authorized stock of the corporation. [OF  
4 \$10, PLUS

5 (A) A FURTHER FEE OF 20 CENTS PER \$1,000 OR FRACTION OF  
6 \$1,000 OF AUTHORIZED INCREASE OF CAPITAL STOCK ABOVE \$100,000 AND  
7 LESS THAN \$1,000,000;

8 (B) A FURTHER FEE OF \$15 PER \$1,000,000 OR AUTHORIZED  
9 INCREASE OVER \$1,000,000.]

10 \* Sec. 7. AS 10.05.714 is amended to read:

11 Sec. 10.05.714. FEES ON APPOINTMENT OR REVOCATION OF APPOINTMENT  
12 OF PROCESS AGENT. (a) A foreign corporation filing with the department  
13 a certificate of the appointment and consent of the agent residing in  
14 the state, or a certificate of revocation of the appointment of the  
15 resident agent shall pay a fee [OF \$5] to the commissioner established  
16 by the department by regulation.

17 (b) For filing a statement, mentioned in AS 10.05.054(a) and (b),  
18 of change of address of registered agent, the agent shall pay a fee [OF  
19 \$25] to the commissioner established by the department by regulation.

20 \* Sec. 8. AS 10.05.720 is amended to read:

21 Sec. 10.05.720. FAILURE TO PAY TAX OR MAKE REPORT AS PRECLUDING  
22 SUIT BY CORPORATION AND CERTIFICATE OF PAYMENT OR FILING AS EVIDENCE.  
23 No domestic or foreign corporation may commence or maintain a suit,  
24 action or proceeding in a court in the state without alleging and prov-  
25 ing that it has paid its annual corporation tax last due and has filed  
26 it annual report for the last calendar or fiscal year for which the  
27 report became due. A certificate of the payment of the annual tax and  
28 filing of the annual report is prima facie evidence of the payment of  
29 the tax and the filing of the annual report. The commissioner shall

1 issue the certificate or a duplicate for a fee established by the depart-  
2 ment by regulation [OF 25 CENTS].

3 \* Sec. 9. AS 10.05.747 is amended to read:

4 Sec. 10.05.747. OTHER FILING FEES [FOR INSTRUMENTS NOT OTHERWISE  
5 PROVIDED FOR]. (a) The filing fee for an instrument not otherwise pro-  
6 vided for in this chapter shall be established by the department by  
7 regulation [IS \$10].

8 (b) The department may by regulation charge each corporation  
9 subject to this chapter a fixed fee in place of the various fees speci-  
10 fied in this chapter, with the exception of AS 10.05.039, 10.05.708,  
11 and 10.05.711, and for routine administrative services rendered to a  
12 corporation by the department.

13 \* Sec. 10. As 10.05.750 is amended to read:

14 Sec. 10.05.750. FEES AND PENALTIES PAYABLE ON WITHDRAWAL OF FOR-  
15 EIGN CORPORATION. A registered foreign corporation may withdraw from  
16 the state upon payment of all annual coporation taxes and penalties due  
17 at the time of desired withdrawal, and by filing with the department  
18 [AND IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT WHERE ITS ARTICLES  
19 ARE ON FILE,] a certificate of withdrawal, signed by its proper officers  
20 and under its corporate seal. The fee for filing the certificate with  
21 the department shall be established by the department by regulation [IS  
22 \$5. HOWEVER, ALL WITHDRAWALS MADE IN THE STATE BEFORE MARCH 29, 1957,  
23 ARE VALIDATED AND CONFIRMED].

24 \* Sec. 11. AS 10.05.753 is amended to read:

25 Sec. 10.05.753. FEES ON DISSOLUTION OF DOMESTIC CORPORATION. A  
26 domestic corporation shall pay to the commissioner for the use of the  
27 state a fee established by the department by regulation [OF \$5] for  
28 filing the instruments mentioned in this chapter providing for the  
29 dissolution of domestic corporations.

1 \* Sec. 12. AS 10.05.756 is amended to read:

2       Sec. 10.05.756. TAXES, PENALTIES AND FEES ON FILING CERTIFICATE OF  
3 DISSOLUTION OF FOREIGN CORPORATION. A foreign corporation desiring to  
4 file a certificate of dissolution from the state of its origin may file  
5 the certificate, when signed by the proper state officer, under seal,  
6 upon payment of all annual corporation taxes and penalties due at the  
7 time of dissolution. The filing fee in the office of the commissioner  
8 shall be established by the department by regulation [IS \$5].

9 \* Sec. 13. AS 10.05.762 is amended to read:

10       Sec. 10.05.762. FEES FOR CERTIFIED COPIES OF INSTRUMENTS. The fee  
11 for furnishing a certified copy of any instrument shall be established  
12 by the department by regulation [IS \$1 FOR THE FIRST THREE FOLIOS OR  
13 LESS AND 20 CENTS A FOLIO FOR EACH ADDITIONAL FOLIO. HOWEVER, THE  
14 CHARGE FOR A CERTIFIED COPY OF ARTICLES OF INCORPORATION IS \$5 FOR THE  
15 FIRST 20 FOLIOS OR LESS AND 20 CENTS A FOLIO FOR EACH ADDITIONAL FOLIO].

16 \* Sec. 14. As 10.15.255 is amended to read:

17       Sec. 10.15.255. TERMINATION OF FILED CONTRACT. When a contract  
18 filed under AS 10.15.230 - 10.15.260 has been terminated in any manner,  
19 the cooperative shall upon demand, give a statement of termination to  
20 the member party to the contract, who may file the statement in the  
21 office of the precinct recorder where the contract was originally filed.  
22 The precinct recorder shall stamp "expired" after the name of the member  
23 in the alphabetical record. The fee for the filing and stamping shall  
24 be established by the department by regulation [IS 25 CENTS].

25 \* Sec. 15. AS 10.15.260 is amended to read:

26       Sec. 10.15.260. FILING OF LIST OF TERMINATED CONTRACTS. A cooper-  
27 ative may file in the office of the precinct recorder where the contract  
28 was originally filed a sworn list of the names of all persons whose  
29 contracts have been terminated in a manner other than by expiration of

1 their term. The precinct recorder shall stamp "expired" after the name  
2 of each of those persons in the alphabetical record. The fee for the  
3 filing and stamping shall be established by the department by regulation  
4 [IS TWO CENTS FOR EACH NAME].

5 \* Sec. 16. AS 10.15.535 is repealed and re-enacted to read:

6 Sec. 10.15.535. DETERMINATION OF LICENSE FEE FOR COOPERATIVE  
7 AUTHORIZED TO ISSUE CAPITAL STOCK. The license fee of each cooperative  
8 authorized by its articles to issue capital stock shall be established  
9 by the department by regulation based on the amount of authorized capi-  
10 tal stock.

11 \* Sec. 17. AS 10.15.545 is amended to read:

12 Sec. 10.15.545. LICENSE FEE FOR COOPERATIVE WITHOUT CAPITAL STOCK.  
13 The license fee of each cooperative having no authorized shares of  
14 capital stock shall be established by the department by regulation [IS  
15 \$25].

16 \* Sec. 18. AS 10.15.555 is amended to read:

17 Sec. 10.15.555. MISCELLANEOUS FEES AND CHARGES. (a) The depart-  
18 ment shall establish by regulation and charge and collect from a cooper-  
19 ative fees for filing

20 (1) articles of incorporation or articles of consolidation  
21 for a new cooperative [,\$15 TOGETHER WITH THE PROPORTIONATE PART OF THE  
22 ANNUAL LICENSE FEE PAYABLE FOR THE SUCCEEDING FRACTION OF THE FISCAL  
23 YEAR];

24 (2) articles of amendment, restated articles, or articles of  
25 merger, [\$10,] and, if the articles provide for an increase of the  
26 amount of authorized capital stock of the cooperative, the filing coop-  
27 erative shall also pay the proportionate part of the annual license fee  
28 for the succeeding fraction of the fiscal year, payable by a cooperative  
29 whose authorized shares equal the newly increased authorized shares of

1 the filing cooperative, less the annual license fee already paid for the  
2 succeeding fraction of the fiscal year by the filing cooperative; but  
3 filing articles decreasing the authorized shares does not reduce the  
4 annual license fee of the filing cooperative until the beginning of the  
5 fiscal year following that in which the articles were filed;

6 (3) statement of intent to dissolve [,\$5];

7 (4) statement of revocation of voluntary dissolution pro-  
8 ceedings [,\$5];

9 (5) articles of dissolution [,\$10];

10 (6) all other statements, except an annual statement [,\$5].

11 (b) The department may by regulation charge each cooperative  
12 corporation subject to this chapter a fixed annual fee in place of  
13 charging cooperative corporations the various fees specified in this  
14 chapter, with the exception of AS 10.15.535, (a)(1) of this section, and  
15 for routine administrative services rendered to the cooperative corpora-  
16 tion by the department.

17 \* Sec. 19. AS 10.20.450 is amended by adding new subsections to read:

18 (b) If a dissolved corporation is the owner of real or personal  
19 property, or claims any interest in or lien upon any real or personal  
20 property, the corporation through its board of directors, continues to  
21 exist for five years after the date of dissolution for the purpose of  
22 conveying, transferring, or releasing the real or personal property or  
23 interest in or lien upon that property. In addition, a dissolved cor-  
24 poration through its board of directors, continues to exist for the  
25 purpose of being made a party in any action or proceeding arising before  
26 dissolution and involving the title to real or personal property or any  
27 interest in it. The action or proceeding may be instituted and main-  
28 tained in the same manner as before the dissolution of the corporation.  
29 This subsection does not affect or suspend any statute of limitations

1 applicable to a claim.

2 (c) For the purpose of service of process, notice, or demand  
3 within the prescribed time following dissolution, the commissioner is an  
4 agent of the dissolved corporation upon whom service may be made in the  
5 manner prescribed in AS 10.05.057(b).

6 \* Sec. 20. AS 10.20.530 is amended to read:

7 Sec. 10.20.530. SERVICE ON COMMISSIONER. When a foreign corpora-  
8 tion authorized to transact business in the state, or not authorized to  
9 transact business in the state but doing so, fails to appoint or main-  
10 tain a registered agent in the state, or when a registered agent cannot  
11 with reasonable diligence be found at the registered office, or when the  
12 certificate of authority of a foreign corporation is suspended or re-  
13 voked, the commissioner is an agent upon whom process, notice, or demand  
14 may be served. Service on the commissioner shall be made by delivering  
15 to and leaving with him, or with a person designated by him in the  
16 corporation division of his office, duplicate copies of the process,  
17 notice or demand, accompanied by a fee established by the department  
18 by regulation [OF \$10]. The commissioner shall immediately have one  
19 copy forwarded by registered or certified mail, addressed to the cor-  
20 poration at its principal office in the state or country under whose  
21 laws it is incorporated. Service on the commissioner is returnable in  
22 not less than 30 days.

23 \* Sec. 21. AS 10.20.635 is amended to read:

24 Sec. 10.20.635. FEES FOR FILING DOCUMENTS AND ISSUING CERTIFI-  
25 CATES. (a) The commissioner shall establish by regulation, charge and  
26 collect for

27 (1) filing articles of incorporation and issuing a certifi-  
28 cate of incorporation [,\$30];

29 (2) filing articles of amendment and issuing a certificate of

1 amendment [,\$15];

2 (3) filing restated articles of incorporation and issuing  
3 restated certificate of incorporation [,\$15];

4 (4) filing articles of merger or consolidation and issuing a  
5 certificate of merger or consolidation [,\$15];

6 (5) filing a statement of change of address of registered  
7 office or change of registered agent, or both [,\$10];

8 (6) filing articles of dissolution [,\$10];

9 (7) filing an application of a foreign corporation for a  
10 certificate of authority to conduct affairs in this state and issuing a  
11 certificate of authority [,\$30];

12 (8) filing an application of a foreign corporation for an  
13 amended certificate of authority to conduct affairs in this state and  
14 issuing an amended certificate of authority [,\$15];

15 (9) filing a copy of an amendment to the articles of incorpo-  
16 ration of a foreign corporation holding a certificate of authority to  
17 conduct affairs in this state [,\$15];

18 (10) filing a copy of articles of merger of a foreign corpo-  
19 ration holding a certificate of authority to conduct affairs in this  
20 state [,\$15];

21 (11) filing an application for withdrawal of a foreign corpo-  
22 ration and issuing a certificate of withdrawal [,\$10];

23 (12) filing any other statement or report, including an  
24 annual report, of a domestic or foreign corporation [,\$5].

25 (b) The department may by regulation charge each corporation  
26 subject to this chapter a fixed annual fee in place of the various  
27 fees specified in this chapter, with the exception of (a)(1) of this  
28 section and for routine administrative services rendered to the corpo-  
29 ration by the department.

1 \* Sec. 22. AS 10.20.640 is amended to read:

2       Sec. 10.20.640. FEE FOR CERTIFIED COPIES OF INSTRUMENTS. The fee  
3 for furnishing a certified copy of any instrument shall be established  
4 by the department by regulation [IS \$1 FOR THE FIRST THREE FOLIOS OR  
5 LESS AND 20 CENTS A FOLIO FOR EACH ADDITIONAL FOLIO. HOWEVER, THE  
6 CHARGE FOR A CERTIFIED COPY OF ARTICLES OF INCORPORATION IS \$5 FOR THE  
7 FIRST 20 FOLIOS OR LESS AND 20 CENTS A FOLIO FOR EACH ADDITIONAL FOLIO].

8 \* Sec. 23. AS 10.25.530 is amended to read:

9       Sec. 10.25.530. FEES. (a) The commissioner shall establish by  
10 regulation, charge and collect filing fees for

- 11           (1) filing articles of incorporation [,\$15];  
12           (2) filing articles of amendment [,\$10];  
13           (3) filing articles of consolidation or merger [,\$10];  
14           (4) filing articles of conversion [,\$15];  
15           (5) filing certificate of election to dissolve [,\$5];  
16           (6) filing articles of dissolution [,\$10];  
17           (7) filing certificate of change of principal office and  
18 designation or change of registered office and registered agent [,\$5];  
19 and

- 20           (8) acting as agent for service of process [,\$10].

21       (b) The department may by regulation charge each cooperative  
22 subject to this chapter a fixed annual fee in place of the various  
23 fees specified in this chapter, with the exception of (a)(1) of this  
24 section, and for the routine administrative services rendered to the  
25 corporation by the department.

26 \* Sec. 24. AS 10.35.060 is amended to read:

27       Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED NAME. The fee  
28 for the initial registration of a business name shall be established  
29 by the department by regulation [IS \$20]. The year in which the regis-

1       tration becomes effective is considered a full year of registration and  
2       the registration is effective until the close of the fifth calendar year  
3       beginning with the year of initial registration.

4       \* Sec. 25. AS 10.35.070 is amended to read:

5             Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A registered business  
6       name may be renewed every five years if an application for renewal is  
7       filed. An application for renewal must set out the facts required in an  
8       original application for registration and be accompanied by a renewal  
9       fee to be established by the department by regulation [OF \$20]. An  
10      application for renewal may be filed between October 1 and December 31  
11      of any year. The renewal of the registration extends the registration  
12      for the following five calendar years.

13      \* Sec. 26. AS 10.40.140(a) is amended to read:

14             (a) Any document required to be filed with the commissioner under  
15      this chapter shall be accompanied by a fee to be established by the  
16      department by regulation [OF \$10].

17      \* Sec. 27. This Act takes effect July 1, 1979.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

*Received  
Senate Commerce  
4/26/80*

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 112 am  
Title "An Act relating to corporate dissolution and reinstatement, and fees.."  
Requested by House Commerce Committee Date 4/24/80

... paid by businesses and corporations; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Law  
Program Category Affected General Government  
BRU, Program, or Subprogram(s) Affected Legal Services  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL		7.5	8.1	8.7	9.4	10.2
300 CONTRACTUAL		5.0	5.4	5.8	6.3	6.8
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		12.5	13.5	14.5	15.7	17.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

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

It is estimated that between one and two additional days per week of attorney time will be required to enforce the corporate records discovery provisions of this bill. Since this time is less than one-half of an attorney's time, no additional personal services expense has been shown. If this new work is undertaken, however, some delay in existing workload will occur. Direct out-of-pocket expenses are estimated \$7,500 for travel and \$5,000 for deposition/reporter services, during the first year. Since many of the corporations to be examined are headquartered out of state, substantial travel will be required. Costs have been increased by 8% annually for inflation.

IV. DATE April 24, 1980 PREPARED BY Richard L. Reynolds, Admin. Officer  
AGENCY DEPT. OF LAW  
PHONE 465-3695

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

LAW OFFICES OF  
**FINDLEY & PASTORINO**  
110 SEWARD STREET  
JUNEAU, ALASKA 99801  
(907) 586-3811

THOMAS W. FINDLEY  
RAYMOND C. PASTORINO

February 8, 1979

Senator Brad Bradley  
Pouch "V"  
Juneau, Alaska 99811

RE: Senate Bill 112

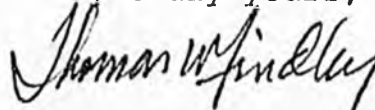
Dear Senator Bradley:

Thank you for your kindness in offering me the opportunity to comment on Senate Bill 112. At this time I do not anticipate filing any comments or position papers.

You asked if I knew of any persons interested in this legislation. William B. Rozell, a partner in Faulkner, Banfield, Doogan and Holmes, 311 Franklin Street, Juneau, Alaska 99801, may wish to offer his comments.

Again, thank you for giving me this opportunity.

Very truly yours,



Thomas W. Findley

TWF:km

S B

1 3 3

Latest PROPOSED SUBSTITUTE FOR SENATE BILL NO. 133

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

Section 1. AS 42.05.711 is amended by adding a new subsection to read:

Nonprofit electric cooperatives organized under AS 10.25 shall, upon affirmative resolution of their respective boards of directors, be exempt from the provisions of Article 5 of this Chapter in regard to any rates or rate schedules which have been adopted by representatives of the consumers serving as the board of directors of that cooperative.

*Sorely needed restraints*

*Are PUC appointments 6 years?*

*\$ 2,000,000 PUC*

*W.C. Rhodes -*