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DATE 10/20/2011 BY 60322 UCBAW/STW

675 S.C. FILE NO. 46 - FILE NO. 52

WELLENSTEIN • ARCHITECT • A.I.A., INC.

1000 W STREET

ANCHORAGE, ALASKA 99501

PHONE (907) 429-5911 • 277-8254



MAY 20, 1973

SENATOR JOHN L. RADER, PRESIDENT
ALASKA STATE SENATE

AGAIN, I AM OPPOSED TO THIS BILL AND AM RESPONDING NOT AS A
MEMBER OF THE BOARD BUT AS A PRIVATE PRACTITIONER. THANKS AGAIN
FOR GIVING ME THE OPPORTUNITY OF EXPRESSING MY VIEWS IN THIS
PROPOSED LEGISLATION.

SINCERELY,

D. J. WELLENSTEIN
ARCHITECT

[Faint handwritten notes or a list of names at the bottom of the page, possibly bleed-through from the reverse side.]

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Commerce & Econ. Develop.	Commerce Committee	SB 257
DEPARTMENT POSITION		
Opposed.		
DIVISION	DATE	COMMISSIONER
Occupational Licensing	03-23-79	
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:		DATE:
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Unknown		State Board of Architects, Engineers, and Land Surveyors
(3) PROGRAM EFFECTS OF BILL		
Would add another regulated group to an existing regulated profession.		
(4) FISCAL IMPACT:		
<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> FISCAL ANALYSIS ATTACHED	
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

It has not been demonstrated that nonregulation of landscape architecture adversely impacts the public health, safety or welfare. This profession is concerned with esthetics and does not involve activities related directly to human life or well being. Actual need, not imagined need, should be established.

Consumers of these services are most likely to have substantial resources and recourses. Practitioners may be presently certified by the National Association of Landscape Architects if they wish such status. Nothing in AS 08.48 prohibits or restricts the profession. It does not appear that either the public or the profession requires governmental regulation of another group of practitioners.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 257
 Title Relating to the State Bd. of Registration for Arch., Eng., and Land
 Requested by Commerce Committee Date Surveyors
March 22, 1979

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	2.0	2.1	2.1	2.2	2.2
300 CONTRACTUAL	0	1.0	1.1	1.1	1.2	1.2
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	3.0	3.2	3.2	3.4	3.4

FUNDING (Thousands of Dollars)

GENERAL FUND	0	3.0	3.2	3.2	3.4	3.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

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

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

TRAVEL

Boards, Commissions & Legislators

3 Trips	In-state transportation	495
12 per diem days	In-state per diem	660
1 Trip	Out-of-state transportation	550
6 per diem days	Out-of-state per diem	300

CONTRACTUAL

Communications, including printing and advertising	500
Professional fees and services	
Council dues and examination fees	500

In-state travel for one board member assumes 4 meetings per year with 1/4 being held in the member's home town. Inflation is computed at 6% per annum. Assumes an effective date of July 1, 1979.

IV. DATE March 23, 1979 PREPARED BY Don Hostak, Director
 AGENCY Division of Occupational Licensing
 PHONE 465-2534

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

SB

274

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

May 4, 1979

The Honorable W.E. "Brad" Bradley
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 274 (motor vehicle
safety responsibility)

Dear Senator Bradley:

This is in response to your letter of April 28, 1979 concerning SB 274. The Department of Law will not be able to do a comprehensive analysis of this bill before the legislature adjourns, but we will say in general that we do not favor changing Alaska's Motor Vehicle Safety Responsibility Act into a mandatory insurance Act. In addition, this department is not the appropriate agency to do a fiscal analysis. However, we offer some brief comments:

1. Sec. 8, repealing and re-enacting AS 28.-20.440(f)(1), states that a motor vehicle liability policy may not be cancelled after the beginning of the policy period. This may cause some problems. Literally, it appears to apply to both the insured and the insurer. Could an individual cancel his or her policy upon selling the vehicle during the term of the policy? Does the current AS 28.20.540(a)(3) adequately handle this? Must the insurer continue coverage under a policy if the insured fails to pay the premiums?

2. Sec. 9, adding AS 28.20.440(f)(5), states that payment for coverage provided by a motor vehicle liability policy must be paid in full by the owner or operator before the beginning of the policy period. This provision may cause considerable economic hardship. Current practice allows for various multi-payment plans. Many people simply cannot afford to pay the full premium all at once.


The Honorable W.E. "Brad" Bradley
Alaska State Legislature
May 4, 1979
Page #2

3. Sec. 15 repeals (among others) AS 28.20.-300, the exception for government vehicles. There is case law which exempts United States postal drivers from state requirements to hold a drivers' license in the state in which they work. By repealing this statutory exception, the bill appears intended to require a postal delivery person to obtain a certificate of insurance in Alaska; that raises the same sort of questions as the license requirement itself.

If we can provide you with any further assistance or information, please let us know.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md:AHP:NES

cc: Keith Specking
Legislative Assistant
Governor's Office

S B

3 7 3



BILL SUMNER

Alaska State Senator

DURING SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 485-3791

OUT OF SESSION:
1016 WEST 6TH AVENUE
SUITE 415
ANCHORAGE, ALASKA 99501
(907) 272-4541

DISTRICT 7-E

COMMITTEES:
RESOURCES
CHAIRMAN
FINANCE
RULES
COMMITTEE ON COMMITTEES
JOINT INTERIM COMMITTEE
ON GAS PIPELINE FINANCING

Christian:

Attached is some information on the artists' royalty bill...the California statute and a memo from Jack Chenoweth.

Quite simply, the bill is intended to allow artists to profit when their art work appreciates since right now they receive no financial benefits. As far as what the Arts Council can do with the money, the bill as drafted says on page 3, section (C) that when the Arts Council can't find the artist and the money has been in the account for two years, the money will then lapse into the general fund. We would rather see the Arts Council keep the money and use it to develop the arts in Alaska. This might be an appropriate change.

Give a call with any more questions and I'll see what else I can put together.

Cheryl

Cheryl Frasca
Bill Sumner's Office
2.25.80

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1980

SUBJECT: Artist's royalty on resale of works of
fine art. (Work Order Number 7775)

TO: Senator Bill Summer

FROM: John B. Chenoweth
Legislative Counsel 

Some notes on the significant differences between this bill draft and the California statute:

I have expanded the definition of "work of fine art" from the "original painting, sculpture, or drawing" of the California statute to include also "photograph or work of graphic art." The basis of the change is the comparable definition used in Chapter 8, SLA 1979, relating to protection of the artist's interest in his works of fine art placed with a dealer for sale as against claims by the creditors of the dealer.

I have deleted from the provisions of the Alaska bill the California provision excluding payment in the event of resale by a seller for a price that is lower than his original purchase price: few works of fine art of first quality would meet the test of this exclusion, but the presence of the exclusion, to me, suggests a loophole that might defeat the artist's rights or at least present problems of proof if he attempts to secure judicial relief.

I have reduced by five years, from seven to two, the time given to the Alaska State Council on the Arts to locate an artist based on my reading of the statute of limitations (AS 09.10.070) under which an artist would be able to secure judicial assistance in collecting an amount due him because of a resale of a work of fine art. Likewise, rather than impose a separate statute of limitations, as California does, for suits by an artist in furtherance of rights granted by AS 45.45.250, I have made no mention of this in the bill draft. I suggest that the applicable statute of limitations -- that is, the time in which the artist may initiate a cause of action based on rights given in AS 45.45.250 -- is two years:

Senator Bill Sumner
Page 2
January 31, 1980

No person may bring an action . . .

* * *

(3) upon a liability created by statute, other than a penalty or forfeiture, unless commenced within two years.

AS 09.10.070. If a longer statutory period seems necessary, please advise and I will redraft following your instructions.

In all other respects, I have followed the California statute as the model for this bill draft.

JBC:ljb

Enclosure

Publication and preemption in copyright law: *Elegiac reflections on Goldstein v California*. (1975) 22 UCLA LR 1022.

Photocopying and record piracy: *Of Dred Scott and Alice in Wonderland*. (1975) 22 UCLA LR 1052.

State Protection of Intellectual Property. 60 ABAJ 198.

→ § 986. [Sale of fine art]

(a) Whenever a work of fine art is sold and the seller resides in California or the sale takes place in California, the seller or his agent shall pay to the artist of such work of fine art or to such artist's agent 5 percent of the amount of such sale. The right of the artist to receive an amount equal to 5 percent of the amount of such sale is not transferable and may be waived only by a contract in writing providing for an amount in excess of 5 percent of the amount of such sale.

(1) When a work of art is sold at an auction or by a gallery, dealer, broker, museum, or other person acting as the agent for the seller the agent shall withhold 5 percent of the amount of the sale, locate the artist and pay the artist.

(2) If the seller or agent is unable to locate and pay the artist within 90 days, an amount equal to 5 percent of the amount of the sale shall be transferred to the Arts Council.

(3) If a seller or his agent fails to pay an artist the amount equal to 5 percent of the sale of a work of fine art by the artist or fails to transfer such amount to the Arts Council, the artist may bring an action for damages within three years after the date of sale or one year after the discovery of the sale, whichever is longer.

(4) Moneys received by the council pursuant to this section shall be deposited in an account in the Special Deposit Fund in the State Treasury.

(5) The Arts Council shall attempt to locate any artist for whom money is received pursuant to this section. If the council is unable to locate the artist and the artist does not file a written claim for the money received by the council within seven years of the date of sale of the work of fine art, the right of the artist terminates and such money shall be transferred to the operating fund of the council as reimbursement to fund programs of the council.

(6) Any amounts of money held by any seller or agent for the payment of artists pursuant to this section shall be exempt from attachment or execution of judgment by the creditors of such seller or agent.

(b) Subdivision (a) shall not apply to any of the following:

(1) To the initial sale of a work of fine art where legal title to such work at the time of such initial sale is vested in the artist thereof.

(2) To the resale of a work of fine art for a gross sales price of less than one thousand dollars (\$1,000).

(3) To a resale after the death of such artist.

(4) To the resale of the work of fine art for a gross sales price less than the purchase price paid by the seller.

(5) To a transfer of a work of fine art which is exchanged for one or more works of fine art or for a combination of cash, other property, and one or

California. (1975) 22
LA LR 1052.

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more works of fine art where the fair market value of the property exchanged is less than one thousand dollars (\$1,000).

(c) For purposes of this section, the following terms have the following meanings:

(1) "Artist" means the person who creates a work of fine art.

(2) "Fine art" means an original painting, sculpture, or drawing.

(d) This section shall become operative on January 1, 1977, and shall apply to works of fine art created before and after its operative date.

(e) If any provision of this section or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this section which can be effected, without the invalid provision or application, and to this end the provisions of this section are severable.

Added Stats 1976 ch 1228 § 1.

Note —Stats 1976 ch 1228 also provides: § 2. The rights of an artist of a work of fine art to receive payment of an amount equal to 5 percent of the amount of a sale of fine art within the provisions of Section 986 shall be vested at the time of such sale; except that an artist shall have no rights to any payment pursuant to this act, if any provision therein is subsequently repealed so as to remove the provisions for such payment, as to any sale which occurs subsequent to such repeal; and except that, in the event any provision in this act is otherwise subsequently amended or changed, an artist shall have only those rights to payment provided for by such subsequent amendment or change and shall have no rights to any payment pursuant to this act, as to any sale which occurs subsequent to such amendment or change.

A critical comment on California's Droit de Suite, Civil Code Section 986. (1977) 29 Hast LJ 249.

SUGGESTED FORM

Complaint by Artist Against Owner of Art Gallery for Damages—Failure to Pay Artist Prescribed Percentage from Sale of Fine Art

[Title of Court and Cause]

1. Plaintiff resides at 1 [address], in the City of 2, County of 3, State of 4

2. Defendant is the sole proprietor of the 5 [specify gallery] located at 6 [address], in the City of 7, County of 8, State of California, and has been engaged for the past 9 years in the sale and purchase of fine art.

3. On 10, 1911, plaintiff completed work on a 12 [painting or sculpture or drawing or as the case may be] entitled "13" 14 [If applicable, set forth further description of art work].

4. On 15, 1916, plaintiff sold the 17 [painting or sculpture or drawing or as the case may be] to 18 [initial purchaser] for the sum of \$19. A copy of the receipt of such sale is attached, marked Exhibit "—," and by reference made part hereof.

5. On 20, 1921, defendant acquired the 22 [painting or sculpture or drawing or as the case may be] from 23 [initial purchaser] in exchange for the following described 24 [painting(s) or as the case may be] owned by defendant: 25 Plaintiff is informed and believes and thereon alleges that the fair market value of the work(s) of art exchanged amounted to \$26.

6. On 27, 1928, defendant sold the 29 [painting or sculpture or drawing or as the case may be] on the gallery premises to 30 [purchaser] for a gross sale price of \$31.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 25, 1980

Christine D'Arcy
Visual Arts Director
Alaska State Council on the Arts
619 Warehouse Avenue, Suite 220
Anchorage, AK 99501

Dear Ms. D'Arcy:

Unfortunately our appointment on February 21, 1980, did not materialize. Nevertheless, I am interested in your views on the proposed act relating to the sale of fine art (SB 373). I have enclosed a copy of this bill for your review.

Please send your comments within 15 days so we may expedite this legislation.

Sincerely,

Christian Basler

Christian Basler
Administrative Assistant

Enclosure: Senate Bill 373

Introduced: 2/1/80
Referred: Commerce, Judiciary
and Finance

1 IN THE SENATE

BY SUMNER

2 SENATE BILL NO. 373

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of fine art."

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

8 * Section 1. AS 45.45 is amended by adding a new section to read:

ARTICLE 6. SALE OF FINE ART.

9 Sec. 45.45.250. SALE OF WORKS OF FINE ART. (a) When a work of
10 fine art is sold and the seller resides in the state or the sale of the
11 work of fine art takes place in the state, the seller or his agent shall
12 pay to the artist of the work of fine art, or the artist's agent, a
13 royalty equal to five percent of the amount of the gross sales price.
14

15 (b) The right of an artist to receive a royalty equal to five
16 percent of the amount of the gross sales price from the sale of a work
17 of fine art is not transferable. The right may be modified only by a
18 written contract signed by the artist or his agent and the selling party
19 or his agent which provides for the payment of a royalty greater than
20 five percent of the gross sales price in the event of sale of a work of
21 art. [An artist may not waive the right to receive the royalty payment.] ?

22 (c) Payment of the amount required to be paid to an artist by this
23 section is the responsibility of the seller or his agent. The seller or
24 his agent shall make a good faith effort to locate the artist and trans-
25 mit the payment required by this section. If the seller or his agent is
26 unable to locate and pay the artist within 90 days, the amount required
27 to be paid to the artist by this section shall be transmitted to the
28 Alaska State Council on the Arts for deposit to a special account.

29 (d) This section does not apply to

*5% because of
Calif. B. Ill.*

*Creates large
state agency
Costly!
A disguised
TAX*

1 (1) the initial sale of a work of fine art if legal title to
2 the work is vested in the artist at the time of sale;

3 (2) the resale of a work of fine art after the death of the
4 artist;

5 (3) the resale of a work of fine art for a gross sales price
6 of less than \$1,000;

7 ? (4) the exchange of a work of fine art for one or more works
8 of fine art, or for a combination of cash, other property, and one or
9 more works of fine art, if the fair market value of the property ex-
10 changed is less than \$1,000.

11 (e) In this section,

12 (1) "artist" means the person who creates a work of fine art;

13 (2) "fine art" means an original painting, sculpture, draw-
14 ing, photograph, or work of graphic art. - (jewelry) gold

15 * Sec. 2. AS 45.05.120(e) is amended to read:

16 (e) Whenever an artist delivers or causes to be delivered a work
17 of fine art of his own creation to an art dealer for the purpose of
18 sale, or exhibition and sale to the public on a commission or fee or
19 other basis of compensation, the work of fine art is not subject to the
20 claims of the art dealer's creditors. Whenever a person who is not an
21 artist, or the agent, of the artist, delivers a work of fine art to an
22 art dealer for the purpose of sale and the work is sold, the amount of
23 the gross sales price of the work of fine art which shall be withheld
24 for payment to the artist under AS 45.45.250 is not subject to the
25 claims of the creditors of the art dealer. For the purposes of this
26 subsection

27 (1) "art dealer" means a person other than a public auction-
28 eer engaged in the business of selling works of fine art;

29 (2) "artist" means the creator of a work of fine art;

hence a minimum of \$50.00 per sale paid in tax.

could be jewelry "Chenowitz"

[Handwritten signature]

AK. State Council of the Arts.

1 (3) "fine art" includes a painting, sculpture, drawing,
2 photograph, or work of graphic art.

3 * Sec. 3 AS 44.19.930 is amended by adding a new paragraph to read:

4 (6) to administer a special account called the "artist's
5 royalty account," to which the council shall deposit amounts received
6 from sellers of works of fine art, or their agents, who are unable to
7 locate artists for the purpose of making payment of the portion of the
8 gross sales price under AS 45.45.250 in the administration of the
9 special account, the council shall

10 (A) receive payments from the resale of a work of fine
11 art and deposit the payments to the account;

12 (B) attempt to locate an artist for whom money is re-
13 ceived under (A) of this paragraph and remit payment of the amount
14 due to that artist;

15 (C) in the event of inability to locate the artist or
16 failure of the artist to submit a written claim for a payment due
17 to him within two years, transfer the amount due the artist to the
18 general fund of the state; and

19 (D) manage the account to protect the amounts on de-
20 posit.

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SB-373

Byron Bizetsall
~~Byron~~ ~~Bizetsall~~ - Artist Summers
office spoke with.
- Modeled on Calif. Bill.

Jack Chenowitz. - 3837
Legal Dept.
#7775 work order

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

February 19, 1980

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

Re: Senate Bill 373, relating to the sale of fine art

Dear Senator Bradley:

In response to your February 4 request for comments from this department regarding this legislation, we have reviewed the bill, and offer the following comments.

While the idea of protecting the artist's interest in a work of art has considerable merit, there are some problems in this bill. For example:

(a) Its provisions apparently apply to sales of fine art by private persons (not just commercial sales), and to resales by private persons for \$1,000 or more. Neither the bill nor AS 45.45 as it stands makes clear whether the intent is to cover commercial sales only. If the bill is intended to apply to non-commercial sellers, there will be a serious problem in trying to keep track of sales.

(b) The burden placed on the seller or seller's agent to locate the artist and transmit payment (subsection (c) of AS 45.45.250) may be unworkable and create another kind of enforcement problem -- keeping track of the artists. Perhaps some agency, such as the State Council on the Arts, should maintain a current listing of artists' addresses and furnish that information to sellers to aid them in fulfilling that duty. The burden would be on the artist to make sure that his or her current address was on file.

(c) It is not clear how the modification agreement under AS 45.45.250(b) will be enforced for future sales.

Senator Bradley
February 19, 1980
Page 2

(d) It is unusual for a person to be able to collect repeatedly for later increases in price on resales of a product. This may give rise to litigation, e.g., regarding whether a seller obtained a higher resale price through his or her own expertise in promotion or display techniques.

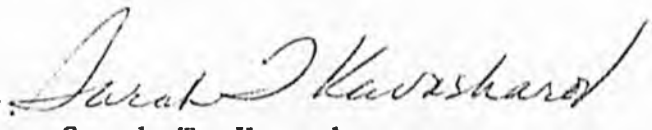
(e) The definitions of "fine art" (AS 45.45.-250(e)(2) and (45.05.120(e)(3)) do not coincide (which in fact, may be intentional). The definition in AS 45.45.250(e)(2) includes the word "original", but the other section does not. Also, the definitions exclude works such as ivory carvings, prints made by silk screen or wood cut, etc., works done by weaving, and a number of other possible original creations properly thought of as fine art. This may be unfairness in the law. On the other hand, it may not be workable to include such works and still distinguish between "art" and "crafts".

(f) The word "withheld" on line 23, page 2, probably should be "held".

Our department is in no position to prepare a fiscal note on possible costs of the proposal.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Sarah T. Kavasharov
Assistant Attorney General

AMG:jb:STK

ROBERT L. MANLEY

1312 West 15th Avenue

Anchorage, Alaska 99501

March 11, 1980

Senator Brad Bradley
Chairman Senate Commerce Committee
Alaska State Legislature
Pouch U
Juneau, Alaska 99811

RE: Senate Bill 373,
An act regulating the sale of fine art

Dear Senator Bradley:

I am writing to voice my opposition to Senate Bill 373, an act relating to the sale of fine art, which I understand is presently before your committee. In essence, the act establishes an artist's royalty of 5% of the gross sales price to be paid on each resale of works of fine art. Legislation of this type is apparently intended to allow an artist to participate through his or her life in the profits realized from the appreciation of works of fine art. Ideally, the poor struggling artist who is forced to sell his or her work at a pittance merely to survive can reap a portion of the benefits of the increased value of such works after he or she is discovered and is able to command a substantial price for his or her work. I am opposed to the Bill because neither in theory nor practice would such a law work to the benefit of most artists.

Under present law an artist is free to copyright art works and thus prohibit their reproduction. Likewise, by private contract, the artist can establish the type of royalty scheme provided by Senate Bill 373. In a free market place such a contract proposal would probably reduce the initial sales price of the work of art. If the collector must pay a royalty upon resale, he will realize a smaller profit and, accordingly, must reduce his investment in order to obtain the return he seeks. If the royalty scheme is mandated by law, the same result will occur and the initial sales price will be reduced to the detriment of the artist.

Senator Brad Bradley
Page 2
March 11, 1980

A particularly objectionable aspect of the Bill is tying the royalty of "gross sales price." If a person purchased a painting for \$5,000 and because of market conditions or personal financial condition was forced to sell it for \$3,000 through an agent thus netting only \$2,000, because of commission, the crowning insult would be the requirement of paying the artist a further \$150 royalty. Tying the matter to net profit would help cure that inequity, but in an inflationary environment "profit" on resale involves inflated dollars and the actual profit is very much smaller.

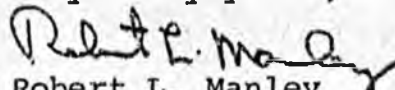
Another problem is in § 1(e)(2) defining fine art. The section provides that "'fine art' means an original painting, sculpture, drawing, photograph or work of graphic art." If the Bill is passed, the work "includes" should be substituted for the word "means" in this spot. This change would bring the provision into conformity with AS 45.05.120(e)(3) and thus would adopt a nonexclusive definition. The border line between "arts" and "crafts" is rather indistinct. Certainly if someone paid in excess of \$1,000 for a weaving or piece of pottery, it would seem to fall within the category of "fine art."

I am not sure who proposed the Bill to Senator Sumner or who is lobbying in favor of it; however, the proposal to involve the Alaska State Council on the Arts simply establishes another brick in the massive of Alaskan bureaucracy. An uncharitable reviewer might even characterize the proposal as a small exercise in empire building on the part of the Alaska State Council on the Arts.

It does not appear that at the present time the Bill would work primarily to the benefit of Alaskan artists. The people who will be reaping royalties are LeRoy Neiman, Frederick Hunterwasser and other well established international artists. Under the Bill the royalty would be payable to such international artists even if the sale was consummated at a foreign auction house.

I don't believe that the proposal has any more merit than a proposal to allow architects or contractors to participate by way of royalty in the appreciation of buildings which they design or construct. Thank you for your consideration of my opinion and I urge you to oppose Senate Bill 373.

Very truly yours,


Robert L. Manley

Chris Manley/Fabrications Inc.
1312 West 15th - Anchorage, Alaska 99501
(907) 274-9907

3.16.80

Dear Senator Summer,

I am a consumer of the visual arts as well as a working visual artist. I urge you to re-consider your decision to support Senate Bill 373 dealing with a 5% royalty tax on the sale of fine art.

My research has shown that similar legislation in California enacted 23 years ago has failed to help the very artists it was supposed to help. It has encouraged the consumers of visual arts to rethink future purchasing of art.

In this day of spiraling inflation and higher taxes it seems poor money management to add a program of this magnitude when the Alaska State Council on the

-2-

Arts does not have the staff or funding in its budget to operate this program. There is a conflict in the definitions of fine art, page 2, e 2, and page 3, e 3. I suggest if there is mass support of this Bill that the definitions reflect that fine art includes a painting, sculpture, drawing, photograph, or work of graphic art.

I am opposed to Senate Bill 373 as the negative impact on the visual arts will far outweigh any positive effects.

Sincerely,
Christine Manley

cc Senator Brad Bradley
Commerce Committee Chairman



Ms. Susan R. Clark
1109 C Street
Juneau, Alaska
99801

JUNEAU ARTS COUNCIL
Box 562
Juneau, Alaska 99802

cc: Christian Basler
Commerce Committee

QUESTIONNAIRE

Senate Bill 373, "An Act relating to the sales of fine art."

I. Do you favor a royalty fee on the sale of your art? If so, is 5% acceptable?

yes \rightarrow However I do not feel the artist should get a % of the gross, but rather a percentage (say 30%) of the increase over the original price ^{paid by the owner} (ie use percentage of the profit made in the resale)

I AM A FEMALE ARTIST & collector

II. Should the seller or ^{her} his agent carry prime responsibility for dispersal of the royalty fee? (PLEASE DO NOT USE SEXIST OR NON inclusive language in the bill)

Whoever handles the \$ - it could be either at different times + not all sellers have agents

III. In the event that the seller or ^{her} his agent cannot locate the artist for payment, should that payment be restricted to deposit in a special account with the Alaska State Council on the Arts?

Sounds reasonable, but artist searches could be expensive + bureaucracy being what it is.... This may not be so simple a process

If the artist is deceased, is the ~~payment~~ ^{deposit} no longer required ~~the artist should~~

JUNEAU ARTS COUNCIL
Box 562
Juneau, Alaska 99802

What about payment of the royalty to the estate or family of a deceased artist? I should think this would only be fair at least ~~for~~ as far as the artists immediate

IV. If deposited with the Alaska State Council on the Arts, are the administrative functions for the management of such funds satisfactory? family (husband, wife, children, or parents).

No 2 yrs is too short a time and if

funds are to "disolve" into the State they should not go to general fund, but to ^{the} art

Council (whoops - conflict of interest?) - well to something

related to programs for artists, otherwise it's just an additional ^{STATE} tax on the sale of art

V. Would you be willing to testify before a legislative committee regarding this particular issue?

yes

VI. Other comments:

I am an artist who works in a fiber medium -

I create fiber art as wall art + sculpture.

Recently commissioned pieces of fiber art by the state have been bringing in \$1,000 - 5,000. It is art, it

is not craft. Fiber art is appreciating + the

demand is ^{currently} growing at a fast rate. My work, I expect to increase in value if only because fiber art is currently underpriced. "Fine art" should include fiber art

Introduced: 2/1/80
Referred: Commerce, Judiciary
and Finance

1 IN THE SENATE

BY SUMNER

2 SENATE BILL NO. 373

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of fine art."

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

8 * Section 1. AS 45.45 is amended by adding a new section to read:

9 ARTICLE 6. SALE OF FINE ART.

10 Sec. 45.45.250. SALE OF WORKS OF FINE ART. (a) When a work of
11 fine art is sold and the seller resides in the state or the sale of the
12 work of fine art takes place in the state, the seller or his/^{her} agent shall
13 pay to the artist of the work of fine art, or the artist's agent, a
14 royalty equal to five percent of the amount of the gross sales price.

15 (b) The right of an artist to receive a royalty equal to ~~five~~³⁰
16 percent of the amount of the ~~gross sales price~~^{profit} from the sale of a work
17 of fine art is ~~not~~^{what about families (immediate)} transferable. The right may be modified only by a
18 written contract signed by the artist or his/^{her} agent and the selling party
19 or his/^{her} agent which provides for the payment of a royalty greater than
20 five percent of the gross sales price in the event of sale of a work of
21 art. An artist may not waive the right to receive the royalty payment.

22 (c) Payment of the amount required to be paid to an artist by this
23 section is the responsibility of the seller or his/^{her} agent. The seller or
24 his/^{her} agent shall make a good faith effort to locate the artist and trans-
25 mit the payment required by this section. If the seller or his/^{her} agent is
26 unable to locate and pay the artist within 90 days, the amount required
27 to be paid to the artist by this section shall be transmitted to the
28 Alaska State Council on the Arts for deposit to a special account.

29 (d) This section does not apply to

1 (1) the initial sale of a work of fine art if legal title to
2 the work is vested in the artist at the time of sale;

3 (2) the resale of a work of fine art after the death of the
4 artist;

5 (3) the resale of a work of fine art for a gross sales price
6 of less than \$1,000;

7 (4) the exchange of a work of fine art for one or more works
8 of fine art, or for a combination of cash, other property, and one or
9 more works of fine art, if the fair market value of the property ex-
10 changed is less than \$1,000.

11 (e) In this section,

12 (3) "art" means

13 (1) "artist" means the person who creates a work of fine art;

14 (2) "fine art" means an original painting, sculpture, draw-
15 ing, photograph, or work of graphic *art or fiber art.*

16 * Sec. 2. AS 45.05.120(e) is amended to read:

17 (e) Whenever an artist delivers or causes to be delivered a work
18 of fine art of his own creation to an art dealer for the purpose of
19 sale, or exhibition and sale to the public on a commission or fee or
20 other basis of compensation, the work of fine art is not subject to the
21 claims of the art dealer's creditors. Whenever a person who is not an
22 artist, or the agent, of the artist, delivers a work of fine art to an
23 art dealer for the purpose of sale and the work is sold, the amount of
24 the gross sales price of the work of fine art which shall be withheld
25 for payment to the artist under AS 45.45.250 is not subject to the
26 claims of the creditors of the art dealer. For the purposes of this
27 subsection

28 (1) "art dealer" means a person other than a public auction-
29 eer engaged in the business of selling works of fine art;

(2) "artist" means the creator of a work of fine art;

1 (3) "fine art" includes a painting, sculpture, drawing,
2 photograph, or work of graphic art.

3 * Sec. 3. AS 44.19.930 is amended by adding a new paragraph to read:

4 (6) to administer a special account called the "artist's
5 royalty account," to which the council shall deposit amounts received
6 from sellers of works of fine art, or their agents, who are unable to
7 locate artists for the purpose of making payment of the portion of the
8 gross sales price under AS 45.45.250; in the administration of the
9 special account, the council shall

10 (A) receive payments from the resale of a work of fine
11 art and deposit the payments to the account;

12 (B) attempt to locate an artist for whom money is re-
13 ceived under (A) of this paragraph and remit payment of the amount
14 due to that artist;

15 (C) in the event of inability to locate the artist or
16 failure of the artist to submit a written claim for a payment due
17 to him within two years, transfer the amount due the artist to the
18 general fund of the state; and

19 (D) manage the account to protect the amounts on de-
20 posit.

S B

3 8 7



ARCTIC first federal
savings & loan association

P.O. BOX 709 • FAIRBANKS, ALASKA 99707 • 452-4471
570 GAFFNEY ROAD • 400 STEESE HIGHWAY
701 WEST FOURTH AVENUE, ANCHORAGE

March 10, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Pouch U, State Capitol
Juneau, Ak. 99811

Dear Senator Bradley:

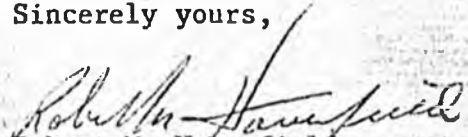
I appreciate you forwarding copies of Senate Bills 140, 384, 387 and 430; and House Bill ~~671~~ to this Association.

In Senate Bill 384 and House Bill 671, page three, line three, we would suggest adding "which would also include refinanced mortgage loans", between the words "loan" and "including".

At page three, line 16 we suggest adding "federal and state savings and loan association" between the words "bank" and "or". Page four, line 27 we suggest adding "federal and state savings and loan association" between words "banks" and "or". This would insure all financial lenders an opportunity to participate in all AHFC programs.

Senate bills 387, 430 and 140 we have no comment and suggest adoption of these three bills.

Sincerely yours,


Robert M. Haverfield
President

RMH:sgH

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D

JUNEAU, ALASKA 99811

February 15, 1980

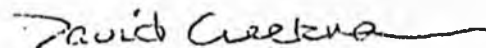
Honorable Brad Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Re: SB 386, 387 and CSHJR 52

Dear Senator Bradley:

Thank you for offering the Department of Commerce and Economic Development the opportunity to respond directly to the above referenced bills and resolutions which have been referred to your committee in the Senate. Our responses and comments are contained in the following pages.

Sincerely,



David Creekman
Information Officer

SB 387

"An Act clarifying the authority of the Alaska Housing Finance Corporation to provide housing assistance for mobile homes; and providing for an effective date."

The Department of Commerce and Economic Development requests additional time to consider and respond to this bill.

A copy of the department's response to SB 387 will be provided the Senate Commerce Committee when it is prepared.

Alaska

HOUSING



FINANCE CORPORATION

February 13, 1980

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

Re: SB 387

Dear Senator Bradley:

I have no opposition or comment to make regarding SB 387.
I do not feel it is necessary for a fiscal note on this legislation.

Sincerely,

J. M. Linton

J. M. Linton
Executive Director

JML:jh



ARCTIC first federal
savings & loan association

P.O. BOX 709 • FAIRBANKS, ALASKA 99707 • 452-4471
570 GAFFNEY ROAD • 400 STEESE HIGHWAY
701 WEST FOURTH AVENUE, ANCHORAGE

March 10, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Pouch U, State Capitol
Juneau, Ak. 99811

Dear Senator Bradley:

I appreciate you forwarding copies of Senate Bills 140, 384, (387) and 430; and House Bill 671 to this Association.

In Senate Bill 384 and House Bill 671, page three, line three, we would suggest adding "which would also include refinanced mortgage loans", between the words "loan" and "including".

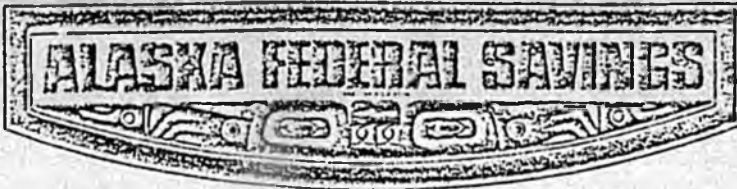
At page three, line 16 we suggest adding "federal and state savings and loan association" between the words "bank" and "or". Page four, line 27 we suggest adding "federal and state savings and loan association" between words "banks" and "or". This would insure all financial lenders an opportunity to participate in all AHFC programs.

Senate bills 387, 430 and 140 we have no comment and suggest adoption of these three bills.

Sincerely yours,

Robert M. Haverfield
Robert M. Haverfield
President

RMH:sgb



ADMINISTRATIVE OFFICES
(907) 586-1015 586-1017
311 NORTH FRANKLIN ST.
JUNEAU, ALASKA 99801

March 10, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Pouch V, State Capitol
Juneau, Alaska 99802

Re: SB 140, 384, 387, 430
HB 671

Gentlemen:

Thank you very much for the opportunity to comment on the above listed legislation as noted in your letter of February 28, 1980.

SB 387, 430 - Clarifying the authority of Alaska Housing Finance Corporation are needed. We, therefore, urge adoption of these two bills.

SB 140 - Now amended to CSSB 140, expands the authority of Alaska Housing Finance Corporation into rural areas that should assist the public. We therefore urge adoption of the bill.

SB 384 & - Are identical and we believe the following changes would prove
HB 671 beneficial as noted:

Change - Page 3, line 16 and Page 4, line 27

Insert "Insured bank, savings and loan association or trust company" for "banks or trust companies."

Reason - This change will clarify and insure that the financial institution will be supervised by a Federal government agency; and insure that all financial real estate lenders have an equal opportunity to participate in the various programs of Alaska Housing Finance Corp.

Change - Page 3, line 2

Add "initial or refinanced" between words "any" and "housing."

Reason - The addition of these two words will clarify and assure that all residents, whether new home buyers or long time home owners, have an equal opportunity to avail themselves of the benefits of the Alaska Housing Finance Corp. loan programs.



ALASKA'S PIONEER - SERVING ALL ALASKA

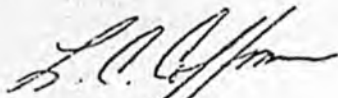
JUNEAU • KETCHIKAN • SITKA • VALDEZ • PALMER • PETERSBURG • WRANGELL

We have received many customer complaints over the policies of Alaska Housing Finance Corporation. The practice of discrimination over the use of the public tax dollars, when AHFC will not allow a long time home owner to refinance his home under Alaska Housing Finance program, is the one complaint that is heard most often and is impossible for the Alaska resident to comprehend.

We, therefore, recommend the above two changes and adoption of SB 384 and HB 671 as amended.

Thank you again for the opportunity to comment. We would also appreciate receiving information regarding any public hearing dates on the above or any housing related bills.

Yours truly,



L.C. Coffman
President

cc: All Alaskan League Members
Rick Lauber



ANCHORAGE BOARD OF REALTORS,® INC.

1818 WEST NORTHERN LIGHTS BLVD., SUITE 103

ANCHORAGE, ALASKA 99503

(907) 272-3833

February 14; 1980

The Honorable W. E. "Brad" Bradley
The State Senate
Pouch V
Juneau, Alaska 99811

Dear Brad,

Thank you for your letter of February 6 concerning SB387-Mobile Homes as Real Property. I assume the intent of the bill is to provide statutory authority for AHFC to lend on mobile homes whether or not they are permanently affixed to the land or placed on a rented lot.

Additional statutory authority should not be required. AHFC has announced publicly their program to make loans for mobile homes, which indicates they feel they have the necessary authority already. The problem seems to be getting AHFC to adopt a program that is acceptable to the special interest groups involved, and I believe SB387 would have little if any effect in reaching a solution.

I believe a more effective approach would be the following amendments to Sec. 18.56.090:


"Par (2): make or participate in the making of mortgage loans to sponsors, developers, builders and purchasers of residential housing, including mobile homes whether or not they are permanently affixed to the real property or whether or not the mortgagor is the owner of the real property they occupy, if the corporation...."

"Par (7): acquire real property or personal property, or any interest in real property or personal property, in its own name...."

This approach would more clearly portray the intent of the bill without creating controversy over the legal ques-

tion of whether mobile homes can be classed as real property unless permanently attached to the land.

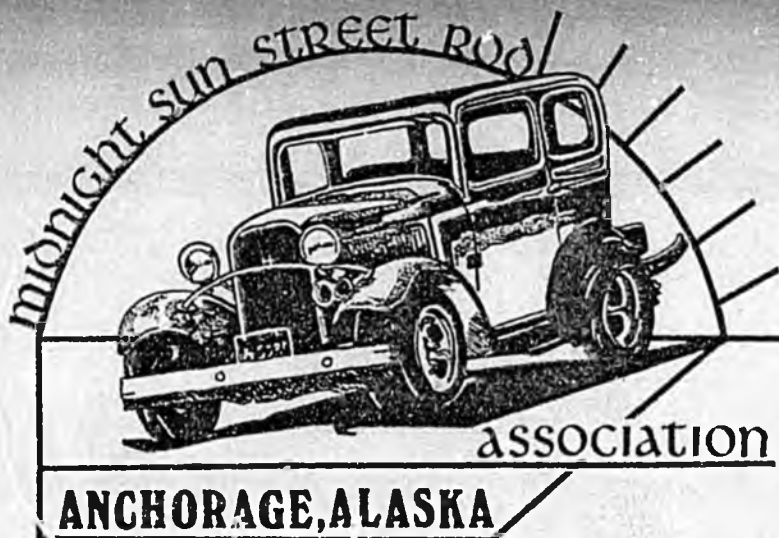
Sincerely,


George Oliver,
Chairman, Legislative Committee

GO/hc

SB

416



3/24/80

SENATOR W. BRADLEY
CHAIRMAN COMMERCE COMMITTEE
POUCH V. MAIL STOP NUMBER 3100
JUNEAU, AK 99811

DEAR SENATOR BRADLEY

AS A MEMBER OF MIDNIGHT SUN STREET ROD ASSOC. AND AUTO HOBBYIST
I SUPPORT SENATE BILL 416 AS ORIGINALLY PROPOSED BY THE
MIDNIGHT SUN STREET ROD ASSOC. THE BILL AS AMENDED DOES
NOT MEET THE ORIGINAL INTENT OF OUR BILL. THE MAIN INTENT
OF OUR ORIGINAL BILL IS TO PROMOTE SAFETY THROUGH SELF POLICING
OF MEMBER VEHICLES. THE SAFETY INSPECTION PROGRAM IS ORGANIZED
BY THE NATIONAL STREET ROD ASSOCIATION WHICH HAS A NATIONAL
MEMBERSHIP OF APPROXIMATELY 20,000 PERSONS. BILLS WHICH ARE
VIRTUALLY IDENTICAL TO OUR ORIGINALLY PROPOSED BILL HAVE BEEN
PASSED INTO LAW BY THE STATES OF DELAWARE ^{MINNESOTA} ~~AND ILLINOIS~~ AS WELL
SEVERAL OTHER STATES. OUR ORGANIZATION HAS TAKEN STEPS TO
PRESENT THE BILL TO PERSONNEL WITH STATE OF ALASKA DEPT. OF
PUBLIC SAFETY. I CAN SAFELY SAY IT WAS FAVORABLY RECEIVED. IF YOU
SHOULD ~~WANT~~ DESIRE TO DISCUSS THE MATTER FURTHER PLEASE DO NOT HESITATE
TO CALL ME AT 276-3646 DAYS OR 337-3814 EVES

SINCERELY
Ronald W. Bunn
RONALD W. BUNN

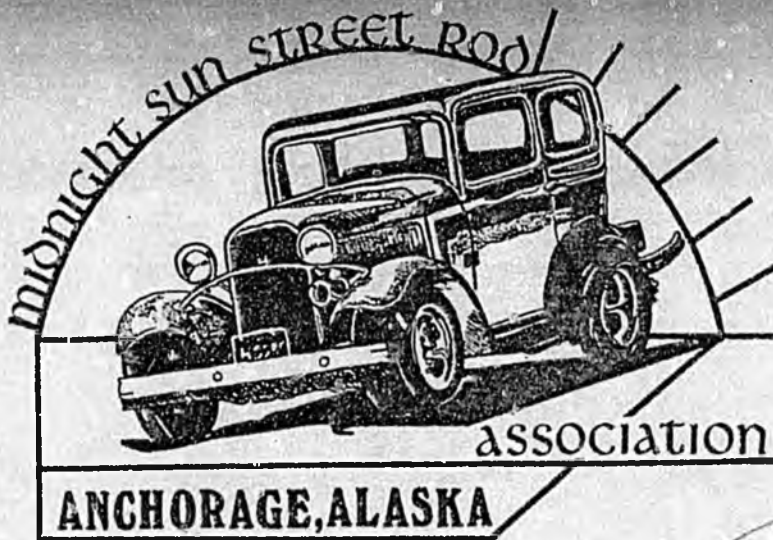


P.O. BOX 4-2061 • 99509

Tom Angler
 SRH, BX 325F
 ANCH. AK.
 99509

A lifetime pleasure & enjoyment
 when I would like to
 request your support
 on Senate Bill 416 as
 originally proposed by
 The Midnight Sun Street
 Rod Assn.

Thank you
 Tom Angler
 SRH, BX 325F
 ANCH. AK.
 99509



MAR. 24, 1980

RE: SENATE BILL 416

SEN. BRAD BRADLEY,

HAVING LIVED IN THE ANCHORAGE AREA FOR 11 YEARS NOW, THIS IS THE 1ST TIME I HAVE WRITTEN TO YOU IN REGARDS TO A BILL.

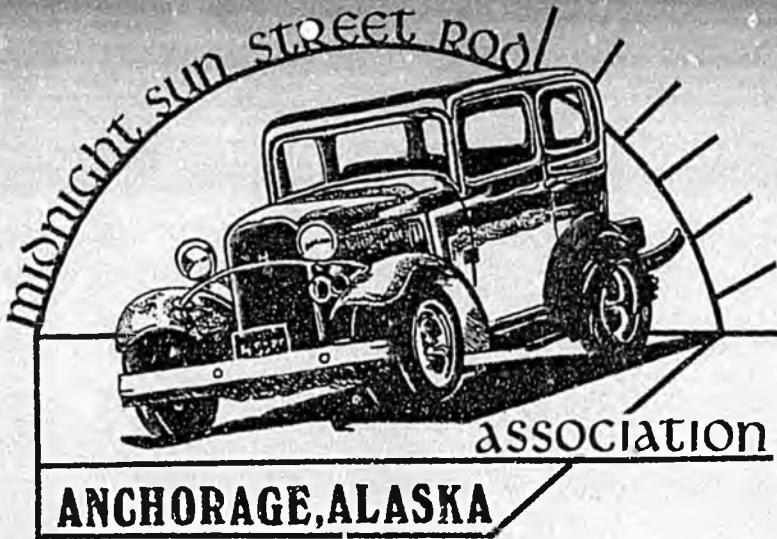
I OWN A 1931 MODEL A FORD THAT IS MODIFIED WITH A LATER MODEL ENGINE. MY WIFE AND 4 CHILDREN, AGES 15, 13, 9 AND 8 ALL ENJOY DRIVING AND RIDING AROUND. EVEN WITH HIGHER GAS PRICES WE ENJOY A SUNDAY DRIVE.

OUR CLUB ORIGINALLY PROPOSED THE BILL AND I AND MY FAMILY WHOLE-HEARTEDLY ENDORSE THE BILL AS IT WAS 1ST PROPOSED. THIS PROPOSAL WAS ARRIVED AT WITH MUCH DISCUSSION & DELIBERATION AND IS SOUND. IT HAS NOW BEEN CHANGED ALMOST ^{BEYOND} RECOGNITION. PLEASE CHANGE IT BACK TO THE ORIGINAL!

I OWN A HOME IN SPEVARD & LOVE IT HERE. PLEASE HELP ME & MY FAMILY ENJOY ONE OF THE THINGS THAT WE LIKE TO DO.

THANK YOU VERY MUCH,

Charles F. Lyons



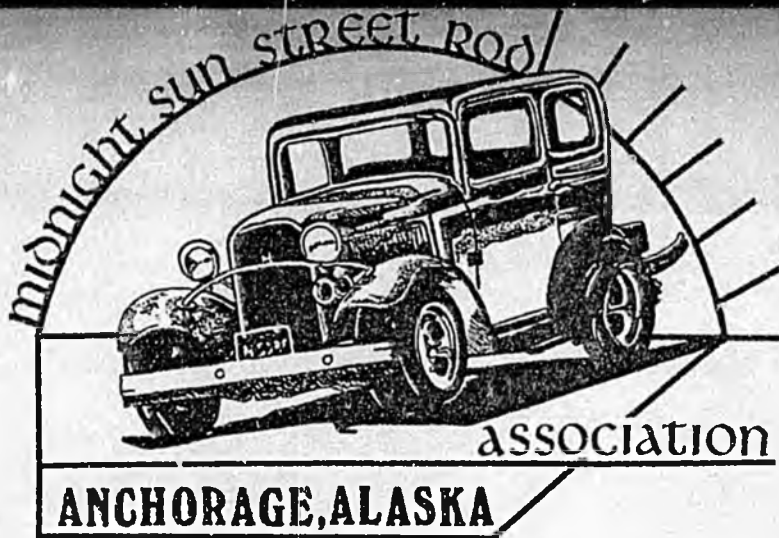
GEORGE H SCHAEFER
P.O. BOX 10-412
ANCHORAGE ALASKA 99511
V.R. CO 553164

Dear Senator Bradley

I am a member of the Midnight Sun Street Rod Association. I am in full support of Senate Bill 416, as it was presented by the Midnight Sun Street Rod Assn. I would like to see it as a law and hope that you'll give it full support.

Thank you for your cooperation in this matter.

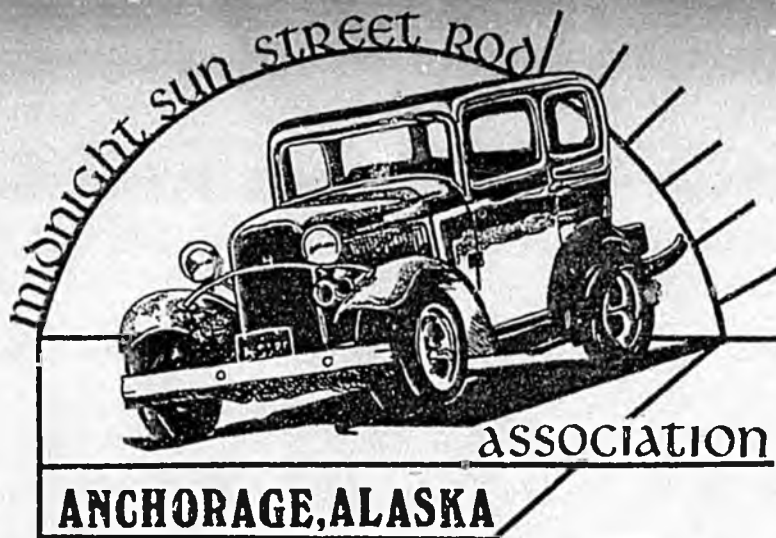
George H Schaefer



Dear Senator Bradley,

I would like to have S. B. 416 approved as it was originally submitted by the Midnight Sun Street Rod Association and not the version that Senator Sumner submitted.

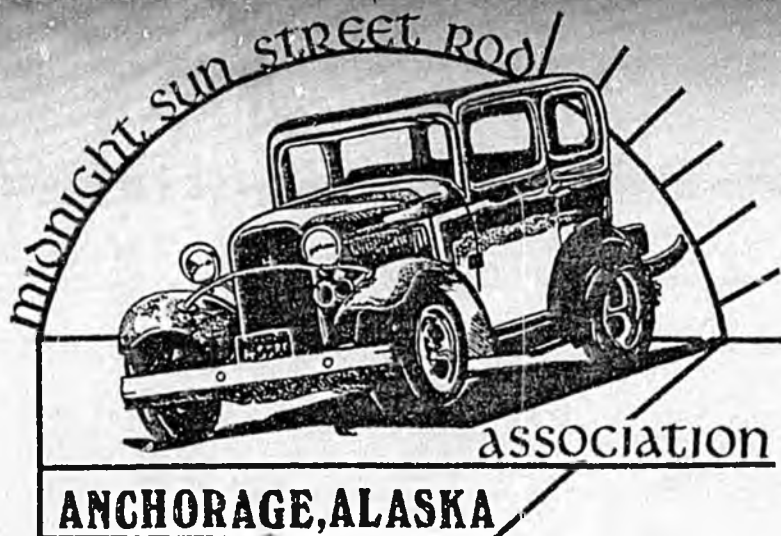
Michael J. Bulkeley
4225 Seward RD. # 116
Anchorage Alaska 99503



To Senator W. Bradley

I wish to make it known that I support Senate Bill 416 in the manner in which it was proposed by the Midnight Sun Street Rod Association. Thanks for your consideration.

Charles C. Stennette



3-24-80

To: Senator Bradley

I'm a street rodder and am a member
of Midnight Sun Street Rod Assoc.

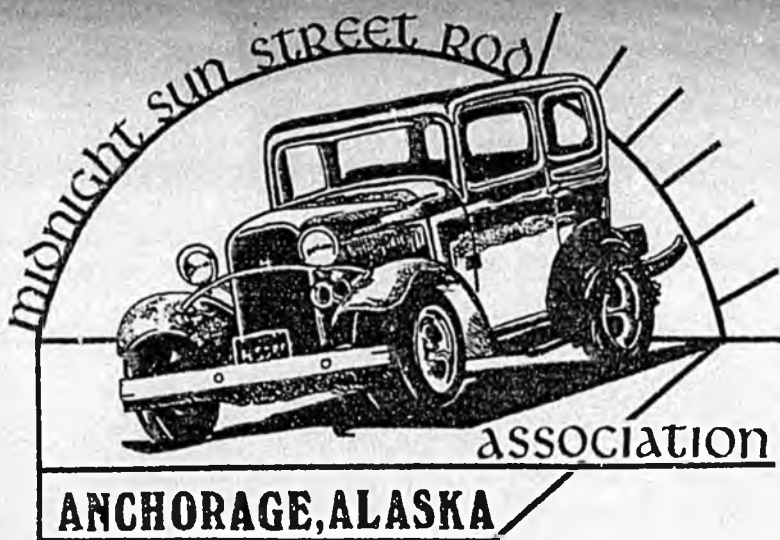
I strongly support S. Bill # 416

Concerning license plates for street rodder -

I hope a speedy passage of this bill
is in the works!

Sincerely -

Wm. Hemming
4501 Montrose
Anchorage, Ak 99502



3-24-80

TO: Senator Bradley:

Being a member of The Midnight Sun Street Rod Association, the club worked out a bill on Vehicle ~~Registration~~ Licensing, now you are changing it please put it back the way it was originally put in
Bill # 56416

Butch Worth

PURPOSE OF STREET ROD PLATES

- (A) To promote safety through self-policing of member vehicles.
- (B) To provide family oriented recreation.
- (C) Preservation of modified antiques, known as street rods.
- (D) To provide recognition for organized automobiles hobbyist.
- (E) Additional revenue.

AN ACT

Amending the motor vehicle code; and providing for an effective date.

*Section 1. AS 28.10.181(a) is amended to read:

Sec. 28.10.181. REGISTRATION OF UNIQUE AND SPECIAL VEHICLES AND VEHICLES USED FOR SPECIAL PURPOSES. (a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h), (i) and (l) of this section.

*Section 2. AS 28.10.181 is amended by added a new subsection to read:

(L) If any modified automobile at least twenty (20) years old, here-in-after referred to as a street rod, is duly registered in the State of Alaska, the owner of such street rod may make an application for a special street rod automobile plate under this subsection to be displayed on such street rod in lieu of the standard vehicle registration plate. Applicant must furnish proof that said street rod is registered in an Alaska street rod club which is fully affiliated with the National Street Rod Association, Inc.

Upon receipt of an application for a special street rod plate on a form prescribed under this subsection, the Commissioner shall issue to such applicant, a special street rod automobile plate on a permanent basis, and it shall bear the inscription "STREET ROD" with yellow letters on a blue background. In addition, such plates shall have displayed thereon the word "ALASKA"; the words "NORTH TO THE FUTURE", and numbered in a separate numerical series beginning with No. 1. This special plate shall be issued for the applicant's use only for such automobile, and in the event of a transfer of title, the transferor shall surrender the special plate to the Commissioner. Said applicants shall, in addition to the prescribed registration validation sticker, be required to display a valid National Street Rod Association safety inspection sticker in the lower right-hand corner of the windshield of such vehicle upon which said special plate is displayed.

*Section 3. AS 28.10.421(d) is amended by adding a new subsection to read:

(12) a street rod (one time only upon initial registration under §181 of this chapter.....\$20

*Section 4. Sections 1, 2 and 3 of this Act take effect January 1, 1981.



CURING SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3791

OUT OF SESSION:
1016 WEST 6TH AVENUE
SUITE 415
ANCHORAGE, ALASKA 99501
(907) 272-4541

BILL SUMNER
Alaska State Senator

DISTRICT 7-E

November 21, 1979

COMMITTEES:
RESOURCES
CHAIRMAN
FINANCE
RULES
COMMITTEE ON COMMITTEES
JOINT INTERIM COMMITTEE
ON GAS PIPELINE FINANCING

Billy G. Berrier - Director
Division of Legal Services
Legislative Affairs Agency
Pouch Y - State Capitol
Juneau, Alaska 99811

Dear Mr. Berrier:

Enclosed, please find materials relating to special vehicles, more commonly known as "street rods." I have been asked to consider introducing legislation which, in effect, would grant official recognition of street rods as having historical value and recreational purpose. In addition, the intent of the legislation would allow for some variances in safety regulations pertaining to the vehicles if such a vehicle were registered and affiliated with the National Street Rod Association.

I have included a proposal for legislation which was submitted to me by members of the Midnight Sun Street Rod Association (affiliated with the National Street Rod Association), a copy of legislation adopted by the state of Delaware and a Vehicle Safety Inspection form from the National Street Road Association.

I would appreciate a draft of legislation incorporating the points mentioned in the enclosed material and would appreciate authorship listed as "by Sumner, by request." Thanks for your help with this matter.

Sincerely,

BILL SUMNER
Senator

BS:mg

NSRA

VEHICLE SAFETY INSPECTION 1978-79



The National Street Rod Association vehicle safety inspection is valid until expiration date* shown below, unless voided by modifications or deterioration of any system components. A new inspection can be requested at any time and is recommended if modifications are made to the vehicle or any of its components. Certification sticker is not transferable.

Owner: _____ Age: _____ Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Make of Vehicle: _____ V.I.N. _____ Year _____ Body Style _____

NSRA Membership Number: _____ License Number _____ Current Drivers License # _____

1. **SPEED INDICATOR:** Speedometer or calibrated tachometer required.
2. **REAR VIEW MIRRORS:** Two required; one inside, one outside.
3. **INSURANCE:** Current liability insurance required (PL/PD).
4. **AUTOMATIC TRANSMISSION LOCKOUT:** Required (no exceptions).
5. **SAFETY GLASS:** Must comply with current ANSI Z 26.1 standard.
6. **WINDSHIELD WIPER:** One (operable) required.
7. **LIGHTING:** _____ Hi-beam; _____ low-beam; _____ tall; _____ brake; _____ license (rear reflector required; should be part of tail-light lens design). Must comply with VESC-12 25.1, 24" MN-54" maximum height.
8. **HORN:** Required.
9. **SHIFT PATTERN:** Shift pattern must be visible.
10. **BRAKES:** Four-wheel brakes required. Lines *must* be safely mounted and routed.
11. **TIRES:** Minimum 3/32 tread acceptable. Must meet DOT specifications.
12. **SHOCK ABSORBERS:** One per wheel required.
13. **STEERING:** No excessive "play" (2" radius max.) or binding; system must be safely mounted.
14. **SCRUB LINE:** No components to be below this line.
15. **EMERGENCY BRAKE:** Must be activated separate from normal foot operation. Line lock not acceptable.
16. **SELF-ALIGNING ROD END BEARINGS:** (Heim, etc.) Ball **MUST** have 1/8" spacer (minimum) on each side of housing, equal to the diameter of the lip on the ball. Spacers are required only if misaligned or binding can occur. Rod ends **MUST NOT** have more than 10° misalignment. No visible fractures, insert sloppiness or binding will be allowed.
17. **CHASSIS FASTENERS:** Self-locking nuts, lock washers, safety wire, Loctite, or cotter pins required.
18. **MODIFICATIONS:** All changes must be of safe design and construction; quality or workmanship to be considered in inspection.
19. **THROTTLE LINKAGE:** Must not travel past center, return spring required.
20. **FUEL SYSTEM:** Tank and lines safely mounted and routed.
21. **EXHAUST SYSTEM:** Exit exhaust away from car body. No leaks; reasonable sound level; 85 decibels max.

FOR YOUR SAFETY

RECOMMENDED EQUIPMENT: Turn indicators, per VESC-12, hi-beam indicator light in instrument panel, fire extinguisher in driver/passenger compartment, minimum wheel offset, seat belts, windshield defroster, gear shift indicator.

RECOMMENDED TOWING EQUIPMENT: (cars equipped with trailer hitch) turn indicators; tail & stop lights; two outside mirrors; safety chain mount; hitch securely mounted; fenders over trailer tires.

VEHICLE INSPECTION RATING Approved Not approved

If not approved, inspector's comments (indicated by number of item referred to):

Date of inspection: _____ Inspector _____ Division _____

Completion of the NSRA vehicle inspection warrants only that the vehicle hereon identified complies with equipment requirements recommended by the National Street Rod Association. The National Street Rod Association vehicle safety inspection is only advisory and is not to be construed as an official legal clearance, and the National Street Rod Association, its employees, officers, delegates, agents, or anyone assisting the Association assumes no responsibility for this advisory clearance.

*This inspection expires - June 1, 1979

This form must be signed by Vehicle owner _____

Date _____ Place _____

SD 12152



P. O. Box 4-2061
Anchorage, AK 99509
February 22, 1980

Senator Bill Summer
Pouch V, Mail Stop 3100
Juneau, AK 99811

Dear Senator Summer:

We are in receipt of Senate Bill No. 416, "An Act relating to the registration of motor vehicles; and providing for an effective date," and it is not what we presented to you. First we will point out the incorrect portions of the Bill as presented to the Commerce and Finance Committee, and second we will discuss what our intent of the bill is. We have also enclosed a copy of what was presented to you, and you can see the difference:

Section 1. - No change.

Section 2. -

We are considering any automobile that is at least 20 years old that is modified from stock, no matter what country of manufacture. It doesn't matter to us where an auto is manufactured, and the reason we chose at least 20 years old is because age alone would make it unique; besides, if a car can last 20 years on Alaska highways, it deserves recognition.

We want in the statutes that the applicant must furnish proof that their auto is registered in an Alaska street rod club which is fully affiliated with the National Street Rod Association, and that such vehicle has a valid safety sticker displayed on its windshield showing that it has passed the National Street Rod Association safety inspection. We are not proposing this bill just to have a special plate; we are proposing this bill to insure that our hobby of having family fun with cars is not legislated out of existence. This bill will enable us to self-police our sport and verify to you that we are indeed doing our job.

Senator Bill Sumner
February 22, 1980
Page 2

Section 3. -

This is as we presented it and we apologize for being incorrect. We wish to pay an initial one-time fee of \$20 and in addition the annual registration fee of \$30 each year at renewal time.

Section 4. - No change.

Myself, Ron Bunn and Dave Mock, National Street Rod Association Representative for Alaska, had a meeting with Charles Hosack, Deputy Director, Division of Motor Vehicles, and Ken Simpson, Registrar, Division of Motor Vehicles, in December, 1979, in reference to our proposed legislation, and they were very receptive to our bill under certain conditions. We discussed these conditions with them and wholeheartedly agree, and we thanked them for their time and guidance.

They advised that the description of the design of the plate should not be spelled out in statute; that it is better to have statute allow a special plate for street rods and then leave it to their Division to do what they can with the plate manufacture. We also agreed with them that it would be better not to have regulations written to describe what we needed because our requirements are few; that it would be better to have them in statute.

The legislation as proposed was modeled after An Act to amend Chapter 21, Subchapter VII, Section 2196 of Delaware Title 21 of the State of Delaware. The State of Delaware was the first state to adopt this type of legislation, and since then Wisconsin, Tennessee, Minnesota and Connecticut have also passed similar legislation. Pennsylvania and New Jersey have legislation presently pending.

If you have any questions concerning this legislation or if you wish us to testify, please contact me or Ron Bunn.

Ron Bunn, Manager
Shorett & Riely Real Estate Appraisers
3201 "C" Street
Anchorage, AK 99503 276-3646

Ed Park, Royalty Manager
Division of Minerals & Energy Management
703 W. Northern Lights
Anchorage, AK 99503 263-2256

Senator Bill Sumner
February 22, 1980
Page 3

We thank you for your time and consideration.

Sincerely,

Edward W Park

Edward W. Park
Secretary

EWP/cgp

Enclosure

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Public Safety	Senator Sumner	SB 416
DEPARTMENT POSITION		
Oppose		
DIVISION DIRECTOR	DATE	COMMISSIONER
Robert J. Rowan	2/27/80	William R. Nix <i>by WJR</i>
DATE		2/27/80
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:	DATE:	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)	None	
(2) OTHER AGENCIES AFFECTED BY BILL	Some municipalities - minute loss of revenue from Motor Vehicle Registration tax.	
(2) a. ORGANIZATIONAL SUPPORT FOR BILL		(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Street Rodders Association		Unknown
(3) PROGRAM EFFECTS OF BILL		
Regulations would have to be proposed and adopted, which would reflect how to interpret "subsequently modified" as a determining factor in which vehicles qualify as street rods.		
Manufacturer of plates would require special dies due to mandated slogan, color (reverse of new plates), and numbering.		
Loss of revenue to State as proposed law waives annual registration fee.		
(4) FISCAL IMPACT:	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> FISCAL ANALYSIS ATTACHED
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

This is a request for special plates for a small special interest group. If approved, other special interest groups will rightfully ask for special consideration, and the number of different type plates could get out of hand and could become quite costly.

Oppose one-time fee and waiving all registration fees thereafter. Just because one is modified and one is not, should not be reasoning behind waiving registration fees.

Bill proposes statutory mandate relating to numbering, color, slogan, design, etc. Would prefer that design, color, etc, not be mandated, but fall under AS 28.10.161 (b).

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 416
 Title An Act relating to the registration of motor vehicles
 Requested by Senator Bradley, Chairman - Commerce Date 2-20-80

II. FISCAL DETAIL

Agency Affected Department of Public Safety - Motor Vehicles
 Program Category Affected Life and Property Protection
 BRU, Program, or Subprogram(s) Affected Vehicle 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						
300 CONTRACTUAL	0	*	*	*	*	*
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	(106.5)	(106.5)	(106.5)	(106.5)	(106.5)
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME	0				
PART TIME	0				
TEMPORARY	0				

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

*Expenditures would be \$3.8 for first year, and approximately \$.1 each year thereafter. This would cover special dies to manufacturer plates and slight increase in cost of plate over bulk rate.

Funding: There are 7,103 vehicles presently registered in Alaska which were manufactured prior to 1959. If 50% fell within "subsequently modified" regulations, the loss of revenue to the state is reflected.

IV. DATE 2-27-80

PREPARED BY Bill Brown
 AGENCY Public Safety, Motor Vehicles
 PHONE 465-4335

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

SB

430



ADMINISTRATIVE OFFICES
(907) 586-1015 586-1017
311 NORTH FRANKLIN ST.
JUNEAU, ALASKA 99801

March 10, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Pouch V, State Capitol
Juneau, Alaska 99802

Re: SB 140, 334, 387, 430
HB 671

Gentlemen:

Thank you very much for the opportunity to comment on the above listed legislation as noted in your letter of February 28, 1980.

SB 387, 430 - Clarifying the authority of Alaska Housing Finance Corporation are needed. We, therefore, urge adoption of these two bills.

SB 140 - Now amended to CSSB 140, expands the authority of Alaska Housing Finance Corporation into rural areas that should assist the public. We therefore urge adoption of the bill.

SB 384 & - Are identical and we believe the following changes would prove
HB 671 beneficial as noted:

Change - Page 3, line 16 and Page 4, line 27

Insert "Insured bank, savings and loan association or trust company" for "banks or trust companies."

Reason - This change will clarify and insure that the financial institution will be supervised by a Federal government agency; and insure that all financial real estate lenders have an equal opportunity to participate in the various programs of Alaska Housing Finance Corp.

Change - Page 3, line 2

Add "initial or refinanced" between words "any" and "housing."

Reason - The addition of these two words will clarify and assure that all residents, whether new home buyers or long time home owners, have an equal opportunity to avail themselves of the benefits of the Alaska Housing Finance Corp. loan programs.



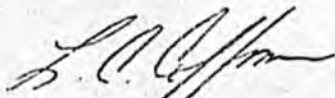
ALASKA'S PIONEER -- SERVING ALL ALASKA
JUNEAU • KETCHIKAN • SITKA • VALDEZ • PALMER • PETERSBURG • WRANGELL

We have received many customer complaints over the policies of Alaska Housing Finance Corporation. The practice of discrimination over the use of the public tax dollars, when AHFC will not allow a long time home owner to refinance his home under Alaska Housing Finance program, is the one complaint that is heard most often and is impossible for the Alaska resident to comprehend.

We, therefore, recommend the above two changes and adoption of SB 384 and HB 671 as amended.

Thank you again for the opportunity to comment. We would also appreciate receiving information regarding any public hearing dates on the above or any housing related bills.

Yours truly,



L.C. Coffman
President

cc: All Alaskan League Members
Rick Lauber

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

March 11, 1980

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

Re: Senate Bill 430 (Alaska
State Housing Authority)

Dear Senator Bradley:

This is in response to your request for comments from our department on the above-referenced legislation.

It appears that Senate Bill 430 would have no fiscal impact on the Department of Law. While this department has no position on the substance of this bill, one or two technical matters do come immediately to mind.

First, the title of the bill is, "An Act extending the power..." while the title and text of the amendment to AS 18.55.390 appear to be dealing with limitations on the authority's power. The proposed new language of AS 18.55.390 does appear to broaden somewhat the authority's powers regarding moderate cost and rental housing, and this may explain the use of the word "expanding" in the title of the bill. It is a bit confusing at first glance.

Second, although the existing language of AS 18.55.390 is not particularly precise, the proposed new language will give the authority clear directions as to its powers. Unfortunately I do not know what problems may have led to the need for this proposed amendment, and am thus unable to offer any concrete suggestions for tightening up the language.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By: *Teo Spengler for*
Susan Burke
Assistant Attorney General



ARCTIC first federal
savings & loan association

P.O. BOX 769 • FAIRBANKS, ALASKA 99707 • 452-4471
570 GAFFNEY ROAD • 400 STEESE HIGHWAY
701 WEST FOURTH AVENUE, ANCHORAGE

March 10, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Pouch U, State Capitol
Juneau, Ak. 99811

Dear Senator Bradley:

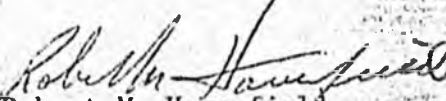
I appreciate you forwarding copies of Senate Bills 140, 384, 387 and 430; and House Bill 671 to this Association.

In Senate Bill 384 and House Bill 671, page three, line three, we would suggest adding "which would also include refinanced mortgage loans", between the words "loan" and "including".

At page three, line 16 we suggest adding "federal and state savings and loan association" between the words "bank" and "or". Page four, line 27 we suggest adding "federal and state savings and loan association" between words "banks" and "or". This would insure all financial lenders an opportunity to participate in all AIFC programs.

Senate bills 387, 430 and 140 we have no comment and suggest adoption of these three bills.

Sincerely yours,


Robert M. Haverfield
President

RMH:sgH

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER / POUCH D - JUNEAU 99811

February 29, 1980

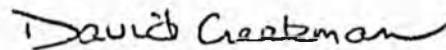
Honorable Brad Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Re: SB 406 and 430 and SJR 39

Dear Senator Bradley:

Thank you for offering the Department of Commerce and Economic Development the opportunity to respond directly to the above referenced bills and resolution which have been referred to your committee. Our responses and comments are contained in the following pages.

Sincerely,



David Creekman
Information Officer

Attachments

SB 430

"An Act extending the power of the Alaska State Housing Authority with respect to moderate cost and rental housing."

Although the title of the bill purports to extend ASHA's power, a close analysis of the language of the bill indicates that it may do exactly the opposite. Also, the impact of the language of the bill might be more broad than was intended.

Specific comments prepared by the Alaska State Housing Authority follow.

Comments on Senate Bill No. 430: "An Act Extending the Power of the Alaska State Housing Authority with Respect to Moderate Cost and Rental Housing"

I. FACTS:

MODERATE COST AND RENTAL HOUSING is addressed in AS 18.55.300-470 inclusive. ASHA's powers and duties with respect to moderate cost and rental housing are set forth in Section 310 of Title 18 Chapter 55:

Sec. 18.55.310. Powers and duties of authority. The authority shall construct, protect, operate, maintain, rent, and sell at the places in the State which the authority considers most appropriate moderate-cost or rental housing facilities and projects for veterans and other residents of the State. For this purpose the authority may accept funds from any source, including the Federal Government, and may enter appropriate contracts, including contracts with the Federal Government.

The powers set forth under Section 310 above are augmented by those granted ASHA elsewhere in the statutes:

Sec. 18.55.380. Authority may use powers under other laws. Any powers of the authority under any statute, including but not limited to the powers of eminent domain and issuance of bonds and obligations, may be invoked with respect to a project undertaken or a loan made or to be made under the authorization provided in Sections 300-470 of this chapter.

At present, ASHA's authority as provided in Sections 300-470 is limited by the following provision:

Sec. 18.55.390. Limitation on authority's power. The power of the authority to act under Sections 300-470 of this chapter is limited to projects where adequate financing on reasonable terms is not otherwise available or entrepreneurial sponsorship is lacking.

Senate Bill No. 430 proposes to repeal Section 390 and re-enact this section to read as follows:

Sec. 18.55.390. Limitations on Authority's Power. The authority may act under AS 18.55.300-18.55.470 only with respect to a project in an area of the State where financing is not otherwise available, or with respect to a project for which there is no apparent sponsor with experience in the development of moderate cost housing.

II. ISSUE PRESENTED:

Does Senate Bill No. 430 extend the power of ASHA with respect to moderate cost and rental housing?

III. SHORT ANSWER:

No. Although the proposed re-enactment may clarify the term "entrepreneurial sponsorship" in the current provision, the proposed legislation may restrict the development of ASHA moderate cost and rental housing projects to rural areas and prohibit said development in metropolitan areas.

IV. ANALYSIS:

Under Section 18.55.390 as presently enacted, ASHA may develop moderate cost and rental housing at any time and place where "adequate financing on reasonable terms is not otherwise available" or "entrepreneurial sponsorship is lacking". Therefore, ASHA may develop moderate cost and rental housing where:

- (1) Adequate financing on reasonable terms is available but no one else is building;
- (2) Private entrepreneurs are building but adequate financing is tight;
- (3) Adequate financing is available but not on reasonable terms (with or without entrepreneurial sponsorship).

Therefore under the present statutory provisions, ASHA may develop in bush areas where there is no "entrepreneurial sponsorship"; in bush areas where there is no adequate financing; in bush areas where there is "entrepreneurial sponsorship" and "adequate financing", but not on reasonable terms; and in metropolitan areas where most frequently there will be adequate financing and entrepreneurial sponsorship, but no adequate financing on reasonable terms.

Under the proposed re-enactment, ASHA may be limited to developing moderate cost and rental housing in bush areas such as Bethel where no financing is available. In metropolitan areas financing will be "otherwise available" under the proposed re-enactment, whether or not the terms are reasonable. Furthermore, in metropolitan areas, it is feasible for private sponsors to qualify under certain Federal programs for the development of moderate cost housing. Therefore ASHA may be precluded from offering moderate cost and rental housing in areas where private interests wish to expand in the area of federal subsidy housing.

V. CONCLUSION:

Although Senate Bill No. 430 is an Act entitled "An Act Extending the Power of the Alaska State Housing Authority with Respect to Moderate Cost and Rental Housing", the proposed re-enactment is restrictive by its terms. The particular phraseology of the section, for instance, "an area of the State", "where financing is not otherwise available", "no apparent sponsor with experience", "development of moderate cost housing" without mention of rental housing, lead me to conclude that Senate Bill No. 430 may be an attempt by established

metropolitan business concerns to restrain competition from ASHA in the area of moderate cost housing. Bankers and experienced builders appear to be requesting first "dibs" in the development of moderate cost housing, federally subsidized and otherwise. In the more remote areas where the established business concerns are unwilling to adventure themselves, they have given ASHA a free hand.

With respect to rental housing, the proposed re-enactment is all together ambiguous. "Rental housing" is included in the title of Senate Bill 430, but nowhere does "rental housing" appear in the body of the proposed re-enactment.

The proposed re-enactment does not extend the power of ASHA. If the first clause of the existing provision remains unchanged and only the second clause is amended along the lines of the proposed re-enactment, then ASHA's power may be extended inasmuch as ASHA would have the option of developing moderate cost and rental housing in the case where there existed reasonable financing and willing but inexperienced sponsors. With such an amendment, Sec. 18.55.390 would read as follows:

Limitation on authority's power. The power of the authority to act under Sections 300-470 of this chapter is limited to projects where adequate financing on reasonable terms is not otherwise available or where there is no apparent sponsor with experience in the development of moderate cost and rental housing.

SB

443

SB-443

7900 Honeysuckle Drive
Anchorage, Alaska 99502
March 28, 1980

Senator W. E. (Brad) Bradley
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

About a year and a half ago the Anchorage School Board met with the Student Advisory Board (2 representatives from each high school) to hear some of the problems and concerns which they wanted to express to us. One comment was, "Why is it necessary to say the Pledge of Allegiance every day - - couldn't we say it once each week or once each month?"

After some discussion regarding the pledge, I felt I should tell them how I feel about it. I explained that I look upon the recitation of the Pledge as an opportunity to express my appreciation for the freedoms we enjoy, the benefits that we have inherited and thankfulness to those who fought to establish this nation. We do not worship the flag, but look upon it with respect and as a symbol of freedom. We should not tire or become bored with expressions of gratitude, but should look upon them as we would our thanks offered at the dinner table. Daily expressions of appreciation and gratitude should be a part of our everyday life.

I hope these thoughts will assist you in promoting your legislation regarding the Pledge of Allegiance.

Keep up the good work.

Sincerely,



Keith W. Calderwood



DILLINGHAM CITY SCHOOL DISTRICT

POST OFFICE BOX 202
DILLINGHAM, ALASKA 99576

PHONE: 842-5221/842-5222

ROY WARNER
PRINCIPAL

March 6, 1980

Chairman, Brad Bradley
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Mr. Bradley:

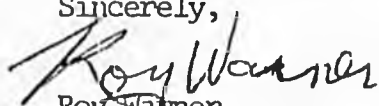
In your letter that refers to SB 443, I find this is in agreement with the way I feel.

I feel the pledge of allegiance emphasizes in part what we are trying to teach. We are trying to teach patriotism, loyalties and to teach individuals to be worthy citizens. Yet SB 443, also affords the opportunity to not say the pledge of allegiance for what ever reasons that individual desires.

Therefore, I am in agreement with the bill as it is written.

Thank you for asking my comments.

Sincerely,



Roy Warner
Principal

RW:jw

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT
P.O. BOX 808 • DOUGLAS, ALASKA 99824

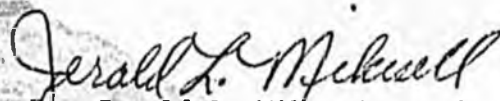
March 7, 1980

Senator Bill Bradley, Chairman
Senate Commerce Committee
Pouch V
Mail Stop 3100
Juneau, Alaska 99811

Dear Senator Bradley:

I agree with the Senate Bill #443. I feel that we need to do everything we possibly can to afford public school students and teachers to develop respect for their country. I believe that the opportunity of pledging allegiance at the beginning of each school day can foster this attitude. I wholeheartedly support this Bill and would encourage its passage. Thank you.

Sincerely,



Dr. Jerald L. Mikesell, Principal
Glacier Valley Elementary School
Juneau, Alaska

JLM:nlk

KENAI PENINSULA BOROUGH SCHOOL DISTRICT



March 7, 1980

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

Dear Senator Bradley:

I am responding to your correspondence of March 4, 1980, related to SB 443.

The sponsors of this bill are certainly to be commended for the intent expressed therein.

However, I believe that the present "opportunity to recite the Pledge of Allegiance at the beginning of each school day" is currently in existence. For example, this is the present practice within the Kenai Peninsula Borough School District.

In short, I believe the intent of this legislation is worthwhile; however, I do not believe it is necessary.

Sincerely,

Fred Pomeroy

Fred Pomeroy
 Superintendent

FP/bj

GREATER SITKA BOROUGH SCHOOL DISTRICT

ACCREDITED BY THE NORTHWEST ASSOCIATION OF SECONDARY SCHOOLS & COLLEGES

P. O. BOX 179 SITKA, ALASKA 99835

JOHN E. COFFEE
SUPERINTENDENT

March 6, 1980

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

Dear Senator Bradley:

I am in agreement with Senate Bill No. 443. To be honest with you, I thought this was a privilege we were now afforded. We do say the pledge at Baranof School and we do allow those who have other convictions to remain seated. We do not have a rule that mandates such procedures. They are taken for granted as an acceptable means of beginning the school day.

I suggest you strike the word "materially" in line 17 and "substantial" in line 18. I believe these words are open to interpretation, and I am sure someone would eventually go the limits.

Good luck in getting this bill out of the Senate Judiciary Committee and before the full Senate.

Sincerely,

Robert D. Schell
Robert D. Schell, Principal
Baranof Elementary School

RDS/lck

Soldotna Elementary
Box 547
Soldotna, Ak 99669

Introduced: 2/18/80
Referred: Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

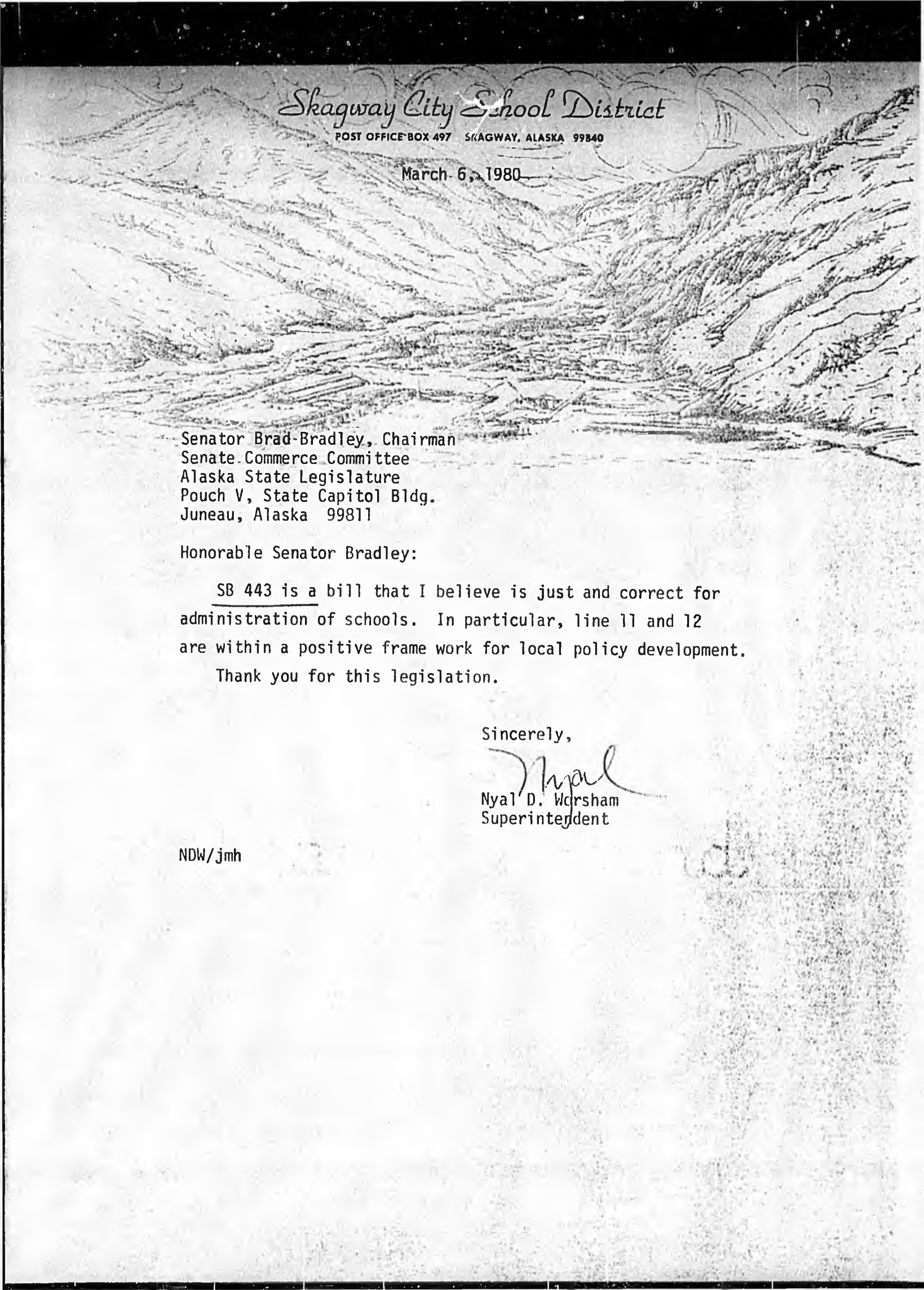
6 For an Act entitled: "An Act affording students and teachers in the public
7 schools an opportunity to recite the pledge of alle-
8 giance at the beginning of each school day."

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

10 * Section 1. AS 14.03 is amended by adding a new section to read:

11 Sec. 14.03.135. PLEDGE OF ALLEGIANCE. An opportunity shall be
12 afforded students and teachers in the public schools to recite the
13 pledge of allegiance to the flag of the United States during the first
14 hour of each day in session during the school term. Students and
15 teachers who for any reason do not wish to participate in the recitation
16 of the pledge of allegiance may keep silent, remain seated, or express
17 their nonparticipation in any other way which does not materially dis-
18 rupt classwork or involve substantial disorder or invasion of the rights
19 of others.

20
21
22 I support this bill as a guide
23 to participation. We all allow this
24 opportunity in our school now. We
25 as a nation have been losing our
26 patriotism gradually for the past
27 decade or so. This bill would call
28 attention to this¹⁻ patriotic activity.
29
D. W. Allen, Pres



Skagway City School District

POST OFFICE BOX 497 SKAGWAY, ALASKA 99840

March 6, 1980

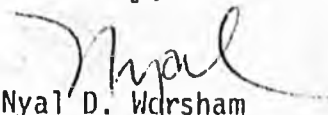
Senator Brad-Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V, State Capitol Bldg.
Juneau, Alaska 99811

Honorable Senator Bradley:

SB 443 is a bill that I believe is just and correct for
administration of schools. In particular, line 11 and 12
are within a positive frame work for local policy development.

Thank you for this legislation.

Sincerely,



Nyal D. Warsham
Superintendent

NDW/jmh

Tanana School

Tanana, Alaska 99777

March 5, 1980

Mr. Brad Bradley

Pouch V

State Capitol

Juneau, Alaska 99811

Dear Mr. Bradley,

I am strongly in favor of SB 443 and certainly hope the bill is passed with as much expediency as possible.

My one suggestion for a change in statement is that in line 18 the word substantial be replaced with the word any. In a high school situation a student may interpret the word substantial with various meanings. It is an ambiguous word in this context and will undoubtedly be interpreted in a variety of ways.

Thank you.

Sincerely,

Alicia F. Bunce

Alicia F. Bunce

Resource Room Teacher

BRISTOL BAY BOROUGH SCHOOL DISTRICT

P. O. BOX 169
NAKNEK, ALASKA 99633

PHONE 268.4225 OR 4265
HIGH SCHOOL

DALE L. LUNSFORD
SUPERINTENDENT

March 6, 1980

The Honorable Brad Bradley
Senator
State of Alaska
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

The contents of Senate Bill 443 has merit as a requirement in every school classroom in the State of Alaska.

I suggest that the word "and" on Line 14, "teachers" on Line 15 be deleted, as it is a teachers responsibility to teach the meaning of the pledge as well as be committed to the pledge as a leader and helper to our young people.

Sincerely,



Dale L. Lunsford

DLL/kss

Haines Borough School District

P.O. Box 251
HAINES, ALASKA 99827

Stephen T. McPhetres, Superintendent

Stephen T. McPhetres, High School Principal
Alan W. Heinrich, Elementary Principal

March 7, 1980

Senator Brad Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V, State Capital
Juneau, Alaska 99811

Dear Senator Bradley:

Thank you very much for your letter of March 4, 1980.

I feel that students should be allowed to recite the Pledge of Allegiance to the Flag of the United States of America. If we cannot make it mandatory, we should at least strongly encourage it. To that end I would make the following changes:

1. lines 13 & 14 delete the restriction about having to be done only during the first hour of the day. It should be allowed to be done anytime deemed appropriate.
2. lines 16-17 delete everything past "remain seated". It appears that non-participation should be provided for but keeping silent and remaining seated is enough latitude.

I will pass a copy of your letter and a copy of Senate Bill No. 443 on to all our elementary staff members; some may choose to comment.

Thanks again for the opportunity to give this input.

Yours truly,



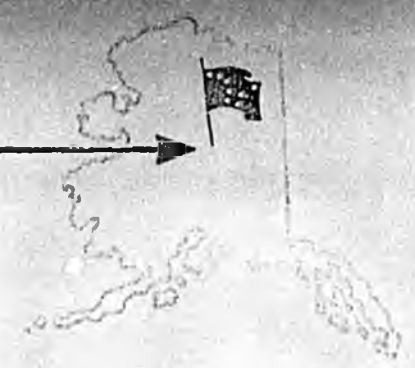
Alan W. Heinrich
Elementary Principal

AWH:lp

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P. O. Box 1250, Fairbanks, Alaska 99707

(907) 456-7934



DR. BRYCE STALLARD
Superintendent of Schools

GUS ZADRA
Associate Superintendent

CHARLES A. LOWRY
Assistant Superintendent

March 11, 1980

Mr. Bard Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Juneau, Alaska

Dear Mr. Bradley:

Regarding your letter of March 4, 1980 concerning SB 443, our teachers feel that they currently have the "opportunity" to recite the pledge of allegiance at the beginning of each school day, and in fact, most of them do so. Most of them feel that such a statute would "force" them to recite the pledge. They, therefore, do not feel such a law would be appropriate.

I would add that if they are misinterpreting the proposed legislation, ie., if they currently do not have the right to say the pledge, then they would be in favor of such a statute. We would certainly hate to think we are in violation of state law by leading our students in that patriotic act.

Sincerely,

A handwritten signature in cursive script, which appears to read "Mina Sanders".

(Mrs.) Mina Sanders, Principal
Taylor Elementary School
Eielson AFB, Alaska

Introduced: 2/18/80
Referred: Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act affording students and teachers in the public
7 schools an opportunity to recite the pledge of alle-
8 giance at the beginning of each school day."

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

10 * Section 1. AS 14.03 is amended by adding a new section to read:

11 Sec. 14.03.135. PLEDGE OF ALLEGIANCE. An opportunity shall be
12 afforded students and teachers in the public schools to recite the
13 pledge of allegiance to the flag of the United States during the first
14 hour of each day in session during the school term. Students and
15 teachers who for any reason do not wish to participate in the recitation
16 of the pledge of allegiance may, ^{by} keep^{ing} silent, ^{by} remain^{ing} seated, or express
17 their nonparticipation, ~~in any other way which does not materially dis-~~
18 ~~rupt classwork or involve substantial disorder or invasion of the rights~~
19 ~~of others.~~

*difficult to define or
determine where the line
might be drawn.*

20
21
22
23 *I believe in the pledge of allegiance!!*

24
25 From:
26 White Cliff School
27 1900 FIRST AVENUE
28 Ketchikan
29