



HB

46



House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs
FROM: Margaret W. Berck, Staff *MWB*
Date: February 5, 1980
RE: Request for (H) Judiciary Committee CS for HB 46 (Work Draft Form).

Please provide a House Judiciary Committee CS for HB 46 in accordance with the attached mark-up.

Additionally the drafter is requested to search the statutes for all advertising restrictions on professionals, but for those that prohibit misleading or false advertising, and include those provisions in the repealer section. Should any of those provisions fall into a questionable area, please advise the Committee in order that the Committee might make a determination on those.

Thank you.

Note, furthermore that AS 08.64.380(3)(D) was repealed SLA 1978 and for that reason should be deleted from the repealer section.

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 46

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an act entitled: "An Act relating to advertising by businesses and
7 professions."

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

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* Section 1. AS 08.02 is amended by adding a new section to read:

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Sec. 08.02.020. PROFESSIONAL ADVERTISING. After the effective

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date of this Act, it is unlawful for a professional association, trade

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association, occupational or professional licensing agency, or any

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other governmental agency to adopt, implement, or enforce, or attempt

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to adopt, implement, or enforce, any prohibition of truthful advertising

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~~including publication of fees and prices. However, this section does~~

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~~not prohibit an association or agency to which licensing functions~~

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~~have been delegated by statute from setting reasonable standards or~~

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~~establishing reasonable requirements pertaining to advertising by an~~

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~~occupation or profession within its jurisdiction.~~

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* Sec. 2. AS 08.36.310(3), (13), (14), (17), and 24); ~~AS 08.64.380(3)(D)~~;

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AS 08.71.170(5) and (6); and AS 08.80.420(b) are repealed.

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- (4) for biennial registration, \$40;
- (5) for each branch office biennial registration, \$40;
- (6) for a temporary permit, \$25;
- (7) Repealed by § 7 ch 94 SLA 1968.
- (8) for re-instatement as provided in § 230 of this chapter a penalty of \$10;
- (9) for a specialty license, \$30;
- (10) for a duplicate license, \$10. (§ 16 art III ch 186 SLA 1955; am § 7 ch 94 SLA 1968; am § 12 ch 155 SLA 1968)

For history of taxation of profession of dentistry, see United States v. Dasher, 9 Alaska 719 (1940). C.J.S. references. — 53 C.J.S. Licenses § 34; 70 C.J.S. Physicians and Surgeons §§ 2 to 4, 6 to 8.

Sec. 08.36.300. Deposit of fees and payment of expenses.
 Repealed by § 3 ch 59 SLA 1966.

Article 3. Unlawful Acts.

Section	Section
310. Grounds for revocation of license	330. Injunction
320. Order of reprimand, suspension and revocation	340. Penalties
325. Limits or conditions on license; discipline	

Sec. 08.36.310. Grounds for revocation of license. A license and registration may be revoked, suspended, or annulled, or the licensee may be reprimanded, censured, or disciplined by the board after hearing when he

- (1) secures a license through deceit, fraud, or wilful misrepresentation of a material fact;
- (2) is convicted of a crime involving moral turpitude;
- (3) has a chronic or persistent inebriety or addiction to habit-forming drugs which renders him incompetent to continue the practice of dentistry;
- (4) commits wilful or gross malpractice or wilful or gross neglect in the practice of dentistry;
- (5) hires, supervises, permits or aids unlicensed persons to practice dentistry;
- (6) is insane or has a contagious or infectious disease making him an improper person to continue in the practice of dentistry;
- (7) practices or offers to practice dentistry under a name other than the name in which the license is issued;
- (8) uses the name of a company, association, corporation, trade name, dental clinic, or business name in connection with the practice of dentistry;
- (9) knowingly practices in the employment of or in association with a person who is practicing in an unlawful manner;

- (10) uses an advertising solicitor or free-publicity press agent;
- (11) wilfully deceives or attempts to deceive the board with reference to any matter under investigation by it;
- (12) advertises professional superiority;
- (13) advertises free dental work or free examination;
- (14) advertises prices for professional service;
- (15) advertises to perform any dental operation painlessly;
- (16) advertises by means of a large display, glaring light sign, or sign containing as a part of it the representation of a tooth, bridgework, or any portion of the human head;
- (17) advertises by a medium other than the carrying or publishing of a modest professional card or the display of a modest window or street sign at the licensee's office containing the name, address, profession, office hours, telephone number and specialty;
- (18) permits the use of his name as a dentist by others in the sale or advertisement of products;
- (19) violates a provision of this chapter or a regulation of the board promulgated under authority of this chapter;
- (20) advertises as a specialist in any branch of dentistry, unless he devotes a major portion of his practice to that branch;
- (21) engages in the practice of fee-splitting;
- (22) engages in unprofessional conduct;
- (23) obtains a fee by fraud;
- (24) directly or indirectly advertises or solicits for dental hygiene business;
- (25) advertises as a specialist in a branch of dentistry without first obtaining a specialty license;
- (26) fails to report a death that occurred on premises used for the practice of dentistry to the office of the secretary-treasurer of the board within 72 hours;
- (27) administers a general anesthetic without a valid permit required by regulations of the dental board. (§ 1 art IV ch 186 SLA 1955; am §§ 13--15 ch 155 SLA 1968)

Cross reference. — As to malpractice actions, see AS 09.55.530—09.55.560.

ALR references. — Ground for revocation, 54 ALR 1504; 82 ALR 1184.

What amounts to conviction within statute making conviction ground for cancelling license, 113 ALR 1179.

Revocability of license for fraud or other misconduct before or at the time of its issuance, 165 ALR 1138.

Admissibility and necessity of expert evidence in proceeding for revocation of license, 6 ALR2d 675.

Sec. 08.36.320. Order of reprimand, suspension and revocation. The board may, by a majority vote, evidenced by the signatures of the members on the order, reprimand a licensee or revoke or suspend a license. (§ 5 art IV ch 186 SLA 1955)

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Effect of amendment. — The 1974 amendment repealed paragraph (4).

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

Sec. 08.64.380. Definitions. As used in this chapter

- (1) "board" means the State Medical Board;
- (2) "practice of medicine" or "practice of osteopathy" means
 - (A) maintaining an office or place of business for the purpose of treating the sick or injured for pay; or
 - (B) the public display of one's name and the letters "M.D.", "M.B." or "D.O." or the words "physician" or "osteopath," or "osteopathic physician", or "osteopathic surgeon", or "osteopathic physician and surgeon", or a specialist designation such as "surgeon" or "dermatologist", "psychiatrist", or the like; or
 - (C) the assumption or promulgation of a title which tends to show that the person is willing or qualified to diagnose or treat the sick or injured; or
 - (D) for a fee prescribing, directing or recommending for the use of a person, a drug or medicine for the treatment, cure or relief of a disease, infirmity, bodily inj. or defect; or
 - (E) for a fee performing a surgical operation for the cure, relief or reduction of disease, bodily injury, deformity, or defect; or
- (F) Repealed by § 1 ch 117 SLA 1971.
- (3) "unprofessional or dishonorable conduct" means
 - (A) a violation of the provisions of AS 11.15.060 or regulations lawfully adopted by the State Medical Board concerning abortion procedures and practice;
 - (B) habitual overuse of alcoholic beverages or depressant, hallucinogenic or stimulant drugs, as defined in AS 17.12.150(3), or addiction to the use of narcotic drugs as defined in AS 17.10.230(13);
 - (C) conviction of an offense involving moral turpitude;
 - (D) advertising professional services to the public except for notice of opening, closing, or removing practice, and except for directories listing physicians in a community on a uniform and nondiscriminatory basis, containing only factual, truthful descriptions of physicians and their services;
 - (E) making untruthful or fraudulent statements in the application for examination, or deceiving or cheating during the examination for license, or procuring a license by deceit or fraud;
 - (F) violating the Controlled Substances Act (P.L. 91-513; 84 Stat. 1242) or any other federal law pertaining to medical practice and drugs;
 - (G) violating the principles of medical ethics of the American Medical Association and of the Alaska State Medical Association;
- (4) Repealed by § 27 ch 148 SLA 1970.
- (5) "department" means the Department of Commerce.

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Sec. 08.64.312. Continuing education requirements.

Cross reference. — As to notes to AS 09.55.536 and Alas. Const., art. constitutionality of ch. 102, SLA 1976, see II, § 14.

Sec. 08.64.325. Limits or conditions on license; discipline.

Cross reference. — As to notes to AS 09.55.536 and Alas. Const., art. constitutionality of ch. 102, SLA 1976, see II, § 14.

Sec. 08.64.330. Grounds for revocation of license.

Unethical behavior. — A physician may be subject to loss of license, censure or reprimand for violating the state Medical Association declaration that publication of patients' names by board members in complying with AS 39.50 (Conflict of Interest law) is unethical. However, the possibility of professional discipline for unethical behavior is irrelevant because the statutory exemption applies only to legal privileges, not ethical mandates. Moreover, to equate ethical directives with legal privilege for purposes of AS 39.50, particularly where a relevant professional standard has been enacted subsequent to the passage of the Conflict of Interest law, would effectively allow an elite professional group to amend the law by declaring itself exempt. *Falcon v. Alaska Pub. Offices Comm'n*, Sup. Ct. Op. No. 1512 (File No. 3220), 570 P.2d 469 (1977).

Article 4. Miscellaneous Provisions.

Section
365. [Repealed]

Sec. 08.64.365. Physicians acting under emergency circumstances.
Repealed by § 46 ch 102 SLA 1976.

Article 5. General Provisions.

Section
380. Definitions

Sec. 08.64.380. Definitions. As used in this chapter
(3) "unprofessional or dishonorable conduct" means
(A) a violation of the provisions of AS 18.16.010;
(B) habitual overuse of alcoholic beverages or depressant, hallucinogenic or stimulant drugs, as defined in AS 17.12.150(3), or addiction to the use of narcotic drugs as defined in AS 17.10.230(13);
(C) conviction of an offense involving moral turpitude;
(D) Repealed by § 41 ch 177 SLA 1978.
(E) making untruthful or fraudulent statements in the application for examination, or deceiving or cheating during the examination for license, or procuring a license by deceit or fraud;
(F) violating the Controlled Substances Act (P.L. 91-513; 84 Stat. 1242) or any other federal law pertaining to medical practice and drugs;

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BUSINESS AND PROFESSIONS

§ 08.71.170

(b) No more than two apprentices may be under the direct supervision of one licensed dispensing optician at the same time. (§ 1 ch 45 SLA 1973)

Article 3. Unlawful Acts.

Section

- 170. Grounds for revocation, suspension or denial of license
- 175. Limits or conditions on license; discipline
- 180. Practicing without a license

Sec. 08.71.170. Grounds for revocation, suspension or denial of license. The board, after compliance with the Administrative Procedure Act (AS 44.62), may revoke, suspend or deny the license of a person who

- (1) has been convicted of a felony involving moral turpitude;
- (2) is addicted to the use of alcohol or any other drug;

(3) has used advertising, whether printed, radio, display, or of any other nature, which is fraudulent, misleading or inaccurate in any material particular, or misrepresents in any way goods, services or credit terms, values, policies, services or the nature or form of the business conducted;

(4) has practiced fraud or deception in his application for or in his examination for a license;

(5) has used the word "licensed", "registered", or any of their synonyms publicly, except as provided in § 140 of this chapter;

(6) has displayed or published directly or indirectly by any means, a price, terms of payment, or a discount, or a policy or practice of generally underselling competitors, or any reference to the benefits available to the subscribers to any prepaid health plan;

(7) has participated in the division, assignment, rebate or refund of fees to a physician or optometrist in consideration of patient referrals;

(8) has bartered or given away as premiums in any manner either on his own account or as agent or representative for another person, firm or corporation, any eyeglasses, spectacles, lenses or frames;

(9) has advertised the "free examinations of eyes", "free consultation", "consultation without obligation", "free advice", or any words or phrases of similar import which convey the impression to the public that eyes are examined free or are of a character tending to deceive or mislead the public, or are in the nature of "bait advertising";

(10) has employed either directly or indirectly any person commonly known as a "capper" or a "steerer" to obtain business;

(11) has solicited or employed any person to solicit from house to house;

(12) has used advertising offering a service to the public for which he is not licensed under this chapter; however, nothing in this section prohibits the optician from advertising merchandise for which the license which is the subject of this chapter is not required;

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sold under restrictions and regulations as the board may adopt. The board may include in shopkeeper permits permission to sell other remedies not prohibited by law. (§ 12 ch 194 SLA 1955; am § 22 ch 206 SLA 1972)

Sec. 08.80.390. Pharmacists required in hospitals and clinics. (a) A hospital, clinic, nursing home, infirmary or related facility which dispenses drugs for outpatient treatment shall have a licensed pharmacist in charge of the dispensary, except that prescriptions may be compounded and dispensed by or under the supervision of the prescribing physician.

(b) The board shall issue a license to a hospital drug room, nursing home drug room or related facility which dispenses drugs from bulk supply for inpatient treatment, providing the facility employs a licensed pharmacist on a continual or consultant basis. (§ 12 ch 194 SLA 1955; am § 23 ch 206 SLA 1972)

Sec. 08.80.400. Practice of medicine not affected. This chapter does not affect the practice of medicine by a licensed medical doctor, and does not limit him in supplying a patient with any medicinal preparation or article which he considers proper. (§ 12 ch 194 SLA 1955)

Sec. 08.80.410. Use of term "pharmacist" prohibited. It is unlawful for a person to assume or use the title "pharmacist," or any variation of the title, or to hold himself out to be a pharmacist, without being registered. (§ 13(a) ch 194 SLA 1955)

Sec. 08.80.420. Certain advertising prohibited. (a) It is unlawful for a person to use or exhibit the title "pharmacist," "assistant pharmacist," or "druggist," or the descriptive term "pharmacy," "drug store," "drug sundries," or other similar title or term containing the word "drug," in any business premises, or in an advertisement through the media of press, or publication, or by radio or television, unless the business has a licensed pharmacist in regular and continuous employment.

(b) A person may not advertise in any manner, prices, percentiles of prices or discounts for drugs requiring a prescription. (§ 13(b) ch 194 SLA 1955; am § 24 ch 206 SLA 1972)

Sec. 08.80.430. Use of pharmacy symbols prohibited. It is unlawful for a person to display in a place of business the characteristic pharmacy symbol of bottles, or globes, which are colored or contain colored liquids unless the business has a pharmacist licensed and registered under this chapter on duty under § 320 of this chapter. (§ 13(c) ch 194 SLA 1955; am § 25 ch 206 SLA 1972)

Sec. 08.80.440. Denial of examination or license. The board may deny an applicant the opportunity to be examined, may deny a license to an applicant who has successfully completed the prescribed examination, or may deny a license to an applicant for registration by

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STATE OF ALASKA
THE LEGISLATURE

POUCH V - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 11, 1980

SUBJECT: Provisions relating to advertising by regulated businesses or professions (HB 46)

TO: House Judiciary Committee
Attn: Margaret W. Berck
Administrative Assistant

FROM: Kenneth M. Rosenstein *KMR*
Legislative Counsel

After researching the appropriate statutes, I have found the following provisions relating to advertising by businesses or professions which the committee may want to consider with regard to its substitute for HB 46.

include repealer

(1) AS 08.18.111 prohibits a construction contractor from advertising "that he is bonded and insured simply because he has complied with the bond [AS 08.18.071] and insurance [AS 08.18.101] requirements" of AS 08.18.

While this restriction makes no apparent sense to me if the bonding and insurance requirements have, in fact, been met, it may make sense to the contractors or the commissioner of commerce.

do not include

(2) AS 08.36.310(12) provides that a dentist's license is subject to revocation or suspension if he "advertises professional superiority".

This provision should probably be retained since any such claims would merely be self-serving, and the public would be without any means of determining their truthfulness.

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(3) AS 08.36.310(15) provides that a dentist's license is subject to revocation or suspension if he "advertises to perform any dental operation painlessly".

February 11, 1980

This provision should also probably be retained since whether a dental operation is truly painless would depend on the tolerance of each patient and the type of anesthesia used. Even then it would seem that promises of painlessness may be difficult to keep.

*include
repealer*
(4) AS 08.71.170(14) provides that a dispensing optician's license is subject to revocation or suspension if he "has advertised the services of any other segment of the healing arts."

This provision appears to be appropriate for inclusion in the repealer section of the bill since it does not relate to misleading or false advertising. Repeal of the provision would permit a dispensing optician to advertise the services of a doctor, optometrist, or other "healing artist." This is unlike advertising that the optician will provide such services, which is prohibited under AS 08.71.170(12).

KMR:ljb

Rosenstein

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 46

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

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9 * Section 1. AS 08.02 is amended by adding a new section to read:

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11 date of this Act, it is unlawful for a professional association, trade
12 association, occupational or professional licensing agency, or any other
13 governmental agency to adopt, implement, or enforce, or attempt to
14 adopt, implement, or enforce, any prohibition of truthful advertising.

15 * Sec. 2. AS 08.36.310(8), (10), (13), (14), (16), (17), (18), and (24);
16 AS 08.71.170(5) and (6); and AS 08.80.420(b) are repealed.

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

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KMR:ljb

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*obtained Feb 4,
1980*

TO: [The Honorable Jay S. Hammond
Governor
Office of the Governor

DATE : January 6, 1976

FROM: Langhorne A. Motley
Commissioner
Department of Commerce &
Economic Development

SUBJECT: An Act relating to advertising
by businesses and professions

This Department requested that the above bill be introduced by the Governor. As discussed, we understand that there is reluctance to do so without adequate justification and the following brief is presented in support of our request.

Background: A brief introduction to licensing.

Licensing is one of the ways in which the state regulates business. It is a unique tool in that it first makes a perfectly lawful act into an unlawful act and then provides an avenue whereby certain persons may legally do what has been made illegal. In justification of this, the state asserts that there are some commercial areas where the consumer cannot be adequately protected by our free enterprise economic system or the existence of general law.

Licensing laws contain provisions concerned with the following five areas:

1. general provisions prohibiting engaging in the occupation unless licensed;
2. specific criteria for becoming licensed;
3. general and specific provisions concerned with the conduct of business after licensure;
4. disciplinary provisions providing for penalties; and
5. creation of an agency responsible for implementation, surveillance and enforcement.

In many instances, the agency created is composed of practitioners of the licensed occupation. The net effect is the creation of a governmental agency which has the identical attributes of the classic business cartel. Select members of an occupation group control entry into the occupation and professional conduct after entry. The power to define unprofessional conduct is couched in broad general language and unprofessional conduct may result in license revocation. This is an extremely severe civil penalty. The loss of the right to engage in one's chosen occupation cannot be regarded lightly.

There are approximately twelve occupational groups in Alaska which currently prohibit or severely restrict the use of advertising by individuals of the occupational group. These are:

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|-----------------|--------------------|
| 1. Attorneys | 7. Accountants |
| 2. Physicians | 8. Chiropractors |
| 3. Opticians | 9. Architects |
| 4. Pharmacists | 10. Engineers |
| 5. Dentists | 11. Land Surveyors |
| 6. Optometrists | 12. Veterinarians |

Professional Arguments Against Advertising: price competition results in quality deterioration.

Proponents of the need for continued prohibition of advertising advance various arguments depending on the specific occupation, but these are reducible to two basic concepts.

First advertising will result in price competition which will adversely effect the quality of services provided as the more conscientious members of the occupational group are forced into open price competition with the less scrupulous. Engineers foresee falling bridges and collapsing buildings; pharmacists envision the sale of sub-standard drugs and the elimination of monitoring; attorneys forecast poorly drafted contracts, wills and other legal instruments with ensuing legal complications; opticians and optometrists assert that corrective lenses will be improperly ground resulting in eye damage. Each of the affected occupational groups has its own specific arguments to advance.

In an amicus curiae brief of the Federal Trade Commission in Crown vs. Ohio State Board of Registration for Professional Engineers and Surveyors, arguments of this nature are characterized as "totally without substance." The FTC bases its conclusion on several studies cited in the brief, including The Effect of Advertising on The Price of Eyeglasses, L. Benham; Capitalism and Freedom, M. Friedman; Regulating through the Professions; A Perspective on Information Control, L. Benham and A. Benham, several FTC staff reports, and Business and Professional Licensing - California, A Representative Example, J. F. Barron.

"Benham states that there is no specific evidence to support the claim that systematic quality difference is a function of advertising regulation... (John F.) Cady's study of retail drug prices reports similar conclusions... The argument that quality is improved by price information restrictions has also been severely criticized by most commentators... In discussing the problem of alleged quality deterioration, Barron stated:

The belief that competition results in deterioration of a product is true only in the pure public utility case. In other situations competition tends to improve the 'quality' of the product. More importantly, competition widens the range of types of goods that are available to buyers.

"Friedman...believes the lack of competition serves only to limit the consumer's alternatives, impedes technological change, and force many to do without needed professional services." (FTC Amicus Curiae Brief)

Furthermore, the quality argument conveniently ignores other laws rules and regulations designed to insure the safety of consumers. Licensing laws require minimum competence; a showing of incompetence is grounds for revocation of the license. Many commentators believe general law is, in itself, sufficient to protect the public. According to Barron:

What is often ignored or forgotten when the question of licensing arises is that we now have general law, not administered by sellers, dealing with safety, sanitation, weights and measures, purity of foods and their preparation, labeling, truth in advertising, use and sale of insecticides, use and storage of flammable materials, zoning, building codes and so on. In addition, there are laws against fraud, violence, breach of contract, and other injurious conduct, together with procedures for redress of wrongs inflicted in the market place.

"Professor Benham, in one study states that advertising restrictions increased the price of eyeglasses from 25% to more than 100%...In a later study exploring the effect of professional regulatory restraints, including advertising restrictions on the price of eyeglasses, Benham found that prices appear to be 20-40% higher in markets with greater professional control...The Benhams also state that these higher prices result in a significant reduction in the proportion of people obtaining eyeglasses." (FTC Amicus Curiae Brief.)

Although it is agreed by all researchers that advertising does contribute to price competition, no evidence is available to support the conclusion that this results in quality deterioration. On the contrary, most studies show that price competition not only results in lower costs to the consumer but encourages the improvement of quality by rewarding innovation and creativity. Anti-competitive restraints on business cannot be shown to provide any societal benefits, but their resultant societal costs are easily ascertainable.

Study after study shows the consumer pays a higher price for the same quality services or goods. Additionally, this results in lower utilization of needed goods and services, poor allocation of resources and inefficiency. Not only the poor are adversely effected although this is the most visible group. Governmental agencies are the largest single category of users of engineering services; the State directly, or indirectly through its health insurance program and various medical welfare programs, can probably be shown to be the largest single user of health care delivery services. The increased costs attributable to governmental anti-competitive regulation are borne, not once, but twice by the general taxpayer; first when acquiring needed goods and services on his own behalf and second when paying the bill for public programs.

Professional Arguments Against Advertising: advertising allows the unscrupulous to easily mislead the unwary consumer.

The second basic argument advanced in support of governmental restriction of advertising by select occupational groups is that price advertising allows the unscrupulous to deceive consumers by providing them with misleading information or engaging in bait and switch tactics. Consumer experience clearly shows that advertising abuses exist, but there are other less restrictive means of combating these practices.

Alaska already has laws dealing with misleading or untruthful advertising. We have State offices such as the Alaska Assistant Attorney General for Consumer Protection, the Office of the Ombudsman, and certainly, not the least of these, are the licensing agencies themselves. The proposed bill would not legalize misleading and untruthful advertising, nor would it preclude disciplinary action against a licensee shown to have engaged in such practices.

In its decision in Ritolz v. City of Salt Lake, 284 P. 2d 702 (Utah 1955) the court refused to uphold a regulatory statute restricting advertising.

In respect to the argument that this advertising will deceive the unwary so that a certain percentage of people will be injured by their own folly, the answer is that this is true of all advertising. If the advertiser actually over-reaches or deceives, he is in violation of the law against such practice, and a remedy is available. It should be noted that the law cannot be made, nor could one be enforced, which would entirely protect the completely naive and gullible. In any event, if a customer desires to use ordinary care, adequate protection is afforded so that there would seem to be little or no danger to his eyes from the use of glasses furnished at an advertised price. Indeed, the customer may benefit therefrom.

Allowing a licensee to engage in competitive practices including advertising does not relieve the licensee of his obligations to practice his occupation both ethically and competently. These are statutorily mandated obligations; failure to fulfill them makes the licensee in violation of the law and both civil and criminal remedies are available.

The argument that the unwary will fall prey to the unscrupulous has little merit, however, recognizing some validity, it is still necessary to weigh the costs. If it can be shown that the social benefits to be gained out weigh the societal costs, this form of governmental interference can be justified.

Societal Costs of Anti-Competitive Regulation: a poorly informed public.

Advertising has been proven many times over to be an extremely effective means of disseminating information on a broad scale. Very few people are unaware of the term "biodegradable." Why? Because not too many years ago, reports of studies were published which clearly showed that non-biodegradable products were creating monumental water pollution problems. Responding to critical onslaughts from environmentalists,

manufacturers geared up to produce biodegradable products and flooded the advertising media with copy explaining its superiority. The manufacturers objective was to sell their product, and in doing so caused two beneficial side-effects; an improved product and improved public awareness of water pollutant factors. Had these manufacturers been prevented from advertising, the consumer would have been forced into uneconomically feasible methods of product search.

This may not be too difficult when determining which soap to buy. The consumer can always read the label and if the ingredients are listed, and if the consumer knows biodegradable is superior to non-biodegradable, and if the consumer knows how to tell the difference, he can make an informed choice from the products available to him on the supermarket's shelf.

But on what basis does he determine which attorney to engage to assist him with the distribution of his possessions? How does he find out that the identical prescription drug is available from XYZ Pharmacy at one half the price of ABC? It is argued that advertising a specialty or publishing fee structures will not assure informed decisions on the part of the buying public, because that is not sufficient information upon which to base a decision. It is further argued that decisions based on this information may be even less in the best interests of the consumer than decisions based on the total absence of information.

What is conveniently ignored is the fact that when XYZ quotes a price that ABC can't match, ABC will in all likelihood take action to justify its price. The result is a better informed consumer. Just as manufacturers had to explain the issues involved in "biodegradable" in order to show product superiority, ABC will be required, by the effects of a competitive market system, to demonstrate why its higher price is a better buy.

The argument that ignorance is a better basis for decision-making than knowledge of reasonable alternatives is an absurdity wholly unsupported by any factual evidence.

Societal Costs of Anti-Competitive Regulation: increased costs to the consumer.

Several studies which examine the direct effects of advertising restraints have been reviewed. They are unanimous in concluding that these restraints always result in higher dollar costs to the consumer. It has been shown that the cost of a single prescription drug varies up to 1000% between pharmacies located within a few blocks of each other in states which prohibit prescription drug price advertising.

In a speech delivered to the 1972 Pharmaceutical Conference of the National Association of Chain Drug Stores, Inc., Virginia Knauer, Director and Special Assistant to the President for Consumer Affairs, quoted a survey conducted by Consumers Union which found the price for the same amount of one drug ranged from \$.79 to \$7.45 and for another drug from \$1.25 to \$11.50. In the prescription drug industry, where retail sales exceeded \$5 billion in 1978, the enormity of the additional cost to consumers is readily apparent. Mrs. Knauer went on

to say, "One of the most striking denials of the consumer's right to choice and to information is in the pharmacy departments of many of our nation's drug stores. Too often the consumer cannot obtain price information until his purchase is made and his dollar is committed to a particular store. It would be inconceivable to deny the consumer price information in any other section of a drug store. Who would ever insist that the consumer buy shampoo or a sandwich without knowing the price? Price is one of the most basic elements of information on which the consumer makes his buying decision."

She concluded her remarks by noting that Pennsylvania's and Florida's Supreme Courts have invalidated drug price advertising bans. Since that time, the FTC has proposed a Trade Regulation Rule that would end prohibitions against advertising prescription drug prices.

In its amicus curiae brief presented in Eckerd Optical Centers, Inc. v. Florida State Board of Dispensing Opticians, the FTC makes the following argument:

Statutorily imposed price advertising prohibitions increase prices because the consumer is not able to compare prices without incurring excessive search costs, thereby destroying any incentive for the seller to reduce costs. Indeed, defendants here have conceded that the statutory restrictions in question have had and will continue to have the effect of increasing prices for corrective lenses.

Additionally, the lack of price information also causes price dispersion, a wide variation between the high and low price for the same product and the absence of any central tendency of prices to cluster around an average price.

Price comparisons between states which restrain price information and states which do not demonstrate the effect of advertising restrictions on prices. Professor Lee Benham of Washington University in St. Louis has done extensive work on the effects of price advertising on the price of prescription eyeglasses. In his first article, he compared the prices of eyeglasses in states with advertising restrictions to those in states without restrictions. In 1963, the year for which he obtained his data, approximately three-fourths (3/4) of the states had some sort of advertising restrictions. Professor Benham found for eyeglasses alone that prices appear to be 25% to 100% higher in states restricting advertising. Professor Benham also testified about a survey he conducted in Texas (nonrestrictive) and New Mexico (restrictive). In spite of the absence of differences in quality and manufacturer's cost, Professor Benham found the differences in price to be positively correlated to the presence or absence of price advertising...

The argument has been advanced that the mean price of eyeglasses in restrictive states is higher because a larger proportion of individuals in those states are receiving the services of optometrists and ophthalmologists that are of higher quality and, therefore, more expensive. Professor

Benham examined this possibility when he compared the prices of eyeglasses in restrictive and nonrestrictive states according to source of care. He found that for each source (ophthalmologists, optometrists and commercial suppliers) prices were higher in restrictive than non-restrictive states. Therefore it appears that the lower prices in non-restrictive states result from competition fostered by price advertising rather than by lower standards of care.

Additionally, Benham indicated that prices were disproportionately high for poor people. Persons of low or moderate income levels in need of visual services did not secure such services because they were denied access to price information. This finding is supported by a 1969 Public Health Service Report. In 1969 the Public Health Service (PHS) published a comprehensive report on the characteristics of persons likely to receive eye care services and to purchase eyeglasses and contact lenses. The PHS report found that family income had a bearing on the number of persons who obtained corrective lenses. In all age categories, low income families purchased fewer eyeglasses or contact lenses despite the fact that no evidence exists to show that the need for vision correction was smaller. This finding demonstrates the enormous demand for corrective lenses in the U.S. market today. It also indicates that certain groups in the population have greater demands for vision improvement and lack the financial resources to purchase the services required.

Finally, in estimating costs of state restrictions, one must consider the fact that higher prices may discourage consumption. Professor Benham found that the higher prices in the restrictive states resulted in a gradual drop in the number of eyeglasses purchased. This inhibition on the purchase of a necessary commodity can be viewed as a societal cost.

Current Trends: the Federal Trade Commission's role in anti-competitive regulation of commerce.

In January 1975, Public Law 93-637 was enacted. Short-titled the "Magnuson-Moss Warranty-Federal Trade Commission Improvement Act," it strikes out the phrase "in commerce" wherever it appears in Section 5, subsections (a) and (b) of Section 6, and Section 12. In Section 5, the phrase "in or affecting commerce" is substituted for the old language; subsections (a) and (b) of Section 6 now read "in or whose business affects commerce", and Section 12 is reworded in subsection (a) as "in or having an effect upon commerce" and in subsection (b) as "in or affecting commerce".

The August 7, 1975, Wall Street Journal quoted FTC lawyers as saying that these changes permit FTC regulation of even the smallest pharmacy, optical shop or law office. Regardless of the ultimate court decisions, it is obvious that these small changes in phrase structure will play an enormous role in broadening the FTC's authority to overturn state actions.

Their assault on anti-competitive restrictions is two-fold. First the FTC is proposing and adopting new rules concerning business practices at an increasing rate. Rules concerning the funeral industry and retail prescription drug sales have already been proposed and testimony presented. In the hopper is a rule that would pre-empt state laws and professional codes of ethics that prohibit the advertising of retail prices of eyeglasses.

Second the FTC is entering the judicial arena by filing actions on its own and by intervening in judicial proceedings as an amicus curiae. December 22, 1975, the FTC filed a complaint naming the Connecticut State Medical Society, the New Haven, Connecticut County Medical Association and the American Medical Association as defendants. FTC officials claim that the AMA illegally prohibits its 170,000 members from advertising their services, qualifications and prices and that the Connecticut groups were named as representatives of all state and local groups that use the AMA code of ethics.

As amicus curiae, the FTC staff has filed briefs in various actions brought by individuals, consumer groups and state agencies such as those quoted earlier.

Current Trends: the Justice Department's role in anti-competitive regulation.

The Justice Department's anti-trust lawyers are waging their own campaign on anti-competitive pricing structures. Already on record are consent agreements or court decisions that erase the prohibitions on competitive bidding from the codes of ethical conduct of the American Society of Professional Engineers, the American Institute of Architects and the American Institute of Certified Public Accountants. According to the Wall Street Journal, August 7, 1975, Department officials are now suggesting that prohibitions on advertising the price of professional services be struck down. Bruce B. Wilson who the Journal characterizes as being "the Department's No. 2 anti-trust stratigist" is quoted as stating to a joint meeting of the Idaho State Bar and the Alaska Bar Association that:

"The ability...independently to price lawyer's services is of little value to either the lawyer or the consumer of legal services if there is no way for different prices to be communicated from the former to the latter."

On November 24, 1975, the Antitrust Division of the Department of Justice filed a civil antitrust suit against the American Pharmaceutical Association and Michigan State Pharmaceutical Association in U.S. District Court. In the news release made that day, Assistant Attorney General Thomas E. Kauper, in charge of the Antitrust Division, said this was the first antitrust suit filed by the federal government challenging advertising restrictions adopted by a national association.

The suit alleged that the two pharmaceutical associations and their members had conspired to prohibit advertising of prescription drugs by adopting, publishing and distributing a code of ethics containing a provision which prohibited pharmacist members of both associations from advertising the retail

prices of prescription drugs.

The suit charged that as a result of the conspiracy, price competition among pharmacist members of the associations had been suppressed and eliminated, and that purchasers of prescription drugs have been deprived of the benefits of free and open competition in the advertising and sale of prescription drugs.

The complaint asked that the court order the defendants be required to cancel all price advertising prohibitions from their codes of ethics. The complaint further requested that the defendant be ordered to cancel any rule, by-law, resolution, or statement of policy of either association which has as its purpose or effect the suppression of price competition among member pharmacists of either association.

Additionally, the Justice Department has recently filed antitrust suits which are designed to eliminate price-fixing in the real estate and veterinary medicine industries, according to a December 29, 1975 Wall Street Journal article.

Current Trends: the courts' view anti-competitive regulation.

"State action" of an anti-competitive nature can be exempt from the Sherman Act. The strongest arguments for exemption have been based on the Supreme Court's decision in Parker v. Brown 317 U.S. 341 (1943). This is a decision which has been severely criticized and the landmark decision in Goldfarb v. Virginia State Bar has served to narrow the scope of the Parker decision. In Parker, a California raisin producer and packer challenged on anti-trust grounds the prorate regulations of a state board established and operating under the California Agricultural Prorate Act. The Supreme Court held the prorate programs permissible through "state action," even if the programs would have violated antitrust laws had they been adopted by private individuals.

In Goldfarb, the U.S. Supreme Court has decided:

Respondents activities are not exempt from the Sherman Act as "state action" within the meaning of Parker V. Brown, supra. Neither the Virginia Supreme Court nor any Virginia statute required such activities, and although the State Bar has the power to issue ethical opinions, it does not appear that the Supreme Court approves them. It is not enough that the anti-competitive conduct is "prompted" by state action; to be exempt, such conduct must be compelled by direction of the State acting as sovereign.

Even under these circumstances, the exemption from the Sherman Act may not exceed that necessary to achieve a legitimate state purpose when there is no less restrictive alternative available.

Several lower courts have addressed the specific issue of price advertising prohibitions.

In its decision in Stadnik v. Shell's City, Inc., the Florida Supreme Court stated:

The rule proceeds on the notion that the advertisement of a prescription drug will subject physicians to some sort of irresistible pressures that will force them to prescribe drugs for their patients simply on the basis of patient demand and without regard to the physical well-being of the patient. This concept disregards completely the professional and ethical integrity of the medical profession in prescribing remedies for patients. Furthermore, it actually suggests the probability of unethical conduct. In actuality, the rule has more resemblance to an economic regulation prohibiting price competition in the prescription drug business than it does to a regulation guarding the public health... There is simply no reasonable justification for such an intrusion on private rights when the regulation is so completely lacking in public benefit".

It has been argued that there is a "learned profession" exemption from antitrust regulation which would place the issue of professional or state restrictions on advertising by professionals outside the sphere of the Sherman Act. In actuality there is not. In Goldfarb, the U.S. Supreme Court specifically addressed the "learned profession" issue and in its decision stated:

The nature of an occupation, standing alone, does not provide sanctuary from the Sherman Act, Associated Press v. United States, 326 U.S. 1, 7 (1945), nor is the public service aspect of professional practice controlling in determining whether sec. 1 includes professions. United States v. National Association of Real Estate Boards, supra, 339 U.S. at 489. Congress intended to strike as broadly as it could in Section 1 of the Sherman Act, and to read into it so wide an exemption as that urged on us would be at odds with that purpose.

Interpreting the Sherman Act, the courts have clearly established that price-fixing and other pricing restraints are per se violations of the Sherman Act. The Supreme Court held that any conduct which "tampers with price structures" is price fixing in United States v. Socony-Vacuum Oil Company. And in United States v. Container Corporation of America, the Court established that it was not necessary to show that the alleged activity actually pegged prices at a particular level. It is only necessary to show that it interfered with the setting of price by free market forces. It is obvious that severely restricting or prohibiting advertising interferes with free market forces.

Current Trends: bar associations.

Attorneys have long been subjected to one of the most restrictive advertising prohibitions. They are commonly not even allowed to show a specialty practice, nor may they publish notice of the opening or closing of law offices as most other professional groups may do. Recently the American Bar Association's Standing Committee on Ethics and Responsibility submitted a proposal for easing advertising restrictions.

According to the December 8, 1975 Wall Street Journal, this "proposal would allow lawyers and law firms to place certain advertisements in newspapers and on radio and television." It would also allow lawyers to state general consultation fees. "The California state bar has given tentative approval to a pilot program that would permit limited display ads by individual lawyers in the yellow pages of the telephone directory, and perhaps the inclusion of some fee information by legal directories".

The Anchorage Times in a December 10, 1975 article concerning the ABA proposal has this to say:

The proposal was prompted, in part, because many consumer groups think legal costs would go down if lawyers had to submit to the marketplace.

It was also prompted because of legal cases pending in Wisconsin, California, Virginia and New York accusing the ABA of violating the Sherman Antitrust Act and the 1st and 14th Amendments because of the ban (on advertising).

Current Trends' the First Amendment right of free speech.

Restrictions on advertising or competitive bidding have generally been challenged under antitrust laws or the 14th amendment clauses concerning due process and equal protection of the law. In an unusual and surely landmark decision, however, a consumer group won a state court ruling overturning a Virginia law against drug price advertising on the grounds that the law violated their First Amendment rights. The U.S. Supreme Court has agreed to hear the case on appeal. Essential the lower court ruled that consumers have a fundamental right to receive drug price information and that the relevant section of Virginia's Code was unconstitutional as a violation of the consumers First Amendment rights and enjoined its enforcement.

The Supreme Court's decision will be of particular importance since this is the first such case involving First Amendment rights. The Court uses a two-part test to determine if a statute is to be upheld when First Amendment rights are involved and this scrutiny is far more stringent than those involved in other constitutional issues. First, the State must show that it has a compelling interest in achieving some legitimate end sought to be advanced by the statute. Secondly, the state must show that the statute is drawn as narrowly as possible and that no less restrictive means of regulation will suffice.

If the Supreme Court upholds the lower court's decision, it will have a broad impact on licensing agencies and professional associations which restrict advertising.

Current Trends: What do Alaskan members of certain professional groups say?

The Department wrote to nineteen select members of various professional associations and agencies. An in-depth survey was not conducted nor was a random sampling of the occupational groups attempted. The inquiries were directed to the chairman or president of the agency or association, on the assumption that these

individuals would be aware of their colleagues' opinions. It was assumed that while this would not result in a consensus of opinion, it would represent the majority interest.

A copy of the proposed draft was enclosed with the letter. The individuals were advised that the Department would call them for verbal comment and that written comments would be appreciated. Eight written replies have been received; six from persons contacted and two unsolicited, both dentists. Telephone contact has been made with six of those remaining.

The response has been, as predicted generally negative. The most frequently presented argument has been that the quality of service will deteriorate, which was examined earlier in this paper. It was noted by one person that there does not appear to be any impetus from within the profession for eliminating or relaxing the restrictions on advertising with the conclusion that the status quo is adequately serving the professional community.

Another individual commented that the restrictions on advertising were an effective means of policing the industry. The reasoning being that since client referrals are by word-of-mouth only, the less competent are soon weeded out.

This is essentially the argument which was examined under the sub-heading, advertising allows the unscrupulous to easily deceive the unwary consumer.

A Bar Association representative indicated that the Bar will make written comments which will probably be cautiously approving, at least in concept. It appeared that its membership is already considering relaxing advertising prohibitions, but is not ready to endorse or approve an "all or nothing proposal." The Board of Governors will prepare its comments when it meets later this month.

A similar response was made by a representative of the Board of Registration for Architects, Engineers and Land Surveyors. He cautioned that his remarks were his own opinion and that the Board would review the proposal at its February meeting and adopt a position. He indicated that he personally believed the current status is adequate but that federal action may have less desirable results than timely state action.

Conclusion

Consumer interests are being increasingly recognized. Nationally there is a strong current trend toward reducing or eliminating business regulation which cannot be precisely and soundly justified. The federal government has clearly indicated that in those instances where the states fail to initiate needed regulatory reform, it will step in and do so. Alaska's consumers are no less harmed than consumers in other states by unnecessary, inflationary governmental interference in free economic enterprise.

The issue of advertising by professionals is one which should be addressed in a public forum. The State has a very significant stake in both the substance of change, and in the way it is implemented. The proposed bill is not considered to be in "best final form". Many issues are involved which must be determined. The very language of the bill recognizes this in the phrase "truthful advertising". Obviously some types of advertising are not only undesirable but also contrary to the public good. These need to be defined in the best interests of both the professionals affected and the consuming public.

HB

47

(9)

COMMITTEE REPORT

HOUSE

1/24/79

FURTHER:

Date: _____

Mr. Speaker:

The Committee on Judiciary has had HB 47

"An Act relating to the sale of alcoholic beverages; eff. date."

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

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

**MEMBERS SIGNING
DO PASS**

ROBERT W. [unclear] Do Pass

Terry [unclear]

[unclear]

Fatrick [unclear]

Buchholtz

Nels A. Anderson

Malcolm [unclear]

Alan [unclear]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Charles [unclear]

CHAIRMAN

COMMITTEE REPORT

HOUSE

2/12/79

FURTHER:

Date: _____

Mr. Speaker:

The Committee on (Returned to) JUDICIARY has had HB 47 with amendments offered 2/12/79

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 47 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature] - Pass amended

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: Brown Randolph

To: CS

HOUSE BILL No. 47

SENATE BILL No. _____

PAGE: 1-2

LINE: _____

Delete all language.

Substitute.

Section 1. AS 04.15.090 is repealed.

Introduced: 1/24/79
Referred: Judiciary

1 IN THE HOUSE

BY PARR

2 HOUSE BILL NO. 47

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of alcoholic beverages;
7 and providing for an effective date."

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

9 * Section 1. AS 04.15.090 is amended to read:

10 Sec. 04.15.090. PROHIBITION WITH RESPECT TO CERTAIN PERSONS

11 [FEMALES] IN CONNECTION WITH THE SALE OF BEVERAGES UPON LICENSED PRE-
12 MISES. (a) No [FEMALE] person employed in any capacity or for any
13 purpose by the holder of a license for a beverage dispensary establish-
14 ment, club, roadhouse, restaurant, or common carrier dispensary, or by
15 the operator or manager thereof may solicit or encourage the purchase of
16 any beverage, alcoholic or otherwise, by patrons of the licensed pre-
17 mises for consumption by the patrons or by the [FEMALE] person; nor may
18 the [FEMALE] person accept a beverage, alcoholic or otherwise, purchased
19 by a patron of the establishment.

20 (b) No [FEMALE] person, whether an employee or patron of a li-
21 icensed beverage dispensary establishment, club, roadhouse, restaurant,
22 or common carrier dispensary may remain about the premises of the
23 establishment and solicit any beverage, alcoholic or otherwise, from a
24 patron of the establishment, whether the beverage is for himself [HER-
25 SELF], the patron, or another.

26 (c) No holder of a license for a beverage dispensary establish-
27 ment, club, roadhouse, restaurant, or common carrier dispensary, or an
28 operator or manager thereof may permit a [FEMALE] person employed by
29 him, in any capacity or for any purpose, to solicit or encourage the

1 purchase of any beverage, alcoholic or otherwise, by patrons of the
2 licensed premises for consumption by the patron or by the [FEMALE]
3 person; nor may the holder, operator, or manager permit an [A FEMALE]
4 employee to accept any beverage, alcoholic or otherwise, purchased or
5 offered by a patron of the licensed premises.

6 (d) No holder of a license for a beverage dispensary establish-
7 ment, club, roadhouse, restaurant, or common carrier dispensary, or an
8 operator or manager thereof may permit any [FEMALE] person to remain
9 about the premises of the establishment and solicit any beverage, alco-
10 holic or otherwise, from a patron of the licensed premises, whether the
11 said beverage be for himself [HERSELF], the patron, or another.

12 (e) A holder of a license for a beverage dispensary establishment,
13 club, roadhouse, restaurant, or common carrier dispensary, or the
14 operator or manager thereof, or an [A FEMALE] employee thereof who
15 violates this section is guilty of a misdemeanor.

16 (f) A [FEMALE] person, not an employee of any licensed premises
17 described in this section, who violates (b) of this section is guilty of
18 a misdemeanor.

19 * Sec. 2. AS 04.15.090(e) and (f) are amended to read:

20 (e) A holder of a license for a beverage dispensary establishment,
21 club, roadhouse, restaurant, or common carrier dispensary, or the
22 operator or manager thereof, or an employee thereof who violates this
23 section is guilty of a class B misdemeanor.

24 (f) A person, not an employee of any licensed premises described
25 in this section, who violates (b) of this section is guilty of a class B
26 misdemeanor.

27 * Sec. 3. Section 2 of this Act takes effect January 1, 1980.
28
29

1 IN THE HOUSE

BY PARR

2 HOUSE BILL NO. 47

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

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15 the operator or manager thereof may solicit or encourage the purchase of

16 any beverage ^{at} ~~alcoholic~~ ^{amendment} ~~alcoholic or otherwise,~~ by patrons of the licensed pre-

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18 the [FEMALE] person accept a beverage, alcoholic or otherwise, purchased

19 by a patron of the establishment.

20 (b) No [FEMALE] person, whether an employee or patron of a li-

21 censed beverage dispensary establishment, club, roadhouse, restaurant,

22 or common carrier dispensary may remain about the premises of the

23 establishment and solicit any beverage, alcoholic or otherwise, from a

24 patron of the establishment, whether the beverage is for himself [HER-

25 SELF], the patron, or another.

26 (c) No holder of a license for a beverage dispensary establish-

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28 operator or manager thereof may permit a [FEMALE] person employed by

29 him, in any capacity or for any purpose, to solicit or encourage the

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2 licensed premises for consumption by the patron or by the [FEMALE]
3 person; nor may the holder, operator, or manager permit an [A FEMALE]
4 employee to accept any beverage, alcoholic or otherwise, purchased or
5 offered by a patron of the licensed premises.

6 (d) No holder of a license for a beverage dispensary establish-
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8 operator or manager thereof may permit any [FEMALE] person to remain
9 about the premises of the establishment and solicit any beverage, alco-
10 holic or otherwise, from a patron of the licensed premises, whether the
11 said beverage be for ^{that person} himself [HERSELF], the patron, or another. ~~deleted~~

12 ~~(e) A holder of a license for a beverage dispensary establishment,~~
13 club, roadhouse, restaurant, or common carrier dispensary, or the
14 operator or manager thereof, or an [A FEMALE] employee thereof who
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28
29

(b) The provisions of § 100(b) of this chapter relating to penalties for violation of this title apply also with respect to penalties for violation of municipal ordinances adopted under the authority of (a) of this section. (§ 35-4-18 ACLA 1949; am § 2 ch 131 SLA 1957; am § 2 ch 197 SLA 1959; am § 1 ch 86 SLA 1960; am § 1 ch 120 SLA 1967)

Effect of amendment. — The 1967 amendment designated the former section as subsection (a) and added subsection (b).

Legislative committee report. — For report on ch. 120, SLA 1967 (HB 255), see 1967 House Journal, p. 539.

Prohibition against additional taxes on liquor inapplicable to consumer's sales tax — See Juneau, Alas. & Juneau-Douglas Independent Schol Dist. v. Baranof Hotel, Inc., 1 Alas. L.J. No. 6, p. 12 (June, 1963).

Sec. 04.15.080. Giving of intoxicating liquor to persons under the age of 19 years. (a) A person or firm, company, corporation or an employee thereof who sells, barter, gives or delivers to a person under the age of 19 years, any intoxicating liquor is guilty of a misdemeanor, and upon conviction is punishable by imprisonment of not more than one year, or by a fine of not more than \$500, or by both.

(b) The term "person" as used in this section does not include a parent as to his own child, a guardian as to his ward or a licensed physician or nurse in giving medical treatment. (§ 1 ch 71 SLA 1959; am § 23 ch 245 SLA 1970)

Effect of amendment. — The 1970 amendment substituted "19" for "21" in subsection (a).

Legislative committee report. — Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CSHB 406

(Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6.

Stated in Miller v. State, Sup. Ct. Op. No. 589 (File No. 986), 462 P.2d 421 (1969).

Sec. 04.15.090. Prohibition with respect to certain females in connection with the sale of beverages upon licensed premises. (a) No female person employed in any capacity or for any purpose by the holder of a license for a beverage dispensary establishment, club, roadhouse, restaurant, or common carrier dispensary, or by the operator or manager thereof may solicit or encourage the purchase of any beverage, alcoholic or otherwise, by patrons of the licensed premises for consumption by the patrons or by the female person; nor may the female person accept a beverage, alcoholic or otherwise, purchased by a patron of the establishment.

(b) No female person, whether an employee or patron of a licensed beverage dispensary establishment, club, roadhouse, restaurant, or common carrier dispensary may remain about the premises of the establishment and solicit any beverage, alcoholic or otherwise, from a patron of the establishment, whether the beverage is for herself, the patron, or another.

(c) No holder of a license for a beverage dispensary establishment, club, roadhouse, restaurant, or common carrier dispensary, or an operator or manager thereof may permit a female person employed by him, in any capacity or for any purpose, to solicit or encourage the purchase of any beverage, alcoholic or otherwise, by patrons of the licensed premises for consumption by the patron or by the female person; nor may the holder, operator, or manager permit a female employee to accept any beverage, alcoholic or otherwise, purchased or offered by a patron of the licensed premises.

~~(d) No holder of a license for a beverage dispensary establishment, club, roadhouse, restaurant, or common carrier dispensary, or an operator or manager thereof may permit any female person to remain about the premises of the establishment and solicit any beverage, alcoholic or otherwise, from a patron of the licensed premises, whether the said beverage be for herself, the patron, or another.~~

(e) A holder of a license for a beverage dispensary establishment, club, roadhouse, restaurant, or common carrier dispensary, or the operator or manager thereof, or a female employee thereof who violates this section is guilty of a misdemeanor.

(f) A female person, not an employee of any licensed premises described in this section, who violates (b) of this section is guilty of a misdemeanor. (§§ 1, 2 ch 80 SLA 1959; am § 1 ch 3 SLA 1964)

Effect of amendment.—The 1964 amendment so changed this section that a detailed comparison is impractical.

This law is referred to in common parlance as the B-girl statute. Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc., Sup. Ct. Op. No. 208 (File No. 363), 391 P.2d 441 (1964).

A "B-girl" is a woman employed, frequently on a commission basis, to entertain and listen to bar patrons and encourage them to spend freely Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc.,

Sup. Ct. Op. No. 208 (File No. 363), 391 P.2d 441 (1964).

It matters not whether the girls are bona fide entertainers. The mischief aimed at in the B-girl statute and branded as illegal is the employment by the licensee of female persons in a beverage dispensary, on a compensatory basis, for the direct or principal purpose of soliciting sales of intoxicants to patrons of the licensed premises. Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc., Sup. Ct. Op. No. 208 (File No. 363), 391 P.2d 441 (1964).

Sec. 04.15.100. Penalties for violation of title or municipal ordinance. (a) A person who violates any provision of this title other than § 80 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment of not more than one year, or by a fine of not more than \$500. Each violation is a separate offense.

(b) Upon conviction of a licensee for a violation under (a) of this section, or for violation of a municipal ordinance adopted by

Sec. 04.15.090. Prohibition with respect to certain females in connection with the sale of beverages upon licensed premises.

This section constitutes overbroad discrimination and is unconstitutional. *Dawn v. State*, Superior Court, 4th Jud. Dist., C.A. No. 72-140 (1973).

Sec. 04.15.100. Penalties for violation of title or municipal ordinance.

The penalty imposed by the board is not automatic. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

The use of the word "may" rather than the directive "shall" in subsection (b), indicates a discretionary power. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

The reference to "upon the direction of the majority of its members" clearly contemplates a vote, which would be a hollow gesture if the suspension authority were not discretionary. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

The choice of the duration of the penalty by the board creates a further area of discretion. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

An interest in a lawful business is a species of property entitled to the protection of due process. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Suspension of a liquor license would represent a potential economic loss to its business. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Thus, due process requires notice and hearing before suspension. — Absent an emergency situation in which the public health, safety or welfare require summary action, the due process clause of the United States Constitution and Alaska Const., art. I, § 7, require that adequate notice and a meaningful opportunity to be heard must be afforded to liquor licensees before their licenses can be suspended. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

A hearing would permit the owner of the business to present arguments in

mitigation of the penalty to be assessed, and would assure that the board's action was not taken solely on the basis of ex parte communications to it. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Although AS 44.62.330(d) does not require hearing. — Under AS 44.62.330(d), a hearing is not required before an alcoholic beverage dispensary license is suspended, although it would be permissible if the Alcoholic Beverage Control Board chose to grant it. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

The hearing required need not be an elaborate one. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Due process does not require a full-scale hearing in every situation to which due process applies. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Board need not make written findings, etc. — Because the determination to be made in suspending a license is simply whether to impose a temporary sanction and, if imposed, its extent rather than an adjudication of guilt or innocence, it is not necessary for the Alcoholic Beverage Control Board to make written findings or to file a written opinion explaining its action, so long as it reaches a decision after hearing the licensee's presentation. *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, Sup. Ct. Op. No. 1062 (File No. 1984), 524 P.2d 657 (1974).

Additional penalty not to be imposed on basis of prior determination. — The Alcoholic Beverage Control Board may not exercise its discretion by imposing a penalty solely on the basis of a determination in a prior proceeding in which the question of this additional penalty was not before the court. *Frontier Saloon, Inc. v. Alcoholic Beverage Control*

HB

54

COMMITTEE REPORT

HOUSE

3/14/79

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 54

"An Act relating to education in the unorganized borough; and providing for an effective date."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

1-24-79

Date: March 14, 1979

Mr. Speaker:

The Committee on HESS has had HB 54

"An Act relating to education in the unorganized borough; eff. date."

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

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

**MEMBERS SIGNING
DO PASS**

Ramona Beres
Joye Munson
Walter ...
Walt ...
Buchholdt

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

T Buchholdt
 CHAIRMAN

14B.54

January 16, 1979

Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

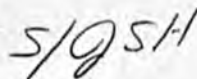
Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to education in the unorganized borough to make certain housekeeping changes necessitated by the creation in 1975 of the regional educational attendance areas (REAA's) and the concomitant dissolution of the Alaska State-Operated School System. Two main changes are proposed.

First, the bill would eliminate various references in AS 14, the education code, to "state-operated schools" and "areas not within school districts", since neither phrase is any longer applicable under the revised AS 14.08 as enacted in ch. 124 SLA 1975. Although numerous statutory provisions were altered by chapter 124 to remove these references, a number of provisions apparently were overlooked. Sections 3, 4, 5, 6, and 7, and sec. 8's repeal of AS 14.07.030(12) and 14.07.050, attempt to collect and correct those earlier omissions.

The second proposed change would correct what appear to be drafting inaccuracies contained in chapter 124 SLA 1975. The entire thrust of the bill which became chapter 124 was, of course, to create the REAA's as entities separate from the state, rather than state agencies, and not subject them to state statutes relating to such matters as fiscal procedures or personnel. The effect of certain provisions enacted by chapter 124, however, appears to run counter to those goals in that, taken together, they seem to indicate that those REAA's are in fact part of the state; and they have only been made exempt from certain statutes which generally apply to state agencies. The changes proposed in sections 1, 2, and 8 clarify the fact that REAA's are not state agencies, and that employees of REAA's are not in the state service.

Sincerely,



Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE ... BILL NO. 54
By THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

"An Act relating to education in the unorganized borough; and providing for an effective date."

Education

Introduced in the House ... 1-24-, 19 79.

HISTORY IN THE HOUSE

19 79

Jan. 24

Read first time and referred to Committee on
HESS and Judiciary

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

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

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

HB

56

See also:

LAA file

7900300

JH 3/5/84



House Judiciary Comte
 Re: HB 56
 FYI

COMMISSIONER
 JOHN W. ABBOTT - CHAIRMAN
 ARTHUR H. PETERSON - VICE CHAIRMAN
 PATRICK M. RODEY
 FRED E. BROWN
 SUSAN A. BURKE
 L. S. KURTZ, JR.

ALASKA STATE LEGISLATURE
 POUCH Y - STATE CAPITOL
 JUNEAU, ALASKA 99811
 (907) 465-4878

EXECUTIVE SECRETARY
 BILLY G. BERRIER

October 10, 1978

M E M O R A N D U M

C

SUBJECT: Revision of State Exemptions Law
 TO: Representative Mike Miller
 Chairman, Alaska Legislative Council
 FROM: John Abbott, Chairman
 Code Revision Commission

O

Pursuant to the authority granted in AS 24.20.075(c), the Code Revision Commission has reviewed that portion of the Alaska Statutes which provides protection for certain property of an individual from seizure by creditors to enforce the payment of an unsecured debt. The commission has determined that the exemption laws of the state are out of date and do not provide adequate protection for property in the possession of an individual which is necessary to provide the basic necessities of life for the individual and his family. In addition, Congress has been considering bills which would dramatically revise the bankruptcy laws of the United States. The bankruptcy law revision is significant because the exemptions provided under the state law of the petitioner's domicile are applied by the bankruptcy courts. As a result of this congressional consideration of the bankruptcy laws, the National Conference of Commissioners on Uniform State Laws (NCCUSL) has prepared and presented for consideration by the states a uniform exemptions act. The NCCUSL has stated that the area of exemptions law is one of the few for which the plea for uniformity is most appropriate. The Commission utilized the uniform exemptions act as a guide in preparing and recommending for your consideration, the Alaska Exemptions Act. The Act

P

Y

contains the basic structure of the uniform act with amendments relating to specific items and increases in the value of some exemptions with a value limit. The Alaska Exemptions Act increases the value of the homestead exemptions by allowing the aggregation of homestead exemptions held by joint owners of the residence. The act also provides for exemptions of property with a value limitation, property exempt without a value limit, exemption of unmaturred life insurance, and establishes procedures which specify how debtors and creditors may exercise rights conferred under the act.

Representative Mike Miller
Page Two
October 10, 1978

C
The Code Revision Commission has attempted to present suggested legislation which balances the often-competing interests of both debtors and creditors. Creditors need simple and inexpensive procedures for collecting unsecured debts while debtors must have protection for their property so that they are not deprived of property which supplies the basic necessities of life or be required to seek public assistance benefits. The Alaska Exemptions Act includes a procedure for garnishment which would end the current practice of obtaining a writ of garnishment of wages. Seasonally employed individuals are afforded protection from garnishment of their earnings in a way that permits the exercise of an exemption for funds accumulated during the work season over the entire year. The Act also has an automatic cost of living provision which provides for the adjustment of dollar amounts based on increases or decreases in the Anchorage metropolitan area cost of living index. This provision is intended to avoid the necessity for continuing legislative oversight of value limit exemptions provided in the Act.

O
The Code Revision Commission has prepared and included an official text of the act with commentary as an aid during your detailed consideration of this suggested legislation.

P
JWA/bb/jms

cc: John C. Doyle, Executive Director
Legislative Affairs Agency

Y

HB

63

YOU BE THE JUDGE

TO ALL MEMBERS OF
THE LEGISLATURE
FROM REPRESENTATIVE
BOB BETTSWORTH

[Public—No. 209.]

An Act For the preservation of American antiquities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins the excavation of archeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purposes of carrying out the provisions of this Act.
Approved, June 8, 1906 (34 Stat. L. 225).

74B65

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1979

SUBJECT: Antiquities Act Defense Fund
(Work Order No. 6006)

TO: Representative Charles H. Parr

FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

Enclosed is the appropriation bill you requested appropriating money to the Department of Law to pay for the legal fees of persons who have been charged with or convicted of a crime under the Antiquities Act (46 U.S.C. secs. 431 - 433) on land declared to be national monuments last December by President Carter. I want to bring two changes I have made to your attention. As one of the groups who would be eligible for reimbursement from the department I have included subsistence hunters who have hunted on the withdrawn land for the last three years. The second change is in allowing the department to establish a schedule of "reasonable" legal fees and limiting any payment from the department to the reasonable amount of legal fees incurred in defending against a charge or appealing a conviction under the Antiquities Act. If these changes are not in accord with your thinking on the subject, please let me know.

KEV:jdn

Enclosure

HB

65

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1/24/79

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 65

"An Act making a special appropriation to the Department of Law; eff. date"

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

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

**MEMBERS SIGNING
DO PASS**

Charles H. ...
Neil D. Anderson Jr.
Buchhardt
Tom Martin
Leo Blawie

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Charles H. ...
...
...

Charles H. ...
 CHAIRMAN

<u>Funding Information</u>	
General Fund	\$500,000
Other Funds	-0-
	<u>\$500,000</u>

By JUDICIARY
BY PARR, ANDERSON, BARNES,
BEIRNE, BETTISWORTH, BRANSON,
BROWN, ELIASON, HAYES, MOSS,
MUNSON, RANDOLPH, ROGERS,
AND SMITH

1 IN THE HOUSE

2 CS - HOUSE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Law; and providing for an effective date."

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

9 * Section 1. (a) The legislature finds that the President of the United
10 States has acted arbitrarily and beyond the intent of law by using the Anti-
11 quities Act to close some 56,000,000 acres of Alaska land to public use. As
12 a result of the President's action many trappers, hunters, ~~and~~ ^{and others} miners, have had
13 their livelihood destroyed, a destruction not justified by a compelling
14 public interest. The legislature, as representatives of a free people, finds
15 such action intolerable and intends to seek redress through both the courts
16 and the Congress.

17 (b) The average citizen lacks the resources to oppose the massive power
18 of the federal government. The legislature finds it appropriate to assist
19 Alaskan citizens in resisting arbitrary action by the federal executive by
20 paying for legal assistance to those whose livelihoods have been taken away.

21 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
22 the Department of Law for the purpose of paying reasonable legal defense fees
23 for trial and appellate level legal representation for persons who

24 (1) for at least three years before December 1, 1978,

25 (A) have earned at least one-half of their annual income as a
26 direct result of activities conducted on lands declared to be national
27 monuments by Presidential proclamations 4611 - 4627, issued ^{or have required access}
28 December 1, 1978, under authority of 16 U.S.C. sec. 431; ^{through those lands} or ^{for such} activities;

29 (B) have subsisted through subsistence hunting or fishing

1 entirely or partly on lands declared to be national monuments by Presi-
2 dential proclamations 4611 - 4627, issued December 1, 1978, under
3 authority of 16 U.S.C. sec. 431, ~~for~~ have required access through those
4 lands for such activities; and

5 (2) are detained under a charge of, formally charged with, or
6 convicted of a crime under 16 U.S.C. secs. 431 - 433 or a rule or regulation
7 issued under 16 U.S.C. secs. 431 - 433 on lands declared to be national
8 monuments by Presidential proclamations 4611 - 4627, issued December 1, 1978,
9 under authority of 16 U.S.C. sec. 431, as a result of the continuation of
10 those activities described in (1) of this section; and

11 (4), (3) make a written request to the department for the payment of
12 reasonable legal fees incurred in defending against the charge or in appeal-
13 ing the conviction, or both. The department may establish a schedule of
14 reasonable legal fees for the defense or appeal.


15 * Sec. ⁴3. This Act takes effect immediately in accordance with AS 01.10.-
16 070(c).

17 (3) ~~are~~ are not charged with any offense against
18 the state of Alaska alleged to have arisen from the same
19 event or facts which gave rise to the alleged federal
20 violation; and

21 * Sec. 3. The unexpended and unobligated portion of
22 this appropriation lapses into the general fund June 30, 1980.

23 Berch's
24 Notes

25 (1) -
26 (2) -
27 (3) - and
28 (4)
29 (1)
(2)
(3) and
(4)



ALASKA
MINERS ASSOCIATION

(KETCHIKAN BRANCH)

P. O. BOX 5258

January 30, 1979

TELEPHONE:

Representative Terry Gardiner
Pouch V
Juneau, AK 99811

Dear Representative Gardiner:

The Ketchikan Branch of the Alaska Miners Association represents 100 members as individuals, businesses and affiliates in the Ketchikan and Wrangell area. We are in total support of the funding to fight our congressional battles with regards to D(2). We believe that in order to accomplish this, Alaskans must form a united front. We believe that the questions which are of paramount importance to any settlement and which must be answered in order to obtain our support are listed with respect to their relative importance.

- Removal of the Antiquities Act
- Conveyance of State Lands
- Conveyance of Native Lands
- Exclusion of known natural resources from land classification which prohibits its use
- Unrestricted access to and between all state and native lands
- State managements of fish and game within the borders of Alaska
- Subsistence access to all lands

We are of the opinion that in order to accomplish these ends a sum not to exceed \$5,000,000.00 should be appropriated, \$500,000.00 of which should be allocated to CMAL to further their lobbying efforts. In addition we support HB 63, 64, and 65 but we must go on record supporting HB 65 over 63.

Sincerely yours



Keldon G. Adams
Chairman
Ketchikan Branch

1/31 - #12

TO: HOUSE JUDICIARY COMMITTEE & REP. RANDOLPH

FROM: ROGER C. BURGRAFF
S. R. BOX 20036
FAIRBANKS, AK 99701

Call

479-2596 (CAN BEST BE REACHED BETWEEN 6:00 - 9:00 A.M.
AND THE EVENINGS)

RE: ADDITIONAL COMMENTS TO MY TESTIMONY 1/30/79 VIA TELECONFERENCE

MESSAGE: I STILL MAINTAIN THAT HB65 BE PASSED SUBJECT TO THE
MODIFICATIONS PROPOSED BY MR. KEN FANNING OF THE REAL ALASKA COALITION.
I PROPOSE THAT IMMEDIATE STEPS SHOULD BE TAKEN THROUGH THE COURTS TO
OBTAIN AN INJUNCTION PROHIBITING THE FEDERAL GOVERNMENT FROM ENFORCING
REGULATIONS PROMULGATED UNDER CARTER'S INVOCATION OF THE ANTIQUITIES
ACT. THE ABOVE SHOULD BE INCLUDED IN ANY RESOLUTIONS PASSED BY BOTH
HOUSES REGARDING THE ANTIQUITIES ACT. THE PURPOSE OF THIS WOULD BE
TO PUT GOVERNOR HAYMOND ON NOTICE TO TAKE POSITIVE ACTION.

FBKS LIO/AR/ROM

BLANK MOORE BUSINESS FORMS

LA21 1895 12.21 JA01 0019 12.21 01/29/79

TO: HOUSE JUDICIARY AND FINANCE COMMITTEES

FROM: BRUCE BOYD, ALASKANS UNITE
101 COLLEGE ROAD, FAIRBANKS, ALASKA 99701

PHONE: 456-5100 OR 452-7202

RE: HOUSE BILL 65, SEC. 2

SINCE ANY ALASKAN MAY BE ARRESTED WE RESPECTFULLY REQUEST
THAT SEC. 2 BE REWRITTEN TO APPLY TO ANY AND ALL ALASKANS
WHO MAY BE DETAINED UNDER A CHARGE OF, FORMALLY CHARGED
WITH, OR CONVICTED OF A CRIME UNDER 16 U.S.C. SECS. 431-433
ON LANDS DECLARED TO BE NATIONAL MONUMENTS BY PRESIDENTIAL
PROCLAMATIONS 4611-4627, ISSUED DEC. 1, 1978 UNDER AUTHORITY
OF 16 U.S.C. SEC. 431.

MR. BOYD CAN BE REACHED WEEKDAYS 9-5 PM

FBX L10/TC/ EOM

TELECONFERENCE HEARINGS



PUBLIC SERVICE ANNOUNCEMENT

January 26, 1979

RUN THROUGH NOON TUESDAY, JANUARY 30

PUBLIC TESTIMONY ON BILLS WHICH WOULD ESTABLISH A LEGAL DEFENSE FUND FOR PEOPLE CHARGED WITH VIOLATING THE PROVISIONS OF THE ANTIQUITIES ACT IS INVITED BY THE HOUSE JUDICIARY COMMITTEE IN A TELECONFERENCE SCHEDULED FOR 1:00 to 3:00 P.M. TUESDAY, JANUARY 30.

AREA RESIDENTS INTERESTED IN PRESENTING TESTIMONY OR OBSERVING THE HEARING MAY PARTICIPATE AT THE ANCHORAGE LEGISLATIVE INFORMATION OFFICE, 1024 WEST SIXTH AVENUE. FOR MORE INFORMATION, CALL 278-3668.

ALASKA STATE LEGISLATURE

Legislative Affairs Agency

Pouch Y - State Capitol
Juneau, Alaska 99811

REGIONAL INFORMATION OFFICE

1024 West 6th Avenue
Anchorage, Alaska
99501
(907) 278-3668

1/31/79

Enclosed for your information are copies of the sign-in sheets for the January 30 teleconference on House Bills 63, 64, and 65 and copies of the public service announcement and newspaper clippings relating to the hearing.


Judy Hopkins
Anchorage L10

Trespass legal fund to be aired here

Legislation has been proposed to establish a state-funded legal defense fund for Alaskans who trespass on federal lands, and a three-city telephone hearing is scheduled on the subject next Tuesday.

State Rep. Chaires Parr, D-Fairbanks, will hold the hearing which will be linked to Anchorage, Fairbanks and Ketchikan through communications facilities of the Legislative Affairs Agency. The public is invited to testify or listen to the hearing, scheduled at 1-3 p.m. at the local office of the agency, 1024 W. Sixth Ave.

2—Anchorage Daily News, Monday, January 29, 1979

Alaskans Get Chance To Air Views On D2

Anchorage residents who want to talk to Alaska legislators about the D2 land issue will get their chance Tuesday.

The House Judiciary Committee will hold a teleconference hearing on Fairbanks Rep. Charlie Parr's bill to set up a state-financed legal defense fund for Alaskans charged with violating rules of the new national monuments set up by President Carter under the Antiquities Act.

Legislators and local residents participating in the hearing will be able to see and hear each other over a satellite television circuit.

The hearing will run from 1 to 3 p.m. at the Anchorage Legislative Information Office, 1024 W. Sixth Ave.

Persons wishing to testify may call the office at 278-3668.

The Legislature, in cooperation with the state-run satellite television project, held Alaska's first teleconference hearings last year on capital move legislation.

12 The Anchorage Times, Monday, January 29, 1979

The Anchorage Times

Women's World

Clubline

TELECONFERENCE HEARINGS

Public testimony on bills which would establish a legal defense fund for persons charged with violating the provisions of the Antiquities Act is invited by the state House Judiciary Committee from 1 to 3 p.m. Tuesday. Local residents who wish to present testimony or observe the hearings may participate at the Anchorage Legislative Information Office, 1024 W. Sixth Ave., 278-3668.

Alaska State Legislature

TELECONFERENCE HEARINGS



DATE: 1-30-79
 LOCATION: Anchorage
 SUBJECT: HB 63-64-65

THIS PROCEEDING MAY BE BROADCAST LIVE OR RECORDED FOR LATER BROADCAST BY RADIO OR TELEVISION STATIONS.

I CONSENT TO THIS BROADCAST OR RECORDING FOR LATER BROADCAST.

NAME (PLEASE PRINT)	REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	HERE TO TESTIFY	SIGNATURE	DATE
John Jacobsen	Talkeeta Mines Trust + Alaska Miners Assn.	700 Ash Place	277-3685		<input checked="" type="checkbox"/>	<i>John Jacobsen</i>	1/30
Patricia O'Keefe - Skoog	individual	120 Norman, Apt #8	333-9025	did not stay for hearing	<input checked="" type="checkbox"/>	<i>John Jacobsen</i>	
JOHN HAVELock (about 1:30)	self.	2024 Eugene Dr. 99503	278-3936		<input checked="" type="checkbox"/>	<i>John Havelock</i>	
Warren Olson	individual	Warren Olson	276-3115		<input checked="" type="checkbox"/>	<i>Warren Olson</i>	
Orlon Kukowski	Pres. 40-mile mining district	828 E Street 99501	272-3228		<input checked="" type="checkbox"/>	<i>Orlon Kukowski</i>	
Frank Tyone		1424 INGRA ALASKA	277-1371		<input checked="" type="checkbox"/>	<i>Frank Tyone</i>	
Rock Smith	Patents in Action	5705 DeBarre 99504	337-4322		<input checked="" type="checkbox"/>	<i>Rock Smith</i>	
Tom Soper	individual	7104 E 17th 99504	333-2507		<input checked="" type="checkbox"/>	<i>Tom Soper</i>	1/30/79
Robert N. Stafford	individual	2426 Oak 99504	271-6957		<input checked="" type="checkbox"/>	<i>Robert Stafford</i>	1/30
Leo Mark Anthony	Miners ASSOC.	2020 Lake Otis 99504	279-4702		<input type="checkbox"/>	<i>Leo Mark Anthony</i>	
Gary Donaldson	Alaskans United - UChm (Anchorage & Kenai)	5705 DeBarre Rd	337-4322		<input type="checkbox"/>	<i>Gary Donaldson</i>	

Alaska State Legislature

TELECONFERENCE HEARINGS



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NAME (PLEASE PRINT)	REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	HERE TO TESTIFY	SIGNATURE	DATE
Sam Koppenberg	K. L. K. Inc.	St Rte Box 245 Palmer AK	745-3068	✓	WAA	Sam Koppenberg	1/30
T.J. Koppenberg	K. L. K. Inc.	"	"	✓		T.J. Koppenberg	1/30
Randolph W. Hunter	Randolph W. Hunter	241 W. Cook Ave. ANCHORAGE	276-8987		(✓)	Randolph W. Hunter	1/30
FRANK TYONE		1424 INGRA ST	2771371				
H.F. McWilliams	SELF - MINER	Box 1317 ANCH. AK	243-3607	✓	WAA	H.F. McWilliams	1/30
Paul Arthur Mahay		3312 E 43rd #2	279-4177	✓		Paul Arthur Mahay	1/30
J. R. DANIELS	SELF - PIONEER	911 W. 7th	344-0335	✓		J	
Jodi Stephens	KIMO - TV	3910 Old Seward	279-9437	(Film) ✓		Jodi Stephens	
Frank C. Ostrosky	self	Naknek Alaska	279-4106		(X)	Frank C. Ostrosky	
Andrew Holte	Channel 2 - TV						
B. R. Midgett	Miners	10th W 15th Anch.	272 3707	✓		Bertie R. Midgett	

Funding Information
General Fund \$500,000
Other Funds -0-
\$500,000

BY PARR, ANDERSON, BARNES,
BEIRNE, BETTISWORTH, BRANSON,
BROWN, ELIASON, HAYES, MOSS,
MUNSON, RANDOLPH, ROGERS,
AND SMITH

1 IN THE HOUSE

2 HOUSE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Law; and providing for an effective date."

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

9 * Section 1. (a) The legislature finds that the President of the United
10 States has acted arbitrarily and beyond the intent of law by using the Anti-
11 quities Act to close some 56,000,000 acres of Alaska land to public use. As
12 a result of the President's action many trappers, hunters and miners have had
13 their livelihood destroyed, a destruction not justified by a compelling
14 public interest. The legislature, as representatives of a free people, finds
15 such action intolerable and intends to seek redress through both the courts
16 and the Congress.

17 (b) The average citizen lacks the resources to oppose the massive power
18 of the federal government. The legislature finds it appropriate to assist
19 Alaskan citizens in resisting arbitrary action by the federal executive by
20 paying for legal assistance to those whose livelihoods have been taken away.

21 * Sec. 2. The sum of \$500,000^{mil} is appropriated from the general fund to
22 the Department of Law for the purpose of paying reasonable legal defense fees
23 for trial and appellate level legal representation for persons who

24 (1) for at least three years before December 1, 1978,

25 (A) have earned at least one-half of their annual income as a
26 direct result of activities conducted on lands declared to be national
27 monuments by Presidential proclamations 4611 - 4627, issued
28 December 1, 1978, under authority of 16 U.S.C. sec. 431; or *access*

29 (B) have subsisted through subsistence hunting or fishing

1 entirely or partly on lands declared to be national monuments by Presi-
2 dential proclamations 4611 - 4627, issued December 1, 1978, under
3 authority of 16 U.S.C. sec. 431; ~~OR HAVE ^(CANNOT) ACCESS FOR SUCH~~
4 *ACTIVITIES*
(2) are detained under a charge of, formally charged with, or
5 convicted of a crime under 16 U.S.C. secs. 431 - 433 or a rule or regulation
6 issued under 16 U.S.C. secs. 431 - 433 on lands declared to be national
7 monuments by Presidential proclamations 4611 - 4627, issued December 1, 1978,
8 under authority of 16 U.S.C. sec. 431, as a result of the continuation of
9 those activities described in (1) of this section; and

10 (3) make a written request to the department for the payment of
11 reasonable legal fees incurred in defending against the charge or in appeal-
12 ing the conviction, or both. The department may establish a schedule of
13 reasonable legal fees for the defense or appeal.

14 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

16 *Rest of fund lapse if not use.*

Alatna Guide Service
HUNTING • FISHING • BACKPACKING • PHOTOGRAPHY
On America's Last Frontier

BERND GAEDEKE
Registered Guide

Telephone: (907) 479-6354

P. O. Box 80424
College, Alaska 99701

20 Jan., 1979

Representative
Charlie Parr
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr,

~~you may recall that I suggested to introduce legislation to tax lodges such as mine, lodges far removed from the road system and lodges who pay taxes for all their supplies which are purchased locally. I was gratified that you thought my suggestion made a lot of sense since you really didn't have those lodges in mind.~~

Since that conversation we have been dealt a much harder blow, however, the Antiquities Act. This act will create a severe hardship on my business and frankly, I don't know how we will be able to make ends meet now. I have been in the guiding business since 1967 and have invested appx. \$ 200,000 in my camps and lodges in the Brooks Range. I have been guiding in an exclusive area assigned me by the Guide Licensing and Control Board. About 80 to 90 percent of this area is within the newly created Gates of the Arctic national monument. Until now appx. 90 % of our income has been derived from guiding activities involving sport hunters. It's pretty hard to book the type of people who will now have exclusive use of these new monuments as they generally don't have the money to pay for our services and will frequently work out an arrangement with some of the outside operators with which we have to compete up here.

I was gratified to hear that you are one of the members sponsoring a bill to provide state funds to help pay for legal fees should people such as us become involved in legal battles with the Fed's. But realistically I don't see much chance of this bill getting far, and even if it should, it still wouldn't give me much incentive to break the law as I do not intend to put my clients in jeopardy.

May I suggest introduction of another bill which might help those of us who are faced with severe hardships now? Would it be possible for the state to make low interest funds available for qualified people (this could easily be proven with tax records, etc.) to tie them over for a few years to get into related or other activities? We have one advantage over so many other guides who do not even own any property in their areas; we own the properties on our three main camps. I know that we can make a go of it in the summer tourism and fishing business and we have been gearing toward these activities. But it will take several years to build up this type of business to where we can make ends meet. Without the major source of income, guiding sport hunters, we see no way to make all our payments. We have too much invested to give up now, and we could have easily adjusted to HR39 which would have given us 20 years to continue our guiding activities. But the Antiquities Act was too drastic and has made no provision to help people such as us.

We don't want to be bought by the Fed's., as a matter of fact we'd fight it out with them if we had to, to retain this land for not only us, but for our children. All we want, if our rights aren't given back to us, is a chance to continue our livelihood.

Sportsmanship — Our First Consideration

Alatna Guide Service

HUNTING • FISHING • BACKPACKING • PHOTOGRAPHY

On America's Last Frontier

BERND GAEDEKE
Registered Guide

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P. O. Box 80424
College, Alaska 99701

Charlie Parr

page two

But this will take money. We just can't afford to borrow at current interest rates, especially not for a business that banks consider to be defunct r.w. We are faced with a real emergency situation and I feel that some kind of financial aid is absolutely in order. I'm not asking for a hand-out, just a low interest loan to help me carry on.

I wrote a similar suggestion to the governor's office recently, but haven't had a reply as yet. I suggested that perhaps our governor could even ask the Fed's. for federal "disaster" funds. Perhaps they should make money available since they're the ones who put us out of business. But again, I want to emphasize that we don't want to be bought off. I'm sure the government would be all too pleased to get us off their backs that way. We want to retain our traditional way of life, our human rights if you will.

I'd appreciate hearing from you in regards to this matter.

Sincerely,



Bernd Gaedeke

Call Tom Bess
Breatwater
6-6303
Phil Holdsworth
6-1383

Make sure copies
in Anch & Fbks
& Ketchikan

HB 63
" 64
" 65

LA21 2200 15.00 JA01 0032 15.00 01/22/79

PLEASE DELIVER THE FOLLOWING MESSAGE TO ALL LEGISLATORS:

YOU ARE INVITED TO A PREVIEW SHOWING OF "IN DEFENSE OF ALASKA... THE CITIZENS SPEAK" SPONSORED BY THE REAL ALASKA COALITION AND ALASKA UNITE. EXECUTIVE DIRECTORS OF THOSE GROUPS WILL MAKE A SHORT PRESENTATION AND ANSWER QUESTIONS. THE PROGRAM WILL BE FROM 8:00 P.M. TILL 9:00 OR 10:00 WEDNESDAY, JANUARY 24TH IN THE BUTROVICH ROOM. IF YOU CAN ATTEND OR HAVE FURTHER QUESTIONS, PLEASE CONTACT LANI MARTYAK IN SENATOR DON BENNETT'S OFFICE AT 465-3871.

KEN FANNING
REAL ALASKA COALITION
P. O. BOX 73478
FAIRBANKS, AK 99707
479-3367

EOM

call @ teleconference
get Alaskans Unite phone #
Pete Haggland

Branches?
arrived

BLANK WOODIE BUSINESS FORMS, INC. F

AKS Unite office
456-5100 or
452 7202

All People

Newsminer -

List for Rocky Plotnick - re -

Tuesday's telecommunications
session on HB 63, 64, + 65

Anch. - Chuck Hawley - 344-5354 (3450)

~~Anch. - Chuck Herbert - 274-1865~~

Fbks - Ernie Wolff - 479-2156

Fbks - Bill Waugaman - 479-2812

Ktn - Kelly Adams - 247-2469

Anch. - Paul Glavinovich 276-2433
(349-2756)

Merrill Palmer - Haines (here)

Carl Hemiller - Monday

Phil H. - Wed,

JA02 0006 15.30 JA01 0043 15.31 01/29/79

TO ROCKY PLOTNICK, HOUSE JUDICIARY
FROM PEGGY, KTN INFORMATION OFFICE

HI, NICE TO BE WORKING WITH YOU AGAIN THIS YEAR.
WE WILL ONLY HAVE ONE PERSON TESTIFYING SO FAR AND A COUPLE
OF OBSERVERS. THE RARE 2 PEOPLE WILL BE IN TOWN TOMORROW
AND MOST OF THE INTERESTED PEOPLE WILL BE TIED UP WITH THEM.
WILL LET YOU KNOW EARLY IF WE HAVE ANYMORE TO TESTIFY. PEGGY/EOM

LATI 2520 14.34 JA01 0038 14.34 01/29/79

TO ROCKY PLOTNICK JNU
FROM JUDY, ANCHORAGE INFO OFFICE

CHUCK HAWLEY IS OUT OF TOWN UNTIL THURSDAY NIGHT; GLAVINOVICH HAS BEEN ADVISED.

NEGLECTED TO MENTION IN LAST TRANSMISSION THAT WE ALSO ATTEMPTED TO CONTACT TRUSTEES FOR ALASKA, SIERRA CLUB AND A C L U, BUT NO RESPONSE AT THEIR NUMBERS.

JOHN HAVELOCK WAS IN TODAY TO PICK UP THE BILLS AND AFTER REVIEWING THEM SAID HE MAY DECIDE AGAINST TESTIFYING; WILL ADVISE LATER TODAY. IF THAT IS THE CASE, WE ARE DOWN TO ZERO PRE-REGISTERED WITNESSES. EOM/

LATI 2522 14.35 JA01 0039 14.35 01/29/79

TO ROCKY PLOTNICK JNU
FROM JUDY, ANCHORAGE INFO OFFICE

CHUCK HAWLEY IS OUT OF TOWN UNTIL THURSDAY NIGHT; GLAVINOVICH HAS BEEN ADVISED.

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Files. Info.

101 College Road

Ann 250
Building F

452-4449

Trudy

Claudia - needs list -
Agenda

Mareka needs agenda

1/29/79

HB 63, 64, 65

Freeman - may in some cases encourage civil dis.
- "dumped tea in bay" -

Buchholdt - public info on defense fund?
Brown - amendment to make sure doesn't permit
violating state law -

Teleconference 1/30/79

K-1
F-2
A-10

Ketch

Kelvin Adams -

Chmn K. branch Ak Miners Assn
Wants \$5 million, \$500,000 of it to CMAC
HB 65 over HB 63

Personal, not AmA -

Wants join of West Canada to form
new nation -

Fbks

Pete Haggland -

Any Alaskas should qualify
Wants \$1 million

122 guide, put out of business completely

50 family mining opens

air tax - 40/60% business affected

Mike Ramey - rep self -

Favors HB 63 & 64

Bruce James - rep self

Pat Brower -

against bills

leg should seek solutions

Fiske

- get up special legal unit under new AS
- monitor closely
- Randolph Hunter - can go with wrap (crime + civil)

Michael Carey -

- find in any other state?

1/31/79

Don Niskey -

per anti trust & get defense funds
- court presumption of legality
- ~~assessments~~ ~~statute~~

Art II, IX, Dec 6, Art Court

Art VI, US Const - supremacy clause

with regard to court -

- judge asking to say if law is

state
- payment of funds would go against supremacy

USA - review AS litigation statute

Rick Findley - Public Defense

Bill & Anolegno due from PD to Gov by Feb 5

HB 63 - how means already provided for

- amend to cover .010 + .100

- PD not allowed in Fed court -

- civil as well as crime rep

- uniform w/ funding orgs?

- private that more expensive, add

own to handle Fed case? -
- written application problem?

Gordon Espirity -

- admission that current act committed

Files. Info.

101 College Road

Room 250

Building F

452-4449

Trudy

Claudia - needs list -
Agenda

Mareka needs agenda

Kerr Fanning -

spin-off better bargaining position

HB 65 - create A.P. legal defense fund

- raise \$500,000 to \$1 million
- remain in effect until AA removed
- cut out restrictions on eligibility, use livelihood or lifestyles affected
- Interwi said Denali trespass expression of free speech
- compensate for fines

Charles Vogel - carpenter, trapper, for self

- favors HB 65 w/ amend

- go to \$1 million, more if needed

- less restrictions on qualification

- screening comm decide who qual

Tom Scarborough - Exec Dir Ak Wildlife Fed

- go to \$1 million

- delete qual

- compensate for fines

- keep in effect until AA repealed

- est 660 trappers use lands

- " 122 guides

Roger Bunggraff - self

- favors HB 65

- increase HB 65 to \$1 million, agrees

w/ Fanning

Arch

John Jacobson - Pres - Mining Dist, dir
AK Min Assn

- support HB 65 but should protect
employees of miners as well

- mining claims 42 yrs now - inside

1/29/79

HB 63, 64, 65

Freeman - may in some cases encourage civil dis.
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