

915

HJ

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Letter to Mike Harper
Page 2
February 1, 1979

For the current fiscal year, the Court System received budget authorization for \$ 522,000. To date, actual expenditures have been \$ 426,000, and projected expenditures through June 30, 1979, are \$ 1,103,000.

It is difficult to determine precisely why this increase has occurred. To some extent it may be related to the increase in the number of criminal cases being tried following the implementation in late 1976 of the plea bargaining ban. Not only does this mean that more time must be spent by counsel at the trial level, but more cases have been and continue to go through the appellate process as well. Additionally, even in the cases where the defendant eventually pleads guilty, the plea typically is entered after more investigation and preliminary motions than before the ban. In short, the system has become more adversarial and less negotiation oriented and this translates into more attorney time.

The current \$40.00 per hour compensation authorized by the supreme court is less than half the hourly rate charged by most attorneys in the state for their services. Increasingly, attorneys experienced in criminal practice are reluctant to take appointments at this rate, particularly in cases that may require fairly substantial amounts of time. Some in fact have removed their names from the appointment list.

We believe that the state can no longer afford to provide defense services in conflict cases through the appointment of private counsel. Because of the constitutional requirement of effective assistance of counsel and because of ethical standards requiring "zealous representation," it is unlikely that the amount of time spent on the defense of these cases can be significantly reduced. Further, it is impossible for the court to monitor the activities of the attorneys appointed and such monitoring would be inappropriate on the part of the judiciary which may not interfere with the independent professional judgment of an attorney representing a litigant before the courts. Thus there is currently no effective control on costs so long as the services are being provided through individual appointments of private attorneys.

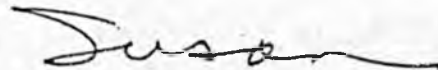
The history of the establishment and operation of the Public Defender Agency in Alaska demonstrates that defense services in criminal cases can be provided by salaried attorneys at a substantially lower cost than by individual private counsel appointments. We believe that this is equally true in the area of defense services in conflict cases.

Because of ethical considerations, an office providing defense services in conflict cases must be separate from the Public Defender Agency. Some primary questions that must be resolved include:

- (1) What is the appropriate agency in which to locate the office: i.e., Governor's Office, Lieutenant Governor's Office etc.?
- (2) Should the administrative structure mirror that of the Public Defender Agency or would a different creature such as an independent corporation or board be preferable and cost effective?
- (3) Is legislation required or can the office be established by Executive Order?
- (4) What should be the scope of responsibilities for the office? Should the office also handle guardian ad litem work, function as state guardian, etc.?
- (5) What are the personnel, space and equipment needs for the office?

I hope this is sufficient background for our meeting on Monday.

Sincerely,



Susan Burke
Deputy Administrative Director

SB/pmr

Historical Expenses Pattern - Attorney Payments
In Conflict-of-Interest Cases

District or Service Area	FY 76		FY 77		FY 78		FY 79		1-31-79
	<u>12/31/75</u>	<u>Entire Year</u>	<u>12/31/76</u>	<u>Entire Year</u>	<u>12/31/77</u>	<u>Entire Year</u>	<u>12/31/78</u>	<u>Entire Yr. Pro- jected</u>	
First	11.1	31.9	2.1	59.3	7.7	69.6	50.5	150.0	62.0
Second	.2	3.4	1.2	2.6	1.3	2.8	6.7	14.0	6.7
Third	53.5	178.7	63.0	188.5	58.6	279.8	274.4	650.0	283.0
Fourth	13.2	66.7	38.9	131.1	23.2	111.5	80.9	240.0	84.3
Bethel			6.9	18.3	13.1	44.8	13.1	45.0	18.3
Barrow					.5	5.6	.4	4.0	2.7
TOTAL	78.0	280.7	112.1	399.8	104.4	514.1	426.0	1103.0	457.0

Trial Courts

11/3 218

	1 # Cases Fy 75	2 # Cases 76	3 # Cases 77	4 # Cases 78	5 6 mo * 79
1st District	14	43	39	42	45 57
2nd "	10	7	2	7	5 5
3rd "	18	16	17	20	137 166
4th " <small>Referred + Barrow</small>	32 94	79 202	140 357	125 394	58 82 245
Total Dist.	133.8	280.7	401.0	482.2	726.0
	1,423.4	1,071	1,119	1,305	1,739
Conflicts # of Cases	94	262	357	394	245
Net Cost	1,423	1,071	1,119	1,305	1,739

* amount to approx. 4 months of 1/1/5

3-22-79
HB 218

Susan Burke

Gov's Office contract
with private law firms

get Susan's questions answered
on her Feb. 1 letter to Mike Harper

At. Legal Services? Criminal cases? ^{legally??}

information @ # of cases

ask PD # cases that
are a conflict

info @ racial confictions w/
representation by private attorneys

HB

230

COMMITTEE REPORT

HOUSE

FURTHER:

March 20, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 230

"An Act relating to initiatives and referenda."

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 230 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**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

R. J. ...
D. ...
Robert ...
Buchholz
...
...
...

J. ...

Charles R.

CHAIRMAN

To: Legislative Affairs
From: Mr. Berck, Staff House
Judiciary

WO#5904
Bradley ✓

Original sponsors: Randolph, Barnes,
Beirne, et al

Please put this in final version form.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 230

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the requirements of petitions for
7 candidates for public office; and providing for an
8 effective date."

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

10 * Section 1. AS 15.25.160 is amended to read:

11 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATE-WIDE
12 OFFICE. Petitions for the nomination of candidates for the office of
13 governor, lieutenant governor, United States senator and United States
14 representative shall be signed by qualified voters of the state equal in
15 number to at least two [THREE] percent of the number of votes cast in
16 the preceding general election. Candidates for the office of governor
17 and lieutenant governor shall file jointly.

18 * Sec. 2. AS 15.25.170 is amended to read:

19 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
20 OFFICE. Petitions for the nomination of candidates for the office of
21 state senator or state representative shall be signed by qualified
22 voters of the election or senate district in which the proposed nominee
23 desires to be a candidate equal in number to at least two [THREE] per-
24 cent of the number of votes cast in his respective election or senate
25 district in the preceding general election, provided that no nominating
26 petition need contain more than 200 signatures nor may it contain less
27 than 50 signatures for any district.

28 * Sec. 3. AS 15.30.025(a) is amended to read:

29 (a) A limited political party may be organized for the purpose of

1 selecting candidates for electors of President and Vice President of the
2 United States by filing a petition with the director at least 90 days
3 before a presidential general election signed by qualified voters of
4 this state equaling in number at least two [THREE] percent of Alaska's
5 total vote for President at the last presidential election. The petition
6 shall state that the signers intend to organize a limited political
7 party, that they intend to select candidates for electors of President
8 and Vice President of the United States at the next succeeding presiden-
9 tial election, and the name of the limited political party.

10 * Sec. 4. AS 15.40.100 is amended to read:

11 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.
12 Petitions for the nomination of candidates not representing a political
13 party shall be signed by qualified voters of the state equal in number
14 to at least two [THREE] percent of the number of votes cast in the
15 preceding general election, and shall state in substance that which is
16 required in petitions for nomination for general elections provided in
17 AS 15.25.180.

18 * Sec. 5. AS 15.40.190 is amended to read:

19 Sec. 15.40.190. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.
20 Petitions for the nomination of candidates not representing a political
21 party shall be signed by qualified voters of the state equal in number
22 to at least two [THREE] percent of the number of votes cast in the
23 preceding general election and shall state in substance that which is
24 required for nomination petitions by AS 15.25.180.

25 * Sec. 6. AS 15.40.280 is amended to read:

26 Sec. 15.40.280. REQUIREMENTS OF PETITION OF NO-PARTY CANDIDATES.
27 Petitions for the nomination of candidates not representing a political
28 party shall be signed by qualified voters of the state equal in number
29 to at least two [THREE] percent of the number of votes cast in the

1 preceding general election, shall include nominees for the office of
 2 governor and lieutenant governor, and shall state in substance that
 3 which is required for nomination petitions by AS 15.25.180.

4 * Sec. 7. AS 15.40.440 is amended to read:

5 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.

6 Petitions for the nomination of candidates not representing a political
 7 party shall be signed by qualified voters equal in number to at least
 8 two [THREE] percent of the number of votes cast in his respective elec-
 9 tion or senate district in the preceding general election, provided that
 10 no nominating petition need contain more than 200 signatures nor may it
 11 contain less than 50 signatures for any district, and shall state in
 12 substance that which is required in petitions for nomination for general
 13 elections provided in AS 15.25.180.

14 * Sec. 8. This Act takes effect on the day after the effective date of
 15 the sections listed in sec. 237, 2d Free Conference CS for House Bill No. 3.

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HB

250

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

420 'L' Street, Suite 100
Anchorage, Alaska 99501
(907) 276-3550

March 19, 1979

House Judiciary Committee
Alaska State Legislature
Pouch V, Mail Stop #3100
Juneau, Alaska 99811

Re: House Bill 250

Dear Committee Members:

This letter concerns House Bill 250, a proposal to repeal subsection (f) of AS 45.52.060. That subsection currently exempts banks and financial institutions from all coverage by the State of Alaska's antitrust statute. The Office of the Attorney General favors the adoption of House Bill 250.

Increasingly in the last few years, state governments have adopted an activist stand on enactment and enforcement of state antitrust laws. Attorneys general throughout the United States have devoted an increasing amount of available resources to the enforcement of their local antitrust statutes. In a time of steady inflation and increased awareness on the part of taxpayers, consumers and businessmen alike as to how their money is being spent, there is little tolerance for business enterprises which engage in activity that restrains competition. Such practices injure competing businesses and consumers alike, and they result in higher prices for all.

Banks and financial institutions, like any commercial enterprise, are capable of anti-competitive activity. A "blanket" exemption for such institutions, such as is currently provided by subsection (f), removes most of this anti-competitive activity from any meaningful regulation. As a general rule, these activities will not be specifically regulated by AS 06., and while they might constitute violations of federal antitrust statutes, it is unlikely that any agency charged with the enforcement of the federal statutes would intervene to challenge such conduct because of Alaska's geographical isolation.

There is simply no justifiable reason to provide a "blanket" exemption in Alaska's antitrust statute for banks and financial institutions. The spectre of conflicting regulations is sometimes raised when a regulated industry like banking is discussed in conjunction with antitrust laws. The possibility of conflicting regulation should not be a concern under Alaska's statutory scheme however. Subsection (g) of AS 45.52.060 insures that any action required or specifically permitted by an overseeing regulatory agency would not be subject to attack under the antitrust statute.

I think it would be helpful to describe in specific terms some of the forms that the potentially anti-competitive activity discussed above might take. The following examples are selected from complaints filed in other jurisdictions, jurisdictions which do not have an all-encompassing exemption for banks and financial institutions in their respective antitrust statutes:

1. Banking institutions have allegedly, in certain areas of the country, gotten together with one another and agreed upon and fixed a standardized service charge as well as related fees. This agreement lessens competition among the banks and maintains banking fee at artificially high levels. Such conduct constitutes price-fixing and would be a violation of AS 45.52.010, were it not for the exemption contained in AS 45.52.060(f). With this exemption, such conduct is insulated from attack under the state statute.

2. Banking institutions in certain areas of the country require, in connection with the issuance of home purchase loans, a title search on the property to be purchased. These banks also require utilization of a specific individual to perform this title search, and often the individual so designated is a bank officer or a director. This practice deprives the person applying for the loan of the freedom to select the individual of his choice to perform the title search and thus of the opportunity to shop in the marketplace for the best available price. The practice also excludes competitors from competing for the title search business of that bank's customers. This practice constitutes an illegal "tie-in", and would be a violation of both AS 45.52.010 and AS 45.52.030 were it not for the all-encompassing exemption enjoyed by Alaskan financial institutions. With the exemption afforded by AS 45.52.060(f), this conduct is insulated from attack under the state antitrust statute.

There are many additional examples of potentially anti-competitive activity by financial institutions, including such arrangements as territorial allocations among banks and "tie-ins" on condominium financing, which are outside the protection afforded by Alaska's antitrust statute because of

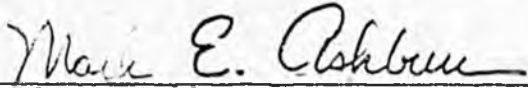
the exemption contained in AS 45.52.060(f).

The Alaska antitrust statute is a law primarily intended to benefit the business community within the state. Essential to our economy is a marketplace free from artificial restraints which increase prices or exclude competitors from particular markets. The elimination of all such restraints will create a business environment of heightened competition and will benefit both business and consumer alike. The repeal of AS 45.52.060(f) will place no unfair burden on banks and financial institutions; it will simply help to insure that banks operate under the same rules of the competitive marketplace as all other businesses.

Respectfully submitted,

AVRUM M. GROSS
ATTORNEY GENERAL

By:



Mark E. Ashburn
Assistant Attorney General
Chief, Antitrust Section

AMG:MEA:jw

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
 DIVISION OF BANKING, SECURITIES, SMALL LOANS & CORPORATIONS
 H. Phillip Hubbard, Commissioner
 Julius J. Brecht, Director of Banking

COMPARATIVE STATEMENT OF ASSETS, LIABILITIES AND CAPITAL ACCOUNTS OF ALASKA BANKS AS OF 9-30-78

Banks in Alaska With Main Office - Location	Assets					Liabilities							Reserves		Capital Accounts			Total Liabilities and Capital
	Cash & Due From Banks	Securities	Federal Funds Loans And Discounts	Premises & Equipment	Other Assets	Total Assets	Demand Deposits	Time & Savings Deposits	Total Deposits	Public Fund Included In Total Deposits	Other Liabilities	Total Liabilities	Reserves On Loans & Securities	Capital	Surplus	Profits & Capital Reserves	Total Capital Accounts	
Alaska Bank of Commerce Anchorage	\$ 34,288.00	\$ 30,059.00	\$ 75,196.00	\$ 4,610.00	\$ 4,199.00	\$ 148,352.00	\$ 52,189.00	\$ 77,818.00	\$ 130,007.00	\$ 38,477.00	\$ 6,224.00	\$ 136,301.00	\$ 850.00	\$ 3,274.00	\$ 6,522.00	\$ 2,255.00	\$ 12,051.00	\$ 148,352.00
Alaska Pacific Bank Anchorage	8,798.00	18,123.00	51,973.00	1,471.00	1,302.00	81,667.00	27,012.00	44,827.00	71,839.00	21,088.00	4,038.00	75,877.00	132.00	2,563.00	1,456.00	1,771.00	5,790.00	81,667.00
Alaska Statebank Anchorage	5,528.00	15,351.00	82,744.00	4,808.00	1,346.00	113,777.00	36,757.00	62,066.00	98,823.00	35,233.00	3,496.00	102,229.00	574.00	3,085.00	5,735.00	2,728.00	11,548.00	113,777.00
B. H. Behrends Bank Juneau	2,500.00	8,701.00	32,669.00	1,045.00	1,349.00	46,264.00	18,822.00	23,723.00	42,545.00	13,893.00	709.00	43,254.00	124.00	500.00	1,500.00	1,010.00	3,010.00	46,264.00
Peoples Bank and Trust Anchorage	3,418.00	3,000.00	35,296.00	2,332.00	524.00	44,666.00	18,671.00	20,585.00	35,260.00	4,649.00	1,906.00	41,166.00	99.00	989.00	1,244.00	1,267.00	3,500.00	44,666.00
United Bank Alaska Anchorage	4,486.00	12,641.00	47,952.00	802.00	1,078.00	66,959.00	20,185.00	36,114.00	56,295.00	26,531.00	4,438.00	60,737.00	283.00	2,002.00	3,901.00	319.00	6,222.00	66,959.00
Total Commercial Banks	\$ 63,018.00	\$ 87,971.00	\$ 325,830.00	\$ 3,068.00	\$ 8,798.00	\$ 501,685.00	\$ 173,636.00	\$ 265,137.00	\$ 438,773.00	\$ 139,871.00	\$ 20,791.00	\$ 459,564.00	\$ 2,059.00	\$ 12,413.00	\$ 20,358.00	\$ 9,350.00	\$ 42,121.00	\$ 501,685.00
Alaska Mutual Savings Bank Anchorage	10,410.00	21,031.00	125,993.00	6,342.00	5,601.00	169,377.00	2,548.00	135,844.00	138,392.00	28,790.00	17,767.00	156,159.00	-0-	3,001.00	10,217.00	-0-	13,218.00	169,377.00
Mt. McKinley Mutual Savings Bank - Fairbanks	456.00	11,563.00	44,156.00	1,585.00	1,187.00	58,947.00	297.00	52,635.00	52,932.00	6,680.00	2,217.00	55,149.00	-0-	1,000.00	2,796.00	-0-	3,796.00	58,947.00
Total Savings Banks	\$ 10,866.00	\$ 32,594.00	\$ 170,149.00	\$ 7,927.00	\$ 6,788.00	\$ 228,324.00	\$ 2,845.00	\$ 188,479.00	\$ 191,324.00	\$ 35,470.00	\$ 19,984.00	\$ 211,308.00	-0-	\$ 4,001.00	\$ 13,015.00	-0-	\$ 17,016.00	\$ 228,324.00
Total State Banks	\$ 73,884.00	\$ 120,565.00	\$ 495,979.00	\$ 22,995.00	\$ 16,586.00	\$ 730,009.00	\$ 176,481.00	\$ 453,616.00	\$ 630,097.00	\$ 175,341.00	\$ 40,775.00	\$ 670,872.00	\$ 2,059.00	\$ 16,414.00	\$ 33,373.00	\$ 9,350.00	\$ 59,137.00	\$ 730,009.00
Alaska National Bank of the North - Fairbanks	\$ 44,470.00	\$ 48,013.00	\$ 137,833.00	\$ 8,102.00	\$ 7,292.00	\$ 245,710.00	\$ 107,540.00	\$ 80,475.00	\$ 188,015.00	\$ 48,230.00	\$ 44,375.00	\$ 232,390.00	\$ 1,293.00	\$ 1,718.00	\$ 6,418.00	\$ 5,184.00	\$ 13,320.00	\$ 245,710.00
First National Bank of Anchorage - Anchorage	65,657.00	88,108.00	261,353.00	16,561.00	5,520.00	437,334.00	178,521.00	186,303.00	364,824.00	87,279.00	30,299.00	395,123.00	2,441.00	8,000.00	16,000.00	18,211.00	42,211.00	437,334.00
First National Bank of Fairbanks - Fairbanks	6,987.00	7,048.00	41,671.00	2,177.00	1,654.00	59,537.00	27,058.00	24,799.00	51,867.00	9,807.00	3,128.00	54,995.00	422.00	1,000.00	1,000.00	2,547.00	4,542.00	59,537.00
First National Bank of Ketchikan - Ketchikan	9,519.00	5,735.00	42,501.00	1,260.00	496.00	59,511.00	18,931.00	35,987.00	54,913.00	28,454.00	1,011.00	55,929.00	208.00	1,150.00	1,410.00	1,022.00	3,582.00	59,511.00
National Bank of Alaska Anchorage	70,585.00	127,466.00	392,942.00	34,000.00	10,381.00	635,374.00	269,015.00	270,970.00	539,985.00	101,959.00	41,777.00	581,767.00	3,191.00	20,000.00	15,500.00	18,112.00	53,612.00	635,374.00
Security National Bank Anchorage	3,879.00	4,175.00	21,520.00	490.00	417.00	30,481.00	10,920.00	17,417.00	28,337.00	12,508.00	289.00	28,626.00	41.00	716.00	739.00	400.00	1,855.00	30,481.00
Total National Banks	\$ 201,092.00	\$ 280,545.00	\$ 897,860.00	\$ 62,590.00	\$ 25,860.00	\$ 1,467,947.00	\$ 611,995.00	\$ 615,951.00	\$ 1,227,946.00	\$ 288,237.00	\$ 120,879.00	\$ 1,348,825.00	\$ 7,550.00	\$ 32,584.00	\$ 41,067.00	\$ 45,471.00	\$ 119,122.00	\$ 1,467,947.00
TOTAL ALL BANKS	\$ 274,976.00	\$ 401,110.00	\$ 1,393,839.00	\$ 85,585.00	\$ 42,446.00	\$ 2,197,956.00	\$ 786,476.00	\$ 1,069,567.00	\$ 1,858,043.00	\$ 463,578.00	\$ 161,654.00	\$ 2,019,697.00	\$ 9,609.00	\$ 48,998.00	\$ 74,440.00	\$ 54,821.00	\$ 178,253.00	\$ 2,197,956.00

Compiled Quarterly by the Division of Banking, Securities, Small Loans and Corporations
 State Office Building, Pouch D, Juneau, Alaska 99811

a/ Savings Bank's Reserves Included in Surplus Accounts
 b/ Includes Outstanding Debentures
 c/ Includes U.S. Government, State & Political Deposits
 d/ Memo Figure not Included in Capital Total

2197 66.00
 65.91

635
 437
 585
 2197 1457.00
 1318.2
 1388.0

635
 437
 245
 2197 1317.00
 1318.2

1317
 169
 1486.00
 1318.2
 1678.0

539
 364
 188
 1858 1091.00
 929.0
 1620.0
 1486.4
 1336

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF BANKING, SECURITIES, SMALL LOANS AND CORPORATIONS
H. Phillip Hubbard, Commissioner
Julius J. Brecht, Director of Banking

COMPARATIVE CONSOLIDATED STATEMENT OF CONDITION OF BANKS IN ALASKA AS OF SEPTEMBER 30, 1978
(Comparison 9-30-77 to 9-30-78)

ASSETS	State Banks		National Banks	9-30-78	9-30-77	Dollar Increase (Decrease)	Percentage Increase (Decrease)
	Commercial	Savings		Total All Banks	Total All Banks		
Cash and Due From Banks	63,018.00	10,866.00	201,092.00	274,976.00	204,493.00	70,483.00	34.5
U.S. Treasury Securities	18,010.00	9,354.00	68,720.00	96,084.00	105,257.00	(9,173.00)	(8.7)
Securities of Other U.S. Government Agencies and Corporations	13,715.00	16,186.00	50,336.00	80,237.00	65,529.00	14,708.00	22.4
Obligations of States and Political Subdivisions	55,894.00	457.00	158,244.00	214,595.00	212,947.00	1,648.00	.8
Other Securities	352.00	6,597.00	3,245.00	10,194.00	9,286.00	908.00	9.8
Federal Funds Sold and Securities Purchased Under Agreement to Re-sell	50,600.00	835.00	56,400.00	107,835.00	116,380.00	(8,545.00)	(7.3)
Loans and Discounts	275,230.00	160,314.00	841,460.00	1,286,004.00	1,122,316.00	163,688.00	14.6
Bank Premises, Furniture, Fixtures and Improvements	15,068.00	7,927.00	62,590.00	85,585.00	77,161.00	8,424.00	10.9
Real Estate Owned not Bank Premises	1,056.00	2,906.00	2,673.00	6,635.00	6,459.00	176.00	2.7
Investments in Unconsolidated Subsidiaries and Associated Companies	-0-	-0-	-0-	-0-	486.00	(486.00)	(100.0)
Customers Liability on Acceptances Outstanding	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Other Assets	8,742.00	3,882.00	23,187.00	35,811.00	36,024.00	(213.00)	(.6)
TOTAL ASSETS	501,685.00	228,324.00	1,467,947.00	2,197,956.00	1,956,338.00	241,618.00	12.4
LIABILITIES							
Demand Deposits of Individuals, Partnerships and Corporations	146,213.00	2,845.00	521,942.00	671,000.00	664,434.00	6,566.00	1.0
Time and Savings Deposits of Individuals, Partnerships and Corporations	146,820.00	153,009.00	408,381.00	708,210.00	652,210.00	56,000.00	8.6
Deposits of United States Government	12,057.00	-0-	15,754.00	27,811.00	23,575.00	4,236.00	18.0
Deposits of States and Political Subdivisions	127,814.00	35,470.00	254,233.00	417,517.00	303,951.00	113,566.00	37.4
Deposits of Foreign Governments and Official Institutions	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Deposits of Commercial Banks	57.00	-0-	6,918.00	6,975.00	3,663.00	3,312.00	90.4
Other Deposits (Certified and Officers' Checks, etc.)	5,812.00	-0-	20,718.00	26,530.00	28,738.00	(2,208.00)	(7.7)
Total Deposits	438,773.00	191,324.00	1,227,946.00	1,858,043.00	1,676,571.00	181,472.00	10.8
(a) Total Demand Deposits	[173,636.00]	[2,845.00]	[611,995.00]	[788,476.00]	[774,702.00]	[13,774.00]	[1.8]
(b) Total Time and Savings Deposits	[265,137.00]	[188,479.00]	[615,951.00]	[1,069,567.00]	[901,869.00]	[167,698.00]	[18.6]
Federal Funds Purchases	11,429.00	-0-	57,770.00	69,199.00	63,686.00	5,513.00	8.6
Other Liabilities for Borrowed Money	198.00	10,480.00	11,733.00	22,411.00	25,541.00	(3,130.00)	(12.3)
Mortgage Indebtedness	1,762.00	3,048.00	12,470.00	17,280.00	5,255.00	12,025.00	228.8
Acceptances Outstanding	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Other Liabilities	7,402.00	6,466.00	38,906.00	52,764.00	30,471.00	22,293.00	73.2
TOTAL LIABILITIES	459,564.00	211,308.00	1,348,825.00	2,019,697.00	1,801,534.00	218,163.00	12.1
RESERVES ON LOANS AND SECURITIES	2,059.00	-0-	7,596.00	9,655.00	8,683.00	972.00	11.2
CAPITAL ACCOUNTS							
Capital Notes and Debentures	1,820.00	4,001.00	700.00	6,521.00	3,921.00	2,600.00	66.3
Common Stock	10,593.00	-0-	31,884.00	42,477.00	41,291.00	1,186.00	2.9
Surplus	20,358.00	13,015.00	41,067.00	74,440.00	66,565.00	8,875.00	13.5
Undivided Profits	9,212.00	-0-	43,587.00	52,799.00	41,971.00	10,828.00	25.8
Reserve for Contingencies and Other Capital Reserves	138.00	-0-	1,884.00	2,022.00	2,056.00	(34.00)	(1.7)
TOTAL CAPITAL ACCOUNTS	42,121.00	17,016.00	119,122.00	178,259.00	154,804.00	23,455.00	15.4
TOTAL LIABILITIES AND CAPITAL ACCOUNTS	501,685.00	228,324.00	1,467,947.00	2,197,956.00	1,956,338.00	241,618.00	12.4

(ar) — A former Lock-

Bank Of North Reports Loss During 1978

Alaska National Bank of the North reports a \$595,000 loss for 1978. The 90-cents-per-share loss compares to total net income of \$1,421,000 for 1977.

Frank Murkowski, president of Alaska National, said in a statement released Tuesday that the loss was due to a shift in types of deposits in the Fairbanks area, higher operating costs and expansion.

Deposits in Fairbanks have shifted from lower interest demand and time deposits, checking and savings accounts to higher interest certificates of deposits, he said.

The Fairbanks-based bank increased operating expenses due to a new branch that opened in Juneau, construction of a computer facility in Anchorage and expansion of credit card operations.

The bank is in the process of completing the stockholders annual report. The annual stockholders meeting is scheduled for June 12.

Alaska National Bank of the North recently announced a planned stock transfer with a bank holding company in Fairbanks. The stock transfer is dependent on a pending transfer between Alaska Pacific Bank of Anchorage and the First National Bancorporation.

First National Bancorporation currently owns 81 percent of the First National Bank of Fairbanks and would be renamed Alaska Pacific Bancorporation if the merger with Alaska Pacific receives state and federal approval.

A ruling on the proposed Alaska Pacific and First National Bancorporation merger is expected from the division of banking, securities and corporations within the next few weeks. No action will be taken on the second transfer until approval is received for the first transfer.

Bank officials estimate that if approval for the stock transfer between Alaska National Bank of the North and First National Bancorporation is received from the state and federal government, the transfer will take place late this year or early next year.

ADB 250 file

Anch T 3/14/79

~~Gene
Selling stuff
Tim
Sunday~~

H8 850 Joe Donohue - Dept. Kau
Mark Ashburn
anti-trust

3-14-79 will send
written comments

recording and (2) by imprisonment for a period of not more than one year, or by a fine of not more than \$1,000, or by both. In this section "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sounds are directly derived. (§ 1 ch 134 SLA 1974; am § 1 ch 193 SLA 1975)

Effect of amendment. — The 1975 amendment in the first sentence, inserted "(1)" near the beginning, deleted "federally copyrighted" preceding "sound recording" and substituted the language beginning "or (2)" and ending "actual performer or group" for "of the master recording." The amendment also added the second sentence.

Sec. 45.51.020. Exemptions. The prohibition contained in § 10 of this chapter is not applicable to the reproduction of a sound recording that

(1) is used, or intended to be used, solely for broadcast by commercial or educational radio or television stations; or

(2) constitutes the verbatim transcript, or other public record, of the proceedings of a judicial, legislative or administrative agency, department or other public body for which a charge or fee may or may not be made or collected for the reproduced recording. (§ 1 ch 134 SLA 1974)

Chapter 52. Monopolies; Restraint of Trade.

Article

- 1. Substantive Provisions (§§ 45.52.010 — 45.52.060)
- 2. Enforcement Provisions (§§ 45.52.100 — 45.52.170)
- 3. Investigatory Powers (§§ 45.52.200 — 45.52.220)
- 4. General Provisions (§ 45.52.300)

Article 1. Substantive Provisions.

Section	Section
10. Combinations in restraint of trade unlawful	40. Mergers, acquisitions, unlawful when competition lessened
20. Monopolies and attempted monopolies unlawful	50. Interlocking directorates and relationships
30. Transactions and agreements not to use or deal in commodities or services unlawful	60. Exemptions

Sec. 45.52.010. Combinations in restraint of trade unlawful. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce is unlawful. (§ 1 ch 53 SLA 1975)

Legislative committee report. — For report on ch. 53, SLA 1975 (HCS CSSSSB 5 am H), see 1975 Senate Journal, p. 598.

Sec. 45 is unlaw combine or comme

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Sec. 45 commodi or make machinery patented fix a price on the purchaser machinery competitor contract f be substa any line o

Sec. 45 lessened. indirectly, o. any co the acquis or to tend in a secti purchasin or otherw substantia a corporat the actual and legitim all or a pa of the for

(b) Who share capi to create of compet order the assets and divestiture

(c) This companies

Sec. 45.52.020. Monopolies and attempted monopolies unlawful. It is unlawful for a person to monopolize, or attempt to monopolize, or combine or conspire with another person to monopolize any part of trade or commerce. (§ 1 ch 53 SLA 1975)

Legislative committee report. — For report on ch. 53, SLA 1975 (HCS CSSSSB 5 am I), see 1975 Senate Journal, p. 598.

Sec. 45.52.030. Transactions and agreements not to use or deal in commodities or services unlawful. It is unlawful for a person to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, or services, whether patented or unpatented, for use, consumption, enjoyment, or resale, or fix a price charged for it, or discount from, or rebate upon, that price, on the condition, agreement, or understanding that the lessee or purchaser will not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodity or service of a competitor or competitors of the lessor or seller, if the effect of the lease, sale or contract for sale, or of the condition, agreement, or understanding may be substantially to lessen competition or tend to create a monopoly in any line of commerce. (§ 1 ch 53 SLA 1975)

Sec. 45.52.040. Mergers, acquisitions, unlawful when competition lessened. (a) It is unlawful for a person to acquire and hold, directly or indirectly, the whole or a part of the stock, other share capital, or assets of any corporation after the effective date of this Act if the effect of the acquisition and holding may be substantially to lessen competition or to tend to create a monopoly in any line of commerce in the state or in a section of the state. This subsection does not apply to persons purchasing such stock solely for investment if it is not used by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nothing in this subsection prevents a corporation from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions of it, or from owning and holding all or a part of the stock of the subsidiary corporation, when the effect of the formation is not substantially to lessen competition.

(b) When the court finds that the effect of the holding of such stock, share capital, or assets is substantially to lessen competition or tends to create a monopoly and no other remedy will eliminate the lessening of competition or the tendency to create a monopoly, the court shall order the divestiture or other disposition of the stock, share capital, or assets and shall prescribe a reasonable time, manner, and degree of the divestiture or other disposition of it.

(c) This section does not apply to mergers, acquisitions or holding companies permitted by AS 06.05.235 or to a merger carried out in

accordance with AS 21.69.590 — 21.69.600, or to mergers, acquisitions or holding companies permitted and regulated by a regulatory agency of the United States having jurisdiction and control over those mergers and acquisitions. (§ 1 ch 53 SLA 1975)

Sec. 45.52.050. Interlocking directorates and relationships. (a) It is unlawful for a person to be at the same time a director, officer, partner, or trustee in any two or more firms, partnerships, trusts, associations, or corporations or any combination of them engaged in commerce, if these firms, partnerships, trusts, associations, or corporations or a combination of them, are by virtue of their business and location or operation, competitors and if the effect may be substantially to lessen competition or tend to create a monopoly.

(b) No person may by the use of a representative accomplish the result prohibited in (a) of this section.

(c) The validity or invalidity of an act of a director, officer, or trustee done by him while occupying such a position in violation of this section shall be determined by the statutory and common law of the state relating to corporations, trusts, or associations.

(d) The attorney general may bring an action at any time to cause a director, officer, or trustee who may be occupying such a position in violation of this section to vacate the office or offices to effect the termination of the prohibited interlocking relationship.

(e) A person affected by an act of a director, officer, or trustee may bring an action at any time to cause the director, officer, or trustee who may be occupying such a position in violation of this section to terminate the prohibited interlocking relationship.

(f) The court, upon finding that a director, officer, or trustee is holding office in violation of this section, shall order the person to terminate the interlocking relationship, and, in the case of a trustee, the court may, when it considers it appropriate, order the trustee to vacate his office. A remedy provided in this section does not limit and is in addition to any other remedy available under another section of this chapter or another law. (§ 1 ch 53 SLA 1975)

Sec. 45.52.060. Exemptions. (a) This chapter does not forbid the existence or operation of labor, agricultural or horticultural organizations created for the purpose of mutual help, and not conducted for profit, or forbid or restrain members of those organizations from lawfully carrying out the legitimate objectives of them; nor are these organizations or members illegal combinations or conspiracies in restraint of trade under the provisions of this chapter.

(b) This chapter does not forbid actions or arrangements authorized or regulated under the laws of the United States which exempt these actions or arrangements from application of the antitrust laws of the United States or under the following statutes of this state:

- (1) AS 06.05.235;

(2) AS 10.1

(3) AS 31.0

(c) This ch industry, as acting together or preparing

(d) This ch issued a certi

(e) This ch AS 42.15, and

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(h) This ch to carry out t

(§ 1 ch 53 SL

Legislative c report on ch. 53 5 am H), sec 19

- Section
- 100. Contracts
- 110. Suits by pe
- 120. Certain misdemean
- 130. Injunction

Sec. 45.52. violation of a future perfo discretion, or prevent unju

Sec. 45.52. in his busine this chapter, proposal for violation of §

(1) for dar plaintiff and wilful, the pl

(2) AS 10.15; and

(3) AS 31.05.110.

(c) This chapter does not forbid persons engaged in the fishing industry as fishermen, catching or collecting aquatic products, from acting together in associations for the purpose of catching, collecting, or preparing for market their product.

(d) This chapter does not apply to public utilities which have been issued a certificate of public convenience and necessity under AS 42.05.

(e) This chapter does not apply to carriers regulated under AS 42.10, AS 42.15, and AS 02.05, or to ferries regulated under AS 42.25.

(f) This chapter does not apply to banks and financial institutions regulated under AS 06.

(g) This chapter does not forbid activities expressly required by a regulatory agency of the state. Activities permitted by a regulatory agency of the state are not forbidden by this chapter if the regulatory agency has given due consideration to the possible anticompetitive effects before permitting the activities, and enforcement of the provisions of this chapter would be disruptive of the regulatory scheme.

(h) This chapter does not forbid actions or arrangements necessary to carry out the provisions of the Alaska Native Claims Settlement Act. (§ 1 ch 53 SLA 1975)

Legislative committee report. — For report on ch. 53, SLA 1975 (HCS CSSSSB 5 a:n H), see 1975 Senate Journal, p. 598.

Article 2. Enforcement Provisions.

Section	Section
100. Contracts voidable	140. Jurisdiction of court
110. Suits by persons injured	150. Consent judgment
120. Certain violations constitute misdemeanor	160. Judgment in favor of the state as evidence in action
130. Injunction by attorney general	170. Limitation of actions

Sec. 45.52.100. Contracts voidable. A contract or agreement in violation of a provision of this chapter is voidable by either party as to future performance by either party; however, the court may, in its discretion, order payment for goods or services already received to prevent unjust enrichment. (§ 1 ch 53 SLA 1975)

Sec. 45.52.110. Suits by persons injured. (a) A person who is injured in his business or property by a violation of §§ 10, 20, 30, 40 or 50 of this chapter, or a person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be a violation of §§ 10, 20, 30, 40 or 50 of this chapter, may bring a civil action

(1) for damages sustained by him, and if the judgment is for the plaintiff and the trier of fact finds that the defendant's conduct was wilful, the plaintiff shall be awarded threefold the amount of damages

Bank Antitrust Law

In all states that have antitrust statues, no blanket exemption has been made for banks except in Alaska.*

Illinois and Maryland exempt banks "to the extent that such actiivities are regulated or supervised by officers of the state or federal government under the banking laws of this State or the United States."

Missouri and Nevada have provisions for excluding the activities of industries that are regulated by other statutes from their antitrust laws.

Delaware lacks an antitrust statute.

*The language of some antitrust statutes is such that whether banks are included is open to interpretation. However, in these ambiguous cases, no references were made to cases where courts held banks to be exempt. (However, in a few instances, courts did rule that some insurance companies were exempt.)

Capitol
Room 124
to
Orake
Kocsis

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Commerce & Economic Development	SPONSOR (PRINCIPAL) McKinnon	BILL NO. HB 250
DEPARTMENT POSITION		
DIVISION DIRECTOR Julius J. Bredt Banking & Securities	DATE 2/22/79	COMMISSIONER DATE
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:	DATE:	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)	None of which I am aware.	
(2) OTHER AGENCIES AFFECTED BY BILL	None of which I am aware.	
(2) a. ORGANIZATIONAL SUPPORT FOR BILL None of which I am aware		(2) b. ORGANIZATIONAL OPPOSITION TO BILL Alaska Bankers Association is very likely opposed to the bill (they were last year).
(3) PROGRAM EFFECTS OF BILL Would repeal the explicit exemption from the State anti-trust statutes (AS 45.52) for banks and thereby subject banks to the same standards as other corporations doing business in the State.		
(4) FISCAL IMPACT:	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> FISCAL ANALYSIS ATTACHED
(5) AMENDMENTS PROPOSED: None.		

(6) COMMENTS: A similar bill was submitted during the past Alaska Legislature (HB 27), and a variation of the provision was added to the Administration's banking bill (SB 98) for a time during the 1978 session. However, the provision was later dropped and SB 98 was enacted. My position remains unchanged on the proposed repeal of the exemption. That is, there is no good reason to maintain the exemption, however, at the same time, the department has not been made aware of complaints which would have necessitated use of the provisions of AS 45.52.

(Over)

While the article is becoming somewhat dated, I would direct your attention to an article appearing in the Business Lawyer, entitled: "The Development of Bank Regulations and Its Appropriate Competitive Standards: Gray's Harbor Gathering Storm," by Steven J. O'Brien, dated November 1975. In that article it is pointed out that banks are subject to the federal anti-trust laws as well as the prior screening devices for anti-competitive behavior imposed by the 1970 amendments to the Federal Bank Holding Company Act and the 1966 Bank Merger Act. That is, in essence, these federal statutes require federal banking authorities to apply federal anti-trust standards and permits those authorities to take a very narrow view of the anti-trust regulations, thereby prohibiting bank mergers which would not be subject to prohibition under the general anti-trust law. To this extent then, the federal anti-trust law, as applied to banks is more restrictive than the state anti-trust laws found at AS 45.52, assuming the exemption for banks is repealed.

The repeal of the exemption would, however, give the State authority to take action on anti-trust violations which might otherwise go unheeded by the U.S. Department of Justice.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 250
 Title "An Act removing the exemption of banks and financial institutions
 Requested by from the state antitrust law." Date 3-6-79

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 Budget Request Unit(s) Affected Banking

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

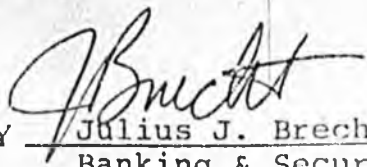
GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER (Specify)	0					

POSITIONS

FULL TIME	0					
PART TIME	0					
TEMPORARY	0					

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

This bill has no fiscal impact.

IV. DATE 3-6-79 PREPARED BY  Julius J. Brecht
 AGENCY Banking & Securities
 PHONE 465-2521
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB

252

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 21, 1980

SUBJECT: Chicago Jury System [HB 252]
(Work Order No. 7710)

TO: Representative Charles H. Parr
Chairman, House Judiciary Committee

FROM: Richard A. Bradley **B**
Legislative Counsel

Margaret Berck has asked that I comment on the "Chicago Jury System" in two particulars: (1) how hardship provisions that exempt a potential juror from service actually work; and (2) the mechanisms that preclude a call for jury service from an individual who recently served as a juror.

The Index to Legal Periodicals has no articles indexed under "Chicago Jury System" during the last three years. No similar reference to the Illinois jury system was found.

Merle Martin, the representative of the Court System most concerned with the use of juries was unaware of any literature on the matter.

The Illinois Code, Chapter 78, Jurors, contains what I assume are the pertinent provisions of the law in effect in Chicago; the rules adopted by the Supreme Court and the chapters on "Practice," "Practice Rules," and "Courts" were examined and contain nothing relevant.

Chapter 78, sec. 8 provides for a master jury list prepared before the convening of a "term of court," presumably annually. Sec. 10 provides that after the master list is prepared, the clerk of the court will issue summons for jurors. The system requires that a group of jurors be called for a day certain and then different groups, called at the same time, are called in for each succeeding two-week period for so long as the court expects to remain in session and need jurors. Jurors are permitted to advise what part of the year is most convenient for them. Sec. 31.

Representative Charles H. Parr
Page 2
January 21, 1980

Though the law does not explicitly acknowledge this, it appears that jurors are subject to call for two weeks and then discharged.

Chapter 78 does not appear to deal with the question of the exemption of a potential juror from service except in sec. 33. This section essentially states that a juror [either grand or petit] summoned to service may request the judge to excuse him "on account of the nature of the elector's [juror's] occupation, business, or private affairs" for a period "not later than one year from the time of such excuse." The decision on the excuse is discretionary with the judge.

And with regard to the second question, it seems implicit in the Chapter 78 procedure that an individual whose two weeks had expired could not serve again until a new master list was prepared, presumably a year later.

In discussing the features of the Chicago system with Merle Martin, it was his view that the Alaska system seemed less burdensome to the citizen, at least as to the second question. In most parts of the state, a juror is on call for one week or one trial, whichever occurs first. Less populated areas may serve for one trial and two weeks, whichever occurs first.

If the committee wishes a more thorough analysis than that offered here, I would be pleased to respond.

RAB:jdn

dance cannot be obtained within a reasonable time or may involve a large and unnecessary expense, and the fact appears to the satisfaction of the court through the use of questionnaires or otherwise, the court may reject the name of that person and direct that the name or number of another be drawn in his place. (§ 2.07 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

Constitutionality. — This section is not violative of Alaska Const., art. I, § 11. *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

Names of persons for the jury panel are randomly selected from the jury list by the court clerk at a public drawing. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Summoning jurors from less than entire judicial district is discretionary.—The question of how the superior court is to make the decision as to whether jurors should be summoned from less than the entire judicial district is for the court to determine in its discretion. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The legislature has given to the superior court the power to determine whether jurors should be summoned from less than the entire judicial district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

And expense is standard which guides court.—The standard which guides the court in making a determination as to whether jurors should be summoned from less than the entire judicial district is whether a large and unnecessary expense is involved in obtaining jurors from all parts of the district. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

Selecting only jurors residing within 30 miles of trial site held proper.—See *West v. State*, Sup. Ct. Op. No. 319 (File No. 572), 409 P.2d 847 (1966).

A grand jury selected from the city of Anchorage and an area within a 15-mile radius of the city is a jury which satisfies proper standards of jury selection. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

The policy of calling jurors only from an area within a 15-mile radius of the city of Anchorage does not result in the exclusion from jury service of any particular and defined stratum of society so as to detract from the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

It is not required that there be equal representation on juries of every economic, social, religious, racial, political and geographical group of the entire judicial district in order to maintain the broad base that the jury system is designed to have. *Crawford v. State*, Sup. Ct. Op. No. 312 (File No. 637), 408 P.2d 1002 (1965).

Jury selection procedures designed to insulate process from biases of officials.—Alaska's random and public jury selection procedures are designed to insulate the selection process from the personal interests and biases of governmental officials. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Mere claim of benefit did not suggest officials biased.—The mere claim that officials conducting proceedings for selecting jurors which composed a condemnation trial panel stood to benefit from the construction of a new courthouse in no way suggested that those officials harbored any personal interest or bias against owners whose lots were to be condemned for the construction. *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Presumption that official duty has been regularly performed.—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Quoted in *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Cited in *Green v. State*, Sup. Ct. Op. No. 592 (File No. 1177), 462 P.2d 994 (1969).

Sec. 09.20.080. Jury panel. The jury panel for the trial of civil

cases consists of at least 24 jurors or more as determined by the court. If at any time the number of jurors on the panel falls below 24 or the regular panel is exhausted, the court shall order the clerk to complete the panel or secure additional jurors by drawing sufficient names from the jury box. (§ 2.08 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

The law does not require the drawing of 24 names of those on the jury panel in impaneling a trial jury, but only, as provided by AS 09.20.090, a number "sufficient to name a jury of 12 unless the court directs otherwise." *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

Waiver of right to challenge sufficiency of jury panel.—Where party participated in the selection of the jury and said nothing as to the panel being insufficient until after the jury had been selected and sworn, this constituted a waiver of whatever right such party may have had to challenge the sufficiency of the jury panel. *Irwin v. Radio Corp. of America*, Sup. Ct. Op. No. 421 (File No. 744), 430 P.2d 159 (1967).

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Presumption that official duty has been regularly performed.—See *Tallman v. State*, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Sec. 09.20.090. **Impaneling the trial jury.** When a civil case which is to be tried by a jury is called for trial, the clerk shall draw from the trial jury box containing the names of those on the jury panel a number of names or numbers sufficient to name a jury of 12 unless the court directs otherwise. The prospective jurors shall be examined, challenged, and sworn as provided by rules of the supreme court. (§ 2.09 ch 101 SLA 1962)

Cross references.—See Civ. R. 47. See note to AS 09.20.080.

C.J.S. reference.—50 C.J.S. Juries § 192.

Sec. 09.20.100. **Verdicts.** In a civil case tried by a jury in any court, whether of record or not, not less than five-sixths of the jury may render a verdict, which is entitled to the legal effect of a unanimous verdict at common law. Special verdicts need not be concurred in by the same jurors. (§ 2.10 ch 101 SLA 1962)

Cross reference.—See Civ. R. 47.

Legislative committee report. — For legislative committee report on original bill, see 1959 House Journal, pp. 644, 905.

Stated in *Khalili v. Pan American Petroleum Corp.*, 49 F.R.D. 22 (D. Alas. 1969).

ALR and C.J.S. references.—State statute permitting verdicts by less

than twelve jurymen as applicable to action under Federal Employer's Liability Act, 12 ALR 713; 36 ALR 919.

Quotient verdict, 52 ALR 41.

Verdict as affected by agreement in advance among jurors to abide by less than unanimous vote, 73 ALR 93.

89 C.J.S. Trial §§ 486, 487.

- Section
- 110. Service
- 120. Disobey
- 130. Proceed
- prison
- 140. Comple
- 150. Witness
- civil

Sec. 09. cealed in service of or vessel SLA 1962

Cross re 45(c).

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24 SLA :

Cross re C.J.S. r nesses §

Sec. 09 in court

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Cross re C.J.S. r nesses §§

HB

261

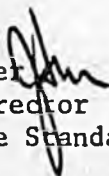
MEMORANDUM

TO: Barry Stern
Coordinator, Criminal Code Training
Department of Law

DATE: February 27, 1979

FILE NO:

TELEPHONE NO:

FROM: James F. Mayer 
Executive Director
Alaska Police Standards Council

SUBJECT: Criminal Code Training/
Village Police Officers

The following list identifies the communities and number of police officers in the "village" category which will require training in the Criminal Code revision. They are broken down regionally, based on the already proposed training centers.

<u>Training Center</u>	<u>Municipality</u>	<u>Number of Officers</u>
Anchorage	St. Paul	1
	King Cove	1
	McGrath	1
Bethel	Kotlik	2
	Emmonak	2
	Grayling	1
	Alakanuk	1
	Sheldon Point	1
	Shageluk	3
	Holy Cross	2
	Mountain Village	1
	Scammon Bay	2
	St. Mary's	1
	Fortuna Ledge	1
	Chevak	2
	Chuathbaluk	2
	Lower Kalskag	1
	Aniak	1
	Newtok	2
	Tununak	2
	Toksook Bay	3
	Nightmute	1
	Chefornak	1
	Akolmiut	4
	Atmautluak	2
	Akiachak	2
	Akiak	2
	Kwethluk	2
	Napaklak	2
	Quinhagak	4
Ekwok	1	
Aleknagik	1	
Goodnews Bay	2	
Platinum	2	
Togiak	2	
Manokotak	2	

<u>Training Center</u>	<u>Municipality</u>	<u>Number of Officers</u>
Fairbanks	Fort Yukon	1
Ketchikan	Klawock	1
Petersburg	Kake	2
Juneau	Tenakee Springs	1
Kotzebue	Kivalina	1
	Kiana	1
	Ambler	1
	Noorvik	2
	Kobuk	1
	Selawik	5
	Shishmaref	3
	Deering	1
	Buckland	1
Kenai	Soldotna	8
Kodiak	Ouzinkie	1
Nome	Diomedes	1
	Wales	1
	Brevig Mission	1
	Teller	1
	Elim	1
	White Mountain	1
	Golovin	1
	Koyuk	2
	Unalakleet	4
	Galena	1
	Stebbins	3
	Savoonga	2
St. Michael	2	
Sitka	Angoon	2
<hr/>		
65 Municipalities		116 Officers

The following budget is proposed to provide transportation and per diem for these officers to go to the listed regional training centers:

Round-trip Transportation:

116 officers @ \$200.

\$23,200

Per Diem:

116 officers @ \$50. x 3 days	17,400
	<hr/>
TOTAL	\$40,600.

These estimates are based on two-day training sessions, air charter costs, and are exclusive of administrative costs and any necessary additional travel and per diem for the instructors.

JFM/mas

REVISED CRIMINAL CODE-TRAINING PROGRAM

The second session of the tenth Alaska Legislature adopted a new criminal code for the state. The new code is a sweeping and comprehensive revision of Alaska's criminal law. The code becomes effective on January 1, 1980. The eighteen month delayed effective date was specified to allow sufficient time to devise and implement a training program to ensure that all segments of the criminal justice system would be familiar with the code once it went into effect. Though envisioning this training program, the Legislature failed to provide funds for its development and implementation. The funding of a training program is critical to ensure a smooth transition from existing law to the new criminal code.

The attached pages discuss in detail the training program to be conducted by the Department of Law. The program has two phases. The first begins on April 1, 1979 and continues until June 30, 1979. During April and May of this year a criminal code manual will be prepared by the Department of Law. The manual will include the provisions of the new criminal code, the relevant corresponding sections of the prior criminal code, the commentary adopted by the legislature expressing its intent in passing the criminal

code, cross-references for each statute to other relevant provisions in the criminal code, a derivation chart listing the states upon which the revised criminal code was based and a compilation of judicial decisions in states having statutes similar to those appearing in the new criminal code. The manual will be approximately five-hundred pages and will be distributed to all district attorneys, public defenders and judges. Extra copies of the manual will be available at cost to members of the defense bar.

The first phase of instruction will begin in Sitka in early June for all district attorneys. A twelve-hour session conducted over two days is planned. Training manuals will be distributed at or before the session. All members of the eight district attorneys offices will leave the session with a working knowledge of the criminal code along with a manual which will address many of the questions which will arise once the code becomes effective.

Also being held in Sitka at the same time as the district attorney's conference is the annual judicial conference. Members of the criminal division of the Department of Law will present an overview of the criminal code at the judicial conference and distribute the criminal code manual. Also envisioned is a program on the new criminal code to be

presented at the Alaska Bar Association Convention in Sitka prior to the judicial conference.

The second phase of the training program will commence on July 1, 1979. Drafting will begin on a criminal code work book which will be distributed to all law enforcement officers (both state and municipal) in Alaska. The work book will be drafted in conjunction with the efforts of the Department of Public Safety Academy to devise a training program for new recruits. The work book will emphasize those provisions of the criminal code which are of particular relevance to peace officers (i.e., assault, disorderly conduct, homicide, theft, joyriding). A number of questions regarding the statutes will also be included. These questions will be answered by the officers at the training sessions described below. An instruction manual will also be prepared which will be used by the eight prosecuting attorney instructors who will be assigned primary responsibility for training law enforcement officers.

In early fall a five-day intensive review of the criminal code will be conducted in Anchorage. Eight prosecuting attorneys, one from each of the eight state district attorney offices located in Ketchikan, Juneau, Anchorage, Bethel, Nome, Kenai, Fairbanks, and Kodiak will attend this session.

Each of the eight prosecuting attorney instructors with the assistance of the attorney coordinator will be responsible for the training of all law enforcement officers in their city and surrounding communities. The five day meeting will acquaint the prosecuting attorney instructors with the training program for law enforcement officers.

Instruction of law enforcement officers will be conducted from October 1 to December 15, 1979 by the attorney coordinator and the prosecuting attorney instructors. The primary sessions will be held in the eight cities having district attorney offices. The sessions will be two days long, with several sessions contemplated in the larger communities. All local law enforcement offices as well as officers from surrounding communities having less than five peace officers will attend these sessions. Similar sessions will also be held in surrounding communities having five or more peace officers.

Upon completion of the training program for law enforcement officers, the coordinating attorney will begin work on sample complaints to be used in charging under the criminal code. Work will also begin in conjunction with the court system on a set of jury instructions to be used with the criminal code.

The final phase of the training program will be conducted at the eight district attorney offices during May 15-June 30. The attorney coordinator will conduct reviews of selected areas of the code as well as address problems that have arisen since the code's implementation.

SUMMARY OF COST OF CRIMINAL CODE TRAINING PROGRAM
April 1, 1979 - June 30, 1980

Personal Services	\$ 77,371.67
Travel	28,897.43
Printing and video costs	18,200.00
Commodities	<u>7,350.00</u>
	\$131,819.10

PHASE I COSTS: April 1, 1979 - June 30, 1979

I.	Attorney Coordinator		
	A.	Prepare Criminal Code Manual to include new criminal code, corresponding provisions of old criminal code, commentary adopted by legislature, derivation information listing states with similar statutes and judicial decisions interpreting statutes, cross references to other relevant statutes in new criminal code.	
	B.	Conduct first phase of training for all district attorneys and assistant district attorneys in Sitka. June 11-12.	
	C.	Present programs on criminal code at:	
		1. Judicial Conference - Sitka, June 11-13	
		2. Bar Association Convention - Sitka, June 6-8	
		3 months. x \$4,620.36	\$13,861.08
II.	Legal Intern - Research judicial decisions in other states with statutes similar to those appearing in criminal code. Compile decisions for placement in criminal code manual.		
		3 months x \$1,800	5,400.00
III.	Travel and per diem (see detailed cost analysis attached)		12,865.28
IV.	Printing of criminal code manual and distribution to all district attorneys, public defenders and judges (including postage).		
		350 sets x \$12	4,200.00
V.	Video tape production: includes cost of tapes, filming and reproduction costs of recording training program for district attorneys. Tapes to be used for training district attorneys hired after June 1979 and in training district attorneys unable to attend training program in Sitka.		3,000.00
VI.	Telephone - \$200 per month		600.00
VII.	Commodities and office consumables		
		\$250 per month	750.00
VIII.	Secretarial support:		
		\$1,836 x 3	5,508.00
			<hr/>
			\$46,184.36

PEASE II COSTS: July 1, 1979 - June 30, 1980

I. Attorney Coordinator

- A. Coordinate training program for law enforcement officers (Alaska State Troopers and municipal peace officers) in conjunction with and relying on expertise of Department of Public Safety Academy and Alaska Police Standards Council. Prepare criminal code workbook for use by law enforcement officers and instructor's manual for use by prosecuting attorney instructors. July 1 to August 31.
- B. Conduct training program of prosecuting attorney instructors. September 17 to September 21, Anchorage. Familiarize instructors with training program for law enforcement officers.
- C. Supervise training by prosecuting attorney instructors of law enforcement officers. October 1 to December 15.
- D. Preparation of sample complaints. December 15 to March 15.
- E. Preparation of jury instructions in conjunction with Court System. January 15 to June 30.
- F. Follow up training in district attorney's offices. May 15 to June 30.

6 months full time x \$4,620.36
6 months 1/2 time x \$2,310.18

\$41,583.24

II. Travel and per diem (see detailed cost analysis attached)

- A. Anchorage training program of eight prosecuting attorney instructors. September 17 to September 21.
- B. Trips of attorney coordinator from Anchorage to Ketchikan, Juneau, Kenai, Soldotna, Kodiak, Bethel, Fairbanks, and Nome. October 1 to December 15.
- C. Trips of peace officers from communities having less than five peace officers to nearest district attorney's office. October 1 to December 15.
- D. Trips of prosecuting attorney instructors and attorney coordinator to Petersburg, Wrangell, Sitka, Valdez, Palmer, Glenallen/Tok, Cordova, Barrow, Seward, Homer, Kotzebue. October 1 to December 15.
- E. Follow up training in district attorney offices. May 15 to June 15.

16,032.15

III. Secretarial support:		
	12 months 1/2 time x \$1,836.56	11,019.35
IV. Printing of workbook for law enforcement officers:		
	1,000 x \$8.00	8,000.00
V. Video tape production: includes cost of tapes, filming and reproduction costs of recording training program for law enforcement officers. Tapes to be used for training law enforcement officers hired after December 15, 1979 and in training of officers who are unable to attend programs conducted October 1 to December 15, 1979.		3,000.00
VI. Telephone: \$200 per month		2,400.00
VII. Commodities and office consumables: \$250 per mo.		<u>3,600.00</u>
		\$85,634.74

TRAVEL AND PER DIEM COSTS - PHASE I

Travel costs for 45 district attorneys and assistant district attorneys to Sitka to attend two-day training session on criminal code:

To Sitka from:

Juneau - 7 x \$64.24	=	\$ 449.68
Ketchikan - 2 x \$93.16	=	186.32
Anchorage - 21 x \$180.08	=	3,781.68
Kenai - 2 x \$216.08	=	432.16
Kodiak - 2 x \$275.49	=	550.98
Pethel - 1 x \$328.90	=	328.90
Nome - 1 x \$333.72	=	333.72
Fairbanks - 9 x \$235.76	=	2,121.84
		<u>\$8,185.28</u>

Per diem: 45 participants at \$52		
per day x 2 days	=	<u>\$4,680.00</u>

TOTAL

\$12,865.28

TRAVEL AND PER DIEM COSTS - PHASE II

- A. Training program for prosecuting attorney instructors in Anchorage. September 17 to September 21.

Round trip airfare of prosecuting attorney instructors to Anchorage from:

1.	Juneau	\$ 171.16
2.	Ketchikan	222.42
3.	Kenai	36.00
4.	Kodiak	95.41
5.	Bethel	148.82
6.	Fairbanks	102.12
7.	Nome	<u>191.12</u>
		\$ 967.05

Per diem: 7 participants x 5 days x \$55
per day \$1,925.00

TOTAL

\$2,892.05

- B. Trips of attorney coordinator to district attorney offices. October 1 to December 15.

Round trip airfare from Anchorage to:

1.	Juneau	\$ 171.16
2.	Ketchikan	222.42
3.	Kenai	36.00
4.	Kodiak	95.41
5.	Bethel	148.82
6.	Fairbanks	102.12
7.	Nome	<u>191.12</u>
		\$ 967.05

Per diem for attorney coordinator for trips to district attorneys offices. October 15 to December 15:

Juneau - 3 days x \$55	=	\$ 165.00
Ketchikan - 3 days x \$50	=	150.00
Kenai - 1 days x \$54	=	162.00
Kodiak - 2 days x \$54	=	108.00
Bethel - 2 days x \$65	=	130.00
Fairbanks - 5 days x \$58	=	290.00
Nome - 2 days x \$82	=	<u>164.00</u>
		\$1,169.00

TOTAL

2,136.05

C. Trips of peace officers from cities having less than five peace officers to nearest district attorney's office. October 1 to December 15.

		<u>Number of Officers</u>
To Ketchikan from:	Metlaktla	2
	Craig	2
To Juneau from:	Haines	4
	Skagway	3
	Hoonah	2
	Pelican	1
	Yakutat	1
To Anchorage from:	Whittier	1
To Fairbanks from:	North Pole	3
	Nenana	2
To Kenai from:	Seldovia	1
To Kodiak from:	Dillingham	2
	Unalaska	<u>2</u>
		26

26 officers at approximately \$200 per trip including per diem \$ 5,200.00

D. Trips of prosecuting attorney instructor and coordinating attorney to Petersburg, Wrangell, Valdez, Palmer, Glenallen, Tok, Cordova, Barrow, Seward, Homer, Kotzebue. October 15 to December 15.

10 cities at approximately \$200 per trip including per diem x 2 4,000.00

E. Trips of attorney coordinator to district attorney's offices. April 15 to May 15:

1.	Juneau	\$ 171.16
2.	Ketchikan	222.42
3.	Kenai	36.00
4.	Kodiak	95.41
5.	Bethel	148.82
6.	Fairbanks	102.12
7.	Nome	<u>191.12</u>
		\$ 967.05

Per diem for attorney coordinator for trips to district attorneys offices. April 15 to May 15:

Juneau - 2 days x \$55	=	\$ 110.00
Ketchikan - 2 days x \$50	=	100.00
Kenai - 2 days x \$54	=	108.00
Kodiak - 2 days x \$54	=	108.00
Bethel - 2 days x \$65	=	130.00
Fairbanks - 3 days x \$58	=	116.00
Nome - 2 days x \$82	=	<u>165.00</u>
		\$ 837.00

TOTAL

1,804.05

\$16,032.15

HB

262

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

February 21, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 262

"An Act making a special appropriation to the Department of Law for a training program on the revised criminal code; 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 Hill *Do Pass*

Terry Hunter

Michael Anderson

Thomas ...

H. Malone

Richard ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

~~_____~~

Charles ...

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: HOUSE JUDICIARY

To: HB 262 HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: 1

LINE: 10

delete "\$85,635" and insert "\$126,235."



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

March 2, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

It is the intent of the House Judiciary Committee that under House Bill 262 first priority be given to the training of police officers and village magistrates, second priority to the training of district attorneys and public defenders. Training of judges and members of the private bar has the lowest priority.

The Committee recommends that the Finance Committee seek testimony from the office of the Public Defender.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Charles H. Parr
Chairman

am 262

TO: Barry Stern
Coordinator, Criminal Code Training
Department of Law

DATE: February 27, 1979

FILE NO:

TELEPHONE NO:

FROM: James F. Mayer *JFM*
Executive Director
Alaska Police Standards Council

SUBJECT: Criminal Code Training/
Village Police Officers

The following list identifies the communities and number of police officers in the "village" category which will require training in the Criminal Code revision. They are broken down regionally, based on the already proposed training centers.

<u>Training Center</u>	<u>Municipality</u>	<u>Number of Officers</u>
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	Holy Cross	2
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	Scammon Bay	2
	St. Mary's	1
	Fortuna Ledge	1
	Chevak	2
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	Lewer Kalskag	1
	Aniak	1
	Newtok	2
	Tununak	2
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	Chefornak	1
	Akolmiut	4
	Atmoutluak	2
	Akiachak	2
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	Teller	1
	Elim	1
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	Koyuk	2
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<hr/>		
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116 officers @ \$200.

\$23,200

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	<hr/>
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JFM/mas

REVISED CRIMINAL CODE-TRAINING PROGRAM

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presented at the Alaska Bar Association Convention in Sitka prior to the judicial conference.

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Instruction of law enforcement officers will be conducted from October 1 to December 15, 1979 by the attorney coordinator and the prosecuting attorney instructors. The primary sessions will be held in the eight cities having district attorney offices. The sessions will be two days long, with several sessions contemplated in the larger communities. All local law enforcement offices as well as officers from surrounding communities having less than five peace officers will attend these sessions. Similar sessions will also be held in surrounding communities having five or more peace officers.

Upon completion of the training program for law enforcement officers, the coordinating attorney will begin work on sample complaints to be used in charging under the criminal code. Work will also begin in conjunction with the court system on a set of jury instructions to be used with the criminal code.

The final phase of the training program will be conducted at the eight district attorney offices during May 15-June 30. The attorney coordinator will conduct reviews of selected areas of the code as well as address problems that have arisen since the code's implementation.

HB

266

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

February 21, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 266

"An Act increasing the number of superior court judges; 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 D. O'Connell

Barry

Walter Anderson

J. Malone

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Donna

Tony Martin

Donna

Barry

Robert H. P.

CHAIRMAN

Sec. 22.05.160. Recording districts.

Repealed by § 4 ch 118 SLA 1976.

Cross references. — As to the duty of the Department of Administration to administer and maintain the recording system, see paragraph (12) of AS 44.21.020, effective January 1, 1977. As to recording, generally, see AS 44.21.060, effective January 1, 1977.

Editor's note. — The repealed section derived from § 26(3), ch. 184, SLA 1959; § 3, ch. 24, SLA 1966.

Section 3, ch. 118, SLA 1976, effective January 1, 1977 provides: "The recording districts established by the supreme court in effect on the effective date of this Act shall remain in effect until regulations establishing, modifying, or discontinuing recording districts or precincts have been adopted by the Department of Administration."

Chapter 10. The Superior Court.

Section

- 10. Establishment of superior court
- 20. Jurisdiction
- 30. Where actions are to be brought
- 40. Change of venue
- 50. General powers and sessions
- 60. Effect of adjournment
- 70. [Repealed]
- 80. Process
- 90. Qualifications of judges
- 100. Vacancies
- 110. Oath of office

Section

- 120. Number of judges
- 130. Appointment and duties of presiding judges
- 140. Chief justice may assign superior court judges
- 150. Approval or rejection
- 160. [Repealed]
- 170. Impeachment
- 180. Restrictions
- 190. Compensation

Sec. 22.10.010. Establishment of superior court. There shall be one superior court for the state. The court shall consist of four districts bounded as follows:

First District: the area within election districts numbered one to six, both inclusive, as said districts are described in art. XIV of the state constitution on March 19, 1959;

Second District: the area within election districts numbered 21 to 24, both inclusive, and those areas of election districts 18 and 20 within the boundaries of the North Slope Borough, as said districts are described in art. XIV of the state constitution on March 19, 1959;

Third District: the area within election districts numbered seven to 15, both inclusive, as said districts are described in art. XIV of the state constitution on March 19, 1959; and

Fourth District: the area within election districts numbered 16, 17 and 19, and the areas of election districts numbered 18 and 20 not included in the second district, as said districts are described in art. XIV of the state constitution on March 19, 1959. (§ 16 ch 50 SLA 1959; am § 1 ch 18 SLA 1974)

Effect of amendment. — The 1974 amendment inserted "and those areas of election districts 18 and 20 within the boundaries of the North Slope Borough" in the paragraph dealing with the Second

District and substituted "16, 17 and 19, and the areas of election districts numbered 18 and 20 not included in the second district" for "16 to 20, both inclusive," in the paragraph dealing with the Fourth District.

JUDICIAL BRANCH

ADMINISTRATION (4100)

	<u>Phone</u>	<u>Office Address</u>	<u>Mailing Address</u>
Arthur H. Snowden, II Administrative Director	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
James D. Babb, Jr. Administrative Associate	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Richard Barrier, Manager Fiscal Operations & Dep. Admin.	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Susan A. Burke, Staff Counsel & Deputy Administrator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Gerald Dubie, Manager Material Operations & Projects Coordinator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Richard Emerman Grants Coordinator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Frank Raye, Manager Personnel Operations	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Merle Martin, Manager Technical Operations	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Susan Miller, Magistrate System Coordinator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Stephanie Cole Magistrate Court Coordinator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
William T. Ford Law Librarian	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501

SUPREME COURT

	<u>Phone</u>	<u>Office Address</u>	<u>Mailing Address</u>
Jay A. Rabinowitz Chief Justice	452-1559	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Office of Chief Justice	264-0630	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Roger G. Connor Justice	264-0601	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Robert Boochever Justice	465-3410	Juneau Court & Office Building	Pouch U Juneau 99811
Edmond W. Burke Justice	264-0624	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Warren Matthews Justice	264-0618	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Robert D. Bacon Clerk of the Court	465-3410	Room 715, Juneau Court & Office Bldg.	Pouch U Juneau 99811

SUPERIOR COURT

First District

Thomas B. Stewart Presiding Judge	465-3420	Juneau Court & Office Bldg.	Pouch U Juneau 99811
Allen T. Compton Judge	465-3422	Juneau Court & Office Bldg.	Pouch U Juneau 99811
Donald V. Dungan Area Court Administrator	465-3434	Juneau Court & Office Bldg.	Pouch U Juneau 99811

SUPERIOR COURT - (continued)

	<u>Phone</u>	<u>Office Address</u>	<u>Mailing Address</u>
<u>FIRST DISTRICT (continued)</u>			
Barbara Howe Clerk of Trial Courts	465-3456	Juneau Court & Office Building	Pouch U Juneau 99811
Superior Court Library	465-3448	4th Floor Juneau Court & Office Bldg.	Pouch U Juneau 99811
Thomas E. Schultz Judge	225-3196	415 Main Street Ketchikan	415 Main Street Ketchikan 99901
Kristen O'Dowd Clerk of Trial Courts	225-3195	415 Main Street Ketchikan	415 Main Street Ketchikan 99901
Duane Craske Judge	747-3293	304 Lake Street Sitka	Box 910 Sitka 99835
Charlotte Swanberg Clerk of Trial Courts	747-3293	304 Lake Street Sitka	Box 910 Sitka 99835
<u>SECOND DISTRICT</u>			
William H. Sanders Presiding Judge	443-5216	Federal Building Nome	Box 100 Nome 99762
Janet Tobuk Clerk of the Court	443-5216	Federal Building Nome	Box 100 Nome 99762
<u>THIRD DISTRICT</u>			
Ralph E. Moody Presiding Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Seaborn J. Buckalew, Jr. Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Victor D. Carlson Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Peter J. Kalamarides Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Milton Souter Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
J. Justin Ripley Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Mark Rowland Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
James K. Singleton Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
James E. Arnold Area Court Administrator	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Theodore Moninski Clerk of Trial Courts	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
James A. Hanson Judge	283-3110	Courthouse Kenai	Box 3891 Kenai 99611
Robin Faass Clerk of Trial Courts	283-3110	Courthouse Kenai	Box 3891 Kenai 99611
Roy H. Madsen Judge	486-5766	Courthouse Kodiak	Box 1367 Kodiak 99615
Charlene Glynn Clerk of Trial Courts	486-5766	Courthouse Kodiak	Box 1367 Kodiak 99615
<u>FOURTH DISTRICT</u>			
James R. Blair Presiding Judge	452-1555	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Gerald J. Vanhoomissen Judge	452-1580	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701

SUPERIOR COURT - (continued) (4100)

	<u>Phone</u>	<u>Office Address</u>	<u>Mailing Address</u>
<u>FOURTH DISTRICT - (continued)</u>			
Jay Hooges Judge	465-1593	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Warren William Taylor Judge	452-1556	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Patrick Aloia Area Court Administrator	456-4387	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Olga T. Steger Clerk of the Court	452-1551	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Christopher R. Cooke Judge	543-2196	Court House Bethel	Box 130 Bethel 99559
Jane Nicholson Clerk of the Trial Courts	543-2196	Court House Bethel	Box 130 Bethel 99559

DISTRICT COURT

FIRST DISTRICT

Gerald O. Williams Judge	465-3443	Room 153, Juneau Court & Office Bldg.	Pouch U Juneau 99811
H. C. Keene, Jr. Judge	225-3141	Federal Building Ketchikan	415 Main Street Ketchikan 99901
Robin Taylor Judge	874-2311	Wrangell	Box 869 Wrangell 99929

SECOND DISTRICT

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Judge			

THIRD DISTRICT

Joseph J. Brewer Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Glenn Anderson Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
John D. Mason Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Laurel J. Peterson Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Warren A. Tucker Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Beverly Cutler Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
Virgil Vochoska Judge	274-8611	303 "K" Street Anchorage	303 "K" Street Anchorage 99501
John Bosshard Judge	835-2266	State Court & Office Bldg., Valdez	Box 646 Valdez 99686
James C. Hornaday Judge	235-8171	Court House Homer	Box 134 Homer 99603

FOURTH DISTRICT

Monroe N. Clayton Judge	452-1541	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Hugh H. Connelly Judge	452-1541	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Mary Alice Miller Judge	452-1541	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701
Stephen R. Cline Judge	452-1541	604 Barnette St. Fairbanks	604 Barnette St. Fairbanks 99701

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 266
 Title An Act Relating to the Number of Superior Court Judges
 Requested by House Judiciary Date March 8, 1979

II. FISCAL DETAIL

Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Alaska Court System

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		139.7	148.1	157.0	166.4	176.4
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT		8.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		147.7	148.1	157.0	166.4	176.4

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		147.7	148.1	157.0	166.4	176.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME		4	4	4	4	4
PART TIME						
TEMPORARY						

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

HB 266 creates two Superior Court judge positions - one in Kotzebue and one in Anchorage. The Kotzebue position is an upgrade and transfer of the existing district court judge position in Nome, while the Anchorage judgeship requires the establishment of a new position.

A detailed summary of the costs associated with each position is provided on the attachment budget detail.

IV. DATE March 12, 1979 PREPARED BY Richard P. Barrier *Richard P. Barrier*
 AGENCY Alaska Court System
 PHONE 264-0545
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

BUDGET DETAIL - HB 266

Kotzebue

Personnel:	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Less: Superior Court Judge	\$57,072	\$5,567	\$62,639
District Court Judge	48,252	5,214	(53,466)
Secretary/In-Court Clk	23,208	7,392	<u>30,600</u>
			\$39,773

Equipment:	<u>Judge</u>	<u>Secretary</u>	
Desk	463	426	
Chair	163	188	
Typewriter		820	
Bookcases	164		
Legal Reference			
Materials	700		
Credenza	282		
	<u>1,772</u>	<u>1,434</u>	<u>3,206</u>
		Kotzebue Total	\$42,979

Anchorage

Personnel:	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Superior Court Judge	\$48,576	\$5,227	\$53,803
Secretary	16,812	6,260	23,072
In-Court Clerk	16,812	6,260	<u>23,072</u>
			\$99,947

Equipment:	<u>Judge</u>	<u>Secretary</u>	<u>In-Court</u>	
Desk	463	426	426	
Chair	163	188	188	
Typewriter		820		
Recorder			1,000	
Bookcases	168			
Legal Reference	700			
Materials				
Credenza	282			
	<u>1,776</u>	<u>1,434</u>	<u>1,164</u>	4,824
		Anchorage Total		\$104,771

Total FY 80 Cost - Kotzebue: \$ 42,979
 Anchorage: 104,771
 \$147,750

HB

292

18.50.380; (2) records pertaining to juveniles; (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the legal fees therefor a certified copy of the writing or record, and the copy shall in all cases be evidence of the original. Recorders shall permit memoranda, transcripts, and copies of the public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public writings and records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public writings and records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the writings and records and to prevent interference with the regular discharge of the duties of the recorders and their employees. (§ 3.23 ch 101 SLA 1962)

Cross references.—See Civ. R. 44-45. Preservation of public records, see AS (b)(4). As to management and preservation of public records, see AS 40.21.

Sec. 09.25.130. Effect of private seals and scrolls. Private seals and scrolls as a substitute for seals are abolished. They are not required to an instrument, but when used their effect remains unchanged. (§ 3.10 ch 101 SLA 1962)

Sec. 09.25.150. Claiming of privilege by public official or reporter. Except as provided in §§ 150—220 of this chapter, no public official or reporter may be compelled to disclose the source of information procured or obtained by him while acting in the course of his duties as a public official or reporter. (§ 1 ch 115 SLA 1967)

Editor's note.—Section 2, ch. 115, adding to the privileges there listed, SLA 1967, provides: "This bill the conditional privilege for public changes Rule 43(h) of the Supreme officers and reporters as to sources Court Rules [of Civil Procedure] by of information."

Sec. 09.25.160. Challenge of privilege. (a) When a public official or reporter claims the privilege in a cause being heard before the supreme court or a superior court of this state, a person who has the right to question him in that proceeding, or the court on its own motion, may challenge the claim of privilege. The court shall make or cause to be made whatever inquiry the court thinks necessary to a determination of the issue. The inquiry may be made instantly by way of questions put to the witness claiming the privilege and a decision then rendered, or the court may require the presence of other witnesses or documentary showing or may

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294

HB

COMMITTEE REPORT

HOUSE

FURTHER:

February 23, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 294

"An Act relating to mobile homes."

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 294 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**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

CHAIRMAN

Introduced: 2/23/79
Referred: Judiciary

1 IN THE HOUSE

BY COTTEN

2 HOUSE BILL NO. 294

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 mobile homes."

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

8 * Section 1. AS 45.30 is amended by adding a new section to read:

9 Sec. 45.30.011. MOBILE HOME WARRANTIES. (a) After the effective
10 date of this Act, new mobile homes sold by a mobile home dealer to a
11 buyer are subject to a mobile home warranty. A mobile home warranty
12 shall be set out in a separate written document entitled "Mobile Home
13 Warranty" which shall be delivered to the buyer by the mobile home
14 dealer at the time a contract of sale is signed. The warranty shall
15 contain the name, address and telephone number of the mobile home manu-
16 facturer and the mobile home dealer and shall include at least the
17 following provisions:

18 (1) the mobile home is free from any substantial defects in
19 materials and workmanship;

20 (2) the manufacturer or dealer, or both, shall take appro-
21 priate action at the site of the mobile home to correct substantial
22 defects in materials or workmanship which become evident within one year
23 of the date of delivery of the mobile home to the buyer if the buyer, or
24 his transferee, gives written notice of the defect at the business
25 address of the manufacturer or dealer on a date which is not more than
26 one year and ten days after date of delivery of the mobile home;

27 (3) the manufacturer and the dealer are jointly and severally
28 liable to the buyer, or his transferee, for the fulfillment of the terms
29 of warranty, and the buyer may notify the manufacturer or the dealer, or

1 both, in the event action is required to correct substantial defects in
2 materials or workmanship;

3 (4) the warranty is applicable to the mobile home structure,
4 its plumbing, heating and electrical systems, and all ^{furniture,} appliances and
5 other equipment installed or included in the mobile home unit by the
6 manufacturer or dealer; and

7 (5) notwithstanding separate warranties applicable to
8 appliances contained within a mobile home unit issued by the manufac-
9 turers of the appliances, primary responsibility for appropriate
10 corrective action under the warranty rests with the manufacturer and the
11 dealer of the mobile home unit, and written notice of defects must be
12 initially reported to them.

13 (b) The warranty provided under (a) of this section is in addition
14 to and not in derogation of all other rights and remedies which a buyer
15 may have under any other law or instrument.

16 (c) The manufacturer and the dealer may not require the buyer to
17 waive his rights under (a) of this section. A waiver of rights required
18 by a manufacturer or dealer is contrary to public policy and is unen-
19 forceable.

20 (d) A mobile home dealer shall display a notice of reasonable size
21 stating the applicability of the warranty required by this section, and
22 shall, upon request, provide a sample copy of the warranty. The notice
23 shall be posted in each area in which purchase orders and sales con-
24 tracts for mobile homes are written.

25 (e) SEE ATTACHED
* Sec. 2. AS 45.30.030(c) is amended to read:

26 (c) [A MOBILE HOME MANUFACTURER OR OWNER OF A MOBILE HOME MAY MAKE
27 APPLICATION FOR PLAN APPROVAL TO THE DEPARTMENT IN ACCORDANCE WITH THE
28 REGULATIONS ADOPTED UNDER (b) OF THIS SECTION. THE FILING FEE FOR EACH
29 APPLICATION IS \$100 WITH AN ANNUAL RENEWAL FEE OF \$50 AND SHALL BE PAID

1 TO THE DEPARTMENT.] Each manufacturer constructing mobile homes for
2 sale in the state shall deposit a performance bond with the department
3 to assure [CONSTRUCTION] compliance with the provisions of AS 45.30.011
4 [BEFORE PLAN APPROVAL WILL BE GIVEN]. Performance bonds required under
5 this section shall be in the following amounts and based on the number
6 of units shipped into the state during the previous 12 months: (1) one
7 to 50 units, \$20,000; (2) in excess of 50 units, \$50,000 [; (3) NEW
8 MANUFACTURERS OBTAINING PLAN APPROVAL FOR THE FIRST TIME, \$20,000]. A
9 manufacturer who discontinues the shipping of [CONSTRUCTING] mobile
10 homes for sale into [IN] the state shall maintain a performance bond in
11 the required amount for a period of 24 months after the date the last
12 mobile home was brought into the state.

13 * Sec. 3. AS 45.30.040(a) is amended to read:

14 (a) A department inspector shall give written notice to the
15 owner, dealer or manufacturer of a mobile home of each violation of
16 AS 45.30.011 [THE REGULATIONS ADOPTED UNDER SEC. 10 OF THIS CHAPTER].
17 The notice of violation shall accurately describe the violation and give
18 specific reference to the section and paragraph of the statutes
19 [REGULATIONS].

20 * Sec. 4. AS 45.30.040 is amended by adding new subsections to read:

21 (c) The owner of a mobile home ^{or a mobile home dealer} may file an action for forfeiture
22 of the bond to secure recovery for damages caused by the failure of the
23 manufacturer to comply with the provisions of AS 45.30.011.

24 (d) Whenever it finds a violation of the provisions of AS 45.30 by
25 a manufacturer or dealer of mobile homes, the department may issue a
26 cease and desist order. After notice and hearing, the department may
27 continue, modify, or terminate the order. If, after hearing, the
28 department determines that violations of the provisions of AS 45.30 are
29 regular and recurring, it may require forfeiture of the bond to the

1 benefit of the state and arrange for distribution of the proceeds of the
2 bond to the mobile home owners injured by the activities of the dealer
3 or manufacturer *OR TO mobile home dealers injured by the*
4 *activities of the manufacturer.*

* Sec. 5. AS 45.30 is amended by adding a new section to read:

5 Sec. 45.30.061. DEFINITIONS. In AS 45.30,

6 (1) "department" means the Department of ~~Commerce and Econo-~~ *Transportation AND*
7 *Public Facilities;* ~~mie Development;~~

8 (2) "mobile home" means a vehicle designed and equipped for
9 human habitation, and which may be drawn by a motor vehicle only when
10 authorized by permit.

11 * Sec. 6. The following are repealed: AS 45.30.010, 45.30.030(b),
12 45.30.040(b) and 45.30.050.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

(Insert page 2, line 24)

(c) The manufacturer shall provide reasonable compensation to the mobile home dealer who incurs expenses as a result of warranty obligations for which the manufacturer is legally responsible or which the manufacturer imposes upon the dealer. Any ~~contract~~ contractual provision contrary to this subsection is void as against public policy.