

9/4 HJ SB 548 - SUNSET REVIEWS FILE NO. 1

877

ASSUMPTIONS

A procedure like the Master Application process is assumed. The number of applications is unknown, however, work for a PFT employee is assumed.

Positions - 1 PFT Clerk Typist III @ \$1,277 mo.	=	15.3
Benefits - 2.3, FICA - 1.0, H.I. - 1.5	=	<u>4.8</u>
		20.1
Other Costs - Postage, Phone	=	2.0
Miscellaneous - Insurance, Copy Costs, Phone Installation	=	.5
Commodities	=	.2
Equipment	=	.5

Trustees for ALASKA

835 "D" Street #202, Anchorage, Alaska 99501 (907) 276-4244

May 9, 1980

Mail Stop Number 3100

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Economist, Institute for Social
and Economic Research
University of Alaska
Anchorage, Alaska

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Assistant Director
Nunam Kitlutsisti
Bethel, Alaska

Dr. Robert B. Weeden
Professor, Wildlife
Management
University of Alaska
Fairbanks, Alaska

Dr. Paul N. Ylvisaker
Dean, Grad. School of Ed.
Harvard University
Cambridge, Massachusetts

James Grandjean, Esq.
Office of the Honorable Joe McKinnon
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Jim:

Here are some comments, as you requested, on SB 548.

1. First of all, the whole rationale (or ostensible rationale) for this Procrustean approach is false. If there is in fact a significant problem of delay in obtaining state permits (and I doubt that this has been demonstrated) it is rarely because agencies are just twiddling their thumbs. Rather, "delay" is likely to be caused by either (a) inadequate staff, or (b) the complexity of the evaluation required to do an adequate job of decisionmaking on the permit applications. In other words, if the legislature is really serious about expediting permit decisionmaking, the answer is to ensure that the regulatory agencies are funded sufficiently.

Incidentally, on that score, it is worth noting that an honest fiscal note to a bill like this would have to show a very large increase in required funding, in order to enable the agencies to handle decent permit processing in a short period of time.

2. The basic reason why the approach of this bill is very harmful, is this: while there are certainly instances where permit applications could be dealt with in a very brief period of time, the fact is that in many cases it simply takes time to do an adequate job of reviewing and making decisions on permit applications. The applicant may have spent many months or even years in developing analyzing, doing his own decisionmaking on the project in question. The application may raise numerous, crucial questions about impacts on wildlife, wildlife habitat, water quality, etc.; if it took the applicant months or years to address the various aspects of the project how can reviewers in the state agencies do the job in less than 30 days? An example is the Prudhoe Bay waterflood project, which I am told took three years of development before the Army Corps of Engineers' permit was applied for.

3. The one ostensible safety valve in the bill, section 634(b), is entirely inadequate. Again, on a project of any magnitude or complexity, it is unrealistic to expect an agency to determine within ten days of receiving an application whether sufficient information is available. This provision reflects at best a lack of comprehension of the decisionmaking process, wherein there has

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 548 PROPOSED CS BY DEPT OF LAW
 Title An Act relative to the processing of permits by state agencies
 Requested by House Judiciary Date 05/31/80

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Administration & Mgt/Research Special Projects
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		19.2				
200 TRAVEL		6.0				
300 CONTRACTUAL		5.4				
400 COMMODITIES		.2				
500 EQUIPMENT		.4				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		31.2				

FUNDING (Thousands of Dollars)

GENERAL FUND		31.2				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		6 mos.				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal No. c Preparation Instructions, Section III)

- 100- Mgt. Analyst III, Div. of Research and Development, Anchorage, 6 months
- 200- Travel and per diem for Mgt. Analyst III and Commissioner's representative on Commissioner for meetings and public hearings as well as final presentation to legislature
- 300- Printing and advertising costs associated with hearings on regulations to implement permit classification system
- 400- Office supplies for Mgt. Analyst III and for meetings/hearings
- 500- Office equipment for Mgt. Analyst III

IV. DATE 05/31/80 PREPARED BY Jeff Haynes, Deputy Commissioner
 AGENCY Dept. of Natural Resources
 PHONE 465-2400

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

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 548
 Title Processing of permits by state agencies
 Requested by House Judiciary Committee Date 5/14/80

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Executive Operations
 BRU, Program, or Subprogram(s) Affected Lieutenant Governor's Office

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		-				
200 TRAVEL		9.6				
300 CONTRACTUAL		-				
400 COMMODITIES		-				
500 EQUIPMENT		-				
600 LAND & STRUCTURES		-				
700 GRANTS, CLAIMS, ETC.		-				
TOTAL		9.6				

FUNDING (Thousands of Dollars)

GENERAL FUND		9.6				
FEDERAL FUNDS		-				
OTHER (Specify Fund Source)		-				

POSITIONS

FULL TIME		-				
PART TIME		-				
TEMPORARY		-				

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

3 meetings of 2 days each.

10 of 15 members will require travel and per diem.

Per diem @ \$60.

Travel at \$200.

Total \$9,600.

IV. DATE 5/15/80 PREPARED BY Rod Mourant
 AGENCY Office of the Governor
 PHONE 465-3547

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

Trustees for ALASKA

835 "D" Street #202, Anchorage, Alaska 99501 (907) 276-4244

May 9, 1980

Mail Stop Number 3100

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Cambridge, Massachusetts

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Juneau, AK 99811

Dear Jim:

Here are some comments, as you requested, on SB 548.

1. First of all, the whole rationale (or ostensible rationale) for this Procrustean approach is false. If there is in fact a significant problem of delay in obtaining state permits (and I doubt that this has been demonstrated) it is rarely because agencies are just twiddling their thumbs. Rather, "delay" is likely to be caused by either (a) inadequate staff, or (b) the complexity of the evaluation required to do an adequate job of decisionmaking on the permit applications. In other words, if the legislature is really serious about expediting permit decisionmaking, the answer is to ensure that the regulatory agencies are funded sufficiently.

Incidentally, on that score, it is worth noting that an honest fiscal note to a bill like this would have to show a very large increase in required funding, in order to enable the agencies to handle decent permit processing in a short period of time.

2. The basic reason why the approach of this bill is very harmful, is this: while there are certainly instances where permit applications could be dealt with in a very brief period of time, the fact is that in many cases it simply takes time to do an adequate job of reviewing and making decisions on permit applications. The applicant may have spent many months or even years in developing, analyzing, doing his own decisionmaking on the project in question. The application may raise numerous, crucial questions about impacts on wildlife, wildlife habitat, water quality, etc.; if it took the applicant months or years to address the various aspects of the project how can reviewers in the state agencies do the job in less than 30 days? An example is the Prudhoe Bay waterflood project, which I am told took three years of development before the Army Corps of Engineers' permit was applied for.

3. The one ostensible safety valve in the bill, section 634(b), is entirely inadequate. Again, on a project of any magnitude or complexity, it is unrealistic to expect an agency to determine within ten days of receiving an application whether sufficient information is available. This provision reflects at best a lack of comprehension of the decisionmaking process, wherein there has

to be a certain amount of interchange, thought, and rethinking before the implications and ramifications of a proposal are fully understood.

4. Aside from the general problems involved in trying to compress decisionmaking into a thirty day period, there is an obvious opportunity for applicants to abuse the deadline: namely, one could bunch up numerous applications and thereby totally overwhelm the agency's ability to respond.

Incidentally, notice that "state agencies" is defined in the bill as ~~including coastal resource districts.~~ This perhaps provides some insight into the motivation of this bill.

I will try to obtain some additional examples of cases where any sort of deadline such as would be required under this bill would have precluded intelligent decisionmaking.

Thanks for your interest. I hope this helps a bit.

Best regards,



Robert E. Mintz
Executive Director

k

enc

P.S. I have not had a chance to research it yet, but it occurs to me that various federal requirements for state-administered programs (water pollution, coastal management, etc.) could arguably be violated if the effect of this bill were demonstrably to prevent rational review of permit applications.

SB

556

(9)

COMMITTEE REPORT

HOUSE

4/23/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had SB 556am

An Act relating to permissible charges in credit transactions."

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

J. Malone
W. B. Anderson
Leann Martin
to Parks & Kern

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Robert Hillman
ROBERT HILLMAN N. Rec.

Charles R. ...

CHAIRMAN

~~Copies in file~~
SK - file

April 21, 1980

The Honorable Charles H. Parr
Alaska State House of Representatives
State Capitol Building
Juneau, Alaska 99811

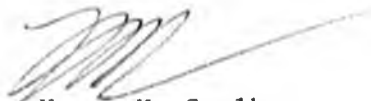
Dear Representative Parr:

This letter is in regard to House Bill 1003 titled, "An Act Relating to Permissible Charges in Credit Transactions".

Alaska National Bank of the North wholeheartedly supports House Bill 1003, seeks your support, and urges the passage of this bill. Passage of this bill will provide credit card issuers the opportunity to continue offering these services to the Alaskan consumer by helping offset a portion of the expenses inherent in this service.

If you have any questions, or need additional information, please contact the undersigned.

Yours truly,


Hogan H. Smelker
Assistant Vice President
Manager, Bankcard Department

HHS:sh

Introduced: 4/11/80
Referred: State Affairs

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 556 am

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 permissible charges in credit
7 transactions."

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

9 *Section 1. AS 06.05.209 is amended by adding a new subsection to read:

10 (c) In addition to charges authorized under (b) of this section, a
11 bank may charge an annual fee for the issuance of a credit card or other
12 similar credit granting device.

13 * Sec. 2. AS 45.10.120(c)(2) is amended to read:

14 (2) if the outstanding balance is more than \$1,000, one -
15 twelfth of the annual rate permitted under AS 45.45.010(b) [ONE PERCENT]
16 per month on the excess over \$1,000 of the outstanding balance;

17 18%
18 12%
19

SB 556
HB1003

For an Act entitled: "An Act relating to permissible charges in credit transactions."

Section 1 of HB1003 amends the Alaska Banking Code to allow a bank to charge a fee for the issuance of a credit card. Presently, statutes provide that a bank may impose on credit cardholders a service charge and a setup charge for cash advances, but the statutes do not address whether a bank may charge an annual issuance fee (AS 06.05.209).

Section 2 amends the Alaska Retail Installment Sales Act to provide that the service charge for a bank credit card or other retail charge agreement may float with the Federal Reserve discount rate, as applied to the outstanding balance in excess of \$1,000. The current service charge is a flat 12% annually on the balance over \$1,000; the present charge of 18% on the outstanding balance up to \$1,000 would remain (AS 45.10.120 (c)). This would also provide that the service charge for the outstanding balance over \$1,000 conforms with the state's usury rate, that is the interest charged must be within five percent of the Federal Reserve discount rate (AS 45.45.010 (b)).

National Bank of Alaska, First National Bank of Anchorage and the Alaska Bank of the North all issue bank credit cards in Alaska. These banks carry their own outstanding balances and support them with deposits and purchased money (large Time Certificates of Deposit). Credit card transactions account for a volume of approximately \$144 million annually in Alaska banks, with about 3 million sales drafts posted per year. Outstanding balances on credit card transactions total about \$45 million; contingent liabilities (i.e. unused portion of credit limit) are \$121.5 million.

The bank's major problem is a huge pool - some \$45 million - in fixed rate assets that are funded by very costly short-term money. Currently banks are paying in excess of 17% for funds supporting assets earning approximately 13%. Another problem is the Federal Reserve anti-inflationary program that will require banks to place 15% of any expanded consumer credit in a noninterest earning reserve in the Federal Reserve.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 1003

Title Relating to permissible charges in credit transactions

Requested by House Judiciary

Date 4-22-80

II. FISCAL DETAIL

Agency Affected Dept. of Commerce and Economic Development

Program Category Affected Protection

BRU, Program, or Subprogram(s) Affected Banking and Securities

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

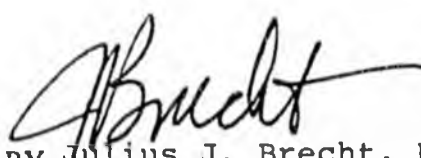
POSITIONS

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

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

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980


 PREPARED BY Julius J. Brecht, Director
 AGENCY Div. of Banking and Securities
 PHONE 465-2521

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

SB 556
HB1003

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 1003

Title Relating to permissible charges in credit transactions

Requested by House Judiciary

Date 4-22-80

II. FISCAL DETAIL

Agency Affected Dept. of Commerce and Economic Development

Program Category Affected Protection

BRU, Program, or Subprogram(s) Affected Banking and Securities

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-


POSITIONS

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

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

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980


 PREPARED BY Julius J. Brecht, Director
 AGENCY Div. of Banking and Securities
 PHONE 465-2521

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

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 1003

Title Relating to permissible charges in credit transactions

Requested by House Judiciary Date 4-22-80

II. FISCAL DETAIL

Agency Affected Dept. of Commerce and Economic Development

Program Category Affected Protection

BRU, Program, or Subprogram(s) Affected Banking and Securities

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200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
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TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

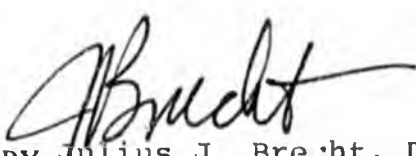
POSITIONS

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

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

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980


PREPARED BY Julius J. Brecht, Director
AGENCY Div. of Banking and Securities
PHONE 465-2521

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

SB

569

AMENDMENT

OFFERED IN THE HOUSE:

By: Rep. Hugh Malone

To: House CS HOUSE BILL No. _____

SENATE BILL No. 569 and _____

PAGE: 1

LINE: _____

* Sec. 2. AS 18.80.220(b) is amended to read:

(b) The state, employers, labor organizations and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. All persons required to furnish the federal Equal Employment Opportunity Commission with specified annual information in accordance with 42 U.S.C. 2000e - 8(c) and federal regulations promulgated under that provision shall provide the commission with a copy of such information. In addition all persons required to furnish the Office of Federal Contract Compliance Programs with specified annual information in accordance with Executive Order 11246 and federal regulations promulgated under that order shall provide the commission with a copy of such information. The submission of these informational reports to the commission shall be provided at the same time as such is given to the federal agency. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

(9)

COMMITTEE REPORT

HOUSE

5/2/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had SB 569am

"An Act relating to the State Commission for Human Rights."

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**

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature] Do not pass

[Signature] DO PASS IF AMENDED


[Signature]

[Signature]

[Signature]

CHAIRMAN

POUCH V
JUNEAU, ALASKA 99911


Senate

VICE CHAIRMAN
SENATE RULES COMMITTEE

MEMBER
SENATE STATE AFFAIRS COMMITTEE
SENATE COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

April 21, 1980

The Honorable Clem V. Tillion,
President of the Senate
Alaska State Legislature
Room 101 Capitol Building
Juneau, Alaska

Dear Mr. President:

Later this morning a bill from the Senate Judiciary Committee, which will be numbered SB 569, will be read across Madam Secretary's desk.

In order to blunt the criticism I expect to receive, it should be pointed out that the introduction of the bill was proposed by the Executive Director of the Alaska Human Rights Commission. The bill is almost identical to a provision in the Unfair Trade Practices and Consumer Protection statutes, namely, Sec. 45.50.521 (b), which provides the records of investigation or intelligence information are not public records during the course of an investigation.

In other words, I am not out to "get" the Commission, and I want to make that point clear. I merely seek fairness and impartiality, and a fair shake for respondents as well as complainants.

It is thought, were this bill to become law, that unfortunate episodes such as that which recently occurred, will not be repeated in the future.

Very truly yours,


Robert H. Ziegler, Sr.

RHZ:lk

Amendment to HCS SB 569
attached. We will hold
it in the bill file and
fill in the appropriate

"line" ~~no~~ when the C.S.
comes back to us. I'll
then take it up to Drene
with the signed-off bill.

Sandra

3882

Wed. 5/21/80

5:30pm

Malone amend

p. 1 following sec. 1

insert new sec 2

check with Hugh
give to clerk

1 *Sec. 2. AS 18.80.220(b) is amended to read:

2 The state, employers, labor organizations and employment agencies
3 shall maintain records on age, sex, and race that are required to
4 administer the civil rights laws and regulations. All persons
5 required to furnish the federal Equal Employment Opportunity
6 Commission with specified^{annual} information in accordance with 42 U.S.C.
7 2000e - 8(c) and federal regulations promulgated under that provision
8 shall provide the commission with a copy of such information. In
9 addition all persons required to furnish the Office of Federal
10 Contract Compliance Programs with specified^{annual} information in accordance
11 with Executive Order 11246 and federal regulations promulgated under
12 that order shall provide the commission with a copy of such
13 information. The submission of these informational reports to the
14 commission shall be provided at the same time as such is given to
15 the federal agency. These records are confidential and available only
16 to federal and state personnel legally charged with administering
17 civil rights laws and regulations. however, statistical information
18 compiled from records on age, sex, and race shall be made available
19 to the general public.
20

Would you please
have an amendment
drafted to fit the
HCS on S.B. 569
to re-instate the former
Sec 2 of the
HRC that was
taken out by committee.
Place my name on it and
forward to House Clerk with
the bill? That way I won't forget
to prepare the amendment for the floor.
Thx H.

TO ALL LEGISLATORS:

You have before you SB 569 which utilizes the following definition:

"Physical Handicap means any anatomical physiological, or neurological disability, infirmity, malformation, or disfigurement, which is caused by injury, birth defect, illness, or the history of such a handicap."

We strongly object to this definition for the following reasons:

- (1) It develops and perpetuates negative imagery of handicapped persons by using the words "infirmity, malformation, defect" etc.
- (2) It does not address the functional differences which more accurately reflect handicap or disability (EG. the ability to walk, see, hear, or speak).
- (3) It does not address the rights of mentally handicapped persons.
- (4) It is in direct conflict with Federal Anti-Discrimination and Affirmative Action Legislation (HEW Regulations to PL 93-112, Sections 503 and 504)
- (5) It does not protect those persons who have experienced discrimination because they have been erroneously regarded as handicapped, (Example: individuals who because of a cosmetic or physical difference are treated as though they are handicapped even though they experience no functional limitations)

In 1973 millions of handicapped persons endorsed and secured a definition which is now utilized successfully in the Civil Rights Law for the handicapped known as the Rehabilitation Act of 1973 (HEW Regulations). This definition reads as follows:

" Handicapped Person (1) Handicapped Person means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, (iii) is regarded as having such an impairment."

We believe that the above stated definition eliminates those "infirmities", "defects", and "malformations" identified in the definition in SB 569.

NATIONAL FEDERATION OF THE BLIND OF ALASKA

111 East 7th Street
Anchorage, Alaska 99501

February 14, 1980

Rep. Charles H. Parr
Pouch V
Juneau, Alaska 99811

Dear Parr;

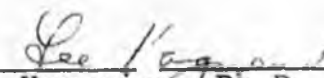
We have read and considered the Human Rights Law of Alaska, Chapter 18, Section 18.80.200 through 18.80.300. In its present form, the law does not provide for equal protection of the civil rights of handicapped individuals in credit and financing practices, public accommodations, the sale, lease, and rental of real property, and specific conditions of employment.

It has come to our attention that many handicapped individuals have encountered discrimination in one or more of the above areas. It is, therefore, of great concern to us that the Human Rights Law does not provide for the protection of the rights and privileges of this segment of Alaska's population. In virtually every aspect of the law, the rights of the handicapped have been omitted. We feel this omission must be corrected.

We understand that the Alaska State Commission on Human Rights is in the process of revising and rewriting the Human Rights Law. We firmly believe it is the Commission's responsibility to recognize the civil rights of handicapped individuals and to provide for their equal protection under the law. We further recommend that the definition of "Handicapped" and "Qualified Handicapped" person be adopted from the regulations promulgating Section 504 of the 1973 Rehabilitation Act.

Your full attention to our request is appreciated, and we look forward to receiving your letter and reading your comments.

Sincerely,



Lee Hagmeier, Ph.D.
Legislative Chairman

Sandy Sanderson, President
National Federation of the
Blind of Alaska

P. S. If you have any questions, please contact Lee Hagmeier at (907) 337-2077.

policy of the defendant giving rise to the cause of action, the court shall, at the request of the commission, defer proceedings for a period of not more than 45 days or such extended period as the court may allow; except that the court may enter an order or injunction if necessary to prevent irreparable injury to the plaintiff.

- (c) If within the period allowed the commission conducts a hearing and reaches a decision under secs. 120 and 130 of this chapter, the decision of the commission is binding on the parties to the court action as to all issues resolved in the hearing but not as to any issues not resolved in the hearing.
- (c) When proceedings in the superior court are deferred for a hearing and decision by the commission under this section, the plaintiff may proceed, after the decision of the commission, as an aggrieved party for the purpose of obtaining judicial review under sec. 135 of this chapter, whether or not he was a party to, or complainant in, the commission proceedings.
- (d) If the commission does not intervene or file a certificate and conduct a hearing as provided in this section, the court has complete jurisdiction of the case, notwithstanding the provisions of sec. 280 of this chapter.

18.80.100. COMMISSION REPORTS AND PUBLICATIONS.

18.80.150. ANNUAL REPORT.

The commission shall report annually to the governor and the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action. The commission shall provide the Legislative Affairs Agency with 100 copies of the report during the week preceding the convening of the annual legislative session for legislator and library distribution. The commission shall make copies of the report available to the public.

18.80.160. Informative publications.

The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy.

18.80.200. DISCRIMINATORY PRACTICES PROHIBITED.

18.80.200. PURPOSE.

- (a) It is determined and declared as a matter of legislative finding that discrimination against an inhabitant of the state because of race, religion, color, national origin, age, sex, marital status, changes in marital status, pregnancy or parenthood is a matter of public concern and that such discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

- (b) Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination in employment, in credit and financing practices, in places of public accommodation, in the sale, lease, or rental of real property because of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy or parenthood. It is not the purpose of this chapter to supersede laws pertaining to child labor, the age of majority or other age restrictions or requirements.

Sec. 18.80.210. CIVIL RIGHTS.

The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right.

Sec. 18.80.215. ACTIVITIES IN AID OF HOUSING FOR MINORITY GROUPS.

The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161.

Sec. 18.80.220. UNLAWFUL EMPLOYMENT PRACTICES.

(a) It is unlawful for

- (1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
- (2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;
- (3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

- (4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under Sec. 200-280 of this chapter or because he has filed a complaint, testified or assisted in a proceeding under this chapter;
- (5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or
- (6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, unless based upon a bona fide occupational qualification.

(b) The state, employers, labor organizations, and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMODATIONS.
It is unlawful for the owner, lessee, manager, agent or employee of a public accommodation

- (1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin;
- (2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies
 - (A) that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, sex, marital status, color or national origin or because of pregnancy, parenthood, or a change in marital status, or
 - (B) that the patronage of a person belonging to a particular race, creed, sex, marital status, color or national origin or who, because of pregnancy, parenthood, or a change in marital status, is unwelcome, not desired or solicited.

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

- (1) to refuse to sell, lease or rent the real property to a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin; however nothing in this paragraph prohibits the sale, lease or rental of classes or real property commonly known as housing for "singles" or "married couples" only;
- (2) to discriminate against a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of real property; however, nothing in the paragraph prohibits the sale, lease or rental of classes or real property commonly known as housing for "singles" or "married couples" only; or
- (3) to make a written or oral inquiry or record of the sex, marital status, changes in marital status, race, religion, color or national origin of a person seeking to buy, lease or rent real property;
- (4) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's sex, marital status, changes in marital status, pregnancy, race, religion, color, national origin or age;
- (5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is available, or to refuse a person to inspect real property because of the race, religion, color, national origin, age, sex, marital status, change in marital status or pregnancy of that person or of any person associated with that person;
- (6) to engage in blockbusting;
- (7) to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of real property that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make the preference, limitation or discrimination.

Sec. 18.80.250. UNLAWFUL FINANCING PRACTICE.

- (a) It is unlawful for a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, to permit one of its officials or employees during the execution of his duties

- (1) to discriminate against the applicant because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;
 - (2) to make or cause to be made a written or oral inquiry or record of the sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness;
 - (3) to refuse to extend credit, issue a credit card or make a loan to a married person, who is otherwise creditworthy, if so requested by the person;
 - (4) to refuse to issue a credit card to a married person in that person's name, if so requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name.
- (b) Notwithstanding the provisions of (a) of this section, any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by this section shall not constitute discrimination under this section.
- (c) No action by a financial institution or other commercial institution extending credit taken in compliance with (a) of this section, including the extension of credit or the making of a loan, is a violation of AS 06.20.240, unless done with the intent or purpose of obtaining a higher rate of interest than would otherwise be permitted by AS 06.20.230.

18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL SUBDIVISIONS.

- It is unlawful for the state or any of its political subdivisions
- (1) to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin;
 - (2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any local, state or federal funds, services, goods, facilities, advantages or privileges of the office or agency will be refused, withheld from or denied to a person of a certain race, religion, sex, color or national origin or that the patronage of a person belonging to a particular race, creed, sex, color or national origin is unwelcome, not desired or solicited.

Sec. 18.80.260. COERCION.

It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so.

Sec. 18.80.270. PENALTY.

A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order at the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine or not more than \$500, or by imprisonment in a jail for not more than 30 days, or by both.

Sec. 18.80.280. ACQUITTAL BARS OTHER ACTIONS.

The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action, civil or criminal, based on the same act or omission.

Sec. 18.80.290. LOCAL HUMAN RIGHTS COMMISSIONS.

- (a) The legislative body of a general law or home rule municipality may, by ordinance or resolution, authorize the establishment of membership in and support of a local human rights commission. The number and qualifications of the members of a local commission and their terms and method of appointment or removal shall be as determined by the legislative body, except that no member may hold office in a political party.
- (b) The legislative body of a general law or home rule municipality has the authority to appropriate the funds in amounts as considered necessary for the purpose of contributing to the operation of a local commission, including the payment of its share of the salary of an investigator or staff member to act jointly for it and one or more other local commissions.
- (c) The local commission has the power to appoint employees and staff as it considers necessary to fulfill its purpose, including the power to appoint an investigator or staff member to act jointly for it and one or more other local commissions.
- (d) The legislative body of a general law or home rule municipality has the authority under AS 29.48.035 to grant to local commissions powers and duties similar to those exercised by the Alaska Human Rights Commission under the provisions of this Act.

Sec. 18.80.295. APPRENTICESHIP PROGRAMS.

The provisions of this chapter affecting discrimination in employment on the basis of age shall not apply to apprenticeship programs registered by the Bureau of Apprenticeship and Training, United States Department of Labor, or apprenticeship programs that meet standards equivalent to apprenticeship programs registered by the Bureau of Apprenticeship and Training.

18.80.300. DEFINITIONS.

In this chapter

- (1) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;
- (2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;
- (3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or a corporation, if the club, association or corporation is not organized for private profit;
- (4) "employment agency" means a person undertaking to procure employees or opportunities to work;
- (5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;
- (6) "national origin" includes ancestry;
- (7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;
- (8) "real property" means a building or portion of a building, whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;
- (9) "financial institutions" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company;
- (10) "blockbusting" means an unlawful discriminatory practice by real estate brokers, real estate salesmen or employees or agents of a broker or another individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to repre-

sent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

AS 22.10.020(c). SUITS IN SUPERIOR COURT.

The superior court is the court of original jurisdiction over all causes of action arising under the provisions of AS 18.80 or under AS 23.10.192. A person who is injured or aggrieved by an act, practice or policy which is prohibited under AS 18.80 or under AS 23.10.192 may apply to the superior court for relief. The person aggrieved or injured may maintain an action on his own behalf or on behalf of a class consisting of all persons who are aggrieved or injured by the act, practice or policy giving rise to the action. In an action brought under this subsection, the court may grant relief as to any act, practice or policy of the defendant which is prohibited by AS 18.80 or by AS 23.10.192, regardless of whether each act, practice or policy, with respect to which relief is granted, directly affects the plaintiff, so long as a class or members of a class of which the plaintiff is a member are or may be aggrieved or injured by the act, practice or policy. The court may enjoin any act, practice or policy which is illegal under AS 18.80 or under AS 23.10.192 and may grant any other relief, including the payment of money, that is appropriate.

- (3) "labor organization" includes any organization which exists and is constituted for the purpose, in whole or part, of collective bargaining or of dealing with employment or of other mutual aid or protection in connection with employment;
- (4) "unlawful discriminatory practice" includes only those unlawful discriminatory practices specified in AS 18.80.220 through 18.80.255;
- (5) "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association, or corporation is not organized for private profit;
- (6) "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;
- (7) "national origin" includes "ancestry".
- (8) "place of public accommodation, resort or amusement" includes but is not limited to educational institutions and all places included in the meaning of that term as it appears in AS 18.80.300.; nothing in this paragraph, however, bars any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making the selection as is calculated by the organization to promote the religious principles for which it is established or maintained;
- (9) "commission" means the State Commission for Human Rights;
- (10) "commissioner" means one of the members of the State Commission for Human Rights;
- (11) "chairperson" means the duly appointed chairman or chairwoman of the State Commission for Human Rights, or in the absence of the chairperson, the acting chairperson designated by the remaining members of the commission;
- (12) "investigating officer" means the executive director or a member of the commission's staff designated by the executive director to make an investigation;
- (13) "hearing commissioners" means the commissioners designated by the chairperson to conduct a hearing;
- (14) "commission attorney" means the attorney general of the State of Alaska or anyone designated by him to act as the commission attorney;
- (15) "party" or "parties" means the complainant or the respondent or both;
- (16) "law" means the Alaska state laws against discrimination;
- (17) "sex" includes "marital status" and "sexual preference";
- (18) "hearing examiner" is any person appointed by the hearing commissioners in accordance with sec. 55 of this chapter.

- (b) In AS 18.80. "physical handicap" means any physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy, and includes any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog for the blind, wheelchair or other remedial appliance or device.

6 AAC 30.180. VALIDITY OF REGULATIONS.

If a provision of this chapter or its application to any person or circumstance is adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation loses its force and effect, that judgment or action does not affect the remainder of this chapter.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 21, 1980

Please provide the Committee with a CS in final version form that incorporates the Committee's intent as expressed in the attached mark up.

5/21/80

Introduced: 4/21/80
Referred: Judiciary

House

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

HCS for SENATE BILL NO. 569 am

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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 State Commission for Human Rights."

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

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* Section 1. AS 18.80 is amended by adding a new section to read:

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Sec. 18.80.115. CONFIDENTIAL INFORMATION. Except as provided in AS 18.80.105, the commission may not make public the name of a person initiating a complaint or a person alleged to have committed an act or practice declared unlawful in this chapter during an investigation conducted by the commission under AS 18.80.110. The records of investigation and information obtained by the commission during an investigation under AS 18.80.110 are confidential and may not be made available by the commission for inspection by the general public. However, the

records and information compiled by the commission during an investigation shall be available to the complainant or respondent (1) at least 10 days prior to the holding of a hearing under AS 18.80.120 or upon the notice of failure of conciliation under AS 18.80.120, whichever occurs earlier, or (2) in accordance with the rules of discovery if an action relating to the charge is commenced in court.

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In addition the commission may issue public statements describing or warning of a course of conduct which constitutes or will constitute an unlawful practice under this chapter, and the commission may also make information public if necessary to perform its duties or exercise its powers under AS 18.80.105 and 18.80.120-18.80.145.

deleted

*Sec. 2. AS 18.80.220(b) is amended to read:

The state, employers, labor organizations and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. All persons required to furnish the federal Equal Employment Opportunity Commission with specified^{annual} information in accordance with 42 U.S.C. 2000e - 8(c) and federal regulations promulgated under that provision shall provide the commission with a copy of such information. In addition all persons required to furnish the Office of Federal Contract Compliance Programs with specified^{annual} information in accordance with Executive Order 11246 and federal regulations promulgated under that order shall provide the commission with a copy of such information. The submission of these informational reports to the commission shall be provided at the same time as such is given to the federal agency. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

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1 * Sec. ~~27~~. AS 18.80.300(3) is amended to read:

2 (3) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees [AN
4 EMPLOYER OF ONE OR MORE PERSONS] in the state but does not include a
5 club that is exclusively social, or a fraternal, charitable, educa-

6 tional, or religious association or corporation, if the club, associ-
7 ation or corporation is not organized for private profit;

8 * Sec. ~~27~~. AS 18.80.300 is amended by adding new paragraphs to read:

3
9 (11) "commission" means the State Commission for Human Rights;

10 (12) "executive director" means the executive director of the
11 State Commission for Human Rights;

12 (13) "physical handicap" means any anatomical, physiological,
13 or neurological disability, infirmity, malformation, or disfigurement
14 which is caused by injury, birth defect, illness or the history
15 of such a handicap; ~~or the perception of such a handicap;~~

16 (14) "state" includes the University of Alaska and the
17 judicial, legislative, and executive branches of state government
18 including all departments, agencies, commissions, councils, boards,
19 divisions and sections.

20 * Sec. ~~27~~. AS 23.10.155 - 23.10.185 and 23.10.192 are repealed.
21 4

EMPLOYERS COVERED	FEDERAL LAW	ENFORCING AGENCY	PERIODIC REPORTS REQUIRED	DATE REPORT REQUIRED	TIME RECORDS TO BE KEPT	AGENCY TO BE GIVEN ACCESS TO RECORDS
15 or more Employees	Title VII	EEOC	None	—	6 mos.	EEOC
100 or more Employees (Including Divisions and Subsidiaries)	Title VII	EEOC	EEO-1	Annually	6 mos.	EEOC
State or Local Gov't Agency with 100 or more Employees	Title VII	EEOC	EEO-4	Annually	6 mos.	EEOC
Elementary and Secondary Schools	Title VII Title IX Ed. Amend.	EEOC/HEW	EEO-5	Annually	6 mos.	EEOC/HEW
Federal Gov't Agencies	Title VII	CSC/Justice	EEO-1	Annually	6 mos.	CSC/Justice EEOC
20 or more Employees	Age Act	EEOC	None	—	3 years	EEOC
Any Employer	Equal Pay Act	EEOC	None	—	2 years	EEOC
Unions with 100 or more members	Title VII	EEOC	EEO-3	Annually	6 mos.	EEOC
Employment Agency acting as union or employer	Title VII	EEOC	EEO-1	Annually	6 mos.	EEOC
Employment Agency	Age Act	EEOC	None	—	3 years	EEOC
Gov't Contractor or Subcontractor with \$10,000 contract	Executive Order 11246	OFCC	EEO-1	Annually	1 year	Contracting Agency and OFCC EEOC
Management Apprenticeship Program with 100 or more Employees	Title VII	EEOC/Labor	EEO-2-E	Annually	2 years	EEOC/Labor
Labor-Mgt. Apprenticeship Program	Title VII	EEOC/Labor	EEO-2	Annually	2 years	EEOC/Labor
Contractor in Highway Construction	Title VII	FHWA	Yes	Monthly 1st 3 mos., then on request	3 years	FHWA EEOC
Broadcaster employing 5 or more	FCC regulations	FCC	FCC-395	Every May 31	—	FCC EEOC

5/21/80

Introduced: 4/21/80
Referred: Judiciary

House

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

HCS for SENATE BILL NO. 569 am

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 State Commission for Human
7 Rights."

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

9 * Section 1. AS 18.80 is amended by adding a new section to read:

10 Sec. 18.80.115. CONFIDENTIAL INFORMATION. Except as provided in
11 AS 18.80.105, the commission may not make public the name of a person
12 initiating a complaint or a person alleged to have committed an act or
13 practice declared unlawful in this chapter during an investigation
14 conducted by the commission under AS 18.80.110. The records of inves-
15 tigation and information obtained by the commission during an investi-
16 gation under AS 18.80.110 are confidential and may not be made available
17 by the commission for inspection by the general public. However, the

records and information compiled by the commission during an investigation shall be available to the complainant or respondent (1) at least 10 days prior to the holding of a hearing under AS 18.80.120 or upon the notice of failure of conciliation under AS 18.80.120, whichever occurs earlier, or (2) in accordance with the rules of discovery if an action relating to the charge is commenced in court.

In addition the commission may issue public
22 statements describing or warning of a course of conduct which constitutes
23 or will constitute an unlawful practice under this chapter, and the
24 commission may also make information public if necessary to perform its
25 duties or exercise its powers under AS 18.80.105 and 18.80.120-18.80.145.

1 *Sec. 2. AS 18.80.220(b) is amended to read:

2 The state, employers, labor organizations and employment agencies
3 shall maintain records on age, sex, and race that are required to
4 administer the civil rights laws and regulations. All persons
5 required to furnish the federal Equal Employment Opportunity
6 Commission with specified^{annual} information in accordance with 42 U.S.C.
7 2000e - 8(c) and federal regulations promulgated under that provision
8 shall provide the commission with a copy of such information. In
9 addition all persons required to furnish the Office of Federal
10 Contract Compliance Programs with specified^{annual} information in accordance
11 with Executive Order 11246 and federal regulations promulgated under
12 that order shall provide the commission with a copy of such
13 information. The submission of these informational reports to the
14 commission shall be provided at the same time as such is given to
15 the federal agency. These records are confidential and available only
16 to federal and state personnel legally charged with administering
17 civil rights laws and regulations. However, statistical information
18 compiled from records on age, sex, and race shall be made available
19 to the general public.
20

1 * Sec. 23. AS 18.80.300(3) is amended to read:

2 (3) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees [AN
4 EMPLOYER OF ONE OR MORE PERSONS] in the state but does not include a
5 club that is exclusively social, or a fraternal, charitable, educa-

6 tional, or religious association or corporation, if the club, associ-
7 ation or corporation is not organized for private profit;

8 * Sec. 24. AS 18.80.300 is amended by adding new paragraphs to read:

9 (11) "commission" means the State Commission for Human Rights;

10 (12) "executive director" means the executive director of the
11 State Commission for Human Rights;

12 (13) "physical handicap" means any anatomical, physiological,
13 or neurological disability, infirmity, malformation, or disfigurement
14 which is caused by injury, birth defect, ~~an~~ illness or the history
15 of such a handicap; ~~or the perception of such a handicap;~~

16 (14) "state" includes the University of Alaska and the
17 judicial, legislative, and executive branches of state government
18 including all departments, agencies, commissions, councils, boards,
19 divisions and sections.

20 * Sec. 25. AS 23.10.155 - 23.10.185 and 23.10.192 are repealed.

Introduced: 4/21/80
Referred: Judiciary

House

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 *HCS for* SENATE BILL NO. 569 am

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 State Commission for Human
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13 practice declared unlawful in this chapter during an investigation
14 conducted by the commission under AS 18.80.110. The records of inves-
15 tigation and information obtained by the commission during an investi-
16 gation under AS 18.80.110 are confidential and may not be made available
17 by the commission for inspection by the general public. However, the

18 records and information compiled by the commission during an investigation
19 shall be available in accordance with the rules of discovery to either
20 the complainant or the respondent if an action relating to the charge
21 is commenced in court. In addition the commission may issue public
22 statements describing or warning of a course of conduct which constitutes
23 or will constitute an unlawful practice under this chapter, and the
24 commission may also make information public if necessary to perform its
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5 required to furnish the federal Equal Employment Opportunity
6 Commission with specified information in accordance with 42 U.S.C.
7 2000e - 8(c) and federal regulations promulgated under that provision
8 shall provide the commission with a copy of such information. In
9 addition all persons required to furnish the Office of Federal
10 Contract Compliance Programs with specified information in accordance
11 with Executive Order 11246 and federal regulations promulgated under
12 that order shall provide the commission with a copy of such
13 information. The submission of these informational reports to the
14 commission shall be provided at the same time as such is given to
15 the federal agency. These records are confidential and available only
16 to federal and state personnel legally charged with administering
17 civil rights laws and regulations. However, statistical information
18 compiled from records on age, sex, and race shall be made available
19 to the general public.
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1 * Sec. 13. AS 18 80.300(3) is amended to read:

2 (3) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees [AN
4 EMPLOYER OF ONE OR MORE PERSONS] in the state but does not include a
5 club that is exclusively social, or a fraternal, charitable, educa-

6 tional, or religious association or corporation, if the club, associ-
7 ation or corporation is not organized for private profit;

8 * Sec. 14. AS 18.80.300 is amended by adding new paragraphs to read:

9 (11) "commission" means the State Commission for Human Rights;

10 (12) "executive director" means the executive director of the
11 State Commission for Human Rights;

12 (13) "physical handicap" means any anatomical, physiological,
13 or neurological disability, infirmity, malformation, or disfigurement
14 which is caused by injury, birth defect, or illness or the history
15 of such a handicap, or the perception of such a handicap;

16 (14) "state" includes the University of Alaska and the
17 judicial, legislative, and executive branches of state government
18 including all departments, agencies, commissions, councils, boards,
19 divisions and sections.

20 * Sec. 15. AS 23.10.155 - 23.10.185 and 23.10.192 are repealed.
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To: Rep. Fred Brown, Chair
House Commerce Committee

From: RIA. Fineberg

Date: April 21, 1980

Re: Human Rights Commission Data

HRC has agreed to release data re oil and oil field service companies to the House Commerce Committee through myself with the understanding that individual companies will be masked in all presentations. At your suggestion, I will have this information -- the committee will not -- thus precluding the possibility of committee leaks.

The arrangement was worked out with Neil Thomas; participating via telephone tie-in were Teresa Williams and Carolyn Jones. Controlling language was AG's May 14, 1979 letter to the Commission, page 9, which says: "Under this policy analysis, we believe AS 18.80.220(b) should be interpreted to require the Commission to keep information confidential until it is presented at public hearing unless the information is released in format which does not identify individual responding employers or unions."

Thomas and Daveed Schwartz (head of his systemic unit) said they had no objection to my intention to present the information publicly, if the data warrants, in a format that does not specify any companies and presents numbers in an altered, facsimile form -- or in percentages.

(This memo was written at 9:15 a.m., April 21.)

Addendum: April 26, 1980

After I obtained the information discussed by phone during the morning April 21, I held an exit conversation with Neil Thomas and Daveed Schwartz to make sure my plans for release of information in accord with our agreement that morning were consistent with their understanding. Midway during that afternoon meeting, Daveed Schwartz indicated the controlling portion might not be the page 9 portion of the AG's opinion cited to you and cited above; instead, he said, a federal guideline mentioned in the AG's opinion might be controlling. That guideline is that EEO-1 data should not be released for individual companies in any form, masked or otherwise; rather, three companies should be grouped together. Schwartz and Thomas felt the HRC adopted the AG's opinion, and that guideline, at a meeting last spring, and that they therefore felt the three-company aggregate procedure was consistent with the agreement we struck this morning. They acknowledged that this procedure is different from the one I cited in accepting the AG's opinion. It seems to me that we've tied up an awful lot of time -- HRC's and mine -- trying to find a way to make public what ought

Fineberg / Brown

Memorandum

April 21, April 26, 1980

Page Two

Re: Human Rights Commission Data

to be public in the first place, if we're serious about enforcing laws regarding equal opportunity.

HB 301

AMENDMENT

Section 2, AS 29.23.540(b) is amended to read:

(b) This section applies to home rule, unified municipalities and general law municipalities.

EXPLANATION:

The amendment is a technical change suggested by the Department of Community and Regional Affairs to insure that the section covers unified municipalities which were created after the law was originally passed.

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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS for SB 588
 Title An Act Continuing the Alaska Bar Assn.; Amending Bar Statutes; Effect.
 Requested by House Judiciary Committee Date 5/29/80 Date.

II. FISCAL DETAIL

Agency Affected Alaska Bar Association
 Program Category Affected Alaska Court System
 BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		.9				
200 TRAVEL		24.1				
300 CONTRACTUAL		1.7				
400 COMMODITIES		2.8				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		29.5				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

See attached fiscal note prepared by Bart Rozell, President Elect of the Alaska Bar Association. All information on this fiscal note was ^{copied} taken from Mr. Rozell's notations.

IV. DATE May 29, 1980 PREPARED BY Margaret A. Berck
 AGENCY Counsel to the House Judiciary
 Original: Legislative Finance PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HCS FOR SB 588
 Title Am Act Continuing the Existence of the Alaska Bar Assn. and
 Requested by House Judiciary Date 5/29/80
Amending Statutes Relating to Practice of Law
and providing for an effective date.

II. FISCAL DETAIL
 Agency Affected Alaska Bar Association
 Program Category Affected Alaska Court System
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	.9	.9				
200 TRAVEL	24.1	24.1				
300 CONTRACTUAL	1.7	1.7				
400 COMMODITIES	2.8	2.8				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	<u>29.5</u>	<u>29.5</u>				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE _____ PREPARED BY _____
 AGENCY _____
 Original: Legislative Finance PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House CS for Senate Bill No. 588
 Title An Act continuing the Alaska Bar Assn.; amending Bar Statutes; Effect
 Requested by House Judiciary Committee Date May 29, 1980 Date

II. FISCAL DETAIL

Agency Affected Alaska Bar Association
 Program Category Affected Alaska Court System
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		.9				
200 TRAVEL		24.1				
300 CONTRACTUAL		1.7				
400 COMMODITIES		2.8				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		29.5				

FUNDING (Thousands of Dollars)

<u>GENERAL FUND</u>						
<u>FEDERAL FUNDS</u>						
<u>OTHER (Specify Fund Source)</u>						

POSITIONS

<u>FULL TIME</u>						
<u>PART TIME</u>						
<u>TEMPORARY</u>						

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See attached fiscal note prepared by Bart Rozell, President-Elect of the Alaska Bar Association. All information on this fiscal note was copied from Mr. Rozell's notations.

IV. DATE May 29, 1980 PREPARED BY Margaret M. Berck *MMB*
 AGENCY Counsel to the House Judiciary Committee
 PHONE 465-3718
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

To - Peggy Berck, House Judiciary

Re - HB 984 fiscal note

From - Bart Rozell

Date - May 29, 1980

Pursuant to your request, I have the following information. I will set it out in the form I have it and you can decide how it should be presented on your form.

<u>Category of Expenditures</u>	<u>Current Budget Calendar 1980</u>	<u>Cost of 3 Lay Board Members</u>	<u>Mail Election of Officers</u>	<u>New 65-70 Bar Exam Hearings</u>	<u>New Total</u>	<u>Bar/Ex Trainin + Consult</u>
100	\$196.3		0.9		197.2	?
200	51.5	9.1		15.0	75.6	
300	165.3	1.0	0.7		167.0	
400	20.3	0.3	0.5	2.0	23.1	
500	10.0				10.0	
	<u>443.4</u>	<u>10.4</u>	<u>2.1</u>	<u>17.0</u>	<u>472.9</u>	<u>?</u>

The above increases cover just the three items listed. Even there, some guess work is required. For example, on bar exam hearings we have accounted for an estimated 15 hearings per exam (or about 2/3 the number of failing applicants with scores between 65 and 70). The estimate assumes only one extra meeting requiring travel in hopes that most hearings can be scheduled around regular meetings. There are two exams a year.

An item not included is contracts for bar exam consultants and training. At this time we would just be guessing (\$10,000?, \$20,000?).

An additional fiscal impact relates to membership action on dues. There is some sentiment to raise dues to a level sufficient so that we can decline all state money. Others want to have the State fund the Association fully if the legislature wants to make it a state agency. Some dues increase is required just to meet increasing costs such as inflation under the current budget. Present dues income is \$228,500, plus \$4,300 in penalties and \$9,000 in interest. If that income were lost, replacement state income would be required, plus funds to meet the anticipated budget deficit.

Other sources of income to us are irregular. We made a profit on CLE in 1979 and had a loss in 1978. Any profit is used to offset other costs.

We have not added any sum for additional costs of administration or additional positions, although additional responsibilities and burdens are involved. Again we would be guessing at the total. Perhaps the cost of one additional clerical employee should be added.

I hope this is helpful. Obviously we have responded on short notice. We are not used to framing our budget in the manner of a state agency.

cc Randall Burns

SJR

2

Berrier

Introduced: 1/15/79
Referred: Judiciary

1 IN THE SENATE

House Judiciary Committee Substitute
SENATE JOINT RESOLUTION NO. 2

BY RAY

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-
6 tution of the State of Alaska rela-
7 ting to disqualification of legisla-
8 tors.

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

10 * Section 1. Article II, sec. 5, Constitution of the State of Alaska is
11 amended to read:

12 SECTION 5. DISQUALIFICATIONS. No legislator may hold any other
13 office or position of profit under the United States or the State.
14 ^{during} ~~During~~ the term for which elected, ~~and for one year thereafter, no legis-~~
15 ~~lator may be nominated, elected, or appointed to any other office or~~
16 ~~position of profit which has been created, or the salary or emolumenta~~
17 ~~of which have been increased, while he was a member. This section shall~~
18 ~~not apply to legislative approval of any increases recommended by a~~
19 ~~salary commission or resulting directly or indirectly from collective~~
20 ~~bargaining.~~ This section shall not prevent any person from seeking or

21 ? holding the office of governor, lieutenant governor (SECRETARY OF
22 STATE), ^{necessary?} or member of Congress. This section shall not apply to employ-
23 ment by or election to a constitutional convention.

24 * Sec. 2. The amendment proposed by this resolution shall be placed
25 before the voters of the state at the next general election in conformity
26 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
27 laws of the state.

SJR

14

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1979

SUBJECT: SJR 14 am; protesting the proposed IRS regulations removing the tax exempt status of certain private schools

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

FROM: Richard A. Bradley *B*
Legislative Counsel

The request for the House committee substitute for SJR 14 am asked that I confirm the accuracy of the citation stated in the above SJR; I regret to advise you that the earlier citation was in error.

S. 103 of the present Congress, the 96th, is entitled:

"To provide that the Internal Revenue Service may not implement certain proposed rules relating to the determination of whether private schools have discriminatory policies."

The bill is sponsored by Senators Hatch, McClure, Laxalt, Thurmond, Goldwater, Helms, Garn, Harry F. Byrd, Jr., Tower, Hayakawa, and Stevens.

I cannot obtain a copy of S. 103 until the State Library reopens on Monday.

The title of SJR 14 as formerly written was intended to recognize that IRS was not proposing to remove the tax exemption of all private schools, but rather only those contained within the title of S. 103.

RAB:jdn

Introduced: 1/31/79
Referred: Health, Educa-
tion & Social Services

1 IN THE SENATE

BY BRADLEY

2 SENATE JOINT RESOLUTION NO. 14 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Protesting Internal Revenue Service
6 regulations removing the tax-exempt
7 status of certain private ^{non-profit} schools.

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

9 WHEREAS a free marketplace of ideas is the cornerstone of a democratic
10 society, and a flourishing of private schools offering a choice of religious
11 and educational philosophies is essential to the greatness of our nation; and

12 WHEREAS Congress has recognized the important educational role of pri-
13 vate schools and implemented the constitutional requirement of separation of
14 church and state by granting tax-exempt status to private ^{non-profit} schools; and

15 WHEREAS most private ^{non-profit} schools cannot cover their operating costs with
16 tuition but depend heavily on tax-exempt donations; and

17 WHEREAS the Internal Revenue Service has threatened the very existence
18 of private ^{non-profit} schools by writing regulations which would remove the tax-exempt
19 status of private schools; and

20 WHEREAS this precedent-setting decision by the Internal Revenue Service,
21 which would have a major impact on the future course of American education,
22 is a profound change in the policies established by Congress, and is in
23 effect usurping the policy-making responsibilities of Congress;

24 BE IT RESOLVED that the Alaska State Legislature protests the regula-
25 tions proposed by the Internal Revenue Service which threaten private ^{non-profit} schools
26 with the loss of their tax-exempt status; and be it

27 FURTHER RESOLVED that the Alaska State Legislature urges Congress to
28 enact legislation similar to S. 103, now introduced in the ^{96th} 94th Congress,
29 which would delay the promulgation and effective date of the Internal Revenue

1 Service regulations and would give Congress a chance to weigh the effects of
2 such regulations and take appropriate action.

3 COPIES of this resolution shall be sent to the Honorable Jimmy Carter,
4 President of the United States; Mr. Jerome Kuntz, Commissioner, Internal
5 Revenue Service; the Honorable Orrin G. Hatch, U. S. Senator from Utah and
6 prime sponsor of the Save Our Schools Act; and to the Honorable Ted Stevens
7 and the Honorable Mike Gravel, U S. Senators, and the Honorable Don Young,
8 U. S. Representative, members of the Alaska delegation in Congress.

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SYNOPSIS OF PROPOSED IRS REGULATORY DEMANDS

Under the proposed IRS regulations, private schools will be judged guilty of discrimination if they do not meet four out of five of the following demands:

- (1) Grant scholarships and provide other significant financial assistance to minority students.
- ✓(2) Actively and vigorously recruit minorities.
- (3) Increase our percentage of minority students.
- (4) Employ minority teachers or professional staff.
- ✓(5) Provide evidence of "good faith" by the following:
 - a. continued and meaningful advertising programs or contact with minority leaders inviting applications from minorities,
 - b. significant efforts to recruit minority teachers,
 - c. participation with integrated schools in sports and other activities,
 - d. making schools facilities available to outside, integrated civic or charitable groups, etc.
 - e. special minority-oriented curriculum or orientation, and
 - f. minority participation in founding the school or using minority board members.

HOUSE
JUDICIARY
1979-80

ABA SUNSET
REVIEW Files

ABA
SUNSET
REVIEW

#1

DOUGLAS POPE
Attorney

Law Offices
912 West Sixth Avenue
Anchorage, Alaska 99501
(907) 272-6225

Box 27
Hope, Alaska 99605

February 3, 1980

Hon. Charles Parr
Chair, House Judiciary Committee
Pouch V
Juneau, Alaska
99801

Re: sunset review of the integrated bar

Dear Mr. Chairman:

The purpose of this letter is to briefly state my views with respect to the sunset review of the integrated bar. I support termination of the present system. However, before I state my reasoning I wish to disclose that I have had no particular disagreements with the Alaska Bar Association that have affected me. My major contact with the Bar occurs each year when I pay my dues.

The conclusion that has led me to support termination is my belief that the Bar Association serves no useful purpose with regards to what I perceive should be a primary function--disciplining unethical conduct within the profession. The respect for the integrity of my profession is low, and I do not believe that it deserves to be higher. I frequently encounter conduct during the course of doing business in my profession that is either demonstrably improper or has the appearance of impropriety. This conduct has taken the form of improper communications to the press, ex parte communications with the judiciary, misrepresentations to the courts and concealing or withholding relevant evidence. Most of these examples occur during the course of litigation and are properly the role of the judiciary to control. The current system, with its divided policing functions, does little to impress the judiciary of the importance of this function. Until a strong and ethical professional guidance is obtained, the public is entirely justified in its distrust.

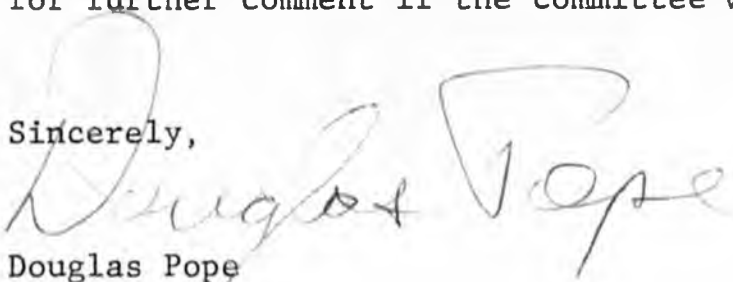
It should not be assumed from my position that I place great trust in the judiciary to adequately accept the responsibility. Today some judges will not stand for even the appearance of impropriety while others do not seem to place those appearances in high regard. I do believe, however, that the judiciary should be situated with that sole responsibility on a case by case basis. If they do not live up to their responsibility, or if the committee wishes for some lay oversight, then the judicial ethics oversight should be strengthened.

One final and different note that supports my conclusion. I am aware of at least one instance where the Bar did discipline an attorney who was convicted of a crime. The disciplinary committee recommended

a six month suspension from practice. Despite the absence of an appeal from that recommendation, and despite the lack of an opportunity for the particular attorney to be heard, the Board of Governors invoked a two year suspension. It is beyond my comprehension why a group of attorneys can feel that they are not bound by the due process and equal protection guarantees that we so often stress, yet the action of the Board of Governors clearly disregarded those guarantees. The judiciary would most certainly be more attuned to those guarantees.

I appreciate this opportunity to submit my views. I am available for further comment if the committee wishes.

Sincerely,


Douglas Pope

TO: REPRESENTATIVE CHARLES PARR, CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE
FROM: S. B. MITFORD, P. O. BOX 326, ANCHORAGE 99510 277-8116

I FULLY SUPPORT THE ABOLISHMENT OF THE ALASKA BAR ASSOCIATION AND
RECOMMEND THAT ALL THE ASSOCIATION FILES ON DISCIPLINARY ACTIONS
AND COMPLAINTS BE TURNED OVER TO THE STATE OMBUDSMAN FOR REVIEW
FOR POSSIBLE INDICTMENTS IN CASES WHERE THE ASSOCIATION HAS FAILED
TO ACT ON JUST COMPLAINTS, AND TO OFFER TO RECEIVE PUBLIC
COMPLAINTS FOR LACK OF ASSOCIATION ACTION ON COMPLAINTS, TO IN
FUTURE PROCESS NEW COMPLAINTS; THE TRAIL BODY TO EXCLUDE ANY
ATTORNEYS. HOPE THIS SUPPORT WILL BE OF SOME ASSISTANCE.

SBM

Moore Business Forms, Inc.

February 5, 1980

Representative Joyce Munson
833 E. 79th Avenue
Anchorage, Alaska 99502

RE: Pending Legislation
Regarding the Practice of Law

Dear Joyce:

During the time that I have known you, while serving on the Board of Directors of the Mental Health Association, we have only infrequently discussed the practice of law. However, this issue is the purpose of my writing this letter.

I understand that there is proposed legislation before the legislature which would de-integrate the Bar and would establish a Commission, to be staffed by the governor, which would supervise the practice of law. This Commission would replace the present Board of Governors. I cannot express strongly enough my opposition to any concept or proposal which would take the supervision of the practice of law away from courts and lawyers. My position may seem very self-serving and flies in the face of our usual, and quite reasonable, assumption that no person or persons are immune from the need for supervision. However, I feel that the Board of Governors adequately serves this supervisory role and that the Board's replacement with a state Commission would be deleterious both to the administration of justice and to the public.

I cannot help but digress at this point to express my own view that legislative efforts directed against attorneys reflect the frustration and anger of a misinformed public. There is no greater myth relating to the practice of law than that attorneys are wealthy as a class. Several years ago a study was done showing that attorneys earn approximately half the income of doctors and that figure was approximately \$25,000. This hardly

represents a windfall income following seven years of post-secondary education. More importantly, the public has not been so much concerned with attorney income as with the burden that attorney fees places on their own incomes. In response to this problem our society must be honest enough to face the real cause of such a situation and avoid the use of scapegoats. Throughout the last several decades our courts, our legislatures, and our federal bureaucracy, as well as Congress, have increasingly "legalized" our society. There are many areas of life, such as the expulsion of students from school, sexual harrassment on the job, age discrimination, and numerous other areas which were previously the realm of societal norms and sanctions but which have now become the realm of the courts and of our legal system. Necessarily, the accomplishment of any task relating to these problems requires the use of attorneys and attorney time. Attorneys primarily bill by the hour. Therefore, the fee generated by any controversy depends on the length of time required by the attorney to competently attend to it. As government regulations grow and as the courts are increasingly flooded with litigation and understaffed, with the resultant delay in the completion of litigation, fees will undoubtedly increase. There exist many cases with which I am familiar where, if the attorney only billed for his overhead time and chose to make no income whatsoever, the client could still not afford the attorney's fee.

Therefore, as a class attorneys are not becoming filthy rich. Rather, the increased use of attorneys and the resultant increase in attorney fees reflects our society's desire to remedy social problems through the courts. I am not going to comment on whether I believe this is a good or bad trend. But what I think is important is that society itself has made this decision and it is woefully unfair to blame attorneys for the necessarily resultant increase in legal costs. It is somewhat reminiscent of the practice of ancient kings who would occasionally slay a messenger who bore bad news.

It is my understanding that some elements in the legislature would like to have access to attorney files and attorney discipline files. I can't express strongly enough my opposition to such a gross infringement upon the privacy not only of the attorney, who is frequently the subject of unjustified attacks, but also of his client whose secrets would be revealed in such an inquiry. There is no question that the legal profession, as with any

J. Munson
Page 3
February 5, 1980

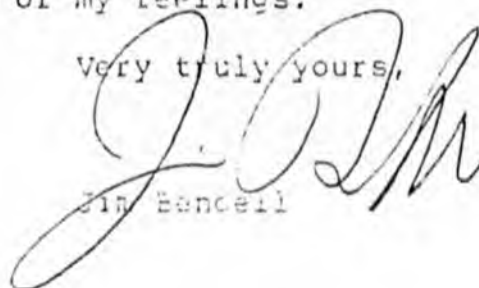
other profession, possesses some incompetent and dishonest persons. I heartily support any effort designed to minimize these problems. However, I do not believe that the establishment of a state Commission, with an additional layer of bureaucracy, would accomplish this goal.

Finally, Joyce, I oppose the establishment of a Commission because I frankly fear that many laypersons have a rather dim view of the Bill of Rights, the rights of mentally ill and indigent persons, the right of privacy, and many other of our civil liberties. Many of these persons are very well-meaning. For example, there was recently a rather notorious rape trial conducted in Anchorage where there were some representatives from anti-rape groups who cast rather jaundice eyes at the defense attorney representing the defendant. I sometimes wonder whether these persons wished that the defendant did not have a right to a trial. I believe that our profession acts in a commendable manner when it undertakes the representation of the most despised and wicked persons in our society. In fulfilling this role, the attorney follows zealously the canons of ethics and underlines his belief that all persons are entitled to legal representation. I wonder how many other persons in our society really believe that.

In our increasingly atomized and divided society, there exists only a few remnants of the sacred relationships from the past. Among these is the attorney/client relationship. These relationships stand as shields of the individual from the frequently callous voice of the mob. I believe that the Board of Governors of the Bar Association acts in the interest of the Bar as well as the interest of all of our clients in upholding the traditions of the legal profession. I hope that the legislature does nothing to interfere with this important function.

Thank you very much for taking the time to read this rather verbose expression of my feelings.

Very truly yours,



Jim Bence

JM:pac

2130 2nd
Douglas, Ak 99824
Feb 20, 1980

Charles Parr
Chairman
House Judiciary Committee

Dear Chairman Parr:

Although I am too busy to appear personally before the judiciary committee, or even to make this written testimony very complete or detailed, I would like for the House Judiciary Committee to know during its deliberation on sunset review of the Alaska Bar Association that there is at least one attorney out there who would like to see the bar association completely eliminated as a government recognized and protected monopoly in the field of legal services.

As a member of both the Alaska and Washington State Bar Associations, it has become apparent to me that the existence of a single recognized bar association is detrimental rather than beneficial to the recipients of legal services. Having taken bar examinations, it is apparent that they do not accurately reflect the ability of an applicant to perform as a competent or ethical attorney.

Instead, the public is lead to believe that anyone with a bar certificate on his wall is capable of handling his particular case. Then, when a particular attorney might come under attack from a dissatisfied client, there is often reluctance on the part of the 'legal establishment' (bar association) to fairly resolve the matter.

To my way of thinking, the bar monopoly is a means for an elite of the legal establishment to unjustly control the practice of law and to choose judges in a manner that almost completely circumvents democracy.

My solution is to leave the practice of law to the free market so that freely organized associations of 'attorneys' will develop which will set their own standards for admission to include levels of education, experience, and legal insurance for their mistakes.

In this manner, the consumer of legal services would have his choice of options widened, and the inadequate attorneys would be weeded out of the system since voluntary associations of attorneys would have incentive to build their reputations so as to attract clients.

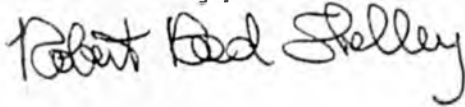
In addition, attorneys should be allowed to advertise freely and to set their fees as the free market might dictate.

While this testimony may incur the wrath of the legal establishment, my conscience could not allow me to do otherwise.

Parr
Page 2

To prove my point as to the public's demand for alternative legal services, I have often been requested as an attorney by persons who do not trust lawyers who play up to the legal establishment.

Yours truly,

A handwritten signature in cursive script that reads "Robert Reed Shelley". The signature is written in dark ink and is positioned above the typed name.

Robert Reed Shelley
Attorney-at-Law

February 21, 1980

Rep. Charles Parr
Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Rep. Parr:

I would like to comment on the proposed "sunset" of the Alaska Bar Association. I have been a member of the Bar since 1974. I probably have an unusual perspective on the Bar, as I am one of the attorneys representing a group of lawyers and lay people who sued the ABA for holding a Board of Governors meeting in Hawaii a couple of years ago. The plaintiffs in that case lost in the Superior Court, but our appeal was argued to the Supreme Court in April, 1979, and therefore awaits a decision.

I think the ABA either should be abolished, or, alternatively, that its Board of Governors should be completely restructured to give control to lay people selected by the Governor, confirmed by the House or Senate or both, and required to serve staggered terms of a number of years.

The ABA as presently constituted is largely ineffective in performing the functions bar associations are designed to perform. In theory, such associations are to ensure the ethical standards of lawyers are maintained and the competency level of lawyers is at a minimum level. Normally the latter function is done through bar exams and continuing legal education programs.

Statistics show that the ABA rarely disciplines its lawyers for ethical violations. The rare discipline that is imposed is mild at best. The ethical complaint process, furthermore, takes too long, and does little to provide recourse to clients who nonetheless must sue for malpractice if they seek monetary compensation for a damaging ethical violation.

The ABA's activities also do nothing to ensure that minimal levels of competency for lawyers are maintained. The bar examination is basically a literacy test. One need not have went to law school to be able to pass it; anyone with basic writing skills who has been to college and who can take one of the many bar examination review courses offered could pass the exam. Continuing legal education is not mandatory, and therefore the fact that on occasion the ABA offers seminars, training sessions, and so forth is irrelevant to its obligation to ensure that its members are well trained. I have had lawyers tell me that they have never read a law review

and have no idea what the inside of the local library looks like.

The ABA has also done nothing material to ensure that legal services are provided to bush communities, or that minorities are given assistance to become lawyers. That the largest minority population in Alaska (Alaska Natives) has less than a handful of members in the ABA is distressing.

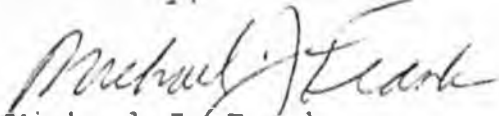
The ABA employs a lobbyist in Juneau, or at least it has in the past. Since ABA membership is mandatory, ABA members really have no way of disassociating themselves from the positions the lobbyist is instructed to take by the Board of Governors. This raises, in my opinion, grave free speech questions. It is my understanding that the Board may have limited the "lobbying" of the lobbyist to avoid these problems, but as far as I know there are no written parameters limiting the lobbyist's roll in Juneau.

Needless to say, I also think it an abomination that the ABA's Board of Governors meets outside the State of Alaska at least once each year. Next year I hear that the Board intends to change the Hawaii location to Mexico. In my view (and hopefully the Supreme Court's) this violates Alaska's open meeting act. Even if it does not, however, it certainly is questionable behavior in the public's perception, and does little to enhance the image of lawyers in the eyes of Alaska's citizens. I resent the use of mandatory dues (in essence, a tax like any other) that I supply to the ABA for mid-winter tropical vacations for ABA Board members when such funds could be used to finance minority scholarships, mandatory education programs, periodic competency testing, and other functional activities of the ABA.

Most of the grievances I have could probably be solved by a restructuring of the ABA Board to give control to lay people. I would rather see the judiciary take over the ABA's functions, but the likelihood of abolition of the ABA is probably remote. At least with the continuation of the ABA the legislature would retain some control, control that would be absent if the judiciary did the job, although I do think the judiciary would do a very responsible job. It is difficult for me to believe that a better job cannot be done.

Thank you for hearing my views. I would appreciate it if you circulated this letter among members of your committee if possible.

Sincerely,


Michael J. Frank
2224 Turnagain Parkway
Anchorage, Alaska 99504

Ph: 243-7645



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 273-8611

March 12, 1980

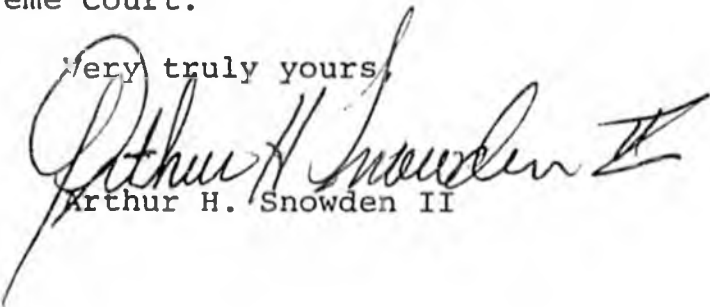
The Hon. Charles Parr, Chairman
House Judiciary Committee
Room 126, State Capitol Building
Juneau, Alaska 99811

Dear Representative Parr:

In my letter of March 4, 1980, with reference to the sunset of the Alaska Bar Association, I stated in the last sentence that the Court hopes that the Bar Association and the Legislative Budget and Audit Committee can reach a reasonable accommodation of their present dispute.

I wish to make it clear that in commenting on this subject, in no way did I intend to comment or convey any information on the merits of the controversy between the Legislative Budget and Audit Committee and the Alaska Bar Association before the Supreme Court.

Very truly yours,



Arthur H. Snowden II



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

March 12, 1980

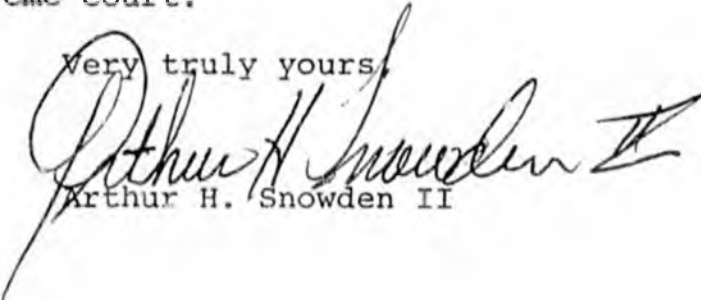
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Very truly yours,



Arthur H. Snowden II



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Charlie Parr, Chairman, and Members of the House Judiciary
Committee

FROM: Margaret W. Berck, Counsel to the Committee

DATE: March 12, 1980

RE: Recodification of the Alaska Integrated Bar Act.

*Section 1.

Chapter 08. Alaska Bar Act.

Sec. 08.08.010. CREATION OF THE ALASKA BAR ASSOCIATION. There is created an agency of the state known as the Alaska Bar Association, referred to in this chapter as the Alaska Bar. The Alaska Bar shall have a common seal, may sue and be sued, and may, for the purpose of carrying into effect and promoting the objects of the Alaska Bar, enter into contracts and acquire, hold, encumber and dispose of real and personal property. (§ 2 ch 196 SLA 1955)

Sec. 08.08.020. MEMBERS. A person licensed to practice law in the state may become a member of the Alaska Bar.

Sec. 08.08.030. GOVERNANCE OF THE ALASKA BAR. The Alaska Bar is governed by the Board of Governors of the Alaska Bar. The board has the powers and duties conferred by this chapter and by the Alaska Bar Rules. Members of the board shall receive no salary. (§ 6 ch 196 SLA 1955; am § 3 ch 181 SLA 1976)

Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR; ELECTION AND APPOINTMENT. The Board of Governors of the Alaska Bar shall consist of nine members, six of whom shall be elected by and from among the members of the association and three non-attorney members who shall be appointed by the governor.

(b) Of the elected members, one shall be elected by and from among the members of the association resident in the first judicial district; two shall be elected by and from among the members of the association resident in the third judicial district; one shall be elected by and from among the members of the association resident in the combined area of the second and fourth judicial districts; and two shall be at large from the entire state.

(c) Members of the Board of Governors shall hold office for three years and until their successors are elected or appointed.

(d) Two members of the Board of Governors shall be elected annually and one member of the Board of Governors shall be appointed annually on the following triennial rotation:

(1) in the first year, one member shall be appointed, one member shall be elected at large, and one member shall be elected from the third judicial district;

(2) in the second year, one member shall be appointed, one member shall be elected from the combined area of the second and fourth judicial district, and one member shall be elected from the first judicial district;

(3) in the third year, one member shall be appointed, one member shall be elected at large and one member shall be elected from the third judicial district.

Sec. 08.08.050. ELECTION OF BOARD OFFICERS. The active members of the Alaska Bar Association shall elect annually by a majority vote the association's officers from among the membership of the Board of Governors.

Sec. 08.08.060. VACANCIES ON THE BOARD. A vacancy affecting an elected membership position on the board shall be filled by appointment by the remaining board members until the next annual election. A vacancy

affecting an appointed membership position on the board shall be filled by appointment by the governor. Vacancies affecting appointed membership positions shall be filled for the unexpired term.

Sec. 08.08.070. MEETINGS OF THE BOARD. All meetings of the Board of Governors of the Alaska Bar shall be in compliance with AS 44.62.310, et. seq. Reasonable notice to the general public shall be provided. Furthermore all meetings shall take place within the geographical boundaries of this state.

Sec. 08.08.080. POWERS OF THE BOARD. (a) Except as may be otherwise provided in the statutes or the Alaska Bar Rules, the board may adopt reasonable provisions:

- (1) concerning membership and classification of membership in the Alaska Bar;
- (2) providing for employees of the Alaska Bar, the time, place and method of their selection, and their respective powers, duties, terms of office, and compensation;
- (3) concerning annual and special meetings;
- (4) concerning the collection, deposit, investment, and disbursement of membership, admission or licensing fees, penalties, and all other funds;
- (5) providing for the maintenance of the register of each attorney admitted to practice as an attorney at law in the courts of this state;
- (6) providing for continuing legal education and certification of continuing legal education programs;
- (7) providing for the specialization of attorneys admitted to practice as an attorney at law in the courts of this state;
- (8) providing for the organization and government of local

subdivisions of the Alaska Bar;

(9) providing for all other matters affecting in any way the organization and functioning of the Alaska Bar.

(b) The board may:

(1) approve and recommend to the state supreme court additional rules for promulgation by the court including rules concerning admission, discipline, licensing and continuing legal education;

(2) adopt reasonable bylaws and regulations consistent with statutes and Alaska Bar Rules;

(3) sue in the name of the Alaska Bar in a court of competent jurisdiction to enjoin a person from doing an act constituting a violation of this chapter;

(4) fix the annual membership fee for active, inactive, judicial, and honorary members.

Sec. 08.08.090. ANNUAL REPORT TO LEGISLATURE. The Board of Governors shall report annually to the Chairmen of the Senate and House Judiciary Committees of the Alaska State Legislature on all matters concerning admissions, discipline, and disbarment proceedings, except for those matters defined as confidential by court rule. Furthermore this report shall address any modification, repeal, or addition to the bylaws and regulations of the Alaska Bar as well as any modification, repeal, or addition to or any proposed modification, repeal, or addition to the rules of court.

Sec. 08.08.100. POWER OF THE ALASKA BAR TO MAKE OR CHANGE BYLAWS AND REGULATIONS.

repealed
 Power of the bar to make or change bylaws and regulations. Any bylaw or regulation adopted by the Board of Governors may be modified or ~~repealed~~, or a new bylaw or regulation may be adopted, by a vote of the active members of the association under bylaws and regulations to be prescribed by the Board of Governors. (§ 7 ch 196 SLA 1955; am § 3 ch 168 SLA 1960; am § 7 ch 181 SLA 1976)

Sec. 08.08.110. ADMINISTRATIVE PROCEDURE ACT.

Administrative Procedure Act. The bylaws and regulations adopted by the board or the members of the Alaska Bar under this chapter are not subject to the Administrative Procedure Act (AS 44.62). (§ 7 ch 196 SLA 1955; am § 3 ch 118 SLA 1960; am § 8 ch 181 SLA 1976)

Sec. 08.08.120. LICENSE FEES. The fee for the initial issuance and the annual renewal of a license ^{to practice law in the state} shall be \$25.00. License fees are due and payable to the Alaska Bar.

Sec. 08.08.130. SUSPENSION FOR NONPAYMENT OF LICENSE FEES. (a) Any attorney-at-law failing to pay the license fee within 30 days after it becomes due shall be notified in writing by certified or registered mail that the Executive Director of the Alaska Bar shall petition a Justice of the Supreme Court of Alaska for an order suspending such person for nonpayment of license fees.

(b) The Executive Director of the Alaska Bar shall annually notify the clerks of court of the names and date of suspension of all persons who have been then or previously suspended and not reinstated.

(1) Any person who has been suspended for less than one year, upon payment of the license fee, in addition to a penalty of \$10.00 per month of delinquency, shall be reinstated upon certification by the Executive Director of the Alaska Bar to the Supreme Court and the clerks of court that the license fees and penalties have been paid.

(2) Any person who has been suspended for a year or more, upon determination of good character by the Board, and upon payment of all accrued license fees, in addition to a penalty of \$10.00 per month of delinquency, shall be reinstated upon certification by the Executive Director of the Alaska Bar to the Supreme Court and the

clerks of court that the person is of good character and that the license fees and penalties have been paid.

Sec. 08.08.140. DEFINITION OF THE PRACTICE OF LAW. (a) Any person who either is or represents himself to be or causes any other person reason to believe that he is an attorney-at-law or a member of the bar of any jurisdiction, is engaged in the practice of law while performing any of the following acts for or on behalf of any other person, with or without compensation:

- (1) Appearance in or conduct of litigation or performance of any act in connection with proceedings, pending or prospective before a court of this State unless otherwise provided by court rule; or
- (2) Appearance in or conduct of litigation or performance of any act in connection with proceedings pending or prospective before any other body constituted by law to settle controversies; or
- (3) Giving counsel as to any person's legal rights or obligations;
or
- (4) Preparation or procurement of instruments or other papers creating, limiting, claiming, granting, terminating, or otherwise **securing** legal rights; or
- (5) Engaging in any act or other practice determined by the courts of law to constitute the practice of law.

(b) Any person not included in subsection (a) of this section who, for compensation, performs any of the acts set forth in (1) through (5) of subsection (a) of this section, is engaged in the practice of law unless such acts are performed as part of the regular conduct of a business the primary purpose of which is other than the performance of any of the acts set forth in (1) through (5) of subsection (a) of this section. The practice of law shall not include actions by government employees in the course of their employment within the agency by which they are employed.

(c) The term "person" as used in this section includes a corporation, company, partnership, firm, association, organization, business trust, bank or governmental entity as well as a natural person.

Sec. 08.08.150. WHO MAY PRACTICE LAW.

Who may practice law. (a) No person may engage in the practice of law in the state unless he is licensed to practice law in Alaska, ~~and is an active member of the Alaska Bar.~~ A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may prescribe.

~~(b) The practice of law shall be defined in the Alaska Bar Rules.~~

~~(b) (c)~~ This section and § ~~200~~²⁰⁸ of this chapter do not apply to the practice of law for the legislature by a person employed by or under contract with the legislature who

(1) has been employed as a member of its legal staff on or before September 14, 1976;

(2) has engaged in the practice of law on behalf of the legislature on or before September 14, 1976 and been compensated on a contractual or fee basis; or

(3) is employed by or under contract to the legislature and whose activities would constitute the practice of law under this chapter ~~and under Alaska Bar Rules~~, until the results are released of the third Alaska Bar examination following that person's employment.

~~(c) (d)~~ Employees of the Department of Law whose activities would constitute the practice of law under this chapter ~~and under Alaska Bar Rules~~ are required to obtain a license to practice law in Alaska, no later than 10 months following the commencement of their employment. (§ 12 ch 196 SLA 1955; am § 9 ch 181 SLA 1976)

Sec. 08.08.160. EMPLOYMENT OF PROFESSIONAL TEST ADMINISTRATORS IN THE CONSTRUCTION AND GRADING OF THE ALASKA PORTION OF THE ALASKA BAR EXAMINATION; TRAINING REQUIREMENTS FOR MEMBERS RESPONSIBLE FOR THE PREPARATION AND GRADING OF THE ALASKA BAR EXAMINATION.

(a) The Board of Governors of the Alaska Bar shall contract with professional test administrators to assist the Alaska Bar in the preparation of questions and graders' analyses regarding the Alaska portion of the Alaska Bar Examination.

(b) Those members of the Alaska Bar who are designated by the board to prepare questions for the Alaska Bar Examination or to grade the Alaska Bar Examination shall ~~receive training~~ ^{HAVE BEEN TRAINED} in the preparation and grading of bar examinations.

Sec. 08.08.170. ELIGIBILITY TO TAKE BAR EXAMINATION.

Eligibility to take bar examination. Applicants who have not graduated from an ~~accredited~~ law school but are otherwise qualified may take the bar examination if they have completed a clerkship in the manner prescribed by § ~~207~~ of this chapter. (§ 12 ch 181 SLA 1976) § 180

Sec. 08.08.180. LAW CLERKS.

(a) Every person who desires subsequently to qualify as a general applicant for admission to the ~~Alaska Bar~~ without having been graduated from an ~~accredited~~ law school shall register as a law clerk as provided by this section. He must be a bona fide resident of the state and shall present satisfactory proof that he has been granted a bachelor's degree (other than bachelor of laws) by a college or university offering the degree on the basis of a four-year course of study and has successfully completed his first year of studies at a law school. → practice of law in this state

(b) The applicant shall obtain regular and full-time employment as a law clerk in the office of a judge of a court of record or an attorney or firm of attorneys licensed to practice law in Alaska and engaged in the general practice of law. The person by whom he is employed, or, if he is employed by a firm, the person under whose direction he is to study, must have been admitted to practice law in this state for at least five years at the time the application for registration is filed, and be otherwise eligible to act as tutor. Before the commencement of the study of law under this section, the applicant shall file with the university an application to register as a law clerk. The application shall be made on a form to be provided by the university and shall require answers to interrogatories the university may determine from time to time to be relevant to a consideration of the application. Proof of a fact stated in the application may be required by the university. If the applicant fails or refuses to furnish any information or proof or answer any interrogatory required by the application, or independently by the university, in a manner satisfactory to the university, the application may be denied.

(c) Accompanying the application there must be submitted a statement under oath of the person by whom the applicant is employed as a law clerk, or, if he is employed by a firm, of the person under whose direction he is to study, certifying to the fact of the employment and that that person will act as tutor for the applicant and will faithfully instruct the applicant in the branches of the law prescribed by the courts of study adopted by the university. No person is eligible to act as tutor while disciplinary proceedings (following the service of a formal complaint) are pending against him, or if he has ever been censured, reprimanded, suspended or disbarred. If a registered law clerk finds it necessary to change his tutor during his period of study, a new application for registration as a law clerk is required and such credit given for study under his prior tutor as the university may determine.

(d) A law clerk whose registration has been approved by the university must pursue a course of study for three calendar years of at least 44 weeks each year, with a minimum each week of 35 hours of study (it being understood that the time actually spent in the performance of the duties of law clerk is to be considered as time spent in the study of law). The tutor must give personal direction regularly and frequently to the clerk, must examine him at least once a month on the