

1078

FLM

HB

839

-

SB

4

House Bill #859
Page Three

If the SSI program therefore counted the Bonus money to these persons as available income, it would decrease its payments to them by a corresponding amount, thus in effecting substituting state monies for federal monies in the recipient's income. While the state Aid to the Disabled program could perhaps increase its monthly payment by \$150 by disregarding the Longevity Bonus payment, some recipients who are currently eligible for Medicaid coverage would nevertheless exceed the federally-specified Medicaid maximum allowable monthly income limit.

Those persons who would lose this valuable medical coverage, which is funded with 50% federal funds and 50% state funds, could perhaps be added to the state-only funded General Relief Medical program, but this would again result in substituting state dollars for federal dollars.

Adding Longevity Bonus coverage to this new group would also result in some needy persons losing, or suffering a decrease in, benefits from the federally-regulated Food Stamp and Aid to Families with Dependent Children (AFDC) programs, neither of which disregard Longevity Bonus payments. Loss of AFDC eligibility would cause a loss in Medicaid benefits.

Since the average Medicaid-eligible disabled adult currently receives over \$5000 in Medicaid benefits alone each year, passage of Sec. 11 could add at least \$2500 per affected recipient in increased state expenditures for continued medical coverage for each current Medicaid recipient rendered over-income for Medicaid coverage.

The Department supports the concept of offering additional assistance to disabled older Alaskans, recommends revision and additions be made to Section 1 of HB 859, but opposes this legislation due to fiscal implications.

Recommended By:

Rod Betit

Rod Betit, Director
Division of Public Assistance

Date: 2/29/80

Approved By:

Helen D. Beirne

Helen D. Beirne, Commissioner
Department of Health and Social Services

Date: 3/3/80

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB #659

Title An Act extending certain benefits to the permanently and totally disabled

Requested by Representative Munson Date 2/29/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Social & Economic Assistance for General Population

BRU, Program, or Subprogram(s) Affected Eligibility Determination BRU

(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		24.0				
200 TRAVEL		1.5				
300 CONTRACTUAL		652.3				
400 COMMODITIES		.3				
500 EQUIPMENT		1.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		679.1				

FUNDING (Thousands of Dollars)

GENERAL FUND		679.1				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0				
PART TIME						
TEMPORARY						

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

No data exists indicating how many Alaskans may be eligible, or how many of those may choose to apply. Projected costs assume well over 800 applications per year, with approximately 800 disability determinations. (This assumption is based on an informal estimate from Division of Vocational Rehabilitation.)

(1) Eligibility Worker 1: Includes outreach activities, processing application documents, assisting clients in gathering existing medical information, issuing certification and denial notices, handling appeals, etc.

1533 (FY 81 salary 11A) + 240 (benefits .1572) + 102 (FICA) + 127 (Health) =
2002 month x 12 months = 24024

Support cost: Travel 1.5, Contractual 5.0, Commodities .3, Equipment 1.0

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

Prepared by: [Signature] Date: 2/29/80
Division/Office: [Signature] PH: 3047
Department of Health & Social Services

33-001 (Rev. 12/79)
Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: [Signature] Date: 3/3/80

- (2) 652.3 for contract with Division of Vocational Rehabilitation, Department of Education, to provide for 800 determinations of disability per year, in a separate determination unit. Included are salary and support costs for adjudication personnel, clerical support, medical and psychological consulting services, client travel costs to and from examinations where necessary, and medical and psychological examiners' fees.

KA

MEMORANDUM

TO: R. D. Stevenson
Special Assistant
Department of Revenue

DATE: March 19, 1980

FILE NO:

TELEPHONE NO:

FROM: Gary L. Jenkins
Director
Audit Division

SUBJECT: House Bill No. 859

Section 8 of this bill would exempt individuals who have reached the age of 50 and who have been certified as permanently and totally disabled, from the requirement to report the gain on any involuntary conversions, tax free exchanges, or sale of personal residences if they were to leave the State. This legislation will result in a loss of revenue to the State of Alaska. The actual revenue effect will be determined by the Research Section of this department.

There will be no additional administrative costs for this division as a result of the proposed legislation.

IV. DATE 3/25/80 PREPARED BY Barbara Stone
AGENCY Revenue
PHONE 2174
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER _____

DEPARTMENT _____

ATTENTION _____

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

*Labor & mgt. Com.
#1 413 cap.*

FROM:
MAIL STATION NUMBER _____

DEPARTMENT _____

BY _____ DATE _____

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 859 - An Act extending certain benefits to the permanently
 Title and totally disabled.
 Requested by Rep. Rogers Date 3/18/80

II. FISCAL DETAIL
 Agency Affected Public Safety
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Driver Vehicle Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

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

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)

Handicapped or disabled persons of any age are already given free plates under AS 23.10.181(d).

IV. DATE 3/18/80 PREPARED BY Michael J. Clemens
 AGENCY Public Safety
 PHONE 465-4336
 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. H B 859
 Title Extending Certain benefits to the permanently and totally disabled
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Senior Citizen Tax Relief
 (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 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			20.0	21.6	23.3	25.2
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT			3.0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			747.1	898.5	1084.8	1314.6
TOTAL			770.1	920.1	1108.1	1339.8

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND			770.1	920.1	1108.1	1339.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME			2	2	2	2
TEMPORARY						

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

This Fiscal Note applies to only those programs which Community & Regional Affairs administers. For purposes of this Fiscal Note, the following amounts and assumptions were used:

- (A) Average payment for renters equivalency payments (1979) = \$178.00
- (B) Average payment for Homeowners exemption (1979) = \$567.00
- (C) Average payment for Sewer & Water assessment deferment (1979) = \$970.00
- (D) Percent of applicants for Sewer & Water payments to homeowners exemption = 5%
- (E) Number of permanent, totally disabled residents as of December 1979 - 1831
- (F) Average annual increase of permanent totally disabled residents = 9.5%
- (G) Estimated annual increase in valuations and taxes = 12%
- (H) Estimate 75% of permanent totally disabled residents are 50 years or older
- (I) Estimate 1/2 of (H) rent and 1/2 of (H) own their residences

CONTINUED --

IV. DATE _____ PREPARED BY Steve Van Saft *(Signature)*
 AGENCY Department of Community & Regional Affairs
 Original: Legislative Finance PHONE: 465-4787
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

306 Assembly

DEPARTMENT _____

ATTENTION House Labor & Management

- | | |
|--|---|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return <i>Committee</i> |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 2100

DEPARTMENT C+RA

BY LYNN WHEELER DATE 3/17/80

House Labor & Management
Committee

Assembly Rm 306

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Public Safety	SPONSOR (PRINCIPAL)	BILL NO. HB 859
DEPARTMENT POSITION Neutral		
DIVISION DIRECTOR Robert Rowan	DATE 3/13/80	COMMISSIONER <i>W.R.</i> William R. Nix
		DATE 3/13/80
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:		DATE:
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
(3) PROGRAM EFFECTS OF BILL		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

Handicapped or disabled persons of any age are already given free plates under AS 28.10.181 (d).

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H B 859
 Title Extending Certain benefits to the permanently and totally disabled
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Community & Regional Affairs
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Senior Citizen Tax Relief
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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FUNDING (Thousands of Dollars)

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GENERAL FUND			770.1	920.1	1108.1	1339.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME			2	2	2	2
TEMPORARY						

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

This Fiscal Note applies to only those programs which Community & Regional Affairs administers. For purposes of this Fiscal Note, the following amounts and assumptions were used:

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- (C) Average payment for Sewer & Water assessment deferral (1979) = \$970.00
- (D) Percent of applicants for Sewer & Water payments to Homeowners exemption = 5%
- (E) Number of permanent, totally disabled residents as of December 1979 - 1081
- (F) Average annual increase of permanent totally disabled residents = 9.5%
- (G) Estimated annual increase in valuations and taxes = 12%
- (H) Estimate 75% of permanent totally disabled residents are 50 years or older
- (I) Estimate 1/2 of (H) rent and 1/2 of (H) own their residences

CONTINUED --

IV. DATE _____ PREPARED BY Steve Van Saht
 AGENCY Department of Community & Regional Affairs
 PHONE 465-4787
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5 - JUNEAU 99811

March 19, 1980

The Honorable Vernon Hurlbert
Chairman
House Labor and Management Committee
Room 306 - Assembly Building
Juneau, Alaska 99811

Dear Mr. Hurlbert:

Re: House Bill No. 859

House Bill No. 859, an Act extending certain benefits to the permanently and totally disabled, was introduced in the House on February 18, 1980 and was referred to the House Labor and Management Committee.

For the consideration of the House Labor and Management Committee, I am enclosing copies of Fiscal Notes prepared by Gary Jenkins, Director, Audit Division and Barbara Sorensen, Research Section of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Gary Jenkins, Director
Audit Division
Department of Revenue

Vincent Wright
Research Section
Department of Revenue

JKA

MEMORANDUM

□ R. D. Stevenson
Special Assistant
Department of Revenue

DATE: March 19, 1980

FILE NO.

TELEPHONE NO.

FROM:

Gary L. Jenkins
Director
Audit Division

SUBJECT: House Bill No. 859

Section 8 of this bill would exempt individuals who have reached the age of 50 and who have been certified as permanently and totally disabled, from the requirement to report the gain on any involuntary conversions, tax free exchanges, or sale of personal residences if they were to leave the State. This legislation will result in a loss of revenue to the State of Alaska. The actual revenue effect will be determined by the Research Section of this department.

There will be no additional administrative costs for this division as a result of the proposed legislation.

IV. DATE 3/28/80 PREPARED BY Barbara Jones
AGENCY REVENUE
PHONE 2174
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT Public Safety	SPONSOR (PRINCIPAL)	BILL NO. HB 859
DEPARTMENT POSITION Neutral		
DIVISION DIRECTOR Robert Rowan	DATE 3/13/80	COMMISSIONER <i>W.R.N.</i> William R. Nix
DATE 3/13/80		
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED		
BY: _____ DATE: _____		
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
(3) PROGRAM EFFECTS OF BILL		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		
(6) COMMENTS:		

Handicapped or disabled persons of any age are already given free plates under AS 28.10.181 (d).

ALASKA DEPARTMENT OF EDUCATION
POSITION STATEMENT

HOUSE BILL 859

The Division of Vocational Rehabilitation, Department of Education, supports House Bill 859 and the Legislature's attempt to provide the same tax relief benefits to the totally and permanently disabled as are being provided to the elderly. In fact, this type of legislation was being prepared by the Division for the introduction to the next legislature. This type of legislation is becoming more common throughout the United States and has provided some additional benefits to the disabled population. The Division agrees with the legislature's intent in providing an environment in which the disabled can remain in Alaska, rather than moving to another such state already having similar tax benefits or breaks.

The Division of Vocational Rehabilitation concurs with the position of the Department of Health and Social Services and their suggestion that the adjudication process be administered by the Division of Vocational Rehabilitation. It makes little programmatic or fiscal sense to establish another similar independent unit when DVR's adjudicative process and program has been ongoing for 15 years or more. However, DVR has some reservations on trying to simplify the definition of totally and permanently disabled as suggested by DHSS on page 2 of their position paper. It has been our experience that the concept of severe disability relates as much to environmental factors as it does to medical conditions. In addition, simplifying it to some kind of categorized test of medical condition rules out the many individual variances found within the disabled community. Disabled persons are just as individual in their approach to disabling conditions as are normal people to events and conditions in their life. If a referral link to Vocational Rehabilitation is built in, it may be that some of these individuals may be rehabilitated, particularly those in the fifties age bracket, to more productive lives, thus not requiring the benefits as proposed under the legislation. This is essentially the way the adjudication process works for Social Security Title II and Title XVI benefits. There is a referral screening process involved to see which of those classified as permanently totally disabled are reasonable candidates for rehabilitation services. I would suggest that the state follow the same approach.

Approved by: 

William D. Thomson
Deputy Commissioner
March 19, 1980

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5 - JUNEAU 99811

March 19, 1980

The Honorable Vernon Hurlbert
Chairman
House Labor and Management Committee
Room 306 - Assembly Building
Juneau, Alaska 99811

Dear Mr. Hurlbert:

Re: House Bill No. 859

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For the consideration of the House Labor and Management Committee, an enclosing copy of Fiscal Notes prepared by Gary Jenkins, Director, Audit Division and Barbara Sorensen, Research Section of the Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

cc: Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Gary Jenkins, Director
Audit Division
Department of Revenue

Vincent Wright
Research Section
Department of Revenue

HB

1001

HOUSE LABOR & MANAGEMENT
COMMITTEE MEETING

TAPE: _____

DATE: 4/10/80

TIME CONVENED: ' 8:30

SUBJECT: H.S. 1001 - introduction

MEMBERS PRESENT:

Evanson
Bathowith
McKinnon
Miller
Hager
Rogers

MEMBERS ABSENT:

Herbert - excused

TESTIFYING:

Pete Kelly, or revised by Chenoweth
with letter from Jones
D. Carlson AF1 P10

BILLS PASSED OUT:

intro. 1st reading

TIME OF ADJOURNMENT:

9:30 am

Labour & Nursing - intro - sep bill

H/B 1001 - Pete Kelly -
Org. Version - Chenoweth -
Local 3 - Carranys -
798 - Puffer

Alaska Puffer line contracts
Unions (equality) job recruitment,

Carlson AFI-CIO

sympathy - will be

Contact - Matt labor relations

not sympathy w/ local

don't object - to this state is not happy.

Send copy to -

legal opinions - Draft letter out of state unions.

7cd. jurisdiction.

P.O. Box 81838
Fairbanks, Ak 99708
March 27, 1979

Herman Jones
International Union of Operating Engineers
2929 South Jefferson Ave.
St. Louis, Missouri 63118

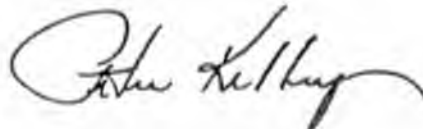
Dear Mr. Jones:

Thank you for your newsletter of March 13. Perhaps you could clarify some points for me.

- 1) Why will there no longer be 'out of work' dues? How is one who has not seen work from your union for 30 months expected to pay the same scale as regular monthly dues?
- 2) This registration fee (\$10) which is mentioned must be paid in order to maintain a persons position on the list. What list? What is my present position on the list?
- 3) You say that all dispatching will be done out of the St. Louis Office. Is there going to be any work in Alaska? Will any Alaskans be dispatched? Is Kenny Powders still the representative for Alaska? If not, is there an Alaska representative?
- 4) Traveling seminars are being planned for various areas so members can receive upgrade through training. Is Alaska one of these areas?

Thank you for your help.

Sincerely,



Peter Kelley

cc: Dwayne Carlson, President
Alaska State AFL/CIO
Representative Vern Hurlbert
Chairman, Labor and Management Committee
Alaska House of Representatives

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

August 16, 1979

SUBJECT: Labor unions: requirement of local organization
in Alaska (Work Order #7301)

TO: Representative Vern Hurlbert, Chairman
House Labor and Management Committee

Attn: Peter Kelley
Committee Administrative Assistant

FROM: John B. Chenoweth
Legislative Counsel

In conjunction with this drafting request, may I direct your attention to the decision of the United States District Court for Alaska in Tyree v. Edwards, 1/ a copy of which is attached to this memo. The decision involved examination of the "Alaska Local Union Autonomy Act", AS 23.40.045 - 23.40.060, with particular focus on an earlier "local labor organization" requirement imposed by state statute:

Sec. 23.40.050. LOCAL LABOR ORGANIZATION. It shall be unlawful for any national or international labor organization having 100 or more members in good standing who reside or work in Alaska not to have at all times one or more duly chartered and established local organizations in this state. 2/

The United States District Court held unconstitutional under the Supremacy Clause of the United States Constitution 3/ the Local Autonomy Act in its entirety:

1/ 287 F. Supp. 589 (1968), aff. sub. nom. Alaska v. Int. Union of Operating Engineers, Local 302, 393 U.S. 405, 21 L. Ed. 2d 633 (1969).

2/ The source of the statute is Ch. 8, SLA 1967.

3/ United States Constitution, Article VI, sec. 2.

"We conclude that the statutes comprising the Local Autonomy Act...clearly indicate a state purpose which invades a field preempted by Congress [by its enactment of the National Labor Relations Act of 1947]. Impermissibly, the [Alaska Local Autonomy] Act interferes with the full freedom of workers to choose a bargaining agent in the collective bargaining process. (Footnote omitted.) Because of conflict with federal law and policy, both actual and potential, the [Alaska] Act, as amended, is therefore unconstitutional under the Supremacy Clause. (Footnote omitted.)" 4/

Granting that there is authority to the contrary, upholding as against a constitutional challenge the provisions of the legislation from which the 1967 Alaska statute was borrowed, 5/

4/ Tyree v. Edwards, 287 F. Supp. 589, 594.

5/ The source of the Alaska statute was Kentucky Revised Statutes 336.170, adopted in 1952:

"336.170 Certain national and international labor organizations to have local units in Kentucky. - (1) It shall be unlawful for any national or international labor organization having one hundred (100) or more members in good standing who reside or work in Kentucky not to have at all times one or more duly chartered and established local or subsidiary organizations in this state.

(2) Any national or international labor organization which violates subsection (1) of this section shall, for each offense, be fined not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000)."

The Kentucky statute was sustained against a challenge to its constitutionality by the Kentucky Court of Appeals in Hamilton v. International Union of Operating Engineers, 262 SW2d 695, (Ky., 1953):

"[I]t is contended that the 1952 Act invades the constitutional freedom of speech and assembly, and conflicts with federal labor laws guaranteeing freedom of

I respectfully suggest that this drafting request so nearly approximates, in purpose and execution, the ends sought to be accomplished by Ch. 8, SLA 1967, the source of the original Alaska legislation, that I have serious reservations that the present effort, when tested, will pass constitutional muster under contemporary interpretations of the Supremacy Clause or as against claims that the requirement imposes restraints on interstate commerce.

You indicate that the legislation is to be "prefiled." A committee is not authorized to prefile a bill.

choice in the selection of bargaining agents. We find no basis for these arguments. The Act ... does not limit any worker in the selection of a bargaining agent of his own choice. ...[T]he only restriction [is] that a union member cannot be compelled by the union to choose any of them as his bargaining agent, but must be given the choice of selecting a Kentucky local as his bargaining agent. As we view it, the Act promotes, rather than impedes, the exercise of those rights guaranteed by the Constitution and by the federal labor laws."

(7)

COMMITTEE REPORT

HOUSE

4/9/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on LABOR AND MANAGEMENT has had HB 1001

"An Act relating to the conduct of activities by labor unions in the state."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

HOUSE BILL NO. 1001

By THE LABOR AND MANAGEMENT COMMITTEE BY REQUEST

"An Act relating to the conduct of activities by labor unions in the state."

Conduct of labor unions in state

Introduced in the House 4/9, 1980

HISTORY IN THE HOUSE

19 80	Read first time and referred to Committee on										
Apr 9	Labor and Management										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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	Reconsideration										
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor
	by Governor
	Filed with Lt. Governor
	Chapter No.

HCR

59

(7)

COMMITTEE REPORT

HOUSE

2/29/80

FURTHER: FINANCE

Date: 3/13/80

Mr. Speaker:



The Committee on LABOR AND MANAGEMENT has had HCR 59

"Relating to workers' compensation."

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 HCR 59 same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Kogers

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Kogers

 VICE-CHAIRMAN

1 IN THE HOUSE

BY GARDINER AND HAYES

2 HOUSE JOINT RESOLUTION NO. 59

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to the payment of extended
6 unemployment benefits.

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

8 WHEREAS the extended unemployment benefits program is designed to con-
9 tinue the payment of unemployment insurance benefits after regular unemploy-
10 ment benefits have expired in states with an unemployment rate for insured
11 workers which exceeds five percent; and

12 WHEREAS Alaska has been paying extended unemployment benefits contin-
13 uously since 1975; and

14 WHEREAS Alaska is only one of three states currently paying extended
15 unemployment benefits; and

16 WHEREAS the Alaska unemployment compensation law has provisions which,
17 in order to comply with 26 U.S.C. 3304, require the payment of benefits to
18 interstate claimants; and

19 WHEREAS extended unemployment benefits are paid to claimants who have
20 worked in Alaska but who reside in state with an unemployment rate for
21 insured workers which does not justify the payment of those benefits;

22 BE IT RESOLVED by the Alaska State Legislature that Congress is respect-
23 fully requested to amend 26 U.S.C. 3304 to allow a state to pay extended
24 unemployment benefits to interstate claimants only if they reside in a state
25 which may also pay extended unemployment benefits.

26 COPIES of this resolution shall be sent to the Honorable David L. Boren,
27 Chairman of the Senate Subcommittee on Unemployment and Related Problems; the
28 Honorable Harrison A. Williams, Chairman of the Senate Labor and Human Re-
29 sources Committee; the Honorable Carl D. Perkins, Chairman of the House

1 Education and Labor Committee; Mr. Lawrence E. Weatherford, Administrator,
2 Unemployment Insurance Service, U.S. Department of Labor; and the Honorable
3 Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable
4 Don Young, U.S. Representative, members of the Alaska delegation in Congress.

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HOUSE LABOR & MANAGEMENT
COMMITTEE MEETING

1) Revised fiscal note
to propose
2) Ask four changes in law
line (5) these delays +
W

TAPE: _____

DATE: 3/13/80

TIME CONVENEED: 2:40

SUBJECT: HCR 59 - by Rogers - ~~amendment~~ amendments

MEMBERS PRESENT:

Brass
Hayes - Fiscal note
Nic Kinross
Miller - moved for adoption from journal
Rogers

MEMBERS ABSENT:

Rep Hurlbert

TESTIFYING:

BILLS PASSED OUT:

TIME OF ADJOURNMENT: _____

page 1, line 19, insert:

WHEREAS, the cost of workers' compensation can be a burden on employers in Alaska;

page 1, line 21 delete "(1)"

page 1 delete lines 23 through 29

page 2 delete lines 1 through 6

page 1 line 23 insert

(1) four employers subject to the workers' compensation law appointed jointly by the speaker of the house of representatives and the president of the senate;

(2) four representatives of workers who are covered by the workers' compensation law appointed jointly by the speaker of the house of representatives and the president of the senate;

(3) a state senator and a state representative, acting as co-chairmen without vote, appointed by the chairman of the legislative council; and be it

page 2, line 13 delete "October 1, 1980"

insert "the 30th day of the first session of the twelfth legislature,"

page 2, line 13 after "its" insert "preliminary"

page 2, lines 15 and 16 delete

"to provide orderly procedures for the processing of workers' compensation claims, and"

page 2, line 17, after "conditions" add

", and to minimize the cost of workers' compensation to employers in Alaska."

The proposed capital improvement program for Worker Protection involves one data processing project for Worker Compensation.

The project addresses Governor's policy themes 3 and 4 by providing Workmen's Compensation program an effective tool for capturing and managing complex interdependent sets of data and releasing staff resources to resolve client problems promptly. It also addresses program quality in a legal sense by providing access to precedence information, reducing the ad hoc nature of Workers Compensation Board decisions.

The policy objective addressed by this request are:

Policy Budget Obj. No.

2. Reduce from a 96 day average to 30 or less the number of days parties must wait for decisions of the Board after hearing.
3. Increase percentage of compliance by insurance carriers with statute requiring first payment of compensation within 14 days from 26 percent to 38 percent.

The impact of this request on these objectives is estimated to be as follows:

Obj. No.

2. Through prompt and secure information handling, the Compensation Officer/hearing officers will reduce incidence of resisted claims, reducing the Workers' Compensation caseload by 20%. Through access to precedence the quality and consistency of decisions will be increased and the time required for research will be reduced.
3. By automatic prompting of staff and notification of all delinquent parties to a claim, first payment timeliness will be improved. Reduced staff time in manual filing and retrieval will be applied to first payment monitoring and enforcement. The estimated impact is achievement of the long range objective in FY 82 and increasing the rate to over 50% compliance in FY 83. Concurrently, penalties may be promptly assessed at the Board level with a deterrence affect on the carriers.

Other Impacts are Anticipated

Access to claim files in the field offices will enable Compensation Officers to resolve disputes in the early stages, thereby reducing the number of board hearings. This will consequently reduce litigation and its costs for all parties. While this cost is not the main cost component to the parties it is an area that will benefit them.

CATEGORY Economic & Community
Development

AGENCY Labor

PROGRAM Worker Protection



This proposed system will accomplish the following:

A. Claimant Injury File

1. Front-end entry of injury/illness reports.
2. Prompt timely first pays.
3. Prompt listings of missing information and/or reports.
4. Assist Worker Compensation Officers in maintaining current case files.
5. Allows Worker Compensation Officers to promptly docket controverted cases for Board hearings.
6. Provide accurate and timely management reports.
7. Monitor fir l pay of Employer/Carrier with affirmation of claimant.
8. Provide front-end coding for SDS report.
9. Identify Employer/Insurance carrier.

B. Legal Digest File

1. Provide Board with index of precedent decisions of similar cases.
(indexed case files will be available at law libraries in Anchorage, Fairbanks and Juneau).
2. Provide claimants, Employer, and/or carriers with same information.
3. Insure consistent type of decisions from both panels of Board.
4. Provide new Board members with a learning tool to enable them to reach quick and logical decisions.
5. Maintain an updated central file of all Board and Court Decisions on Workers' Compensation cases.

CATEGORY _____

AGENCY _____

PROGRAM _____

31

ANALYTIC STATEMENT
(Six-Year Capital Program)

DATE _____

BRU NARRATIVE

CATEGORY Public Protection

BRU Workmen's Compensation
Administration

AGENCY Department of Labor

Over 20,000 Alaska employees sustain work related injury or disease yearly with one in every 25 experiencing over three days loss of work. As a result, the injured worker incurs costly medical care and financial hardship because of loss of earnings. The Legislative intent of the Act is to minimize this impact by providing partial payment of economic loss and all medical costs for recovery through a process as simple and summary as possible.

The purpose of this BRU is to assure that Alaska workers suffering injury or disease arising out of their employment are provided in the most efficient and certain form, medical care and cash-wage benefits during disablement paid by their employers or the employer's insurance company and, if necessary, afforded the means to be retrained for return to gainful employment.

Currently, the division lacks the systems and staffing necessary for monitoring each claim to facilitate voluntary and prompt payment of benefits due and to provide an effective advisory service aimed towards reducing the number of disputed claims requiring formal Board hearings. The backlog of cases two and three years old and the lack of hearing officer resources to issue pending decisions has resulted in the injured worker waiting up to six months for Board adjudication of a disputed claim. These administrative delays compound the injured worker's losses, prolong disablement and prevent return to gainful employment. Further, delays greatly increase compensation costs to the employer in litigation fees and assessment of late payment penalties. The difficulty in parties obtaining a timely Board hearing and decision on disputed claims is being subjected to public criticism through picket lines and newspaper articles and a class action suit is pending in Superior Court for Board failure to administer claims within statutory time limits.

This BRU's mission to provide an adequate timely level of service to the injured and disabled Alaskan worker and to employers and their insurance carriers will be achieved by implementation of the following: (1) increase the availability of staff to three full-time positions to monitor claims as they occur, counsel claimants, resolve controversies at lowest level, review cases and files to secure receipt of timely reports and payments of compensation due, hold pre-hearing conferences to settle disputed claims; (2) Maintain three Workmen's Compensation Board panels and sufficient staff to serve as hearing officers to docket cases and to issue timely decisions; (3) increase the monitoring of employer reports of injury and insurance carriers' first payment reports through the implementation of a management information system and assignment of staff to review this activity; (4) expand public knowledge and understanding of employers' and insurance carriers' statutory responsibilities and requirements.

To prevent the destitution of the injured worker and the resulting drain on public assistance programs incident to uncompensated claims, it is essential that the workmen's compensation program be provided with a management system (capital budget request) and adequate staffing to carry out the legislative intent of the Act and to meet its statutory requirements.

WHICH SHORT-TERM PROGRAM OBJECTIVE IS BEING ADDRESSED? (FROM FORM P1A)	BRU FUNCTION NUMBER	HOW WILL THIS BRU CONTRIBUTE TO EACH PROGRAM OBJECTIVE BEING ADDRESSED?
<p>The program objectives have been restated to relate to events that have occurred since the formulation of the policy budget objectives. These include civil actions against the Workmen's Compensation Board seeking court mandates to meet statutory time limits.</p> <p>Reduce the incidence of disputed claims requiring Board hearing by 20 percent.</p> <p>Reduce from a 60 day average to a 30 day average, the number of days parties must wait for a case to be scheduled for hearing, and reduce from a 96 day average to 30 days or less the time period parties must wait for a Board decision after a hearing.</p> <p>Increase the percentage of compliance by insurance carriers with the requirement the first voluntary payment of compensation occur within 14 days; from 26 percent to 45 percent.</p> <p>Increase the percentage of compliance by employers with the requirement they report injuries to workers within 10 days, from 40 percent to 50 percent.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>Increase the availability of staff to three full-time positions to monitor claims as they occur, counsel claimants, resolve controversies at lowest level, review cases and files to secure receipt of timely reports and payments of compensation due, hold pre-hearing conferences to settle disputed claims.</p> <p>Maintain three Workmen's Compensation Board panels and sufficient staff to serve as hearing officers to docket cases and to issue timely decisions. With FY 81 capital funding, design and implement an automated system to assist the program in meeting this objective.</p> <p>Increase the monitoring of insurance carriers' first payment reports through the implementation of a management information system and assignment of staff to review this activity.</p> <p>Expand public knowledge and understanding of employers' statutory responsibilities and requirements. Establish controls which provide a monitoring system to insure timely reporting.</p>

AGENCY Department of Labor

PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

1A BRU OBJECTIVES

000245

The Workmen's Compensation BRU provides the Alaska Workmen's Compensation Board with management and clerical support to carry out the provisions of the Alaska Workmen's Compensation Act. The Board is composed of three panels with two members each, representing industry and labor, appointed by the Governor, with the Commissioner of Labor or his designated representative serving as chairman. Board members are part-time and serve for only those days or part of days that hearings are in session.

Workmen's Compensation is a mechanism for providing cash-wage benefits and medical care to victims of work connected injuries. The cost of these injuries is ultimately placed on the consumer, through the medium of insurance, which is reflected in the cost of the product or service involved. The employer is required to purchase insurance or to qualify as a self-insured for injury to its employees.

Six basic objectives underline workmen's compensation laws. They are: 1) Provide sure, prompt and reasonable income and medical benefits to work-accident victims or income benefits to their surviving dependents, regardless of fault; 2) Provide a single remedy and reduce court delays, costs and work loads arising out of personal injury litigation; 3) Relieve public and private charities of financial drains incident to uncompensated industrial accidents; 4) Eliminate payment of fees to lawyers and witnesses as well as time consuming trials and appeals; 5) Encourage maximum employer interest in safety and rehabilitation through appropriate experience rating mechanism, and 6) Promote study of causes of accidents (rather than concealment of fault) - reducing preventable accidents, human suffering, and economic loss.

The department's goal is to improve the Workmen's Compensation program to an efficient and effective function of the State as envisioned by the Legislature when it enacted the Workmen's Compensation Act. Over 20,000 employees sustain work related injury or disease yearly and, as result, incur costly medical care and financial hardship because of loss of earning capacity. The Act minimizes the impact on the injured worker by providing partial payment of economic loss and all medical costs for recovery. Delays due to controversy or lack of communication compound the losses, prolong disablement and prevent return of the injured to gainful employment. These delays greatly increase compensation costs to the employer which are passed on to the consumer. Historically each year, according to Division records, one person in every 25 employed will experience work injury that will cause over three days loss of work.

AGENCY Department of Labor

PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

2 ANALYTIC STATEMENT

Page 1 of 5

REVISED
DATE _____

000248

The Workmen's Compensation Division has specific and time-mandated statutory requirements for carrying out the provisions of the Act. The Act provides:

1. That the employer, or its insurance carrier pay costs of medical treatment and a portion of the employee's loss of wages as compensation without regard to fault. In exchange, the employee gives up the right to sue the employer for damages or negligence due to injury. The Act intended that such payment be paid promptly and that process and procedure be as summary and simple as possible.
2. Prompt medical care and first payment of compensation on the 14th day of disability. Employers and their insurance carriers make the first payment on or before the 14 days in only 26 percent of the approximate 7,500 time loss injuries that occur yearly in the State.
3. That employers will file with the Board a notice of injury to a worker within 10 days of such time as they learn of such an injury. At present in 40 percent of claims, the report is timely filed. An improvement to 50 percent is possible.
4. Prompt hearing and decision by the Alaska Workmen's Compensation Board (with' s) in disputed claims. The Board has been able to hold hearings every month (60 days) and issue its decision within an average of 97 days.

The difficulty in parties obtaining a timely Board hearing and decision on disputed claims is being subjected to attack by the "Alaska Victims of Industrial Accidents" through picket lines and newspaper articles. In addition, a class action suit is pending in Superior Court, Fourth Judicial District, for Board failure to administer and process claims within statutory time limits. Similar demonstrations and court actions are anticipated if the BRU does not acquire the necessary staff to address the backlog of cases and to hold hearings and issue decisions timely. Current staff levels and existing systems are not and will not be adequate to carry out the legislative intent of the Workmen's Compensation program.

AGENCY Department of Labor PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

2 ANALYTIC STATEMENT

Page 2 of 5

REVISION
DATE _____

000247

To address the objectives and requirements as previously discussed, the Workmen's Compensation BRU is dependent on:

1. Adequate staffing necessary to monitor the performance of the Insurance carriers, to resolve controversies prior to formal hearings, to enforce the time limits and procedures in the Act relating to voluntary payment of benefits, and to chair hearings.
2. Approval of the FY 81 Capital Budget to implement a management system.
3. Enactment of proposed legislation.

This BRU requests three additional worker's compensation officers to provide an effective advisory service to employees, employers, insurance companies, medical facilities and legal representatives as to procedures and all parties rights and obligations under the Act, aimed towards facilitating processing of claims and avoidance of litigation. It is well established that if the BRU had worker's compensation officers available to devote more time at the offset to controversy or misunderstanding a large percentage of disputed claims would be settled through voluntary and informal resolution of the issues at the first level. This would reduce the anxiety of injured employees and reduce the financial strain that often occurs while the employee is disabled from work and waiting up to six months for Board adjudication. Further, cost savings would be realized by the employer and its insurance carrier by reducing litigation costs and assessment of penalties for late payment.

The National Commission on the State Workmen's Compensation Laws stated:

It has become clear that Workmen's Compensation claims and statutes are, in practice, much more complicated than anticipated. Determination of compensability and the extent of disability are inherently controversial. Nevertheless, litigation might have been less frequent had State agencies provided enough positive assistance to workers who were unable by themselves to deal with the complexities of the law.

AGENCY Department of Labor

PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

2

ANALYTIC STATEMENT

Page 3 of 5

REVISED
DATE _____

000248

Additionally the costs of hearings is not cheap. Travel and compensation for members of the Workmen's Compensation Board are additional expenses included in the administrative costs of this program. The number of days scheduled for Board hearings has more than doubled over the past five years.

Historically, the Board has spent about 130 days per year in hearings, and the hearing officers, who reduce the decisions to writing have issued approximately 350 decisions per year. The Board has been able to hold hearings every other month (60 days) and issue its decision within an average of 97 days. Through a 1979 amendment of the Act adding an additional panel of members, it is now possible to hold hearings regularly, rather than once every two months. However, the time frame for receipt of a request for hearing until the hearing is held has remained at over 60 days due to; (a) backlog of cases two and three years old, and (b) lack of hearing officer resources to issue pending decisions. By establishing the three worker's compensation officers, three current positions will devote their full time to hearings to address the continuing need of timely adjudication by the Workmen's Compensation Board.

The funding requested for FY 81 will enable the Board to schedule hearings on a timely basis within 30 days of notice and to provide the hearing officers adequate time and resources to research and write the Board's decisions within 30 days of hearing.

To effectively and efficiently meet all of the requirements and duties of the division and to provide adequate administrative support to the Board, a management plan has been developed calling for complete reorganization of the division. The Internal Review Section of the Department of Labor conducted a management review of the Workmen's Compensation Division, and many of the recommendations from the study were incorporated into the recently submitted capital budget request. In order to implement and operate the systems proposed in the capital budget, continuing support positions are needed. The management plan also establishes an administrative officer position to supervise the administrative process required to support the mediation and adjudication functions of the Board.

This BRU also requests full funding of a clerk-typist and microfilm operator formerly provided under CETA. These positions are a necessary part of the record-keeping function of the BRU and loss of them will seriously curtail this activity which is necessary for proper adjudication of claims and the gathering

AGENCY Department of Labor

PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

2 ANALYTIC STATEMENT

Page 4 of 5

REVISED
DATE _____

000249

of information used in promulgation of industrial safety programs. CETA has discontinued financing these positions.

The Capital Budget request is the product of an internal review of the Division that provides for an information handling system which will allow the program to meet its policy goals and objectives.

The primary requirements for an upgraded data processing and information handling system are (1) front-end batch data entry of key claimant information, (2) timely updates to the system, (3) on-line inquiry capability through remote terminals in Juneau, Anchorage, Fairbanks, (4) front-end microfilming of all active files, and (5) batch entry and on-line retrieval capability of the legal digest of prior decisions from the Board.

The present method for monitoring the approximately 20,000 cases per year includes 4 manual processes: receipt, sorting, assignment of cases numbers and coding. These amount to more than 180,000 clerical transactions per year. Of these transactions 9 out of 10 must be completed before the Division can respond to or resolve problems. The Division, due to limited funding and workload increases has been unable to complete these mandatory processes in a timely manner.

At this time, it is critical to provide the Workmen's Compensation BRU with the necessary staffing and resources to meet its statutory requirements and to provide an "adequate" level of service to injured and disabled Alaskan workers. Since 1972, the Division has repeatedly requested increased resources; repeatedly, these requests have been denied.

AGENCY Department of Labor PROGRAM AREA Worker Protection

BRU Workmen's Compensation

FY 81

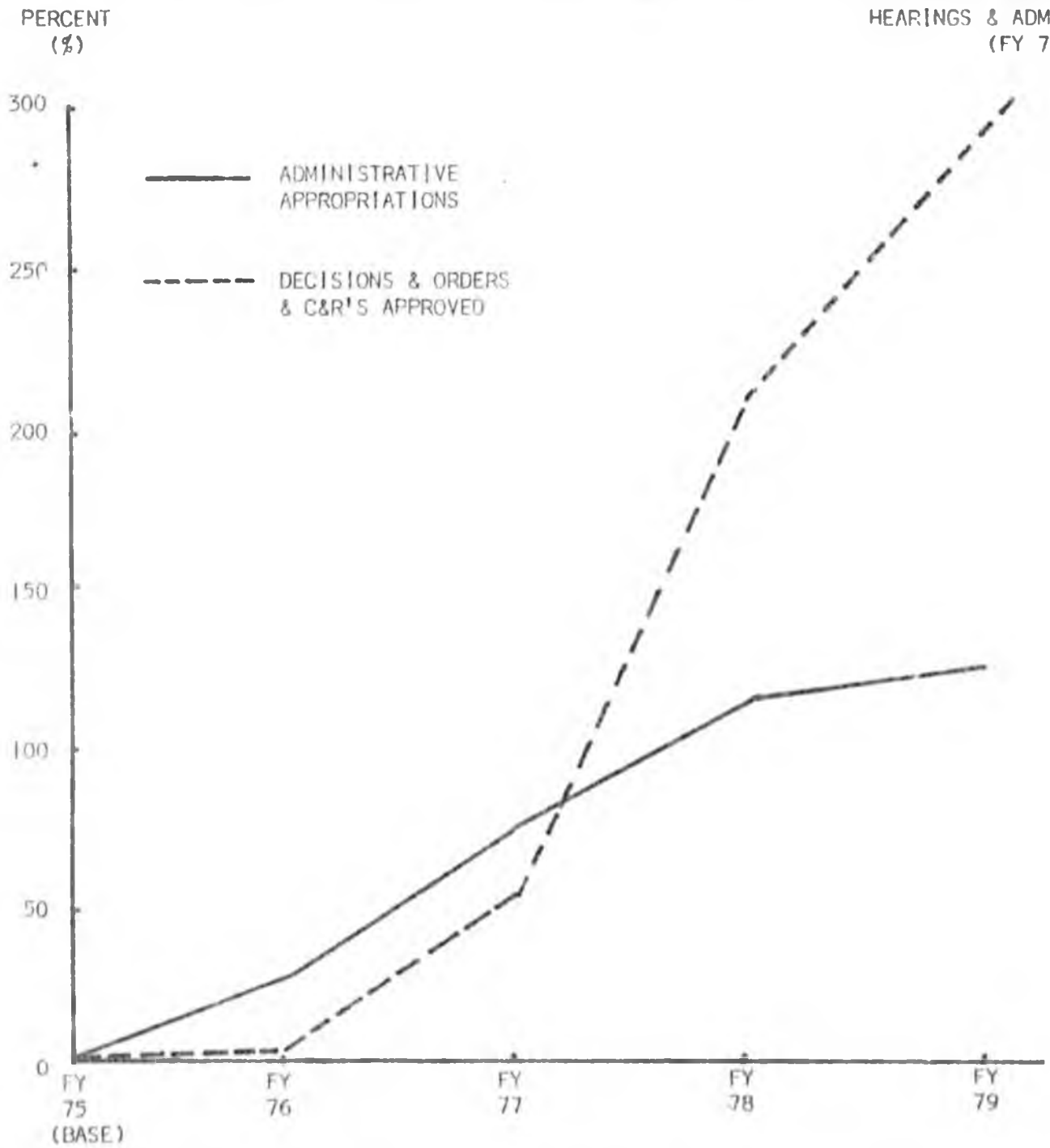
2 ANALYTIC STATEMENT

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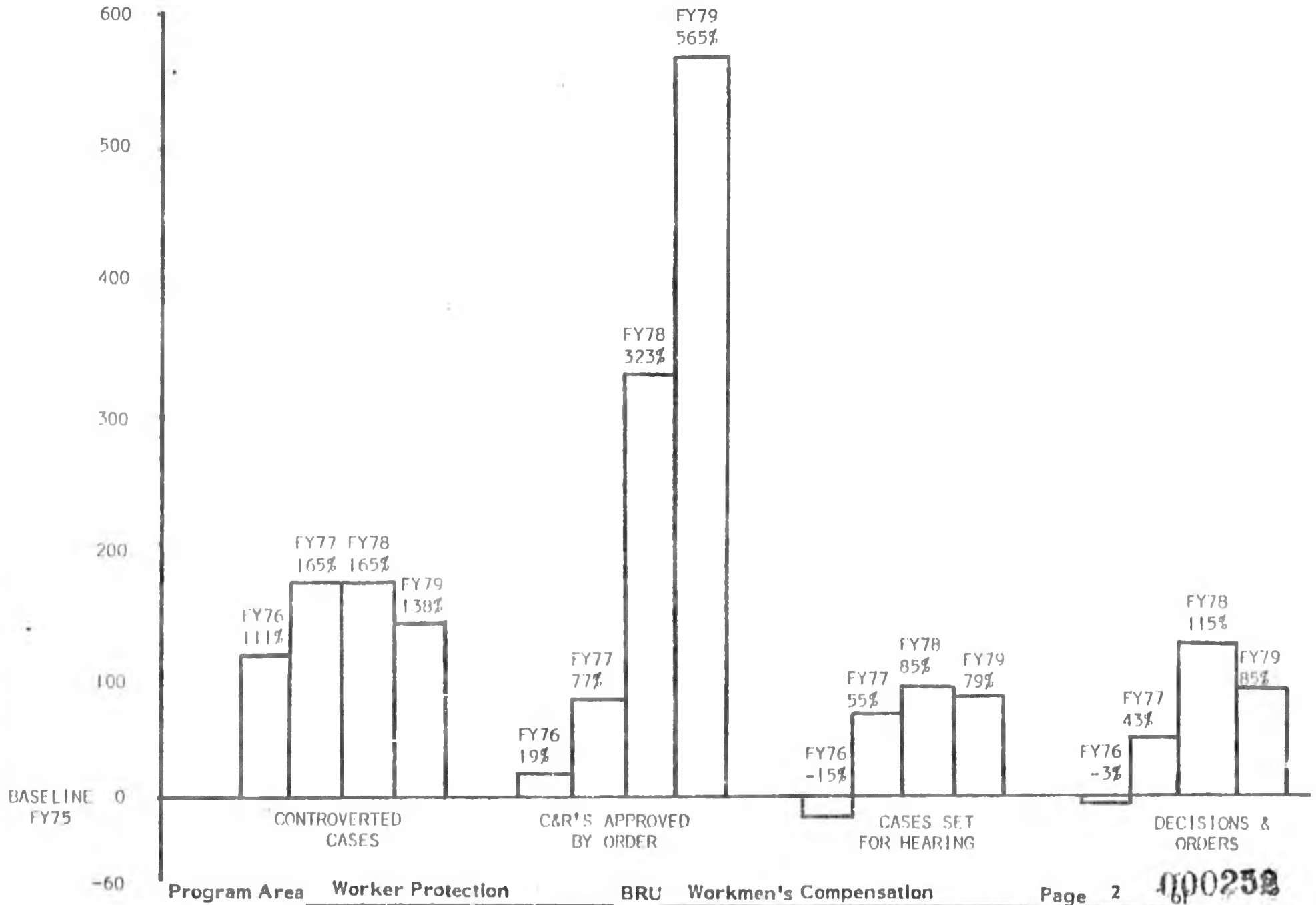
REVISED
DATE _____

000250

PERCENTAGE INCREASE IN W/C BOARD
HEARINGS & ADMINISTRATIVE APPROPRIATIONS
(FY 75 BASE PERIOD)



PERCENT
(%)



Legislative Council

HCR 59 Fiscal Note
Page 2

Staff Salaries - - \$6440/month for six months \$38.7
a. one project leader with some knowledge of comp and familiarity with relevant legal and medical concepts (\$3000/month). 51.5
b. one project researcher with background in social research and sampling (\$2000/month).
c. one secretary (\$1440/month).

Travel 12.8
Per diem for task force meetings--11 persons, 2 days each @ \$55/day X 3 meetings = \$3.6. 20.8
Transportation for task force meetings \$200/person X 11 members X 3 meetings = \$6.6.
Trip to Oregon, California, Wisconsin, Florida by one member of task force and one employee of Department of Labor -- 10 days per diem @ \$55/day and transportation @ \$767 X 2 travelers = \$2.6.

Contractual Services 11.0
Xerox -- \$300/month X 6 months \$1800
Mag Card Typewriter--\$250/month X 6 mos. 1500
Space Rent--600 Sq. Ft. @ \$1.00/month X 6 months 3600
Telephone \$40/month X 6 months 240
Long distance tolls \$300/month X 6 mos. 1800
Other services 2060

Commodities 1.0

Revised Fiscal Note

8/2/80

*Mike Miller
+ Travel just about
out of state*

Introduced: 2/29/80
Referred: Labor & Management
and Finance

BY THE LABOR AND
MANAGEMENT COMMITTEE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 59

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to workers' compensation.

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

7 [WHEREAS the number of claims for workers' compensation has increased
8 beyond the capability of the Workmen's Compensation Board to issue decisions
9 within the time limits set by law; and

10 WHEREAS many claimants for workers' compensation benefits must wait from
11 60 to 90 days before their claims are decided by the Workmen's Compensation
12 Board; and

13 WHEREAS there has not been a major revision of the state workers' com-
14 pensation law since statehood; and

15 WHEREAS these delays and the many changes that have taken place in the
16 state since enactment of the workers' compensation law are sufficient reasons
17 for the legislature to thoroughly review the provisions of the Alaska Work-
18 men's Compensation Act;

19 BE IT RESOLVED by the Alaska State Legislature that under AS 24.20.090
20 and Uniform Rule 48(c) the legislative council is directed to

21 (1) establish a study group which consists of the following mem-
22 bers:

23 (A) *Non voting* a representative of an insurance company providing
24 workers' compensation coverage in the state;

25 (2) (B) *By contract or emp.* an attorney who represents workers' compensation
26 claimants;

27 (C) a representative of an organized group of workers'
28 compensation claimants;

29 (3) (D) an employer subject to the workers' compensation

1 law;

- 2 (2)(E) a representative of a labor union;
- 3 (F) a state senator, appointed by the president of the
- 4 senate; and
- 5 (G) a state representative, appointed by the speaker of
- 6 the house of representatives; and be it

no vote

7 FURTHER RESOLVED that the governor is respectfully requested to direct
 8 the director of the division of insurance, Department of Commerce and Eco-
 9 nomic Development, and the director of the workmen's compensation division,
 10 Department of Labor, to participate as members of the study group established
 11 under this resolution; and be it

12 FURTHER RESOLVED that the study group shall meet at least bimonthly and
 13 shall by ~~October 1, 1980~~ ^{JAN. 1 1981} report to the legislature on its findings and
 14 recommendations concerning changes in the workers' compensation law needed to
 15 eliminate antiquated and inadequate provisions, to provide orderly procedures
 16 for the processing of workers' compensation claims, and to bring the workers'
 17 compensation law into harmony with current needs and conditions.

HJR

35

COMMITTEE REPORT

HOUSE

FURTHER:

March 22, 1979

Date: 3-22-79

Mr. Speaker:

The Committee on LABOR AND MANAGEMENT has had HJR 35

Relating to interstate claims for unemployment benefits.

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SB

4

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

February 1, 1979

Date: 2-15-79

Mr. Speaker:

The Committee on LABOR & MANAGEMENT has had SB 4

"An Act relating to worker's compensation for volunteer ambulance attendants and police."

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Vern Hulbert

Marcel Benson as amended

Joe McKinnon

W. H. O.

Joe L. Hayes

R. Bettisworth

ROGERS NO REC

Vern Hulbert
CHAIRMAN

A M E N D M E N T

Offered in the HOUSE

By LABOR & MANAGEMENT

To: _____ HOUSE BILL NO. _____

_____ SENATE BILL NO. ~~4~~ am

AMENDMENT: Page 1 Line 12 & 13

Line 12 Delete: Volunteer

Line 13 Add after firemen: who volunteer their services

SB-4

"An Act Relating to Worker's Compensation for Volunteer Police."

This bill permits a political subdivision to make an election to bring its volunteer policemen under the Alaska Workmen's Compensation Act. Compensation paid in the event of injury or death would be equivalent to the minimum paid a full time policeman. If there are no full time policemen on which to base compensation, the political subdivision may establish a wage which cannot be less than the minimum wage for a 40 hour week.

One observation we have concerning construction of the bill is that if a political subdivision elects to cover its volunteer firemen it must also cover its volunteer policemen and vice versa. We have no problem with that concept but merely wonder if it reflects actual intent.

The rating of this situation is no problem since the workmen's compensation manual already includes the following guideline:

"The classifications applicable to volunteer workers shall be the same as those applicable to other workers of the insured involved in the same operations. Except as otherwise provided, premium shall be determined on the basis of the remuneration normally received by regular employees doing the same or similar work."

If the bill becomes law, we would issue a bulletin to all insurers writing workmen's compensation insurance aimed at preventing excessive wage assumption in application of the guideline.

The Division of Insurance supports this legislation.

AMENDED TITLE: SB 4 AM
AN ACT RELATING TO WORKER'S COMPENSATION FOR VOLUNTEER
POLICE

PRIME SPONSORS: RAY.

CO-SPONSORS:

CURRENT STATUS: 1/31/79 PASSED (S)
2/01/79 in H LTM
Fracor

DATE	SEQ	PAGE	LEGISLATIVE ACTION
01/15/79	01	0008	FIRST READING -- COMMITTEE REPORTS
01/26/79	02	0095	CRA -- DP05
01/31/79	03	0121	RLS -- OTHER05
			TAKEN UP IMMEDIATELY
01/31/79	04	0127	SECOND READING
01/31/79	05	0128	AM01 ADOPTED BY UNAN CONSENT
01/31/79	06	0128	AM02 ADOPTED BY UNAN CONSENT
01/31/79	07	0128	ADVANCED TO 3RD READING BY UNAN CONSENT
01/31/79	08	0128	THIRD READING
01/31/79	09	0128	PASSED BY DIV 19-00-01
****	**	**	*** ** *

SB 4 HOUSE ACTION

15:39 2/02/79 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/01/79	10	0117	FIRST READING -- COMMITTEE REPORTS L&M FINANCE RULES
****	**	**	*** ** *

line 12 insert

line 10 ~~to~~ & throughout, please use
the following table values, etc.
etc.

line 12 delete: volunteer

line 13 add after premier: no volunteer their
services

Rx + PR
 10
 4" W...
 + men's only

 PR... (fee)
 19) Rx 91 5000

glasses, and of Pemberton in failing to yield the right of way.

5. Pemberton's counsel proffers evidence showing that shortly after the accident Mammoth put a speed governor on the truck involved in the accident. The judge should rule the proffered evidence
- (A) admissible as an admission of a party
 - (B) admissible as *res gestae*
 - (C) inadmissible for public policy reasons
 - (D) inadmissible, because it would lead to the drawing of an inference on an inference
6. Pemberton's counsel seeks to introduce Helper's written statement that Edwards, Mammoth's driver, had left his glasses (required by his operator's license) at the truck stop which they had left five minutes before the accident. The judge should rule the statement admissible only if
- (A) Pemberton first proves that Helper is an agent of Mammoth and that the statement concerned a matter within the scope of his agency
 - (B) Pemberton produces independent evidence that Edwards was not wearing corrective lenses at the time of the accident
 - (C) Helper is shown to be beyond the process of the court and unavailable to testify
 - (D) the statement was under oath in affidavit form
7. Mammoth's counsel seeks to have Sheriff testify that while he was investigating the accident he was told by Pemberton, "This was probably our fault." The judge should rule the proffered evidence
- (A) admissible as an admission of a party
 - (B) admissible, because it is a statement made to a police officer in the course of an official investigation
 - (C) inadmissible, because it is a mixed conclusion of law and fact
 - (D) inadmissible, because it is hearsay, not within any exception
8. The city of Newtown adopted an ordinance providing that street demonstrations involving more than 15 persons may not be held in commercial areas during "rush" hours. "Exceptions" may be made to the prohibition "upon 24-hour advance application to and

approval by the police department." The ordinance also imposes sanctions on any person "who shall, without provocation, use to or of another, and in his presence, opprobrious words or abusive language tending to cause a breach of the peace." The ordinance has not yet had either judicial or administrative interpretation. Which of the following is the strongest argument for the unconstitutionality of both parts of the ordinance on their face?

- (A) No type of prior restraint may be imposed on speech in public places.
- (B) Laws regulating, by their terms, expressive conduct or speech may not be overbroad or unduly vague.
- (C) The determination as to whether public gatherings may be lawfully held cannot be vested in the police.
- (D) The right of association in public places without interference is assured by the First and Fourteenth Amendments.

Questions 9-10 are based on the following fact situation.

While Defendant was in jail on a procuring charge, his landlord called the police because rent had not been paid and because he detected a disagreeable odor coming from Defendant's apartment into the hallways.

The police officer who responded to the call knew that Defendant was in jail. He recognized the stench coming from Defendant's apartment as that of decomposing flesh and, without waiting to obtain a warrant and using the landlord's passkey, entered the apartment with the landlord's consent. The lease to these premises gave the landlord a right of entry, at any reasonable hour, for the purpose of making repairs. The police officer found a large trunk in the bedroom which seemed to be the source of the odor. Upon breaking it open, he found the remains of Rosette, Defendant's former mistress.

9. The landlord's consent to the police officer's search of Defendant's apartment is
- (A) a waiver of Defendant's Fourth Amendment rights because a landlord has implied consent to enter a tenant's apartment
 - (B) a waiver of Defendant's Fourth Amendment rights because the lease gave the landlord express authority to enter the premises

- (C) not a waiver of Defendant's Fourth Amendment right because the landlord lacked probable cause to believe a crime was then in the process of commission
- (D) not a waiver of Defendant's Fourth Amendment rights because the landlord had neither actual nor apparent authority to permit the entry

10. If Defendant undertakes to challenge the search of his apartment, he has
- (A) standing because the items seized in the search were incriminating in nature
 - (B) standing because he still has a sufficient interest in the apartment even while in jail
 - (C) no standing because his landlord authorized the search
 - (D) no standing because he was out of the apartment when it occurred and had not paid his rent

Questions 11-12 are based on the following fact situation.

Seller and Buyer execute an agreement for the sale of real property on September 1, 1971. The jurisdiction in which the property is located recognizes the principle of equitable conversion and has no statute pertinent to this problem.

11. Assume for this question only that Seller dies before closing and his will leaves his personal property to Perry and his real property to Rose. There being no breach of the agreement by either party, which of the following is correct?
- (A) Death, an eventuality for which the parties could have provided, terminates the agreement if they did not so provide.
 - (B) Rose is entitled to the proceeds of the sale when it closes, because the doctrine of equitable conversion does not apply to these circumstances.
 - (C) Perry is entitled to the proceeds of the sale when it closes.
 - (D) Title was rendered unmarketable by Seller's death.
12. Assume for this question only that Buyer dies before closing, there being no breach of the agreement by either party. Which of the following is appropriate in most jurisdictions?
- (A) Buyer's heir may specifically enforce the agreement.

- (B) Seller has the right to return the down payment and cancel the contract.
- (C) Death terminates the agreement.
- (D) Any title acquired would be unmarketable by reason of Buyer's death.

Questions 13-15 are based on the following fact situation.

Farquart had made a legally binding promise to furnish his son Junior and the latter's fiancée a house on their wedding day, planned for June 10, 1972. Pursuant to that promise, Farquart telephoned his old contractor friend Sawtooth on May 1, 1971, and made the following oral agreement—each making full and accurate written notes thereof:

Sawtooth was to cut 30 trees into fireplace logs from a specified portion of a certain one-acre plot owned by Farquart, and Farquart was to pay therefor \$20 per tree. Sawtooth agreed further to build a house on the plot conforming to the specifications of Plan OP5 published by Builders, Inc. for a construction price of \$18,000. Farquart agreed to make payments of \$2,000 on the first of every month for nine months beginning August 1, 1971, upon monthly presentation of a certificate by Builders, Inc. that the specifications of Plan OP5 were being met.

Sawtooth delivered the cut logs to Farquart in July 1971, when he also began building the house. Farquart made three \$2,000 payments for the work done in July, August, and September 1971, without requiring a certificate. Sawtooth worked through October, but no work was done from November 1, 1971, to the end of February 1972, because of bad weather, and Farquart made no payments during that period. Sawtooth did not object. On March 1, 1972, Sawtooth demanded payment of \$2,000, but Farquart refused on the grounds that no construction work had been done for four months and Builders had issued no certificate. Sawtooth thereupon abandoned work and repudiated the agreement.

13. Assuming that Sawtooth committed a total breach on March 1, 1972, what would be the probable measure of Farquart's damages in an action against Sawtooth for breach of contract?
- (A) Restitution of the three monthly install

- ments paid in August, September, and October
- (B) What it would cost to get the house completed by another contractor, minus installments not yet paid to Sawtooth
- (C) The difference between the market value of the partly built house, as of the time of Sawtooth's breach, and the market value of the house if completed according to specifications
- (D) In addition to other legally allowable damages, an allowance for Farquart's mental distress if the house cannot be completed in time for Junior's wedding on June 10, 1972
14. Assuming that Sawtooth committed a total breach on March 1, 1972, and assuming further that he was aware when the agreement was made of the purpose for which Farquart wanted the completed house, which of the following, if true, would best support Farquart's claim for consequential damages on account of delay beyond June 10, 1972, in getting the house finished?
- (A) Junior and his bride, married on June 10, 1972, would have to pay storage charges on their wedding gifts and new furniture until the house could be completed.
- (B) Junior's fiancée jilted Junior on June 10, 1972, and ran off with another man who had a new house.
- (C) Farquart was put to additional expense in providing Junior and his bride, married on June 10, 1972, with temporary housing.
- (D) On June 10, 1972, Farquart paid a \$5,000 judgment obtained against him in a suit filed March 15, 1972, by an adjoining landowner on account of Farquart's negligent excavation, including blasting, in an attempt to finish the house himself after Sawtooth's repudiation.
15. What was the probable legal effect of the following?
- I. Sawtooth's failure to object to Farquart's making no payment on November 1, December 1, January 1, and February 1.
- II. Farquart's making payments in August through October without requiring a certificate from Builders
- (A) Estoppel-type waiver as to both I and II
- (B) Waiver of delay in payment as to I and revocable waiver as to II
- (C) Mutual rescission of the contract by I combined with II
- (D) Discharge of Farquart's duty to make the four payments as to I and estoppel-type waiver as to II
16. Construction Company contracted to build a laundry for Wash Company on the latter's vacant lot in a residential area. As a part of its work, Construction Company dug a trench from the partially completed laundry to the edge of a public sidewalk; waterlines were to be installed in the trench. Because of the contour of the land, the trench was dug to a depth ranging from 7 to 9 feet. Construction Company did not place any barriers around the trench and permitted it to lie open for almost a week while waiting for the delivery of water pipes. This was known to Wash Company, but it raised no objection.
- During the time the trench was open, a series of heavy rains fell, causing 5 feet of surface water to gather in the bottom of the trench. While this condition existed, 5-year-old Tommy, who was playing on the vacant lot with friends, stumbled and fell into the trench. Robert, an adult passerby, saw this and immediately lowered himself into the trench to rescue Tommy. However, his doing so caused the rain-soaked walls of the trench to collapse, killing both him and Tommy.
- In a claim for wrongful death by Tommy's administrator against Construction Company, the most likely result is that the plaintiff will
- (A) recover, because the defendant left the open trench unprotected
- (B) recover, because construction companies are strictly liable for inherently dangerous conditions
- (C) not recover, because Tommy was a trespasser
- (D) not recover, because Tommy's death was a result of the collapse of the trench, an independent intervening cause
17. Doctor, a licensed physician, resided in her own home. The street in front of the home had a gradual slope. Doctor's garage was on the street level, with a driveway entrance from the street. At two in the morning Doctor received an emergency call. She dressed and went to the garage to get her car and found a car parked in front of her driveway. That car was oc-

cupied by Parker, who, while intoxicated, had driven to that place and now was in a drunken stupor in the front seat. Unable to rouse Parker, Doctor pushed him into the passenger's side of the front seat and got in on the driver's side. Doctor released the brake and coasted the car down the street, planning to pull into a parking space that was open. When Doctor attempted to stop the car, the brakes failed to work, and the car crashed into the wall of Owner's home, damaging Owner's home and Parker's car and injuring Doctor and Parker. Subsequent examination of the car disclosed that the brake linings were badly worn. A state statute prohibits the operation of a motor vehicle unless the brakes are capable of stopping the vehicle within specified distances at specified speeds. The brakes on Parker's car were incapable of stopping the vehicle within the limits required by the statute. Another state statute makes it a criminal offense to be intoxicated while driving a motor vehicle.

If Parker asserts a claim against Doctor for his injuries, Parker will probably

- (A) recover, because Doctor was negligent as a matter of law
 - (B) recover, because Doctor had no right to move the car
 - (C) not recover, because his brakes were defective
 - (D) not recover because he was in a drunken stupor when injured
18. In a contract suit between Terrell and Ward, Ward testifies that he recalls having his first conversation with Terrell on January 3. When asked how he remembers the date, he answers, "In the conversation, Terrell referred to a story in that day's newspaper announcing my daughter's engagement." Terrell's counsel moves to strike the reference to the newspaper story. The judge should
- (A) grant the motion on the ground that the best evidence rule requires production of the newspaper itself
 - (B) grant the motion, because the reference to the newspaper story does not fit within any established exception to the hearsay rule
 - (C) deny the motion on the ground that the court may take judicial notice of local

newspapers and their contents

- (D) deny the motion on the ground that a witness may refer to collateral documents without providing the documents themselves

Questions 19-20 are based on the following fact situation.

Bill and Chuck hated Vic and agreed to start a fight with Vic and, if the opportunity arose, to kill him.

Bill and Chuck met Vic in the street outside a bar and began to push him around. Ray, Sam, and Tom, who also hated Vic, stopped to watch. Ray threw Bill a knife. Sam told Bill, "Kill him." Tom, who made no move and said nothing, hoped that Bill would kill Vic with the knife. Chuck held Vic while Bill stabbed and killed him.

19. On a charge of murdering Vic, Sam is
- (A) not guilty, because his words did not create a "clear and present danger" not already existing
 - (B) not guilty, because mere presence and oral encouragement, whether or not he has the requisite intent, will not make him guilty as an accomplice
 - (C) guilty, because, with the intent to have Bill kill Vic, he shouted encouragement to Bill
 - (D) guilty, because he aided and abetted the murder through his mere presence plus his intent to see Vic killed
20. On a charge of murdering Vic, Tom is
- (A) not guilty, because mere presence, coupled with silent approval and intent, is not sufficient
 - (B) not guilty, because he did not tell Bill ahead of time that he hoped Bill would murder Vic
 - (C) guilty, because he had a duty to stop the killing and made no attempt to do so
 - (D) guilty, because he was present and approved of what occurred
21. Leonard was the high priest of a small cult of Satan worshippers living in New Arcadia. As a part of the practice of their religious beliefs, a cat was required to be sacrificed to the glory of Satan after a live dissection of the animal in which it endured frightful pain. In the course of such a religious sacrifice, Leonard was ar-

rested on the complaint of the local Humane Society and charged under a statute punishing cruelty to animals. On appeal, a conviction of Leonard probably will be

- (A) sustained on the grounds that belief in or worship of Satan does not enjoy constitutional protection
- (B) sustained on the grounds that sincere religious belief is not an adequate defense on these facts
- (C) overturned on the grounds that the constitutionally guaranteed freedom of religion and its expression was violated
- (D) overturned on the grounds that the beliefs of the cult members in the need for the sacrifice might be reasonable, and their act was religious

22. Drew is charged with the murder of Pitt. The prosecutor introduced testimony of a police officer that Pitt told a priest, administering the last rites, "I was stabbed by Drew. Since I am dying, tell him I forgive him." Thereafter, Drew's attorney offers the testimony of Wall that the day before, when Pitt believed he would live, he stated that he had been stabbed by Jack, an old enemy. The testimony of Wall is

- (A) admissible under an exception to the hearsay rule
- (B) admissible to impeach the dead declarant
- (C) inadmissible because it goes to the ultimate issue in the case
- (D) inadmissible because irrelevant to any substantive issue in the case

23. An appropriations act passed by Congress over the President's veto directs that one billion dollars "shall be spent" by the federal government for the development of a new military weapons system, which is available only from the Arms Corporation. On the order of the President, the Secretary of Defense refuses to authorize a contract for purchase of the weapons system. The Arms Corporation sues the Secretary of Defense alleging an unlawful withholding of these federal funds.

The strongest constitutional argument for the Arms Corporation is that

- (A) passage of an appropriation over a veto makes the spending mandatory
- (B) Congress' power to appropriate funds

includes the power to require that the funds will be spent as directed

- (C) the President's independent constitutional powers do not specifically refer to spending
- (D) the President's power to withhold such funds is limited to cases where foreign affairs are directly involved

Questions 24-25 are based on the following fact situation.

Ohner holds title in fee simple to a tract of 1,500 acres. He desires to develop the entire tract as a golf course, country club, and residential subdivision. He contemplates forming a corporation to own and to operate the golf course and country club; the stock in the corporation will be distributed to the owners of lots in the residential portions of the subdivision, but no obligation to issue the stock is to ripen until all the residential lots are sold. The price of the lots is intended to return enough money to compensate Ohner for the raw land, development costs (including the building of the golf course and the country club facilities), and developer's profit, if all of the lots are sold.

Ohner's market analyses indicate that he must create a scheme of development that will offer prospective purchasers (and their lawyers) a very high order of assurance that several aspects will be clearly established:

1. Aside from the country club and golf course, there will be no land user other than for residential use and occupancy in the 1,500 acres.
 2. All residents of the subdivision will have unambiguous right of access to the club and golf course facilities.
 3. Each lot owner must have an unambiguous right to transfer his lot to a purchaser with all original benefits.
 4. Each lot owner must be obligated to pay annual dues equal to a pro rata share (based on the number of lots) of the club's annual operating deficit (whether or not such owner desires to make use of club and course facilities).
24. In the context of all aspects of the scheme, which of the following will offer the best chance of implementing the requirement that each lot owner pay annual dues to support the club and golf course?

- (A) Covenant

- (B) Easement
- (C) Mortgage
- (D) Personal contractual obligation by each purchaser

25. Of the following, the greatest difficulty that will be encountered in establishing the scheme is that

- (A) any judicial recognition will be construed as state action which, under current doctrines, raises a substantial question whether such action would be in conflict with the Fourteenth Amendment.
- (B) the scheme, if effective, renders title unmarketable
- (C) one or more of the essential aspects outlined by Ohner will result in a restraint on alienation
- (D) there is a judicial reluctance to recognize an affirmative burden to pay money in installments and over an indefinite period as a burden which can be affixed to bind future owners of land

26. In September, 1970, Joe Smith, twenty-three years old and unmarried, was beginning his third year of law school. At that time he entered into a written lease with Landlord for the lease of an apartment for the nine-month school year ending on May 31, 1971, at \$150 a month payable in advance on the first day of each month. Joe paid the rent through December 1, but did not pay the amount due on January 1, nor has he paid any since.

On January 15, 1971, Landlord threatened to evict Joe if he did not pay the rent. That night Joe called his father, Henry, and told him that he did not have the money with which to pay the rent nor did he have the money with which to pay his tuition for the second semester. Henry told Joe that if he agreed not to marry until he finished law school, Henry would pay his tuition, the \$150 rent that was due on January 1, the rent for the rest of the school year, and \$100 a month spending money until he graduated. Joe, who was engaged to be married, at that time agreed that he would not marry until after he graduated.

On January 16, Henry wrote to Landlord the following letter which Landlord received on January 17: "Because of the love and affection which I bear my son, Joe, if you do not evict

him, I will pay the rent he now owes you and will pay you his \$150 rent on the first day of each month through May, 1971. If I do not hear from you by January 25, I will assume that this arrangement is all right with you. (Signed) Henry Smith."

Landlord did not reply to Henry's letter and he did not evict Joe. Henry died suddenly on January 26. Joe continued to live in the apartment through May 31, 1971, but paid no more rent. He did not marry and graduated from law school. Henry had paid Joe's tuition for the spring semester but had paid no money to either Landlord or Joe.

Joe's claim against Henry's estate having been denied by the executor, Joe brought suit against the estate in June, 1971, asking for a judgment for \$400 (\$100 spending money for each of the months, February through May). In this action, Joe probably will be

- (A) successful
- (B) unsuccessful because his contract with Henry was illegal
- (C) unsuccessful because Henry's death terminated the offer
- (D) unsuccessful because his contract with Henry was not in writing and signed by Henry

27. Rogers gave Mitchell a power of attorney containing the following provision:

"My attorney, Mitchell, is specifically authorized to sell and convey any part or all of my real property."

Mitchell conveyed part of Rogers' land to Stone by deed in the customary form containing covenants of title. Stone sues Rogers for breach of a covenant. The outcome of Stone's suit will be governed by whether

- (A) deeds without covenants are effective to convey realty
- (B) the jurisdiction views the covenants as personal or running with the land
- (C) Stone is a bona fide purchaser
- (D) the power to "sell and convey" is construed to include the power to execute the usual form of deed used to convey realty

28. Auto Company, a corporation, was a small dealer in big new cars and operated a service department. Peter wanted to ask Mike, the

service manager, whether Auto Company would check the muffler on his small foreign car. Peter parked on the street near the service department with the intention of entering that part of the building by walking through one of the three large entrances designed for use by automobiles. There was no street entrance to the service department for individuals, and customers as well as company employees often used one of the automobile entrances.

As Peter reached the building, he glanced behind him to be sure no vehicle was approaching that entrance. Seeing none, he walked through the entrance, but immediately he was struck on the back of the head and neck by the large overhead door which was descending. The blow knocked Peter unconscious and caused permanent damage.

Peter did not know how the door was raised and lowered, however, the overhead door was operated by the use of either of two switches in the building. One switch was located in the office of the service manager and the other was located near the door in the service work area for the convenience of the mechanics. On this occasion, no one was in the service work area except three Auto Company mechanics. Mike, who had been in his office, and the three mechanics denied having touched a switch that would have lowered the door. Subsequent investigation showed, however, that the switches were working properly and that all of the mechanisms for moving the door were in good working order.

If Peter asserts a claim based on negligence against Auto Company, Peter probably will

- (A) recover, because Auto Company is strictly liable under the circumstances
- (B) recover, because an employee of Auto Company was negligent
- (C) not recover, because Peter was a licensee
- (D) not recover, because Peter assumed the risk

Questions 29-30 are based on the following fact situation.

In a trial between Jones and Smith, an issue arose about Smith's ownership of a horse, which had caused damage to Jones's crops.

29. Jones offered to testify that he looked up

Smith's telephone number in the directory, called that number, and that a voice answered. "This is Smith speaking." At this Jones asked, "Was that your horse that tramped across my cornfield this afternoon?" The voice replied, "Yes." The judge should rule the testimony

- (A) admissible, because the answering speaker's identification of himself, together with the usual accuracy of the telephone directory and transmission system, furnishes sufficient authentication
- (B) admissible, because judicial notice may be taken of the accuracy of telephone directories
- (C) inadmissible unless Jones can further testify that he was familiar with Smith's voice and that it was in fact Smith to whom he spoke
- (D) inadmissible unless Smith has first been asked whether or not the conversation took place and has been given the opportunity to admit, deny, or explain

30. Jones seeks to introduce in evidence a photograph of his cornfield in order to depict the nature and extent of the damage done. The judge should rule the photograph

- (A) admissible if Jones testifies that it fairly and accurately portrays the condition of the cornfield after the damage was done
- (B) admissible if Jones testifies that the photograph was taken within a week after the alleged occurrence
- (C) inadmissible if Jones fails to call the photographer to testify concerning the circumstances under which the photograph was taken
- (D) inadmissible if it is possible to describe the damage to the cornfield through direct oral testimony

Questions 31 and 32 each describe an offense. Select from the choices (A-D) the most serious offense of which the defendant could be properly convicted.

- (A) Involuntary manslaughter
- (B) Voluntary manslaughter
- (C) Murder
- (D) None of the above

31. Defendant, an avid fan of his home town football team, shot at the leg of a star player for a rival team, intending to injure his leg enough

to hospitalize for a few weeks, but not to kill him. The victim died of loss of blood.

32. Defendant, a worker in a metal working shop, had long been teasing Vincent, a young colleague, by calling him insulting names and ridiculing him. One day Vincent responded to the teasing by picking up a metal bar and attacking Defendant. Defendant could have escaped from the shop. He parried the blow with his left arm, and with his right hand struck Vincent a blow on his jaw from which the young man died.

33. Patty sues Mart Department Store for personal injuries, alleging that while shopping she was knocked to the floor by a merchandise cart being pushed by Handy, a stock clerk, and that as a consequence her back was injured.

Handy testified that Patty fell near the cart but was not struck by it. Thirty minutes after Patty's fall, Handy, in accordance with regular practice at Mart, had filled out a printed form, "Employee's Report of Accident—Mart Department Store," in which he stated that Patty had been leaning over to spank her young child and in so doing had fallen near his cart. Counsel for Mart offers in evidence the report, which had been given him by Handy's supervisor.

The judge should rule the report offered by Mart

- (A) admissible as *res gestae*
(B) admissible as a business record
(C) inadmissible, because it is hearsay, not within any exception
(D) inadmissible, because Handy is available as a witness
34. Householder hired Contractor to remodel her, Householder's, kitchen. She had learned of him through a classified advertisement he placed in the local newspaper. During the telephone conversation in which she hired him, he stated he was experienced and qualified to do all necessary work. Because of his low charge for his work, they agreed in writing that on acceptance of his job by Householder, he would have no further liability to her or to anyone else for any defects in materials or workmanship, and that she would bear all such costs.

Householder purchased a dishwasher man-

ufactured by Elex Company from Dealer, who was in the retail electrical appliance business. The washer was sold by Dealer with only the manufacturer's warranty and with no warranty by Dealer. Elex Company restricted its warranty to ninety days on parts and labor. Contractor installed the dishwasher.

Two months after Householder accepted the entire job, she was conversing in her home with Accountant, an acquaintance who had agreed to prepare her income tax return gratuitously. As they talked, they noticed that the dishwasher was operating strangely, repeatedly stopping and starting. At Householder's request, Accountant gave it a cursory examination and, while inspecting it, received a violent electrical shock which did him extensive harm. The dishwasher had an internal wiring defect which allowed electrical current to be carried into the framework and caused the machine to malfunction. The machine had not been adequately grounded by Contractor during installation; if it had been, the current would have been led harmlessly away. The machine carried instructions for correct grounding, which Contractor had not followed.

If Accountant asserts a claim based on strict liability against Elex Company for damages, the probable result is that Accountant will

- (A) recover, because the dishwasher was defectively made
(B) recover, because Elex Company is vicariously liable for the improper installation
(C) not recover, because he assumed the risk by inspecting the machine
(D) not recover, because he was not the purchaser

Questions 35-36 are based on the following fact situation.

The State of Missoula has enacted a new election code designed to increase voter responsibility in the exercise of the franchise and to enlarge citizen participation in the electoral process. None of its provisions conflicts with federal statutes.

35. Which of the following is the strongest reason for finding unconstitutional a requirement in the Missoula election code that each voter must be literate in English?

- (A) The requirement violates Article I Section 2 of the Constitution, which provides that representatives to Congress be chosen "by the People of the several States."
- (B) The requirement violates Article I, Section 4 of the Constitution, which gives Congress the power to "make or alter" state regulations providing for the "Times" and "Manner" of holding elections for senators and representatives.
- (C) The requirement violates the due process clause of the Fourteenth Amendment.
- (D) The requirement violates the equal protection of the laws clause of the Fourteenth Amendment.
36. The Missoula election code provides that in a special-purpose election for directors of a state watershed improvement district, the franchise is limited to landowners within the district, because they are the only ones directly affected by the outcome. Each vote is weighted according to the proportion of the holding of that individual in relation to the total affected property. The best argument in support of the statute and against the application of the "one man, one vote" principle in this situation is that the principle
- (A) applies only to elections of individuals to statewide public office
- (B) does not apply where property rights are involved
- (C) does not apply, because the actions of such a district principally affect landowners
- (D) does not apply because of rights reserved to the states by the Tenth Amendment
37. Testator devised his farm "to my son, Selden, for life, then to Selden's children and their heirs and assigns." Selden, a widower, had two unmarried, adult children.
- In appropriate action to construe the will, the court will determine that the remainder to children is
- (A) indefeasibly vested
- (B) contingent
- (C) vested subject to partial defeasance
- (D) vested subject to complete defeasance

Questions 38-39 are based on the following fact situation.

Alpha and Beta made a written contract pursuant to which Alpha promised to convey a specified apartment house to Beta in return for Beta's promise (1) to convey a 100-acre farm to Alpha and (2) to pay Alpha \$1,000 in cash six months after the exchange of the apartment house and the farm. The contract contained the following provision: "It is understood and agreed that Beta's obligation to pay the \$1,000 six months after the exchange of the apartment house and the farm shall be voided if Alpha has not, within three months after the aforesaid exchange, removed the existing shed in the parking area in the rear of the said apartment house."

38. Which of the following statements concerning the order of performances is LEAST accurate?
- (A) Alpha's tendering of good title to the apartment house is a condition precedent to Beta's duty to convey good title to the farm.
- (B) Beta's tendering of good title to the farm is a condition precedent to Alpha's duty to convey good title to the apartment house.
- (C) Beta's tendering of good title to the farm is a condition subsequent to Alpha's duty to convey good title to the apartment house.
- (D) Alpha's tendering of good title to the apartment house and Beta's tendering of good title to the farm are concurrent conditions.
39. Alpha's removal of the shed from the parking area of the apartment house is
- (A) a condition subsequent in form but precedent in substance to Beta's duty to pay the \$1,000
- (B) a condition precedent in form but subsequent in substance to Beta's duty to pay the \$1,000
- (C) a condition subsequent to Beta's duty to pay the \$1,000
- (D) not a condition, either precedent or subsequent, to Beta's duty to pay the \$1,000

Questions 40-41 are based on the following fact situation.

Johnson took a diamond ring to a pawnshop and borrowed \$20 on it. It was agreed that the loan was

to be repaid within 60 days and if it was not, the pawnshop owner, Defendant, could sell the ring. A week before expiration of the 60 days, Defendant had an opportunity to sell the ring to a customer for \$125. He did so, thinking it unlikely that Johnson would repay the loan and if he did, Defendant would be able to handle him somehow, even by paying him for the ring if necessary. Two days later, Johnson came in with the money to reclaim his ring. Defendant told him that it had been stolen when his shop was burglarized one night and that therefore he was not responsible for its loss.

Larceny, embezzlement, and false pretenses are separate crimes in the jurisdiction.

40. It is most likely that Defendant has committed which of the following crimes?

- (A) Larceny
- (B) Embezzlement
- (C) Larceny by trick
- (D) Obtaining by false pretenses

41. Suppose in the case above, instead of denying liability, Defendant told Johnson the truth—that he sold the ring because he thought Johnson would not reclaim it—and offered to give Johnson \$125. Johnson demanded his ring. Defendant said, "Look buddy, that's what I got for it and it's more than it's worth." John reluctantly took the money. Defendant could most appropriately be found guilty of

- (A) larceny
- (B) embezzlement
- (C) false pretenses
- (D) none of the above

42. Brown contended that Green owed him \$6,000. Green denied that he owed Brown anything. Tired of the dispute, Green eventually signed a promissory note by which he promised to pay Brown \$5,000 in settlement of their dispute.

In an action by Brown against Green on the promissory note, which of the following, if true, would afford Green the best defense?

- (A) Although Brown honestly believed that \$6,000 was owed by Green, Green knew that it was not owed.
- (B) Although Brown knew that the debt was not owed, Green honestly was in doubt whether it was owed.
- (C) The original claim was based on an oral

agreement, which the Statute of Frauds required to be in writing.

(D) The original claim was an action on a contract, which was barred by the applicable Statute of Limitations.

Questions 43-44 are based on the following fact situation.

Mrs. Ritter, a widow, recently purchased a new energated electric range for her kitchen from Local Retailer. The range has a wide oven with a large oven door. The crate in which Stove Company, the manufacturer, shipped the range carried a warning label that the stove would tip over with a weight of 25 pounds or more on the oven door. Mrs. Ritter has one child—Brenda, aged 3. Recently, at about 5:30 p.m., Brenda was playing on the floor of the kitchen while Mrs. Ritter was heating water in a pan on the stove. The telephone rang and Mrs. Ritter went into the living room to answer it. While she was gone Brenda decided to find out what was cooking. She opened the oven door and climbed on it to try to see what was in the pan. Brenda's weight (25 pounds) on the door caused the stove to tip over forward. Brenda fell to the floor and the hot water spilled over her, burning her severely. Brenda screamed. Mrs. Ritter ran to the kitchen and immediately gave her first aid treatment for burns. Brenda thereafter received medical treatment.

Brenda's burns were painful. They have now healed and do not bother her, but she has ugly scars on her legs and back. Brenda's claim is asserted on her behalf by the proper party.

43. If Brenda asserts a claim based on strict liability against Stove Company, she must establish that

- (A) the defendant negligently designed the stove
- (B) stoves made by other manufacturers do not turn over with a 25-pound weight on the oven door
- (C) the defendant failed to warn the Ritters that the stove would turn over easily
- (D) the stove was defective and unreasonably dangerous to her

44. If Brenda asserts a claim based on strict liability against Local Retailer, she must establish that

- (A) Local Retailer did not inform Mrs. Ritter of the warning on the crate

- (B) the stove was substantially in the same condition at the time it tipped over as when it was purchased from Local Retailer
- (C) Local Retailer made some change in the stove's design or had improperly assembled it so that it tipped over more easily
- (D) Local Retailer knew or should have known that the stove was dangerous because of the ease with which it tipped over

Questions 45-47 are based on the following fact situation.

The State of Yuma provides by statute, "No person may be awarded any state construction contract without agreeing to employ only citizens of the state and of the United States in performance of the contract."

45. In evaluating the constitutionality of this state statute under the supremacy clause, which of the following would be most directly relevant?
- (A) The general unemployment rate in the nation
 - (B) The treaties and immigration laws of the United States
 - (C) The need of the state for this particular statute
 - (D) The number of aliens currently residing in Yuma
46. If the Yuma statute is attacked as violating the commerce clause, which of the following defenses is the WEAKEST?
- (A) The statute will help protect the workers of the State of Yuma from competition by foreign workers.
 - (B) The statute will help assure that workers with jobs directly affecting the performance of public contracts are dedicated to their jobs.
 - (C) The statute will help assure a continuously available and stable work force for the execution of public contracts.
 - (D) The statute will help assure that only the most qualified individuals work on public contracts.
47. Suppose the state supreme court declares the statute to be unconstitutional on the grounds that it violates the privileges and immunities clause of the Fourteenth Amendment to the federal constitution and the equal protection

clause of the state constitution. If the state seeks review in the United States Supreme Court, which of the following statements is most accurate?

- (A) The United States Supreme Court may properly review that decision by certiorari only.
 - (B) The United States Supreme Court may properly review that decision by appeal only.
 - (C) The United States Supreme Court may properly review that decision by appeal or certiorari.
 - (D) The United States Supreme Court may not properly review that decision.
48. Allen and Barker are equal tenants in common of a strip of land 10 feet wide and 100 feet deep which lies between the lots on which their respective homes are situated. Both Allen and Barker need the use of the 10-foot strip as a driveway; and each fears that a new neighbor might seek partition and leave him with an unusable 5-foot strip. The best advice about how to solve their problem is
- (A) a covenant against partition
 - (B) an indenture granting cross easements in the undivided half interest of each
 - (C) partition into two separate 5-foot wide strips and an indenture granting cross easements
 - (D) a trust to hold the strip in perpetuity
49. Mrs. Dennis' 12-year-old daughter, Gala, had some difficulty getting along with other children in the neighborhood, especially with the younger ones. Thinking the experience would be good for her, Mrs. Dennis recommended Gala to Mr. Parrent as a baby-sitter for his five-year-old boy, Robby, but did not mention Gala's difficulties or her lack of prior experience as a babysitter. The Dennises and the Parrents were longstanding social acquaintances. On the evening Gala was to sit, the Parrents told Gala that she should treat Robby firmly, but that it would be preferable not to spank him since he did not take kindly to it. They did not tell Gala they had experienced trouble retaining baby-sitters because of Robby's temper tantrums.
- Later in the evening when Robby became angry upon being told to go to his room for

being naughty. Gala spanked him, but only moderately hard. Robby then threw a hardbacked book at Gala, hitting her in the eye. As Gala tried to catch Robby to take him to his room, Robby fled around the house and out the back door, knocking over and breaking an expensive lamp.

The back yard was completely dark. Gala heard Robby screaming and banging at the back door, which had closed and locked automatically, but she did nothing. After twenty minutes had passed, she heard a banging and crying at the front door, but still she did nothing. Then the noise stopped. In a few minutes Gala went outside and found Robby lying on the steps unconscious and injured.

If a claim is asserted on behalf of Robby against Mrs. Dennis for damages based on Gala's conduct, Mrs. Dennis will probably be liable, because

- (A) parents are vicariously liable for the intentional torts of their children
 - (B) she has a nondelegable duty to control the actions of her child
 - (C) *respondet superior* applies
 - (D) she was negligent
50. Professor James said to Mary Digit, president of the X-1 Secretarial Service, "Since you folks have done good typing work for me in the past, I promise to bring you the manuscript for my new book."

"When?" asked Mary Digit.

"First chapter next Monday," replied the Professor.

"Wouldn't that be nice," said Mary Digit.

The following Monday James, foregoing the services of another secretarial service, brought chapter one to the X-1 office but Mary Digit refused to take it, saying they were all booked up for three weeks.

Which of the following facts or inferences would be most helpful in an action by James against X-1?

- (A) "When" and "Wouldn't that be nice" implied a promise to type the manuscript.
- (B) James relied on Mary Digit's statement by bringing the manuscript to X-1.
- (C) X-1 had done good work for James in the past.

(D) James had foregone the services of another secretarial service.

51. In 1967 Owen held Blackacre, a tract of land, in fee simple absolute. In that year he executed and delivered to Price a quitclaim deed which purported to release and quitclaim to Price all of the right, title and interest of Owen in Blackacre. Price accepted the quitclaim and placed the deed in his safety deposit box.

Owen was indebted to Crider in the amount of \$35,000. In September, 1971, Owen executed and delivered to Crider a warranty deed, purporting to convey the fee simple to Blackacre, in exchange for a full release of the debt he owed to Crider. Crider immediately recorded his deed.

In December, 1971, Price caused his quitclaim deed to Blackacre to be recorded and notified Crider that he (Price) claimed title.

Assume that there is no evidence of occupancy of Blackacre and assume, further, that the jurisdiction where Blackacre is situated has a recording statute which requires good faith and value as elements of the junior claimant's priority. Which of the following is the best comment concerning the conflicting claims of Price and Crider?

- (A) Price cannot succeed, because the quitclaim through which he claims prevents him from being bona fide (in good faith).
 - (B) The outcome will turn on the view taken as to whether Crider paid value within the meaning of the statute requiring this element.
 - (C) The outcome will turn on whether Price paid value (a fact not given in the statement).
 - (D) Price's failure to record until December, 1971, estops him from asserting title against Crider.
52. Hank owned a secondhand goods store. He often placed merchandise on the sidewalk, sometimes for short intervals, sometimes from 7:00 a.m. until 6:00 p.m. Pedestrians from time to time stopped and gathered to look at the merchandise. Fred had moved into an apartment which was situated immediately above Hank's store; a street-level stairway entrance was located about twenty feet to the east. On

several occasions, Fred had complained to Hank about the situation because not only were his view and peace of mind affected, but his travel on the sidewalk was made more difficult. Fred owned and managed a restaurant two blocks to the west of his apartment and made frequent trips back and forth. There was a back entrance to his apartment through a parking lot; this entrance was about two hundred feet farther in walking distance from his restaurant. Once Fred complained to the police, whereupon Hank was arrested under a local ordinance which prohibited the placing of goods or merchandise on public sidewalks and imposed, as its sole sanction, a fine for its violation.

One day, the sidewalk in front of Hank's store was unusually cluttered because he was cleaning and mopping the floor of his shop. Fred and his fifteen-year-old son, Steve, saw a bus they wished to take, and they raced down the stairs and onto the cluttered sidewalk in front of Hank's store. Fred in the lead. While dodging merchandise and people, Fred fell. Steve tripped over him and suffered a broken arm. Fred also suffered broken bones and was unable to attend to his duties for six weeks.

If, prior to the day of his personal injuries, Fred had asserted a claim based on public nuisance for injunctive relief against Hank for his obstruction of the sidewalk in violation of the ordinance, the defense on which Hank would have most likely prevailed is that

- (A) Fred consented to the obstruction by continuing to rent his apartment
- (B) the violation of the ordinance was not unreasonable
- (C) remedy of abatement by self-help was adequate
- (D) there was no claim for special damage

THE MBE ANSWER SHEET

All answers to the MBE are to be recorded on a separate answer sheet which is enclosed in the test book. For each question, select your answer and blacken the corresponding space on the answer sheet. No credit is given for anything written in the test book.

Prior to the beginning of the examination, you will be asked to fill in some identifying information

on the answer sheet. If this information is not properly completed, your score report may be delayed.

A completed sample identification section of the MBE answer sheet is printed on page 42. To the left you will see a group of columns labeled "State Code." In the boxes at the top of the columns you will write the state code number that your supervisor will announce to you.

In the next group of columns labeled "Applicant Number," you will enter the applicant number assigned to you by your state board of bar examiners. All five spaces must be filled in. If your number has less than five digits, precede it with as many zeros as necessary, as shown in the sample. Be sure you do not add extra zeros after your applicant number, since this will result in a delayed report.

In the last column labeled "Date of Birth," fill in the numerals indicating the month and day of your birth. If either the month or day is a single digit, fill in the first digit space with a zero.

In the column under each number you have entered, blacken with pencil the space corresponding to that number. Blacken the spaces for zeros as you would for any other digit.

Some states will use the blank space under the identification section for special information for their use. Do not write in that space unless directed to do so by the supervisor.

Each applicant should bring a No. 2 black lead pencil to the examination.

The Alaska Bar Association Committee on Legal Educational Opportunities requests that the following information be volunteered by each applicant as part of the application process. The Committee on Legal Educational Opportunities is gathering this data to assist in the continuing evaluation of the examination's effects on racial and ethnic minorities. This information will be treated in a confidential manner and will be used only for research purposes. It will not be retained by the Alaska Bar Association as part of your application.

Which one of the following racial or ethnic groups best describes you? Mark only one.

- American Indian or Alaskan Native
(Descended from any of the original peoples of North America.)
- Filipino
- Pacific Islander
(Melanesian, Micronesian, Polynesian)
- Origins in Indian sub-continent
(Pakistan, Indian, Bengal, etc.)
- Asian
(Includes Chinese, Japanese, Korean and the peoples of Malaysia and Southeast Asia.)
- South/Central American
(Mexican, Puerto Rican, Cuban, Central or South America & Spanish)
- Black
(Excludes persons of Hispanic origin.)
- White
(Includes persons having origins in any of the original peoples of Europe, Russia, North Africa and the Middle East -- and generally corresponds to those persons not classified into one of the 7 specific minority categories.)

PRINT NAME OF CANDIDATE

MAIL THIS SHEET SEPARATELY TO Carolyn E. Jones, Chair,
Committee on Legal Educational Opportunities, 420 L Street,
Suite 100, Anchorage, Alaska, 99501.

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RE: RE-APPLICATION FORMS

Dear

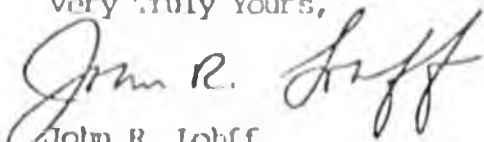
Enclosed are the re-application forms which you requested. When completing this form please up-date all information furnished in your original application.

Your re-application fee, if any, must be filed with your re-application. The re-application fee is \$100.00. However, applicants who withdrew before taking an examination are allowed credit for payment of the original application fee.

For your information, I am also enclosing a flyer and booklet containing information about the examination and an affidavit of residence form to be used in the event you are not an Alaskan resident at the time of re-applying.

Please contact me if further information is required concerning the above.

Very Truly Yours,


John R. Lohff
Acting Executive Director

Encls.

Form #A3