

ALASKA LEGISLATURE COMMITTEE FILES 1902

1628 HJ HB 633 - HB 753

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

21 - CONFERENCE COMMITTEES:

- (1) Presiding officer appoints 3 members in each house to committee, house of origin can vote. If no agreement same committee tries again. In actual practice, bill is dead after first attempt.
- (2) Rule 41 - Presiding officer of each house appoints three members.
- (3) Limited to points of disagreement only. Must be on members' desks 24 hours prior to voting.
- (4) J.R. Sec. 15 One body can request, other body shall comply.
- (5) J.R. 28 - three members from each house, with one who voted in minority. Can appoint three committees, with all new members.
- (6) Only one conference committee is appointed, votes yes or no, any action including amendments are by majority vote.
- (8) "We have no conference committees . . . this has not caused any major problem."
- (9) Report only on the differences between the two houses. No substance foreign to the bills before the conferees shall be included in the report. Seven day time limit. New conferees appointed. Must be read two days before vote. Only amendments can be recommended.
- (10) S.R. 161 - grants broad powers of conference.
- (11) Open to public. Reports must be on legislators' desks 24 hours prior to voting. Chairman of primary committee of referral is conference committee chairman; minority make-up in proportion. On Budget, Chairman of Finance and chairman of standing committees are involved. Authority of conference committee is limited solely to differences between House and Senate versions. Can not insert any new or unrelated material.
- (12) The chairman of appropriate standing committees will be among conferees. Amendments of disagreement are discussed. In practice, conference committees are used very infrequently. It is instead decided informally under a new bill.
- (13) Conference committee on appropriations: 1) report must sit on members desks 1 days before voting; 2) only subjects directly relating to differences referred to conference committee can be considered. Equal number of members from each house appointed to conference committees. Majority must agree on report. Time deadlines for final passage.
- (14) Report must be approved by minority and majority attorneys before vote. Report must be on legislators' desks 24 hours before voting. Unanimous consent of all conference committee members required. All amendments must be on legislators' desks 1 hour prior to voting.
- (15) Composed of 5 members, 3 majority, 2 minority.
- (16) Maxium of two conference committees appointed. If cannot agree, bill is dead. Can only consider "germane" matters. Members must have copy of conference committee report prior to voting. All meetings open to the public.
- (17) S.R. 43, H.R. 43 - The Committee on Committees shall select members for conference committees. Three members from each house. Conference committee report shall limit itself to the matters in controversy. Second and subsequent conference committees may be appointed.
- (18) Appointees include: 1) Chairman of committee of referral; 2) Author of bill; 3) at large member. Changes must be explained to all members prior to floor vote.
- (19) J.R. 16 - appointed by President and Speaker, 3 members from each house. Committee has ten days to reach an agreement. Neither house has to accept.
- (20) Request for conference committee comes from house of origin. Three members to each committee, may be elected by ballot. S.R. 26, 59, 60, 61 H.R. 24, 59, 60, 61
- (21) Only matters of documented differences can be discussed. A second conference committee is permitted.
- (22) J.R. 8 - Bill fails after two conference committees refuse to agree. J.R. 7 - confined to matters of difference only. Conference committee may recommend amendments if agreement reached affects other parts of bill.
- (23) S.R. 56 - Sponsors, those in favor of bill and standing committee members given priority (whenever practical). A subcommittee of Rules appoints conferees. Committee is composed of 1 or 5 members - in practice, at least one minority member serves on each committee.
- (24) If conference committee is deadlined, conferees will report back to floor and new conference committee is appointed. Conference committee reports can be amended by concurrent resolution.
- (25) J.R. 23 - composed of 5 members from each house, majority of each must sign.
- (26) Open to the public. Report must be on legislators' desks 24 hours prior to voting - exception is the final legislative day.
- (27) There are no conference committees since Nebraska has a unicameral system.
- (28) Two conference committees are the maximum number allowed - they have power to rewrite the bill.
- (29) H.R. 41 - non-germane amendment not allowed - defined as any subject matter not contained in either House or Senate bill. S.R. 43 - 24 hours required before action can be taken. J.R. 8 - bill fails if no agreement. Majority/minority representation as equal as possible. Unanimous vote of conferees required.
- (30) Conference (Reference Committees) rules have a variety of provisions for different situations occurring with different bills. Amendments are used to add information to make bills identical.
- (31) J.R. 3-1 - three members from each house appointed by presiding officers to attempt to agree upon amendments in dispute. In practice, conferees include: chairman of major committees involved and member of minority. If no agreement, the conference committee reports back. If neither house then accepts conferees, bill is dead.
- (32) J.R. V, Sec. 1 - May be called by Speaker, President or by resolution. Members must include sponsor(s) of bill, committee chairman or designee, no limit to how many conference committees.

41 - CONFERENCE COMMITTEES (COMINT 10):

- (33) Only such matters as are in difference between the houses shall be considered and the conference report shall deal only with such matters. If conferees fail to agree, new conference committees can be appointed. Reports must be on members' desks 24 hours prior to vote soon floor.
- (34) J.R. 6 - composed of five members from each house. Open to the public. Must confine recommendations to the stated differences between versions.
- (35) Three members appointed from each house by presiding officer. In practice, conferees include: 1) sponsor of bill; 2) chairman of committee of referral; 3) minority member. Several succeeding conference committees may be appointed, if no agreement - although this is rarely needed.
- (36) Only matters of disagreement between the 2 houses or matters germane to the bill. Sponsor of bill requests conference committee or accepts other house's amendment. Report must be on legislators' desks prior to consideration. If no agreement after one conference committee, bill is dead.
- (37) Amendment within scope of two houses. Another conference committee can be appointed in lack of agreement.
- (38) H.R. 48, S.R. 81 - Both rules state the conference committee are confined to considering only the differences between versions.
- (40) J.R. 4 - House proposing an amendment which is opposed by other house requests committee of conference be appointed and names its conferees. If conference committee fails to agree on any plan of settlement or if report is not concurred in by both houses it is lost. Conference committee can not insert any new matter nor can they add or delete any matter agreed upon by both houses.
- (41) Any member can have modification or amendments divided and the question of concurrence taken separately. Appointed by presiding officers of each house with members being "representative of the decision... under consideration."
- (42) In Senate, report must be on legislators' desks 24 hours prior to voting, except for last 2 days of session.
- (43) Authorized by each house and appointed by presiding officers. If conferees should go outside scope of conference committee, houses must pass concurrent resolution on each amendment.
- (44) J.R. 26 - New conference committee may be appointed unless other house votes to refuse further conference.
- (45) If first conference committee does not agree, term conference committee is formed. Bill is dead after second conference committee without both houses' concurrence.
- (46) Conference committee confined to matters under controversy. Chairman of Committee of Referral selects conferees. Sponsor of bill is first choice. Two conference committees allowed - no powers of free conference, very specific. To pass, bill from conference committee must receive same recorded vote as required to pass bill.
- (47) J.R. 6 - Must refuse to agree requests conference committee with concurrence of other house. S.R. 2 - President appoints members from Senate.
- (48) J.R. 3 - five members on committee. Only report subject matter of the amendment. If committee can not agree bill is dead. All meetings open to public.
- (49) J.R. 3 - three members from each house. Second conference committee can be formed if first committee can not reach agreement.
- (50) J.R. 2-1, 2-2, 1-1

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 633

Title "An Act prohibiting personal recognizance release when the offense charged is

Requested by Anderson Date 1/11/82 a violent crime

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation & Supervision

BRU, Program, Or Subprogram(s) Affected Adult Confinement

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

It is relatively uncommon for anyone to be granted R.O.R. release from pre-trial incarceration having been charged with those offenses listed in this bill. Thus the infrequency of such occurrences plus the normally short length of pre-trial detention seems to imply that any impact from this statute upon Corrections' bed space needs will be quite small.

IV. DATE 1-21-82

PREPARED BY

Roger C. Lange
Roger Lange

AGENCY

Division of Adult Corrections

Original: Legislative Finance

PHONE

465-3376

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Barry Stern → ^{bill to} Limit Class A, unclassified felony.

Introduced: 1/11/82
Referred: Judiciary

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 633

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting personal recognizance release when
7 the offense charged is a violent crime."

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

9 * Section 1. AS 12.30.020(a) is amended to read:

10 (a) A person charged with an offense shall, at his first appear-
11 ance before a judicial officer, be ordered released pending trial on his
12 personal recognizance or upon the execution of an unsecured appearance
13 bond in an amount specified by the judicial officer unless prohibited
14 under (i) of this section or unless the officer determines that the
15 release of the person will not reasonably assure the appearance of the
16 person as required, or will pose a danger to other persons and the
17 community. If the offense with which a person is charged is a felony,
18 on motion of the prosecuting attorney, the judicial officer may allow
19 the prosecuting attorney up to 48 hours to demonstrate that release of
20 the person on his personal recognizance or upon the execution of an
21 unsecured appearance bond will not reasonably assure the appearance of
22 the person, or will pose a danger to other persons and the community.

23 * Sec. 2. AS 12.30.020 is amended by adding a new subsection to read:

24 (i) A person charged with any of the following offenses may not be
25 ordered released pending trial on his personal recognizance:

- 26 (1) murder in the first degree (AS 11.41.100);
27 (2) murder in the second degree (AS 11.41.110);
28 (3) manslaughter (AS 11.41.120);
29 (4) criminally negligent homicide (AS 11.41.130);

Discretionary
Connolly → Go further →
Heiniller → What type of bail?

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- (5) assault in the first degree (AS 11.41.200);
- (6) assault in the second degree (AS 11.41.210);
- (7) assault in the third degree (AS 11.41.220);
- (8) kidnapping (AS 11.41.300);
- * (9) sexual assault in the first degree (AS 11.41.410);
- * (10) sexual assault in the second degree (AS 11.41.420);
- (11) robbery in the first degree (AS 11.41.500);
- (12) robbery in the second degree (AS 11.41.510);
- (13) burglary in the first degree (AS 11.46.300);
- (14) arson in the first degree (AS 11.46.400);
- (15) escape in the first degree (AS 11.56.300);
- (16) riot (AS 11.61.100).

*Listed
Fairbairn*

*Should be left up for judgement → Connelly
(discretion)*



Alaska Judicial Council

NON-ATTORNEY MEMBERS
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ROBERT M. MOSS

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99501
(907) 279-2526

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NICHOLAS MAROULES

ATTORNEY MEMBERS
MARCUS R. CLAPP
JAMES B. BRADLEY
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
EDMOND W. BURKE
CHIEF JUSTICE
SUPREME COURT

January 15, 1982

Ms. Julia Coster
House Judiciary Committee
Pouch V
Juneau, AK 99811

Dear Julia:

This is in response to your request for statistical information concerning the relationship between the custodial status (own recognizance, bail, etc.) of felony offenders and income.

The data used in this analysis includes all felony offenses committed in Anchorage, Fairbanks and Juneau in 1980 that resulted in a conviction. Also, the custodial status variable relates to the time of sentencing. Finally, the analysis is limited to violent felony offenses, including those cases described by the Judicial Council in its "Preliminary Report of 1980 Felony Sentencing Patterns" as Class 1 and 2 offenses.

TABLE I
Custodial Status at Time of
Sentencing by Level of Monthly Income
(1980 Violent Felonies)

<u>Monthly Income</u>	<u>Custodial Status</u>			<u>Totals</u>
	<u>Own</u> <u>Recogn.</u>	<u>Bail</u>	<u>Jailed</u>	
Less Than \$500	15.8% (16)	28.7% (29)	55.5% (56)	100% n=101
\$500-\$1200	35.7% (5)	57.2% (8)	7.1% (1)	100% n=14
Over \$1200	17.9% (5)	42.9% (12)	39.2% (11)	100% n=28
Totals	(26)	(49)	(68)	N=143

The above distributions indicate that offenders with the lowest monthly income (under \$500) are most likely (55.5%) to have been jailed at the time of sentencing -- i.e., they did not make bail and were not released on their own recognizance. Conversely, offenders with a monthly income over \$500 (including the "\$500 - \$1200" and "Over \$1200" groups) were most likely to have been free on bail at the time of sentencing.

Overall, only 26 or 18% of all violent offenders were free on their own recognizance at the time of sentencing.

Table II, below, provides a distribution of custodial status by race.

Ms. Julia Coster
January 15, 1982
Page Three

TABLE II

Custodial Status at Time of
Sentencing by Defendant's Race
(1980 Violent Felonies)

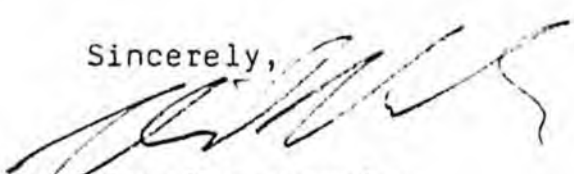
<u>Defendant's Race</u>	<u>Own Recogn.</u>	<u>Bail</u>	<u>Jailed</u>	<u>Totals</u>
Black	7.1% (1)	57.1% (8)	35.8% (5)	100% n=14
Native	17.0% (8)	31.9% (15)	51.1% (24)	100% n=47
Caucasian	27.2% (22)	30.9% (25)	41.9% (34)	100% n=81
Other Minority	23.1% (3)	30.8% (4)	46.1% (6)	100% n=13
Totals	(34)	(52)	(69)	

These distributions indicate that Caucasian offenders were most likely, and Black offenders least likely, to have been released on their own recognizance at the time of sentencing. Black offenders, however, were also most likely to have been released on bail at the time of sentencing. Finally, Native and minority offenders were proportionately more likely than Black and Caucasian offenders to have been jailed at the time of sentencing.

I hope these figures are of some help to you. I have also enclosed a copy of a letter I recently sent to Melissa Fouse, Senator Sturgulewski's aide, which includes further information on the topic of custodial status.

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,



Nicholas Maroules
Executive Director

Enclosure



Alaska Judicial Council

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January 14, 1982

CHAIRMAN EX OFFICIO
EDMOND W. BURKE
CHIEF JUSTICE
SUPREME COURT

Melissa Fouse
Office of Senator Sturgulewski
Pouch V
Juneau, Alaska 99811

Dear Melissa:

This is to confirm the statistical information I provided you in our telephone conversation of January 14, regarding the number of serious felony offenders released on their own recognizance. As I explained to you on the phone, the Judicial Council's data includes information on custodial status -- i.e., own recognizance, bail, etc. -- at the time of sentencing. The data includes all offenses committed in 1980 that were originally charged as a felony that resulted in a conviction in Anchorage, Fairbanks, and Juneau.

<u>Offense</u>	<u>Number of Cases</u>	<u>Number cases on own recogn. at sentencing</u>	
		<u>N</u>	<u>% of all cases</u>
Murder 1	5	0	0%
Murder 2	3	0	0%
Kidnapping	1	0	0%
Manslaughter	3	0	0%
Assault 1	10	2	20%
Sex. Assault 1	10	2	0%

Melissa Fouse
January 14, 1982
Page Two

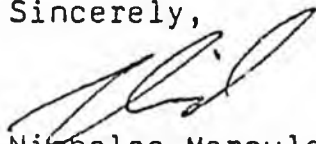
<u>Offense</u>	<u>Number of Cases</u>	<u>Number cases on own recogn. at sentencing % of all cases</u>	
		<u>N</u>	<u>%</u>
Robbery 1	13	0	0%
Assault 2	23	3	13%
Sex. Assault 2	1	0	0%
Robbery 2	8	1	12%
Negligent Homocide	1	1	100%

I have enclosed three recent Judicial Council reports that you may find helpful. They include, (1) Alaska Felony Sentences: 1976-1979, (2) "Preliminary Report on Fish and Game Offense Sentences", and (3) "Preliminary Report of 1980 Felony Sentencing Patterns"

I hope the information I have included, above, is helpful. Please do not hesitate to contact me if we can be of any further assistance.

I look forward to meeting with you in Juneau in the near future.

Sincerely,



Nicholas Maroules
Executive Director

Enclosures: as stated

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 633
 Title "An Act prohibiting personal recognizance release...."
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Alaska State Troopers
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify source)						
POSITIONS	-0-	-0-	-0-	-0-	-0-	-0-

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	-0-	-0-	-0-	-0-	-0-	-0-

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

No fiscal impact is anticipated.

IV. DATE January 20, 1982 PREPARED BY Francis C. Allan
 AGENCY Department of Public Safety
 PHONE 269-5691
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

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THE FOLLOWING DOCUMENT(S) MAY NOT FILM
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BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 124
JUNEAU, ALASKA 99801
PHONE 461-1111 - 241174

January 21, 1987

Representative Rasmus Simeon
Chairperson
Judiciary Committee
Room 124, Capital
Juneau, Alaska 99801

SUBJECT: HB 623 and HB 640

Dear Representative Simeon:

I am the Project Director of the Bristol Bay Native Association Senior Citizens Program, which offers such services as transportation, housing assistance, and nutrition for people 60 years and older. This is a regional program which includes the twenty-nine (29) villages of Bristol Bay.

I recently attended a teleconference on HB 623 and 640, held by the Labor and Commerce Committee. It is my understanding that these bills will be in the Judiciary Committee next.

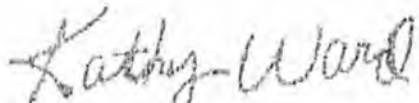
We have been selling pull-tabs along with our Bingo games to raise funds to operate the Senior Citizens Program. We work hard at these fund raising activities. The money is used to meet our 15% local match requirements for the Federal grant we receive. Now there may be a 33% across-the-board Federal cut in money for Senior Citizens Programs. Instead of going to the State for more money, we want to continue to earn it through the sale of pull-tabs at our Bingo games.

Please give these bills serious consideration. The voters in Billings-ley, through the City Council, have approved the games of skill and chance permit and have never objected to either bingo or pull-tabs.

We currently support HB 640 with the \$1.00 limit. However, I would modify it to put in \$2.00/roll.

Thank you.

Sincerely,
BRISTOL BAY NATIVE ASSOCIATION, INC.



Kathy Ward
Project Director
Senior Citizens Program

EW/ea

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ORIGINAL.



SEWARD LODGE No. 1773

B. P. O. Elks

P. O. BOX 428
SEWARD, ALASKA

December 18, 1981

TO THE LEGISLATORS, STATE OF ALASKA

We members of Seward Elks Lodge #1773 urge you to either include legislation or change the law thereby permitting the legality for sale of Pull Tabs for non-profit organizations. As many of you probably know, letters have been received from Ervin Jones, Office Audit Manager, stating "Pull Tabs" and other such devices will be disallowed under authorized permittee's permit as of December 31, 1981.

During our weekly Bingo games and at our non-profit Club, both under auspices of the Elks Lodge, Pull Tabs have been sold. All of the profits derived from Bingo and Pull Tabs are allocated for charitable purposes under our Games of Chance and Skill permit. From these sources the major share of our lodge donations for charity have been derived.

WE urge you to use your good Office to change this provision thereby allowing the sale of Pull Tabs to be legal for non-profit organizations.

Thank you for your indulgence and consideration.

Sincerely yours,

Harold W. Davis
Secretary

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811

February 1, 1982

The Honorable Ramona Barnes, Chairman
House Judiciary Committee
Pouch V
Juneau, AK 99811

Re: Suggested changes in HB 640 so that only pull-tabs and punchboards are added to authorized games of chance and skill

Dear Madam Chairman:

At your request the following language is suggested for HB 640 so that only pull-tabs and punchboards of one dollar or less are added to the currently authorized games of chance and skill:

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

* Section 1. AS 05.15.210(16) is amended to read:

(16) "raffle and lottery" means the selling of rights to participate, and the awarding of prizes, in the specified kinds of games of chance sometimes known as pull-tab and punchboard games in which the price of each chance is \$1 or less and in the specified kind of game of chance sometimes known as a raffle or lottery, conducted by the drawing for prizes by chance.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c)."

In order to satisfy the Governor's requirement that the issue be placed before the voters before pull-tabs and punchboards are authorized, Section 2 in the preceding draft would have to be replaced by the following two sections:

" * Sec. 2. The Lieutenant Governor shall place the following question on the next general election ballot:

Shall this Act, amending the Bingo, Raffles and Ice Pools Act to extend the definition of raffles and lotteries so as to include games of chance sometimes known as pull-tab and punchboard games, in which the price of each chance is \$1 or less, take effect?

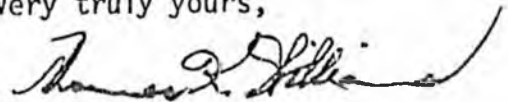
Yes _____
No _____

The Hon. Ramona Barnes
February 1, 1982 (Re HB 640)
Page 2

" * Sec. 3. This Act takes effect upon certification of the election results by the Lieutenant Governor, showing that the majority of the voters casting ballots voted in favor of enactment, but no sooner than January 1, 1983."

I hope these suggestions will be of assistance to your Committee in your deliberations on HB 640. Please do not hesitate to contact me if you or the Committee have any further questions on this matter.

Very truly yours,



Thomas K. Williams
Commissioner of Revenue

TKW:tw

cc: Governor Jay S. Hammond

Rep. Dick Randolph

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5
JUNEAU, ALASKA 99811

February 4, 1982


The Honorable Ramona L. Barnes
Chairwoman
House Judiciary Committee
Room 122 - Capitol Building
Juneau, Alaska

Dear Ms. Barnes:

CS for House Bill No. 640 (L&C), an Act relating to games of chance and contests of skill, was referred on January 22, 1982 by the House Labor and Commerce Committee to the House Judiciary Committee.

For the consideration of the House Judiciary Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phillip A. Wall, Director, Public Services Division; a copy of a memorandum prepared by Mr. Ervin Jones, Office Audit Manager, Audit Division and a copy of a letter to you dated February 1, 1982 from Mr. Thomas K. Williams, Commissioner, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
Special Assistant

Enclosure

cc: Thomas K. Williams
Commissioner
Department of Revenue

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Phillip A. Wall, Director
Public Services Division
Department of Revenue

Ervin Jones, Office Audit Manager
Audit Division
Department of Revenue

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB640 (L&C)

Title "An act relating to games of chance and contests of skill and providing for an

Requested by House Judiciary Date January 25, 1982 effective date."

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection and Management

BRU, Program, Or Subprogram(s) Affected Public 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) NONE

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) NONE

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS NONE

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section 1III)

See attached memo from E. Jones to R.D. Stevenson dated January 29, 1982.

IV. DATE 2/2/82

PREPARED BY Phillip A. Wall

AGENCY Department of Revenue

Original: Legislative Finance

PHONE 465-2301

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)


TO: R.D. Stevenson
Legislative Assistant

DATE: January 29, 1982

FILE NO:

TELEPHONE NO:

SUBJECT: CSHB 640
(Labor & Commerce)


FROM: Ervin Jones
Office Audit Manager
Audit Division

Although my comments of January 18, 1982 appear to still be appropriate, it should be pointed out that to legalize pull-tabs, all that must be done is to change the statutory definition of raffles and lotteries to include pull-tabs. This legislation goes far beyond that goal, and leaves the door wide open for the introduction of all the many games available from purveyors of such items.

If the legislation is amended to provide only for the legalization of pull-tabs, no additional staff would be required. However, if any and all games of chance are to be allowed, we will need to amend our fiscal note to provide additional staffing, both in Public Services and in Enforcement.

EJ:jg

WPS f.a.

Original sponsors: Randolph, Moss and O'Connell

Offered: 1/22/82
Referred: Judiciary

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 640 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to games of chance and contests of
7 skill; and providing for an effective date."

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

9 * Section 1. AS 05.15.100 is amended to read:

10 Sec. 05.15.100. COMMISSIONER OF REVENUE MAY ISSUE PERMITS. The
11 commissioner of revenue may issue a permit to a qualified organization.
12 The permit gives the organization the privilege of conducting games of
13 chance and contests of skill including bingo, raffles and lotteries, ice
14 classics, rain classics, dog mushers' contests, and fish derbies [AND
15 CONTESTS OF SKILL].

16 * Sec. 2. AS 05.15.180(b) is amended to read:

17 (b) With the exception of games of chance [RAFFLES, LOTTERIES AND
18 RAIN CLASSICS], no activity may be licensed under this chapter unless it
19 existed in the state in substantially the same form and was conducted in
20 substantially the same manner before January 1, 1959.

21 * Sec. 3. AS 05.15.210 is amended by adding a new paragraph to read:

22 (22) "game of chance" means a game in which the skill and
23 experience of the player is secondary to purely fortuitous or accidental
24 circumstances incidental to the game and includes ^(A) pull-tab and punchboard
25 games in which the price of each chance is \$1 or less, and ^(B) raffles and
26 ^(C) lotteries.

27 * Sec. 4. Sections 1 - 3 of this Act are retroactive to January 1, 1982.

28 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

*new and there
no under the law*

WORK DRAFT COPY

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Introduced:
Referred:

IN THE HOUSE

BY

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "Relating to the definition of raffles and lotteries."

*Section 1. AS 05.15.210(16) is amended to read:

(16) "raffle and lottery" means the selling of rights to participate, and the awarding of prizes, in the specified kind of game of chance sometimes known as a raffle or lottery, conducted by the drawing for prizes by chance. Those devices commonly known as pull tabs and punch boards explicitly fall under this definition and shall be allowed at prices per chance up to \$1.00.

*Section 2. AS 05.15.100 is amended to read:

Sec. 05.15.100 Commissioner of revenue SHALL [MAY] issue permits. The commissioner of revenue [MAY] SHALL issue a permit to a qualified organization. The permit gives the organization the privilege of conducting bingo, raffles and lotteries, ice

classics, rain classics, dog mushers' contests, fish
derbies and contests of skill. (Section 1 a ch 27 SLA
1960; am Sec 1 ch 66 SLA 1976)

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH S
JUNEAU, ALASKA 99801
PHONE: (907) 465-2300

January 19, 1982

The Honorable Terry Martin
Chairman
House Labor & Commerce Committee
Room 211 - Behrends Building
Juneau, AK 99811

Dear Mr. Martin:

Re: House Bill No. 640

House Bill No. 640, an Act relating to games of chance and contests of skill, was introduced in the House on January 11, 1982, and was referred to the House Labor & Commerce and Judiciary Committees.

For consideration of the House Labor & Commerce Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Ervin B. Jones, Supervisor, Audit Division, Department of Revenue, concerning the proposed legislation.

Sincerely,

R. D. Stevenson
Special Assistant

RDS:jas

Enclosure

cc: The Honorable Ramona L. Barnes
Chairwoman
House Judiciary Committee

Joseph K. Donohue
Deputy Commissioner, Taxation
Department of Revenue

Ervin B. Jones, Supervisor
Audit Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 00

Title "An Act relating to games of chance and contests of skill; and
Requested by providing for an effective date Date January 18, 1982

Requested by: House Labor and Commerce

II. FISCAL DETAIL

Agency Affected Department of Revenue

Program Category Affected Revenue Collection and Management

BAU, Program, Or Subprogram(s) Affected Audit Division

(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) None

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) None

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

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

See attached memo to R. D. Stevenson, dated January 18, 1982.

IV. DATE January 18, 1982

PREPARED BY Ervin B. Jones

AGENCY Audit Division

Original: Legislative Finance

PHONE 465-2320

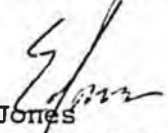
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

R.D. Stevenson
Legislative Assistant

January 18, 1982


Ervin Jones
Office Audit Manager
Audit Division

HB 640
(Labor and Commerce)

This bill proposes to amend three sections of AS 05.15.

The effect of these proposed changes is to considerably broaden the privileges granted with the issuance of a games of chance and skill permit. The original language of AS 05.15.100 limited the games of chance to only those activities listed (i.e., bingo, raffles, lotteries, ice classics, rain classics, dog mushers' contests and fish derbies). New games of chance would have to then be allowed under one of those listed. The proposed language removes that limitation and taken in context with sections 2 and 3 of the bill, would allow any game of chance which could be contrived where the element of chance and luck is foremost, regardless of whether those games of chance existed in Alaska prior to statehood. Since the original intent of the legislation was to permit continuance of those gaming activities after statehood which existed in territorial days, this change is a considerable divergence.

The only remaining limitation would be the limitation on use of gambling implements found in AS 05.15.180(a). This would presumably prevent the introduction of casino type hardware and coin operated video games as games of chance, but would not prevent the legal introduction of games of chance such as can be contrived by profit-seeking individuals and nonprofit organizations striving to maximize their take in an extremely competitive industry.

If the author's intent is simply to legalize pull-tabs, I would recommend this bill to legal counsel to arrive at a simpler way of accomplishing that goal without opening Pandora's box.

EJ:jg

H

B

6

4

2

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

PO BOX 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

March 8, 1982

The Honorable Terry Martin
Chairman
House Labor and Commerce Committee
Room 211 - Behrends Building
Juneau, Alaska

Dear Mr. Martin:

Re: House Bill No. 642

House Bill No. 642, an Act establishing the Alaska natural resource trust, was introduced in the House on January 11, 1982 and has been referred to the House Labor and Commerce; Judiciary and Finance Committees.

On February 24, 1982, copies of Fiscal Notes prepared by Mr. Anselm Staack, Comptroller, Treasury Division, Department of Revenue concerning the proposed legislation were transmitted to the House Labor and Commerce Committee.

For the further consideration on the House Labor and Commerce Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Phillip A. Wall representing administrative costs of the Public Services and Administrative Service Division of the Department of Revenue.

Sincerely,

R. D. Stevenson
Special Assistant

Enclosures

cc: The Honorable Ramona L. Barnes
Chairwoman
House Judiciary Committee

Anselm Staack
Treasury Comptroller
Department of Revenue

The Honorable Albert P. Adams
Chairman
House Finance Committee

Phillip A. Wall, Director
Public Services Division
Department of Revenue

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 642
 Title Establishing the Alaskan Natural Resources Trust
 Requested by House Resources Committee Date 3/4/82

II. FISCAL DETAIL

Agency Affected Revenue
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Admin. & Support, Admin 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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		22.5	283.2	172.8	184.9	197.8
200 TRAVEL						
300 CONTRACTUAL			1,744.1	1,583.5	1,694.4	1,813.0
400 COMMODITIES			4.0	4.3	4.6	4.9
500 EQUIPMENT				125.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		22.5	2,031.3	1,885.6	1,883.9	2,015.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Natural Resources Trust		22.5	2,031.3	1,885.6	1,883.9	2,015.7

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1/6mm	6/72mm	5/60mm	5/60mm	5/60mm
PART TIME			8/48mm	2/12mm	2/12mm	2/12mm
TEMPORARY						

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

See attached.

HJR81 establishes Natural Resource Trust.

IV. DATE 3/4/82 PREPARED BY *Wall* P. A. Wall
 AGENCY Revenue
 PHONE 465-2313
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

ANALYSIS

HB 642

HB 642 establishes the Alaska Natural Resources Trust. This Fiscal Note presents the Administrative costs related to the creation of ownership certificates in the Trust, the distribution of the certificates and cash, and related activity.

Assumptions: 420,000 ownership certificates will be created
year application period beginning January, 1984. 126,000,
miscellaneous transactions (address changes, transfers,
etc.) per year
Quarterly distribution of cash and reports
Annual Report distribution
525,000 application forms
Quarterly Report mailed with Quarterly distribution, IRS
1099 data on the 4th quarter distribution.

Program Summary:

Design and distribute application forms and instructions with 90 days of eligibility date. Design and implement quarterly computer assisted application processing. Design Certificate of Beneficial Interest form and miscellaneous transaction forms. Design and implement quarterly processing. Assist applicants through phone, letters and field services in applying for ownership certificates. Opening of mail, batching, data capture and computer processing of applications. Quarterly distribution of cash and application of garnishments and other attachments. Preparation and distribution of Quarterly and Annual Reports.

1. Positions:

FY83

1 PFT Systems Analyst R18 @ \$2838 mo.
plus .32% costs for 6 mos. = 22.5

Begin design of processing and computer
assisted procedures _____

Total FY83 Positions: = 22.5

FY84

1 PPT Clerk Typist R8 @ \$1487 mo plus
.32% costs for 9 mos. = 17.7

Provide clerical support for Personnel Section.
Typing, filing, working of eligible registers,
arranging interviews, miscellaneous personnel
duties.

1 PFT Systems Analyst R18 @ \$2838 mo plus
.32 % costs = 45.0

Complete processing and computer program
designs. Develop coding specifications

2 PPT EDP Programmers R17 @ \$2639 mo plus
.32 % costs. for 9 mos. = 62.7

Code, compile, and test computer programs.

5 PFT Tax Scanners R8 @ \$1487 mo. plus
.32 % costs = 117.8

Mail opening, document control numbering
batching, batch control, data capture,
batch correction, forms distribution.

3 PPT Tax Scanners R8 @ \$1487 mo. plus
.32% costs for 3 mos. = 17.7

Deadline peak mail opening, document control
numbering, batching, batch control, data capture,
batch correction.

2 PPT Clerk Typist R7 @ \$1408 mo plus
.32% costs, 6 mos each = 22.3

Assisting in response to phone and mail forms,
requests, accounts payable, voucher preparation,
filing, copying and miscellaneous clerical duties.

Total FY84 Positions: = 283.2

FY85

1 PFT Systems Analyst R18 @ \$3036 mo plus
.32% costs. = 48.1

Maintain trust procedures and computer programs
and modify as required

4 PFT Tax Scanners R8 @ \$1591 mo plus
.32 % costs = 100.8

Mail opening of miscellenous transactions,
document numbering, batching, batch control,
data capture, batch correction, warrant batch
control, pulling and control of attached warrants,
warrant release.

2 PPT clerk typist R7 @ \$1506 mo plus
.32% costs, 6 mos each. = 23.9

Assist in response to phone and mail inquiries,
accounts payable, voucher preparation, filing,
copying, quarterly and annual report preparation.

Total FY85 positions: 172.8

2. Other Expenditures:

FY84

Forms -

Miscellaneous Forms - 126,000 @ \$35M	=	4.4
Applications and Instructions - 550,000 @ \$50M	=	27.5
Ownership certificates:		
Initial issue -420,000 @ \$80M	=	33.6
Transfers and reissues - 50,000 @ \$80M	=	4.0
Warrant stock with Quarterly Report Provision - 1,680,000 @ \$75M	=	126.0
Envelopes -		
Ownership certificates - 470,000 @ \$20M	=	9.4
Warrant - 1,680,000 @ \$15M	=	25.2
Annual Report - 420,000 @ \$20M	=	8.4
Postage -		
Forms distributing - 420,000 @ .20 each	=	90.0
Ownership certificates - 470,000 @ .20 each	=	94.0
Correspondence - 10,000 @ 20 each	=	2.0
Warrants - 1,680,000 @ .20 each	=	336.0
Annual Report - 420,000 @ .56 each	=	235.2
Printing of Annual Report - 500,000 @ .40 each	=	200.0
Data Processing (includes development, data capture and production):		
Computer Resource Units: 221,000 @ 1.25 per unit	=	276.3
Common Output Units: 4,200 @ \$31 (reports, warrants, COM)	=	130.2
Storage Units: Trust File - 11,000 @ .90 - Disk	=	9.9
Misc including garnishments - 1,200 @ .90 Disk	=	1.1
Backup File - Tape	=	.2
Terminals:		
Data Capture CRT's, 4 @ \$3,900 each	=	15.6
Data Management CRT's, 4 @ \$4,600 ea.	=	18.4
Printer - 1 @ \$7,026	=	7.0
Controller -1 @ \$4,679	=	4.7
Professional Services - Annual Audit	=	75.0
Miscellaneous contractual (insurance, transportation, of things, etc.)	=	10.0
Total FY84 contractual:	=	1,744.1
Commodities -	=	4.0
Total FY84 Commodities	=	4.0

FY85

Forms -	
Miscellaneous transaction forms - 126,000 @ \$37.50	= 5.1
Ownership Certificates - Transfers and Reissues 50,000 @ \$85.60M	= 4.3
Warrants - 1,680,000 @ \$80.30M	= 134.9
Envelopes -	
Ownership Certificates - 50,000 @ \$21.40M	= 1.1
Warrants - 1,680,000 @ \$16.05M	= 27.0
Annual Report - 420,000 @ \$21.40M	= 9.0
Postage -	
Forms Distribution - 50,000 @ .25 each	= 12.5
Ownership Certificates - 50,000 @ .25 each	= 12.5
Correspondence - 10,000 @ .25 each	= 2.5
Warrants - 1,680,000 @ .25 each	= 420.0
Annual Report - 420,000 @ .65 each	= 273.0
Printing of Annual Report - 420,000 @ .65 each	= 215.0
Data Processing (includes development, data capture and production)	
Computer Resource Units: 175,000 @ 1.25 per unit	= 218.8
Common Output Units: 3,900 @ 31 (reports, warrants and COM)	= 120.9
Storage Units: Trust File - 8,500 @ .90 - Disk	= 7.7
Misc. including garnishments - 2,5000 @ .90 - Disk	= 2.3
Backup File - Tape	= .2
Terminals: Data Capture - 2 CRT's @ \$4,173	= 8.3
Data Management - 1 CRT @ \$4,922	= 4.9
Printer - 1 @ \$7,518	= 7.5
Controller - 1 @ \$5,006	= 5.0
Professional Services - Annual Audit	= 80.3
Miscellaneous Contractual	= 10.7
Total FY 85 Contractual:	<u>1,583.5</u>
Commodities	= 4.3
Total FY 58 Contractual:	= 4.3
Equipment - Microfilm System	= 125.0
Total FY 85 Equipment	= 125.0

FY83

6 PPT Clerk typist R8 @ \$1487 mo each
.32% costs, 6 mos.each = 70.7

Assist applicants at field counter locations
and in the field as required.

Total FY83 Positions: = 70.7

FY84

6PPT clerk typists R8 @ \$1,591 mo plus
.32 costs, 9 mos each = 113.4

Application, transfer and miscellaneous
application assistance at field counters and
in the field as required.

Total FY 84 Positions: = 113.4

FY85

3 PFT Clerk Typists R8 @ \$1,702 mo plus
.32 costs = 80.9

Transfer and miscellaneous application
assistance at Field Counters.

Total FY85 Positions = 80.9

2. Other Expenditures:

FY83

Toll calls including Zeith calls = 25.0

Contracts providing applicant assistance = 50.0

Advertising in papers, on TV, and radio = 20.0

Total FY83 Contractual 95.0

Travel to provide application assistance = 35.0

Total FY83 Travel = 35.0

FY84

Toll calls including Zenith calls	=	35.0
Contracts providing applicant assistance	=	75.0
Advertising in papers, on TV and radio	=	<u>35.0</u>
Total FY84 Contractual	=	145.0

FY85

Toll calls including Zenith calls	=	10.0
Advertising	=	<u>5.0</u>
Total FY 85 Contractual	=	15.0

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 642
 Title Establishes the Alaska Natural Resource Trust
 Requested by House Resource Committee Date 3/4/82

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Public 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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		70.7	113.4	30.9	86.6	92.6
200 TRAVEL		35.0	50.0			
300 CONTRACTUAL		95.0	145.0	15.0	16.1	17.2
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		200.7	308.4	95.9	102.7	109.8

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Natural Resource Trust		200.7	308.4	95.9	102.7	109.8

POSITIONS

FULL TIME				3/36mm	3/36mm	3/36mm
PART TIME		6/36mm	6/54mm			
TEMPORARY						

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

See Attached.

IV. DATE 3/4/82 PREPARED BY *PAW*
 AGENCY Revenue
 PHONE 465-2313

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

HJR81 establishes the Natural Resources Trust
See Administrative Services Fiscal Note for Analysis and Assumptions.

Program Summary:

Provide Ownership Certificate application assistance beginning January, 1983 and continuing through December, 1983. Answer phone, letter and in-person requests for information and assistance. Provide assistance to applicants in remote areas through contractual agents and travel. Distribute forms and instructions. Advise applicants as to the purpose of the program and where assistance is available through newspapers, TV and radio.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POJCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

February 24, 1982

The Honorable Terry Martin
Chairman
House Labor and Commerce Committee
Room 211 - Behrends Building
Juneau, Alaska

Dear Mr. Martin:

Re: House Bill No. 642

House Bill No. 642, an Act establishing the Alaska natural resource trust, was introduced in the House on January 11, 1982 and has been referred to the House Labor and Commerce; Judiciary and Finance Committees.

For the consideration of the House Labor and Commerce Committee, I am enclosing copies of Fiscal Notes prepared by Mr. Anselm Staack, Comptroller, Treasury Division, Department of Revenue concerning the proposed legislation.

At a later date, a further Fiscal Note will be submitted by Mr. Phillip A. Wall, Director, Public Services Division, Department of Revenue concerning costs of administration. Mr. Wall is presently on official business in Anchorage and will return to his post of duty in Juneau on March 1, 1982.

Sincerely,

R. D. Stevenson
Special Assistant

Enclosure

cc: The Honorable Ramona L. Barnes
Chairwoman
House Judiciary Committee

The Honorable Albert P. Adams
Chairman
House Finance Committee

Joseph K. Donohue
Deputy Commissioner
Department of Revenue

Anselm Staack
Treasury Comptroller
Department of Revenue

Phillip A. Wall, Director
Public Services Division
Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 642

FISCAL NOTE (1 of 2)

(REVENUE REDUCTION TO
GENERAL FUND UNRESTRICTED)

I. REQUEST

Bill/Resolution No. HB 642 (1/11/82)
Title Establish Alaska Natural Resources Trust
Requested by House Resources Committee Date 2/24/82

II. FISCAL DETAIL

Agency Affected General Fund Unrestricted
Program Category Affected _____
BRU, Program, Or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

→ M I L L I O N S ←
FUNDING (Thousands of Dollars)

GENERAL FUND			(1,608.8)	(1,906.9)	(2,159.9)	(2,511.1)
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Legislation establishes an Alaska Natural Resources Trust which is to receive the state's interest in income from natural resources, including royalties, etc., subject to prior amounts dedicated to permanent fund and other previously established claims. Trust to distribute ownership certificates to beneficiaries as defined by the legislation and make dividend payments.

Above revenue estimated for the trust is based upon royalties only, not including severance and conservation taxes that result from natural resources as companion legislation, HJR 31, a constitutional amendment to effect dedication to the trust appears to speak to royalties only and some related amounts but not specifically to taxes. Since the constitutional amendment is necessary to effect transfer of funds to the trust FY 84 is the first year of transfer after election takes place.

SEE OTHER FISCAL NOTES FOR ADMINISTRATIVE COSTS.

Anselm C. Staack

IV. DATE February 24, 1982 PREPARED BY Anselm C. Staack, Treasury Comptroller
AGENCY Dept. of Revenue, Treasury Division

Original: Legislative Finance PHONE 465-2350
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 642

(FUND INVESTMENT
ADMINISTRATIVE COST)

FISCAL NOTE (2 of 2)

I. REQUEST

Bill/Resolution No. HB 642 (1/11/82)
Title Establish Alaska Natural Resources Trust
Requested by House Resources Committee Date 2/24/82

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Revenue Collection and Management
BRU, Program, Or Subprogram(s) Affected Treasury Management
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES			92.6	101.9	112.1	123.3
200 TRAVEL			10.0	11.0	12.1	13.3
300 CONTRACTUAL			255.0	280.5	308.6	339.4
400 COMMODITIES			3.0	3.3	3.6	4.0
500 EQUIPMENT			6.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			366.6	396.7	436.4	480.0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Trust Income			366.6	396.7	436.4	480.0

POSITIONS

FULL TIME			2	2	2	2
PART TIME						
TEMPORARY						

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

Legislation creates trust fund managed by Dept. of Revenue. THIS FISCAL NOTE ACCOUNTS FOR ADMINISTRATIVE COSTS RELATED TO THE INVESTMENT OF FUND ASSETS ONLY. SEPARATE FISCAL NOTE TO BE PROVIDED THAT SHOWS ADMINISTRATIVE COSTS RELATED TO OWNERSHIP AND DISTRIBUTION PLAN.

Personal Services is for Investment Officer II (R22,X) to invest and manage assets; Accounting Tech. II (R14,G) for associated trust investment accounting and reporting. Contractual Services: Comm. \$15.0; Print & Adv. \$10.0; Safekeeping and related reporting/accounting \$200.0; Audit \$25.0; Misc. \$5.0. Equipment is for new positions.

Anselm C. Staack

IV. DATE February 24, 1982 PREPARED BY Anselm C. Staack, Treasury Comptroller
AGENCY Dept. of Revenue, Treasury Division
PHONE 465-2350

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

33-001 (Rev. 12/81)

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 657 (HESS)
 Title "An Act relating to penalties for driving while intoxicated.."
 Requested by House HESS Committee Date February 5, 1982

II. FISCAL DETAIL

Agency Affected Dept. of Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program, Or Subprogram(s) Affected Adult Confinement
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES			1313.8	1405.7	1504.1	1609.4
200 TRAVEL		1.5	9.8	10.7	11.7	12.7
300 CONTRACTUAL		22.5	146.4	159.6	174.0	189.6
400 COMMODITIES		82.1	242.8	264.7	288.5	314.5
500 EQUIPMENT			15.0			
600 LAND & STRUCTURES		6210.0				
700 GRANTS, CLAIMS, ETC.		27.2	58.2	63.5	69.2	75.4
TOTAL		6343.3	1786.0	1904.2	2047.5	2201.6

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		6343.3	1786.0	1904.2	2047.5	2201.6
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	-0-	32	32	32	32
PART TIME						
TEMPORARY						

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

A. Enactment of this bill will have a significant fiscal impact on the Division of Adult Corrections. The major thrust of this proposed legislation is to lengthen the minimum sentences for persons convicted of driving while intoxicated. Amendments to the section of the statute addressing driving with a cancelled, suspended, or revoked license will result in a fiscal impact, also.

Minimum sentence length for first time drunk driving offenders is increased from 3 to 5 days; second offenders sentences are increased from 10 days to 90 days; and third time, and subsequent, offenders are increased from 10 days (minimum) to 5 years.

Roger C. Lange

IV. DATE February 8, 1982 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3376

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 657
 Title "An act relating to penalties for driving while intoxicated."
 Requested by HESS Date March 11, 1982

II. FISCAL DETAIL

Agency Affected Department of Administration,
 Program Category Affected Due Process
 BRU, Program, or Subprogram(s) Affected Public Defender Agency
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES			215.6			
200 TRAVEL			6.0			
300 CONTRACTUAL			21.0			
400 COMMODITIES			6.0			
500 EQUIPMENT			12.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	260.6			

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			260.6			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			5.0			
PART TIME						
TEMPORARY						

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

This bill converts the offense of Driving While Intoxicated to a Class A felony, with a mandatory minimum sentence of five years for the third offense and twenty years for a fourth offense. This Agency handles an extremely high volume of these cases, which will all now be felonies. Felony cases, particularly Class A felonies, involving substantial jail time as well as the collateral loss of other rights such as voting, the right to serve on a jury, loss of business license, etc., are the most serious types of offense handled within this Agency. All felonies, which are handled in the Superior Court, require substantially more attorney time and preparation than misdemeanors in District Court.

Given the high number of additional felonies which will be handled, one additional attorney is required for Anchorage and Fairbanks. Furthermore, one investigator each for Anchorage and Fairbanks is needed to handle the

IV. DATE March 11, 1982 PREPARED BY Dana Fabe, Public Defender (continued)
 AGENCY Public Defender Agency
 PHONE 279-7541

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

additional investigation which will be required for these cases to go to trial in Superior Court as felonies. Finally, an additional secretary is necessary to handle the extensive motion and appellate work involved in serious felony cases.

In summary, the impact of this Act will be great and will require a vast amount of additional attorney time in Superior Court as well as investigation and secretarial support. Thus, two additional attorneys, two investigators and one secretary to handle this impact statewide are necessary.

Third District:

100 - Attorney III	53.1	
Investigator II	35.8	
Legal Sec. I	<u>25.2</u>	114.1
200 - Travel		3.0
300 - Contractual		14.0
400 - Supplies		4.0
500 - Equipment		9.0
		<u>144.1</u>

Fourth District:

100 - Attorney III	60.5	
Investigator II	<u>41.0</u>	101.5
200 - Travel		3.0
300 - Contractual		7.0
400 - Supplies		2.0
500 - Equipment		3.0
		<u>116.5</u>

TOTAL-----260.6

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 667
 Title Relating to State Control of Certain Land
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected Habitat Division
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		100.0				
200 TRAVEL		8.0				
300 CONTRACTUAL		24.0				
400 COMMODITIES		4.0				
500 EQUIPMENT		4.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		140.0				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

We have assumed that 20 million acres of Federal land will be transferred to State ownership, primarily confined to Regions II and III. To estimate the effort required to plan for these lands, we have based our cursory projection on our contribution to the Willow Subbasin Plan.

The Willow Subbasin plan encompassed about 1.0 million acres and required one person to spend about 6 months full time on it. This was a very intensive planning effort, however. We expect planning for the HB 667 lands will not be as intensive and require less effort.

IV. DATE February 1, 1982 PREPARED BY *Bruce Baker*
 AGENCY NRMEC
 Original: Legislative Finance PHONE 465-485
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Barnes, Fanning	Bill Number HB 667
Department Position Same as #3		
Division Director Richard Logan <i>[Signature]</i>	Date 1/29/82	Commissioner <i>[Signature]</i> Ronald O. Skoog Date 1/29/82

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill We concur	2. b) Organizational Opposition to Bill None

3. Program Effects of Bill

This bill will not substantially affect the basic programs of the Alaska Department of Fish and Game. In some respects it may be beneficial by providing a greater land base to be managed to maintain and/or enhance fish and wildlife populations and their associated uses. On the other hand, it provides potential for greater conflicts by providing more lands for disposal, mineral development, forestry, etc. Basically the status quo will be maintained although management burdens can be expected to increase proportionate to the amount of lands transferred.

4. Fiscal Impact: None Fiscal Note Attached Increased management burden/cooperative planning

5. Amendments Proposed:

None

6. Comments:

Same as #3

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Statistic on Use of AS 45.50.495

1981 -- 55 subpoenas issued (35 were issued on 2 major investigations, 1 of which resulted in a lawsuit and the other is pending)

-- 6 investigative demand letters

1980 -- 18 subpoenas

-- 9 investigative demand letters

Total 73 subpoenas

15 investigative demand letters
88

Requests for extensive documents -- 20

Requests to appear or produce a few documents -- 68

Requests complied with -- 46

Consumer Protection enforced through court action -- 1

Motions to Quash filed -- 3 (1 decided in favor of Consumer Protection; 2 pending)

Requests unenforced -- 6 (either unable to serve or decided not to seek court enforcement)

Requests Recalled -- 2

Pending -- 1

Consumer Inquiries Received FY 81 -- 2,380

Lawsuits filed FY 81 -- 17

Investigations conducted FY 81 -- 207

COMPARABLE STATUTES

Thirty-nine (39) states provide for Attorney General or Commissioner discretion in using administrative investigative orders. Twenty-eight (28) of those states require the Attorney General or Commissioner to have "reason or cause to believe" there has been a violation of law. Eleven (11) of those states require the Attorney General or the Commissioner to believe the "evidence is relevant" or necessary for an investigation.

Five (5) states require that the Attorney General or Commissioner have "probable cause" to issue an administrative investigative demand order.

Three (3) states require the Attorney General or Commissioner to get a court order to issue an administrative investigative demand order. All three (3) provide that the court conduct the proceeding ex parte. Two (2) of the three (3) states establish a standard of reason to believe a violation of law is occurring or about to occur. One (1) of the three (3) states establish a standard of probable cause.

FUND FUNCT. NO.	MEASURE/PERFORMANCE INDICATOR	PRIOR YEAR FY81		CURRENT YEAR PLAN FY82	BUDGET YEAR FY83		GOVERNOR'S BUDGET
		PLAN 3	ACTUAL 4		CONTINUATION LEVEL 6	AGENCY REQUEST 7	
1	2	3	4	5	6	7	8
1-5	Reduce consumer dollars lost due to fraud and unfair business practices through investigation and prosecution of violators and utilization of public awareness programs.						
	a. Consumer inquiries received.	37,000	37,500	40,000	38,000	38,000	
	b. Consumer complaints filed.	2,500	2,340	2,800	2,660	2,660	
	c. Consumer complaints completed.	2,300	2,380	2,450	2,628	2,628	
	d. Consumer lawsuits filed.	20	17	25	28	28	
	e. Consumer lawsuits closed.	10	21	12	14	14	
	f. Investigations conducted.	230	207	260	287	287	
	g. Dollar value of recoveries made for consumers through mediation and investigations.	\$260,000	\$261,000	\$310,000	\$344,500	\$344,500	
	h. Dollar value of recoveries made for consumers from enforcement litigation.	\$ 45,000 +1,100,000	\$ 35,974 (+1,281,265*)	\$ 60,000	\$ 87,000	\$ 87,000	
	i. Average value of recovery per complaint closed.	\$ 125	\$ 125	\$ 130	\$ 123.5	\$ 123.	
	*One time recovery on large land fraud case stretching back 4 fiscal years.						

AGENCY Department of Law

PROGRAM Consumer Protection

BRU Office of Consumer Protection

3 BRU PERFORMANCE PLAN

FY 83

000008

Page 1 of 3

REVISED
DATE _____

October 27, 1981

X TELEPHONE SOLICITATION
COMPANY

Reno, Nevada

INVESTIGATIVE DEMAND
LETTER

Prior letters on 1-2 consumer
complaints.

Numerous complaints state
wide, prompting more
investigation.

Dear Mr. :

The Consumer Protection Section of the Alaska Attorney General's Office has received numerous inquiries statewide about your company's telephone solicitations. Business people have reported that they have received telephone calls telling them they have been selected by computer to win a prize of \$400 to \$2,400 in value such as a TV, Microwave, or vacations. All they have to do is buy some advertising promotional products such as calendars or pens.

Enclosed is a copy of the Alaska Unfair Trade Practices and Consumer Protection Act. Based upon information already received, the Attorney General has reason to believe

X Company may be operating in violation of Alaska law. For instance, when something is offered for "free," it should be just that, "free" with no purchase required.

Therefore, pursuant to Alaska Statute 45.50.495(a), you are hereby requested to file a written response under oath to the following questions. Space has been provided below for your response, but should any additional space be needed, please type or legibly write your additional response on plain paper, and sign the final sheet, having your signature notarized, and return the original copies to us within ten (10) days from receipt of this letter.

1. In the last six (6) months, how many Alaskan businesses have been contacted through your telephone solicitations stating that they were "selected: to win a prize and how many Alaska businesses were contacted without reference to any special prize : or : "selection?"

2. Please list the names and addresses of all Alaska businesses contacted through your telephone solicitations who have accepted your offer.

Mr.

Page 2
October 27, 1981

3. Please indicate on the above list the prizes received and the dollar value of the prize for each Alaska business which accepted your offer.
4. Enclose a copy of the notice that a prize was won which describes the prize.
5. Please describe what happens when the consumer turns in the prize coupon asked for in paragraph 4; i.e., how do they claim the prize?
6. What exactly can be won? List the make and model number of appliance prizes.

7. How many are available of each prize?

Mr.

Page 3
October 27, 1981

8. Enclose copies of all the literature and tickets, itinerary, etc. of the vacation prizes.

("Copies" as used above means you can send machine copies rather than originals if you wish.

Thank you very much for your prompt attention to this matter.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By

Michele D. Brown
Assistant Attorney General
Consumer Protection Section

PP
Encl.
CERTIFIED

INVESTIGATIVE DEMAND
LETTER

Janua

Mystery Auto Rental
Anchorage Alaska

Rural Town Business →
Complaint Plus Troopers
Referral - Serious Allegation

Dear Mr. Mystery:

The Consumer Protection Section of the Attorney General's Office has received an inquiry regarding Auto Rental. The inquiry concerns whether Mystery Auto Rental is affiliated with Budget Rent-a-Car since it is alleged that you use Budget Rent-a-Car advertising, but claim to be an independent operation.

Pursuant to Alaska law AS 45.50.495(a), you are hereby requested to file a written response under oath to the following questions. Space has been provided below for your response. Should any additional space be needed, please type or legibly write your additional response on plain paper. Please sign the final sheet, have your signature notarized, and return the original copies to us within ten days from receipt of this letter.

1. Are you now or have you ever been a franchised or licensed Budget Rent-a-Car operator? If so, please give the dates of your franchise operation with Budget Rent-a-Car and enclose a copy of your franchise agreement.

2. If you are not currently a franchised or licensed Budget Rent-a-Car operator, describe what, if any, affiliation Mystery Auto Rental has with Budget Rent-a-Car.

3. Does *Mystery* Auto Rental utilize the name Budget Rent-a-Car in advertising *Mystery* Auto Rental either on-site or through another medium? If so, please describe this advertising.

4. Does *Mystery* Auto Rental use Budget Rent-a-Car equipment, supplies, forms, etc. in the operation of Auto Rental? If so, please describe these items.

5. Does *Mystery* Auto Rental accept Budget Rent-a-car credit cards?

6. If *Mystery* Auto Rental is not a franchise of Budget Rent-a-Car, what, if any, arrangement does Auto Rental have with Budget Rent-a-Car to utilize Budget Rent-a-Car's name, and/or supplies?

1 OFFICE OF THE ATTORNEY GENERAL
2 CONSUMER PROTECTION SECTION
3 STATE OF ALASKA

4 In the Matter of:)

5 A RETAIL VIDEO EQUIPMENT STORE)

SUBPOENA (Specific)

Non-response to
serious & numerous
complaints.

6 SUBPOENA DUCES TECUM LL

SEP 16 1981

7 THE STATE OF ALASKA
8 OFFICE OF THE ATTORNEY GENERAL
9 CONSUMER PROTECTION SECTION

CIVIL SECTION
Alaska State Troopers
ANCHORAGE, ALASKA

10 TO: RETAIL VIDEO EQUIPMENT STORE

11 Anchorage, Alaska

12 GREETINGS:

13 You are hereby commanded to appear, testify, and
14 produce for inspection and copying all materials in your
15 possession, or produced by you, and all other records
16 pertaining to video tape club memberships or video equipment
17 purchased from and/or repaired by STORE for the following
18 persons: D. D., L. H. L., J., K., B.
19 C. E. and J. L.

20 YOUR TIME TO APPEAR will be WEDNESDAY, SEPTEMBER
21 23, 1981 at 2:00 p.m., Office of the Attorney General,
22 Consumer Protection Section, 1049 West 5th Avenue, Suite 101
23 (MONY Building, corner of 5th and L Streets), Anchorage,
24 Alaska.

25 This subpoena is issued pursuant to authority
26 granted the Attorney General for the State of Alaska by AS
27 45.50.495(b), the Attorney General having reason to believe
28 that STORE has engaged in unfair or deceptive acts or
29 practices in violation of AS 45.50.471, including taking pay-
30 ments for membership in a video tape club and then going out
31 of business without notifying all members; failing to deliver
32 rental tapes within the time frame promised; and taking
33 payment for video equipment and then going out of business
34 without delivering the merchandise ordered nor providing a
refund.

1 Request for modification or extension of time may
2 be made in writing to the Office of the Attorney General,
3 Consumer Protection Section.

4 If you wish to challenge this subpoena, you may do
5 so by a petition to the Alaska Superior Court to quash
6 subpoena.

7 If you do not file such a petition and you fail to
8 respond to this subpoena, the Consumer Protection Office
9 will start a court proceeding pursuant to Alaska Civil Rule
10 45 and Alaska Statute 44.62.590 for an order directing you
11 to show cause why you should not be held in contempt.

12 DATED: September 16, 1981

13 WILSON L. CONDON
14 ATTORNEY GENERAL

15 By: Connie J. Sipe by Robert A. Cross
16 Connie J. Sipe
17 Assistant Attorney General
18 Chief, Consumer Protection
19 Section

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25 DEPARTMENT OF LAW
26 OFFICE OF THE ATTORNEY GENERAL
27 ANCHORAGE, BRANCH
28 420 L STREET, SUITE 100
29 ANCHORAGE, ALASKA 99501
30 PHONE: 276-3550
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OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION SECTION
STATE OF ALASKA

In the Matter of:

ANYTOWN AIRLINES

SUBPOENA - specific
Consumer Complaint alleging
serious violation of tariff.
(CP staff checked Ad and tariff.)

SUBPOENA

THE STATE OF ALASKA
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION SECTION

TO: Registered Agent
ANYTOWN AIRLINES, INC.
Anchorage, Alaska

RECEIVED
MAY - 4 1981

CIVIL SECTION
Alaska State Troopers
ANCHORAGE, ALASKA

GREETINGS:

You are hereby commanded to appear, testify, and produce for inspection and copying any and all records pertaining to the advertisement of a \$126 Roundtrip Anchorage/*ANYTOWN* flight appearing in the *ANYTOWN NEWS* in January 1981.

You are further commanded to produce for inspection and copying a list of all purchasers of the \$126 Anchorage/*ANYTOWN* Roundtrip fare from the date said offer was rescinded until March 31, 1981.

Your time to appear and produce these records will be Friday, May 15, 1981, at 11:00 a.m. at the Office of the Attorney General, Consumer Protection Section, 1049 West 5th Avenue, Suite 101 (MONY Building, corner of 5th and L Streets), Anchorage, Alaska.

This subpoena is issued pursuant to authority granted the Attorney General for the State of Alaska by AS 45.50.495(b), the Attorney General having reason to believe that *ANYTOWN AIRLINES* may have engaged in unfair or deceptive acts or practices in violation of AS 45.50.471(a) and 9 AAC 05.040 (a)(1), regarding the manner and method by which *ANYTOWN AIRLINES* advertised their Anchorage/*ANYTOWN* Roundtrip fare.

Request for modification or extension of time may

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE, BRANCH
420 L STREET, SUITE 100
ANCHORAGE, ALASKA 99501
PHONE: 276-3550

1 be made in writing to the Office of the Attorney General,
2 Consumer Protection Section.

3 If you wish to challenge this subpoena, you may do
4 so by a petition to the Alaska Superior Court to quash
5 subpoena.

6 If you do not file such a petition and you fail to
7 respond to this subpoena, the Consumer Protection Office
8 will start a court proceeding pursuant to Alaska Civil Rule
9 45 and Alaska Statute 44.62.590 for an order directing you
10 to show cause why you should not be held in contempt.

11 DATED: May 4, 1981

WILSON L. CONDON
ATTORNEY GENERAL

13 BY: Robert A. Evans
14 Robert A. Evans
15 Assistant Attorney General
16 Consumer Protection Section
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DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
420 L STREET, SUITE 100
ANCHORAGE, ALASKA 99501
PHONE: 276-3550

OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION SECTION
STATE OF ALASKA

In the Matter of:

ABC Mobile Homes Sales

SUBPOENA -
EXTENSIVE

SUBPOENA DUCES TECUM

THE STATE OF ALASKA
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION SECTION

TO: *PRESIDENT*
ABC Mobile Home Sales

GREETINGS:

You are hereby commanded to appear, testify,
and produce for inspection and copying any and all records
pertaining to

*(25 consumers, listed
by name.)*

"Any and all" includes, but is not limited to: receipts for
deposits, canceled checks, worksheets, contracts of sale,
lease agreements, earnest money agreements, documents related
to the repurchase or repossession of mobile homes which were
sold to any of the above persons, consignment agreements or
agreements to act as agents of sale for mobile homes belonging
to any of the above persons, reports sent to any credit
bureaus.

Secondly, produce for inspection and copying any
and all agreements between *ABC Mobile Homes* and *Anytown*
Bank during the period of June 1, 1979,

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE, BRANCH
420 L STREET, SUITE 100
ANCHORAGE, ALASKA 99501
PHONE: 278-3850

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through May 30, 1981.

Thirdly, produce for inspection and copying any and all ledgers, bookkeeping records, and bank statements for *ABC Mobile Homes* during the months of March, April, and May 1981.

Any questions regarding the above-mentioned documents may be directed to Mary Ellen Ashton, Assistant Attorney General. Failure to produce all of the documents requested will result in this office seeking a court order requiring production of said documents.

Your time to appear will be Thursday, June 4, 1981, at 10:00 a.m., Office of the Attorney General, Consumer Protection Section, 1049 West 5th Avenue, Suite 101 (MONY Building, corner of 5th and L Streets), Anchorage, Alaska.

This subpoena is issued pursuant to authority granted the Attorney General for the State of Alaska by AS 45.50.495(b), the Attorney General having reason to believe that *ABC Mobile Homes* has engaged in unfair or deceptive acts or practices in violation of AS 45.50.471(a).

ABC Mobile Homes has failed to respond to requests from this office for information concerning consumer complaints.

Request for modification or extension of time may be made in writing to the Office of the Attorney General, Consumer Protection Section.

If you wish to challenge this subpoena, you may do so by a petition to the Alaska Superior Court to quash subpoena.

If you do not file such a petition and you fail to respond to this subpoena, the Consumer Protection Office will start a court proceeding pursuant to Alaska Civil Rule 45 and Alaska Statute 44.62.590 for an order directing you to show cause why you should not be held in contempt.

DATED: 5/22/81
13 12

WILSON L. CONDON
ATTORNEY GENERAL

By: Mary Ellen Ashton
Mary Ellen Ashton
Assistant Attorney General
Consumer Protection Section

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE, BRANCH
420 L STREET, SUITE 100
ANCHORAGE, ALASKA 99501
PHONE: 276-3550

1 OFFICE OF THE ATTORNEY GENERAL
2 CONSUMER PROTECTION SECTION
3 STATE OF ALASKA

4 In the Matter of:
5 4 Wheels RENT-A-CAR/

SUBPOENA -
Fairly extensive, but
with staggered production
dates.
Issued after numerous
complaints of serious violations.

7 SUBPOENA DUCES TECUM

8 THE STATE OF ALASKA
9 OFFICE OF THE ATTORNEY GENERAL
10 CONSUMER PROTECTION SECTION

11 TO: President
4 Wheels Rent-a-Car

12 GREETINGS:

13 You are hereby commanded to produce for inspection and
14 copying all business records pertaining to your
15 rental vehicles since October 15, 1979. In addition, you
16 are commanded to produce for inspection and copying all records
17 pertaining to all transactions with CONSUMER A. should such
18 records pre-date October 15, 1979. In addition, you are also
19 commanded to produce for inspection and copying any and all led-
20 ger and/or accounting sheets or records kept by you
21 which indicate all income from rental and/or other
22 related sources and all costs, including labor and material, for
23 rental vehicle repair.

24 These documents must be produced at the office of the
25 Attorney General, Consumer Protection Section, 1049 West 5th
26 Avenue, Suite 101, Anchorage, Alaska, in accordance with the
27 following schedule:

- 28 1. All above-mentioned documents dated October 15,
29 1979, through January 15, 1980, must be produced by 4:00 p.m.,
30 Friday, October 31, 1980;
- 31 2. All above-mentioned documents dated January 16,
32 1980, through April 15, 1980, must be produced on or before
33 4:00 p.m., Friday, November 7, 1980;
- 34 3. All above-mentioned documents dated April 16,

1 1980, through July 15, 1980, must be produced on or before
2 4:00 p.m. Friday, November 14, 1980;

3 4. All above-mentioned documents dated July 16, 1980,
4 through October 15, 1980, must be produced on or before 4:00 p.m.
5 Friday, November 21, 1980.

6 The office of the Attorney General, Consumer Protection
7 Section, will have the documents available for return five (5)
8 working days after they have been produced for review. If you
9 so choose, you may produce all of the documents at any of the
10 earlier dates if it is more convenient. However, the office of
11 the Attorney General will still require five (5) working days for
12 review of each of the groups listed above.

13 This subpoena is issued pursuant to authority granted
14 the Attorney General for the State of Alaska by AS 45.50.495(b).
15 The Attorney General has reason to believe that unfair trade
16 practices in violation of AS 45.50.471 may have occurred in
17 assessment and charges for damage repair costs to rental vehicles

18 DATED: October 16, 1980

19 WILSON L. CONDON
20 ATTORNEY GENERAL

21 BY: Michele D. Brown

22 Michele D. Brown
23 Assistant Attorney General
24 Consumer Protection Section

25 Service accepted by _____, attorneys
26 for: 4 Wheels Rent-A-Car

27 DATED: 11/14/80

28 DEPARTMENT OF LAW
29 OFFICE OF THE ATTORNEY GENERAL
30 ANCHORAGE, BRANCH
31 430 L STREET, SUITE 300
32 ANCHORAGE, ALASKA 99501
33 PHONE: 276-3880
34

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 674

Title "An Act relating to the investigative power of the attorney general

Requested by Rep. Barnes, House Judiciary Committee. Date 2/2/82

regarding violation of AS 45.50.471."

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Consumer Protection

(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

This bill will not have a reportable fiscal impact on Consumer Protection section's operations. The Chief of that section, Assistant Attorney General, Connie J. Sipe, is providing formal comments, in respect to certain provisions of the bill, for consideration by the House Judiciary Committee.

IV. DATE February 3, 1982

PREPARED BY Richard I. Pegues, Director, Admin. Svcs.

AGENCY Department of Law

Original: Legislative Finance

PHONE 465-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Richard I. Pegues

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 674
 Title Investigation of Violations of AS 45.50.471 by the Attorney General
 Requested by House Judiciary Committee Date 2/5/82

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 2/9/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 264-0546
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

H

B

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7 9

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ House Bill No. 679
Title "An Act relating to imitation controlled substances."
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Administration of Justice
BRU, Program, Or Subprogram(s) Affected Alaska State Troopers
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	-0-	-0-	-0-	-0-	-0-	-0-

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

No fiscal impact is anticipated.

IV. DATE February 5, 1982 PREPARED BY Francis C. Allan
AGENCY Department of Public Safety
PHONE 269-5691
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

H B

201

Original sponsor: Clocksin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 701 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Human Rights Commission."

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

8 * Section 1. AS 18.80.300(3) is amended to read:

9 (3) "employer" means a person, including the state and a
10 political subdivision of the state, who has five [ONE] or more employees
11 in the state but does not include a club that is exclusively social, or
12 a fraternal, charitable, educational, or religious association or cor-
13 poration, if the club, association or corporation is not organized for
14 private profit;

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AMENDMENT:

Delete all after line 24, page 1, and insert:

* Sec. 4. AS 29.28 is amended by adding a new section to read:

* Sec. 29.28.072 CIRCULATION WITHIN A SHOPPING MALL. A sponsor may collect signatures on an initiative or a referendum in an orderly manner in the common area inside a shopping mall that contains at least six individual business establishments.

* Sec. 5. AS.29.28 is amended by adding a new section to read:

* Sec. 29.28.185. CIRCULATION WITHIN A SHOPPING MALL. A sponsor may collect signatures on a recall in an orderly manner in the common area inside a shopping mall that contains at least six individual business establishments.

* Sec. 6. This Act takes effect July 1, 1982.

Carr-Gottstein Properties Inc.
1341 Fairbanks Street
Anchorage, Alaska 99501
(907) 276-4470

March 24, 1982

The Honorable Ramona Barnes
State of Alaska Legislature
House of Representatives
Pouch V
Juneau, Alaska 99811

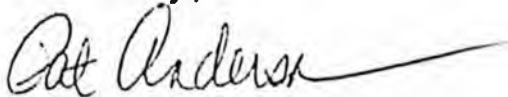
Re: House Bill Number 753

Dear Representative Barnes:

It has come to our attention that a bill which affects shopping center operation has been introduced into the House of Representatives and referred to the Judiciary Committee. The Bill, number 753, addresses the issue of public access to a shopping center for the purpose of collecting signatures.

In our opinion, this bill is extremely vague and unnecessary. At Carr-Gottstein Properties, Inc., we recognize the social impact of a shopping center to be a collecting point for the general public. Therefore, we are currently designing a community booth for The Mall at Sears. This booth will allow non-profit, civic, social, political and religious groups to use the shopping center for non-shopping purposes, and at the same time not interfere with the business operation of the center. Guidelines, as proposed by the International Council of Shopping Centers, will be adapted to our community booth. These industry guidelines outline reasonable regulations and conditions governing the time, place, number and manner of expressive activity. We, at Carr-Gottstein Properties feel we have taken the appropriate steps to allow public access to our property. We strongly urge that Bill Number 753 die a quiet death in committee.

Sincerely,



Pat Anderson
Mall Manager

PA:jc

**CARR
GOTTSTEIN**



Management Corporation

March 19, 1982

Representative Ramona Barnes, Chairperson
House Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: House Bill No. 753

Dear Representative Barnes:

Recently I have been made aware of the above-referenced House Bill which is of some concern to me and my colleagues who are engaged in shopping center development and management. The Bill provides for any individual or group to enter a shopping mall and collect signatures on any initiative, so long as they do so in an orderly manner.

Our concern lies in the fact that, should this Bill pass, owners/managers of shopping centers will no longer have any control over what goes on in certain circumstances in their centers. A fact of which you should be aware is that shopping centers have, for a long period of time, been aware of their responsibility to the community to provide a forum for the public. To that end they, and specifically Northway Mall, have set up a Community Booth which is available to the public for any valid, non-profit purpose to include the gathering of signatures on petitions. We have provided guidelines for the use of such areas which are fair and equitable to all concerned. I have enclosed a copy of our Guidelines for your reference. We certainly have no wish to preclude any worthwhile cause to be advanced in our centers. What we do wish is to be able to have some decision-making prerogatives with regard to the uses to which our centers are put.

We at Northway Mall strive constantly to provide a congenial and inviting atmosphere for our customers. Part of this atmosphere depends on our being able to assure those customers that they will not be accosted by a group which has indiscriminate power to disturb them as they shop.

We would certainly appreciate your further investigation of this matter, and we wish to go on record as being in opposition to the blanket permission being granted in House Bill No. 753.

Cordially,

TRF MANAGEMENT CORPORATION

Jo Derry
Mall Manager, Northway Mall

cc: Rep. Rick Halford

TRF Management Corporation., 3101 Penland Parkway, Suite M-1, Anchorage, Alaska 99504 • (907) 276-5520



NORTHWAY MALL COMMUNITY BOOTH GUIDELINES

Although Northway Mall is private property, and despite the fact that it invites the general public to the center for the purpose of shopping, it recognizes its social commitment in allowing non-profit civic, social, political and religious groups to use the center for non-shopping purposes. In order to treat all organizations fairly and with no discrimination whatsoever, any clubs or organizations desiring to conduct activities in the center may do so, simply by following these rules and regulations:

1. **RESERVATIONS** - All clubs, organizations or individuals desiring to use the Community Booth must make arrangements in advance, in writing, and must have written confirmation from the management office. Information regarding these reservations may be obtained by calling 276-5520 or visiting the mall management office.

2. **ADVANCE NOTICE** - All requests for use of the Community Booth must be received in the mall management office at least thirty (30) days but not more than one hundred eighty (180) days before the date requested.

3. **DURATION** - The Community Booth may be used for a maximum of three (3) days during any thirty (30) day period, during the hours that Northway Mall is open for business.

4. **LOCATION** - All activities connected with the use of the Community Booth must be confined within the Community Booth and not conducted in the Northway Mall stores, mall areas, or the parking lot.

5. **SIGNING** - All signing must be located within the Community Booth or on the bulletin board located next to the Booth. No nails or tacks may be used on the walls or the Booth itself.

6. **CLEANLINESS** - During usage, the Community Booth must be kept in a presentable state. Upon conclusion of the activity, users must clean the area and repair or replace any damaged items. If Booth is not cleaned and repaired and all refuse removed after use, Northway Mall reserves the right to retain part or all of the \$25.00 security deposit to defray cleaning/repair costs.

7. **HANDBILLS** - Distribution of information is allowed within the Community Booth. No handbills or other items may be distributed in the Northway Mall stores, mall areas or the parking lot.

8. **NOISE CONTROL** - No public address systems, loud music, or other disturbing activities will be allowed within Northway Mall property.

9. **DEPOSIT** - A deposit of \$25.00 is required for use of the Community Booth. The deposit must be received at least one (1) week prior to the requested dates. This deposit will be refunded within one (1) week after use of the Booth, provided that all requirements for cleanliness and repair have been met.

DIMOND CENTER

800 E. Dimond Blvd.
P.O. Drawer 2635
Anchorage, Alaska 99510
Phone: 274-4597

March 18, 1982

Rep. Romona Barnes
Chairperson, Judiciary Committee
Pouch V
Juneau, Alaska 99811

RE: House Bill No. 753

Dear Ms. Barnes:

In regards to the attached House Bill No. 753 introduced February 11, 1982, we feel that it would be an infringement upon our Constitutional rights as private property owners, should it be enacted into law.

Dimond Center is a privately owned shopping center and the primary operation of the center is for the benefit of our tenants and their customers. Should this piece of legislation be enacted into law by the Legislature of the State of Alaska, we feel it would disturb the peace and tranquility of our tenants and customers.

Should it be necessary for the circulation of such mentioned petitions, there is ample public property available for the collections of signatures. Initiatives, referendums, and recalls are public matters and not private, therefore private properties should not have to bear the burden of the disruption of their businesses to facilitate a public need.

I strongly request that this piece of legislation not proceed any further, for as stated previously, it is a travesty upon our Constitutional rights as private property owners.

Thanking you for your consideration in this matter.

Regards,



Bill Dolence
Manager

Enclosure

cc: Mr. Joe C. Ashlock, Owner
Rep. Joe Hayes

ERWIN, SMITH & GARNETT

ATTORNEYS AT LAW
1345 WEST 9TH AVENUE, SUITE 201
ANCHORAGE, ALASKA 99501
PHONE (907) 276-3125

ROBERT C. ERWIN
FLOYD V. SMITH
RICHARD W. GARNETT III
JAMES BENDELL
JULIE SIMON

December 8, 1981

Mr. Joe Grove
Chairman, Issues 80
Anchorage, Alaska

Re: Access to Shopping Malls

Dear Mr. Grove:

You have asked my opinion on the legal status of Issues 80 with respect to gathering signatures in the major shopping malls in Anchorage. It is my understanding that the proprietors of the malls have been approached on the subject and have refused to permit Issues 80 to gather signatures within the mall areas.

The law is not entirely clear on the rights of organizations in your position to gather signatures in shopping malls. However, based on a growing body of authority, I believe the Alaska Courts would uphold such a right.

In two earlier cases, the United States Supreme Court held that there was a federal Constitutional right to enter "private" property areas for the purpose of exercising First Amendment and other rights where the use of the property was quasi public in nature.

In Marsh v. Alabama, 326 US 501 (1946), the issue was the right of Jehovah's Witnesses to enter into a "company town" for the purpose of proselytizing. The court said that the property had the indicia of public premises and could not be placed off limits to the exercise of speech related rights.

Similarly, in Ford Employees v. Logan Valley Plaza, 391 US 308 (1968), the court held that owners of a shopping center could not exclude labor pickets exercising their rights under the NLRA.

Joe Grove
Page 2
December 8, 1981

The impact of these cases was reduced by Lloyd Corp. v. Tanne, 407 US 551 (1972), where the court held that the shopping center did not lose all of the privileges of private property simply because it was open to the public for shopping purposes. In that case the shopping center had a strict policy against distributions of any kind. In addition, the court found that there were adequate alternative means for petitioners to exercise their First Amendment rights.

I believe the question of adequate alternatives is particularly important in your case. It is well known that in Alaska in the winter the public does not remain out of doors on public sidewalks, or otherwise, more than the minimum time necessary to proceed from one location to another. It may be literally impossible for your organization to secure signatures for your petition if you are limited to municipal sidewalks.

Several courts have recognized this factor in granting access to private property. See e.g. NLRB v. Babcock & Wilcox, 351 US 105 (1956), and Peterson v. Talisman Sugar Corp., 478 F 2d 73 (Fifth Circuit 1973), where the court granted access to private residential areas for plantation workers, noting:

There are no effective alternatives open to the plaintiffs for communication with the Jamaicans other than through access to the living areas of the labor camp.

In Anchorage a case similar to yours arose in 1974 relating to gathering signatures for a petition to enact campaign disclosure laws. Based on the foregoing legal arguments, the Superior Court, through Judge Seaborn J. Buckalew, granted a temporary restraining order against any attempt to exclude persons gathering signatures for this purpose in the Sears Mall. See Anchorage Election Reform Committee v. Carr's Food Center, Inc., et al, No. AN-74-286 Civ.

Subsequent to the authorities discussed above, a new development greatly strengthens your legal

position. This development is the willingness of state supreme courts to go beyond the U.S. Court's interpretation of the U.S. Constitution in protecting activities such as yours in shopping centers.

The key case is Prunyard Shopping Center, et al v. Robbins 447 U.S. 74 (1980). In that case a group sought to gather, in a large shopping center, signatures opposing a U.N. Resolution against zionism. The shopping center excluded these persons, who then brought suit. The California Supreme Court held that the California Constitution protected speech and petition reasonably exercised in shopping centers, even when the center was privately owned.

On appeal to the U.S. Supreme Court, the shopping center argued that it had a federal constitutional right to exclude such activity. The Supreme Court disagreed, holding that the state was fully empowered to recognize such a right.

The California court relied on provisions of the state constitution which are virtually identical to corresponding provisions in the Alaska Constitution. Specifically, Article 1, Section 2 of the California Constitution provides:

Every person may freely speak, write, and publish his or her sentiments on all subjects being responsible for the abuse of this right.

In addition, the court relied upon Article 1, Section 3 of the California Constitution, which states:

People have the right...to...petition government for redress of grievances.

Comparing the Alaska Constitution, Article 1, Section 5 provides:

Every person may freely speak, write, and publish on all subjects being responsible for the abuse of that right.

Article 1 Section 6 provides:

Joe Grove
Page 4
December 8, 1981

The right of the people peaceably to assemble and to petition the government shall never be abridged.

The most recent and direct support for your position comes from the Washington State Supreme Court in Alderwood Associates v. Washington Environmental Council, 50 LW 2271. There, petitioners sought to gather signatures for an initiative proposition in a chopping center. The Washington Supreme Court held that they were entitled to do so, relying in part on the Prunyard case. In addition, the court relied heavily upon provisions of Washington Constitution providing for the right of initiative. The court held that that right was specifically guaranteed within the Washington Constitution. The Court also held that this right was protected against unreasonable private action, as well as "state action".

The Alaska Constitution is at least as emphatic as the Washington Constitution in its protection of the right of initiative. Article XI is devoted entirely to the rights of initiative, referendum, and recall. Article XI, Section 1 provides:

The people may enact laws by the initiative and approve or reject acts of the legislature by the referendum.

Following the reasoning of the California and Washington Supreme Courts, actions by private parties such as shopping owners which unreasonably restricted the initiative process would be vulnerable.

It should be stressed that this analysis does not relate to all private property but only to private property which has become the "functional equivalent of a business street" by reason of the owners chosen use of the property.

For the reasons stated above, it is my opinion that a court test of your right to enter large, commercial shopping malls for the purpose of gathering .